

APPENDIX K

**IMPLEMENTATION MEASURES FOR THE
LTMS MANAGEMENT PLAN**

APPENDIX K

LTMS STRUCTURE (CHAPTER 2)

- The primary LTMS agencies—the USACE, USEPA, BCDC, SFBRWQCB, and SWRCB—will operate under a new LTMS structure that includes the Executive Committee, the Management Committee, the Program Management Team, and the DMMO. The California Coastal Conservancy, CDFG, and USFWS will participate on the LTMS Management Committee, as necessary, to implement beneficial reuse options. The SLC will participate on the Management Committee, as necessary, to settle dredging and disposal issues that cannot be resolved at the DMMO staff level.
- BCDC and SLC will initiate the regulation changes necessary to formalize the DMMO. Upon completion of these regulation changes, the DMMO General Operating Procedures will be revised, and a new Memorandum of Understanding will be adopted and signed by the DMMO member agencies.
- The LTMS agencies will create a Data Management Team to develop and maintain a data management system, which will be available to all interested parties.

AUTHORIZATION OF DREDGING AND DISPOSAL PROJECTS (CHAPTER 3)

- The LTMS agencies encourage early involvement of the interested parties in the project planning phase, and thus will encourage project proponents to, if appropriate, conduct early coordination with the DMMO, and establish project-related work groups.
- The LTMS agencies will prepare an information resource document on potential environmental impacts of dredging, disposal, and beneficial reuse projects, and the relevant regulatory processes. This document will cite the LTMS goals, program-level mitigation measures, and the *LTMS Management Plan* implementation measures. The document will be distributed to potential lead agencies for such projects, and used by the LTMS agencies during CEQA and NEPA review.
- Dredging and dredged material disposal activities that are conducted within the work windows as indicated in Figures 3.2 and 3.3 (and in Appendix F) of the *LTMS Management Plan* do not require further Endangered Species Act consultation. The permitting agencies will closely review the rationale for any dredging and disposal projects proposing work outside the work windows. Pursuant to the federal and California Endangered Species Acts, any projects proposing deviation from the work windows are required to undergo consultation with the appropriate resource agency.
- To minimize the need for sediment sampling and testing events for multiple disposal environments, the DMMO will encourage project proponents to submit alternatives analyses pursuant to the Clean Water Act and BCDC's laws and policies regarding Bay fill before conducting sediment testing.

- The LTMS agencies, in issuing permits for dredging and disposal projects, will coordinate permit conditions and may use, on a case-by-case basis, consolidated conditions contained in the *LTMS Management Plan* (Appendix G). Each agency may include permit conditions other than those identified in Appendix G.
- The LTMS agencies will reconsider funding mechanisms for the LTMS program, including possibly instituting a new fee for dredging and disposal activities, at the initial three-year transition review period.

DREDGED MATERIAL SUITABILITY DETERMINATIONS (CHAPTER 4)

- The LTMS agencies will continue to coordinate the efforts of the SQG Work Group and provide the work group's results for public review, including the technical basis for any proposed SQGs. The LTMS agencies also will hold at least one public meeting describing any such guidelines, their development, and their proposed use.
- The SFBRWQCB will revise *Sediment Screening Criteria and Testing Requirements for Wetland Creation and Upland Beneficial Reuse*, which will provide guidelines on testing (including recommendations for reference sites) and sediment quality screening for various beneficial uses. A draft version of the revised document has been issued for public comment, and, following the close of the comment period will be revised and finalized through the formal administrative process.
- A long-term goal of the LTMS agencies is to develop testing protocols to further improve the evaluation of the suitability of Bay Area dredged sediments for various beneficial reuse options. The LTMS agencies plan to reevaluate the appropriateness of existing sediment testing protocols, particularly bioassays, to ensure that they address the environments and potential biological receptors likely to be of concern for beneficial reuse projects.
- Upon finalization of USEPA's proposed rule on reference sites, the LTMS agencies will recommend that testing for dredging projects be carried out using new reference sites from the SFBRWQCB's *Evaluation and Use of Sediment Reference Sites and Toxicity Tests in San Francisco Bay*.
- The LTMS agencies will work to develop a comprehensive regional implementation manual (RIM), which will incorporate existing local guidance for testing requirements for all disposal environments in the LTMS planning area. A draft version will be issued, revisions made per public comments, and a final version prepared. The document will be revised or updated as needed.

DISPOSAL AND REUSE SITE MANAGEMENT AND MONITORING (CHAPTER 5)

- As previously stated in the LTMS EIS/EIR, "[t]he LTMS agencies will develop and implement site management and monitoring plans for all multi-user placement or disposal sites. These plans will specify the [management measures] necessary to ensure that impacts are minimized and/or

benefits are realized. The plans will also specify the monitoring requirements and post-closure activities as appropriate for each site. Site management and monitoring plans will identify specific conditions that would constitute acceptable performance, as well as adjustments to site use parameters (including termination of continued site use) that would be triggered by specific findings of non-performance.” The LTMS agencies will continue to sponsor the efforts of the SMMP Work Group, which will serve as a vehicle for developing SMMPs.

- As previously stated in the LTMS EIS/EIR, “[t]he LTMS agencies will provide opportunity for public input and comment on proposed site management and monitoring plans for new disposal or placement sites and on proposed substantive revisions to existing plans. Information from site monitoring efforts will be made available to the public, and opportunity for comment will also be provided as part of the periodic review for existing sites.”
- Until formal SMMPs are prepared for the in-Bay disposal sites, existing management and monitoring practices will continue. The SMMP Work Group will meet, and formal SMMPs for the in-Bay disposal sites will be developed and included in the *LTMS Management Plan* prepared at the end of the first three-year period. At that time, the progress of the SMMP Work Group on beneficial reuse sites also will be included in the Management Plan.

MANAGEMENT OF THE IN-BAY DISPOSAL GOAL (CHAPTER 6)

- To achieve the long-term dredging, disposal, and reuse goals for the Bay Area, the LTMS agencies will create a regional planning initiative to coordinate dredging projects and foster greater economic efficiencies, ensure consideration of environmental issues and mechanisms to minimize potential impacts, maximize beneficial use of dredged material, and facilitate project consistency with other regional planning efforts and affected local communities.
- As previously indicated in the EIS/EIR, in 2001, the USACE will initiate preparation of dredged material management plans for the federal maintenance dredging projects in San Francisco Bay, and perform NEPA reviews as required, including supplementing the *Composite Environmental Impact Statement for Maintenance Dredging*. These reviews will include consideration of potential project design changes to reduce the dredging volumes necessary to meet navigational needs, such as modifications to channel widths and depths.
- As previously stated in the EIS/EIR for the LTMS, “BCDC, in consultation with other LTMS agencies, will continue to work with area ports within the framework of its joint seaport planning process within the Metropolitan Transportation Commission to identify potential means to reduce the need for dredging while meeting the navigational needs of each port facility.” Further, within the framework of its seaport planning process, BCDC will consider the need for dredging—in addition to minimizing fill.
- As part of the permitting process, the LTMS agencies will require that permit applications include data demonstrating whether proposals involve dredging the minimum volume necessary, and include measures in permits that ensure projects are carried out in compliance with the authorized terms.

- As part of a regional planning initiative, the LTMS agencies will establish a work group to explore coordination with watershed planning efforts to improve the understanding and management of sediment dynamics in the Bay related to natural and human processes (including dredging and disposal, water diversions, and shoreline armoring), and to establish links with the Natural Resources Conservation Service.

IMPLEMENTATION OF BENEFICIAL REUSE AND DISPOSAL PROJECTS (CHAPTER 7)

- The LTMS agencies will work closely with the dredging and environmental communities to implement and fund beneficial reuse projects.
- With the California Coastal Conservancy, BCDC and USACE will implement the Hamilton Wetlands Restoration project. Further, the LTMS agencies will continue to participate in the Hamilton Restoration Group.
- The LTMS agencies will continue to work to resolve issues and process applications for implementation of the Montezuma Wetlands Project.
- The LTMS agencies will create one new staff position with responsibility for facilitating selection and implementation of beneficial reuse and upland disposal options, including serving as the point of contact for such projects, attending relevant meetings, and pursuing funding and legislative opportunities for project implementation.
- The LTMS agencies will provide status reports regarding potential and existing beneficial reuse and disposal options through the LTMS Program Management quarterly public workshops.
- To facilitate preliminary investigation and selection of beneficial reuse and upland disposal sites, the LTMS agencies will work with project proponents during the project planning stage to assess potential sites.
- The LTMS permitting agencies will work with project proponents during the design phase of habitat restoration projects using dredged material to ensure the development of biological goals and physical design features (including fill elevations and material placement guidelines, and appropriate physical and chemical characteristics of dredged material) to achieve these goals. Additionally, the LTMS permitting agencies will require, as legally appropriate, that proposed restoration projects include biological goals, physical design features, and monitoring and remediation measures.
- To ensure an ideal mix of wetland patterns and types and to minimize impacts of local habitat conversion, the LTMS agencies will work to maximize the consistency of projects with applicable regional habitat goals (e.g., USFWS's Endangered Species Recovery Plans, the San Francisco Bay Area Wetlands Ecosystem Goals Project, and the San Francisco Bay Joint Venture). As stated in the LTMS EIS/EIR, "the LTMS agencies will encourage and authorize as legally appropriate, restoration efforts using dredged material that are designed to be consistent, to the maximum extent practicable, with specific habitat goals established by regional planning efforts—

with the understanding that such projects are dynamic, changing processes—for managing the region’s natural resources.” To ensure restoration of the full range of Bay habitats, the LTMS agencies will require dredged material restoration proposals to include, as appropriate, an assessment of project consistency with regional habitat goal projects.

- As stated in the LTMS EIS/EIR, for restoration projects using dredged material in areas not covered by regional habitat goals, “the LTMS agencies will also encourage and authorize as legally appropriate, such projects which would clearly result in an overall net gain in habitat quality and would minimize loss of existing habitat functions. Whenever feasible, such projects will provide, as part of the project design, for a no net loss in the habitat functions existing on the project site or, where necessary, provide compensatory mitigation for lost habitat functions in accordance with state and federal mitigation requirements.”
- The LTMS agencies recognize that temporal losses in existing habitat may occur at sites and will work with project proponents to minimize such losses. During the planning stage, project proponents should clearly define, evaluate, and, if feasible, incorporate existing habitat types at a potential reuse site. Proposed projects could be sited in areas that minimize loss of existing seasonal wetland habitat, where possible. Further, restoration projects could be designed to include restoration of seasonal and other important habitat types.
- Where possible, proposed rehandling facilities should be located in areas that minimize loss of existing habitat or alternatively on sites located outside of the diked historic baylands with limited habitat value.
- During the planning stage, rehandling project proponents should, if feasible, incorporate habitat values at proposed facilities by including individual ponds that could be managed solely for habitat use or by managing the facility for habitat use during periods when dredged material is not processed. Where necessary, project proponents should provide compensatory mitigation for lost habitat functions in accordance with state and federal mitigation requirements.
- Project proponents should develop long-term management plans for beneficial reuse and upland disposal sites, and appropriate mechanisms to ensure permanent protection of restored habitat values. In projects where significant existing habitat is proposed to be impacted, project proponents could be required to develop project-specific mitigation goals, conduct monitoring, and, if necessary, remediate. The LTMS agencies will fully and appropriately apply existing laws, regulations, and policies to ensure that adverse impacts associated with project implementation will be minimized and, as necessary, mitigated.
- To facilitate implementation of Delta levee projects using material from the Bay, to ensure protection of Delta water quality, and to prevent unacceptable or contaminant-related effects, the LTMS agencies will work with the Central Valley Regional Water Quality Control Board, the California Department of Water Resources, local governments, and local reclamation districts. Further, the USACE will pursue a Water Resources Development Act Section 204 study to reuse Bay dredged material in the Delta. The LTMS agencies will develop a strategy to improve coordination with the CALFED program, and, as a first step, the LTMS Management Committee

will send a letter to the CALFED Policy/Management Committee co-chairs urging CALFED to examine the potential for reuse of Bay dredged material in the Delta.

- The LTMS agencies will work to address potential salinity impacts in the Delta associated with using Bay dredged material for levee restoration. The LTMS agencies will pursue funding and research opportunities to help understand how Bay material affects the freshwater environment. Data collected and other “lessons learned” from initial projects will be analyzed by the LTMS agencies, in coordination with appropriate Delta entities, to determine the feasibility of other projects and to improve project design (including salinity control measures) and management.
- The LTMS agencies will foster, sponsor, or undertake, as resources allow, technical analyses of issues concerning habitat restoration using dredged material, and make scientific data available to improve the design and management of restoration sites.

MANAGEMENT PLAN REVIEW AND REVISION (CHAPTER 8)

- During the initial three-year period of implementation, the LTMS agencies will produce an annual progress report of the program. Subsequently, the LTMS agencies will conduct three-year reviews. A more comprehensive review resulting in policy changes, if necessary, will be conducted every six years.

RESOURCE NEEDS (CHAPTER 9)

- The LTMS agencies will participate in the Funding Work Group, which will further assess the program’s ongoing resource needs and potential funding sources. The work group’s findings will be used to more accurately determine what is needed to achieve the goals of the LTMS program.