



BAY PLANNING COALITION

Bay Briefs, August 6, 2002

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MARK YOUR CALENDAR - OCTOBER 22, 2002
BPC's 16th Annual San Francisco Bay Decisionmakers Conference
Sustaining the Bay: Toward a Shared Vision

Location: Hyatt Regency Embarcadero, San Francisco, California

Topics: *Dredging and Environmental Windows: Transportation Crisis or Opportunity*
Water Quality and Supply: Imperatives for Survival

Featuring: *Senator Jackie Speier*, California State Senate, District 8
Judge H. Craig Manson, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior

Contact BPC to learn more about sponsorship and speaking opportunities.
Pre-registration opens August 15 on the BPC website.

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BPC CALENDAR

August 28, 2002, 1:00 - 2:45 p.m., Port of Oakland
BPC Transportation Committee meeting, featuring a major presentation by Tom Bertken, CEO, and Veronica Sanchez, Manager of Government Relations, for the San Francisco Bay Area Water Transit Authority, on the WTA's Draft Environmental Impact Report and Draft Operation & Implementation Plan (RSVP required)

August 28, 2002, 3:00 - 4:30 p.m., Port of Oakland
Combined meeting of the **Dredging & Navigation Committee** and the **Wetland & Wildlife Committee** will feature a presentation by Phillip Williams & Associates on the Bay's sediment budget (RSVP required)

September 25, 2002, 2:30 - 4:30 p.m., Port of Oakland
BPC Board of Directors Meeting (RSVP required)

October 22, 2002
16th Annual San Francisco Bay
DECISIONMAKERS CONFERENCE
Hyatt Regency Embarcadero
San Francisco
(Pre-registration begins August 15)

December 12, 2002
Annual BPC Membership Meeting & Luncheon
St. Francis Yacht Club, San Francisco
Board of Directors Meeting: 10:00 a.m.
Membership Luncheon: 11:30 a.m.

EXECUTIVE DIRECTOR'S REPORT

2002 has been a very busy and productive year for the Bay Planning Coalition. I was honored to be invited as a guest speaker on the topic "**A Stakeholder's Perspective on Environmental Windows**" [see story below] at the U. S. Section of the Permanent International Association of Navigational Congresses' (PIANC) 100th Anniversary meeting held in Vicksburg, Mississippi, April 16-19, 2002. The 100th Anniversary event, entitled "**Waterborne Transportation Strategies and Policies**" featured a full week of excellent workshops, panels and receptions. A broad spectrum of PIANC members from Europe and the United States, including US Army Corps of Engineer Chief, BG Robert Flowers, Deputy Assistant Secretary of the Army for Civil Works, Don Izzo, and USACE staff from headquarters, the Vicksburg District and the Atlanta Division, attended the event. It was a great reunion for me, and I saw many colleagues of the Bay Planning Coalition with whom we have nurtured working relationships over the past 20 years. Following the PIANC event, I traveled to Belize and Guatemala where I had been invited by the Mesoamerican Research Center at UC Santa Barbara to participate in its archaeological field excavation. Copies of both my report from PIANC and my experience in Central America are available from the BPC office. I am also representing the Bay Planning Coalition at the **American Association of Port Authorities (AAPA) Harbors, Navigation & Environment Seminar, August 7-9, 2002** in Oakland, California. Copies of my presentation, "**Improving the Permitting Process for Port Development Projects**", given on August 7th, are available to BPC members from the BPC office.

- Ellen Joslin Johnck, BPC Executive Director

ANNOUNCEMENTS

BPC was well-represented at the **U. S. Army Corps of Engineers San Francisco District change of command** ceremony on July 17, 2002 at the Army Corps' Bay Model in Sausalito. The ceremony marked the official transfer of command of the SF District from the very able LTC Timothy S. O'Rourke to **LTC Michael McCormick**. BPC continues to maintain good communications with the Corps and looks forward to working closely with Commander McCormick.

The **U. S. Coast Guard** announced on July 8, 2002 that San Francisco Marine Safety Office Commanding Officer, **Capt. Larry Hereth**, has been **promoted to Rear Admiral**. Capt. Hereth is well-respected in the Bay maritime community and to quote Capt. Lynn Korwatch of the Marine Exchange, "he has been a tremendous asset to the Bay Area region..."

DREDGING & NAVIGATION

Environmental Windows & Dredging: Environmental windows ("fish windows") are dredging and disposal work windows when dredging and disposal are allowed and believed not to adversely affect endangered species and fisheries. These windows are based on the biological opinions of federal resource agencies and were adopted in the Long Term Management Strategy's Record of Decision and the LTMS Management Plan.

With BPC leadership, the LTMS agencies (US EPA, US Army Corps of Engineers, BCDC, Regional Water Board) along with the key resource agencies (NOAA Fisheries*, US Fish & Wildlife Service and Calif. Dept. of Fish & Game) have returned to the table as part of an official interagency Environmental Windows Work Group with and industry and community stakeholders to try to resolve interruptions and delays in essential dredging projects resulting from environmental restrictions imposed by the resource agencies.

*(**NOAA FISHERIES** is the new name of the National Marine Fisheries Service (NMFS). NMFS is part of NOAA (National Oceanic and Atmospheric Administration) and in July 2002 NOAA officially changed the name of the fisheries service. The Southwest Regional Office of NOAA Fisheries has posted information about Environmental Windows on its website at <http://swr.nmfs.noaa.gov/overview/overview.htm>. Although this website is still under development, it provides a quick reference for environmental windows information.)

BPC submitted a formal written request to the LTMS agencies for participation in the Work Group, appointment of a facilitator, and consideration of the environmental windows setting process described in National Academy of Sciences Transportation Research Board Report No. 262. The Report is available online through the Transportation Research Board website <http://trb.org/trb/publications/sr/sr262.pdf> and to BPC members by request. Please contact the BPC office.

The Work Group has met several times this year and plans to continue to meet once or twice a month. The Group is working on solutions in the short term and the long term. In the short term, the group is trying to identify currently scheduled dredging projects likely to encounter environmental restrictions and facilitate consultations with resource agencies to ensure that the projects can be completed this year. The second phase of the work is to develop a comprehensive long-term list of all predicted Bay dredging projects, available equipment, and how the projects fit into existing environmental windows. The Work Group will review this report and attempt to ensure that all essential dredging projects can be completed in a timely manner.

Agendas for the Environmental Windows Work Group meetings are available from the BPC office and are posted on the DMMO (Dredged Material Management Office) website at <http://www.spn.usace.army.mil/conops/dmno.htm>. Please contact Martha Chesley at BPC martha@bayplanningcoalition.org for additional information, copies of Work Group meeting summaries, etc.

TRANSPORTATION & ENVIRONMENT

Ferries: BPC continues to fulfill its contract responsibilities as facilitator for the SF Bay Water Transit Authority's Ad Hoc Agency Working Group. The purpose of the Group is to coordinate state and federal comments on the Programmatic Environmental Document. There has been excellent participation by the agencies at the meetings. The draft EIR will be available for public review

in mid- to late August. Several public hearings will be held in October and November on the EIR and the Operation Implementation Plan. The final EIR and operations plan will be submitted to the state legislature by the mandated 12/12/02 deadline. BPC Executive Director Ellen Joslin Johnck also represents BPC on the WTA's Technical Advisory Committee. The WTA website: <http://www.watertransit.org/>.

Intermodal Planning: As a followup to the BPC-sponsored workshop on intermodal concepts, Executive Director Johnck, along with EDAB's Executive Director, Bruce Kern, AC Transit's CEO and the Port of Oakland's head planner, Rick Weiderhorn, met with MTC's CEO Steve Heminger and Deputy Director, Therese McMillan. Steve agreed that there should be a goods movement component to the Regional Transportation Plan to improve the efficiency of freight distribution and will develop a plan element proposal. Johnck also represented BPC at the Port of Oakland-sponsored Trade and Transportation Summit in May. Discussion topics were aimed at identifying market and planning strategies to promote and expand the capacity of the Port and the East Bay as the regional distribution center for the north Pacific region.

Marine Transportation System: BPC Director Thomas A. Marnane, formerly with Matson, represents BPC in the federal Department of Transportation Marine Transportation System National Advisory Council. Tom has been asked to serve as chairman of the infrastructure committee of the Northern California branch of the Council. For more information about the **MTS National Advisory Council** visit <http://www.mtsnac.org>. The **MTS** website is <http://www.dot.gov/mts/>.

WATER QUALITY & SUPPLY

NEW: Water Quality & Supply Committee: At its April 2002 Retreat, the BPC Board of Directors voted to create a new Water Quality & Supply Committee to investigate constructive actions BPC could take on water issues. A small group of BPC members met to brainstorm possible topics for committee consideration and discussed a draft mission. Topics include non-point source water pollution and stormwater permit regulations, the TMDL process, ballast water and invasive species, water supply reliability and water recycling. The committee's first meeting was Tuesday, August 13, 2002. Contact the BPC office for more information.

A San Francisco Superior Court decision on July 15, 2002 in the case of Communities for a Better Environment & SF Bay Keeper vs. State Water Resources Control Board, et al. (Case No. 319575) may prove to have serious and far-reaching implications for all discharge permit applicants. The decision reopened the **SF Bay Regional Water Board's NPDES permit to the Tesoro (Tosco) refinery in Martinez re dioxin limits**. The State Board has not yet decided whether to appeal the decision. The Water Board based its Tosco permit (and other discharge permits) on clear evidence that dioxin (and other pollutants) enter the Bay overwhelmingly from non-point sources such as street runoff and air deposition, with only a tiny amount coming from refineries. The Board's strategy has been to hold point sources at their current level of pollutant discharge while TMDL's are developed for the Bay as a whole. This strategy has been upheld on legal appeal. Unfortunately, the State Board and its regional boards are spending precious resources defending permits, taking valuable staff time away from other water quality programs. A fine op-ed piece in the San Jose Mercury News on Sunday, August 6 by Regional Board President John Muller helps to illuminate the issue: <http://www.bayarea.com/mld/bayarea/3797798.htm>. Further information is available directly from the Regional Board by calling Wil Bruhns at 510-622-2327. BPC will continue to monitor this potentially serious issue and report on further developments.

The Association of California Water Agencies (ACWA) is sponsoring a water quality seminar on September 19, 2002 in Sacramento, entitled "Xenobiotics: The Newest Threat to Water Quality?" The subject is the appearance of household chemicals and pharmaceuticals in water. For more information contact ACWA at 916-441-4545 or online at http://www.acwanet.com/products/events/02_fall_workshop.asp

WETLANDS & WILDLIFE

BCDC Bay Plan Amendments: BPC continues to monitor any proposed changes to BCDC's Bay Plan.

Earlier this year, BPC reviewed **BCDC's proposed Bay Plan Policies on Marshes and Mudflats** and testified at public hearings. The Policies, adopted as of May 2002, were revised to incorporate the findings published in the Regional Habitat Goals Report (2000). The new Bay Plan Sub-Tidal policy on dredged material affirms the BCDC position that fills utilizing dredged material for habitat creation in San Francisco Bay should be small fills only.

BCDC has noticed a **public hearing on September 5, 2002** on proposed amendments to **Bay Plan Recreation Policies and Bay Plan Map Notes and Policies**. A complete copy of the proposed amendments and preliminary staff recommendations is available from the BPC office or directly from BCDC.

In addition, BCDC has proposed amending **Bay Plan Mitigation Policies**, and has noticed a **public hearing** the proposed amendment for **September 19, 2002**. The proposed amendment has not yet been published but should be available to the public by mid-August. To receive a copy of the proposed amendments contact Caitlin Sweeney (415-352-3643, email caitlins@bcdcc.ca.gov), or contact the BPC office.

Valuable information about **National Audubon's SF Bay Restoration Program** is available at its website: <http://www.audubonsfbay.org/>. The Bay Planning Coalition contributed extensive comments on its proposed program. Those comments are available to BPC members from the BPC office. You can sign up to receive Audubon's email updates at the Audubon website.