



LONG TERM MANAGEMENT STRATEGY

LONG TERM SOLUTIONS WORK GROUP MEETING

Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA

Tuesday, August 3, 2010
1:00 PM – 3:00 PM

MEETING NOTES

MEETING ATTENDEES

Scott Bodensteiner, Weston Solutions (phone)	Jim Haussener – CMANC (phone)
Carolynn Box – BCDC	Ellen Johnck – BPC
Bill Brostoff – USACE	Pete LaCivita – USACE
Len Cardoza – Weston Solutions	Rob Lawrence – USACE
Katie Chamberlin – Anchor QEA, L.P.	Al Paniccia – USACE
Mark D’Avignon – USACE	Juston Semion, WRA (phone)
Joe Dillon – NOAA Fisheries	Fari Tabatabai – USACE
Brenda Goeden – BCDC	Anne Whittington, Port of Oakland (phone)
Sandra Hamlat – BCDC	JT Wick – Port Sonoma
David Harrison – Operating Engineers Local #3	

WORK GROUP STATUS REPORTS

SCIENCE ASSESSMENT AND DATA GAPS WORK GROUP

- Bill reported that the USACE is currently in the process of negotiating contracts on the following studies:
 - Update to the framework document
 - Herring/dredging risk analysis
 - Longfin smelt study
- Bill also noted that the Science Work Group has recently discussed conducting additional symposia, given that funding is available. The specific topics that the Science Work Group wanted to bring forward for discussion are:

- Submerged aquatic vegetation and dredging
 - Update on PAHs and PCBs
 - Opportunities for beneficial re-use of dredged material in the Bay
- Bill added that another item under consideration by the Science Work Group would be a technical review of fish entrainment in dredging operations. Brenda asked whether this would be an update to a past study or an entirely new study. Bill responded that there have been a number of entrainment studies completed and this effort would focus on updating what has been developed in the past, not specific to any one species.
- Jim suggested that the Science Work Group consider including ammonia in the PAHs and PCBs symposium due to a recent decision issued by the Regional Water Quality Control Board.
- Rob asked how the “Opportunities for beneficial re-use of dredged material in the Bay” topic would be addressed as a symposium. Brenda responded that she agrees it’s a worthwhile topic to discuss, but it’s less of an environmental windows work group issue and more of a regional sediment management (RSM) question. Bill noted that he was in agreement with Brenda.
- Jim moved that the submerged aquatic vegetation and dredging and update on PAHs and PCBs symposia, and fish entrainment in dredging operations technical whitepaper be passed onto the Management Committee for final approval. Everyone present was in agreement. The “Opportunities for beneficial re-use of dredged material in the Bay” topic will be deferred to RSM.

SHORT TERM SOLUTIONS WORK GROUP

- Brenda reported that the Short Term Solutions Work Group held a meeting, where they were able to reduce the number of 2010 projects in their spreadsheet to 62. She added that it looks like dredging projects seem to be getting an earlier start than they did last year.
- The Dredger’s Handbook will be updated once Jessie is back from maternity leave.
- Brenda informed the meeting participants of her idea for the dredging community (as the agencies cannot do this themselves) to spearhead a longfin smelt programmatic consultation.
- JT noted that Port Sonoma submitted a longfin smelt take permit application to CDFG in November 2009, which was deemed complete on July 7, 2010. George sent out a letter on July 29 stating that the application was actually incomplete based on not being compliant with CEQA. JT responded to George that CDFG cannot consider an application incomplete for not being in compliance with CEQA when it would be

compliant once the application was deemed complete. He added that the problem is that the Port Sonoma dredging needs a lead agency for CEQA in order to satisfy CDFG. JT noted that Port Sonoma has considered changing their take call, which would need to result in changes to their practices. Ellen noted she would try to help JT out with this situation and possibly contact CDFG on behalf of the project.

- The next Short Term Solutions Work Group meeting was scheduled for 1pm to 3pm on September 13 in the Bay View Room at BCDC.

CONFOUNDING FACTORS WORK GROUP

- Len reported that the Confounding Factors Work Group met on July 14. He added that the meeting was particularly helpful in laying out the issues to be discussed with the new San Francisco Commander/District Engineer, which included:
 - Planning
 - Timing
 - Necessity of completing an environmental assessment for each O&M project
 - Keeping costs down
 - Encouraging competition
- Len noted that he, Ellen, and Jim have since met with the Lieutenant Colonel, and that he has been very responsive to the topics that were brought up.
- The next Confounding Factors Work Group meeting is scheduled for October 21 from 10 to 12 at Weston Solutions' office in Oakland. Brenda asked Len about the BMPs that were developed for the larger dredgers in the past. Len responded that he is planning to talk with Rick Rhoads, who actually assembled the initial version of the list of BMPs.

NMFS PRESENTATION ON EFH ASSESSMENT

- Brenda introduced the NMFS staff presenting an overview of the EFH Assessment. She added that NMFS has provided draft conservation recommendations for the USACE, USEPA, and BCDC's consultation, which we currently have till the August 26 Management Committee meeting to respond to. The LTMS will be ready to record and submit all comments on the document at the August 26 meeting.
- Fari added that the intent of this EFH consultation is to cover all maintenance dredging activities in the San Francisco Bay, federal or otherwise.
- Joe noted that if a project wants to be covered under an individual consultation (i.e., they cannot complete the required mitigation or otherwise cannot comply with the programmatic definition of what is covered), they can do so. He added that these

conservation recommendations have been provided to the USACE, USEPA and BCDC, but NMFS anticipates that they will not accept all of them as they are currently written.

- The PowerPoint presentation has been requested and will be posted on the LTMS webpage. Additional important notes from the presentation that were not included in the slides include:
 - Ellen asked whether NMFS is in agreement with the federal testing manual or not? Joe responded that it appears to NMFS that the testing and determination regime needs to get more formalized and we need to know how all these items can be addressed.
 - Ellen asked whether NMFS has legislation to enter into mitigation banks. Fari responded that they would have the same authority to enter into a bank as other federal agencies. Bill responded that the Navy developed an eelgrass mitigation bank in San Diego. Mark noted that for non-federal projects, the current mitigation banking guidance does not seem to be consistent with eelgrass mitigation (due to land ownership issues). Brenda responded that there is actually quite a bit of private landownership of the bottom of the Bay.
 - Brian recommended that people bring any and all comments forth to the Management Committee meeting on August 26. Brian noted that the LTMS will request an extension to the comment period to allow sufficient time for the public to process the conservation recommendations and provide any feedback.
 - Jim asked whether the background documents are available for public review. Jennifer responded that they were and that she would send them to him if he would like.
 - Brenda noted that there is a USACE/USEPA/BCDC team meeting scheduled for August 11 to begin going over these issues.
- The next Long Term Solutions Work Group meeting was scheduled for Tuesday, October 5, from 1pm to 3pm at BCDC.