San Francisco Bay Conservation and Development Commission
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March 14, 2024

Via Electronic Mail Only

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San Francisco Regional Water Quality Control Board
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SUBJECT: Notice of Preparation of a Draft Environmental Assessment/Environmental Impact Report: San Francisco Bay Federal Channels Operation and Maintenance Dredging and Sediment Placement Activities (Proposed Project)

Dear Mx. Graham-Davis and Ms. Covington:

Thank you for the opportunity to comment on the San Francisco Bay Regional Water Quality Control Board (Water Board) and U.S. Army Corps of Engineers (USACE) Notice of Preparation (NOP) of a Draft Environmental Assessment and Environmental Impact Report (DEA/EIR) for USACE's 2025 through 2035 Operations and Maintenance Dredging Program for San Francisco Bay Federal Navigation Channels (USACE O&M Dredging Program), dated February 13, 2024.

The Proposed Project includes the operation and maintenance of the 11 federal navigation channels: the deep draft channels - San Francisco Main Ship, Richmond Inner and Outer Harbor, Suisun, Pinole, Oakland, Redwood City, and San Bruno Shoal; as well as the shallow draft channels - San Rafael Creek, Petaluma River, and Napa River, exclusive of the Suisun Slough, and use of the associated federally-designated disposal or alternate placement sites in and near San Francisco Bay for the next 10 years, anticipated to begin in 2025. The USACE proposes that each federal navigation channel would continue to be dredged as needed, depending on shoaling and available funding. The frequency of dredging would range from annual activities to those that may occur only once during the 10-year planning horizon. Dredging activities would be consistent with the 2015-2024 EA/EIR and other approved management plans and where appropriate incorporates new information on dredging impacts, including those to newly listed species, and environmental benefits from beneficial use of dredged material (beneficial reuse).

The USACE's current maintenance dredging typically involves four steps: 1) testing for sediment quality and placement suitability determination; 2) removing recently shoaled sediment from the dredging site to restore authorized navigation channel dimensions; 3) transporting the dredged material by barges, hopper dredges, or pipeline to the placement site; and 4) disposing or placing the dredged material at the designated disposal or placement site(s). The USACE would use either hydraulic (hopper or cutterhead dredge) and/or mechanical (clamshell or excavator bucket) dredge equipment for different channels, and may employ knockdowns where necessary and appropriate. Current hydraulic dredging usually involves hopper dredges, or cutterhead suction attached to hydraulic pipelines that convey dredged sediment to a barge or directly onto a placement site. Current mechanical dredging usually involves placing dredged sediment into a barge for transport to a placement site. The USACE proposes to conduct dredging activities within the environmental work windows to the maximum extent practicable and in coordination with regulatory agencies.

The USACE proposes to continue to dispose or place dredged sediment at established disposal and/or placement sites. As proposed, disposal and/or placement would be dependent on sediment characteristics. Current dredged sediment placement sites in the San Francisco Bay Area include the existing federally-designated aquatic in-Bay disposal sites SF-9, SF-10, SF-11, and SF-16; the existing federally-designated ocean disposal sites SF-8, San Francisco Deep Ocean Disposal Site (SFDODS), and SF-17; and several permitted and operational beneficial reuse sites, including, but not limited to, SF-17 Ocean Beach, Montezuma Wetlands Restoration Project, and Cullinan Ranch Restoration Project. Additionally, USACE places sediment at sponsor-provided upland sites for the Napa River and Petaluma River.

San Francisco Bay Conservation and Development Commission (Commission) staff has reviewed the NOP and provides the following comments and recommendations for consideration and inclusion in the DEA/EIR. The Commission staff notes that the entire proposed O&M Dredging Program activities are located within the San Francisco Bay Coastal Zone, and/or have the potential to affect the San Francisco Bay Coastal Zone. Therefore, the O&M Dredging Program should be evaluated in consideration of the potential effects to the coastal zone, consistent with the federally approved San Francisco Bay Coastal Zone Management Program (SFBCZMP). In addition, the Commission staff recognizes that the Water Board is the state lead per the California Environmental Quality Act (CEQA), but as this is a joint document, both CEQA and the SFBCZMP should be addressed. Further, the Commission anticipates receiving and analyzing a request for consistency concurrence, and the information contained in the EA/EIS may be used to support that effort later in 2024.

Comments and Recommendations

1. **Coordination and Cooperation**
   The Commission respects the Water Board and USACE position as leads in preparing the CEQA/NEPA analysis for the proposed program. However, as a long-time partner in the Long Term Management Strategy for the Placement of Dredged Material in the Bay Region (LTMS) Management Program implementation, the Commission respectfully requests that the Commission and the US Environmental Protection Agency (EPA), as the

other federal sponsor, be included in the alternatives analysis array development. This is important because as each agency retains its authority, the program must be implemented in accord with its laws and policies. Further, the impact of the USACE's eventual selected alternative may have unintended consequences for other dredging projects in the region. Lastly, the selected alternative may result in challenges or opportunities for the LTMS Management Program implementation that will require coordination and cooperation of regulatory and resource agencies, as well as stakeholders. The Commission is seeking alternatives that can be supported by all agencies.

Recommendation: The USACE and Water Board coordinate directly with the Commission and EPA in its alternative array development and selection.

2. Use of "Placement" and "Disposal"

In the project description, the term "placement" is used to describe both beneficial reuse and disposal of dredged sediment. It is important to be clear in language use both for understanding and analysis needs, in accord with the State's directive to use plain language for public documents. Disposal of dredged sediment is when the sediment is treated as a waste product rather than a resource. The recognized aquatic disposal sites include the Alcatraz (SF-11), San Pablo Bay (SF-10), Carquinez Strait (SF-9), and Suisun Bay (SF-16), as well as the San Francisco Deep Ocean Disposal Site (SFDODS). Each of the in-Bay disposal sites have been shown through modeling to move the majority of the sediment into deep water channels and continue the transport towards the ocean, with some limited sediment depositing on deep water shoals. Sediment disposed at SFDODS is known to take sediment out of the Bay system and deposit it off the shelf. The San Francisco Bar Channel (SF-8) has been described as a disposal site, with some limited beneficial reuse for sand to support the outer coast littoral cell.

"Placement of dredged sediment" has generally been used to describe beneficial reuse (or beneficial use) of dredged sediment regionally. The primary beneficial reuse in the region due to both Bay sediment characteristics and need, has been for wetland restoration and enhancement, and thus specific use of the term placement at a beneficial reuse site.

Recommendation: Please refer to the in-Bay and SFDODS disposal sites as disposal sites for clarity as they have been authorized and understood as such in the region for decades. Please use "placement" in association with beneficial reuse, or other non-disposal site discussion for clarity in communication.

3. No Action Alternative

In a no action alternative, presumably, the USACE would continue to dispose of sediment at the deep ocean disposal site and multiple in bay disposal sites in support of finding the least cost alternative under the federal standard. This alternative would likely exacerbate the loss of sediment for beneficial reuse of sediment for wetland restoration and adaptation, as well as loss of resiliency in the region that natural and nature-based solutions can provided.

Recommendation: The Commission staff recommends that the Water Board and the USACE thoroughly examine this alternative and the loss of sediment from disposal for both ecological and resilience projects, and how this practice would cause more loss of sediment over time and the impacts of this loss, not only to the system, but also to the projects that need the sediment for completion. A thorough examination of this alternative can provide the necessary analysis determine what is appropriate for the region, but also to support the development of a comprehensive benefits package to provide to USACE Headquarters to support additional beneficial reuse activities and funding over the ten-year evaluation period.

4. Additional Beneficial Reuse Sites

As mentioned, Bel Marin Keys Wetland Restoration site (BMKWR) is anticipated to accept dredged sediment in the near future and well within the 10-year period being reviewed for the USACE O&M Dredging Program. Because it is an expansion of the Hamilton Wetlands Restoration Project (HWRP) much is understood regarding the potential placement options, likely volume of sediment needed, other details. Understanding the site is still in development a generalized evaluation should be included as a beneficial reuse site and placement opportunity for the federal and non-federal dredging projects. Should the Water Board and USACE include BMKWRP even with general assumptions, it would allow supplemental documents to be effectively executed to support this site efficiently in the future.

Similarly, please also investigate the potential to include Eden Landing Wetland Restoration site (ELWRP) in the analysis. It is our understanding that this site is being reconsidered for beneficial reuse (pers. Comm. D. Halsing), and is in the permitting process now. Direct placement for sediment from Redwood City federal channel would be an ideal project matching for beneficial reuse and ecological restoration.

As you're aware, the USACE and the Water Board have been able to consider projects in conceptual development or phasing in the past, and a similar approach could be implemented here.

Recommendation: Please include both BMKWRP and ELWRP at a general evaluation level now to support future use of these sites over the next ten years.

5. Evaluation of Impacts of Dredging Outside the Environmental Work Window

While the NOP states that the USACE would work within the LTMS environmental works windows, for several years now the USACE has regularly dredged outside of the work windows for several dredging projects (Oakland, Richmond, Redwood City, San Rafael Creek, most recently) for many months. The EA/EIR should anticipate this practice to continue again in the future unless the USACE can address some of the contracting challenges, and evaluate the potential impacts to both state and federally listed species, and species of special concern. This evaluation should include dredging using different mechanisms (hydraulic and mechanical equipment).

Recommendation: Please fully evaluate the impacts of both dredging and disposal outside of the work windows for both state and federally listed and candidate species. Please note, that the State is currently considering listing white sturgeon, and the federal government is in the process of listing longfin smelt.

6. Alternatives Analysis

In developing the alternatives for evaluation, the Water Board and USACE should consider the past 10 years of dredging, including contracting methodology, new policies, bids that have been received, funding availability and potential funding opportunities to share the incremental cost, taking full advantage of new guidance from WRDA 2020, contractor availability and ability to start and complete work within the contract parameters, effects on other dredging projects when the contracting or project is extended, or delayed, and other factors that contribute to the regions ability to maximize beneficial reuse and minimizing wasting valuable resources. One of the alternatives should consider whether development of more Section 204 projects, or federal local partnerships on restoration projects that provide resilience and adaptation for the region while minimizing loss of sediment.

Recommendation: Carefully and thoroughly review the potential alternatives, working with the agency partners to identify those that maximize beneficial reuse while minimizing disposal.

7. Advanced Maintenance Dredging

The USACE has recently requested additional advanced maintenance dredging at Bullshead Reach in Suisun, that includes both deepening and widening the area previously dredged for this purpose. This proposal should be thoroughly evaluated to understand how it may improve the navigability of the adjacent channel, but also impacts to the sediment transport system. The Water Board and the USACE should also consider whether working with one of the sand mining companies to periodically remove sand from this shoal could both support safe navigation and the supply of sand to the construction industry, thus reducing mining in other areas of Suisun and overall impacts to the system. The USACE has a program known as Section 408 that allow miners to work in this regard for the program.

Recommendation: Include the advanced maintenance dredging at Bullshead Reach in the analysis, as well as investigate ways the USACE can work with others (sand miners) to reduce shoaling without having to widen or deepen Bullshead Reach.

8. Project Description

As described in the project description “The USACE proposes to continue to dispose or place dredged sediment at established disposal and/or placement sites. As proposed, disposal and/or placement would be dependent on sediment characteristics.” It is important to note that there are many factors involved in determining where sediment can be placed**.** Less that 5% of the sediment has contaminate levels that prevent some form of beneficial reuse, either as surface sediment or foundation.

Recommendation: Revise this statement to make it more accurate, noting other factors that are involved in where sediment is disposed or beneficially reused. Review the data and sediment placement history as part of the analysis to create a better understanding of the decision-making for sediment reuse and incorporate that understanding into the alternatives review process.

9. **Jack Maltester Channel**

The proposed program presumably includes dredging and disposal or beneficial reuse of sediment from the Jack Maltester Channel. The Commission staff also notes that the upland disposal site has been closed by the local project sponsor. While this channel has been federally authorized in the past, the San Leandro Marina that is associated with this channel, is no longer functioning, and therefore, a need for dredging does not seem to exist in that area.

Conversely, the project description notes that Suisun City Channel is not included in this analysis but does not state why. The Suisun City Channel has a large, functioning marina and an associated upland disposal site provided by the sponsor.

Recommendation. Please clarify why the Suisun City Channel is not included in the analysis while the Jack Maltester Channel is, and whether an evaluation of federal economic interest was conducted for both, its findings, and the bases for and relevance of including or not including these channels in this analysis.

10. **Cumulative Impacts Analysis**

Please note that during the period of this analysis, the Oakland Turning Basins Widening Projects, the Port of San Francisco Piers 39-41 ½ Remediation Project, sand mining in Central Bay and Suisun, and potentially the first phase of the San Francisco Waterfront Resilience Project would be underway. Other projects may also be active during this ten-year period. The cumulative impacts to the Bay resources, water quality and wildlife, as well as equipment availability, and other impacts may be confounding this work. Please evaluate at a minimum how these four large projects would interact or inter-relate with the USACE O&M Dredging Program and the sediment system, including wetland restoration.

Commission staff appreciate the opportunity to comment at the scoping phase of this review. Please note, the analysis should include information sufficient to evaluate consistency with the SFB CZMP if the USACE intends to rely on this document for its federal consistency determination. The McAteer Petris Act and the Suisun Preservation Act, and the San Francisco Bay Plan and Suisun Marsh Protection Plan include multiple applicable and enforceable policies that this program would be subject to. Please review those documents to assist your team in ensuring the necessary information is included in this review. If you have questions or would like additional information, please feel free to contact me at 415.352.3623 or via email at brenda.goeden@bcdc.ca.gov. The Commission stands ready to collaborate with the Water Board and the USACE in identify an array of alternatives that meets the needs of all agencies. Thank you for your efforts in this regard.

Sincerely,

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BRENDA GOEDEN
Sediment Program Manager

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