

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3686

March 24, 1989

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director
SUBJECT: UPDATE ON THE STATUS OF BAY DREDGING
(For Commission consideration on April 6, 1989)

Background

On December 1, 1988 the Commission considered the staff's "Status Report On Bay Dredging" that discussed Bay dredging issues, with emphasis on the mounding problem at the Alcatraz dredged material disposal site, and included recommendations for Commission action. After consideration of the report and a briefing by the Regional Board on its actions concerning dredging, the Commission directed the staff to: (1) initiate the process of revising the Bay Plan findings and policies on dredging; (2) prepare letters to the Bay Area congressional delegation, local ports, the Navy, the U. S. Environmental Protection Agency (EPA), the U. S. Army Corps of Engineers (Corps), and resource agencies such as the California Department of Fish and Game, to express the Commission's dredging concerns as described further below; (3) coordinate with other Bay dredging regulatory agencies and promote research on Bay sediment dynamics; (4) limit dredging permits to a year in length until dredging issues are resolved; and (5) require in Commission dredging permits, post-dredging information on actual areas and volumes dredged.

The Commission also directed the staff to update the Commission at its March 16, 1989 meeting, on progress made by other agencies to resolve Bay dredging problems and the actions taken by the staff to coordinate such efforts. Subsequently, the EPA requested that the dredging update be delayed until after the EPA met in late March with representatives of state and federal agencies, including the Commission, to brief them on the status of the federal process to designate an ocean disposal site for material dredged from the Bay. Consequently, the staff update was rescheduled for the April 6, 1989 Commission meeting.

This update addresses actions being undertaken by state and federal agencies to resolve Bay dredging issues, the actions taken by the Commission's staff to coordinate with other agencies, and a proposed schedule for the Commission's consideration of proposed amendments to the Bay Plan findings and policies concerning dredging.

Commission Correspondence Concerning Dredging

As directed by the Commission, the Commission's Chairman has sent letters to the Bay Area Congressional delegation and local ports, and the Executive Director has written to the EPA and Corps, requesting the postponement until 1993 of significant new dredging projects as well as any very large maintenance projects in order to assure that material from ongoing maintenance dredging can continue to be deposited at the Alcatraz site while alternatives to in-Bay disposal are investigated and put in place. Additionally, the letter to the Congressional delegation requested that the ocean designation process receive a high priority and adequate funding, and also emphasized the need for sediment research on San Francisco Bay to provide information to better understand Bay dredging issues and on which to base new Bay-wide dredging policies. A copy of the Chairman's letter to the Congressional delegation and Bay Area ports, are attached as Exhibit A and B, and copies of the Executive Director's letters to the Corps and EPA are attached as Exhibit C and D.

Regional Board Consideration of a New Dredging Policy

On February 15, 1989, the San Francisco Bay Regional Water Quality Control Board (Regional Board) held a public hearing on proposed changes to the Regional Board's dredging policy. The proposed new policy is intended to protect Bay water quality and has four main components: (1) a ban on the disposal of new dredging projects in the Bay beginning in 1990; (2) the adoption of yearly and monthly quantity limits for in-Bay disposal of dredged material; (3) seasonal restrictions on in-Bay dredged material disposal to protect Bay aquatic resources; and (4) the requirement of a "demonstration program" that continued in-Bay disposal would not have significant adverse impacts on Bay beneficial uses.

The Commission's staff testified to the Regional Board in support of the proposed changes, but also recommended that the Regional Board adopt a case by case exemption for new projects under 50,000 cubic yards that likely would have insignificant impacts on the Bay. At its March 15, 1989 meeting, the Regional Board further considered the information received from its staff and the public concerning the proposed policy. At that meeting, the Board considered: (1) pushing back the ban on new project disposal in the Bay from January 1990 to December 1991 (the date targeted by the EPA and the Corps for ocean site designation); (2) changing the yearly and monthly limits to "targets" rather than absolute limits; and (3) adopting the new dredging policy into the Regional Board's Basin Plan. The Regional Board staff expects that the Board will take public comment on the proposed Basin Plan amendment in April and that the Regional Board would take action of the matter in June.

Ocean Site Designation Process

The EPA is moving aggressively to designate an ocean site for disposal of Bay sediments. Because EPA has insufficient funding to perform the studies necessary to find an environmentally acceptable site, the Corps is working with the EPA to study possible ocean sites and prepare environmental documentation. The present schedule would result in an ocean site being

available in December 1991. However, funding for this effort has not yet been allocated, consequently the draft schedule may be difficult to meet. Representatives from the EPA and the Corps will brief the Commission on the ocean site designation process at its April 6, 1989 meeting.

The Commission's staff has attended several scoping meetings for the ocean site designation process. On March 17, 1989, the most recent of these was held jointly by Harry Seraydarian, Regional Director of the EPA, and Colonel Galen Yanagihara, District Engineer of the Corps. The purpose of the meeting was to receive input from the senior staff of agencies involved in Bay dredging issues and focused on the EPA/Corps schedule and scope for the ocean site designation process. The meeting was attended by the Commission's Executive Director who communicated the Commission's interest in moving expeditiously and in a complete manner in designating an ocean disposal site.

State Lands Commission Hearings

The California State Lands Commission will be holding hearings on the impact of dredging and disposal on ocean and Bay pollution in San Francisco on April 12, 1989. The Commission's Executive Director will present the Commission's dredging concerns and position at the hearing.

Dredging Conference

In addition to the ongoing meetings held by the various agencies regulating dredging, a day-long conference on Bay dredging issues, with special emphasis on the problems posed for ports and commerce, was hosted by the California Maritime Academy at its campus in Vallejo. The conference was attended by representatives of the agencies involved in Bay dredging, as well as representatives from the ports, dredgers, marina operators, fishing interests, and environmental groups. The Commission's Executive Director participated in a panel presentation on dredging regulation, and presented the Commission's involvement in and concerns relating to dredging issues.

Continuing Staff Coordination

The Commission's staff has continued to work closely with the other agencies involved in management of Bay dredging, including: (1) the Regional Board, by both commenting to the Board on its proposed actions, as mentioned previously, and coordinating with the Board's staff; (2) the Corps, primarily in the Corps' Dredged Material Disposal Management Program; and (3) the EPA, both in the ocean site designation process and the dredging component of EPA's Estuary Project for the San Francisco Bay and Delta. The staff will continue to work with these agencies and other organizations, such as the Bay Area ports, on Bay dredging matters.

Schedule For Proposed Bay Plan Amendment

At its December 1, 1989 meeting, the Commission adopted a descriptive notice announcing its intention to revise the findings and policies in the Bay Plan relating to dredging. The descriptive notice stated that the

consideration of proposed changes to the Bay Plan would not commence before March 16, 1989, and that staff would release a report on the proposed Bay Plan changes at least thirty days prior to the public hearing on the proposed amendment. The Commission's tentative 1989-90 fiscal year work program includes the review and update of the Bay Plan dredging findings and policies. The staff will propose to the Commission in June 1989, when it reviews and sets the final work program for the 1989-1990 fiscal year, that the staff prepare a report with recommended changes to the current Bay Plan findings and policies during the period October 1989 - March 1990. After review of the draft by involved agencies, organizations, and individuals, the staff report would be mailed to Commissioners and interested parties in June of 1990. The Commission would hold public hearings on the proposed amendment in the period July through August 1990 and would likely vote on the proposed changes in September 1990. This schedule is designed to give ample time for input from interested parties, and to make use of information derived from ongoing research on issues related to Bay dredging, such as the EPA-sponsored Estuary Project.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 357-3686



March 8, 1989

The Honorable Vic Fazio
Member, U. S. Congress
House Office Building
Washington, D. C. 20515

SUBJECT: Dredging and Disposal in San Francisco Bay

Dear Congressman Fazio:

On behalf of the San Francisco Bay Conservation and Development Commission, I am writing to request your assistance in a matter that effects the future economic and environmental well being of San Francisco Bay and the Bay Area--disposal of materials dredged from the Bay.

As you know, Bay dredging issues are rapidly escalating in controversy and severity. The most serious concerns center on the threat to maritime navigation posed by the accumulation of dredged material at the Alcatraz disposal site and the alleged adverse fishery and associated environmental impacts of in-Bay disposal of dredged materials. I am writing to request that you respond to these concerns by: (1) supporting the timely designation by the U. S. Environmental Protection Agency (EPA) of an ocean site for disposal of dredged Bay sediments; (2) limiting federal funding to those dredging projects that do not involve disposal of new-work dredged material in either the Bay or the diked wetlands around the Bay; and (3) supporting legislation to appropriate funds for research designed to address the impacts of in-Bay dredged material disposal and provide practicable and environmentally sound alternatives for disposal of dredged materials. These requests and their basis are described more fully below.

Dredging Issues

The Alcatraz site is the only area approved by the U. S. Corps of Engineers and our Commission for disposal of the majority of material dredged from San Francisco Bay. Due to the persistent and substantial accumulation and mounding of material disposed at the Alcatraz site, the Commission is highly concerned that continued disposal may result in closure of the site. Such a closure, with no practical alternative disposal site, could have serious impacts on Bay maritime activities and the regional economy.

Additionally, fisherman and environmentalists have alleged that Bay dredging and in-Bay disposal of the dredged material is adversely impacting commercial and sport fisheries, as well as other Bay aquatic organisms, through increases in the turbidity of Bay waters, smothering of bottom substrate, and redistribution of contaminants with possible impacts to organisms in surrounding waters and bottom habitats. Little information now exists to verify or disprove these allegations, but our staff believes that restrictions on in-Bay disposal may become necessary to protect Bay organisms and fisheries from disposal impacts.

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Ocean Site Designation

In response to the threat posed by the present reliance on the Alcatraz site, the Commission adopted Resolution 89-2 at our February 16, 1989 meeting (attached), requesting that the Corps and the U.S. Environmental Protection Agency (EPA) give immediate attention to designating appropriate ocean and/or upland sites for the disposal of material dredged from San Francisco Bay.

Although the EPA has the responsibility under the federal Marine Sanctuaries Act, to designate ocean disposal sites, the EPA states that it has no funding to perform the environmental research needed to designate an ocean site. Therefore, the EPA depends on the Army Corps of Engineers (Corps) to perform studies necessary for site designation.

However, the designation process has been subject to continuing delays and controversy and is proceeding at what we believe is an unacceptably slow rate. Although an ocean site has not been available since 1982, a new ocean site is not scheduled for designation until 1992. We are concerned that these delays stem not from the procedural and scientific needs of the site designation process, but may be due, in part, to an insufficient commitment of federal resources to the effort--particularly staff and financial resources at the EPA and the Corps of Engineers.

We recognize that the scientific studies forming the basis for site designation cannot be short-cut and that the designation process must be comprehensive. Therefore, we request that you endeavor to expedite the designation process by ensuring that it receives a high priority and adequate funding. Further, we suggest that the services of the National Marine Fishery Service and the U. S. Geological Survey be used to the greatest extent possible. These agencies have a high level of expertise in the areas needed for site designation, and we believe that they can provide excellent resource information that would minimize further controversy and delay due to equivocal or disputable research results, and would pull together and maximize federal expertise and resources concerning this matter. These agencies have also expressed interest in cooperating in this effort. Finally, these studies could be integrated with their ongoing research to provide additional federal benefits.

Federal Projects

Although definitive information is not yet available, information to date suggests that disposal of thick, adhesive consolidated material, generally found in new dredging projects, contributes most substantially to mounding. Therefore, our Commission is concerned that dredged material disposal projects involving such materials, and/or large amounts of looser sediments generally found in maintenance dredging, may result in the Alcatraz disposal site reaching capacity before alternative disposal options become available.

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Additionally, the Commission may find it necessary to restrict in-Bay disposal to mitigate possible adverse environmental impacts on Bay organisms and fisheries from dredged material disposal. These restrictions would likely decrease the total amount of material authorized to be disposed in the Bay, thereby reducing the number of new and maintenance dredging projects authorized.

Most, if not all, large new dredging projects and maintenance dredging in the Bay are federally-sponsored general navigational projects by the Corps or projects related to national defense. Given the fact that numerous permits have been granted for existing navigational and flood control projects by state and federal agencies, and the fact that these projects form the basis of Bay maritime activities, we believe that if the amount of dredged material authorized to be disposed in the Bay is curtailed, then maintenance of existing projects should receive priority over new projects. Therefore, we request that Congress, recognizing the federal interest in maintaining existing navigational and flood control projects, require as a condition of appropriating funds for significant (over 50,000 cubic yards) new dredging and very large maintenance dredging projects, that disposal of material not be allowed in the Bay or the diked wetlands around the Bay.

Research Needs

The lack of basic factual information stymies resolution of Bay dredging issues. Information needs include (1) the pattern of sediment movement into, within, and out of the Bay; (2) the extent to which dredging and disposal increases the exposure of Bay organisms to contaminants; (3) the physical impact of dredged material disposal on Bay organisms; and (4) the practicability of alternatives to in-Bay disposal, including ocean and land disposal. Research on these subjects is underway in various quarters; however, research needs to be intensified and coordinated.

We believe that the need for information on Bay sediment dynamics is perhaps the most pressing and consequently deserves the highest priority. Without this information it is difficult if not impossible to determine the fate of disposed material, predict the amount of dredging needed to maintain dredged areas, or predict future trends in Bay sedimentation and erosion. This information is of importance in determining the environmental impacts of dredged material disposal, determining the future costs of maintaining proposed and existing dredging projects, designing mitigation programs for the adverse environmental impacts of Bay projects, and predicting the effects of possible sea level changes on San Francisco Bay. Such information would be extremely helpful to local, state, and federal agencies as well as Bay and shoreline property owners.

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Therefore, we request your support for studies that will supply information on both the basic movement of Bay sediments and the other information needs listed above, in order to provide a sound basis upon which to base policy decisions.

Conclusion

Dredging and disposal necessary for Bay navigational and flood control projects is of importance not only to the local and regional economies and the Bay aquatic environment, but has a strong federal interest as well. I am certain you are cognizant of this and will join with the Commission in trying to resolve these important issues.

Sincerely,



ROBERT R. TUPTS
Chairman

Enc.

RRT/SG/gg

cc: Commissioners
U. S. Army Corps of Engineers
U. S. Environmental Protection Agency
Regional Board
California Coastal Commission

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 557-3686



March 8, 1989

Mr. James O'Brien
Acting Executive Director
Port of Oakland
66 Jack London Square
Oakland, California 94607

**SUBJECT: Request To Postpone Major Dredging Projects
Involving Disposal at Alcatraz Site**

Dear Mr. O'Brien:

On behalf of our Commission I am writing to you and the other major Bay dredgers to request the postponement of new work and major maintenance projects involving disposal at the Alcatraz dredged material disposal site for a period of four years. This request stems from the mounding problem at Alcatraz and possible environmental impacts on the Bay of in-Bay disposal of dredged material, as discussed below.

As you know, the Alcatraz site is the only area approved by the U. S. Corps of Engineers and our Commission for disposal of the majority of material dredged from San Francisco Bay. Due to the persistent and substantial accumulation and mounding of material disposed at the Alcatraz site, the Commission is highly concerned that continued disposal may result in closure of the site. Such a closure, with no practical alternative disposal site, could have serious impacts on Bay maritime activities and the regional economy. Therefore, in response to the threat posed by the present reliance on the Alcatraz site, the Commission adopted Resolution 89-2 at our February 16, 1989 meeting (attached), requesting that the Corps and the U.S. Environmental Protection Agency (EPA) give immediate attention to designating appropriate ocean and/or upland sites for the disposal of material dredged from San Francisco Bay.

However, based on present commitments of resources, the Commission does not consider it prudent to depend on alternatives to in-Bay disposal becoming available in the next four years. Although definitive information is not yet available, information to date suggests that disposal of new and consolidated dredged material contributes the most substantially to the mounding problem. Therefore, our Commission is concerned that disposal projects involving such materials, and/or large amounts of maintenance material, may result in the Alcatraz site reaching capacity before alternative disposal options become available.

Given the fact that the Commission has granted numerous permits for existing navigational and flood control projects, and the fact that these projects help form the basis of Bay maritime activities, it follows that

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providing maintenance of these existing projects should receive priority over proposed new projects. Therefore, in order to preserve the availability of the Alcatraz disposal site for maintenance work, the Commission requests that you postpone until at least 1993, disposal of significant amounts of new dredged material or very large volumes of maintenance material at the Alcatraz disposal site. We are using 1993 as a target date for two reasons. First, although it is by no means a certainty, the Commission expects one or more of the alternatives to in-Bay disposal mentioned previously to become available by 1993. Secondly, by 1993, the Commission expects to have additional information to more accurately determine the impacts of in-Bay disposal and will have adopted new policies and findings regarding dredging in its Bay Plan.

We realize that our request may involve hardships, but we sincerely believe that such steps are reasonable and necessary to prevent a major dislocation in Bay maritime activities and resultant economic impacts to the regional economy. This request does not address dredging projects involving disposal outside of the Commission's jurisdiction and the diked historic baylands.

Our Commission intends to work to ensure that dredging and dredged material disposal can feasibly be provided for projects authorized by the Commission and that dredging projects will protect the Bay environment. We invite you to work with us to this end. If you have any questions or comments concerning this letter or the Commission's actions regarding Bay dredging, please contact Steven Goldbeck at our staff offices. Thank you for your cooperation in this matter.

Sincerely yours,



ROBERT R. TUFTS
Chairman

Enc.

cc: U. S. Army Corps of Engineers
Regional Water Quality Control Board
U. S. Environmental Protection Agency

RRT/SG/99

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



March 10, 1989

Colonel Yanagihara
U. S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, California 94105

SUBJECT: Disposal For Bay Dredging Projects;

Dear Colonel Yanagihara:

On behalf of our Commission I am writing to: (1) request that you give a high priority to timely designation of appropriate ocean and/or upland disposal sites for materials dredged from the Bay; and (2) request that the Corps and other major Bay dredgers postpone new work and major maintenance dredging projects involving disposal at the Alcatraz dredged material disposal site for a period of four years. These requests stem from the mounding problem at the Alcatraz site and possible environmental impacts on the Bay of in-Bay disposal of dredged material as discussed below.

Ocean Site Designation

As you know, the Alcatraz site is the only area approved by the U. S. Corps of Engineers and our Commission for disposal of the majority of material dredged from San Francisco Bay. Due to the persistent and substantial accumulation and mounding of material disposed at the Alcatraz site, the Commission is highly concerned that continued disposal may result in closure of the site. Such a closure, with no practical alternative disposal site, could have serious impacts on Bay maritime activities and the regional economy. Therefore, in response to the threat posed by the present reliance on the Alcatraz site, the Commission adopted Resolution 89-2 at our February 16, 1989 meeting (attached), requesting that the Corps and the U.S. Environmental Protection Agency (EPA) give immediate attention to designating appropriate ocean and/or upland sites for the disposal of material dredged from San Francisco Bay.

The most promising alternative to in-Bay disposal appears to be the designation of an ocean disposal site for Bay dredging projects by the EPA. It is our understanding that although the EPA has the responsibility to designate ocean disposal sites, the EPA does not possess adequate funding to perform the environmental research needed to designate an ocean site. Therefore, the EPA depends on the Corps to perform studies necessary for site designation.

Colonel Yanagihara
March 10, 1989
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However, the designation process has been subject to continuing delays and controversy and is proceeding at what we believe to be an unacceptably slow rate. Although an ocean site has not been available since 1982, a new ocean site is not scheduled for designation until 1992. We are concerned that these delays stem not solely from the procedural and scientific needs of the site designation process, but may be due, in part, to an insufficient commitment of resources to the effort -- particularly staff financial resources at the Corps and the EPA.

We recognize that the scientific studies forming the basis for site designation cannot be short-cut and that the designation process must be comprehensive. Therefore, we request that you endeavor to expedite the designation process by ensuring that it receive a high priority and adequate funding by your agency. For your information, we are also writing to the Bay Area congressional delegation and the Environmental Protection Agency requesting their full cooperation in this effort.

Additionally, we suggest that the services of the National Marine Fisheries Service and the United States Geological Survey be used for resource studies, to the extent possible, in lieu of private contractors. As you know, these agencies have a high level of expertise in the areas needed for evaluating potential ocean disposal sites, and we believe that they can provide excellent resource information that would minimize further controversy and delay due to equivocal or disputable research results. They have also expressed interest to our staff in contributing to the designation effort, and have suggested that these studies could be integrated with their ongoing research to provide additional federal benefits.

Postponement of Dredging Projects

Although definitive information is not yet available, information to date suggests that disposal of new and consolidated dredged material contributes the most substantially to the mounding problem. Therefore, our Commission is concerned that disposal projects involving such materials, and/or large amounts of maintenance material, may result in the Alcatraz site reaching capacity before alternative disposal options become available.

Additionally, the Commission may find it necessary to restrict in-Bay disposal to mitigate possible impacts on Bay aquatic organisms and fisheries from dredged material disposal. These restrictions would likely significantly decrease the total amount of material authorized to be disposed in the Bay.

Given the fact that the Commission and the Corps have granted numerous permits for existing navigational and flood control projects, and the fact that these projects help form the basis of Bay maritime activities, we believe

Colonel Yanagihara

March 10, 1989

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that if the amount of dredged material authorized to be disposed in the Bay is curtailed, then providing maintenance of these existing projects should receive priority over new projects. Therefore, in order to preserve the availability of the Alcatraz disposal site for maintenance work, the Commission requests that you postpone until at least 1993, disposal of significant amounts of new dredged material or very large volumes of maintenance material at the Alcatraz disposal site. We are using 1993 as a target date for two reasons. First, although it is by no means a certainty, the Commission expects one or more of the alternatives to in-Bay disposal to become available by 1993. Secondly, by 1993 the Commission expects to have additional information to more accurately determine the impacts of in-Bay disposal and will have adopted new policies and findings regarding dredging in its San Francisco Bay Plan.

We realize that our request may involve hardships, but we sincerely believe that such steps are reasonable and necessary to prevent a major dislocation in Bay maritime activities and resultant economic impacts to the regional economy. This request does not address dredging projects involving disposal outside of the Commission's jurisdiction and the diked historic baylands around the Bay.

We want to work closely with the Corps to ensure that dredging and dredged material disposal can feasibly be provided for projects authorized by the Commission and that dredging projects will protect the Bay environment. If you have any questions or comments concerning this letter or the Commission's actions regarding Bay dredging, please contact Steven Goldbeck at our staff offices. Thank you for your cooperation in this important matter.

Sincerely yours,



ALAN R. PENDLETON
Executive Director

Enc.

cc: Regional Water Quality Control Board
U. S. Environmental Protection Agency

ARP/SG/gg

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 357-3686



March 10, 1989

Dan McGovern
U. S. Environmental Protection Agency
Region IX
215 Fremont Street
San Francisco, California 94105

SUBJECT: Disposal For Bay Dredging Projects

Dear Mr. McGovern:

On behalf of our Commission I am writing to request that you give a high priority to timely designation of appropriate ocean and/or upland disposal sites for materials dredged from the Bay. This request stems from the mounding problem at the Alcatraz dredged material disposal site and possible environmental impacts on the Bay of in-Bay disposal of dredged material as discussed below.

Ocean Site Designation

As you know, the Alcatraz site is the only area approved by the U. S. Corps of Engineers and our Commission for disposal of the majority of material dredged from San Francisco Bay. Due to the persistent and substantial accumulation and mounding of material disposed at the Alcatraz site, the Commission is highly concerned that continued disposal may result in closure of the site. Such a closure, with no practical alternative disposal site, could have serious impacts on Bay maritime activities and the regional economy. Therefore, in response to the threat posed by the present reliance on the Alcatraz site, the Commission adopted Resolution 89-2 at our February 16, 1989 meeting (attached), requesting that the Corps and the U.S. Environmental Protection Agency (EPA) give immediate attention to designating appropriate ocean and/or upland sites for the disposal of material dredged from San Francisco Bay.

The most promising alternative to in-Bay disposal appears to be the designation of an ocean disposal site for Bay dredging projects by the EPA. It is our understanding that although the EPA has the responsibility to designate ocean disposal sites, the EPA does not possess adequate funding to perform the environmental research needed to designate an ocean site. Therefore, the EPA depends on the Corps to perform studies necessary for site designation.

EXHIBIT D

Mr. Dan McGovern
March 10, 1989
Page 2

However, the designation process has been subject to continuing delays and controversy and is proceeding at what we believe to be an unacceptably slow rate. Although an ocean site has not been available since 1982, a new ocean site is not scheduled for designation until 1992. We are concerned that these delays stem not solely from the procedural and scientific needs of the site designation process, but may be due, in part, to an insufficient commitment of resources to the effort -- particularly staff and financial resources at the EPA and the Corps of Engineers.

We recognize that the scientific studies forming the basis for site designation cannot be short-cut and that the designation process must be comprehensive. Therefore, we request that you endeavor to expedite the designation process by ensuring that it receive a high priority and adequate funding by your agency. For your information, we are also writing to the Bay Area congressional delegation and the U. S. Army Corps of Engineers requesting their full cooperation in this effort.

Additionally, we suggest that the services of the National Marine Fisheries Service and the United States Geological Survey be used for resource studies, to the extent possible, in lieu of private contractors. As you know, these agencies have a high level of expertise in the areas needed for evaluating potential ocean disposal sites, and we believe that they can provide excellent resource information that would minimize further controversy and delay due to equivocal or disputable research results. They have also expressed interest to our staff in contributing to the designation effort, and have suggested that these studies could be integrated with their ongoing research to provide additional federal benefits.

We want to work closely with the EPA to ensure that dredging and dredged material disposal can feasibly be provided for projects authorized by the Commission and that dredging projects will protect the Bay environment. If you have any questions or comments concerning this letter or the Commission's actions regarding Bay dredging, please contact Steven Goldbeck at our staff offices. Thank you for your cooperation in this important matter.

Sincerely yours,



ALAN R. PENDLETON
Executive Director

Enc.

cc: U. S. Army Corps of Engineers
Regional Water Quality Control Board

ARP/SG/gg

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3696

February 16, 1989

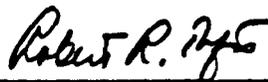
Resolution 89-2
Regarding The Establishment Of Alternatives
To In-Bay Disposal Of Dredged Material

RESOLVED that the San Francisco Bay Conservation and Development Commission hereby urgently recommends that the U. S. Environmental Protection Agency and the U. S. Army Corps of Engineers immediately direct their respective attentions to the designation of appropriate ocean and/or upland site(s) for the disposition of material dredged from the San Francisco Bay, which is deemed vital to the economic health of the Bay Area.

RESOLVED further that the San Francisco Bay Conservation and Development Commission staff promptly communicate this recommendation to said Environmental Protection Agency and Army Corps of Engineers, to relevant locally elected and appointed representatives and officers, and to all other interested parties.

We hereby certify:

The foregoing resolution was adopted by the San Francisco Bay Conservation and Development Commission at its meeting of January 16, 1989, by a unanimous voice vote.



ROBERT R. TUFTS
Chairman



ALAN R. PENDLETON LETON
Executive Director