

Southern California Dredged Material Management Team (SC-DMMT)
January 28, 2015
Final Meeting Notes

I. Participating Agencies /Attendees:

- a. Bonnie Rogers (USACE-Regulatory)
- b. Theresa Stevens (USACE-Regulatory)
- c. Joe Ryan (USACE-ED)
- d. Larry Smith[†] (USACE-Planning)
- e. Allan Ota[†] (USEPA Region 9)
- f. Loni Adams[†] (CDFW)
- g. Alan Monji[†] (RWQCB – San Deigo)
- h. Michael Lyons[†] (RWQCB – Los Angeles)
- i. Carol Roberts[†](USFWS)
- j. Larry Simone[†] (CCC)
- k. Bill Paznokas[†] (CDFW)
- l. Kathryn Curtis[†] (POLA)
- m. Dave Castanon[†] (USACE)
- n. Kim Garvey (M&N)
- o. Bryan Leslie (M&N)
- p. Bryant Chesney[†] (NMFS)
- q. [†]Port of Long Beach
- r. Charlotte[†] (LADBH)
- s. Jim Bowles (OC Public Works)
- t. Andrea (OC County)
- u. Brody[†] (CDFW)
- v. Jeff Thomas[†] ()
- w. Kat Pricket[†] (POLA)
- x. Nick Garrety (ESA consulting)
- y. David Pole (ESA consulting)

[†] participating via teleconference.

II. Announcements:

- 1. None.

III. Project Review and Determinations

1. Project #1: 10:00-11:00

- 1) project name: **Status of the LA-2 ODMDS**
- 2) applicant name: NA
- 3) project type (Regulatory/Navigation): policy discussion
- 4) corps project manager name: Larry Smith
- 5) meeting type (DMMT/CSTF): Joint SC-DMMT/CSTF

6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): discuss federal and state policy regarding disposal of dredged sediments at the LA-2 ODMDS (see below)

7) applicant presentation? (y/n): N

8) Documents: None.

Discussion: POLA received WDR for YTI Project that did now allow them to use LA-2. The LA RWQCB is taking control of LA-2 and using ERL and TMDL levels as guidelines. What is effect of this action for regulatory permits?

Corps Regulatory: The LA RWQCB staff report referenced ERLs and TMDL limits, and stated a policy of zero ocean disposal and 100 % beneficial re-use. There is regulation in the state public resources code which establishes the boundaries of the state of California in the ocean as three miles from the shoreline; however the LA RWQCB has a different interpretation. The LA-2 ocean disposal site is beyond the 3-mile limit and not subject to Section 404/401 regulation but rather Section 103 regulation. If a position paper on the topic is to be submitted there is a 90-day window for it with the State Water Resources Control Board (SWRCB).

Corps Planning: Should look at potential impacts of the disposal alternatives instead of just restricting use altogether. Use of ERLs as a regulatory guideline is inappropriate, either to make ocean disposal determinations or for establishing TMDLs. LA-2 is subject to MPRSA but not CWA and therefore does not require 401 certification; the 401 certification does apply at the dredging site. Corps will be briefing Colonel on the issue in regards to Corps' position.

RWQCB: Not present on telephone following advice from their counsel.

EPA: Allan Ota: EPA recognizes the geographic delineations based on NOAA charts. TMDLs are appropriate for inland waters protection but it does not make sense for deep ocean environment where risks are different from shallow water embayments. Use of ERLs and ERMs are guidelines not appropriate for decisions for Ocean Disposal. Ocean Disposal has a different framework where use of bioassays are more appropriate rather than strict chemistry numbers.

CCC: Larry Simone: Already submitted decision for the project.

USFWS:

NMFS: Not present.

CDFW: Waiting to see what the SWRCB process decision will be before submitting position letter.

POLB: May provide comment letter to SWRCB. It's important to comment now along the way and hopes agencies will consider commenting sooner than later.

Summary: Many entities are opting to wait for SWRCB process and appeal before deciding to provide opinion letter. Other applicants and the POLB are considering submitting a comment letter. Corps considers disposal at LA-2 a viable option for clean materials and is using it for Civil Works projects. Many folks will attend the CSTF meeting tomorrow with high attendance where this item will be discussed along with past agency studies on LA-2. POLA filed appeal with SWRCB. the LA RWQCB and SWRCB decisions may be different and SWRCB may either direct LA RWQCB to rewrite WDR or override the decision. Corps supports EPA submitting a factual letter regarding EPA's authority for Ocean Disposal.

Discussion ii: Use of LA-2, LA-3, annual disposal limits and timing of current/future proposed project which would need ocean disposal.

Corps Regulatory:

Corps Planning:

Corps Engineering: Asked EPA if LA-3 could be used if LA-2 annual limit is exceeded. When discussing tracking we should also discuss forecasting schedule.

RWQCB:

EPA: Annual capacity is 1 Million Cubic Yards per year for LA-2 and exceedance proposal would trigger additional modeling for higher volumes by the applicant proposing the exceedance; or projects should be phased. They may consider incidental exceedances to avoid additional environmental assessment. There is a common reference station set up that would allow disposal at either LA-2 or LA-3 without having to retest. Would like to schedule meeting to discuss a tracking tool regarding the volumes generated from dredging and where they are disposed to make better decisions.

CCC:

USFWS:

NMFS: Is also interested in how to better track volume dredged and disposals.

CDFW:

Moffatt and Nichol: For Sunset/Huntington Harbor dredging proposed project the CEQA was written for analysis at LA-2 only so use of LA-3 instead would need to be analyzed.

Summary: For February meeting discuss tracking dredging and disposals volumes.

2. Project #2: 11:00-11:45

- 1) project name: **Malibu Creek Ecosystem Restoration Project**
- 2) applicant name: Civil Works

- 3) project type (Regulatory/Navigation): discussion of nearshore/beach nourishment using sands excavated from Rindge Dam
- 4) corps project manager name: Larry Smith
- 5) meeting type (DMMT/CSTF): SC-DMMT
- 6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): discuss options for placing sand into ocean in the vicinity of Malibu Creek
- 7) applicant presentation? (y/n): N
- 8) Documents: See attached document.

Discussion i: Dam removal project would benefit steelhead. 280K CY layer for some form of beach nourishment. Alternatives for beach nourishment have been redefined/shifted. Material has approx. 20% fines so it may be better for other non-dry-beach sites (e.g. nearshore). Phasing of placement over 3 years would be required and would not occur during summer recreation season.

Applicant:

Corps Regulatory:

Corps Planning: There are two Alternatives. 1) placement of material up near dam site for holding until summer season is over to (October 15); then place in parking lot and move it east of Malibu Pier where beach is highly eroded needing sand. 2) truck material to commercial port like Hueneme, loaded on barge, and place it into the near-shore during summer time; currently studying locations of rocky reef to avoid impacts.

Hope to have draft EIS out in 2015 identifying specific alternative which includes removal of dam and removing material. The remainder non-suitable material would go to inland disposal.

Nearshore potential locations: The Colony near Malibu; area east of Malibu Pier.

The 280K CY would occur over years and is a fairly small quantity.

Sea-level rise is included in the Corps studies for the project.

Corps Engineering: Typically nearshore placement is spread at 5-10 foot high berm area. Thin vs. thicker layer of nearshore placement has different considerations. Thicker layer can feed nearby beach over time whereas thinner layer covers a larger footprint.

EPA: Alan Ota: Portland district had been using a thin layer placement for nearshore material; there are youtube videos available.

Sea level rise should be considered for areas that will be inundated.

Would like to review future assessment, SAP, and reports on project.

NMFS: Should consider how placement 3 years in a row would result in a continued disturbance to the site. East of Malibu Pier is less of a concern than further west. Concerns include seagrass and rocky reef west of the Pier.

CDFW: Interested in knowing how nearshore placement would be placed either piled or spread out. They prefer thin layer.

LA Department of Beaches and Harbor:

Summary: Corps Planning would circulate future assessment documents and reports to agencies for review or discuss at future DMMT.

Project #3: 12:45-1:30

- 1) project name: **Lower Santa Ana River Maintenance Dredging**
- 2) applicant name: County of Orange
- 3) project type (Regulatory/Navigation): Regulatory
- 4) corps project manager name: Corice Farrar
- 5) meeting type (DMMT/CSTF): DMMT
- 6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): SAP
- 7) applicant presentation? (y/n): Yes (Moffatt & Nichol, applicant's consultant, to present)
- 8) Documents: See attached presentation.

Discussion i: To gain approval of SAP plan. Project is maintenance dredging for flood control purposes by County of Orange. 530K-1.1 million CY estimated range. In 2005 Corps dredged river first and last time and material reused. There are three potential receiver beach nourishment sites: Newport on or near-shore, Seal Beach on-shore, Huntington on or near-shore; (previous Surfside-Sunset is no longer on the table). Anticipate construction in Spring 2016. County is under mandate to get dredging completed.

SAP details: There are 4 data sources which were previously sampled; fairly coarse and clean. Corps sample was a vertical composite. There is a clay layer at depth. 10 composite areas (A-J) (about 3-5 borings in each composite) and 34 boring locations. When encountering clay layer, will take a sample.

Applicant: OC County Public Works, Moffat & Nichol. Can look into past history of spills in the river but no one is aware of any offhand; can check with Waterboard.

EPA: Allan Ota will look for LA-2 common reference site map. The Composite H with only 3 locations is fine but it's difficult to see bathymetric depths. Composite I and J should probably have more samples but it's difficult to see. There are more fine grains upstream so better to do on-site inspection of cores of top layer and bottom separately in case one layer can be suitable.

CCC: Applicant notes their CDP dredging permit has expired but they will be sending in Amendment request soon to CCC.

USFWS: Carol Roberts: Wants to know if any research has been done to capture any spill events or outfalls locations. Could there still be residues of such events in the system? There are two endangered species of concern so there may be environmental windows during which the sampling work will need to be conducted.

NMFS: Consider implications of beach nourishment placement at Seal Beach location since 1MCY sediment could affect other downcoast dredging locations. For example, Bolsa Chica is having trouble keeping tidal input open. Consider sediment transport impacts.

Summary: Applicant will check with Waterboard on any past spill or outfall events in the area.

Applicant will address potential sediment transport to downcoast areas which may affect the inlets of Bolsa Chica and other openings.

Will provide zoomed in bathymetry maps for Composites and larger maps with storm drains.

Depending on review of larger maps, applicant may add more samples to Composite I.

Following SAP initial results of Tier I and II, they will hold a meeting to discuss.

They plan to prepare boring logs on on-site inspections.

They will get approval at a later time.

Project #4: 1:30-2:15

- 1) project name: **Ballona Wetlands Restoration**
- 2) applicant name: California Department of Fish and Wildlife
- 3) project type (Regulatory/Navigation): Habitat Restoration
- 4) corps project manager name: Dan Swenson
- 5) meeting type (DMMT/CSTF): DMMT
- 6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): Presentation of testing performed for wetland suitability, discussion of process for determining suitability for the Project's ocean disposal option.
- 7) applicant presentation? (y/n): Y
- 8) Documents: See attached documents.

Discussion i: Some materials may need to go for Ocean Disposal so applicant is proposing testing plan.

The four project alternatives include:

- a. "naturalized" creek
- b. partial "naturalized" creek
- c. levee culverts & oxbow
- d. no project

Disposal options:

- e. on-site placement in upland restoration areas
- f. landfill
- g. Port fill (& landfill)
- h. LA-2

Corps Regulatory:

- i. SMBRC testing done ~ 8 samples in area B, ~3 in area A (2010). Found several materials in higher concentrations, some greater than ERM. Surface grabs only. Also found pyrethroid toxicity.
- j. Issues to address/consider in future SAP:
 - i. Timing: 3 year limit on testing results unless conditions shown not to have changed (confirmatory (at a minimum) sampling);
 - ii. Use full analytic list per draft SAP/R guidelines table 4-1 (any proposed exceptions should include justification). For example, add pyrethroids;
 - iii. Show DU's and explain proposed compositing more clearly;
 - iv. Insufficient sampling in area B (+C?);
 - v. Map on-site or adjacent sources of pollution;
 - vi. Provide better map showing cut areas;
 - vii. Provide maps/figures showing extent of dredged material versus native soils.
 - viii. Follow draft SAP/R guidelines (sent previously).

EPA:

- k. Only dredged material or forms dredged material qualifiers for ocean disposal
- l. Ampelisca recommended for fine-grain sediments, and here Ampelisca matched control in terms of survival.
- m. Suggested following draft SAP/R guidelines, including bathymetry figure with project footprint & "cut".

RWQCB:

- n. Is it OK to test unexposed inland soil using these Tier III toxicity tests with marine species? EPA confirmed that there are protocols for rewetting inland soils, and no time limit for disposal of "historic" dredged material.
- o. Q: any commercial/industrial? A: SoCal Gas currently, gas monitoring wells.
- p. Salinity potential issue for landfill option.

USFWS:

- q. Oil well gages sometimes had Hg contamination so some additional historical review should be done.
- r. There may be scrutiny on proposed use of Ballona Creek as source of inflows to the restored wetland given the potential for storm water pollutants as these can impact habitat quality. Corps Regulatory response: one wetland function includes water filtration.

- s. Further testing can be done in future as long as FEIS includes disposal options if sediment ultimately fails to meet suitability requirements for beach disposal.

Applicant:

- t. Intent is to prepare a SAP later on if offshore disposal ultimately needed (based on whatever preferred project alternative is selected), including SC-DMMT review.

IV. Other topics: Revisions on the Santa Ana SAP were provided by the applicant and reviewed by the Corps and EPA. The Corps and EPA approved the SAP with the revisions.