

LONG-TERM MANAGEMENT STRATEGY (LTMS) FOR THE PLACEMENT OF DREDGED MATERIAL IN THE SAN FRANCISCO BAY REGION

FINAL
*Policy Environmental Impact Statement/
Programmatic Environmental Impact Report*

Volume III Comments and Responses on the Draft EIS/EIR

October 1998

Prepared by

U.S. Army Corps of Engineers (COE)
U.S. Environmental Protection Agency (EPA)
San Francisco Bay Conservation and Development Commission (BCDC)
San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)
State Water Resources Control Board (SWRCB)



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Prepared for

LTMS Management Committee

Prepared by

The LTMS Agencies

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U.S. Environmental Protection Agency (EPA)
San Francisco Bay Conservation and Development Commission (BCDC)
San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)
State Water Resources Control Board (SWRCB)

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October 1998

**Table of Contents for
Comments and Responses on the LTMS Draft EIS/EIR**

ABBREVIATIONS AND ACRONYMS.....	R-vi
 PUBLIC HEARING HELD ON JUNE 20, 1996	
PUBLIC TRANSCRIPT	R-1
RESPONSES TO COMMENTS IN PUBLIC TRANSCRIPT	R-89
United Anglers of California (UA)	R-89
Center for Marine Conservation (CMC).....	R-89
Port of Oakland (Oakland)	R-89
Bay Dredging Action Coalition (BDAC).....	R-90
Northern California Marine Association (NCMA).....	R-90
Bay Planning Coalition (BPC).....	R-90
National Park Service.....	R-91
Great Lakes Dredge and Dock Company (GLDDC).....	R-91
Natural Heritage Foundation (NHI)	R-92
California Marine Parks and Harbors Association (CMPHA).....	R-92
Save San Francisco Bay Association (SSFBA).....	R-92
 FEDERAL AGENCIES	
Comments from the DOC — U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, letter dated July 19, 1996	R-95
Responses to the DOC — U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, letter dated July 19, 1996	R-99
Comments from the DOI — U.S. Department of Interior, Office of Environmental Policy and Compliance, letter dated July 19, 1996	R-101
Responses to the DOI — U.S. Department of Interior, Office of Environmental Policy and Compliance, letter dated July 19, 1996	R-117
 STATE AGENCIES	
Comments from the CDBW — California Department of Boating and Waterways, letter dated July 19, 1996	R-129
Responses to the CDBW — California Department of Boating and Waterways, letter dated July 19, 1996	R-131
Comments from the CDFG — California Department of Fish and Game, letter dated July 16, 1996	R-133
Responses to the CDFG — California Department of Fish and Game, letter dated July 16, 1996	R-143
Comments from the CDWR — California Department of Water Resources, letter dated July 25, 1996	R-145
Responses to the CDWR — California Department of Water Resources, letter dated July 25, 1996	R-151
Comments from the CVRWQCB — California Regional Water Quality Control Board, Central Valley Region, letter dated July 19, 1996	R-153
Responses to the CVRWQCB — California Regional Water Quality Control Board, Central Valley Region, letter dated July 19, 1996	R-157
Comments from the CSLC — California State Lands Commission, letter dated July 18, 1996	R-159
Responses to the CSLC — California State Lands Commission, letter dated July 18, 1996	R-163

Comments from the DPC — Delta Protection Commission, letter dated June 19, 1996	R-165
Responses to the DPC — Delta Protection Commission, letter dated June 19, 1996	R-169
State Clearinghouse, facsimile dated August 1996	R-171

CITY AND COUNTY AGENCIES

Comments from Alameda — City of Alameda, letter dated July 16, 1996	R-175
Responses to Alameda — City of Alameda, letter dated July 16, 1996	R-177
Comments from Benicia — City of Benicia, letter dated July 17, 1996	R-179
Responses to Benicia — City of Benicia, letter dated July 17, 1996	R-181
Comments from Foster City — City of Foster City, letter dated July 17, 1996	R-183
Responses to Foster City — City of Foster City, letter dated July 17, 1996	R-185
Comments from San Leandro — City of San Leandro, letter dated July 18, 1996	R-187
Responses to San Leandro — City of San Leandro, letter dated July 18, 1996	R-189
Comments from the City and County of San Francisco, letter dated June 17, 1996	R-191
Responses to the City and County of San Francisco, letter dated June 17, 1996	R-195
Comments from the CCCWA — Contra Costa County Water Agency, letter dated July 18, 1996	R-197
Responses to the CCCWA — Contra Costa County Water Agency, letter dated July 18, 1996	R-199
Comments from the CCCWA — Contra Costa County Water Agency, letter dated July 19, 1996	R-201
Responses to the CCCWA — Contra Costa County Water Agency, letter dated July 19, 1996	R-203
Comments from the CCWD — Contra Costa Water District, letter dated July 19, 1996	R-205
Responses to the CCWD — Contra Costa Water District, letter dated July 19, 1996	R-207
Comments from Sonoma — County of Sonoma, Permit and Resource Management Department, letter dated July 9, 1996	R-209
Responses to Sonoma — County of Sonoma, Permit and Resource Management Department, letter dated July 9, 1996	R-211

PORTS AND MARINE ASSOCIATIONS

Comments from BDAC — Bay Dredging Action Coalition, letter dated July 19, 1996	R-213
Responses to BDAC — Bay Dredging Action Coalition, letter dated July 19, 1996	R-217
Comments from BPC — Bay Planning Coalition, letter dated July 16, 1996	R-219
Responses to BPC — Bay Planning Coalition, letter dated July 16, 1996	R-221
Comments from BPC — Bay Planning Coalition, letter dated July 19, 1996	R-223
Responses to BPC — Bay Planning Coalition, letter dated July 19, 1996	R-283
Comments from BPC — Bay Planning Coalition, letter dated August 9, 1996	R-293
Responses to BPC — Bay Planning Coalition, letter dated August 9, 1996	R-295
Comments from BI — Benicia Industries, letter dated July 26, 1996	R-297
Responses to BI — Benicia Industries, letter dated July 26, 1996	R-299
Comments from CAHMPC — California Association of Harbor Masters and Port Captains, letter dated July 19, 1996	R-301
Responses to CAHMPC — California Association of Harbor Masters and Port Captains, letter dated July 19, 1996	R-303

Comments from CMANC — California Marine Affairs and Navigation Conference, letter dated July 19, 1996	R-305
Responses to CMANC — California Marine Affairs and Navigation Conference, letter dated July 19, 1996	R-307
Comments from CMPHA — California Marine Parks and Harbors Association, Inc., letter dated July 17, 1996	R-309
Responses to CMPHA — California Marine Parks and Harbors Association, Inc., letter dated July 17, 1996	R-313
Comments from GGPA — Golden Gate Ports Association, letter dated July 19, 1996	R-315
Responses to GGPA — Golden Gate Ports Association, letter dated July 19, 1996	R-319
Comments from GLDDC — Great Lakes Dredge and Dock Company, letter dated July 15, 1996	R-321
Responses to GLDDC — Great Lakes Dredge and Dock Company, letter dated July 15, 1996	R-325
Comments from NCMA — Northern California Marine Association, letter dated June 20, 1996	R-327
Responses to NCMA — Northern California Marine Association, letter dated June 20, 1996	R-329
Comments from Oakland — Port of Oakland, letter dated July 17, 1996	R-331
Responses to Oakland — Port of Oakland, letter dated July 17, 1996	R-411
Comments from Redwood — Port of Redwood City, letter dated July 19, 1996	R-423
Responses to Redwood — Port of Redwood City, letter dated July 19, 1996	R-435
Comments from the Port of San Francisco, letter dated July 19, 1996	R-439
Responses to the Port of San Francisco, letter dated July 19, 1996	R-441
ENVIRONMENTAL GROUPS	
Comments from the BayKeeper, letter dated August 1, 1996	R-443
Responses to the BayKeeper, letter dated August 1, 1996	R-447
Comments from the CMC — Center for Marine Conservation, letter dated July 18, 1996	R-449
Responses to the CMC — Center for Marine Conservation, letter dated July 18, 1996	R-457
Comments from the CCCR — Citizens Committee to Complete the Refuge, letter dated July 16, 1996	R-461
Responses to the CCCR — Citizens Committee to Complete the Refuge, letter dated July 16, 1996	R-469
Comments from the EDF — Environmental Defense Fund, letter dated July 24, 1996	R-475
Responses to the EDF — Environmental Defense Fund, letter dated July 24, 1996	R-479
Comments from the EFM — Environmental Forum of Marin, letter dated July 18, 1996	R-481
Responses to the EFM — Environmental Forum of Marin, letter dated July 18, 1996	R-487
Comments from the GGAS — Golden Gate Audubon Society, letter dated July 16, 1996	R-491
Responses to the GGAS — Golden Gate Audubon Society, letter dated July 16, 1996	R-499
Comments from the INR — Integrity in Natural Resources, letter dated July 19, 1996	R-503
Responses to the INR — Integrity in Natural Resources, letter dated July 19, 1996	R-509
Comments from the MAS — Marin Audubon Society, letter dated July 18, 1996	R-511
Responses to the MAS — Marin Audubon Society, letter dated July 18, 1996	R-529
Comments from the MDAS — Mt. Diablo Audubon Society, letter dated July 13, 1996	R-545
Responses to the MDAS — Mt. Diablo Audubon Society, letter dated July 13, 1996	R-547
Comments from the NSAS — Napa-Solano Audubon Society, letter dated July 12, 1996	R-549
Responses to the NSAS — Napa-Solano Audubon Society, letter dated July 12, 1996	R-551

Comments from the OAS — Ohlone Audubon Society, Inc., letter dated July 16, 1996	R-553
Responses to the OAS — Ohlone Audubon Society, Inc., letter dated July 16, 1996	R-555
Comments from the SSFBA — Save San Francisco Bay Association, letter dated July 19, 1996	R-557
Responses to the SSFBA — Save San Francisco Bay Association, letter dated July 19, 1996	R-565
Comments from the SASCC — Sequoia Audubon Society Conservation Committee, letter dated July 14, 1996	R-569
Responses to the SASCC — Sequoia Audubon Society Conservation Committee, letter dated July 14, 1996	R-571
Comments from the SC-LPC — Sierra Club, Loma Prieta Chapter, letter dated July 18, 1996	R-573
Responses to the SC-LPC — Sierra Club, Loma Prieta Chapter, letter dated July 18, 1996	R-579
Comments from the SC-SFBC — Sierra Club, San Francisco Bay Chapter, letter dated July 18, 1996	R-583
Responses to the SC-SFBC — Sierra Club, San Francisco Bay Chapter, letter dated July 18, 1996	R-595

OTHER ORGANIZATIONS

Comments from Cargill — Cargill Salt Division, letter dated July 16, 1996	R-599
Responses to Cargill — Cargill Salt Division, letter dated July 16, 1996	R-603
Comments from CLC — Central Labor Council of Alameda County, letter dated June 21, 1996	R-605
Responses to CLC — Central Labor Council of Alameda County, letter dated June 21, 1996	R-609
Comments from Chevron — Chevron Products Company, Richmond Refinery, letter dated July 18, 1996	R-611
Responses to Chevron — Chevron Products Company, Richmond Refinery, letter dated July 18, 1996	R-615
Comments from the CBFA — Customs Brokers & Forwarders Association of Northern California, letter dated July 19, 1996	R-619
Responses to the CBFA — Customs Brokers & Forwarders Association of Northern California, letter dated July 19, 1996	R-621
Comments from Krone — Krone, Ray B. & Associates, letter dated June 11, 1996	R-623
Responses to Krone — Krone, Ray B. & Associates, letter dated June 11, 1996	R-631
Comments from the LWV — League of Women Voters of the Bay Area, letter dated July 17, 1996	R-635
Responses to the LWV — League of Women Voters of the Bay Area, letter dated July 17, 1996	R-637
Comments from the TMG — Mark Group, The, letter dated July 17, 1996	R-639
Responses to the TMG — Mark Group, The, letter dated July 17, 1996	R-643
Comments from the NHI — Natural Heritage Institute, letter dated July 18, 1996	R-645
Responses to the NHI — Natural Heritage Institute, letter dated July 18, 1996	R-667
Comments from the PTG — Public Trust Group, The, letter dated July 19, 1996	R-677
Responses to the PTG — Public Trust Group, The, letter dated July 19, 1996	R-681
Comments from the UA — United Anglers of California, letter dated July 12, 1996	R-683
Responses to the UA — United Anglers of California, letter dated July 12, 1996	R-687

INDIVIDUALS

Comments from Sterling K. Atkinson, letter dated July 18, 1996 R-689
Responses to Sterling K. Atkinson, letter dated July 18, 1996 R-695
Comments from William P. Boland, Jr., letter dated July 18, 1996 R-697
Responses to William P. Boland, Jr., letter dated July 18, 1996 R-701
Comments from Mary E. Bresler, letter dated July 16, 1996 R-703
Responses to Mary E. Bresler, letter dated July 16, 1996 R-705
Comments from Curtis A. Collins, letter dated July 12, 1996 R-707
Responses to Curtis A. Collins, letter dated July 12, 1996 R-709
Comments from Ruth Gravanis, letter dated July 18, 1996 R-711
Responses to Ruth Gravanis, letter dated July 18, 1996 R-717
Comments from Douglass S. Lathrop, letter dated July 19, 1996 R-723
Responses to Douglass S. Lathrop, letter dated July 19, 1996 R-725
Comments from John Padley, letter dated October 15, 1996 R-727
Responses to John Padley, letter dated October 15, 1996 R-733
Comments from Karl J. Schiavo, letter dated May 20, 1996 R-735
Responses to Karl J. Schiavo, letter dated May 20, 1996 R-737
Comments from Ernestine J. Smith, letter dated July 17, 1996 R-739
Responses to Ernestine J. Smith, letter dated July 17, 1996 R-741
Comments from Felix E. Smith, letter dated July 17, 1996 R-743
Responses to Felix E. Smith, letter dated July 17, 1996 R-749

INFORMAL OR RELATED INFORMATIONAL COMMENTS

Bancroft Library, University of California, Berkeley, letter dated May 15, 1996 R-755
Bay Planning Coalition, letter dated May 9, 1996 R-757
Historical Resources Information System, Northwest Information Center, Sonoma State
University, letter dated May 24, 1996 R-763
San Francisco Bay Conservation and Development Commission, letter dated May 23, 1996 R-765

**Abbreviations and Acronyms
for Agencies/Organizations
that Commented on the LTMS Draft EIS/EIR**

Note: Some of the responses to comments in this appendix refer to responses to comments from other agencies or organizations by the abbreviations noted below.

Alameda	City of Alameda
BDAC	Bay Dredging Action Coalition
Benicia	City of Benicia
BI	Benicia Industries
BPC	Bay Planning Coalition
CAHMPC	California Association of Harbor Masters and Port Captains
Cargill	Cargill Salt Division
CBFA	Customs Brokers and Forwarders Association of Northern California
CCCR	Citizens Committee to Complete the Refuge
CCCWA	Contra Costa County Water Agency
CCWD	Contra Costa Water District
CDBW	California Department of Boating and Waterways
CDFG	California Department of Fish and Game
CDWR	California Department of Water Resources
Chevron	Chevron Products Company
CLC	Central Labor Council of Alameda County
CMANC	California Marine Affairs and Navigation Conference
CMC	Center for Marine Conservation
CMPHA	California Marine Parks and Harbors Association
CSLC	California State Lands Commission
CSWRCB	California State Water Resources Control Board
CVRWQCB	Central Valley Regional Water Quality Control Board
DOC	Department of Commerce
DOI	Department of Interior
DPC	Delta Protection Commission
EDF	Environmental Defense Fund
EFM	Environmental Forum of Marin
Foster City	City of Foster City
GGAS	Golden Gate Audubon Society
GGPA	Golden Gate Ports Association
GLDDC	Great Lakes Dredge & Dock Company
Gravanis	Gravanis, Ruth
INR	Integrity in Natural Resources
Krone	Ray B. Krone & Associates
LWV	League of Women Voters
MAS	Marin Audubon Society
MDAS	Mt. Diablo Audubon Society
NCMA	Northern California Marine Association
NHI	Natural Heritage Foundation
NSAS	Napa-Solano Audubon Society
Oakland	Port of Oakland
OAS	Ohlone Audubon Society
PTG	Public Trust Group
Redwood	Port of Redwood City
San Francisco	Port of San Francisco
San Leandro	City of San Leandro
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Responses to Karl J. Schiavo, letter dated May 20, 1996	R-737
Comments from Ernestine J. Smith, letter dated July 17, 1996	R-739
Responses to Ernestine J. Smith, letter dated July 17, 1996	R-741
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TMG	The Mark Group
UA	United Anglers

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PUBLIC HEARING
ON THE
DRAFT ENVIRONMENTAL DOCUMENT
FOR THE
LTMS PROGRAM

MetroCenter
Oakland, California
June 20, 1996

REPORTER: PAUL SCHILLER, CSR #1268

1
2 PARTICIPANTS
3

4 EXECUTIVE COMMITTEE:

5 Robert R. Tufts

6 Colonel Peixotto

7 Amy Zimpfer

8 Marc Del Piero

9 Craig Johns
10

11 MANAGEMENT COMMITTEE:

12 Lt Col Michael Walsh

13 William McCoy

14 Walter Petit

15 Loretta Barsamian

16 Will Travis
17

18 REGIONAL BOARD MEMBERS:

19 Pamela Lloyd

20 E. Jackson Going, Jr.

21 Josephine DeLuca
22

23 BCDC BOARD MEMBERS:

24 Chairman Robert R. Tufts
25

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7 PUBLIC HEARING
8 ON THE
9 DRAFT ENVIRONMENTAL DOCUMENT
10 FOR THE
11 LTMS PROGRAM

12
13 MetroCenter
14 Oakland, California

15 June 20, 1996
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25 REPORTER: PAUL SCHILLER, CSR #1268

1 COMMISSIONERS:

2 BARRALES (represented by Alternate AUER)

3 BRUZZONE

4 CASEY

5 CORBIN

6 CUTLER

7 EICKMAN

8 FONG

9 HIGHT (represented by Alternate VALENTINE)

10 JOHNS

11 KONDYLIS

12 MCKENNA (represented by Alternate CARRUTHERS)

13 RIPPEY

14 ROSENBLOOM

15 J. SMITH (represented by Alternate BRAGDON)

16 TIM SMITH

17 ---oOo---

1 (The public hearing was called to order by
2 Chairman Robert R. Tufts at 1:15 p.m.)

3 CHAIRMAN TUFTS: We have a quorum and the
4 meeting is duly constituted to begin.

5 As all of you know, this is a rather
6 historic meeting. It is a joint meeting between all
7 the relative agencies involved with the LTMS, and it is
8 a pleasure to make the introductions here.

9 First, on the Executive Committee, Colonel
10 David Peixotto, who is the Deputy Division Engineer,
11 filling in for General Bruce Scott, who is the
12 Commander of the South Pacific Division of the Army
13 Corps.

14 Amy Zimpfer, who is filling in for Felicia
15 Marcus, head of Region IX of the EPA.

16 Marc Del Piero, State Water Resources
17 Control Board member.

18 Craig Johns, who is the Chair of the
19 Regional Water Quality Control Board.

20 As to the Management Committee, which is
21 sitting to my right, Lt. Col. Mike Walsh, Commander of
22 the San Francisco District of the Army Corps of
23 Engineers.

24 Bill McCoy, Chief of Operations and
25 Readiness Branch of the South Pacific Division.

1 Amy Zimpfer has already been introduced.

2 Walter Pettit, who is the Executive
3 Officer of the State Board.

4 Loretta Barsamian, Executive Officer of
5 the Regional Board.

6 And certainly Will Travis, Executive
7 Director of BCDC.

8 As to other Regional Board members, I
9 would like to introduce Pamela Lloyd; E. Jackson,
10 Going, Jr.; and Josephine DeLuca.

11 I am told, from a technical point of view,
12 that actually this is a public hearing as far as BCDC
13 is concerned; but for other agencies we should consider
14 this as being a public meeting, not a hearing, under
15 pertinent law and regulations.

16 Before we proceed to the public comment of
17 today's meeting and hearing, I think it's important to
18 illustrate the importance of the LTMS by making a few
19 comments about the history and the historic context.

20 When it became clear in the mid-1980's
21 that the dredge material that was being disposed near
22 Alcatraz Island was mounting and was not a temporary
23 phenomenon, it appeared that we would have to
24 permanently limit and perhaps then eliminate Alcatraz
25 as the main Bay disposal site, which would make the

1 dredging of Bay facilities very, very difficult.

2 Many, including our own BCDC Commission,
3 were acutely concerned that the Alcatraz site would
4 fill up and become unusable. Remembering that there
5 was no ocean disposal site at that time, available at
6 anyplace, we essentially found ourselves with few good
7 options. At the same time, the fishing and
8 environmental communities were up in arms about the
9 impacts of in-Bay disposal on the Bay environment.
10 They were convinced that the dumping of mud was
11 smoldering the Bay and driving out the fish. They
12 believed that their livelihoods were threatened, and
13 responded by blocking the Alcatraz site.

14 Environmentalists were similarly convinced
15 that the testing program at the time was inadequate and
16 that polluted materials were being dumped.

17 As a result of this crisis, it became very
18 difficult to process permits for routine maintenance
19 projects, much less for new deepening projects.
20 Everyone was concerned, and I might say that many were
21 angry and, frankly, emotional. I am forced to add that
22 the regulatory agencies were not a model of cooperation
23 at that time, although acting out of the best of
24 intentions. Each agency tried to address the problems
25 as best they could but perhaps without sufficient

1 regard to what other agencies were doing.

2 It was about that time that the Port of
3 Oakland was trying to deepen its harbor for new
4 containerized vessels. After finally concluding that
5 the material could not be disposed to the Alcatraz
6 site, they determined to use a site on the coastal
7 ocean off Half Moon Bay. Ultimately it turned out that
8 Half Moon Bay fishermen considered the site to be a
9 valuable fishery, and that project was blocked by court
10 order.

11 Then the Port tried to take material to a
12 Delta island and, again, was rebuffed -- I'm using the
13 Port of Oakland not in disparagement but to show how
14 high the stakes were and how difficult and frustrating
15 the situation was at that time.

16 It was this mudlock -- and forgive the
17 pun -- that was unlocked by the formation of LTMS. I
18 believe that the creation of LTMS was the turning point
19 where we, as a region, resolved to put together to find
20 a solution.

21 Today you may wonder what the fuss was
22 about, because maintenance is once again appearing
23 routine, and the Port is on the way to a deepening
24 project even further.

25 I cannot say that LTMS can take full

1 credit for all this; but without LTMS, I personally
2 hate to think what it would be like today. I certainly
3 would not want to return us to the mudlock situation we
4 were in.

5 Just a few final comments:

6 I think the LTMS project is an ideal case
7 of a confrontation, frankly, the very justifiable and
8 valid economic needs on the one hand, and the
9 environmental concerns on the other hand. I think cool
10 heads and good will were able to get together, meet
11 with discussions, enter into compromises, and enter
12 into other agreements where desirable. But I don't
13 think LTMS is ended; and in some respects, it's just
14 beginning; and I would implore that those cool heads
15 and that good will continue the dialogue so that we
16 can finish our project by adopting the environmental
17 report that is currently pending before us and,
18 ultimately, to implement the LTMS as a project.

19 I thank you all and welcome you to our
20 meeting here.

21 Do any of the other Executive Committee
22 people wish to make any comments at this stage?

23 COL. PEIXOTTO: I need to, at this point,
24 recognize Lt. Col. Michael Walsh. This will probably
25 be his last official act in LTMS, and we have in here

1 Lt. Col. (Retired) Len Cardoza, who had many official
2 acts, as Col. Walsh has, throughout his two-year
3 tenure.

4 Mike, you have moved this process along
5 very well. There have been some major milestones met,
6 and I would like to say the end is in sight, and say
7 that with some confidence. The fact that we're here
8 today doing hearing comments on an EIS/EIR is testimony
9 to the fact that the end, in fact, is in sight and
10 there will be an environmentally-sound,
11 economically-sound, engineeringly- sound solution to
12 this problem that Mr. Tufts referred to as the
13 "mudlock."

14 The Corps is pleased to be a part of this,
15 a major part. I think we funded the vast majority of
16 it, along with EPA and others.

17 I urge everybody here -- this is a very
18 critical point. The decisions that come out of the EIS
19 process are going to be very critical to the 50 years
20 in the future; and we need your comments; we need to
21 hear your comments today.

22 But equally importantly, we need to see
23 your comments in writing. So please get your comments
24 in by the deadline, which is the 14th or 15th of July.
25 Please get them in so that we can fully consider all

1 interests in this, and we desperately want to do that.

2 Thank you, Mr. Tufts.

3 CHAIRMAN TUFTS: Thank you, Colonel.

4 Craig Johns.

5 MR. CRAIG JOHNS: Thank you, Mr. Tufts. I
6 would just like to add a couple of points.

7 On behalf of the Regional Water Board, Ms.
8 Lloyd and myself are pleased to be part of this process
9 today and are anxiously awaiting the comments that are
10 received on this process. I'm also happy to report I
11 returned from a trip last week to Santiago, Chile, with
12 Mr. Del Piero, where I was honored and pleased to
13 participate in a coastal development conference in
14 Chile, where we were discussing dredged materials and
15 disposal of dredged materials.

16 The point I would like to make is that
17 LTMS is not just a model for San Francisco or perhaps
18 even our country. Now it is an international model
19 with a country such as Chile, a country which is hoping
20 to sign to the NAFTA Agreement, watching what we're
21 doing with LTMS very closely; and it is something that
22 they're very excited about as well; and they are
23 watching this program.

24 With that I would like to turn it over to
25 Mr. Del Piero.

1 MR. MARC DEL PIERO: On behalf of the
2 State Water Resources Control Board, first of all, let
3 me say that it is a pleasure to be here today.

4 We're looking forward to hearing the
5 comments by all of the members of the public and all of
6 the organizations that are concerned about presenting
7 testimony and comments in regard to the draft document.

8 We're most interested not only in hearing
9 their oral presentations but also seeing their written
10 comments in regards to the draft so we can ensure, as
11 this process moves forward, that we have the greatest
12 and most full review of all of the various
13 environmental alternatives that this project proposes.

14 As an aside, on a personal level, I'm
15 aware of the fact that this may, in fact, be Colonel
16 Walsh's last official meeting here; and I want to first
17 of all express my appreciation and regard for the
18 tremendous amount of work that he has put in,
19 particularly with the State Water Resources Control
20 Board and our staff, over the course of the last couple
21 of years, in moving this program forward.

22 This is a program and a project that is
23 clearly of significant import, not only currently to
24 the State of California but will be of significant
25 import to generations to come who are concerned about

1 ensuring environmental protection for the Bay as well
2 as providing the opportunity for ongoing shipping
3 traffic in San Francisco Bay.

4 One last comment, if I might:

5 Former Colonel Leonard Cardoza is also in
6 the audience, I understand; and I want to express not
7 only my deepest appreciation and regard to him for the
8 tremendous effort that he put in during the initial
9 years that I had the occasion to work on this project
10 but also my personal regards. Some people know that we
11 went to college together. When I first got this
12 assignment from the Secretary of Cal EPA, I never had,
13 in my wildest expectations, figured that I was going to
14 be working with Len Cardoza.

15 Thank you to both of you. You have done a
16 remarkable job and a tremendous service to the State of
17 California.

18 MS. AMY ZIMPFER: Thank you.

19 On behalf of EPA, I also would like to
20 give my words of thanks to Lt. Col. Walsh. It has been
21 really fun and a rewarding experience -- I guess not
22 always fun, but it has been rewarding -- as we have
23 gone through the process; and I wish you the best of
24 luck in your new assignment at the War College. I
25 think our country is being served very well, and so we

1 want to send our thanks on behalf of EPA and our
2 Regional Administrator.

3 Also, Len, it is great to see you here,
4 too; and it is so nice to see an incarnation of past
5 work and seeing how you continue to add to the benefit
6 of the estuary and the Bay Area. So it is great to
7 have both of you here.

8 Secondly, I would like to take just a
9 moment to thank all the staff that have worked very,
10 very hard to put this together. It has been similarly
11 a very difficult road for our staffs that have been
12 working on this and a challenge to work together, and
13 all the interested parties that have put time into this
14 first draft. It is a first draft, and that's why we're
15 here -- to hear public comments, to hear what your
16 thoughts, your recommendations for improvement are.

17 I would like to offer that, should you
18 like to meet with any of the agencies, our staffs, we
19 would be happy to do that in a small-group setting in
20 addition to the public hearing today.

21 So with that, I guess we can get on with
22 it.

23 CHAIRMAN TUFTS: Thank you, Amy.

24 I, too, would like to thank Col. Walsh for
25 all his work. In our regular meeting, I will be asking

1 our Commission to express their thanks by resolution.

2 At this point, before we get into the
3 public hearing and public meeting, I will turn it over
4 to the Management Committee. Trav.

5 MR. WILL TRAVIS: (Showing slide 1)

6 Very briefly, what the Management
7 Committee is going to do is walk through and give you a
8 little bit of an overview of LTMS.

9 LTMS has been called a collaborative
10 partnership, a cooperative working arrangement. I view
11 it as largely a repertory theater in which we get to
12 play different roles on different days, and we juggle
13 this presentation around, and I get to start today.

14 We are going to walk through and explain
15 the need why we're doing this; what the LTMS goals are;
16 what we accomplished thus far; the process for using
17 it, talking a little bit about the environmental
18 document that you're receiving comments on today; and
19 then the next steps.

20 (Showing slide 2)

21 LTMS focuses on the disposal of material
22 dredged from navigational channels and the berthing
23 areas in the Bay. What this slide shows is that there
24 are ten or eleven channels maintained by the federal
25 government. There are also a lot of small marinas

1 throughout the Bay, other maritime facilities that have
2 to be regularly dredged.

3 Over the 50-year time span that we have
4 used for the LTMS planning, it is estimated that there
5 will be a total of about 300 million cubic yards of
6 material that we're going to have to deal with, that is
7 going to be dredged and disposed. We have tried hard
8 to find some way of providing you a comparison so that
9 you know how much material 300 million cubic yards is.
10 The closest we could come up with, it would be like
11 every Californian having a dump truck full.

12 (Showing slide 3)

13 Here we see the current in-Bay disposal
14 sites, where most of the material is presently
15 deposited and most of the material goes to a site near
16 Alcatraz Island.

17 (Showing slide 4)

18 This is a slide showing the sites that
19 were studied by EPA in coming up with the ocean
20 disposal site. The site that was designated is in area
21 5, which is outside of the Gulf of the Farallons and
22 outside of the marine sanctuary, which is shown here
23 with the dotted line. It is off the continental shelf;
24 it is in water that is nearly 2 miles deep; and it is
25 about 50 miles out from the Bay.

1 (Showing slide 5)

2 Now, Chairman Tufts has already explained,
3 I think rather eloquently, why we needed the LTMS. We
4 are dealing with an incredibly important estuary, the
5 largest one of the west coast of the North and South
6 American Continents; and, nevertheless, this in an
7 estuary that is also one of the most urbanized and
8 stressed in the United States. It has had to face
9 water diversions, urbanization, and other human
10 activities for decades; and the biological health of
11 the Bay has been declining.

12 The San Francisco Estuary Project
13 identified the disposal of dredged material as one of
14 the major issues of concern that have to be addressed
15 in dealing with the Bay. The Bay is equally important
16 for maritime and international shipping. We have a
17 \$7.5 billion per year economy that is based on the
18 maritime industry in the Bay Region.

19 So, as Chairman Tufts explained, when the
20 large mound formed at the Alcatraz disposal site, there
21 was an ensuing crisis and controversy about the
22 acceptability of continued in-Bay disposal. This led
23 to mudlock, where the dredgers had no idea whether they
24 could continue to maintain their expensive investments
25 in the maritime economy. That left the project

1 sponsors, with material that failed testing, with no
2 place to go; and in-Bay disposal often left them with
3 no option, since there was no in-Bay disposal.

4 (Showing slide 6)

5 The goals of the LTMS project, therefore,
6 as are expressed here, in 1991 the five agencies
7 regulating dredging got together and formed the LTMS.
8 The goals, as you see, are to address both the
9 environmental issues and the surrounding dredging and
10 the disposal, and to maintain a healthy maritime
11 economy.

12 The major emphasis of the program is to
13 come up with innovative solutions, such as the use of
14 dredged material as a resource. Similarly, the LTMS
15 agencies are committed to adopt a more cooperative and
16 straightforward permitting process.

17 (Showing slide 7)

18 A key element of the LTMS work is our
19 Policy Review Committee. This committee brings
20 together the involvement of all the various groups who
21 have an interest in the outcome of LTMS; and as you see
22 here, they range from representatives of ports and
23 dredgers, to environmentalists and fishery groups, as
24 well as all of the agencies in dredging and the
25 maritime use of the Bay.

1 In short, we tried to have all and any who
2 cared to participate invited to serve on the Policy
3 Review Committee and be involved in the LTMS.

4 Now I would like to turn this over to Col.
5 Michael Walsh, the District Engineer, who will explain
6 a little bit about what we have accomplished.

7 Col. Walsh's last duty was at NATO, which
8 prepared him for LTMS; and LTMS has, in turn, prepared
9 him for War College.

10 LT. COL. MICHAEL WALSH: I think they
11 thought if I can try and get consensus out of 16
12 countries at NATO, that I might bring some success
13 here, also. But, actually, it is the eloquence of the
14 folks at this table that helps bring consensus.

15 We have gotten more than just the draft
16 EIS on the table as far as accomplishment. We also
17 have what you can see here on this slide.

18 (Showing slide 8)

19 We had the designation by EPA of a new
20 ocean disposal site and the deep ocean disposal site
21 for dredged materials that's in the Bay. It's about 52
22 miles outside the Golden Gate Bridge.

23 We've got in-Bay sedimentation guidelines.
24 This helps us to designate what clean material is, and
25 it also helps highlight what materia is contaminated,

1 and how to properly identify it, and how to properly
2 manage those materials.

3 In addition, we have got an improved
4 in-Bay disposal site management. We put those into
5 effect.

6 We have completed more than 30 technical
7 studies to look at both the ocean disposal sites,
8 in-Bay disposal sites, and to look at upland disposal
9 sites.

10 We are particularly proud of the LTMS
11 agencies' involvement in a series of projects
12 demonstrating the use of dredged material as a
13 resource, most notably the Sonoma Baylands Wetland
14 Restoration Project, where we, in partnership with the
15 Coastal Conservancy, put this project together; and we
16 will be able to restore 300 acres to tidal wetlands to
17 the Bay by using the clean dredged material out of the
18 Oakland project.

19 In addition, we have also used dredged
20 materials to restore levees, and particularly up at
21 Jersey Island.

22 In addition, we put together a pilot
23 Dredged Material Management Office, where we worked
24 very hard on putting together a single application,
25 where a dredging applicant would put together one

1 application and the five agencies would get together
2 and review this application and make a decision in
3 regard to dredging, as opposed to filling out five
4 different applications.

5 (Showing slide 9)

6 Part of the success of the LTMS is that,
7 so far, we are using the Port of Oakland deepening
8 project as our image of success. As you can see here,
9 we used maximum beneficial reuse of dredged materials.
10 We took clean dredged material and put them at Sonoma
11 Baylands. We put ecologically-challenged materials,
12 and we put them at Galbraith Golf Course. And the
13 remaining clean sediments went out to the ocean
14 disposal site.

15 We are looking to use minimal disposal of
16 dredged materials in the Bay.

17 (Showing slide 10)

18 This is again a shot of one of our success
19 stories. This is Sonoma Baylands. As you can see up
20 in the top right-hand corner, that's where we have a
21 pilot project, where we open this to tidal action and
22 we're getting tidal action up in this area into the
23 pilot unit; and we will open up the main unit to tidal
24 action in the September time frame.

25 (Showing slide 11)

1 This is a shot after we have the levees in
2 place, and just a little under 2 million cubic yards of
3 material is here at Sonoma Baylands at this point.

4 (Showing slide 12)

5 The other success story is Galbraith Golf
6 Course. This is where we have put some of the
7 chemically-challenged material out of the outer harbor
8 and put it here at Galbraith. We will continue using
9 this site later this summer and finalize this site
10 during the winter time frame.

11 I would now like to introduce Amy Zimpfer
12 to provide an overview of the EIS/EIR.

13 MS. AMY ZIMPFER: I'm going to go over
14 what is in the draft Environmental Impact Statement and
15 draft Environmental Impact Report.

16 (Showing Slide 13)

17 Before I get started, I would like to say
18 that we do have copies of the EIS/EIR here. If you
19 would like them, they are on the table; and please see
20 either Karen Mason or Brian Ross. They are there to
21 hand them out.

22 (Showing slide 14)

23 The first thing that you notice from this
24 slide and in reading the EIS/EIR is that it is a long-
25 term document. It is at a very broad level, and it

1 spans 50 years. It encompasses a deep ocean site, all
2 the in-Bay disposal sites that were represented in
3 Travis' slides, and any potential upland wetland reuse
4 sites surrounding the Bay and the Delta.

5 When the agencies sat down to craft what
6 was the trigger that resulted in the need for an
7 environmental document, we spent much time discussing
8 this. And the bottom line is that the document will
9 set the policy direction, as I said, over the next 50
10 years.

11 Because of that, the document is, in the
12 federal terminology, a policy environmental impact
13 statement, and in the state terminology, a programmatic
14 environmental impact report. This is very important to
15 keep in mind as you are reviewing the EIS/EIR, because
16 it is at a level of detail that shapes policies over
17 the next 50 years.

18 If we're going to be designating new
19 disposal sites or preparing for specific dredging
20 projects, we will need to do additional environmental
21 documentation and a cost benefit analysis.

22 (Showing slide 15)

23 The major purpose of the EIS/EIR is that
24 it is intended to acknowledge the partnership that we
25 have within LTMS. We are neither attempting to protect

1 the environment at all costs, nor are we simply
2 maintaining the channels for the least possible direct
3 economic cost. In preparing the EIS/EIR, we looked at
4 distributing dredged material among the three main
5 environments -- in-Bay, ocean, and upland wetland use.

6 When we talk about certainty in this
7 slide, what it means to us and what we intended it to
8 mean is that dredgers will have a more clear and
9 achievable set of disposal options with a very
10 straightforward and coordinated regulatory process.

11 Colonel Walsh talked about the dredged
12 material management office. That is one step in that
13 direction. Additionally, when it comes to regulatory
14 certainty, we want to ensure that, for the
15 environmental community, they are not going to be cut
16 out of that regulatory process; so we want to make sure
17 that all parties are involved in making the decisions;
18 and we can ultimately all be supportive of the dredging
19 and disposal projects, because some of these proposals,
20 in fact, will have great benefit to the environment.

21 (Showing slide 16)

22 Looking at the alternatives, because it is
23 an EIS/EIR, we did need to evaluate the current
24 conditions or the no-action option. Very simply, the
25 alternatives vary the volume of disposal to each of the

1 three main disposal environments. Consequently, they
2 will also vary in environmental risks and benefits and
3 economic benefits and costs.

4 If you look at Alternative 1, it steps in
5 the right direction by using the deep ocean disposal
6 site to reduce the volume of in-Bay disposal. However,
7 it spends money to reduce environmental risks without
8 providing environmental benefits. So we suggest that
9 it should be the first step in a phased LTMS
10 implementation program.

11 Alternative 2 differs from Alternative 1
12 in that it would shift material from in-Bay disposal,
13 not to the ocean, but instead to upland and wetland
14 reuse. Consequently, there would be more environmental
15 benefits.

16 Finally, Alternative 3 -- and, frankly,
17 this is the alternative that we would like to see in
18 the long-term strategy -- it balances upland/wetland
19 reuse and ocean disposal and minimizes in-Bay.

20 Both Alternatives 2 and 3 would mean that
21 wetland restoration projects like the Sonoma Baylands
22 Project you heard about earlier, the one at Montezuma
23 Wetlands, and there is one being evaluated at Hamilton,
24 would be necessary to provide habitat and maybe even
25 aid in the recovery and delisting of several endangered

1 species.

2 At the same time, we recognize that it is
3 going to take quite some time to get there; and we have
4 a long way to go and a lot of creative thinking and
5 changes to governmental funding laws in order to reach
6 alternative 3.

7 So, in summary, we're trying to move away
8 from the in-Bay environment, which is a much more
9 sensitive habitat -- there are more sensitive species
10 in the Bay and estuary -- more away from that as a
11 disposal option, which is currently the no action, and
12 then look at a greater distribution over the other two
13 distribution or reuse areas.

14 And then, finally, our overall goal, as
15 was stated at the beginning, is to maximize, to the
16 extent feasible, upland and wetland reuse projects. So
17 we take a look at economics.

18 (Showing slide 17)

19 This is displayed in much greater detail
20 in the EIS/EIR. You can tell it is not really
21 possible -- as we were going through, we realized it
22 was not possible to estimate the economic costs and
23 benefits resulting from the environmental impacts of
24 dredged material disposal or from the beneficial use of
25 dredged material. However, what we did do was to

1 estimate on a regional basis the direct costs to
2 dredgers or those engaged in dredging activities from
3 the proposed alternatives.

4 So that's what the direct costs are in the
5 middle column, over 50 years. Keep in mind again this
6 is over 50 years.

7 And then the third column shows percent of
8 Bay maritime economy. If you look at those direct
9 costs, you get a sense of the percentage of the
10 overall, \$7.5 billion per annum maritime economy; so it
11 varies anywhere from what we currently have, which is
12 0.3 to 0.6% of the maritime economy, up to what we
13 would like to ultimately see, which is Alternative 3,
14 from 9.5 to 0.9%.

15 All of the options are less than 1% of the
16 contribution to the regional economy from maritime
17 activities.

18 (Showing slide 18)

19 Lastly, when it comes to environmental
20 benefits, it is very hard to quantify those
21 environmental benefits; but what we have been able
22 to do in the draft is take a look at the acreage that
23 could potentially be restored as a result of the
24 50-year LTMS program.

25 At the medium level that we are proposing,

1 over 6,000 acres of wetland could be restored. This is
2 over 20 new Sonoma Baylands projects and will provide
3 tremendous benefit to the ecological health of the
4 estuary, and again that is described in more detail in
5 the EIS/EIR.

6 So at this point I would like to introduce
7 Mike Carlin with the Regional Board, and he is going to
8 say how we're going to get on from this stage.

9 MR. MICHAEL CARLIN: Thank you, Amy.

10 I have the ambivalent task of talking
11 about what are the next steps.

12 (Showing slide 19)

13 Right now we are out for a 90-day comment
14 period. I hope everyone realizes this is twice as long
15 as a normal comment period for a document like this,
16 but it is real important that we do get public input
17 into this document and public comment. Of course, we
18 are doing the joint public hearing now; and we hope to
19 respond to all of the public comments that we do
20 receive by the end of the comment period.

21 One of the things we will be doing is
22 selecting the preferred alternative, based on the
23 comments received and our responses to those comments.
24 As Amy pointed out, there is no preferred alternative
25 in the document right now. What we are talking about

1 is a transitioning between Alternative 1 and
2 Alternative 3 as being the suggested preferred
3 alternative.

4 We will publish the final policy EIS/EIR,
5 and then we will sign a joint record decision to
6 memorialize the decision made in the EIS/EIR among all
7 LTMS partners.

8 (Showing slide 20)

9 Finishing the EIS/EIR does not mean that
10 we've finished our work. Actually the tough road is
11 actually ahead of us, because we have to develop a
12 management plan. The management plan and the regional
13 implementation manual are really the driving force of
14 what actually gets implemented. That's where the
15 testing guidelines are going to be. That's where, if
16 there is going to be any sort of policies regarding
17 beneficial reuse, it will be.

18 Anything that is done in the EIS/EIR will
19 get memorialized probably in the BCDC Bay Plan and the
20 San Francisco Board Basin Plan. So those are
21 amendments to those plans, actually implementing the
22 LTMS decisions that are made by the Executive Council.

23 We will further our permit coordination
24 through the DMMO, and we will probably formalize that
25 process in state regulations so that we will be using

1 the one application that the colonel referred to
2 earlier.

3 Then, also, we would provide for a
4 periodic review and update, i.e., basically we want to
5 continue to look at the process, see what's working,
6 see what's not working, fix those things that are not
7 working, and keep the process moving along.

8 (Showing slide 21)

9 Some of the things that we're looking at
10 as well is whether or not we need to make changes to
11 the Water Resources Development Act. This is a federal
12 legislation that pays for a lot of the dredging-related
13 activities conducted by the Army Corps of Engineers,
14 and we want to see changes made to the federal
15 legislation to fund beneficial reuse projects, the same
16 way they funded disposal of material into the aquatic
17 environment. It may mean that we also have to look at
18 state legislation to help our local sponsors -- in this
19 case, the ports -- for the beneficial reuse project,
20 because there might be the need for a 25% local match.

21 So we want to look at, creatively, how we
22 can actually leverage federal legislation and maybe
23 looking at state legislation as well.

24 Finally, we want to look at each agency's
25 mandate for carrying out the LTMS and make sure that

1 they have sufficient funding to carry out the
2 implementation, because it would be a shame if we got
3 through this entire process and we got to the final
4 decision-making point of the process and the agencies
5 that are mandated to carry this out do not have
6 sufficient funds to carry out, which would be an
7 absolute shame.

8 (Showing slide)

9 I think this slide is where we are really
10 trying to go. We are being consistent with the
11 national dredging policy, and also we are helping to
12 meet the regional needs. We are now looking at this as
13 one project, one marina, and one port; but we're
14 looking at our entire regional needs and balancing that
15 out against all the competing factors.

16 We're emphasizing beneficial reuse again.
17 This material is something we can reuse, we can reuse
18 responsibly and in an environmentally-sound manner.

19 We also want to increase regulatory
20 certainty. Basically, we want the ports to know that
21 they can dredge on a certain time schedule.

22 Also, we want to be able to reduce the
23 environmental impacts. Right now that is something we
24 have looked at in the EIS/EIR, and we think there are
25 some policies that can be implemented to reduce the

1 environmental impacts.

2 That's where I'm going to conclude and
3 throw it open to Mr. Tufts.

4 CHAIRMAN TUFTS: Before we get into the
5 public hearing/meeting comment period, a few
6 introductory reports:

7 First of all, we do have a number of
8 cards; and we have somewhat limited time; so I will be
9 limiting the speakers to 3 minutes. So please boil
10 down, condense whatever you have for your prepared
11 comment period to no more than 3 minutes. Immediately
12 at the 2-1/2-minute mark, Russ will raise the 30-second
13 sign behind me, and let us know when your time is up.

14 Also, I will ask any of the members of the
15 Executive Committee to feel free to join in the hearing
16 process here whenever they feel that the urge gets to
17 them.

18 With that, we will extend the public
19 hearing period to approximately three o'clock. It was
20 originally scheduled for 2:30; but given the length of
21 the comments preceding, we will go to three o'clock. I
22 hope you can all stay for that.

23 I will start the hearing with John
24 Beuttler, followed by Linda Sheehan.

25 MR. JOHN BEUTTLE: Good afternoon. My

1 name is John Beuttler. I am the executive director of
2 United Anglers of California.

3 I would like to thank you for allowing us
4 to make a brief presentation today. We will put our
5 comments in writing.

6 I can give you a great deal of background,
7 which I'm going to spare you, because I think you have
8 heard much of it. Our organization is comprised of
9 about 30,000 anglers, representing over 80 affiliated
10 groups who are very desirous to see this process
11 continue and to achieve results that are noticeable in
12 the aquatic habitat.

13 When we first came across the problems
14 that we associated with dredged disposal in the Bay, we
15 had a disaster on our hands. We had tremendous
16 problems associated with the disposal process. I am
17 pleased to be able to tell you, though, that today we
18 support the LTMS goals and objectives, and we applaud
19 the spirit by which this enterprise has been undertaken
20 and the progress, to date, that has been made.

21 I am sure that you would agree with me
22 that, while this has been good progress, there is much
23 1 that is yet to be done; and specifically we want you to
24 be aware that we have some serious concerns about the
25 ↓ EIS/EIR. We think it needs to be amended in some

1 significant areas, and I'm going to briefly touch on¹
2 those.

3 If we're going to support the third
4 alternative, which is the one that makes the most sense
5 for the aquatic environment of the Bay, then we need to
6 have some assurances that it will be achievable over
7 the long term. We therefore would like to see some
8 time lines, some performance guarantees, and some
9 commitments in the document that would help to reassure
10 our constituency that we are going to get there and get
11 there in a reasonable matter over a reasonable period
12 of time.

13 We do support the third alternative with a
14 host of caveats that we will put in writing, but I have
15 hit the high points of those suggestions that we will
16 have to you, and I will restate them:

17 We need time lines, demonstrable
18 achievement goals, not just "we're going to get there
19 someday."

20 In addition, I think the last of my
21 comments will have to go back to the first of my
22 comments; and that is, when we first began the process,
23 one of the leading indicators that there was a great
24 problem was when the Government Accounting Office got
25 involved in the issues in 1989 and found that the

1 Corps, who was the responsible federal agency at that
2 time, could not assure other state or federal agencies
3 that their activities, in terms of in-Bay disposal,
4 were within acceptable limits in terms of environmental
5 impacts. In fact, the GAO report also noted that it
6 was their opinion that they were in violation of the
7 3 | Clean Water Act. And we would urge that the
8 environmental document, as one of its objectives, help
9 bring the LTMS process into compliance with the Clean
10 Water Act, 33 USC 1251.

11 Doing that, I think, would get all of us
12 to the place where the maintenance of the physical,
13 chemical and biological integrity of this estuary is a
14 key priority that is achievable.

15 CHAIRMAN TUFTS: Thank you.

16 We have been most unfair to you. You had
17 the least time to prepare for the 3-minute limit, and I
18 thank you for limiting yourself.

19 I will ask anyone who has questions for
20 Management or the Executive Committee or BCDC
21 Commissioners, if they have any questions, to please
22 ask them or raise their hand after each speaker.

23 Linda Sheehan, followed by Jim McGrath.

24 MS. LINDA SHEEHAN: I have been
25 frantically drawing lines through my testimony, so I am

1 doing my best.

2 CHAIRMAN TUFTS: Before you get started, I
3 should remind everyone that written comments should be
4 given by Friday, July 19, to EPA on Hawthorne Street.

5 MS. SHEEHAN: My name is Linda Sheehan. I
6 am the pollution program manager for the Center for
7 Marine Conservation, which is a national non-profit
8 environmental advocacy organization with over 20,000
9 members in California alone.

10 First, I would like to commend the LTMS
11 agencies for developing more balanced approaches to
12 dredged material disposal. We believe the past focus
13 on in-Bay disposal has direct and potential
14 environmental harm at a single area and increased the
15 possibility of "mudlock." We therefore welcome the
16 proposed reductions in in-Bay disposal and look forward
17 to a more balanced combination of beneficial reuse and
18 aquatic disposal.

19 Like Mr. Beuttler, it is our opinion that 4
20 some form of Alternative 3 should be the program's
21 ultimate goal. However, we are also concerned about
22 how the draft EIR/EIS proposes to get there. There are
23 several reasons for our concern:

24 First, if Alternatives 1 and 3 become 5
25 co-recommended alternatives, as they seem to appear in

1 5 the document, then we believe it's more likely that the
2 agencies will inevitably stall at Alternative 1
3 indefinitely. Alternative 3 would be better achieved
4 by choosing it alone as the preferred alternative and
5 then laying out a strategy for achieving it over time.

6 Without Alternative 3's balance of aquatic
7 disposal and beneficial reuse, we are concerned that,
8 by default, much of the material will end up in the
9 ocean. Our concerns are based both on past
10 difficulties with implementing beneficial reuse
11 activities and on the dearth of information in the
12 EIR/EIS on exactly how the LTMS agencies plan to
13 implement alternative 3.

14 The document simply provides a "wish list"
15 of potential strategies and funding ideas for achieving
16 higher levels of beneficial reuse and a rather vague
17 promise to address this in the LTMS Management Plan,
18 which hasn't been developed and won't be developed
19 until the process is over. There just don't seem to be
20 enough specifics to ensure that Alternative 3 will ever
21 be met, which increases the possibility that a greater
22 amount of material will just end up in the ocean.

23 6 And now the reason why we are concerned is
24 that the document appears to be moving ahead without a
25 detailed plan for managing and monitoring the ocean

1 site. Two years ago, the Final Rule for the ocean site
2 admitted that the Rule did not contain the operational
3 details needed to implement the Site Management and
4 Monitoring Plan. The Site Management and Monitoring
5 Plan in the Final Rule is too vague to ensure that
6 adverse impacts to the ocean environment would be
7 averted or detected. The Rule assured the public that
8 Region IX was preparing an implementation plan for the
9 SMMP. To our knowledge, we still don't have that
10 Monitoring Plan two years later.

11 It's not surprising, then, that we are a
12 little skeptical about the professed commitment to iron
13 out the details for moving toward Alternative 3 in
14 another promised manual.

15 Another concern is the fact that there is
16 a significant probability that not all the material
17 sent to the ocean site actually gets there. As most of
18 you know, just a few months ago, a tug hauling a barge
19 loaded with dredged material sank in sanctuary waters.
20 The likelihood that this will happen again seems
21 probable, and the LTMS agencies do need to identify a
22 clear plan for a balance between aquatic and beneficial
23 use to avoid that.

24 One final reason that we are concerned
25 about the suggested course of action is that EPA

1 8 recently proposed significant changes to its ocean
2 dumping regulations, that would make it more likely
3 that the material put into the ocean will be
4 contaminated.

5 Among other things, the proposed changes
6 could eliminate current requirements that all dredge
7 materials pass actual lab tests with live organisms;
8 eliminate current requirements to test the actual
9 material being dredged (rather than some other sediment
10 sample); and excuse testing for harmful contaminants
11 where there is no approved agency procedure.

12 If such changes go through and the LTMS
13 agencies fail to commit to a definite strategy for
14 implementing beneficial reuse alternatives, then there
15 is good probability that the ocean site and the
16 sanctuaries will become the trash can for much of the
17 Bay Area's contaminated sediments.

18 9 In summary, we would like to see three
19 general changes to the EIR/EIS:

20 9a First, we would recommend that only
21 Alternative 3 be the preferred alternative, rather than
22 some sort of combination of 1 to 3, to ensure that 3's
23 goals are the focus.

24 9b Second, we would like the EIR/EIS to
25 include a plan detailing out the LTMS agencies' plan to

1 implement Alternative 3 in general, at the very least, 9b
2 to commit to its suggestion on page 7-12 that the
3 agencies find funding for a staff person to organize
4 potential beneficial reuse opportunities early in each
5 project.

6 Third, we would like to see the promised 9c
7 SMMP implementation manual as soon as possible. We
8 prefer that it not be integrated into the LTMS
9 Management Plan, because with the scope of the proposed
10 Management Plan, we won't see it for another two years
11 or more.

12 I look forward to working with you to
13 address these comments, and I will provide more detail
14 in my written comments. Thank you.

15 CHAIRMAN TUFTS: Thank you.

16 Jim McGrath, followed by Judy Goff.

17 MR. JIM MC GRATH: Mr. Chair, members of
18 the Commission, and members of LTMS agencies:

19 Jim McGrath, Environmental Manager for the
20 Port of Oakland.

21 I've got a copy of my written comments,
22 and we will comment in writing as well.

23 The Port of Oakland fully supports the 10
24 concept of beneficial reuse, provided that beneficial
25 reuse projects are practicable and environmentally

1 10 superior to aquatic disposal. Further, the Port is
2 eager to continue to work with the LTMS agencies in
3 improving the practicability of alternatives to aquatic
4 disposal, as it has in the past 7 years, by supporting
5 legislative changes and other measures that would
6 increase the practicability of beneficial reuse of
7 dredged material.

8 In the past 6 years, the Port of Oakland
9 has done it 7 times -- and I'll give you the list --
10 and we walked the walk; and we have learned some
11 lessons. The fundamental lesson that we have learned
12 is that it is much easier to make a beneficial reuse
13 project a practicable alternative for a new work
14 project than for a maintenance project.

15 In the case of the current deepening
16 project, the overall cost of taking the material to
17 Sonoma Baylands increased the project cost by only
18 about 4%. In sharp contrast, drying material at berth
19 10, which we have done a number of times, has cost the
20 Port about \$40 per cubic yard, while taking the
21 material to the Alcatraz disposal site costs \$2 to \$3
22 per cubic yard. When the cost of mobilization is
23 considered, even projects like the current project,
24 which has benefits of economy of scale, cost about \$8
25 per cubic yard for ocean disposal, about \$8 per cubic