

Port and Sediment Management

15 MR. EHRMANN: Very good. Let's go then to
16 the Overview on Sediment Management.

17 (Slide.)

18 COMMISSIONER SANDIFER: Right. This will
19 perhaps be a little quicker, or perhaps not. We
20 shall see.

21 When we had this discussion, we were very
22 pleased to have Commissioner Borrone come in and join

12706.B
JWBeach

1 us for awhile. I have limited the slide materials
2 here to just three points, but we have extensive
3 background material on this.

4 What we are looking at is environmentally
5 sound dredge and management of sediments is extremely
6 important to, not only to port competitiveness but to
7 survival and operation of the Nation's ports.

8 While we are not dealing with overall
9 marine operations and marine transportation issues,
10 that is something that REMO has been dealing with and
11 will bring recommendations to us, or has brought
12 recommendations to us.

13 We felt that the first step here in
14 sediment management had to be the development of
15 comprehensive port management plans that linked
16 economic, ecological, and social issues for the port
17 and its coastal region, and would link the port
18 planning to watershed planning in the broadest sense.

19 In other words, get all these people in on the front
20 end of things rather than at the back end, or in
21 battling.

22 One element that would be a particularly

12706.B
JWBeach

1 important component of a comprehensive port
2 management plan is the sediment plan. In order to
3 have a sediment management, you can characterize that
4 as dredging or whatever you want to, but a sediment
5 management plan.

6 One of the key ingredients is information.
7 And in order to get that information there would have
8 to be detailed monitoring and research that is not
9 going on now and would have to be done on a
10 continuing basis in our major port facilities to:

11 Determine the sources and sinks of
12 particulates in the watershed harbors and estuaries,
13 temporal and spatial changes, site specific
14 indicators;

15 Characterize sediment types and deposition
16 rates;

17 The relationship of sediment
18 characteristics' transport and fates to the habitat,

19 and ecological characteristics of the receiving
20 environment;
21 The diversity of landscapes and land uses
22 in the harbor area;

12706.B
JWBeach

1 The balance of economic and ecological
2 needs;

3 And continued and expanded research on the
4 beneficial uses of material that is removed by
5 dredging.

6 All of those things are essential as an
7 ongoing process, not a one time in form, one dredge
8 permit or one dredge plan, but an ongoing process to
9 ensure that the basic information is available to
10 determine what kinds of dredging, sand management,
11 sediment management is needed for the long term; how
12 one could go about doing it; and to deal with the
13 very significant public and environmental issues
14 concerning the potential contaminants or lack thereof
15 in the sediments and how the sediments then ought to
16 be treated.

17 And where it is in "clean" sediment, how
18 it could be used most beneficially in the environment

19 or the general area from which it is being removed
20 from navigation channels.

21 All that is necessary if one would have an
22 informed and rational permitting process.

12706.B
JWBeach

1 And finally, as Admiral Gaffney has put
2 forward, we would suggest strongly that the entire
3 permit process be analyzed under a study by the
4 National Academy of Public Administration to see if
5 there are places where, at least once you have the
6 appropriate information stream coming in on a regular
7 basis, where that permit process could be simplified
8 so that by working on the front end it is a whole lot
9 simpler to get a plan put in place and affected, a
10 plan that the public has agreed to put in place and
11 affected.

12 (Slide.)

13 A final comment that is not reflected in
14 the slide here but one that we discussed at some
15 length was the necessity to remove from the Corps of
16 Engineers' requirements on dredging that the least-
17 cost alternative be the one chosen; that that is not

18 always the best alternative for a particular
19 community, and the community--by that, I mean the
20 broader watershed community--all the players, the
21 stakeholders, ought to have the right to pay more if
22 they wish to to get a better result as opposed to

12706.B
JWBeach

1 having a least-cost alternative effectively forced
2 upon them.

3 With that, I will stop.

4 MR. EHRMANN: Okay. Commissioner Borrone?

5 COMMISSIONER BORRONE: Okay, Paul, I think
6 your explanation was much clearer than this graphic.
7 And so if I could make one overall recommendation, it
8 is that this graphic needs to be redone if it is
9 going to be used in the future so that we crystalize
10 the recommendations more along the lines as you just
11 conveyed them orally, first of all.

12 Secondly, I just want to touch on two or
13 three things that you briefly touched on but that I
14 think need to be enhanced a bit.

15 One of the problems--and I think one of
16 the reasons why there is not a desire on the part of
17 a lot of port communities to engage in what we might
18 describe as a comprehensive port management planning

19 process--is that not everybody is willing to come to
20 the table, as we have heard, in the past with the
21 willingness as Bill described it to play together.

22 Part of that is occasioned by either the

12706.B
JWBeach

1 lack of resources on the parts of some of the federal
2 agencies with whom there has to be interaction, and
3 part of it is because others feel that they are not
4 going to get consideration because they don't have
5 anything to put on the table to offer.

6 I think we need to look at not just what
7 the dredge permit process is, if the National Academy
8 of Public Administration looks at it, but also what
9 the comprehensive planning process might include, and
10 how to make it an effective process so that you've
11 got not just the coastal or the port water dependent
12 user, but also the other community interests at a
13 table understanding why it is important to have a
14 port, and what the value might be of their
15 willingness to work in a collaboration to solve
16 problems not just to develop a plan.

17 With that in mind, to make that happen--
18 and it goes along with the permit process--you have

19 to have some resources given to the federal agencies,
20 as well.

21 What I mean by that is that a lot of times
22 we see the federal agencies like the EPA and the

12706.B
JWBeach

1 Corps not having the resource to help advance the
2 thinking of a beneficial use of sediment.

3 They don't have the research and
4 technology levels of funding that they really need to
5 use and treat sediment as a beneficial material. The
6 Admiral used the term "spoil" before. That's been
7 the term historically. That's how people think about
8 it, as a negative rather than a positive.

9 We need more resource committed to helping
10 to take this material where there are contaminants
11 and finding ways to amend it or to use it for other
12 purposes that are not going to be negative purposes,
13 so the public understands that they're not going to
14 be harmed.

15 We need also to keep pace with technology
16 so that as other contaminants of concern are found we
17 can think about how to deal with them so that we're
18 not putting the port or the applicant behind in their

19 ability to continue to move their economic or other

20 agenda.

21 And I think, as well, we need more dollars

22 for--in the harbor that I was affiliated with, it was

12706.B
JWBeach

1 because my agency put a lot of money on the table
2 that we actually had work underway on transport and
3 modeling of contaminants and sediments.

4 Otherwise, I don't think that work would
5 be done and we would not have the kind of information
6 base which is necessary to make decisions about
7 whether projects can go forward, whether material can
8 be used beneficially, whether we can protect or
9 preserve wetlands, or create these areas.

10 So I think we need to broaden the
11 recommendations that you've made to incorporate
12 certain research and funding needs that haven't been
13 talked about.

14 And I do agree that this is another
15 excellent example of where the Council can play a
16 role in bringing cross-agency budget dialogue into
17 play, and where it can help to resolve conflicts
18 between agencies.

19 COMMISSIONER SANDIFER: Lillian, I could
20 not agree with you more. In terms of some of the
21 things I mentioned that aren't on the slide, I take
22 responsibility for that.

12706.B
JWBeach

1 I asked the staff to cut something like 80
2 or 85 slides yesterday for the 17 areas we were
3 trying to cover. And as we kept going, the slide
4 number kept increasing rather than decreasing, trying
5 to get the detail before us.

6 Then you say, no, cut it back to half of
7 that, at most. And a lot of stuff then falls through
8 the crack, and I can't read fast enough to pick up
9 all the other details.

10 We did not spend, however, much time on
11 how much money should be spent, but I agree with you
12 there is additional investment needed.

13 We did talk a bit about the need for
14 continued and expanded research on beneficial uses,
15 and I picked that up in my comments here.

16 What I didn't pick up was the continued
17 research on how to manage contaminated sediments,
18 which probably is even of more concern to the public

19 at large, and that is something we will get in the

20 next draft.

21 The Comprehensive Port Management Plan is

22 not intended by us to be a buzzword or for us to try

12706.B
JWBeach

1 to tell the ports how to do business, but it was the
2 idea that if ports could get involved in much more
3 comprehensive planning that did bring in these other
4 players, and we didn't set the mechanism but perhaps
5 a regional ocean council is the mechanism that could
6 do that.

7 Then if that was done on the front end of
8 major planning horizons for the port development, a
9 lot of the issues that get ports into trouble and get
10 other entities into trouble and into confrontations
11 could perhaps be worked out long ahead of decisions
12 having to be made, final decisions having to be made.
13 And that is the intent here.

14 But you have informed it much better by
15 saying what's needed to actually get the players to
16 the table, and I think Frederika and other staff can
17 work hopefully to beef up that portion of the
18 discussion.

19 Maybe this is something beyond just the
20 permitting process analysis that you suggested that
21 could be looked at by the National Academy and pick
22 up, if we look at the permitting process in the

12706.B
JWBeach

1 former slide, the wetlands' issues, this kind of
2 thing, give them two or three major permitting thorny
3 networks to look at and give us some recommendations
4 back and work that through the National Ocean Council
5 level, we would make some--that's the kind of
6 recommendation that might really give us some
7 progress here, is what I'm getting at.

8 So I think I've got your points, and I
9 hope staff has, because I can't write and talk at the
10 same time.

11 MR. EHRMANN: Good. Commissioner
12 Hershman?

13 COMMISSIONER HERSHMAN: I think the
14 discussion we've had and all the points you've
15 raised, Paul, and what Lillian has raised, has really
16 fleshed this out very well.

17 Just two little things I'd like to add.

18 The port development and waterfront
19 activities is an essential part of coastal
20 management. So the coastal management people, or
21 coastal management framework that we were discussing
22 earlier should be an integral part of this. So I

12706.B
JWBeach

1 think that that should be added.

2 Then the second thing is that in the
3 recommendation that we look at the permit process,
4 one of the payoffs to doing a comprehensive front-end
5 planning process like this is simplification and more
6 expedited permitting that comes later. And that is
7 real money in the bank for the port agencies and
8 others who are dependent upon the deeper channel or
9 whatever it is.

10 So that that is a very powerful incentive.

11 So if we were to ask for a study, I would think the
12 study should ask for an evaluation of how
13 simplification might work if we have this up-front
14 comprehensive planning process.

15 MR. EHRMANN: Commissioner Coleman?

16 COMMISSIONER COLEMAN: Thank you. I want
17 to support Lillian's comments on beneficial use of
18 dredge materials.

19 I would urge the staff that after the
20 legal analyses have been completed, for you to go
21 through there and look at the problems.
22 Scientific study after scientific study

12706.B
JWBeach

1 has shown that by putting contaminated sediments into
2 a marsh setting will clean them up. And yet we
3 dredge, just along Louisiana and Texas, literally
4 tens of thousands of tons a year and we have to put
5 it offshore in dump areas rather than where it could
6 be beneficial.

7 So I really urge staff to look at that.

8 COMMISSIONER SANDIFER: That point is well
9 taken, and, Coleman, if you would be so kind as to
10 direct us to some literature as a starting place then
11 we will pick it up from there.

12 I do want to elaborate one point that
13 several of you have made regarding the permitting
14 process. We are strongly suggesting that there are
15 problems with the permitting process that don't do
16 either the applicant or the public any good.

17 This is not an issue where we are trying
18 to simplify the permitting process just so ports can

19 dredge more readily.

20 So I want everybody to clearly understand

21 that. Hopefully that would be an outcome, that

22 because of a much better system of collecting and

12706.B
JWBeach

1 managing information and the wealth of information
2 that would be available to the public at large as
3 well as to the port applicant or the Army Corps of
4 Engineers, one could make a much more rational
5 decision and make them more rapidly. But it doesn't
6 mean that we are looking for a mechanism for the port
7 or the Army Corps or anybody else to hammer something
8 through that the public may not want.

9 And I know Lillian clearly understands
10 that, but I just wanted to clarify that for the
11 record here. Because that is not the intent of
12 simplifying permitting. It is to get more
13 information that informs the permitting process so it
14 can move more rationally.