

APPENDIX E

NON-LTMS AGENCIES: AUTHORIZATION

APPENDIX E

This appendix describes the roles of agencies not directly involved in the LTMS and the Dredged Material Management Office (DMMO) that may review or authorize dredging and dredged material disposal projects.

LOCAL GOVERNMENT AGENCIES

California law provides for local land use decision-making and establishes the framework for those decisions. Local government is delegated the task of protecting and overseeing the use of the state's land resources through the use of General Plans, zoning ordinances, permit controls, and environmental review. In addition to General Plan and/or zoning approvals, local permits (e.g., use permits, grading permits, or encroachment permits) may be required for dredging activities and use of beneficial reuse sites. It is the responsibility of the project proponent to contact the appropriate local agency to determine permit and/or California Environmental Quality Act (CEQA) requirements and any necessary fees. In most cases, the local planning department (at the city and/or county level) can provide the necessary information.

RESOURCE AGENCIES

The California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) are resource agencies that may be involved with review of proposed dredging and dredged material disposal projects in San Francisco Bay. The following sections describe their roles in project review.

California Department of Fish and Game (CDFG)

The CDFG has jurisdiction over projects involving fish and wildlife resources, including special status species, and has direct regulatory authority over the modification of streams and riparian habitats. CDFG actively participates in the DMMO, reviewing project proposals and recommending permit conditions, as appropriate, to protect fish and wildlife resources.

U. S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS)

USFWS and NMFS function in an advisory capacity to the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (USEPA) as provided under the Fish and Wildlife Coordination Act, the Endangered Species Act (ESA), and the Magnuson Stephens Fishery Conservation and Management Species Act (MSFCMA). They also provide the federal agencies with information and recommendations to assist the USACE in meeting the requirements of Section 7(a)(2) of the Endangered Species Act (ESA), which requires all federal agencies to ensure that each action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. The ESA

sets out the consultation process, which is further implemented by regulation.¹ Generally, the USFWS coordinates activities for terrestrial and freshwater species, while NMFS is responsible for commercial marine fisheries species, including Pacific salmonids.

OTHER AGENCIES

Once review of the DMMO application is complete, the DMMO agencies will advise project proponents as to whether approval by non-DMMO entities is necessary in order to undertake a proposed project and, if available, provide appropriate contacts to project proponents. The following sections describe other agencies that may have regulatory authority over dredging and dredged material disposal projects in the San Francisco Bay area.

California Coastal Commission

The California Coastal Commission plans and regulates development along the California coast consistent with the California Coastal Act.² Disposal of dredged material at San Francisco Deep Ocean Disposal Site (SF-DODS) may require a permit or a federal consistency determination from the Coastal Commission. It is the responsibility of the project proponent to contact the Coastal Commission to determine if a consistency determination or permit is required.

Central Valley Regional Water Quality Control Board (CVRWQCB) and Sacramento District Corps of Engineers (USACE, Sacramento District)

The CVRWQCB and the USACE, Sacramento District, maintain jurisdiction within the Delta and the Central Valley. Disposal or beneficial use of dredged material in the Sacramento-San Joaquin Delta area usually requires authorization from both the CVRWQCB and the USACE, Sacramento District. Beneficial reuse projects in the Delta involving aquatic disposal (including wetlands) will require Water Quality Certification or Waste Discharge Requirements (WDRs) from the CVRWQCB prior to issuance of a Department of the Army permit from the USACE, Sacramento District.

1 50 CFR 402

2 Within San Francisco Bay, BCDC has jurisdiction over activities that are elsewhere regulated by the Coastal Commission.