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

(Slide.)

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

When we had this discussion, we were very pleased to have Commissioner Borrone come in and join
us for awhile. I have limited the slide materials here to just three points, but we have extensive background material on this.

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

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

We felt that the first step here in sediment management had to be the development of comprehensive port management plans that linked economic, ecological, and social issues for the port and its coastal region, and would link the port planning to watershed planning in the broadest sense.
In other words, get all these people in on the front end of things rather than at the back end, or in battling. One element that would be a particularly
important component of a comprehensive port management plan is the sediment plan. In order to have a sediment management, you can characterize that as dredging or whatever you want to, but a sediment management plan.

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

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

Characterize sediment types and deposition rates;

The relationship of sediment characteristics' transport and fates to the habitat,
and ecological characteristics of the receiving environment;

The diversity of landscapes and land uses in the harbor area;
The balance of economic and ecological needs;

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

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

And where it is in "clean" sediment, how it could be used most beneficially in the environment
or the general area from which it is being removed from navigation channels.

All that is necessary if one would have an informed and rational permitting process.
And finally, as Admiral Gaffney has put forward, we would suggest strongly that the entire permit process be analyzed under a study by the National Academy of Public Administration to see if there are places where, at least once you have the appropriate information stream coming in on a regular basis, where that permit process could be simplified so that by working on the front end it is a whole lot simpler to get a plan put in place and affected, a plan that the public has agreed to put in place and affected.

(Slide.)

A final comment that is not reflected in the slide here but one that we discussed at some length was the necessity to remove from the Corps of Engineers' requirements on dredging that the least-cost alternative be the one chosen; that that is not
always the best alternative for a particular community, and the community--by that, I mean the broader watershed community--all the players, the stakeholders, ought to have the right to pay more if they wish to get a better result as opposed to
having a least-cost alternative effectively forced

upon them.

With that, I will stop.

MR. EHRMANN: Okay. Commissioner Borrone?

COMMISSIONER BORRONE: Okay, Paul, I think

your explanation was much clearer than this graphic.

And so if I could make one overall recommendation, it

is that this graphic needs to be redone if it is

going to be used in the future so that we crystalize

the recommendations more along the lines as you just

conveyed them orally, first of all.

Secondly, I just want to touch on two or

three things that you briefly touched on but that I

think need to be enhanced a bit.

One of the problems--and I think one of

the reasons why there is not a desire on the part of

a lot of port communities to engage in what we might

describe as a comprehensive port management planning
process—is that not everybody is willing to come to
the table, as we have heard, in the past with the
willingness as Bill described it to play together.

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

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

With that in mind, to make that happen--
and it goes along with the permit process--you have
to have some resources given to the federal agencies,
as well.

What I mean by that is that a lot of times we see the federal agencies like the EPA and the
Corps not having the resource to help advance the thinking of a beneficial use of sediment.

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

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

We need also to keep pace with technology so that as other contaminants of concern are found we can think about how to deal with them so that we're not putting the port or the applicant behind in their
ability to continue to move their economic or other
agenda.
And I think, as well, we need more dollars
for--in the harbor that I was affiliated with, it was
because my agency put a lot of money on the table that we actually had work underway on transport and modeling of contaminants and sediments.

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

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

And I do agree that this is another excellent example of where the Council can play a role in bringing cross-agency budget dialogue into play, and where it can help to resolve conflicts between agencies.
COMMISSIONER SANDIFER: Lillian, I could not agree with you more. In terms of some of the things I mentioned that aren’t on the slide, I take responsibility for that.
I asked the staff to cut something like 80 or 85 slides yesterday for the 17 areas we were trying to cover. And as we kept going, the slide number kept increasing rather than decreasing, trying to get the detail before us.

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

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

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

What I didn't pick up was the continued research on how to manage contaminated sediments, which probably is even of more concern to the public
at large, and that is something we will get in the next draft.

The Comprehensive Port Management Plan is not intended by us to be a buzzword or for us to try
to tell the ports how to do business, but it was the
idea that if ports could get involved in much more
comprehensive planning that did bring in these other
players, and we didn't set the mechanism but perhaps
a regional ocean council is the mechanism that could
do that.

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

But you have informed it much better by
saying what's needed to actually get the players to
the table, and I think Frederika and other staff can
work hopefully to beef up that portion of the
discussion.
Maybe this is something beyond just the permitting process analysis that you suggested that could be looked at by the National Academy and pick up, if we look at the permitting process in the
former slide, the wetlands' issues, this kind of
thing, give them two or three major permitting thorny
networks to look at and give us some recommendations
back and work that through the National Ocean Council
level, we would make some--that's the kind of
recommendation that might really give us some
progress here, is what I'm getting at.
So I think I've got your points, and I
hope staff has, because I can't write and talk at the
same time.
MR. EHRMANN: Good. Commissioner
Hershman?
COMMISSIONER HERSHMAN: I think the
discussion we've had and all the points you've
raised, Paul, and what Lillian has raised, has really
fleshed this out very well.
Just two little things I'd like to add.
The port development and waterfront activities is an essential part of coastal management. So the coastal management people, or coastal management framework that we were discussing earlier should be an integral part of this. So I
think that that should be added.

Then the second thing is that in the recommendation that we look at the permit process,

one of the payoffs to doing a comprehensive front-end planning process like this is simplification and more expedited permitting that comes later. And that is real money in the bank for the port agencies and others who are dependent upon the deeper channel or whatever it is.

So that that is a very powerful incentive.

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

MR. EHRMANN: Commissioner Coleman?

COMMISSIONER COLEMAN: Thank you. I want to support Lillian's comments on beneficial use of dredge materials.
I would urge the staff that after the legal analyses have been completed, for you to go through there and look at the problems. Scientific study after scientific study
has shown that by putting contaminated sediments into
a marsh setting will clean them up. And yet we
dredge, just along Louisiana and Texas, literally
tens of thousands of tons a year and we have to put
it offshore in dump areas rather than where it could
be beneficial.

So I really urge staff to look at that.

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

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

This is not an issue where we are trying
to simplify the permitting process just so ports can
dredge more readily.

So I want everybody to clearly understand that. Hopefully that would be an outcome, that because of a much better system of collecting and
managing information and the wealth of information that would be available to the public at large as well as to the port applicant or the Army Corps of Engineers, one could make a much more rational decision and make them more rapidly. But it doesn't mean that we are looking for a mechanism for the port or the Army Corps or anybody else to hammer something through that the public may not want.

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