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Subject: LTMS Management Plan-- Recommended Stages and
Workshop Agendas

Dear LTMS Management Committee Members:

We appreciated your consideration of our January 31 letter and subsequent postponement of the February workshops. We received notice of your March 25 meeting and are looking forward to working with you on a new approach. We offer this letter as a series of suggestions that could result in a more productive and practical process. As you know, attending meetings every two weeks requires a major investment of time. For all interested parties, we think that a successful LTMS plan development process is one that can be achieved realistically only through a team effort, and this process begins with the need to agree on at least a set of shared values.

PRACTICABILITY

As noted in our previous Jan. 31, 1999 letter, the programmatic FEIR/EIS indicated that implementation of the LTMS goal of decreased in-Bay disposal depends on the practicability of alternatives. Both the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA/Ocean Dumping Act) and the Federal Water Pollution Control Act of 1972 (amended and renamed the Clean Water Act in 1977 (CWA)

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currently prescribe non-aquatic disposal if there are practicable, environmentally superior alternatives. This language is mirrored in current Bay Plan and Basin Plan policies that prescribe non-aquatic disposal if feasible; thus, we think that a general regulatory framework already exists to implement the LTMS goal of decreased in-Bay disposal under present law.

Current disposal is well below the limits established for the Alcatraz site. This is largely because the LTMS parties and stakeholders have worked and continue to work hard on several dredged material management fronts utilizing the toxicity testing evaluations for disposal decisionmaking for ocean and upland use and to make such options as Sonoma Baylands, Hamilton, Montezuma, and Middle Harbor available and practicable.

The BPC recommends a three-four stage process for LTMS implementation beginning with the first stage which would be the workshop(s) to develop shared goals on March 25. Once agreement on shared goals is finalized, we suggest that the next stage should focus on discussions aimed at establishing the "practicability" of alternatives to in-Bay disposal. These next few workshops should focus first on those activities, such as defining action plans, for bringing sites and financial resources on line. A number of different planning, legislative activities and initiatives such as authorization and funding for Hamilton and Montezuma are underway. Additional activities and initiatives almost certainly need to be identified and strategies developed. These need to be presented and evaluated and discussed for their ability to get us where we want to go, bringing Hamilton, Montezuma and future sites on line.

Following workshop sessions on action strategies to bring upland sites on line, we recommend that the next, or third step, would be an evaluation period to establish practicability in the utilization of alternative sites. There are a number of issues, such as cost effectiveness, that continue to be debated. We do not think that the LTMS agencies can conclude that upland/ wetland reuse is practicable without funding support unless a track record of actual use shows upland/wetland reuse to be comparable to the cost of ocean disposal, and with comparisons to in-Bay disposal as well. A trial period that allows demonstration of actual costs is a vital step along the path to potential implementation of the LTMS goal of decreased in-Bay disposal over present already lower volumes.

Depending on the results of the first three stages, during a subsequent stage, there could be further discussion about determining whether further measures such as volume allocation limits are needed to implement the LTMS 40-40-20 goal. It would certainly be our viewpoint that it would be premature to establish additional limits at the Alcatraz site before practicable alternatives are available. And, if the authorization and funding for projects like Hamilton and Montezuma result in cost sharing that offset the increased costs of achieving the 40-

40-20 goal of the LTMS, we would argue that no new regulation other than what already exists in the law, is necessary.

LTMS WORKSHOP MEETING PURPOSE AND STRUCTURE

It appears that the workshops to date have involved a combination of both brainstorming and consensus building, but we have not always been sure of the actual purpose and intent of each meeting. While we endorse both types of activities, we think that a more defined structure in these meetings is necessary to achieve both purposes. For meetings to be effective, the meeting purpose must be clearly laid out in advance, and participants must be aware of and secure in knowing their role. If either a brainstorming session or consensus building is intended, it must be agreed upon at the outset, and a recorder with some training in recording group efforts should be present so people can be confident that their concerns are heard.

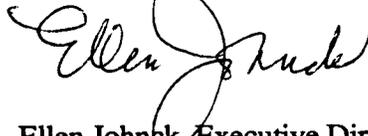
An individual should be selected as a facilitator, and this should be clearly established with all participants. Further, a set of ground rules should be established at the outset to make sure that all viewpoints are laid out before strategies are selected to achieve the agreed-upon purpose of the meeting.

Consensus building is an even more difficult task to achieve effectively than brainstorming. Given the involvement of many of the agency staff members in developing the LTMS FEIS, it appears that it would be more appropriate to select an experienced facilitator from outside the LTMS process and staff. Alternatively, someone like Harry Seraydarian, who is now somewhat removed from the process, but has maintained good relationships with all of the participants, might be effective.

Either a brainstorming session or a consensus building effort needs substantially more structure and defined format than the workshops that have been held so far have demonstrated. More advanced notice and an understanding of what is expected of the parties when they come to a meeting are particularly important. Since not all of those affected can devote the substantial effort required, some strategic thought should be made to designating and specifically naming representatives from the stakeholders' perspective, is probably necessary to make significant progress toward consensus building.

In the attachment, we propose an approach to the workshops. The important purpose of the workshops is to invest time in educating the participants on selected topics and then to spend time in interactive discussion led by a facilitator. We look forward to developing these ideas in greater detail and reaching consensus on the next steps with the LTMS agencies in the non-regulatory context.

Sincerely yours,



Ellen Johnck, Executive Director *for*
Mike Cheney, Chairman, BPC Dredging and Water Quality
Committee

Mike Giari, Executive Director, Port of Redwood City

Jim Haussener, Harbormaster, San Leandro Marina and President
of the California Marine Affairs and Navigation Conference (C-
MANC)

Jim McGrath, Environmental Manager, Port of Oakland

cc: Walt Pettit, Executive Officer, State Water Resources
Control Board

Becky Ota, Ca. Department of Fish and Game

Robert Hight, Executive Officer, State Lands Commission

- Attachment (Proposed Workshop Topics)

Attachment - Proposed Workshop Topics and Suggested Presenters

Workshop I: Hamilton Wetland Restoration

- A. Status of base closure and local, state and federal permits including which agencies have what responsibilities, the individuals at each agency, and the agency tasks/assignments, schedule and budget;
- B. Identify obstacles to meeting responsibilities and work products, schedule and budget;
- C. Environmental issues - cleanup and material suitability
- D. Economic feasibility - federal funding issues (WRDA) and how, when and what is cost to use the site for dredging projects;
- E. Action strategy to bring Hamilton on-line and achieve economic feasibility of using the site.

Suggested presenters:

Arjis Rakstins and Scott Miner, U.S. Army Corps
of Engineers
Military Base Closure Point Person
(Sacramento District of the USACE)
Lynn Woolsey, U.S. House of Representatives
and/or state legislator
Terry Nevins, Calif. Coastal Conservancy
Barbara Salzman, Marin Audubon Society
John Amdur, Port of Oakland

Workshop II: Montezuma Wetland Restoration

- A. Status of local, state and federal permits including which agencies and individuals in each agency have what responsibilities, permit schedule and budget;
- B. Identify obstacles to meeting schedule
- C. Site implementation issues: how, when and what is the cost to use the site for dredging project applicants-- ascertain the economic feasibility/practicability of the site;
- D. Environmental issues-- material acceptability according to RWQCB wetland discharge guidance;
- E. Action strategy to overcome permit and practicability obstacles to bring Montezuma on line and to use it;

Suggested presenters:

Jim Levine/Doug Lipton, LFR, Levine-Fricke-Recon
USACE Project Manager
BCDC Permit Manager
RWQCB Permit Manager
Art Feinstein, David Lewis, David Nesmith
Bill Croyle, Central Valley RWQCB
Dennis Kalson, Senior Environmental Health
Specialist, Dept. of Environmental
Management., Solano County
Pat Johnson, State Assemblyman

Workshop III: Environmental Evaluations of Dredged Material

- A. What is toxic and what is not including how to define toxicity;
- B. Considerations of the natural dynamic sediment environment;
- C. Sediment testing (level of sampling/testing; qualifiers for Tiers I, II, III, IV) and criteria for determining environmental effects and disposal decisionmaking for aquatic, wetlands, levees, and landfill sites;
 - 1. identification of contaminants of concern;
 - 2. bioassay species selection
 - 3. reference site selection
 - 4. frequency of testing
 - 5. sampling plan design
 - 6. toxicity and bioaccumulation interpretation of data
 - 7. other considerations
- D. Establish a roadmap, a dredged material decisionmaking framework, for dredged material acceptance in all disposal media;

Suggested presenters:

Kurt Kline, toxicologist
Chris Boudreau, EVS Consultants
John Amdur, Port of Oakland
Frank Snitz, Corps of Engineers
Brian Ross, Kathy Dady, US EPA
Bob Risebrough, biologist
Ron Gervason, SFBay RWQCB
Sam Luoma, USGS
Assemblyman Ted Lempert
Senator Byron Sher

Workshop IV: Next Generation of Upland Sites - Funding Overview

What are the steps to identify, fund and approve new sites?

- A. Congress and the Federal budget

- A. Congress and the Federal budget
- B. WRDA '96, Section 204
- C. State Budget
- D. Case study of designating and using a Delta island

Suggested presenters:

Arjis Rakstins, USACE
Cal Fong, USACE Regulatory Branch
Assemblyman Pat Johnson (Stockton)
Bill Ahern, Executive Dir. Ca. Coastal Conservancy
Fred Klass, State Department of Finance
Mike Cheney, Delta island case study
Executive or Deputy Director, Department of Water
Resources

**Workshop V: Corps Operation and Maintenance (O & M)
Budget 2000**

- A. Current O & M Budget
- B. Projected O & M Budget
- C. Federal dredging projects scheduling
- D. Current O & M and disposal sites cost contrasted with
projected O & M disposal sites costs
- E. Action strategy at local and state level to advocate for
Congressional approval of dollars needed for Corps O & M.

Suggested presenters:

Bill Dawson, USACE SPD
Arjis Rakstins, USACE SFD
Max Blodgett, SFD USACE
Jim Haussener, C-MANC
Len Cardoza, Port of Oakland
Ron Kennedy, Port of Richmond
Mike Giari, Port of Redwood City
Les Shorter, Western Dock Enterprises
Dave Bernardi, City of San Rafael