

LONG TERM MANAGEMENT STRATEGY



LTMS Management Plan Workshop

Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region

9:30 a.m. to 1:00 p.m.
Thursday, January 20, 2000
San Francisco Bay Regional Water Quality Control Board Office
1515 Clay Street, Oakland

(If you arrive by BART, exit at the 12th Street Station.)

A workshop agenda for the LTMS Management Plan Workshop is attached. Public comments regarding the Allocation Strategy discussed at the November 18, 1999, workshop are also attached. If you have any questions, please contact us.

In addition, for those who are interested, a Sediment Quality Guidelines work group meeting will be held on January 26, from 9:00 a.m. to noon at the Regional Board's office in Oakland. For more information, contact Kathy Dadey (U.S. EPA) at (415) 744-1995.

CONTACTS:

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(510) 622-2354 or (510) 622-2318

Steve Goldbeck or Jaime Michaels
S.F. Bay Conservation & Development Comm.
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Oakland, CA 94612

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Resources Control Board
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Sacramento, CA 95812-0100

LTMS Management Plan Workshop

January 20, 2000, 9:30 am - 1:00 pm (Regional Board's office, Oakland)

Facilitator: Harry Seraydarian

PROPOSED AGENDA

Time	Topic	Leader	Process	Desired Outcome
9:30	Introduction of participants Review ground rules Review agenda General announcements	Harry Seraydarian	Presentation and clarifying questions	Recognition of participants Understanding of and agreement on ground rules Consensus on workshop agenda
9:45	Allocation Strategy	Scott Nicholson (Corps)	Presentation and facilitated dialogue (if needed)	Clarification and common understanding of Allocation Strategy
10:20	Success criteria (for Management Plan)	Scott N.	Presentation, clarifying questions, and facilitated dialogue, if necessary	Identify potential success criteria and next steps
11:00	Work group update: sediment quality guidelines, monitoring, funding	Kathy Dadey (USEPA), Jack Gregg (RWQCB), Steve Goldbeck (BCDC)	Presentation, clarifying questions and facilitated dialogue (if needed)	Common understanding of issues covered to date in work group forum Identify scope of funding work group effort and participants
11:30	Break			
11:45	CEQA	Steve G.	Presentation, clarifying questions, and facilitated dialogue, if necessary	Clarification of measures addressing CEQA concerns
12:00	Dredged Material Reuse Project (DMRP)	Len Cardoza (DMRP)	Presentation, clarifying questions, and facilitated dialogue, if necessary	Common understanding of status of DMRP effort and next step
12:25	Delta reuse of dredged material	Barry Nelson (formerly of Save the Bay)	Presentation, clarifying questions, identification of issues and concerns, and facilitated dialogue	Common understanding of issues and constraints raised in Save the Bay report
12:50	Workshop wrap-up • Review notes & action items • Input on next workshop • Workshop evaluation	Harry	Facilitated dialogue	Possible issues and/or agenda items for next workshop Improvements to future workshops, as needed
1:00	Adjourn workshop			

LTMS web site address: <http://www.spn.usace.army.mil/lrms/workshop.html>

Comments re: workshop materials to: Jaime Michaels at 451-557-8791 or jaimem@bcdcc.ca.gov

SUMMARY: LTMS MANAGEMENT PLAN WORKSHOP (November 18, 1999)

Allocation Strategy: Clarifying Questions

(1) what is "trigger" to go from Phase I to Phase II (e.g., timing, tracking reductions); (2) how do site constraints (e.g., Biological Opinion, in-Bay disposal site volume limits) fit in; (3) who tracks trading and how is public informed; (4) can agencies consider ways to make tracking/trading information public; (5) how will dredgers know who to contact for trading/could DMMO be clearinghouse? (yes, but not broker); (5) can DMMO help dredgers avoid trigger; (6) is there another fallback besides regulatory; (7) why such slow pace of reduced in Bay volumes; (8) if marina goes out of business, can overall allocation be reduced; (9) can fee system be revisited; (10) need more regional planning (by dredgers & regulators); (11) can DMMO help decide when allocation strategy kicks in; (12) what is link of strategy to Basin and Bay Plan; (13) is front-end public dialogue possible; (14) how to assure allocation strategy does not equal property rights; (15) what's assurance that banking and trading won't maximize in-Bay disposal.

Delta Reuse: Issues

Coordination with Corps; coordination with Central Valley Regional Water Quality Control Board (CVRWQCB); funding; salinity

Possible solutions linked to LTMS: (1) use of dredged material; (2) manage bed load (sediment); (3) Sherman Island reuse; (4) reduce subsidence by using dredged material (sandy) to build up levees.

Potential LTMS policy/actions: (1) funding sources (bond money, CALFED); (2) involve CALFED; (3) analyze sediment impacts on Bay from Delta and upstream actions; (4) resolve conflict with CVRWQCB; (5) LTMS write letter to CALFED to fund study to address CVRWQCB concerns (e.g., cost/benefit of anti-degradation and wash water, potential to accept saline material and not release salinity (i.e., what conditions are needed to accomplish this, what is feasibility of open water disposal without unacceptable salinity effects, consider timing of reuse activities in relation to tidal effects); (6) look at costs and habitat benefits of reuse projects.

Work Group Updates

(1) Management & Monitoring Plan: five meetings to date; developed "Mission Statement"; prepared draft matrix of management and monitoring options; reviewing existing studies on in-Bay disposal impacts; will propose additional monitoring.

(2) Sediment Quality Guidelines: 1st meeting held November 4th: discussed scope, goals (long- and short-term) Next meeting discuss resources and schedule.

(3) Funding: has not yet met; need to identify next sites to focus on and have rational approach to select those sites; need to address funding of site development, management, monitoring, research.

Action Items

Cover/non-cover material in relation to wildlife: Jack Gregg and Barbara Salzman to meet
LTMS Management Plan workshop progress report (attached): comments to Jaime Michaels (BCDC) by 12/15/99

Funding work group to discuss scope of effort and participants: January workshop

2nd Sediment Quality Guidelines work group meeting: December 13th, 9:00-12:00 a.m. at Port of Oakland. To discuss resources and schedule. For more information, contact Kathy Dadey (EPA) (415-744-1995)

Next LTMS Management Plan Workshop: January 20, 9:30 -1:30 a.m. @ BCDC's office

January Management Plan Workshop: Tentative Agenda Items

Allocation Strategy

Delta Reuse/Save the Bay report

Funding Workshop: scope of effort and participants (including disposal fee concept)

"Success criteria" for LTMS Management Plan

CEQA

Dredged Material Reuse (DMRP) study

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MEMORANDUM

GENERAL CHAIR
James Herman
President Emeritus, ILWU
1914-1998

DATE: December 20, 1999

303 World Trade Center
San Francisco, CA 94111
Tel (415) 986-1067 • FAX (415) 986-0694

TO: Mr. William Travis

FROM: Robert C. Cheasty, President
Bay Dredging Action Coalition *RCheasty*

SUBJECT: LTMS Management Plan
Comments on Issue Paper on Phased Transition to LTMS Program Goals

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The Bay Dredging Action Coalition is committed to upland disposal and to the building of the broad based coalition that has supported and helped shape the LTMS process. We appreciate the regular interface with all interested parties through the workshops. The workshops have been informative and have served to build consensus for LTMS and the LTMS goals. We firmly believe that the consensus must be maintained if we are to carry the plan through to full development and meet our goals.

The consensus has helped fashion the strategy to utilize a management rather than a regulatory approach to achieve the LTMS disposal plan goal of 40% ocean, 40% upland, and 20% in-Bay disposal.

The revised allocation strategy has raised serious concerns among the parties required to dredge. They believe, as you do, that the LTMS disposal goals can be achieved through voluntary efforts. Furthermore, they strongly believe that the Phase II trigger event makes it easy to implement the Strategy II, but very difficult to suspend it or decide to cancel it.

We don't believe that the coalition should face serious division over this matter. Therefore, we strongly urge that a "testing" period of three years be established to let the voluntary process work and to determine if any modifications are necessary. We also believe it will work. Most important, the continuity of the consensus ensures that the entire coalition wins.

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- American President Companies
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- Arthur Andersen & Company
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- Bay Planning Coalition
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- Paktank Corporation
- Paradise Cay Homeowners
- Paramount Export Company

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- Port of Oakland
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- San Francisco Bar Pilots
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BAY PLANNING COALITION

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December 20, 1999

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Executive Director
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San Francisco, Ca. 94102

Re: LTMS Management Plan—Comments on Issue Paper on Phased
Transition to LTMS Program Goals November 5, 1999

Dear LTMS Management Committee members:

The BPC appreciates your conscientious approach at the several workshops during the past year to the development of the LTMS Management Plan. Your staffs and the facilitator, Harry Seraydarian, are going a good job to organize and present information on the issues and to help develop consensus among the participants. We encourage you to continue this positive effort and rely on consensus building during the workshops leading towards the publication of the first draft of the Management Plan in March, 2000.

General Comments

We acknowledge that there has been significant progress made since July, 1998 to reach agency and stakeholder agreement on the strategy to utilize a management rather than a regulatory approach to achieve the LTMS disposal plan goal of 40% ocean, 40% upland, and 20% in-Bay disposal. This is reflected in the proposal to rely on Strategy 5 based on the Corps leading the effort by increasing ocean and upland disposal. This will require the continued vigilance and advocacy in Washington by both agency and non-federal dredgers to insure the Congressional approval of funding for ocean and upland disposal for federal and local dredging project sponsors. The following comments are intended to affirm our support for this process and offer constructive questions and suggestions as we proceed to finalization of the Plan.

Even though we support Strategy 5, (reduced in-Bay disposal of COE maintenance dredging and Corps leading the effort to increase ocean and beneficial reuse sites disposal), members of the BPC have some concerns with the recent recommendation to include a Phased Allocation Strategy as an addendum to Strategy 5. The Phased Allocation Strategy modifies Strategy 5, under certain conditions, to include Strategy 2 (volume allocation to each dredger for in-Bay disposal as discussed in the Issue Paper on Phased Transition to LTMS Program Goals dated November 5, 1999). We are concerned about the possible severe regulatory consequences of this phased approach which could impede navigation operations.

Overall, we think that the LTMS agencies cannot really rationalize Strategy 2 until the CEQA legal requirements have been met pertaining to economic practicability and environmental impact evaluations of disposal (such as sediment and air quality) at alternative sites. These statutory requirements must be fully addressed before the agencies proceed to developing a regulation on a volume allocation, which would require disposal at upland sites, through the Bay and Basin Plan amendment process.

We must have assurances that practicable and environmentally sound alternative disposal options will be available and have received the statutory review for feasibility and environmental impacts. Without upland disposal sites available to accept Bay dredged material, allocating in-Bay disposal volumes to individual dredgers is premature. This could result in a dredger being caught without a disposal site and hence without the ability to dredge when a ship, such as the President Truman or QE II, is about to sail into our dock.

We offer the following comments on Phase II of the Phased Allocation Strategy, designed to meld allocation Strategy 2 and Strategy 5:

Specific Comments:

- 1) We have some grave concerns about the "trigger" event which would immediately implement Phase II of the Phased Allocation Strategy. The events that will "trigger" the transition to Phase II will be either: (1) if the sum of proposed yearly transition volumes for in-Bay disposal, plus the 250,000 cy of contingency volume, are exceeded by actual disposal volumes in any calendar year; or (2) when projections of proposed dredging for the following year clearly show that the planned transition disposal plus the contingency volume will likely be exceeded.

This trigger does not offer enough flexibility to account for anomalies that might occur in one year, but not the next. Given the economic impacts that Phase II will impose upon the dredgers, there should be some averaging that takes place prior to implementation. As a suggestion, Phase II should be initiated if a two year trend shows an exceedance of the transitional volumes of more than 25% per year. This two year period would allow dredgers and the LTMS agencies time to discuss and implement strategies to bring dredged material disposal volumes back in line with the LTMS transitional volumes prior to implementing the 40/40/20 allocation strategy. We feel strongly that we must (and can) find ways to work together to meet these goals rather than relying on regulatory approaches.

- 2) We are very concerned by the language in the Nov. 5 Issue Paper: "once the initiating event occurs, individual dredger allocations will automatically be set in place for the following year, unless the LTMS Management Committee recommends and the RWQCB and BCDC vote not to implement the allocations..." but it would take an affirmative vote of both the BCDC and the RWQCB to *suspend* the 40/40/20 allocation. This process makes it very easy to implement Strategy 2, but extremely difficult to suspend it or decide not to implement it. Is it the intent of the LTMS agencies to implement Strategy 2 without a public hearing? Given the seriousness of the decision to implement Strategy 2, we feel strongly that the decision to implement deserves public comment at a hearing.

We also would suggest that if allocations are to be set in place for a following year, they require an affirmative vote by BCDC and RWQCB. Alternatively, the allocation system could be suspended by the LTMS Management Committee unless the RWQCB or BCDC specially vote against such suspension.

- 3) The Phased Allocation system discussed above is proposed to be adopted as part of the San Francisco Bay and Basin Plan amendments. We think this is counter to the progress we've made to work cooperatively together and removes flexibility that we all may need in the future to meet the LTMS goal in the most cost effective way. The LTMS Management Plan document should provide the guidance which can be reviewed at a public meeting annually. We believe strongly that the agencies and dredgers will need future flexibility to make tough decisions if the LTMS is going to be successful.

As stated previously, we are opposed to allocations being automatically implemented without some assurances that CEQA statutory requirements regarding practicability and environmental effect of alternatives are met and that other disposal options are available.

We appreciate the opportunity to comment and look forward to continuing our participation to find agreements that all of us can support.

Sincerely yours,



Ellen Joslin Johnck
Executive Director

cc: Mary Howe, State Lands Commission
Becky Ota, Ca. Department of Fish and Game
Walt Pettit, State Water Resources Control Board



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Issue Paper Comments
Long Term Management Strategy
January Management Plan Workshop

Dear Ms. Michaels

We have reviewed the *Issue Paper on Phased Transition to LTMS Program Goals* (Issue Paper) dated November 5, 1999. Although we support a phased approach to meeting the LTMS goals for in-Bay disposal, we are concerned about the lack of flexibility and the regulatory approach outlined in the *Phased Allocation Strategy* as described in the Issue Paper. The *Phased Allocation Strategy* describes the process of transitioning from using voluntary efforts to achieve the LTMS in-Bay disposal goals, to a system of assigned in-Bay disposal allocations for individual dredgers. In preparation of the January Long Term Management Strategy (LTMS) Management Plan Workshop, we have prepared the following comments on *Phase II* of the *Phased Allocation Strategy*.

1. We have some grave concerns about the "trigger" event which would immediately implement *Phase II* of the *Phased Allocation Strategy*. The events that will "trigger" the transition to *Phase II* will be either:
 - (1) if the sum of proposed yearly transition volumes for in-Bay disposal, plus the 250,000 cubic yards of contingency volume, are exceeded by actual disposal volumes in any calendar year; or
 - (2) When projections of proposed dredging for the following year clearly show that the planned transition disposal plus the contingency volume will likely be exceeded."

This trigger does not offer enough flexibility to account for anomalies that might occur in one year, but not the next. Given the economic impacts that *Phase II* will impose upon the

Ms. Jaime Michaels

December 20, 1999

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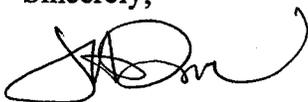
dredgers, there should be some averaging that takes place prior to allocation implementation. As a suggestion, Phase II should be initiated if a two year trend shows an exceedance of the transitional volumes of more than 25%/year. This two year period would allow dredgers and the LTMS agencies to discuss and implement strategies to bring dredge disposal volumes back in line with the LTMS transitional volumes prior to implementing the allocation strategy. We feel strongly that we must (and can) find ways to work together to meet LTMS goals rather than relying on regulatory approaches.

2. We are also concerned that the *Phase II* trigger event immediately causes disposal allocations to be implemented without a public hearing, but it takes a vote of both the Bay Conservation and Development Commission (BCDC) and the Regional Water Quality Control Board (RWQCB) to decide not to implement or suspend the allocations. This process makes it very easy to implement disposal allocations, but extremely difficult to suspend them or decide not to implement them. Given the seriousness of the decision to implement in-Bay disposal allocations, we feel strongly that the decision to implement allocations also deserves a vote of both the BCDC and RWQCB.
3. The *Phased Allocation Strategy* discussed above will be adopted as part of the San Francisco Bay and Basin Plan (Basin Plan) amendments. We feel this is counter to the progress we've made working cooperatively together, and removes flexibility that we all may need in the future to meet the LTMS in-Bay disposal goals in the most cost effective way. If language is adopted into the Basin Plan then we suggest a reference to allow the LTMS agencies to modify the *Phased Allocation Strategy* without a Basin Plan amendment. We feel strongly that the agencies and dredgers will need future flexibility to make tough decisions if the LTMS is going to be successful.

In summary, we support a phased approach to meeting the LTMS goals for in-Bay disposal, but we are concerned about the lack of flexibility and the regulatory approach outlined in Phase II of the *Phased Allocation Strategy outlined in the Issue Paper on Phased Transition to LTMS Program Goals* (Issue Paper) dated November 5, 1999. We appreciate the opportunity to comment and look forward to continuing our participation in the LTMS workshops to find agreements that we all can support.

If you have any questions or need additional information, please contact Mr. Donald F. Kinkela at (510) 242-3308.

Sincerely,



for M.A. Giles

Ms. Jaime Michaels
December 20, 1999
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cc: Ms. Ellen Johnck – Bay Planning Coalition