

## LTMS OPTIONS PAPER

### PROPOSED APPROACH FOR MANAGEMENT PLAN IMPLEMENTATION

#### INTRODUCTION

In implementing the Long-Term Management Strategy for the Placement of Dredged Material in the Bay Region (LTMS) program over the past 12 years, in-Bay disposal has been significantly reduced with no exceedance of the 3-year average in-Bay disposal target volumes; approximately 20 million cubic yards of sediment reused at beneficial reuse sites, primarily wetland restoration projects; and the permitting process has significantly improved. As designed in the 1998 programmatic LTMS Environmental Impact Statement/Environmental Impact Report (EIS/EIR), the program continues to minimize in-Bay disposal, maximize beneficial reuse, and use the ocean disposal as a “safety valve” when beneficial reuse is not feasible. The agencies continue to endeavor to reduce costs and increase beneficial reuse opportunities where there is potential to do so.

After assessing the LTMS program implementation to date and stakeholder comments, the Management Committee has made the decision to continue the LTMS program with its existing goals. However, due to current challenges, including a recovering economic climate and limited beneficial reuse options, LTMS agencies propose that some aspects of the Management Plan implementation measures be modified to address new information, changing circumstances, and stakeholder concerns. This information was provided for discussion purposes at the April 24, 2013, LTMS Management Committee meeting. Changes to the implementation measures would be reflected in an addendum to the LTMS Management Plan, and if appropriate, Basin and/or Bay Plan amendments would be undertaken.

#### OPTIONS FOR REVISED IMPLEMENTATION MEASURES

For discussion purposes, potential revisions to implementation of the Management Plan are grouped as follows (and summarized further in the attached tables):

- Measures within existing agency authorities that can be taken immediately with no (or only minor) changes to the Management Plan
- Measures that require stakeholder participation and/or leadership
- Measures under existing agency authorities that cannot be taken immediately and that would require Management Plan or Basin/Bay Plan amendments to implement

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- Measures that are outside current agency authorities to implement and would require stakeholder-led efforts to address

## **Proposed Approach**

The LTMS agencies' proposed approach at this time is to increase flexibility for meeting the in-Bay disposal volume targets under the existing Management Plan by immediately implementing the measures in Group 1 using existing authorities. Measures in Group 2 require stakeholder interest, involvement, and support. These are activities that would not necessarily require changes in agency authority, but would take coordinated action by the agencies and the stakeholder community. Measures in Group 3 can continue to be considered over time if it appears that allocations could not be avoided, or that adequate progress toward Management Plan targets could not otherwise be maintained by using the measures proposed in Groups 1 or 2. Measures in Group 4 would require changes in authority both at the federal and state levels and are not being pursued at this time.

Note that these proposed modifications to implementing the Management Plan are not the only results to emerge from the LTMS 12-year review process. The 12-Year Review Report includes a number of specific findings, lists several actions that have already been initiated in response to new information and changed conditions (including modeling of unconfined in-Bay placement of sediment which may result in beneficial use), and identifies the following priorities for ongoing LTMS attention:

- Continue to improve the cooperative permitting process.
- Work with partners to identify a new funding strategy for the LTMS program, including beneficial reuse projects.
- Identify and support additional beneficial reuse sites.
- Develop and pursue legislation at the state and federal level (Federal Standard change) that supports beneficial reuse.
- Work to better align U.S. Army Corps of Engineers (USACE) planning and contracting to increase beneficial reuse.
- Coordinate dredging and restoration projects.

The 12-Year Review Report is available on the LTMS web page at:

[www.spn.usace.army.mil/Missions/DredgingWorkPermits/LTMS/LTMSProgram12YearReviewProcess.aspx](http://www.spn.usace.army.mil/Missions/DredgingWorkPermits/LTMS/LTMSProgram12YearReviewProcess.aspx)

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### **Group 1**

#### **Flexibility measures that can be implemented immediately using existing authorities**

<b>Measure</b>	<b>Considerations</b>
Extend the averaging period for Integrated Alternative Disposal Site Analyses (IAAs) from 3 to 5 years	<ul style="list-style-type: none"><li>– Increases the likelihood of exceeding annual in-Bay volume target in any one year</li><li>– Increases the risk of triggering disposal allocations (still based on 3-year averages in Management Plan)</li><li>– Increases the likelihood that dredgers may defer use of beneficial reuse sites even when they are available</li><li>– Simplifies IAA calculations (20% increments)</li><li>– Adds flexibility in project planning</li></ul>
Utilize the existing 250,000 cubic yards (cy)/year contingency volume (e.g., allowing in-Bay disposal of up to 1.5 million cy/year)	<ul style="list-style-type: none"><li>– Allows some additional in-Bay disposal when alternatives are not available or practicable</li><li>– May reduce costs for some projects</li><li>– Lowers the risk of triggering allocations</li><li>– Does not change the in-Bay limit because the contingency volume is included in the current Management Plan</li><li>– Can be applied on a project-by-project basis or programmatically each year as needed</li></ul>

### **Group 2**

#### **Recommendations needing stakeholder participation/leadership**

<b>Measure</b>	<b>Considerations</b>
Seek additional funding sources to assist in beneficial reuse projects (e.g., coastal hazard funding, grant opportunities, Water Resources Development Act Section 204 reuse funding)	<ul style="list-style-type: none"><li>– Appropriate sources of funding would need to be identified</li><li>– An entity with the ability to accept and disperse funds would need to be identified</li><li>– An effort would be needed to apply for/create opportunities for funding</li></ul>
Increase coordination of beneficial reuse sites and dredging projects (i.e., SediMatch)	<ul style="list-style-type: none"><li>– Both dredging project and restoration project sponsors would need to willingly participate</li><li>– Sufficient lead time for project coordination would be necessary</li><li>– Specialized equipment may be needed</li><li>– Cooperation on sharing costs would be necessary, but carries potential mutual benefit</li></ul>
Develop creative partnerships among dredging proponents (e.g., dredging cooperatives or other similar projects among ports) to achieve economies of scale for contracts	<ul style="list-style-type: none"><li>– Both dredging project and restoration project sponsors would need to willingly participate</li><li>– Increased coordination would be needed</li><li>– Contracting issues may need to be addressed creatively</li><li>– Agency processes would need to recognize and accommodate partnerships</li></ul>

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### Group 3

#### Flexibility measures requiring Management Plan and Basin/Bay Plan amendments

Measure	Considerations
Temporarily suspend the 2013 step-down to allow for in-Bay disposal of ~1.64 million cy/year + contingency	<ul style="list-style-type: none"> <li>– Increases the likelihood of exceeding annual in-Bay volume target in any one year</li> <li>– Maintains 91% of reduction called for in an EIS/EIR and Management Plan, on average</li> <li>– May further reduce costs for some dredgers</li> <li>– Increases the risk of triggering allocations (if the process remains based on 3-year averages)</li> <li>– Increases the likelihood that dredgers may defer use of alternatives even when they may be available</li> <li>– Adoption uncertain via Basin/Bay Plan amendment process</li> <li>– May have adverse impacts on existing and in-progress programmatic consultations with resource agencies on LTMS program</li> </ul>
Extend the averaging period for allocations to 5 years (to match IAAs)	<ul style="list-style-type: none"> <li>– Increases the likelihood of exceeding annual in-Bay volume target in any one year</li> <li>– Lowers the risk of triggering allocations</li> <li>– Increases the likelihood that dredgers may defer use of alternatives even when they may be available</li> <li>– Adoption uncertain via Basin/Bay Plan amendment process</li> <li>– May have adverse impacts on existing and in-progress programmatic consultations with resource agencies on LTMS program</li> </ul>

### Group 4

#### Recommendations outside current agency authorities

Measure	Considerations
Make a minimum of 40% beneficial reuse mandatory	<ul style="list-style-type: none"> <li>– Current regulatory authorities focus on minimizing impacts, not maximizing benefits</li> <li>– Legislative (e.g., Water Resources Development Act) changes could allow or require USACE projects to incorporate more beneficial reuse</li> <li>– Could reduce or increase the costs of beneficial reuse</li> <li>– Would provide more certainty for beneficial reuse projects</li> </ul>
Establish incentives for reuse (e.g., subsidize costs with bond measures, mitigation credits, etc.)	<ul style="list-style-type: none"> <li>– Subsidies could reduce costs for dredgers and/or restoration sites</li> <li>– Unclear if/when subsidies could apply to USACE (the largest dredger)</li> <li>– Source and management of subsidies are not traditional agency tasks</li> <li>– Could increase beneficial reuse opportunities</li> </ul>
Charge taxes or fees for in-Bay disposal to offset reuse costs	<ul style="list-style-type: none"> <li>– Fees would place a value on in-Bay disposal and could provide funding for reuse or other LTMS initiatives</li> <li>– Fees on in-Bay disposal would increase costs to some dredgers and may not apply to USACE (the largest dredger)</li> <li>– Management of funds to offset reuse not a traditional agency role</li> </ul>
Require small dredgers to beneficially reuse sediment	<ul style="list-style-type: none"> <li>– Small dredgers use small barges that can better access shallow reuse sites</li> <li>– Reuse requirement would increase cost for small dredgers, who are often unable to absorb increases</li> <li>– May increase the time necessary to complete the dredging project beyond work windows</li> </ul>