RESPONSES TO U.S. OCEAN COMMISSION QUESTIONS/REQUESTS FROM THE COASTAL AND OUTER CONTINENTAL SHELF MANAGEMENT PANEL

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30May2002 Question/Request

First Question: Dredging of channels to keep them open to shipping is a recurring and costly activity, especially in cases where channels have to be deepened and maintained to accommodate larger and deeper-draft vessels. There is also the concern of how to dispose of the dredge spoil. How does the Corps balance the cost of dredging and dredge spoil disposal with NEPA requirements and with the environmental, esthetic and economic concerns of the different stakeholder groups? How does the Corps engage these groups in the process and work with them to design projects that are cost-effective and environmentally sound?

First Answer: Many of the Corps' dredging projects have constraints that are site specific. The disposal of dredged material is typically the most difficult aspect of implementing a dredging project for the maintenance or deepening of Federal navigation channels. Typically the Corps of Engineers seeks disposal opportunities that result in the beneficial reuse of the dredged sediments. In cases where the dredged material are composed predominately of sand, the preferred choice for disposal of these sediments are on beaches or within the nearshore environment that are adjacent to or nearby the project area, when it is determined that this disposal methodology is the least cost alternative with minimal environmental impacts. The disposal site selection for dredged sediments is normally a function of the physical and chemical quality of the material. When these sediments are deemed not compatible for beach placement, other factors will influence the selection of an appropriate disposal site. As an example, if the dredged material is composed predominately of fine grain, non-contaminated sediments, placement opportunities ranging from designated ocean disposal sites to coastal constructed fill sites may be considered. When the dredged material is contaminated, and classified as not suitable for unconfined open water disposal, methods to treat or contain the placed dredged sediments would be pursued. These disposal options vary based upon potential environmental impacts, technical feasibility, and availability of funds. Confined disposal of contaminated dredged sediments have taken place both within subaqueous and terrestrial environments.

Prior to undertaking any dredge and disposal project, the Corps of Engineers ensures that all NEPA requirements have been met, with the objective of minimizing environmental impacts and maximizing economic benefits. In the event that a Federally maintained navigation channel shoals to a point of being a hazard to navigation or significantly impacting the economic health of a region, the District Engineers have the discretion to declare an emergency to expeditiously address the problem. Under this scenario informal NEPA coordination does take place, with the proper NEPA documents prepared after completion of the emergency response action. Each District's approach to how they

manage inter-agency consultation and coordination for dredging projects vary. However, the Corps of Engineers as a whole, does ensure that all interested stakeholders are engaged during the NEPA process, and as a minimum provides these stakeholders with the opportunity to review and comment on prepared environmental documents, prior to implementing construction of a dredging project. In most cases stakeholder involvement takes place early in the project formulation phase.
In the Los Angeles area, a multi-agency task force has been established specifically to deal with the dredging and disposal of contaminated and mixed dredged sediments. This task force (referred to as the Contaminated Sediments Task Force (CSTF)) is comprised of Federal, state and regional regulatory and resources agencies; environmental interest groups; and, the area's ports & harbors. Proposed dredging projects are normally brought before the CSTF during the early stages of the NEPA or application process. The CSTF provides valuable feedback to the dredging applicant regarding potential project issues, assists the applicant in formulating acceptable dredge and disposal plans and assists in identifying opportunities to beneficially reuse the applicant's dredged sediments. The CSTF in essence acts as a waypoint for dredging activities involving contaminated and mixed sediments within the Los Angeles region. As a result, the CSTF has been able to provide the platform to voluntarily marry multiple projects to meet the dredging and fill needs of various users. By regionally managing the Los Angeles area's contaminated and mixed dredged sediments, the CSTF has fostered cooperation amongst the different stakeholders resulting in the implementation of the most efficient, cost effective, and environmentally sound dredge and disposal plans.

First Request: As mentioned in the "Questions and Answer" session following your presentation, please provide the Commission with more information on Corps efforts to update the 1971 National Shoreline Inventory? If no progress, please provide any information on local/regional/national plans to update this inventory.

First Request Information: The National Shoreline Management Study will update the 1971 National Shoreline Inventory as detailed below:

Introduction

The Corps has received $300,000 in FY02 to initiate the National Shoreline Management Study (NSMS) in response to Section 215(c) of the Water Resources Development Act of 1999. This provision authorizes preparation of a report to Congress on the state of the shores of the United States. A copy of the legislative provision is included at the end of this paper. The initiative presents the opportunity to comprehensively examine the status of the Nation's shoreline for the first time in 30 years in order to provide a basis for future Administration and Congressional decisions and actions regarding shoreline management. The study will examine the extent and causes of shoreline erosion and accretion and discuss the economic and environmental affects of these processes. The study will describe the current Federal, state and local programs involvement in shore restoration and renourishment and other programs related to coastal management, which have evolved in recent decades. The study will provide analytical information useful in developing recommendations on levels of Federal and non-Federal participation in shore protection, as well as system approaches to sand management and coastal management decisions. The Coastal States Organization, the American Coastal

Coalition, and the American Shore and Beach Preservation Association have expressed support for the legislation and funding for the study, and these groups have a keen interest in participating in the study. Several Federal agencies have also expressed support for the study and interest in participating in the study.

The Administration budget calls for $500,000 in FY03 with an additional $6,200,000 to complete the study after FY03.

Background

The National Shoreline Study (1971), conducted by the Corps, was the first attempt by the Federal government to compile an analysis of the Nation's shoreline and to develop shore protection management guidelines. The report described shoreline conditions, analysis of erosion processes, and ways to mitigate erosion. Since then, development along the Nation's coastlines has increased extensively and is expected to continue at a rapid rate.

Federal programs and policies affecting shoreline development and protection have evolved independently without unifying objectives or principles. State and local programs have also become more numerous and have changed, and there is a lack of understanding of how Federal, state and local responsibilities interrelate. There is no framework to resolve cross-programmatic conflicts, promote collaboration and synergy, or to promote regional and system-based planning. As with floodplain management and river basin planning, there is increasing recognition that coastal regions require a more comprehensive approach to planning for and responding to shoreline change and addressing the competing demands on coastal resources.

The NSMS is envisioned as a means to update and develop information needed for developing policies and programs, and making decisions related to shore protection and coastal management. This information will be developed with a national view utilizing regional examinations of issues and opportunities.

Approach

First year funding will be used to scope the study. As part of the study scoping, the Corps Institute for Water Resources will update recent Corps studies regarding shore protection expenditures, examine development patterns in critical erosion shorelines identified in the 1971 National Shoreline Study, and identify areas of needed economic research and economic analysis methods to be used to conduct the study.

Prior to study initiation, preliminary coordination meetings were held with the USGS, NOAA and contacts in several other agencies, and the Coastal States Organization. Official coordination will be initiated the Federal partners in the future.

During scoping, the Corps will consider potential roles and contributions of the various agency stakeholders. Considerable amounts of data and information are available from within the Corps as well as from other Federal and state agencies, and data from these sources will be used in the study.

Inherent in the provision to examine a systems approach to sand management will be not only inter-agency, but also Corps intra-agency considerations. This study will explore taking more comprehensive and integrative views of projects and activities associated with navigation channel maintenance and development (including dredged material management planning), shore protection studies and projects, coastal ecosystem restoration studies and projects, planning assistance to states and regulatory decisions.

The NSMS will coordinate with two other Corps coastal initiatives--the Regional Sediment Management Demonstration and the National Shoreline Erosion Control Development and Demonstration Programs.

Section 215(c) of the Water Resources Development Act of 1999

(c) REPORT ON SHORES OF THE UNITED STATES.-

(1) *IN GENERAL.-Not later than* 3 *years after the date of enactment of this Act, the Secretary shall report to Congress on the state of the shores of the United States.*

(2) *CONTENTS.-The report shall include-*

(A) a description of-

(i) the extent of, and economic and environmental effects caused by, erosion and accretion along the shores of the United States; and

(ii) the causes of such erosion and accretion;

(B) a description of resources committed by Federal, State, and local governments to restore and renourish shores;

(C) a description of the systematic movement of sand along the shores of the United States; and

(D) recommendations regarding-

(i) appropriate levels of Federal and non-Federal participation in shore protection; and

(ii) use of a systems approach to sand management.

(3) *USE OF SPECIFIC LOCATION DATA.-In developing the report, the Secretary shall use data from specific locations on the coasts of the Atlantic Ocean, Pacific Ocean, Great Lakes, and Gulf of Mexico.*

The Project Manager at the Institute of Water Resources is currently preparing a public release for the Program in coordination with the Ocean Commission from a National level.

Second Request: As mentioned in the "Questions and Answer" session following your presentation, please provide the Commission with environmental ethics statement from the Chief Engineer.

Second Request Information: As an integral part of our mission, the Army Corps of Engineers will be a national leader in environmental and natural resource stewardship for present and future Generations.

The Army Corps of Engineers seven Environmental Operation Principles are as follow:

1. Strive to achieve Environmental Sustainability
2. Recognize the interdependence of life and the physical environment
3. Seek balance and synergy among human development activities and natural systems
4. Continue to accept corporate responsibility and accountability under the law
5. Seek ways and means to assess and mitigate cumulative impacts to the environment

6. Build and share an integrated scientific, economic, and social knowledge base
7. Respect the views of individuals and groups interested in Corps activities

20June2002 Additional Question

Second Question: Port officials have commented on the apparently very long period of time it takes to get approvals for a dredge spoil placement management plan. What are the steps in, and barriers to, this process? Why does it take so long?

Second Answer: The general steps in developing a dredged material management plan for large throughput ports are similar to the process of developing Corps of Engineers feasibility studies. The barriers consist of working with the local dredge team and achieving consensus with all stakeholders. Often stakeholders have varying agendas that may conflict with one another. Delays in the process can be a result of a delay by a single stakeholder. Each of these can vary greatly. The entire process for obtaining approval can range from three to ten years depending on the complexity of the issues, disposal site availability, number of involved stakeholders, and the characteristics of the dredged sediments. In California, the permitting process requires an additional concurrence by the California Coastal Commission and that can have many political implications. The Corps realizes the process can be a long arduous one, however, the variations in time are dependent on many steps.