



LONG TERM MANAGEMENT STRATEGY

LTMS 12-Year Review Process Meeting

MEETING HIGHLIGHTS
Bay Conservation and Development Commission
Thursday, March 29, 2012
9:30 AM – 3:30 PM

INTRODUCTION

MEETING ATTENDEES

Please email [Katie Chamberlin](mailto:katie.chamberlin@usace.army.mil) for a scanned copy of the meeting sign-in sheet.

MEETING MATERIALS

The Background Information Document, meeting agenda, and meeting minutes are available at http://www.spn.usace.army.mil/ltms/ltms_program_review.html.

MEETING PURPOSE

To provide information to agencies and stakeholders regarding the implementation of the first 12 years of the Long Term Management Strategy Program for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) to inform future discussions on future program implementation.

DESIRED OUTCOME

To establish a common understanding of the status of the LTMS Program policies and actions undertaken to date, and to identify additional discussion items for future analysis.

Brief LTMS Program Overview – Presented by Brian Ross (U.S. Environmental Protection Agency)

Brian Ross presented an overview of the development of the LTMS Program. He explained the transition plan for in-Bay disposal that was selected as the preferred alternative in the LTMS Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and implemented by the Management Plan, noting that the transition was reliant on the development of beneficial reuse sites and the San Francisco Deep Ocean Disposal Site (SF-DODS) as an interim safety valve to alleviate in-Bay disposal during periods when beneficial reuse was challenging. Brian Ross noted that this 12-year review effort will consist of an evaluation of the program in accordance with the quantitative and qualitative measures presented in the Management Plan as well as LTMS program's ability to meet its goals.

Dredging and Disposal Trends under the LTMS – Presented by Jenny Quay (Bay Conservation and Development Commission [BCDC])

Jenny Quay presented a series of charts showing disposal volumes from 2000 to 2011. Specific to the slide 14 chart titled In-Bay Disposal vs. Transition Glide Path – 2000 to 2011, Jenny Quay noted that the beneficial reuse, upland, and SF-DODS disposal volumes would have contributed partly to the in-Bay disposal volumes had the LTMS Program not been working to reduce in-Bay disposal targets.

Public comments pertaining to this agenda item included:

- Jim McGrath (BCDC Commissioner and San Francisco Bay Regional Water Quality Control Board member) noted that the chart should not include material from deepening projects. The Port of Oakland's material would not have been disposed of in-Bay had the LTMS not existed; instead, it would have gone to SF-DODS.
- Tom Gandesbery (California Coastal Conservancy) suggested developing charts that present a percentage of projects that were not permitted due to testing data or other reasons.

Program Review per LTMS Management Plan – Presented by Pascale Soumoy (BCDC)

Pascale Soumoy presented a summary of the LTMS Program's performance compared to the quantitative and qualitative evaluation measures presented in Chapter 8 of the Management Plan.

Public comments pertaining to this agenda item included:

- Mark D'Avignon (U.S. Army Corps of Engineers [USACE]) noted that "no lawsuits" is owed to improved public perception in terms of the management capabilities of regulatory agencies.
- Doug Lipton (Lipton Environmental) noted that it is a misconception that upland sites are becoming more expensive. Montezuma's costs are currently the same as they were years ago and may even reduce in the future once certain improvements are made to the site.
- Brenda Goeden (BCDC) confirmed that the only upland sites currently open are Montezuma, Cullinen Ranch, and Winter Island. Cullinen Ranch is currently available, but is requiring the dredging project sponsor to offload the material and provide offloading equipment similar to Winter Island. However, the site owners are in the process of permitting an offloader along the Napa River which would provide additional draft for scows but likely require a tipping fee.
- Ellen Johnck (independent) suggested expanding the focus on habitat creation to include aquatic habitat.
- Brenda Goeden stated that by completing dredging projects within the established work windows, impacts on aquatic species are reduced.
- Lynford Edwards (Golden Gate Bridge Highway and Transportation District) asked whether the LTMS has a graphic that shows the distribution of sites that have been used over the past 12 years. Brenda Goeden responded that the LTMS does not but could create one.
- Len Cardoza (Weston Solutions) commented that "maintain navigability and project depths" should be red (and not yellow) as ports continue to face recurring issues.
- Barbara Salzman (Marin Audubon Society) noted "upland site volumes" are not actually going to "upland" sites, but are really "non-Bay" and "non-SF-DODS" volumes.
- Jim Haussener (California Marine Affairs and Navigation Conference) asked whether it is safe to assume that, because turbidity is down, we have a healthier Bay. Was our original premise even correct at understanding what constituted a healthy Bay?

Program Review Per LTMS Goals

Establish a Cooperative Permitting Process and Manage Dredged Material in an Environmentally Sound Manner – Presented by Rob Lawrence (USACE), Brian Ross, and Brenda Goeden

Rob Lawrence provided an overview of the Dredged Material Management Office (DMMO), including its history, benefits, and constraints. The DMMO has resulted in numerous benefits, including: a consolidated permit application; regular public meetings; improved processing timeframes; increased predictability; fewer permit revisions; 10-year permits; ability to permit advanced maintenance dredging and knock-downs where justified; multi-year testing schedules; less frequent environmental review (due to the programmatic Biological Opinions [BOs] and essential fish habitat [EFH] consultation); and

increased flexibility in meeting LTMS goals. The DMMO database is anticipated to be available for public use by mid-2012.

Brian Ross presented an overview of the DMMO's testing program. The LTMS published Regional Guidance (Public Notice 01-01) for the Inland Testing Manual (ITM) in 2001. The ITM made the suitability determinations more similar for in-Bay versus ocean disposal projects. Tier One exclusion from testing approvals allows projects without a history of contamination to minimize testing efforts.

Brian Ross provided a recap of the LTMS/National Marine Fisheries Service (NMFS) programmatic EFH consultation. The consultation resulted in increased eelgrass protection, including the requirement for dredging projects to mitigate for both direct and buffer impacts. The consultation also added the need for bioaccumulation tests when certain bioaccumulation triggers were exceeded and to test the new, post-dredge surface (z-layer) in those cases, and increased the LTMS agencies' reporting requirements.

Brenda Goeden provided an overview of the programmatic LTMS BOs and associated work windows for listed species and species of special concern. She presented a chart showing overall compliance with established work windows in the Bay (see Slide 39). A key point of the charts is that most of the dredging projects in the Bay can complete dredging within 4- or 6-month work windows, with many of the projects only requiring 1 to 2 months of dredging. The real issue is having the equipment necessary to complete all of the projects with the available equipment.

Emerging issues facing the LTMS Program include minimizing impacts to longfin smelt and green sturgeon from hydraulic dredges; scow water overflow from dredge barges; updating the ITM; updating reference sites; emerging contaminants; and changing chemical thresholds.

Public comments pertaining to these agenda items included:

- Doug Lipton asked whether the DMMO has discussed a master approval for non-cover projects. Rob Lawrence responded that the DMMO is not directly working on that effort on their own, but supports others working together on it.
- Barbara Salzman recommended that the DMMO require relevant environmental documents to undergo updates.
- Vicki Frey (California Department of Fish and Game) suggested adding that consultation is required year-round for longfin smelt and green sturgeon to the work windows chart. Brenda Goeden agreed and noted that the addition would be made.
- Jim Haussener asked about the amount of DMMO agencies' staff time needed to issue episodic approvals (other than Tier 1s). Brenda Goeden responded that the total number of hours needed per agency is approximately eight. If the DMMO was not in place, even more time would be needed. Jim Haussener responded that he would like more transparency, and suggested that the LTMS add to the charts the month that projects begin dredging. Brenda Goeden noted that she intended to include this; most projects begin dredging in July or August.
- Lynford Edwards asked whether Coho salmon have been removed from the work windows chart in full. Gary Stern (NMFS) responded that Corte Madera Creek is designated as Coho salmon habitat, and that GGBHTD could make the case that dredging at the Larkspur Ferry Terminal does not impact the habitat in Corte Madera Creek. Brenda Goeden stated that this is a revision that the LTMS may be able to address.
- Colonel Torrey DiCiro (USACE) requested that the DMMO draft an overview the DMMO database specific to what it will contain and its capabilities. He requested that the document be released to

the public prior completion of the programming so that necessary adjustments can be made. Rob Lawrence and Shelah Sweatt (USACE) will develop such text.

- Ellen Johnck noted that the LTMS has no funding for 2012 or 2013, and questioned who is working to address this.
- In response to a question about the programmatic EFH implementation, Brian Ross confirmed that the LTMS will complete the benthic recovery study and compile data on light monitoring mitigation as required. Project proponents are only required to complete light monitoring or use a silt curtain if within the 250 meter buffer, and to provide mitigation for direct impacts to eelgrass.
- Jim McGrath commented that the DMMO's efforts to revise the testing program and enforce work windows are success stories. Now the focus should shift to contracting approaches that encourage beneficial reuse.
- Scott Bodensteiner (Weston Solutions) asked whether the LTMS agencies will consider developing historical reference site databases for other in-Bay disposal sites in addition to the Alcatraz disposal site.
- Brenda Goeden added that the Science Work Group's Framework Document was important in identifying scientific data gaps around which the LTMS focused studies. Bill Brostoff and Phil Lebednik have led the Science Work Group and carried out a number of studies – most of which are now posted on the LTMS website.

Maximize the Beneficial Reuse of Dredged Material – Presented by Brenda Goeden

Brenda Goeden presented an overview of the beneficial reuse projects that have accepted dredged material since 2000. Over 19 million cubic yards of dredged material have been beneficially reused for wetland creation and restoration, levee maintenance, construction fill, sand, and landfill daily cover. Over 2,100 acres of habitat have been restored using dredged material at Middle Harbor Enhancement Area, Inner Bair Island, Hamilton, Montezuma, Sonoma Baylands, Castro Cove, Yosemite Slough, Port of Richmond Shipyard 3, Stege Marsh, and Peyton Slough.

Public comments pertaining to this agenda item included:

- John Lazorik (Valero Refinery) shared that Dutra's 2012 cost estimate for taking material to Winter Island or Montezuma was equivalent to their estimate for taking material to SF-DODS.
- Jerry Diamantides (David Miller and Associates) noted that as part of the Dredged Material Management Plan (DMMP) work that USACE has completed, potential new upland sites are being identified and analyzed for feasibility.
- Brenda Goeden brought up the idea of incentivizing facilitating beneficial reuse through tax or donation credits, for example.
- Jim McGrath noted that Table 3 in the Background Information Document should include total volumes, new work versus maintenance volumes, and information on grain size.
- Doug Lipton commented that the LTMS needs to focus on contracting approaches that encourage reuse activity instead of relying solely on the standard contracting mechanisms USACE employs or on the contractor to encourage beneficial reuse.
- Jim Haussener suggested that the LTMS define or re-define the terms beneficial, reuse, and use.

Maintain Navigation Channels in an Economically and Environmentally Sound Manner – Presented by Al Paniccia, USACE

Al Paniccia provided an overview of costs, primarily focusing on USACE maintenance dredging costs. The information presented was derived from official USACE contract documents and *Essayons* and *Yaquina* records. The information does not include any deepening costs but does include mobilization and demobilization costs.

Public comments pertaining to this agenda item included:

- Jerry Diamantides added that the chart shows that there are many variables at play and that comparing details and identifying trends is difficult.
- Jay Ach (Port of San Francisco) asked whether the costs included insurance and the loan for capital costs. Jessie Burton Evans (USACE) noted that the loan is covered in the revolving funds and USACE is self-insured. Jay Ach added that it is a bit unfair to compare USACE costs to contractor costs.
- Jim Haussener added that the costs should consider the cut face; if the cut face is relatively low, costs can increase.
- Dilip Trivedi (Moffat & Nichol) noted that our goal should be to see how we might be able to reduce upland beneficial reuse site costs.
- Dave Doak (USACE) noted that the idea of private investment in public sites has come up before, that the Realize America's Maritime Promise Act (RAMP) Act may provide additional funding to make this possible, and that the ports could also benefit from a dredging co-op.
- Anne Whittington (Port of Oakland) noted that for projects that complete Integrated Alternatives Analyses and dispose material at the same location each year, a list of potentially available sites does not help; definitive answers are needed.
- Ellen Johnck noted that since we have so many species in the Bay that are here year-round, are the windows the best management strategy for the estuary? Can we open up the year to dredging? Barbara Salzman disagreed with Ellen Johnck's comment.
- Beth Huning (San Francisco Bay Joint Venture) noted that the San Francisco Bay Joint Venture has identified about 20 additional projects beyond those discussed today, and would like to work with the LTMS on matching up projects with beneficial reuse sites.
- B.K. Cooper (R.E. Staite Engineering, Inc.) noted that if there was a way to provide certainty on when dredging would start, this could help with costs.
- Jim McGrath commented that it is time to look at the costs, timing, and sediment deficit issues as well as the short- versus long-term tradeoffs. If you're enhancing habitat for the system, does that warrant the opportunity to work outside of the window?

Meeting Recap and Open Discussion

The LTMS Program has largely met its goals. There are additional issues that now require our attention that were not originally under consideration when the Management Plan was developed.

General comments from meeting participants on the presentation and Background Information Document included:

- Costs charts should be modified as follows: separate Operations and Maintenance (O&M) versus new work numbers; separate Pinole advanced maintenance on O&M cost charts; separate USACE hopper costs versus 2008 contract hopper costs; normalize cost and cubic yards charts to constant costs; include Galbraith costs; graph total volume plus total cost over time (not per project) for in-Bay versus ocean versus reuse; compare San Francisco Bay costs to national dredging costs
- More detailed text should be added on: aquatic and wetland habitat created for threatened and endangered species; reuse costs; why LTMS sees the Bay as healthier; tracking of depth limitations (annual projects and pilots' restrictions); and what happened to technological committees envisioned in the Management Plan
- Graphics/tables should be modified as follows: add graphics regarding individual reuse sites (capacity, type of material, etc.); add longfin smelt and green sturgeon to environmental work window year-round; Table 3 should include volumes, new work, and O&M breakout (including

grain size, sand at Hamilton, and mud at Middle Harbor Enhancement Area); include a graphic that shows projects' start date in relation to work window

Future topics and associated issues suggested by the meeting participants for upcoming LTMS 12-year review-focused meetings are listed below.

Beneficial Reuse Issues

- Define the terms "beneficial," "reuse," and "use"
- Identify currently open and operating beneficial reuse sites to aid project planning
- Identify policies and practices that would or could foster habitat projects
- Contracting approaches that actively encourage beneficial reuse
- Other incentives for beneficial reuse (i.e., tax breaks)
- Focus on grain size in relation to reuse sites (regarding capacity and practicability)
- Identify DMMP and San Francisco Bay Joint Venture sites
- South Bay salt ponds rehandling/feeder sites
- Aquatic transfer facility discussion: status and lessons learned (including a discussion on Hamilton)
- How to consider short-term impacts in beneficial reuse projects
- Carbon sequestering in wetlands - credit for dredgers that reuse material?

Costs/Contracting Issues

- Value Engineering Study next steps and results
- Value Engineering study contract acquisition strategies
- Make better use of the dredging contracting (e.g., Dredging Contractors of America, American Association of Port Authorities) community to improve understanding
- Groups of dredgers coordinating regarding equipment and contracting
- Optimize federal funds across the year, not just by projects
- Reduced timing uncertainty leads to reduced bid funds and capacity
- Reenergize Confounding Factors Work Group

Policy/Strategy Issues

- Independent external review of the LTMS Program
- Communicate the value of the LTMS Program and the need for continued dredging funds
- Revalidate, modify, and add LTMS goals based on the last 12 years of experience
- Maintaining navigability needs to be a stronger goal
- More specific adaptive management measures for in-Bay limits, turbidity, etc.
- Windows affect equipment and cost/practicability including beneficial reuse
- Will air emissions be a constraint in the future and/or should they be?
- Allow Integrated Alternatives Analyses to cover longer times (e.g., five years)?
- Find better management tools and windows or ways to ease them, if possible
- LTMS Program to date has protected the environment well; don't remove 'windows'
- Retrospective on how EFH conservation measures have impacted the 2012 dredging
- Which LTMS policies helped benefit environment and how?