

Port of Oakland Dredge Materials Released into U.S. Waters

Dear Governor,

I am representing Californians concerned with balancing progress with our environment. Regarding the dredging now going on in Oakland. We are against barging the soils containing heavy metals anywhere but to a land fill.

However, if it is most cost effective to dump it in the ocean then the two already established dump sites should be reconsidered as the dump site for this sludge.

Sincerely,

Susan B. Anthony

Department of Fish and Game Responds:

Dear Ms. Anthony

Your letter to the Governor regarding the disposal of dredge materials from the Port of Oakland has been referred to me for reply. At present, disposal of dredge spoils from this project has been stopped by court order. The Department of Fish and Game intends to be involved in all future decisions on this project to ensure that fish and fisheries are protected. I would like to take this opportunity to describe our past and present involvement with dredging and dredge disposal operations in San Francisco Bay.

The Department has been involved for many years with the entire issue of the disposal of dredge materials within San Francisco Bay, particularly at the Federally approved Alcatraz site, as well as the designation process for a permanent ocean site for the long-term disposal of these materials. We have recommended frequently on past dredging projects that in-bay disposal be curtailed and that a deep-water ocean site, with a minimum of marine resource impacts and fishery conflicts, be considered and evaluated. Only recently have we made any progress toward that end and this progress has been relative to the Port of Oakland project.

The Department, in conjunction with the other resources agencies (i.e., National Marine Fisheries Services and the U.S. Fish and Wildlife Service), works toward the goal of resource protection within a framework of regulatory and environmental review. The U.S. Army Corps of Engineers (Corps), on the other hand, is the Federal agency which manages aquatic disposal sites and is also the permitting authority for dredging and disposal activities. Federally authorized and/or permitted projects require a disclosure document, such as an Environmental Impact Statement (EIS), describing the scope of the proposed project and its potential

environmental impacts. If the project takes place within State jurisdiction, then a State document (e.g., Environmental Impact Report) must be produced.

State agencies, including the Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission, and California Coastal Commission, may be involved as well in issuing permits or consistency determinations for these actions. Various Federal and State laws require the resources agencies to review these environmental documents and permit applications and to make comments and recommendations pertaining to project effects on fish and wildlife resources. We have vigorously attempted to use this process, and other forums as well, to influence the Corps to eliminate or reduce substantially in-bay disposal and to designate an appropriate (deep-water) ocean site for these materials.

A series of events took place in 1986 which precipitated the controversy you have inquired about. First of all, the Corps' management practices at the Alcatraz disposal site were altered to deal with the mounting problem which had developed several years earlier; one change required a slurry-only method of disposal. Secondly, partyboat skippers and other recreational fishermen began to notice muddier waters (elevated Turbidity) and reduced catches in central San Francisco Bay during late spring, summer, and early fall. These observations were supported by data gathered from two ongoing Department studies. Lastly, the Corps and the Port of Oakland released environmental documents describing their proposal to dredge 7 million cubic yards from Oakland Harbor with disposal at the Alcatraz site, and to predredge approximately 2.5 million cubic yards from Alcatraz, thereby accommodating the Oakland material, and depositing it at an interim ocean site. The Corps' preferred ocean site was 1-M, located nearly 15 miles southwest of the Golden Gate in 25 fathoms (150 feet) of water. Only one other site (B-1) was seriously considered by the Corps in this document and it was located approximately 25 miles southwest of the Golden Gate and 12 miles west of Half Moon Bay in 45 fathoms (270 feet). The B-1 site fell just barely inside the Corps' Zone of Siting Feasibility (ZSF), the dimensions of which are based upon a variety of Federal criteria. No deep-water alternatives were considered in the EIS as all other locations fell outside the Corps' ZSF.

Following the Departments review of the EIS, we voiced strong objections regarding several aspects of this project; the objections included use of the Alcatraz disposal site, open water disposal of some contaminated materials and the questionable concept of capping them with uncontaminated materials, the absence of a deep-water site for consideration, and the selection of site 1-M as their preferred site within the ZSF, Zone of Siting Feasibility.

Subsequently, we recommended in our response to the Corps that only uncontaminated material go to the ocean and that, of the alternatives presented in the EIS, the B-1 site was preferred to 1-M or Alcatraz. This recommendation was based upon an evaluation of historical fisheries values at the sites, rather than upon what we consider inadequate site characterization in the EIS.

The Department could fully support a deep-water ocean disposal site, outside of existing fishing areas, for the Port of Oakland and any other qualified dredging proposal, provided that it can be demonstrated that no major impacts to marine resources would take place. It is our intension to continue to work diligently, within the regulatory framework defined for our agency, to bring about the designation of an ocean disposal site which will present a feasible alternative to San Francisco Bay sites, yet provide a maximum of protection to marine resources and their users. We are currently working on making available up-to-date bottom fish data from our trawler log system to assist the Corps, fisherman's groups, resources agencies, and environmental groups in developing accurate ocean-site characterizations for fisheries values.

Again, thank you for your concern and involvement in this complex and controversial issue. With public support, we look forward to a just and timely resolution of this problem.

Sincerely,

Pete Bontadelli

Director

cc: Governor's Office