

**Economics, Social Studies, and Policies – Charette #4
July 16, 2020**

Meeting Participants (from chat box):

Sara Azat, NOAA National Marine Fisheries Service
Tessa Beach, SPN
Todd Bridges, USACE
Peter Dahling, Marathon Petroleum
Edwin Draper, Port of Oakland
Sarabeth George, San Francisco Bay Regional Water Quality Control Board
Brenda Goeden, San Francisco Bay Conservation & Development Commission
Jim Haussener, Executive Director, California Marine Affairs & Navigation Conference
Ryan Hernandez, Contra Costa County Water Agency
Jim McNally, Manson Construction (Dredging Contractor)
Wendy Rocha, Foth Infrastructure & Environment
Brian Ross, EPA
Renee Spenst, Ducks Unlimited
Jessica Vargas, USACE Acting Chief Dredge Material Management Office
Will Wallgren, Dutra Group

Meeting Organizers/Helpers:

Stu Townsley – USACE (Deputy District Engineer for Project Management)
Brian Gerrity – USACE SPN (Meeting Host)
Tawny Tran – USACE Project Manager
Priscilla Ouchida – Nikkei Environmental LLC (Facilitator)
John Guenza – Adanta, Inc. (Facilitator)
Libby Claggett – Adanta, Inc. (Note Taker)
Joe Schwennesen – Adanta, Inc. (Timekeeper/Note Taker)

The charette began at 8:35 AM PT. Priscilla Ouchida welcomed attendees to the meeting and began the presentation. Jim Haussener thanking Tawny for posting the minutes from the past three charettes. Stu Townsley stated that the minutes are draft, and if there was something left out of the minutes, please send an email to Tawny Tran and the minutes will be corrected.

Tawny Tran provided an overview of the comments that will be discussed today. Comments received that were similar in nature were combined into the comment that was viewed in the presentation (and indented below).

Discussions on Previously Submitted Comments

Comments Related to the Long-term Management Strategy (LTMS) Goals

LTMS Goals Comment 1:

The USACE needs to incorporate the goals established by the LTMS and Management Plan into the Regional Dredges Material Management Plan (RDMMP) Project Management Plan (PMP). The LTMS and Management Plan represent interagency coordination for a 50-year period. The LTMS is not mentioned enough in an appropriate way throughout the PMP.

Brian Ross clarified there was not just one comment about this. Every LTMS agency noted very directly that the draft PMP for the RDMMP in their view was completely off base in terms of LTMS. The context is worded wrong. The LTMS should be the basis and the LTMS goals should be in the RDMMP. This comes back to the original EIS where it was a commitment of the Corps to update the channels and implement the agreed upon LTMS goals, not just to consider them.

Stu Townsley said he thought the LTMS group is an important group comprised of the regulatory agencies for the dredging program. Dredge material management is larger than just the LTMS group. One of the reasons for the approach is to make the process as public as possible to encourage those who are impacted or influenced by how the dredging program is delivered to weight in. The LTMS program is not being abandoned but augmented.

Brenda Goeden stated that Stu Townsley's comment was interesting. Brenda Goeden said she is curious which agencies are not part of the LTMS in the region. Stu Townsley replied this included U.S. Fish and Wildlife, CMIC, Jim Haussener and others. Brenda stated that all agencies in the area are involved in the LTMS including the U.S. Fish and Wildlife, NOAA Fisheries, and others.

Todd Bridges added (through the chat box) that his naïve impression of the LTMS "strategy" is that has developed over many years and multiple iterations that have not necessarily been integrated in a clear fashion or with progress in science or engineering practice. Brian Ross replied (through the chat box) that he feels Todd Bridges was off the mark. Todd Bridges stated he understands that the LTMS was initiated 20 to 25 years ago and has been tested multiple times. The intent is to maximize beneficial use, but maybe this was not clear in the 40, 40, 20% allocations.

Brian Ross said that obviously there is a big leap as to whether improvements can or have been made over time. The LTMS has built in process to review if conditions have changed and if changes need to be made. The LTMS Program does have goals, but not limits of 40, 40, 20. 40% has gone to reuse overall, but has held that average over the years. Only 20% has been wasted in the ocean, yet the 40, 40, 20 goal has not been achieved. 40% in the Bay has been achieved; however, there is a volume limit in the Bay, but not a percentage limit.

Renee Spent stated she appreciates the flexibility in the approach. One of her observations is that perhaps having more flexibility to accomplish beneficial reuse in terms of where the material actually goes and have broader discussion may help everyone collectively. Need to figure out how to make more economical.

Jim Haussener said he is interested in what the other LTMS agencies think the Corps is doing. It appears this is a massive difference of opinion on the LTMS plan. Jim Haussener thinks there is more money out there than there really is. CMIC has been struggling hard to get more money to come to California; this has been successful over the last few years because Congress has increased the dredging funding. Jim Haussener feels there will not be enough funding for navigation and what is done in the Bay affects the northern coastal levels as well. Jim Haussener added the DMMO has been one of the better things to come out of the LTMS. However, the overall environmental bang for the LTMS is not a lot. Is there a better way of maintaining navigation in the Bay and increasing the environmental benefits?

LTMS Goals Comment 2:

The USACE should beneficially reuse 40% of the dredged sediment but instead the USACE plans to dump dredged material at in bay disposal sites or deep ocean disposal sites. The USACE should honor the commitment to LTMS and reuse the 40%.

Brenda Goeden added that she thinks one important problem in the Bay Region is when the USACE continues to focus on reusing the ocean disposal site for their largest projects, it is difficult for the Region to building the capacity needed for beneficial reuse. There is a certain volume of throughput material needed in beneficial reuse to invest in the equipment needed. If the Corps would focus on beneficial reuse, their projects would have enough capacity to invest in equipment.

Todd Bridges stated he thought the phrasing of the comment was interesting and implied the USACE is solely responsible for achieving beneficial reuse in lieu of a collective effort of all parties.

Jim Haussener added, from my comments of Tuesday - what is "beneficial?" And, is it the volume going somewhere, or the remaining volume does no harm?

Brenda Goeden responded to Todd Bridges comment that one of the finer points of the LTMS is that the small dredges (less than 50,000 cubic yards per year) are exempt from beneficial reuse due to using small equipment and using small homeowner docks. Another group of dredgers are the medium sized dredgers (the ports and refineries), and this group along with the USACE is subject to the LTMS rules of beneficial reuse and have been meeting the LTMS goals. There are others contributing to beneficial reuse to the extent they can. It appears, the USACE has not been focusing on beneficial reuse but is focused on cost. Tawny Tran clarified that the Corps does meet and exceeds the 40% volume by year.

Renee Spenst stated (from the chat box) from a holistic ecosystem approach, it would be great to keep sediment from going to the ocean given the needs in the Bay Area to achieve restoration goals. Renee Spenst stated she would like to see more ambitious goals around reuse and in bay, including new in Bay locations. Brenda Goeden said it would be great to see the Corps go even further with the percentages in the Bay.

Brian Ross clarified the 40% is the long-term goal and is not a limitation or hard requirement for any individual project for reuse. Over the past few years, the Region has cumulatively met the 40%. In recent years, the 40% has not been met by the Corps. Relative the Renee Spenst's interest, it could great to have higher goals. The 40% goal was long-term in the original EIS to be achievable without other ancillary impacts (i.e., existing wetlands). What constitutes "beneficial" is a relative and critical point, and the EPA agrees that a making a particular project beneficial is very important but does not necessarily mean the goal needs to be changed.

Todd Bridges provided an example of the Beneficial Use Group in Texas. The group involves the Port, the USACE, resource agencies, and others. The group provides efficiency in decision making between disposal and beneficial reuse. IT is the dredger's sole responsibility in the Bay Area to provide beneficial reuse, and Todd Bridges is unaware of anywhere in the country that does this.

Brian Ross agreed with Todd (via the chat box) that lowering barriers to reuse is critical. Note that the LTMS agencies have attempted to do that in many ways.

Tawny Tran replied that according to the latest Integrative Alternative Analysis (IAA), the Corps has achieved beneficial reuse at 44% in 2018 and 62% in 2019.

Brenda Goeden replied to Tawny to clarify the number are excellent but the reason the Corps has those numbers is because they went beyond the environmental work window provided by NOAA Fisheries. Brenda Goeden that the barrier needs to be lowered. Stu Townsley said he thought the comment stated that desire is wanted more than outcome. Brenda Goeden responded the interpretation was wrong. The challenge is for any project and the agency is that it always better to know up front that the USACE is trying and will go to beneficial reuse rather than wait until after the work window because it is a NOAA requirement. It is better for the Corps to be in the position of a participant and in a forward-thinking way in lieu of an action way.

Stu Townsley replied he has worked hard to get the contracts out early and get in the water early to minimize the conflict with issues and the biological venue. The perception of being outside the window is preferable, but it seems the goal would be for the USACE to work with the regulatory agencies to determine the appropriate biological approach and then seeking to attain the goals for beneficial reuse. Brenda Goeden agreed the Corps is on track to meet the environmental work windows and is almost meeting the in-bay disposal program for the first year. However, both working within the environmental work windows and beneficial reuse need to be done together.

Todd Bridges added the Corps has been able to work with other parties and the environmental windows to make substantial progress incorporate more flexibility on the seasonal restrictions on dredging. Todd Bridges suggested to follow examples in other regions that work. Brian Ross agreed with Todd Bridges that lowering barriers to reuse is critical and to note the LTMS agencies have attempted to

do that in many ways. Brian Ross asked Todd Bridges to please provide copies of these innovative approaches in consultations, and Todd Bridges agreed to provide for the RDMMP record.

LTMS Goals Comment 3:

The USACE needs to study sediment transport flows and mechanisms to help evaluate the carrying capacity to better understand future dredging needs for the USACE. Need to reevaluate whether the LTMS 20% in bay placement limitation and 40% ocean disposal allowance is the most environmentally sound approach.

Stu Townsley said there are two issues to this comment: 1) sediment transport studies discussed in an earlier charette and 2) a recommendation to reevaluation the 40, 40, 20 approach.

Todd Bridges said when he read the comment it sounded like it was more focused on the sediment budget of the Bay and processes related to that. This is another important opportunity to make use of strategic placement of sediments.

Tawny Tran asked if strategic placement counts toward the 20% in-bay placement limitation or is it considered beneficial reuse. Brian Ross said the answer is no; if the agreement on the project that the placement is beneficial, it is not counted as disposal. This comes back to the definition of what is "beneficial". For even pilot projects, the volumes would not count as disposal.

Todd Bridges gave an example of strategic placement in Mobile Bay, Alabama. There was a requirement of ocean disposal of everything dredged in the Bay. Agencies and collective bodies noted the serious problems in doing that. Through stakeholder's input, the requirement was overturned.

Jim Haussener asked if anyone saw a way to actually reduce the amount of material being dredged by the Corps annually and is there any opportunity to reduce the needs or will the needs increase. Stu Townsley said that they would need to run models and then compare the models to the plan. Brian Ross pointed out that one of the original four goals of LTMS was to ensure that necessary dredging moves forward, and that unnecessary dredging did not happen. There have been adjustments made to dredging projects outside of the windows. The LTMS plan is not forcing a certain amount of dredging but accommodates the amount of material dredged. Jim Haussener said his comment was to ask if the sediment capacity would change.

Peter Dahling asked (via the chat box) that if we really all feel that more beneficial reuse is desirable, should we consider redefining what in-bay disposal is to include some/all beneficial reuse? Understanding that 20% is a target and not a hard requirement for beneficial reuse and there is one for in-bay placement, should the definition to in-bay placement be reviewed. Brenda Goeden replied that there are four in-bay disposal site that are designed to be dispersive back into the Bay. Part of the design was that sediment would continue to move its way out of the system. The difference between beneficial reuse and in-bay disposal is that in-bay placement is treated as a resource and not a liability. Brenda Goeden added that the Bay sediment system is changing due to climate change, and as the system continues to change, management practices must be adjusted.

Jim Haussener asked if someone to put together a statement about what is wanted in a sediment transport flow, what is needed to study, and what needs to be understood from it. This seems to be an issue. The 1989 LTMS Plan of Action for the San Francisco district, and it appears this was an issue back in 1989. What needs to be known to proceed with some studies. Is the RMP for San Francisco Bay going to answer these questions or is something additional needed. Brenda Goeden asked if he meant the sediment transport system and flow in the Bay. Jim Haussener said that is what he meant and that something better is needed. Brenda Goeden said the funding available is extremely limited, and the research being done varies from year to year. There is a not solid focus and direction to answer the question being asked. Some of the USGS work has helped, but there is more to know with this complex sediment transport system. This will continue to be a work in progress.

From Todd Bridges (via the chat box): In response to Jim Haussener's request for a few sentences, offered to stimulate discussion. The general need is targeted R&D that is guided by a finite set of "operational" questions, i.e., questions that would focus developed knowledge and tools on future sediment management practice (in contrast to more a more vague goal like developing "understanding"). The overarching need is a technical capability (e.g., a combination of modeling "modules" and decision support tools) for evaluating alternative "hydrologic" scenarios, sediment management strategies, and specific operational practices (e.g., 1. BU opportunities that could reduce future dredging volumes in portions of the channel network, 2. Strategic sediment practices that would support long-term sediment process balance in the Bay, 3. etc.).

A 10-minute break was taken.

From Jim McNally "This is not a request to speak but if the opportunity presents itself, I would like to understand something I believe Brenda said in an earlier comment regarding how small business set asides by the Corps are a good thing for beneficial reuse...I'm not sure I understand that".

Comments Related to Efficiency

Efficiency Comment 1:

The USACE needs to take the lead in identifying future placement sites for dredged material beneficial reuse. Find closer sites to dredging to lower costs while also helping respond to sea level rise.

Jim Haussener asked what this means with the various sites being proposed and is there a need for the Corps to do something like this. Are there enough sites already out there and is there a need to do more? Stu Townsley added this was an interesting comment to him as well. The DMMP is to identify placement locations and not necessarily reuse placement locations. This would also go a long way to address federal standard limitations. Jim Haussener said dredge material has been used as a capping material, which provided additional funding as a marketable commodity. Stu Townsley asked if it would be worth spending energy to figure out if the dredge material could be a marketable commodity. Jim Haussener stated the Aquatic Transfer Facility is back.

Brenda Goeden Stated in the chatbox "It is an interesting comment because perhaps this is a way that the USACE could use the ecosystem restoration efforts married with the navigation efforts –" as well as a possible USACE 204 program and that it is really hard for USACE to accept money from anyone".

Todd Bridges added that rehandling of material for BU is one of the largest cost contributors to BU. One opportunity is to explore the potential for in-water "temporary" storage areas to create volumes that can be used to create an economy of scale for efficient rehandling. "Borrow" holes exist in many Bays around the country can serve this purpose. But other strategies exist.

Jim McNally commented that a number of studies were done in southern California regarding the resale of dredge material. Generally speaking, the material was sand.

Efficiency Comment 2:

There is a concern regarding efforts dedicated to RDMMMP could diminish efforts towards maintaining ongoing operation and maintenance (O&M) projects.

Jim Haussener has a concern that in moving forward, some projects may no longer be in the federal interest. Tawny Tran responded there is a preliminary assessment and the findings have not been concluded at this time. Stu Townsley said once a channel or project is authorized, the Corps is to revalidate that there continues to be a federal interest for tax dollars to be spent on project.

Peter Dahling stated any reduction in the existing efforts to regularly dredge critical navigation channels would be extremely challenging. Peter Dahling would argue that additional and more rigorous effort should be applied on a regular basis to avoid emergency dredging.

Brian Ross stated he appreciated Peter Dahling's comment, but he read the comment was summarized as a bandwidth issue for the O&M program. Will the money spent on the RDMMP process be taken out of the O&M Program and if not, where is it coming from? Tawny Tran said the RDMMP is a separate operations pot of money and not part of O&M.

Stu Townsley stated there is a renewed commitment across the Corps to perform dredging management plans in order to do more efficient dredging in the future.

Efficiency Comment 3:

There needs to be a better narrative about the need for resource agencies to participate in the process and a narrative about the possible staffing issue in the region as this could be a constraint relevant to all the agencies.

Tawny Tran wanted to verify this a huge effort and thanked everyone for their participation.

Discussions on New Comments

Brenda Goeden stated that she was wondering what the USACE will do to ensure that they have sufficient participation by the resource agencies. Stu Townsley said the Corps will do everything possible to engage the resource agencies given limited funding. This is a bigger issue than just the RDMMP. AS each agency priorities the important work, the Corps helps they will get consideration to be an active mechanism.

Brian Ross pointed out that whether the resource agencies participate as fully as wanted, it is very like that some kind of ESA/EFA consultation will be required to enact the RDMMP. Throughout the process of the RDMMP, when there are key issues or proposals, they will be communicated direction before a proposed action that may be problematic is made.

Brenda Goeden asked if the USACE would consider funding positions at the resource agencies to allow for their participation? Stu Townsley does not believe they can legally do this. Brenda Goeden stated that the USACE provided funding to USFWS on the BO for Hamilton. Stu Townsley said he was not aware of this. Brenda Goeden stated it was for the BRAC program. Stu Townsley said that was military fund and that is different from the civil works funds.

Jim Haussener stated (via the chat box) that state agencies may have a hard time participating with the mandatory COVID tracing 5% of staff and the budget "cuts".

Todd Bridges said the opportunity is something that has been reflected before. One example is the comprehensive conservation plan for the Corps and Fish and Wildlife Service developed for the Mississippi River. There is mutual interest and there should be an opportunity for mutual support.

Sara Azat wanted to state that she appreciates the effort with which the Corps has gone and asked if there any changes that could impact existing services or work windows the Department has established for any fisheries in the Bay. Sara Azat added there were a lot of interesting opinions and comments made today regarding the sediment in the San Francisco Bay. The delivery of these sediments from one place to another is costly and there is no mechanism to pay for the delivery. Sara Azat said she would look into the options that are being made in the southeast.

Brenda Goeden made a comment in the chat box of "MNPR?" And was asked to expand on that. Brenda Goeden said she knows the Corps transfers funds to other agencies through MNPR (acronym may be wrong). Stu Townsley said they will investigate, but he is not aware of one.

Peter Dahling stated (through the chat box): I don't have new comment, but I would like to support a comment that Todd Bridges submitted earlier. No clarification on which comment of Todd Bridge's this applies.

Stu Townsley said the goal is to balance the competing demands and interests regarding dredging. Brenda Goeden stated that she totally understands and is trying to ensure there is appropriate participation and experiences are where they are helpful.

Closing Remarks

Additional comments can be made on the web site at <https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Regional-Dredge-Material-Management-Plan/>

The meeting was closed at 10:57 AM PT.