

LONG TERM MANAGEMENT STRATEGY



January 20, 1999

TO: LTMS MANAGEMENT PLAN WORKSHOP PARTICIPANTS

**FROM: Glynnis Collins, S. F. Bay Regional Water Quality Control Board (510/622-2318)
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SUBJECT: Draft Minutes of the LTMS Management Plan Workshop for January 20, 1999 Meeting

1. **CEQA.** Jim McGrath (Port of Oakland) raised concerns about the CEQA process for the LTMS Final Policy EIS/Programmatic EIR and associated documents (such as the LTMS Management Plan) that may be tiered under it. He also thought the CEQA process should be specifically discussed in a LTMS workshop so that stakeholders could be better informed about how the process will work. It was agreed that a workshop devoted to the CEQA process would be held, preferably before certification of the Final EIS/EIR before the State Water Board in April.

The discussion of CEQA included requests for clarification about distinguishing between policies regarding dredged material disposal management that are already in the existing regulatory framework (and thus have already undergone environmental review), and those that are new in the LTMS EIS/R and/or the Management Plan. Items mentioned in this context were: the adoption of one million cubic yards per year as the long-term goal for the total volume of in-Bay disposal (Jim Hausener), the policy requiring that material from new dredging projects be disposed of outside the Bay (John Amdur), and the proposed new allocation strategies (Jim McGrath).

2. **Upland Disposal Options.** Several workshop participants stressed their opinion that without a specific action plan for getting new upland sites on-line, the existing plan is incomplete. There was discussion about whether such an action plan lies within the purview of LTMS and within the jurisdiction of the regulatory agencies. There was a discussion of: the regulatory tools available for implementing the LTMS (the Audubon Society encouraged exploring all options, for example, using condemnation authority to force creation of upland disposal options; The Sierra Club supports the use of fees as a tool); whether regulatory "hammers" were the only options available, and how far fostering consensus and cooperation could take the process (for example, building on the existing consensus on the need for upland disposal alternatives to create an economic structure to encourage alternatives).

The group requested an update on the activities of the LTMS Upland/Wetland/Reuse (UWR) Technical Studies. The Bay Planning Coalition (Ellen Johnck) expressed an unwillingness to go forward on other aspects of the management plan until the upland disposal issue is better addressed, and opposes the LTMS 20/40/40 disposal strategy at this time even though it continues to support efforts to bring UWR sites on-line. The BPC has a "substitute"

strategy that involves postponing implementation of the 20/40/40 strategy until UWR sites are available to use and is preparing a letter to this effect for the LTMS agencies. The EPA (Brian Ross) wants to continue with other parts of the plan. It was generally agreed that the group would like to devote an entire workshop to discuss such an action plan, and the February 11, 1999 workshop was scheduled for this topic.

3. Managing Contaminated Sediments. It was agreed that a major obstacle to the creation of upland disposal sites is a lack of consensus about managing contaminated sediments (also see below: Montezuma Project). Part of the problem stems from lack of widespread understanding of the meaning of various classifications of sediment quality (e.g., SUAD, NUAD, wetland cover and non-cover). The Port of Oakland believes an important problem is that environmental groups sometimes do not trust industry's or regulatory agencies' calls on what appropriate disposal options are for contaminated sediments. It was agreed that this topic will be addressed at the February 11, 1999 workshop but that it more than likely would require its own separate workshop.

4. Fees for Dredging Projects. Existing fees for dredging projects in the Bay area were discussed, and for comparison, the fee structure for the Puget Sound Dredged Disposal Analysis program was described (see attached description of existing fees within and outside the Bay Area). There was general agreement that there are costs and subsidies associated with dredging projects, beyond the obvious permitting and disposal fees, that any new fee structure should take into account. There seemed to be general agreement with the concept of fees being used to support implementation of the LTMS (Port of San Francisco), but there were warnings (Chevron, Port of Oakland), that the program should be agreed upon and its costs determined, with appropriate fees based on those costs. It was agreed that the issue of fees would be addressed at a future meeting, on January 28, 1999. Workshop participants were asked to think about: whether fees would be an effective incentive for getting material out-of-Bay; how fees might be structured; and what fees could be used for.

5. Update on Status of Montezuma Wetlands Project. Levine-Fricke Restoration Group gave an update on the status of the project. On January 12, 1999, the Solano County Board of Supervisors held a public hearing on the project. On February 2, 1999, the Board will hear additional public testimony, and then vote on the project. The project exemplifies difficulties involved with permitting upland disposal, especially of contaminated sediments, in that the project has been opposed by some groups that disagree with the decision to include "non-cover" quality sediments in the wetland construction.

A list of items needing discussion was made:

1. The status of WRDA 1999 in regards to the Hamilton Restoration Project;
2. How to assure that individual projects undergo appropriate alternatives analysis and environmental review; and
3. Whether Management Plan will consider previously rejected ideas: e.g. (1) ways to reduce dredging in the Bay; (2) confined aquatic disposal of dredged material; and (3) specific potential upland sites such as Mare Island.