

## **Permitting Technical Work Group Technical Work Group Overview and Direction**

### **Purpose and Need:**

There appears to be considerable confusion and perceived inefficiencies regarding the proper regulatory steps required for permitting various dredging, disposal and reuse projects within the Delta. The purpose of this Work Group will be to review and summarize the current procedures required for each stakeholder agency, and recommend potential steps for increasing efficiencies and education in the process.

### **Proposed Tasks:**

Five key agencies currently have jurisdiction over different aspects of the dredging process within the Delta: the U.S. Army Corps of Engineers (Corps), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (DFG), and the Central Valley Regional Water Quality Control Board (CVRWQCB). In addition to these organizations, various ordinances and land use restrictions of local agencies, such as the county or municipality, may apply to dredging projects with land disposal. In some cases, other agencies such as the California Department of Transportation, California Department of Conservation, and Reclamation Board also may require permits.

Prior studies conducted by the CALFED Bay-Delta Program and summarized in the June 2002 Delta Dredging and Reuse Strategy (DDRS) report identified specific areas where the current regulatory process could be enhanced, and recommended several key topics for future study. These include:

- (1) Developing general order Waste Discharge Requirements to help streamline the Regional Board's approval process;
- (2) Prepare a programmatic EIR/EIS that covers all of the requirements of CEQA and NEPA for all impacts associated with maintenance dredging, disposal and reuse projects;
- (3) Develop regional permits to reduce redundancy in the process and expedite agency review;
- (4) Develop programmatic biological opinions (covered by separate Work Group);
- (5) Form multi-agency review committee for dredging projects similar to what has been done for San Francisco Bay with the Dredge Material Management Organization (DMMO);

The members of this Work Group should use the information developed for the CALFED program as a basis for beginning this evaluation and build upon it to reach consensus among the members for making recommendations to the Management Committee.

In order for this Work Group to be successful, staff participation from at least one of the five core Delta LTMS agencies must occur:

- U.S. Army Corps of Engineers (Sacramento and San Francisco Districts)
- U.S. Environmental Protection Agency (USEPA),
- California Department of Water Resources (DWR),
- California Bay-Delta Authority (CBDA),
- Central Valley Regional Water Quality Control Board (Central Valley Water Board).
- Staff participation and technical contributions from other agencies (state or federal) or stakeholders would be beneficial to assist completing the proposed tasks.
- Other agencies that will be crucial and may have permitting authority for dredging or disposal sites include: State Lands Commission, Department of Water Resources.

**Participation workload:**

It is anticipated that, at a minimum, the Work Group will meet once a month to collaborate on achieving the tasks specified and addressing priority of short and long-term issues pertaining to the permitting process. Work Group participants should also anticipate a minimum of 10 hours a month to review, produce, or discuss documents relevant to the permitting deliverables listed below.

**Deliverables:**

A total of three (3) main deliverables are expected from this Work Group along with monthly updates in the form of progress memos or verbal updates at the IWG and/or SRG meetings.

1) *Permitting Summary* - The first deliverable will be a summary of the current permitting processes required for dredging, disposal and reuse of sediments within the Delta system, including areas where agencies overlap in their jurisdiction. This information should be separated by upper and lower reaches, and again by navigable waters and flood control channels. Input will be required from the Work Group created to identify current and future potential disposal and reuse opportunities. Core agency participants should take the lead in preparing this deliverable.

2) *Joint Permit Application* - The second deliverable will be a draft consolidated permit application including all required information to meet the needs of the appropriate agencies with jurisdiction over regional dredging projects. The goal of this deliverable will be to create a template that can be carried forward into implementation by the Management Committee in the short-term.

3) *Dredge Material Management Office* - The third deliverable will be a framework strategy for the formation of a Delta Dredge Material Management Office (DMMO), similar to those in place for the Bay area and the Northwest states. The DMMO Strategy should outline issues associated with individual agency participation,

jurisdiction for each dredging, disposal and reuse strategy, funding sources within each agency, meeting procedures, permit application submittal and review and approval processes. A draft Strategy should be submitted for Management and IWG committee approval. Comments on the draft will then be incorporated into a final version for review and comment by the rest of the Delta LTMS Stakeholders.