

Policy Issues and Recommendations for the Implementation of Beneficial Use of Managed Sediments

Larry Parson
U.S. Army Corps of Engineers
Mobile District

Conference on Ecological and Ecosystem Restoration

July 29, 2014
New Orleans, Louisiana

US Army Corps of Engineers
BUILDING STRONG[®]



Gulf Regional Sediment Management Master Plan (GRSMMP)

- Gulf of Mexico Alliance (GOMA)
 - ▶ A partnership among the Gulf States to enhance the ecological and economic health of the Gulf of Mexico
- Habitat Conservation and Restoration Team (HCRT)
 - ▶ Recognized that sediments are integral to and critical resource in accomplishing the GOMA objectives through development of GRSMMP



Beneficial Use Approach

- Dredging activities are potential sources of sediment to be considered in conservation and restoration projects
- Millions of cubic yards of sediments are dredged each year, much of which could be used beneficially
- Wise use of such resources is integral to accomplishing restoration goals
- The U.S. Army Corps of Engineers conducts dredging under its navigation program on a scheduled and routine basis
- Utilization of this material requires extensive planning and coordination
- Understanding policies and funding issues is key to planning process.
- Opportunities are often missed resulting from funding limitations, last-minute appropriations, and on site-specific dredging activities.
- Conducting the planning, engineering, permitting, funding, and construction processes can take years.
- Statutory authorities, federal policies and funding constraints are often cited as obstacles to implementing beneficial use.



Policies to be Considered for Implementing Sediment Management

- National Environmental Protection Act (NEPA)
 - ▶ Evaluation of potential environmental impacts through environmental assessment (EA) or environmental impact statement (EIS)
- Clean Water Act (CWA)
 - ▶ Regulating discharges of pollutants into the waters of the United States and regulates quality standards for surface waters
 - ▶ Section 404 establishes a program to regulate discharge of dredged and fill material into waters of the United States
- Endangered Species Act (ESA)
 - ▶ Protect and recover imperiled species and ecosystems upon which they depend
 - ▶ Administered by USFWS and NMFS



Policies to be Considered for Implementing Sediment Management

- Magnuson-Stevenson Fisheries Conservation & Management Act (MSFCMA)
 - ▶ Governs marine fisheries management in the U.S. federal waters
 - ▶ Essential Fish Habitat (EFH) – management of those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity
- Coastal Zone Management Act (CZMA)
 - ▶ Encourages coastal states to develop and implement coastal zone management plans
 - ▶ Established as a National policy to preserve, protect, develop, and where possible, restore or enhance, the resources of the Nation's coastal zone
- National Historic Preservation Act (NHPA)
 - ▶ Requires Federal agencies to take into account the effects of their undertakings on historic properties
 - ▶ Section 106 – coordination with appropriate State Historic Preservation Officer or Tribal Historic Preservation Officer



Authorities, Funding, and Programs

- Water Resources and Development Act (WRDA)
 - ▶ WRDA 1986 - major evolution of law and policy concerning beneficial use of dredged material
 - ▶ WRDA 2007 amended some of the USACE project authorities and added others associated with beneficial use
- Continuing Authorities Program (CAP) - Enables planning and implementation without additional specific Congressional authorization
 - ▶ Section 204 - Beneficial Uses of Dredged Material (WRDA 1992)
 - ▶ Section 2037 – amended Section 204 to authorize development of regional sediment management plans to identify and evaluate opportunities for beneficial uses of sediment from navigation projects. Expanded beneficial uses to include flood control and hurricane and storm damage reduction
 - ▶ Section 206 - Aquatic Ecosystem Restoration (WRDA 1996)
 - ▶ Section 1135 - Project Modifications for Improvement of the Environment (WRDA 1986)
- Harbor Maintenance Trust Fund (HMTF)
 - ▶ Funds USACE activities related to O&M dredging of harbor channels
 - ▶ Tax is levied on importers and domestic shippers using coastal ports



Authorities, Funding, and Programs

Congress authorized other Federal agencies to undertake restoration activities

- Bureau of Ocean Energy Management (BOEM)
 - ▶ Coastal Impact Assistance Program (CIAP) – Authorization and appropriation of funds for eligible states and coastal political subdivisions for coastal restoration/improvement projects
 - ▶ Recognized that impacts from Outer Continental Shelf (OCS) oil and gas activities fell disproportionately on the coastal states and localities nearest to where the activities occurred
- NOAA restoration efforts administered by the National Marine Fisheries Service to fund and implement restoration to sustainable fishery resources
 - ▶ Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) - reduces coastal erosion and reverses wetlands loss nationwide
 - ▶ Community-based Restoration Program (CRP) – applies a grass-roots approach to restoration to engage communities in on-the-ground restoration of local habitats
 - ▶ Damage Assessment, Remediation and Restoration Program (DARRP) - restore marine resources that have been injured due oil spills, toxic releases, or ship groundings.



Authorities, Funding, and Programs

- U.S. Fish and Wildlife Service (FWS) - active in coastal restoration through the National Coastal Wetlands Conservation Grant Program
 - ▶ Coastal Program – To achieve voluntary habitat conservation through financial and technical assistance for the benefit of Federal Trust Species
 - ▶ Providing technical assistance, funding and other resources to partners including federal, state and local agencies, and private landowners
- Environmental Protection Agency (EPA)
 - ▶ Gulf of Mexico Program - facilitates collaborative actions to protect, maintain, and restore the health and productivity of the Gulf of Mexico consistent with the economic well-being of the Region.
 - ▶ National Estuary Program (NEP) - established by to improve the quality of estuaries of national importance and to develop plans for attaining or maintaining water quality in estuaries
- National Fish and Wildlife Foundation (NFWF)
 - ▶ Directs public conservation dollars to pressing environmental needs and matches investments with private funds



Interagency Collaboration

- Development of partnerships and early engagement of stakeholders and support agencies is a must
- Certain actions can be implemented in a timely manner if you have stakeholder participation and support
- Leveraging of other programs and funding sources helps to expand efforts
- Conduct working interagency meetings to develop a sediment management strategy
- Identify, evaluate, and utilize new and existing engineering techniques and management models/tools to evaluate alternative management options
- Utilize environmentally accepted alternatives for beneficial uses of dredged material



Conclusions/Recommendations

- Policy issues must be considered when implementing beneficial use of dredged sediments
- Understanding the laws, policies, and funding mechanisms is an important component of the planning process
- Don't do it alone
- Establishing interagency user groups will aid in leveraging of other programs and funding sources
- Get familiar with the various Federal programs



THANKS!

