LONG TERM MANAGEMENT STRATEGY

LTMS Discussion 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 twelve years, in Bay disposal has a been significantly reduced with no exceedence of the three 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. The program as designed, in the 1998 programmatic LTMS Environmental Impact Statement/Environmental Impact Report (EIS/EIR), 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 the challenges that currently exist, including a recovering economic climate and limited beneficial reuse options, LTMS agencies are proposing that some aspects of the Management Plan implementation measures be modified in order to address new information, changing situations, and stakeholder concerns. This information is being 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 in Basin and/or Bay Plan amendments would be undertaken.

OPTIONS FOR REVISED IMPLEMENATION MEASURES:

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

1. Measures within existing agency authorities that can be taken immediately with no (or only minor) changes to the Management Plan;
2. Measures that require stakeholder participation and/or leadership;
3. Measures under existing agency authorities, but that cannot be taken immediately and that would require Management Plan or Basin/Bay Plan amendments to implement; and
4. Measures that are outside current agency authorities to implement, and would require stakeholder-led efforts to address.

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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, using groups 1 or 2 measures. Measures in Group 4 would require changes in authority both at the federal and state level 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. 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 USACE planning and contracting to increase beneficial reuse
- Coordinate dredging and restoration projects

The 12-Year Review Report is available on the LTMS web site at:
www.spn.usace.army.mil/Missions/DredgingWorkPermits/LTMS/LTMSProgram12YearReviewProcess.aspx

Group 1: Flexibility measures that can be implemented immediately using existing authorities	
Measure	**Considerations**
Extend the averaging period for Integrated Alternative Disposal Site Analysis (IAA) from 3 years to 5 years	• Increases the likelihood of exceeding annual in-Bay volume target in any one year • Increases risk of triggering disposal allocations (still based on 3-year averages in Management Plan) • Increases likelihood that dredgers may defer use of beneficial reuse sites even when they may be available • Simplifies IAA calculations (20% increments) • Adds flexibility in project planning
Utilize the existing 250,000 cy/year contingency volume (e.g., allowing in-Bay disposal of up to 1.5 mcy/yr)	• Allows some additional in-Bay disposal when alternatives are not available or practicable • May reduce costs for some projects • Lowers risk of triggering allocations • Does not change the in-Bay limit because the contingency volume is included in the current Management Plan • Can be applied project-by-project or programmatically each year as needed

Group 2: Recommendations needing stakeholder participation/leadership	
Measure	**Considerations**
Seek additional funding sources to assist in beneficial reuse projects (i.e. coastal hazard funding, grant opportunities, WRDA Section 204 reuse funding)	• Appropriate sources of funding would need to be identified • An entity with the ability to accept and disperse funds would need to be identified • An effort would be needed to apply for/create opportunities for funding
Increase coordination of beneficial reuse sites and dredging projects (i.e. SediMatch)	• Both dredging project and restoration project sponsors would need to willingly participate • Sufficient lead time for project coordination will be necessary • Specialized equipment may be needed • Cooperation on sharing costs would be necessary, but carries potential mutual benefit
Develop creative partnerships among dredging proponents (i.e. dredging cooperatives among ports or other similar projects) to achieve economies of scale for contracts	• Both dredging project and restoration project sponsors would need to willingly participate • Increased coordination would be needed • Contracting issues may need to be addressed creatively • Agencies processes would need to recognize and accommodate partnerships

Group 3: Flexibility measures requiring Management Plan and Basin/Bay Plan amendments	
Measure	**Considerations**
Temporarily suspend the 2013 Step-down to allow in-Bay disposal of ~1.64 mcy/year + contingency	• Increases the likelihood of exceeding annual in-Bay volume target in any one year • Maintains 91% of reduction called for in EIS/EIR and Management Plan, on average • May further reduce costs for some dredgers • Increases risk of triggering allocations (if stay based on 3-year averages) • Increases likelihood that dredgers may defer use of alternatives even when they may be available • Adoption uncertain via Basin/Bay Plan amendment process • May have adverse impact on existing and in-progress programmatic consultations with resource agencies on LTMS program
Extend the averaging period for allocations to 5 years (to match IAAs)	• Increases the likelihood of exceeding annual in-Bay volume target in any one year • Lowers risk of triggering allocations • Increases likelihood that dredgers may defer use of alternatives even when they may be available • Adoption uncertain via Basin/Bay Plan amendment process • May have adverse impact on existing and in-progress programmatic consultations with resource agencies on LTMS program

Group 4: Recommendations outside current agency authorities	
Measure	**Considerations**
Make a minimum of 40% beneficial reuse mandatory	• Current regulatory authorities focus on minimizing impacts, not maximizing benefits • Legislative (e.g. Water Resources Development Act) changes could allow or require USACE projects to do more beneficial reuse • Could reduce or increase costs of beneficial reuse • Would provide more certainty for beneficial reuse projects
Establish incentives for reuse (subsidize costs with bond measures, mitigation credits, etc.)	• Subsidies could reduce costs for dredgers and/or restoration sites • Unclear if/when subsidies could apply to USACE (the largest dredger) • Source and management of subsidies not a traditional agency role • Could increase beneficial reuse opportunities
Charge taxes or fees for in-Bay disposal to offset reuse costs	• Fees would place a value on in-Bay disposal and could provide funding for reuse or other LTMS initiatives • Fees on in-Bay disposal would increase costs to some dredgers, and may not apply to USACE (the largest dredger) • Management of funds to offset reuse not a traditional agency role
Require small dredgers to beneficially reuse sediment	• Small dredgers use small barges that can better access shallow reuse sites • Reuse requirement would increase cost for small dredgers, who as a class are often least able to absorb increases • May increase the time necessary to complete the dredging project beyond work windows