



# Bay Briefs

**IN THIS ISSUE:**

LTMS & Bay/Basin Plan Amendments	2
Work Program 2000	2
Clean Dredging	2
Corps' Appeal Process	2
Montezuma Wetlands	2
Of Interest	3
Calendar	4
Member News	4

**ISRAEL ADVENTURE**

Ellen Johnck has served as BPC's Executive Director since the Coalition was founded in 1983, and has not taken an extended vacation in all those years — until June 28, 2000, when she left for Israel.

Being delayed over 24 hours in Toronto didn't dampen Ellen's enthusiasm for her adventure. As soon as she arrived in Jerusalem on June 30th, she visited the wailing wall and other important sites.

The next day Ellen took a dip in the Dead Sea (and probably took a sediment sample). The rest of her time in Israel will be spent with her UC Berkeley group in Pardes Hanna for the main mission of her trip: an archaeological dig at Tel Dor.

## ANNUAL DECISIONMAKERS CONFERENCE PROMISES EYE-OPENING CASE STUDIES

The Bay Planning Coalition's annual San Francisco Bay Decisionmakers Conference — *Elements of a Successful Environmental Permit Process* — is scheduled for September 19, 2000 at the World Trade Club in the San Francisco Ferry Building.

This year's conference will feature case studies on the San Francisco Giants Pacific Bell Park, Bay West Cove in South San Francisco, and the environmental science of confinement of underwater sediments, as well as progress reports on the environmental permitting for San Francisco International Airport runway reconfiguration, Montezuma Wetlands restoration, and proposed San Francisco Bay ferry system expansion.

The conference is a "must attend" event for Bay Area business and industry, including attorneys, developers, engineers, environmental professionals, local governments, planning consultants, scientists, and shoreline property owners.

BPC's annual SF Bay Decisionmakers Conference began as the first and only forum in the Bay Area to bring together the chief executives of regulatory agencies, business, and government for a dialogue on the environmental permit process. The conference continues to provide an important venue for the exchange of information and ideas, and helps build consensus and rapport between business and environmental regulators.

**CONFERENCE DETAILS:**

Date: Tuesday, September 19, 2000

Time: 8:15 a.m. to 3:45 p.m.

Where: World Trade Club, San Francisco Ferry Building

Register online at the BPC website:

[www.bayplanningcoalition.org](http://www.bayplanningcoalition.org)

Via email at [ami.eventgroup@att.net](mailto:ami.eventgroup@att.net)

Or call 650-994-8080

### NEW CORPS COMMANDER LTC TIMOTHY S. O'ROURKE

The Bay Planning Coalition was well-represented at the US Army Corps of Engineers San Francisco District change of command ceremony on July 6, 2000 at the Bay Model in Sausalito. Under breezy blue skies outgoing Commander and District Engineer Lieutenant Colonel Peter T. Grass returned the Corps' flag to Division Commander Brigadier General Peter T. Madsen who in turn handed over the flag and District responsibilities to incoming Commander and District Engineer Lieutenant Colonel Timothy S. O'Rourke.

BG Madsen spoke of achievements during LTC Grass's tour of duty here, including the signing of the Record of Decision for the Long Term Management Strategy (LTMS) for dredge disposal, efforts to streamline the permit process, increasing District efficiency, partnering with other agencies, approval of the Port of Oakland's -50' dredging project, progress on Hamilton and Montezuma wetlands restoration, as well as smooth continuation of the Corps' maintenance dredging and debris removal in San Francisco Bay.

*continued on page 3*

### LTMS MANAGEMENT PLAN — BCDC BAY PLAN AMENDMENT RWQCB BASIN PLAN AMENDMENTS

BCDC has released its proposed Bay Plan Amendment No. 3-00 re Dredging and Disposal of Dredged Material and has scheduled a first public hearing at its regular commission meeting on August 3, 2000. BPC is in the process of preparing comments that address, among other things, the current feasibility of upland disposal of dredged material. BPC members are encouraged to submit comments independently or through BPC.

Written comments must be received by BCDC no later than July 27 to be included in the BCDC mailing for the August 3 hearing. A copy of BPC's final comments will be provided to all member designees. The Regional Board has placed LTMS Basin Plan Amendments on the agenda for its August 16, 2000 Board meeting.

### BPC 2000 WORK PROGRAM

The BPC Work Program Committee and Board of Directors have developed and published BPC's 2000 Work Program. It is being mailed to each member designee and will be available for review on the BPC website.

### BAY DREDGED MATERIAL GETS CLEAN RATING

The San Francisco Bay Dredged Material Management Office (DMMO) — a joint program of BCDC, the Regional Water Board, the State Lands Commission, the EPA and the Army Corps — has issued its 1999 Annual Report and BPC is mailing a copy to all BPC member designees. Of particular interest in the DMMO Report is the fact that over 97% of San Francisco Bay sediment dredged during regular maintenance dredging in 1999 was clean enough to be returned to the Bay (unconfined aquatic disposal). The report goes on to say that over 86% of "new work" — primarily in shoreline areas — was also clean enough for in-Bay disposal.

### ARMY CORPS' NEW APPEAL PROCESS

In March 2000 the US Army Corps of Engineers published rules establishing an administrative permit and jurisdictional appeal process. Under the program, individual permit applications that are denied and individual permits issued with conditions that are declined by the applicant may be appealed. In addition, a written Corps determination that a wetland/waterbody is subject to its geographical jurisdiction may also be appealed. An appeal must be filed within 60 days of the Corps action (written jurisdictional determination, permit denial, or issuance of permit with conditions). The appeals process is only open to the applicant and may not be used by third parties. The applicant's appeal must be filed with the South Pacific Division. The Division may reject the appeal, in which case the appeal process is finished and the applicant's recourse is litigation. If the appeal is accepted by the Division, the

Division schedules an appeal conference and/or site visit. If the Division determines the appeal to have merit, it will instruct the District to further document or revise the permit. The Corps has published a request for appeal form that should be included with permit denials, permits with conditions and each written jurisdictional determination, and may be obtained from any Corps office. For more information call Doug Pomeroy, the Corps South Pacific Division Appeal Review Officer, at 415-977-8035 or email him at [dpomeroy@spd.usace.army.mil](mailto:dpomeroy@spd.usace.army.mil). The complete rules are available online at the Corps' website <http://www.usace.army.mil/inet/functions/cw/cecwo/reg>. Choose #13 "Administrative Appeal Regs."

### MONTEZUMA WETLANDS SHOULD BE READY BY SPRING 2001

After nearly ten years of work, with a consensus of support from all the permitting and resource agencies, the Montezuma Wetlands Project permitting should be completed by December 2000, and the site should be ready to accept dredged sediment by Spring 2001. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is scheduled to review the project's water quality certification on July 19, 2000.

During the public hearings on this Project, environmental agencies agreed that the proposed use of the site would not threaten water quality, wildlife or the environment. USEPA dredging coordinator Brian Ross commented that the extra protections built into the EIR/EIS

mitigation measures are, in his opinion, "beyond what is needed to assure environmental protection."

The Montezuma Wetlands Project will restore over 1,800 acres of historic tidal wetlands in Suisun Marsh and provide an opportunity for beneficially reusing approximately 20 million cubic yards of sediment dredged from SF Bay harbors and channels. The project proposal includes a sediment rehandling facility where approximately 400,000 cubic yards per year of clean Bay sediments would be rinsed of Bay salt and shipped to Delta locations for levee repair and habitat restoration purposes.



## OF INTEREST

**EPA Issues New Waterway TMDL Rules in Defiance of Congress**

On July 11, 2000 the EPA issued new rules that will require states to institute additional controls on runoff into thousands of lakes and rivers nationwide. The new rules follow a 1998 assessment that found that polluted runoff from agricultural lands and urban areas ("non-point source pollution") has made 40% of the nation's waterways unacceptable for fishing and swimming. The rules were issued at the 11th hour to circumvent Congressional opposition to the new rules being issued prior to 2002. For easy access to the new rules, a July 12th article in the *Washington Post*, and additional fact sheets, go to the Association of State and Interstate Water Pollution Control Administrators website at <http://www.asiwpca.org/policy/index.htm#tmdl>. The EPA's TMDL website is <http://www.epa.gov/owow/tmdl/>.

**New Nationwide Permits**

Reminder: The US Army Corps of Engineers new nationwide permits became effective June 5, 2000. The full text of the new permits is available at [www.nws.army.mil/reg/reg.htm](http://www.nws.army.mil/reg/reg.htm).

**Ballast Water Management and Control Program**

For up to date information on the status of implementation of this law, regulations and permit requirements, visit the California State Lands Commission website ballast water home page at <http://www.slc.ca.gov/BallastWater/default.asp>.

**Changes Ahead for Oakland's Waterfront**

The Port of Oakland is implementing a \$727 million project to modernize its land along the estuary, which includes — in addition to new terminals and deepening the harbor to -50' — the use of dredged materials to create a waterfront park and restore tidelands. In addition, the City and the Port are in the process of implementing the 20-year \$154 million Estuary Plan to install parks and recreation areas along the waterfront. This summer

the City of Oakland plans to repave and add bike lanes and landscaping to the Embarcadero, as well as prohibit truck parking in an effort to beautify the area and make it more accessible for recreational use. Source: *San Francisco Chronicle*, July 10, 2000.

**SF Bay Trail**

\$1.2 million was approved by the Coastal Conservancy in April to complete the San Francisco Bay Trail. The funds will go to ABAG, which administers the Bay Trail Project. The funds should allow the nine Bay Area counties to construct and improve trail sections. Other projects approved by the Coastal Conservancy in April include: \$60,000 to the City of San Leandro for a 300-foot bicycle/pedestrian bridge and a 600-foot bicycle/pedestrian path on the north side of Oyster Bay Regional Shoreline; and \$250,000 to the Port of Oakland for a 1.1 mile portion of the Bay Trail including bicycle lanes on Doolittle Drive and Airport Drive.

**Oceans Act of 2000**

On June 26, the Senate passed the Oceans Act of 2000 (S.2327) and sent it to the House, where it was referred to the Resources Committee. The bill would create a federal commission on ocean policy. The Resources Committee is expected to address the bill in July.

**Washington State's proposed mitigation banking rule**

In August the State of Washington Department of Ecology will issue an informal draft of a proposed rule detailing what will be required for certification and operation of wetland mitigation banks in that state. For more information or to receive the draft rule, contact Lauren Driscoll at 360-407-6861, email [ldri461@ecy.wa.gov](mailto:ldri461@ecy.wa.gov), or visit [www.wa.gov/ecology/sea/wetmitig](http://www.wa.gov/ecology/sea/wetmitig).

*Continued from page 1*

**New Corps Commander LTC O'Rourke**

LTC Grass spoke of unfinished business in the SF District, including SFO's runway reconfiguration proposals, a possible new bay bridge, additional ferries and ferry terminals, as well as regional and national issues such as the predicted increase in coastal erosion, demand for fresh water, and the need to balance environmental concerns with population and development pressures. LTC Grass's next assignment is in the Pentagon, where he will work in the Facilities and Housing Division of the Office of the Assistant Secretary of the Army for Installation Management.

A California native, incoming Commander and District Engineer Lieutenant Colonel Timothy S. O'Rourke, will be the SF District's 47<sup>th</sup> Commander since the District was created in 1866. LTC O'Rourke comes to the SF District from the Pentagon, where he served as Military Assistant and Executive Officer to the Assistant Secretary of the Army for Installation and Environment. LTC O'Rourke is a 1982 graduate of West Point and holds a master's degree in civil

engineering (environmental) from the University of Illinois.

Following the ceremony, BPC Directors and members David Jefferson (Burdell Properties), David Ivester (Washburn, Briscoe & McCarthy), Don Warren (StonyBrook Associates) Chuck Foster, Leonard Cardoza, Joseph Wong (Port of Oakland), Michael Wilmar (Sheppard, Mullin, Richter & Hampton), Bill Gilfillan (The Dutra Group), and Jim Haussener (City of San Leandro Marina), along with BPC Assistant Director Martha Chesley welcomed LTC O'Rourke and introduced him to the Bay Planning Coalition. The staff and members of the Bay Planning Coalition have appreciated LTC Grass's leadership over the past two years; he encouraged frank discussion, public dialogue and cooperation in solving issues of mutual concern. We look forward to an equally productive relationship with LTC O'Rourke.

Bay Planning Coalition  
303 World Trade Center  
San Francisco, CA 94111-4291

Tel: 415-397-2293  
Fax: 415-986-0694  
Email:  
staff@bayplanningcoalition.org

We're on the Web at  
www.  
bayplanningcoalition.org

*The mission of the Bay Planning Coalition is to advocate balanced regulation and use of San Francisco Bay-Delta resources.*

### *We will be moving*

On October 1, 2000 the Bay Planning Coalition will move its office to:

**10 Lombard Street Suite  
408  
San Francisco, CA  
94111-6205**

Phone and Fax numbers  
will remain the same.

Bay Briefs is published by the Bay Planning Coalition as a service to our members.



## CALENDAR

### September 19, 2000 – San Francisco Bay Decisionmakers Conference *Elements of a Successful Environmental Permit Process*

Don't miss BPC's annual conference, this year featuring Pacific Bell Park, Bay West Cove, a science panel on sediment confinement, and progress reports on Bay projects. Complete program and registration information will be mailed in late July. Meanwhile, you can find out more and register early at the BPC website – [www.bayplanningcoalition.org](http://www.bayplanningcoalition.org).

September 27, 2000, Wednesday – BPC Board of Directors meeting, 2:30-4:30 p.m., Port of Oakland

December 13, 2000, Wednesday – Annual BPC Membership Meeting, 10:00 a.m. Board meeting, 11:30 a.m. to 1:30 p.m., reception and luncheon, St. Francis Yacht Club, San Francisco

## BPC MEMBER NEWS

### Comings & Goings

The Port of Stockton welcomed its new Port Director, Richard Aschieris, on March 27, 2000. Mr. Aschieris, a third generation California native, returned to the golden state after serving three years as Executive Director of the Port of Anacortes, Washington.

Hanson Aggregates Mid-Pacific Region acquired BPC members Tidewater Sand & Gravel and Olin Jones Sand and joined the Coalition in January 2000. The member designee is William H. Butler, Vice President and General Manager. RMC Pacific Materials is the new name of RMC Lonestar – a BPC member since 1984.

Shea Homes of Northern California announced the retirement of longtime President S. Reid Gustafson in February 2000. BPC is proud to have Shea Homes as a member of the Coalition since 1987.

Valero Energy Corporation purchased the Exxon facility in Benicia in Spring 2000. Al Middleton's new email address is middletona@valero.com and his phone number and address remain the same.

James Burroughs announced that he has joined the law firm of Allen Matkins Leck Gamble & Mallory in San Francisco.

Paul Krause, Ph.D., has joined the full service engineering firm of Harding Lawson Associates. Scott Muelrath is the new harbormaster at Brisbane Marina.

Coyote Point Marina's new harbormaster is Ted Warburton. Carol Leonard retired as harbormaster in December 1999.

Michael Wilmar has joined the law firm of Sheppard Mullin Richter & Hampton, San Francisco.

Environmental Science Associates (Gary Oates) announced that Katrina Koh has joined ESA's SF office as a Project Manager for local government and development projects.

### BPC Welcomes New Members

Downey Brand Seymour & Rohwer (Katharine E. Wagner) joined the Coalition in November 1999. Tim McAteer joined the Bay Planning Coalition in January 2000.

SS Papadopulos & Associates (Mike Rafferty) environmental and water resource consultants, joined the Coalition in March 2000.

Marine Terminals Corporation of Oakland (Jerry Bridges) joined the Coalition in April 2000.

Han-Padron Associates, LLP, marine engineers (Ronald Heffron) of Long Beach joined the Coalition in June 2000.

### In Other Member News

The Port of Redwood City and two ferry companies are exploring the idea of offering ferry service to and from Redwood City. One proposed ferry route would run along the shoreline between Redwood City and San Francisco; the other would provide service between Redwood City and Alameda. A study is being conducted to research the environmental impact of the proposed service. Find out more at the Port of Redwood City's website – [www.redwoodcityport.com](http://www.redwoodcityport.com)

Treadwell & Rollo is the geotechnical and environmental consultant for Opus West's Opus Center at Sierra Point. The 131-acre site, where up to 15 buildings may be constructed, is a former municipal waste and construction debris landfill. For more information, or to be added to Treadwell & Rollo's newsletter list, contact Andrea Oman at [amoman@treadwellrollo.com](mailto:amoman@treadwellrollo.com).

Submit items for inclusion in this column to [staff@bayplanningcoalition.org](mailto:staff@bayplanningcoalition.org) or mail to the BPC office.