

Coordination Principles & Procedures
Southern California - Dredged Material Management Team (SC-DMMT)

Final

January 28, 2010

Rationale

The permitting system for dredging and disposal can be lengthy and complex, involving several federal and state agencies that issue permits or other legal approvals. In coastal Los Angeles County selected dredging projects (including those conducted by the U.S Army Corps of Engineers [the Corps] and various government municipalities) are reviewed through the Los Angeles Regional Contaminated Sediment Task Force (CSTF, see below for more detail) Advisory Committee, a process which will continue. Elsewhere in southern California, however, no formal, coordination process for managing dredging project permitting existed prior to the SC-DMMT. Increased coordination among agencies that permit dredging projects will decrease redundancy and increase efficiency. Additionally, the process of making suitability determinations for disposal of dredged material often requires agency interpretation of an extensive suite of testing that characterizes the physical, chemical, and biological nature of the sediment proposed for dredging. The contribution of regulatory agency staff to the suitability determination process reflects differing areas of technical expertise. In addition, increased coordination on dredging policy issues will increase communication and allow consensus-building. Thus, the coordinated exchange of technical and policy information among staff creates a common knowledge base to ensure that permit actions are taken in a consistent and timely manner.

Goal

To establish an interagency team for the coordinated review of dredging projects and dredging policy issues within the Southern California area, specifically the counties of San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and parts of San Luis Obispo County. Coordinated review of dredging projects and policy issues will reduce redundancy and unnecessary delays in permit processing, promote consistency in dredging project reviews, and facilitate development of consensus recommendations among regulatory staff. This team is called the Southern California Dredged Material Management Team (SC-DMMT). The SC-DMMT is not intended to replace the CSTF or its functions in the Los Angeles region, but rather to provide a mechanism for ensuring timely review of projects that are not handled by the CSTF. The CSTF review area includes the coastal areas of Los Angeles County, extending from Santa Monica Bay to San Pedro and Alamitos Bays. Specific management areas include Marina del Rey/Ballona Creek Entrance Channel, the ports of Los Angeles and Long Beach, the

Los Angeles River Estuary, and the mouth of Alamitos Bay. Therefore, the SC-DMMT would review dredging projects in Los Angeles County not covered by the CSTF, and dredging projects outside of Los Angeles County but falling within the multiple county SC-DMMT jurisdiction, as described above.

Member Agencies

Core membership of the SC-DMMT includes the U.S. Army Corps of Engineers (Corps, with representatives from both Civil Works and Regulatory programs), the California Coastal Commission, representatives from the various Regional Water Quality Control Boards in southern California (Central Coast, Los Angeles, Santa Ana, and San Diego Regions), and the U.S. Environmental Protection Agency (EPA). Core member agencies are those with permitting authority over dredging-related projects. Other regulatory agencies are invited to participate in SC-DMMT meetings; these agencies include California State Lands Commission, U.S. Fish and Wildlife Service, California Department of Fish and Game, and National Marine Fisheries Service.

Non-member Involvement

Participation in SC-DMMT meetings is limited to member agencies listed above and, when deemed appropriate by the assigned Corps project manager, applicants or applicant representatives. Other agency representatives may request the Corps project manager to invite project applicants or applicant representatives.

While SC-DMMT meetings are not currently open to non-members, the Member Agencies of the DMMT are committed to ensuring that all stakeholders have the opportunity to meaningfully participate in the dredging program decision making process. Stakeholders will have several different kinds of opportunities to be involved in and informed of this process. First, the DMMT reviews will not serve as a substitute for any public review and comment opportunities currently provided through the individual member agency decision making processes. Second, as discussed below, CSTF meetings will continue to occur, as requested by CSTF members, to provide opportunities for stakeholder input concerning individual projects and broader dredging policy issues which are under the charter of the CSTF. Finally, the Corps will prepare SC-DMMT meeting notes and post them on the Corps' SC-DMMT website so that SC-DMMT activities are explained and available to all stakeholders.

Role of Contaminated Sediments Task Force (CSTF)

On October 12, 1997, Governor Wilson signed into law SB 673. This legislation established the multi-agency Los Angeles Regional Contaminated Sediments Task Force. In 1999, a cooperative agreement was established through an MOU between many of the agencies involved in the CSTF. Signatories to the MOU include the US EPA, the Corps of Engineers Los Angeles District, the California Coastal Commission, the Los Angeles Regional Water

Quality Control Board (LA-RWQCB), and the major dredging project proponents in the Los Angeles region (Port of Long Beach, Port of Los Angeles, City of Long Beach, and Los Angeles County through its Beaches and Harbors Department). CSTF participation includes other agencies and interested parties as well. California Department of Fish & Game and National Marine Fisheries Service are participants. Heal the Bay, while not a MOU signatory, is a key non-governmental stakeholder and participated in the development of the MOU. The Coastal Commission and the LA-RWQCB serve as co-chairs of the task force.

The CSTF developed a long-term management plan (the Strategy) for dredging and disposal of contaminated sediments in the Los Angeles area. The CSTF also formulated guidelines for an Advisory Committee to conduct a coordinated project review of dredging activities in the Los Angeles region. Currently, the CSTF Advisory Committee evaluates proposed dredging and disposal projects, including pre-application planning, SAP review, and evaluation of sampling results.

Consistent with the CSTF's charter, CSTF meetings are initiated by a CSTF member and are open not only to CSTF MOU signatories and other regular participants (notably Heal the Bay), but also to all stakeholders. Since the same regulatory agency staff members typically serve on both the SC-DMMT and CSTF, every attempt will be made to schedule CSTF meetings on the same days as regularly scheduled SC-DMMT meetings, to improve the efficiency of utilization of agency staff resources. The two bodies are separate and have separate review jurisdictions, however. Accordingly, CSTF meetings may also be scheduled independently as project schedules demand and the availability of CSTF members permits. In addition to coordinating with all CSTF participants, the CSTF meeting initiator will also coordinate with the Corps SC-DMMT agenda POC when a CSTF meeting is proposed to occur on the same day as a regularly-scheduled SC-DMMT meeting. In all other respects, agenda preparation, decision-making, documentation, and distribution for CSTF meetings will follow established CSTF procedures. More information on the CSTF can be found at: <http://www.coastal.ca.gov/sediment/sdindex.html>.

Projects that typically receive SC-DMMT coordination/review

The SC-DMMT will review:

- Corps navigation dredging projects that are not selected for CSTF review, including both operations and maintenance and "new work" projects, regardless of proposed disposal location;
- Dredging projects regulated by the Corps that are not selected for CSTF review, including navigation improvements, operations, maintenance and new projects.

The SC-DMMT will also review other projects requiring sediment testing per the requirements of the Inland Testing Manual and/or Ocean Testing Manual that are not selected for CSTF review.

Scope of DMMT reviews

The SC-DMMT is intended to focus on technical issues associated with dredging projects. The SC-DMMT may review dredging sampling and analysis plans, sampling results based on approved plans, and suitability determinations.

The SC-DMMT may also evaluate its operating procedures and criteria for project review; discuss technical and policy issues associated with dredging project development, evaluation, suitability determinations, and approval; and technical and policy issues associated with dredged material disposal and beneficial reuse. The SC-DMMT and the CSTF will each coordinate with the other where overlapping issues occur.

Schedule

The SC-DMMT will meet on a trial basis for six months starting on September 23, 2009. The SC-DMMT will meet on a monthly basis in Los Angeles on the fourth Wednesday of each month. Teleconferencing will be available. At the end of the six month period, these procedures will be re-evaluated.

Location

Meetings will be held at the Corps District office (915 Wilshire Blvd, Los Angeles, CA, 90017). Specific meeting rooms will be determined from month to month.

Agenda and submittal procedure

The Corps will prepare agendas for all SC-DMMT meetings (POC: Dan Swenson). Corps project managers will nominate projects and issues to be put on the SC-DMMT meeting agendas. Requests by applicants or other SC-DMMT member agencies must be submitted through the applicable Corps project manager to the Corps SC-DMMT POC. In order for a project to be added, the Corps project manager must submit the following information to the agenda POC:

- 1) Project name
- 2) Applicant (aka, project proponent) name
- 3) Project type (Regulatory, Civil Works, Corps Interagency and Intergovernmental Support, etc.)
- 4) Document/issue to be reviewed (e.g., SAP, SAPR, suitability determinations, etc.)
- 5) Whether applicant has requested to present information to the SC-DMMT or not. Please keep in mind that applicant presentations, if accepted (based on scheduling constraints), should last no longer than 15-30 minutes.

Projects must be added to the agenda no later than two weeks in advance. In their request, Corps project managers must also

forward to the agenda POC the document(s) to be reviewed (SAP or SAPR), preferably by e-mail or by posting on an FTP site, so these can be distributed to meeting participants. Alternatively, the Corps project manager can arrange for the applicant to send documents to participants directly (see agenda POC for instructions). Please note that unless documents are provided with a request, that project will not be reviewed at the upcoming meeting.

Agenda requests regarding policy or technical matters may be made by any membership agency to the Corps SC-DMMT POC. The following information must be submitted to the agenda POC:

- 1) Policy or technical topic
- 2) Supporting documentation (e.g., scientific paper, specific policy documents)
- 3) Action sought (general discussion, policy recommendation)

Format

SC-DMMT meetings will normally consist of project reviews in the morning and early afternoon. Late afternoon will consist of an agency-only discussion portion where core membership agencies will make recommendations on projects and discuss policy issues. CSTF meetings that are scheduled on the same day as the SC-DMMT meetings will occur prior to the SC-DMMT meeting. For the agency-only discussion portion, the Note-taker will record to the best of his/her ability the comments made by each agency. The Note-taker will be a designated Corps project manager chosen by the Corps. The Note-taker is responsible for providing a text record of draft and final meeting notes for the agency-only portion.

Recommendations and Documentation

After discussing projects in the first portion of the meeting, the SC-DMMT meeting will conclude with an agency-only discussion portion. During this agency-only discussion portion, member agencies with jurisdiction over the proposed action will verbally indicate their views concerning any SAP, SAPR, and/or suitability determination. In the context of the SC-DMMT, this means that an agency staff person is expressing a position in writing (meeting notes) on behalf of their agency. Agency "voting" in this context is equivalent to the individual conversations and verbal/e-mail commitments that occurred on an ad hoc basis prior to establishment of the SC-DMMT, where individual agency letters formally communicating the agency's position were subsequently provided. In this way, the SC-DMMT is facilitating efficient coordination and agency commitment, not supplanting agency authority. If any authorizing agency elects not to support a SAP, SAPR, and/or suitability determination that agency is expected to provide its rationale and any steps that would enable the applicant to obtain approval. The meeting notes will identify

those agencies with permitting authority for any given project. Each agency's position on any given project will be noted (or if requiring more than a few sentences, that agency will submit comments before draft notes are finalized). While member agencies should be prepared to express a position at the agency-only discussion portion of the meeting, this will not always be possible when project discussion uncovers missing information or when the full scope of the project only becomes known during the course of the discussion. In such cases, follow up meetings will sometimes be required either at subsequent SC-DMMT meetings or ad hoc meetings.

Once the meeting is concluded, the designated note-taker will prepare and distribute draft meeting notes (for agency-only portion only) to the agencies within three business days to member agencies. Agencies will then have two business days to submit any corrections. The designated note-taker will then prepare and distribute the final meeting notes within two business days to member agencies. It is expected that Corps project managers will forward the final meeting notes to project applicants. SC-DMMT decisions are not final until issuance of the final meeting notes. SC-DMMT decisions are limited to approval of SAPs, acceptance of SAP results as being adequate for making a suitability determination for disposal, and concurrence with Corps suitability determinations for a given disposal option. It is understood that an individual agency's permit decisions will generally be consistent with positions expressed by that particular agency, as reflected in the final meeting notes. However, agency permit decisions and project review for NEPA/CEQA compliance are not restricted by SC-DMMT decisions. Therefore, final meeting notes can be relied upon for commitment of resources by proponent agencies and applicants towards sediment sampling and testing, or preparation of permit applications and/or environmental documents using SC-DMMT approved SAPs and/or SC-DMMT concurred suitability determinations.

Points of contact (POCs)

Agenda preparer: Ken Wong (Corps, 213-452-3290)

Note-taker (agency-only portion): Ken Wong (Corps, 213-452-3290)

Logistics (meeting room, etc.): Larry Smith (Corps, 213-452-3846)

CSTF liaison: Jack Gregg (California Coastal Commission, 415-904-5246)