



## **Los Angeles Basin Contaminated Sediments Task Force Streamlining Report**

The Los Angeles Basin Contaminated Sediments Task Force was formed to address the dredging and disposal of contaminated sediments within the coastal region of Los Angeles County. The purpose of this streamlining report is to summarize ways agencies involved with the Task Force might improve the review and approval process for dredging projects while protecting the coastal environment. Through this report, the Implementation Subcommittee will propose mechanisms that would make this review and approval process more efficient and economical while improving protection of water quality and biological resources.

Some of the challenges for project proponents include: (1) coordinating among various state and federal agencies with overlapping jurisdictions but sometimes with conflicting goals or requirements; (2) not knowing agencies' concerns prior to submittal of an application; and (3) getting agencies to comment on or approve a project within a timeframe that allows for meeting budget and contract bid deadlines. Such challenges can cause projects to be constantly modified and increase the project costs, particularly at the planning stage.

Regulatory and resource agencies are also faced with their own challenges when project environmental documents and applications get submitted. Examples include: (1) not having all the project information, including disposal alternatives, sediment analyses and mitigation measures, submitted concurrently; (2) receiving such information with insufficient review time allotted by the project proponent; and (3) not always being able to comment on projects prior to submittal of an application. Thus, projects may not be designed nor have the measures needed to meet regulatory requirements by adequately avoiding or mitigating for potential environmental impacts.

Solutions must be defined to address these challenges and improve the review and approval process. Otherwise, projects will continue to be developed without considering cumulative impacts, addressing watershed efforts, or coordinating environmental concerns. The solutions can be categorized into two types. There are short-term, immediate solutions (e.g., continuing with the Interim Advisory Committee, one permit application) that could be implemented before the Long-Term Contaminated Sediment Management Strategy has been developed. There are also long-term solutions that require changes to internal agency processes or to existing regulations.

### **Recommendations: Concurrence from Task Force**

The Implementation Subcommittee has evaluated eighteen potential solutions identified in Appendix 1. Background information on streamlining options within an agency and on agency review and permitting authorities can be found in Appendices 2 and 3, respectively. In addition, a flow chart of existing processes is shown in Appendix 4.

The following is a synopsis of the solutions the subcommittee is recommending concurrence from the Task Force's Management Committee.

- Single Permit Application and Consistent Requirements: The Implementation Subcommittee recommends that an Advisory Committee (#9) continue not only during the interim process but after the sediment management strategy gets developed. The current Interim Advisory Committee is already re-evaluating its function and pursuing some of the solutions identified in Appendix 1 to improve coordination and help streamline the review and permit processes.

For example, the committee is developing a single permit application and will identify mechanisms for adopting such an application (#3). Once this application is available, then the project proponents will be able to submit one consistent package to all agencies concerned (#4). As part of this process, the committee will clarify overlapping jurisdictions and develop consistent application requirements (#1). In addition to developing a single permit application, the Interim Advisory Committee could also begin identifying potential conditions (#2) and best management practices (#11) that would be implemented as part of a dredging project.

- Best Management Practices (BMPs): The Implementation Subcommittee recommends that BMPs be identified (#11) because they represent a key mechanism in ensuring that dredging projects would have minimal impacts to water quality and aquatic biological resources. Currently, the Aquatic Disposal and Dredge Operations Subcommittee is evaluating potential BMPs to be utilized during dredge operations. These guidelines for BMPs, together with those to be identified by the Interim Advisory Committee, would streamline the review process if project applicants were to know in advance what measures would be accepted by the regulatory agencies.

#### **Unresolved Issues: Guidance from Task Force**

Appendix 1 identified potential solutions, which the Implementation Subcommittee could not resolve amongst its members. The subcommittee requests guidance from the Task Force relative to those options.

- Reducing Number of Permits: Several options include developing a single overall permit (#12), having one State permit and one Federal permit (#13), or having either the LA Regional Water Quality Control Board (Regional Board) or the U.S. Army Corps of Engineers (Corps) issue a permit versus both agencies issuing permits (#5). Some of the complications involving these options include identifying a lead agency, having a lead agency give up regulatory control, developing interagency agreements, and changing existing regulations to designate that authority.
- Streamlining Regional Board Permitting: The Regional Board currently issues Waste Discharge Requirements (WDRs) for dredging activities. One proposal would be to issue Section 401 Water Quality Certifications (WQCs) in lieu of WDRs (#6). These WQCs would then become a part of the Corps' Section 404 permits. One advantage is that WQCs could be issued more quickly because no board approval would be required. However, there is concern about providing the public opportunity to comment on such actions, even though such opportunity exists through the Corps' public notice process and when the application is submitted to the Regional Board. There is also concern as to the extent the Regional Board could enforce conditions that become a part of the Corps' permit.

The Regional Board currently does not have direct authority to issue WQCs (#14). Instead, the Regional Board recommends actions to the State Water Resources Control Board, which is the lead agency that certifies or denies projects under the WQC process. However, the State Board is proposing to change regulations to allow for it to delegate its authority to the Regional Boards. The Task Force could send letters supporting this change but since the Implementation Subcommittee is uncertain about even pursuing WQCs in lieu of WDRs, the

subcommittee can not recommend such a letter.

Another proposal would be for the Regional Board to develop general WDRs for specific dredging activities (#7). These WDRs would outline provisions, conditions, and reporting and monitoring requirements. The public comment period would occur prior to the adoption of the WDRs. Once the general WDRs are adopted, then projects could be given administrative approval from the Regional Board. However, there would be no further comment period for each individual project qualifying for such a permit.

- Improving the Interim Advisory Committee: Even though there is support to continue with the Interim Advisory Committee, the Implementation Subcommittee can not agree on how to improve the functions of that committee. Two options for providing a more cohesive interaction among the committee members include developing an interagency agreement and identifying the primary and alternate members (#8). There also needs to be a commitment to have the agencies and environmental community provide comments and direction to the project proponents, as well as to have the project proponents integrate planning efforts in anticipation of future projects (#9, #10). In addition, the committee needs to have more representation from the resource agencies so that natural resources could be protected and project proponents could know what those concerns might be (#17). Involving the resource agencies could be accomplished by establishing an area-wide endangered species consultation or developing general guidance to specific issues that get identified during the review of dredging projects (#17).

Another proposal to improving the Interim Advisory Committee is to establish a Dredge Material Management Office (DMMO) so permit actions could be coordinated and streamlined (#15). As mentioned previously, the current committee is re-evaluating its function and may be able to resolve some of the streamlining issues identified earlier.

- Integrating Environmental Review. When a project is submitted to the Interim Advisory Committee most of the environmental review has been completed. However, comments made during the permitting process often are different from those provided earlier during the environmental review process (#16). If the agencies and environmental groups could utilize this latter process more effectively to let project proponents know what specific concerns exist, then those concerns could already be addressed when the project gets evaluated during the permitting process. Nevertheless, the Implementation Subcommittee could not support this solution at this time because changing current practices might involve changing the organizational structure or mindset of the agencies concerned. Although there is support in theory and the subcommittee could develop approaches in accomplishing this option, there is resistance in implementing such change.
- Changing Local Coastal Program (LCP)/Port Master Plan (PMP): When a dredging project is consistent with an approved LCP or PMP, then the project proponents might not need to go through the California Coastal Commission's Federal Consistency or Coastal Development Permit process. If the local agencies could develop an amendment to the LCP or PMP to include such projects, this action could eliminate future approval by the Coastal Commission if it already had approved the amendment (#18). However, one must keep in mind that the Coastal Commission does not delegate all its authority to the local agencies. So there may be instances when a project must go through the approval process with both the local agency and the Coastal Commission.

Both the Port of Los Angeles and the Port of Long Beach have approved PMPs, while the City of Long Beach and Marina del Rey have approved LCPs. In the case of Marina del Rey, the Los Angeles County Regional Planning Department administers the LCP, which covers only the land area. However, there is no approved LCP for the City of Los Angeles or for the County of Los Angeles. The local agencies will need to investigate the feasibility and the willingness to pursue such amendments. Currently, the Port of Long Beach believes a

resolution by the Board of Harbor Commissioners is a more appropriate vehicle to show support for streamlining than a PMP amendment. The Implementation Subcommittee may need to re-evaluate this permit process at a later time when elements of the sediment management strategy get defined.

### **Task Force Actions**

1. Concur with developing a single permit application, consistent requirements, and best management practices and making those actions the responsibility of the Interim Advisory Committee and Aquatic Disposal and Dredge Operations Subcommittee, as these responsibilities were defined earlier in the report.
2. Identify the unresolved issues we should pursue and provide guidance on how we should approach, evaluate and resolve these issues.

## APPENDIX 1

### STREAMLINING SOLUTIONS

The Implementation Subcommittee of the Contaminated Sediments Task Force discussed various short- and long-term solutions to streamline the review and approval processes for dredging activities. The Task Force members could accomplish short-term solutions through agreement while long-term solutions would require changes within the agencies or at the policy or regulation level. The following is a synopsis of the solutions discussed:

1. The agencies could clarify overlapping jurisdiction and holes in regulatory coverage and provide the project proponents with a clear outline as to what is being evaluated. Where there is overlap, agencies would coordinate with each other to provide consistent requirements.
2. The agencies could have clearly defined conditions. Many times permit conditions refer compliance to other permits, which can cause confusion for the permittee in keeping track of the conditions.
3. There could be a single permit application that can be used for all agencies. Since creating applications may require regulatory changes or be interpreted as “underground” regulations, a short-term alternative to the single permit application would be to provide the project proponents with an application packet containing all the agencies’ applications.
4. The project proponent could submit the application packet concurrently to all agencies so that they have the same information and can coordinate with each other.
5. The LARWQCB and Corps could reconsider the need to permit the same activity. There appears to be flexibility within the regulatory framework for the LARWQCB to not issue Waste Discharge Requirements if beneficial uses of surface and ground waters are protected and the discharge does not impact those waters. If the LARWQCB or the Corps issued a single permit, this would not affect the other resource or regulatory agencies’ abilities to regulate the activity.
6. The LARWQCB could consider issuing Section 401 Water Quality Certifications instead of Waste Discharge Requirements. This action would provide a quicker processing time because no board approval is required. The public could still comment on 401 applications or through the Corps’ public notice process.
7. The LARWQCB could develop general Waste Discharge Requirements that outline specific provisions, conditions, and monitoring relative to certain types of dredging activities.
8. The Task Force could solidify the Interim Advisory Committee by developing an interagency agreement (e.g., Memorandum of Understanding) and having the primary and alternate members identified. This would provide cohesive interaction among the members.
9. The project proponents could provide the agencies with project information prior to when the permit application is submitted. In addition, the agencies would identify their concerns during this early comment period and not wait until the application is received. One mechanism would be to continue with the Interim Advisory Committee

and have all agencies agree to provide comments and clear directions to the project proponents during those committee meetings.

10. The project proponents and regulatory and resource agencies could establish priorities. The project proponents would identify future projects to facilitate agency coordination, while the agencies would need to be committed, not only at the staff but also the management level, to participate in coordinating with each other and the project proponents.
11. The Task Force could develop a set of Best Management Practices (BMPs) for dredging, monitoring and disposal of contaminated sediments. All projects over a certain size or contaminant levels would have to implement a suite of BMPs depending on project specifications.
12. The agencies could develop a single overall permit. This process would require not only changes at the state level but also at the federal level. For agencies to identify one lead agency and give up regulatory control to that agency, there would need to be not only interagency agreements but also changes to regulations to provide that lead agency with all the same authority that has already been given to other agencies.
13. There could be one state permit and one federal permit. This could separate state and federal authorities and focus streamlining and coordination with fewer agencies within a group. However, the same complications identified above would still apply. Furthermore, state agencies may have both state and federal authorities to implement the review and approval process. This could further complicate establishing one state permit.
14. The State Board could delegate Section 401 Water Quality Certification authority to the LARWQCB. This would reduce the approval processing time for certifications if projects do not need to go through State Board. Currently, State Board is proposing changes in state regulations to allow for this delegation. The Task Force could send letters of support to encourage such changes.
15. The Task Force, through coordination with USEPA and Corps, could establish a DMMO (Dredge Material Management Office) so permit actions could be coordinated and streamlined. The Interim Advisory Committee could be expanded into a DMMO, which would provide for a more formal process and commitment from the regulatory agencies.
16. The regulatory and resource agencies could better integrate CEQA review with the permitting process so comments are consistent. In addition, agencies could utilize CEQA more effectively to let project proponents know what concerns exist.
  
17. The Task Force, whether through the Interim Advisory Committee or a DMMO, could get USFWS and NMFS more involved in the review process. Not only would the resource agencies be invited to the meetings, but also alternatives to an individual review process could be investigated (e.g., establishing an area-wide endangered species consultation; developing general guidance to specific issues that come up during dredging projects). Without the involvement of these agencies, protection of

natural resources might not be ensured for dredging projects.

18. The local agencies having an approved Local Coastal Program (LCP) or Port Master Plan (PMP) could amend their LCP/PMP so that dredging projects occurring within their jurisdiction would be consistent with the LCP/PMP. If the California Coastal Commission were to approve such an amendment, project proponents might not need to go through the Federal Consistency or Coastal Development Permit process with the Commission.

## APPENDIX 2

### INTERNAL AGENCY STREAMLINING STRATEGIES

Each regulatory agency could promote an internal streamlined permitting process, such as establishing pre-set conditions, waivers, or general permits. Below are mechanisms for permit streamlining within the regulatory agencies.

#### CALIFORNIA COASTAL COMMISSION

In implementing permit streamlining, the Coastal Commission staff would need to determine what permitting or planning processes would be required and then determine how to best proceed with those processes. Under the *Federal Consistency* process, federal agencies must submit a *consistency determination* for projects that they would be implementing within the coastal zone. Once the Commission concurs with a consistency determination submitted by a federal agency, subsequent projects occurring within the same area and having similar impacts may require only a *negative determination*, which is handled through an administrative review rather than concurrence by the Commission. The negative determination streamlines the review process by not requiring a staff report or an action item before the Commission.

Applicants for federal permits, on the other hand, submit a *consistency certification*, which then is presented to the Commission for concurrence. But there is no mechanism allowing for negative certifications if subsequent projects were to occur within the same area and have similar impacts. However, the Commission has concurred with *general consistency certifications* allowing for multiple similar projects to occur within a specified timeframe. These certifications have an expiration date and require a reporting mechanism to Commission staff. Examples include disposal to the LA-2 ocean disposal site by ports or port activities involving maintenance dredging. If a project were to have a *Coastal Development Permit* or were to be consistent with an approved *Port Master Plan*, then no *Federal Consistency* would be required because the Commission would already have approved the project through the other processes.

Under the *Coastal Development Permit* process, the Commission can waive a project. Waivers are issued for routine, minor projects having no cumulative impacts on coastal resources and are handled through an administrative process. Though waivers exist, a waiver of a dredging and disposal project identified within a management strategy may be difficult unless there is specific regulatory language allowing for such a waiver. Currently, there are two types of waivers defined in the Coastal Act: waiver for *de minimis developments*, Section 30624.7 – waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations (CCR); and waiver for *improvements to existing single-family residences or structures*, Sections 30610(a) and (b) – waives the requirement for a Coastal Development Permit pursuant to Sections 13250(c) or 13253(c), Title 14, CCR. If project proponents were to seek waivers for dredging and disposal projects, then changes to the regulations and Coastal Act would probably need to occur to have such waivers identified.

The Commission also reviews projects through the Administrative, Consent, or Regular Calendars when issuing *Coastal Development Permits*. The Executive Director issues permits administratively for minor projects. The permit and staff report are combined into one document, thus streamlining the process. Projects requiring Commission approval through the Consent or Regular Calendars are usually major projects requiring extensive staff reports. Those projects with no issues to be resolved by the Commission are placed on the Consent Calendar, while projects with unresolved issues are presented to the Commission via the Regular Calendar. If there were any amendments, Commission staff would determine if those amendments were *immaterial* or *material*, the latter requiring review through the Consent or Regular Calendars.



However, if project issues are resolved ahead of time between Commission staff and the project proponent, there is more opportunity to move the process through the Consent Calendar.

With regards to the *Local Coastal Program* or *Port Master Plan* process, if projects were to occur within a local jurisdiction having an approved program or plan, then those projects would be reviewed by the local agency instead of the Commission. Such projects would need to be consistent with the approved program or plan. If not, then Commission staff would have to review the project or the local agency would need to seek approval from the Commission for an amendment to the program or plan to address such projects. If the proposed dredging and disposal projects involved local jurisdictions, amending the approved program or plan to include the management strategy would be advantageous. Once the Commission approves this amendment, then the project proponents might not need to go through the *Federal Consistency* or *Coastal Development Permit* process with the Commission. However, if a citizen or a Commissioner were to appeal a local decision to the Commission, more time would be taken to address the appeal.

However, a project may overlap several Commission processes (*Federal Consistency*, *Coastal Development Permit*, *Local Coastal Program*, and *Port Master Plan*). For example, a project might involve both dredging, which might be covered under a *Port Master Plan*, and upland disposal, which might require a *Coastal Development Permit*. In this case, one permitting process will not be able to supercede another because of specific jurisdictions identified in the Coastal Act. Thus, if the projects were to have multiple components, then the projects might require approval through several processes and not just one. If this approach were not acceptable to the parties involved with the management strategy, then the regulations might need to be modified to require only one process.

## **LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD**

The Los Angeles Regional Water Quality Control Board currently issues Waste Discharge Requirements (WDRs) for dredging projects and disposal of dredged material. As a result, it can be difficult for the Regional Board to respond rapidly to emergency situations or accommodate last minute changes in a project's scope given the lead time required for preparing tentative WDRs and scheduling of items for consideration at Board meetings that only occur approximately every five weeks.

One way to simplify this process would be to issue a Section 401 Water Quality Certification for dredging projects in lieu of WDRs. This action could provide a quicker response time since no board approval would be required. Public comment still could be accepted through the 401 process or through the U.S. Army Corps of Engineers' (Corps) public notice process. The standard conditions and monitoring program requirements normally included in WDRs could be added to the federal permit issued by the Corps. Although conditions placed into the 401 Certification would be binding on the project applicant, the Regional Board's ability to proceed with an enforcement action for any violations might be more limited compared to enforcement of WDR violations.

Another way to streamline the permitting process would be to create general WDRs for certain types of dredging projects. The permit conditions and provisions, as well as the monitoring and reporting program, would be established beforehand as part of the general WDRs. Then dredging projects that meet the requirements specified in the general WDRs could be approved administratively because these WDRs would have received prior Board approval and undergone a public notice period.

## **U.S. ARMY CORPS OF ENGINEERS**

Some suggestions to help make the regulatory process more efficient include:

1. Coordinate the sediment sampling plan with the Corps and EPA before sampling.
2. Conduct sediment sampling and review results with Corps and EPA before submitting permit application or otherwise application would be considered incomplete.
3. Make sure permit applications are complete when submitted. This would include sediment sampling results and, if a standard 404 permit were required, a comprehensive 404(b)(1) alternatives analysis.

It may also be possible to develop a regional general permit (RGP) specific to dredging activities. An RGP that also had 401 certification and a federal coastal zone consistency concurrence from the California Coastal Commission would streamline the process a great deal. Even without the State agencies' permits up front, the permitting process would still be more efficient as there would be no need for a public comment period for types of projects covered under a general permit as this would have been done during development of a general permit. Developing this general permit would require a committee that included the regulating agencies and the groups that would use such a permit. However, a major constraint on Section 404 RGPs is that the impacts of activities that would occur under such permits must not exceed a "minimal" threshold when projects are considered individually or cumulatively. That standard is more restrictive than the "significance" threshold used in NEPA or CEQA.

#### **U.S. ENVIRONMENTAL PROTECTION AGENCY**

Unlike the California Coastal Commission, Los Angeles Regional Water Quality Control Board, or the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency is not responsible for issuing permits or approvals for dredging and disposal operations. EPA's involvement in these operations is directly linked to the permitting process of the U.S. Army Corps of Engineers and is restricted to the Corps' public comment and review periods. As such, there is no internal streamlining EPA could take independent of a modification to the Corps of Engineers' permit process that would result in any overall streamlining benefits to the regulation of these operations.

As discussed previously in this report, adopting a unified application, standardizing Sampling and Analysis Plan procedures and reports, forming a Dredged Material Management Office, and identifying and permitting appropriate regional disposal options for contaminated materials would facilitate EPA's internal review and concurrence process by enhancing the quality and reliability of sediment evaluation data. If these program elements were put into place, EPA would modify its internal review and concurrence process accordingly.

## APPENDIX 3

### AGENCY PROCESSES

This appendix describes, at both the state and federal levels, the review and permitting authorities of the various regulatory and resource agencies involved in evaluating dredging activities.

#### **CALIFORNIA COASTAL COMMISSION**

##### FEDERAL CONSISTENCY PROCESS

The federal consistency process was established by the federal Coastal Zone Management Act (CZMA) of 1972. That act requires any direct federal or federally permitted activity located within or outside of the coastal zone and affecting coastal resources to be conducted in a manner consistent with certified coastal management programs. California's program subsequently was certified in 1978. In order to implement this CZMA requirement, the federal agencies or applicants for federal permits are directed to submit either a consistency determination or a consistency certification, respectively. These documents are prepared by the federal agency or applicant and submitted to the Commission for review. The Commission staff reviews the submittal and makes a recommendation to the Commission. The Commission can either concur or object to the consistency determination or certification. However, the Commission does not have the authority to condition its approval. Any changes to the project required by the Commission in order for it to concur with an activity must be agreed by the federal agency or applicant.

With respect to federally permitted activities, the Commission does not require a consistency certification for activities also requiring a coastal development permit approved by the Commission. The Commission has 45 days (with an automatic 15-day extension if requested) to review direct federal activities and six months to review federally permitted activities.

##### COASTAL DEVELOPMENT PERMIT PROCESS

The California Coastal Act requires a coastal development permit for any development (as defined by the Coastal Act) within the coastal zone. The inland boundary of the coastal zone is legislatively drawn and the seaward boundary is the three-mile offshore state boundary. To apply for a coastal development permit, the project proponent must complete a permit application and submit it to the Commission with any required supporting information. The Commission staff has 30 days to review the permit application for completeness and respond back to the applicant. Once the application is filed, the Commission can waive the activity through the waiver process or schedule it for Commission review through the Administrative, Consent, or Regular Calendars. The staff will review the application for consistency with Chapter 3 of the Coastal Act and present its analysis to the Commission with a recommendation and, if necessary, conditions for approval. The Commission has 180 days after an application is filed to act on it. The Coastal Act exempts from its permit process maintenance dredging of existing navigation channels and transportation of material dredged from those channels to a disposal site outside of the coastal zone. However, disposal within the coastal zone is subject to a coastal development permit. Additionally, the regulations exempts from the permit process any other maintenance dredging (other than existing navigation channels) of less than 100,000 cubic yards within a one-year period.

##### LOCAL COASTAL PROGRAM PROCESS

The Coastal Act requires that any local government with jurisdiction within the coastal zone prepare a local coastal program (LCP). That program consists of a land-use plan and

implementing ordinances (e.g., zoning). The local government is responsible for preparing the LCP and any required environmental documents. Once the City Council or Board of Supervisors approves the LCP, the local government submits it to the Commission for its certification. The Commission reviews the submittal and either approves, denies, or denies it and then approves it with modifications. Once an LCP is certified, the Commission delegates its permit authority to the local agency. However, the Commission retains permit jurisdiction for all activities below mean high tide or on public trust lands. Dredging and aquatic disposal are not affected by LCPs and remain subject to the requirements of the Coastal Act. The designation of an upland disposal or treatment site would be subject to the requirements of a certified LCP and may require an amendment to that LCP. Some permits issued by local governments pursuant to their LCPs are appealable to the Commission. Five categories of appealable activities are identified in Section 30603 of the Coastal Act. If an appeal is made, the Commission first determines if the appeal raises a substantial issue for consistency with the LCP. If it does, the local government's permit no longer applies and the Commission will review the permit application.

### PORT MASTER PLAN PROCESS

The Coastal Act identifies four commercial ports (including the Ports of Long Beach and Los Angeles) in California for which the Act requires the preparation of Port Master Plans. These plans are similar to LCPs in that they identify land and water uses within the port boundaries and, once certified, the Commission delegates coastal development permit responsibility to the port. The Commission has already certified the Port Master Plans for the Ports of Long Beach and Los Angeles. Permits for a limited number of activities within a port are appealable to the Commission and six categories of appealable activities are identified under Section 30715(a) of the Coastal Act. Dredging activities are covered in most port master plans and they are not appealable. Disposal within a port must occur within a designated disposal area. Any dredging or disposal outside of the port's jurisdiction is subject to the Commission coastal development permit or federal consistency processes.

### **LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD**

The Porter-Cologne Water Quality Control Act established the State Water Resources Control Board (SWRCB) to provide efficient administration of water resources of the State of California, including consideration of water pollution and water quality issues. SWRCB is charged to protect the quality of all waters of the state for use and enjoyment by the people of the state.

The Porter-Cologne Act divides the state into nine regions. The Los Angeles Regional Water Quality Control Board (LARWQCB) has jurisdiction over the Los Angeles Region. In practical terms, this region includes most areas falling within Ventura and Los Angeles Counties, with the exception of the Lancaster-Palmdale area.

Chapter 4 of the Porter-Cologne Act requires all of the following persons to file a report of waste discharge with the regional board:

- 1) Any person discharging waste or proposing to discharge waste within any region that could affect the quality of waters of the state, other than into a community sewer system.
- 2) Any person who is a citizen, domiciliary, or political agency or entity of this state discharging waste or proposing to discharge waste outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.

The State has determined that dredged material falls within the definition of waste as specified by the Porter-Cologne Act.

## REGULATING DREDGING

The LARWQCB adopted a revised Water Quality Control Plan for the Los Angeles River Basin (often referred to as the "Basin Plan") on June 13, 1994. This Plan is designed to preserve and enhance water quality and protect the beneficial uses of all waters in the region. The Plan designates beneficial uses for surface and ground waters, sets narrative and numerical objectives that must be attained or maintained to protect the beneficial uses and conform to the state's antidegradation policy, and describes implementation programs to protect all waters in the region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations.

The Basin Plan designates beneficial uses for specific waterbodies. Los Angeles-Long Beach Harbor is divided into several subcategories: Outer Harbor, Inner Harbor, Marinas, Public Beach Areas, All Other Inner Areas, Dominguez Channel Estuary and Los Angeles River Estuary. Different beneficial uses have been designated for each subcategory. For example, beneficial uses of the Outer Harbor are navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare, threatened and endangered species, and shellfish harvesting. The Inner Harbor has the same designated beneficial uses as the Outer Harbor, as well as industrial service supply.

Waste discharge requirements are based upon the water quality objectives contained in the Basin Plan. Although the Basin Plan does not contain any specific requirements pertaining to dredging activities, the Plan does contain narrative and numerical objectives, which are applicable to dredging operations, for the protection of surface and ground waters. Compliance with the waste discharge requirements will ensure conformance with the goals of the Basin Plan, including protection of the designated beneficial uses.

## APPLYING FOR WASTE DISCHARGE REQUIREMENTS

A report of waste discharge must be submitted to the Regional Board at least 120 days prior to the anticipated start of any dredging operations. The applicant should complete our six-page Dredge Permit Application, although Form 200 - *Application for Facility Permit/Waste Discharge* may be used for small projects. The report must provide information describing the facility involved, the type of operation proposed, the type and volume of waste, location of the point of disposal of waste, and compliance with the California Environmental Quality Act (CEQA). The report must be accompanied by any supporting documentation required by the Regional Board to evaluate the proposed dredging and disposal operation, particularly physical and chemical characterization of the sediments to be dredged. A filing fee, which is calculated according to the volume of material to be dredged (Title 23, Division 3, Chapter 9 of the California Code of Regulations), also must accompany the report of waste discharge.

## PROCESSING AN APPLICATION

Staff reviews the report of waste discharge to determine whether the proposed dredging project has the potential to adversely impact water quality or affect beneficial uses of state waters. Staff generally focuses on potential impacts associated with the physical removal of sediments during the actual dredging operations, and potential impacts related to the disposal of the dredged material.

Dredging operations often produce a noticeable discoloration of the waters around the dredge site as sediments are removed from the bottom and particles are released into the water column. The areal extent of this turbidity plume will depend on the nature of the dredging operation and circulation patterns in the area. Dredging projects will be evaluated to ensure that operations do not produce excessive turbidity or cause other water quality problems (e.g., depression of dissolved oxygen concentrations), and that toxic pollutants are not released at levels that will degrade aquatic communities, populations or individuals.

Identification and approval of a disposal site for the dredged material often are the key issues to be resolved for each dredging project. If unrestricted disposal of the sediments is proposed (e.g., beach replenishment with sandy material, offshore disposal of fine-grained material), the applicant must demonstrate that the dredged material is uncontaminated. For contaminated sediments, the applicant must demonstrate that the material will be confined or contained in a manner that will ensure that pollutants will not be released to state waters (surface waters or groundwater) or adversely impact beneficial uses. If the applicant proposes to dewater the sediments and discharge return water, potential impacts from this activity must be addressed.

After staff reviews the application and evaluates the potential impacts, the next step is the development of tentative waste discharge requirements (often referred to as the "permit," although this term is not technically accurate). The waste discharge requirements identify special provisions and limitations with which the applicant must comply, and specify reporting and monitoring requirements. The tentative waste discharge requirements are sent to the applicant for review and comments, as well as to several federal and state agencies (e.g., U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, California Department of Fish and Game), local agencies, environmental groups and other interested parties. The transmittal letter accompanying the tentative waste discharge requirements will indicate the date of the Regional Board meeting on which these will be considered for adoption. Written comments may be submitted to staff prior to the date of the board meeting, and oral comments may be provided at the public hearing held during the board meeting.

It is important to note that the waste discharge requirements do not become effective until the Regional Board has adopted them during a public hearing. The final waste discharge requirements will be signed by the Executive Officer of the Regional Board and transmitted to the applicant and other interested parties within ten working days after adoption at a public hearing, and will include any changes incorporated at that time. The Regional Board assigns reference numbers to the waste discharge requirements (e.g., Order No. 97-01) and to the monitoring and reporting program (e.g., 7598). These numbers should be referenced when submittals (e.g., letters, monitoring reports) are sent to the Regional Board.

## **U.S. ARMY CORPS OF ENGINEERS**

The Regulatory Branch of the U.S. Army Corps of Engineers (Corps) mainly functions as a regulatory agency and, as such, reviews dredging projects as described below.

The Corps has three basic types of permits: a standard permit, a general permit (which includes nationwide permits and regional general permits) and a letter of permission. These permits are issued pursuant to three legislative authorities:

Section 10 of the Rivers and Harbors Act of 1899- This act gives the Corps the authority over work or structures in or over navigable waters of the U.S. (Letters of Permission, Standard Permits, General Permits).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972- Commonly referred to as the Ocean Dumping Act, this act regulates transportation of dredged materials for the purpose of ocean disposal (Standard Permits, Regional General Permits [not nationwide permits]).

Section 404 of the Clean Water Act of 1972- This act governs discharge of dredged or fill material into all waters of the U.S. including adjacent wetlands (Standard Permits, General Permits).

Before an application is submitted to the Corps, a potential applicant may request a pre-application consultation. This meeting can provide insight on the information and potential studies that may be required. Other agencies may also be included. Alternatives and potential sediment testing requirements should be discussed at this time.

A sediment testing and analysis plan should be submitted for approval to the Corps and U.S. Environmental Protection Agency (EPA). Sample collection and analysis should not begin until the plan is approved. The results of the sediment testing should also be submitted to the Corps and EPA before an application is submitted.

When an application is submitted the Corps will review it for completeness. An application must include:

- A complete description of the proposed activity, including necessary drawings, sketches, or plans;
- The location, purpose, and need for the proposed activity; scheduling of the activity; names and addresses of adjoining property owners; location and dimensions of adjacent structures;
- A list of authorizations required by other Federal, State or local agencies for the work, including all approvals received or denials already made;
- The source of the material; the purpose of the disposal/fill and a description of the type, composition, and quantity of the material; the method of transportation and disposal/fill of the material; and the location of the disposal/fill site.

If the application is incomplete, the Corps will request the necessary information from the applicant. The applicant then has thirty days to respond. If there is no response, the application will be withdrawn.

After a complete application is received, the Corps will determine what type of permit is appropriate. If an individual permit is required then a public notice will be prepared. A public notice is issued for all standard permits and for general permits (including nationwide permits) when the general permit is first proposed. The public notice is not required for each individual project that qualifies for a general permit since this public notice was completed earlier as part of the general permit process. Public notices generally have a thirty-day comment period. The Corps will provide any comments received regarding the public notice to the applicant. The applicant then has 30 days to respond to comments. Applicants may contact commentors directly to resolve differences. An abbreviated version of a public notice (predischage notification) is often sent to the various resource agencies for comment on general permits and Letters of Permission.

At this point, the Corps will complete the permit review. This review includes a public interest review that must consider:

- The relative extent of the public and private need for the proposed work.
- The practicability of using reasonable, alternative locations and methods to accomplish the objectives of the proposed work, where there are unresolved conflicts as to resource use.
- The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private uses to which the area is suited.

The review must also include an alternatives analysis and an environmental document. The document usually will be an environmental assessment and a subsequent finding of no significant impact based on that assessment. On the other hand, the assessment instead could result in an environmental impact statement. If the project requires a standard individual Section 404 permit, the alternatives analysis is a critically important step whereby the project clearly needs to demonstrate compliance with the 404(b)(1) guidelines (40 CFR Part 230). These regulations prohibit the Corps from issuing a permit unless the Corps has determined that the project constitutes the "least environmentally damaging practicable alternative" (LEDPA). Generally, the level of effort the applicant must employ to make this case is commensurate with the magnitude of the impact. The result of this process is a decision on permit issuance or denial. However, a final permit will not be issued until all necessary certifications, waivers, or approvals are issued by the State Water Resources Control Board and the California Coastal Commission.

## **U.S. ENVIRONMENTAL PROTECTION AGENCY**

The U.S. Environmental Protection Agency (EPA) has authority under several different environmental laws to review, comment and provide concurrence/nonconcurrence on activities relative to dredged materials:

*Clean Water Act (CWA) Section 404(b)(1)*. The Act establishes Guidelines (which were developed by EPA) for the discharge of dredged or fill materials and for the prevention of such discharges, individually or in combination with other activities, from having unacceptable adverse impacts to the ecosystem. Even though the U.S. Army Corps of Engineers (Corps) has the legal authority to regulate the discharge of dredged or fill material in inland waterways, wetlands and territorial seas, the Guidelines developed by EPA must be applied to those activities. Under Section 404(c) EPA has the authority to veto Corps permits if the discharge does not comply with the requirements of the Act or the Guidelines.

*Marine Protection, Research and Sanctuaries Act (MPRSA)*. The Act regulates the transportation and disposal of materials in all U.S. ocean waters in and beyond the territorial limit. Section 102 authorizes EPA to establish criteria for evaluating all dumping permit actions and to designate ocean dredged material disposal sites. Section 103 authorizes the Corps to issue permits for dumping of dredged materials into the ocean waters. Such permits must demonstrate compliance with the criteria developed by EPA and the use of a designated site. The Corps cannot issue a Section 103 permit unless EPA concurs, concurs with conditions, or issues a waiver for the proposed project.

*National Environmental Policy Act (NEPA)*. Pursuant to Section 309 of the Clean Air Act, EPA reviews and comments on Environmental Impact Statements, including those prepared for federally authorized dredging projects, for compliance with procedural and substantive NEPA requirements. In addition, EPA reviews these documents for consistency with the requirements of both CWA and MPRSA.

EPA and the Corps have developed testing protocols for dredged materials. For waters jurisdictional under the CWA, these testing protocols are identified in the Inland Testing Manual ("ITM"). For waters jurisdictional under MPRSA, the testing protocols are specified in the manual Evaluation of Dredged Material Proposed for Ocean Disposal ("Greenbook"). When an application is submitted to the Corps for dredging and disposal operations in waters jurisdictional under CWA or MPRSA, EPA works with the Corps to review and concur on the Sampling and Analysis Plan (SAP) included with the application. This review and concurrence ensure that the dredged materials sampling and testing program complies with the regulations and the protocols established in the testing manuals.

EPA also reviews the results of the dredged material evaluations for consistency with the requirements and approved procedures identified in the testing manuals. Based on these test



data and other available information, EPA recommends a suitability determination to the Corps. This determination is for materials that EPA believes are consistent with the standards established in the testing manuals to not cause significant undesirable effects to human health or the aquatic environment. The Corps makes the final determination on suitability as part of its permit decision. As noted above, EPA concurrence (MPRSA) or decision not to elevate or veto (CWA) the permit decision is required prior to final approval for the regulated discharge.

Dredged materials determined to be contaminated are prohibited from being disposed to the ocean. Under certain conditions, dredged materials determined to be unsuitable for unconfined aquatic disposal may be disposed to CWA jurisdictional waters where appropriate measures are taken to isolate the unsuitable materials (for example, capping and confining with suitable dredged materials). For all dredged materials disposal operations, EPA seeks to ensure that adverse impacts to the environment are avoided or minimized in a manner consistent with the requirements of CWA and MPRSA. EPA encourages beneficial re-use of dredged materials (e.g., beach nourishment, construction fill) wherever possible.

## **CALIFORNIA DEPARTMENT OF FISH AND GAME**

As the trustee of the state's fish and wildlife resources, and as a responsible party under the California Environmental Quality Act (CEQA), the California Department of Fish and Game is responsible for the protection, maintenance and enhancement of these resources. The Fish and Game Code and other federal and state mandates include requirements dictating that the Department address dredging issues related to: 1) habitat maintenance, enhancement, and mitigation; 2) state threatened and/or endangered listed species and consultation regarding take; 3) discharge of pollutants; 4) CEQA review; 5) review of other documents, including 404 permits, waste discharge requirements, and Coastal Commission actions; and 6) obtaining a streambed alteration agreement from the Department.

As a result of the real and potential impacts on the resources associated with dredging activities, the Department has always been an active participant in meetings dealing with specific dredging projects, as well as, formally commenting on dredging activities. This participation includes, but is not limited to, reviewing CEQA and National Environmental Policy Act (NEPA) documents, U.S. Army Corps of Engineers 404 permits, waste discharge requirements (WDRs) issued by the Regional Water Quality Control Boards, and California Coastal Commission development permits. In most instances the Department becomes involved early in the process. The project proponent often will contact the Department to solicit initial comments on the proposed project with respect to resource impacts, mitigation, monitoring, dredge spoil disposal, and other issues. Also, the Department may comment formally on the CEQA and NEPA documents and on various permitting actions (e.g., 404 permits, water quality certifications, and WDRs). The Department's most recent involvement has been its participation on the Contaminated Sediments Task Force itself.

The comments on a proposed project may deal with such aspects as monitoring of dredging operations, sediment characterization and sampling plans, contaminated sediments, mitigation requirements and monitoring, time constraints and disposal options. As a project proceeds, the Department may continue to be involved in evaluating such aspects of the project that relate to biological resources (e.g., tern foraging, eelgrass impacts), water quality, and mitigation success. Finally, the Department may monitor the progress of long-term monitoring programs that assess mitigation project success.

## **U.S. FISH AND WILDLIFE SERVICE**

The U.S. Fish and Wildlife Service's primary concern is the protection of public fish and wildlife resources and their habitats. The southern California coastal habitats continue to support

significant fish and wildlife resources, such as migrating shorebirds, waterfowl, seabirds, and a variety of biologically diverse and productive habitats. Several coastal dependent endangered or threatened species are present in this area. For example, the endangered California least tern (*Sterna antillarum browni*) nests in major colonies at Terminal Island and Venice Beach. This species is known to forage over water areas within the Los Angeles/Long Beach Harbors complex and along Dockweiler and Venice Beaches. The California brown pelican (*Pelecanus occidentalis*), another endangered species, is also known to forage in these areas and is seasonally very abundant along the California coast. The Service tries to be vigilant and involved in any and all potential actions, including dredging, that may affect these biological resources. Dredging projects have the potential to significantly influence fish and wildlife and their habitats.

Under the authority of the Fish and Wildlife Coordination Act (FWCA), Federal agencies contemplating an action must consult with the Service regarding potential impacts to fish and wildlife and recommended mitigation measures. Within the coastal dredging context, FWCA coordination with the Service is usually triggered by either an U.S. Army Corps of Engineers' (Corps) regulatory action or by a Congressionally authorized Corps project. Corps projects have a planning and implementation process of their own. Through this process, the Service provides guidance in minimizing impacts to fish and wildlife resources, including but not limited to federally listed species. This guidance begins early in the planning process with a Planning Aid Report, and the final step in the process is the FWCA Report, which is based on detailed information on the proposed project such as that which would be provided in an Environmental Impact Statement and its supporting documents.

Similarly, dredging activities proposed by other applicants are regulated through the Corps' permitting process. The Service provides an FWCA comment letter, usually in response to the Corps' public notice for the permit application. The Service may require special conditions be placed on the Corps' permit in order to avoid, reduce, or offset expected impacts to fish, wildlife, or habitats.

The Service is also responsible for administering portions of the Endangered Species Act of 1973 as amended (Act). In particular, Section 7 of the Act requires any federal agency contemplating an action that may affect a listed species to consult with the Service and receive a Biological Opinion before committing or permitting the project. So the Corps, whether proposing to carry out a dredging project or permit another entity to carry out such a project, must initiate a Section 7 consultation with the Service, if the action might affect a federally listed species. Dredging projects may affect listed species through direct disturbance or degradation of foraging or breeding habitats, or indirectly through exposure to contaminants made available to those species through the dredging activities.

Early involvement and coordinated environmental considerations are very valuable to timely resolution of issues. The Service tries to provide its technical expertise on fish and wildlife matters at most every opportunity, including California Coastal Commission and Regional Water Quality Control Board hearings and actions, and environmental documents prepared pursuant to the California Environmental Quality Act.

## **NATIONAL MARINE FISHERIES SERVICE**

The National Marine Fisheries Service (NMFS) carries out its responsibilities for the conservation of living marine resources primarily under four statutes: the Magnuson Fishery Conservation and Management Act of 1976, which regulates fisheries within the U.S. Exclusive Economic Zone; the Endangered Species Act, which protects species determined to be threatened or endangered; the Marine Mammal Protection Act, which regulates taking of marine mammals; and the Fish and Wildlife Coordination Act, which requires other Federal government agencies to seek advice of NMFS on actions that might affect living marine resources.

As a consequence of possible impacts to living marine resources from dredging projects, NMFS is involved routinely in the review of proposed permit applications submitted to the California Coastal Commission and U.S. Army Corps of Engineers (Corps). NMFS also provides comments on related California Environmental Quality Act and National Environmental Policy Act documents. Early coordination with NMFS is encouraged to ensure that projects are designed in a manner to eliminate or minimize impacts to marine resources of concern. NMFS also is an active participant in the review and monitoring of mitigation designed to offset adverse impacts from dredging projects.

NMFS does not have any formal regulatory role relative to dredge projects. NMFS' primary function is a commenting agency to other regulatory agencies, such as the Corps at the Federal level or Coastal Commission at the State level. With respect to the Corps, there is a permit elevation process relative to Clean Water Act Section 404 permits that could be used should the Corps' District Engineer choose not to accept NMFS' recommendations. However, this process is rarely invoked. The normal procedure is to attempt to work out any disagreements and avoid the elevation process.

## **CITY OF LONG BEACH**

The City of Long Beach has three potential procedures for implementing a dredging project. These are as a maintenance project, as a capital project, or as a project of the U.S. Army Corps of Engineers.

### Maintenance Dredging

The City owns a small dredge with an eight-inch line and has staff to operate it. The City has permits to operate up to 90,000 cubic yards per year, which is near the maximum amount the dredge can move materials during September 15 to March 15. This seasonal restriction is specified in the permits to protect Least terns and grunions.

The Corps, Los Angeles Regional Water Quality Control Board, and the California Coastal Commission have issued the permits for five years. These permits allow dredging in Alamitos Bay and the Los Angeles River Estuary and allow beach disposal only for beach compatible material. Because the Los Angeles River Estuary materials have not been beach compatible, all dredging since 1994 has been in Alamitos Bay. However, through 1994, the permits did not have a beach disposal restriction. So in 1989, 1990, 1991, and 1994, the City dredged the Los Angeles River Estuary and disposed material in the borrow pit near the Queen Mary.

The allocation for dredge operations is a routine part of the City's annual marine maintenance budget. The Director of Parks, Recreation and Marine determines where the annual dredging is to occur. If dredging of both the Los Angeles River Estuary and Alamitos Bay were needed, the Director might consult the Mayor-appointed Marine Advisory Commission to determine priorities.

### Capital Projects

If the City were to undertake a dredging project beyond the City's current capability to conduct maintenance dredging (150,000 cubic yards without a seasonal restriction), this project would be deemed as a capital project. Capital projects are approved in three steps. First, a six-year capital plan is written, which includes spending needs and priorities. A six-year budget then is submitted with the plan to the City Manager. Second, the City Manager reviews the department-by-department six-year plan, reviews the available resources, and develops a two-year budget. Finally, the two-year budget is submitted to the City Council, which then considers the City Manager's budget and an alternate budget proposed by the Mayor, and approves a budget. In

the off year between two-year budgets, no new major capital projects are introduced unless there is a new urgent need.

Once the budget is approved, the project is designed. For a large project, a consulting firm would be hired to do the design. An Environmental Impact Report would be part of the design process. Once the project is designed, permits are sought from the Corps, Regional Board, and Coastal Commission.

### Federal Project

A federal navigation channel exists within the Los Angeles River Estuary to the Catalina Landing harbor. Therefore, most of the estuary dredging has been done as federal projects because the cost of the needed projects exceeds local capital budget resources. The City's role is limited to requesting the projects be implemented and communicating the need for such projects. This process is done through communicating with the Corps' Los Angeles District office, with the Corps' Washington Headquarters office, and with the House of Representatives. The City would also demonstrate its support for the projects through public hearings, such as before the Coastal Commission.

## **PORT OF LONG BEACH**

The Port of Long Beach has a dual role in dredging projects as both project proponent and, to a lesser degree, as a regulatory agency. As project proponent, the Port's permitting process is identified below.

The Engineering Division and Properties Division develop project concepts, usually in response to tenant requests. The Planning Division evaluates preliminary concepts for consistency with the Port Master Plan, which identifies potential or planned port projects that are approved by the California Coastal Commission.

Concepts are refined internally until deemed ready for environmental review. Key dredging-related environmental issues include minimizing fill, minimizing dredging volumes, and identifying probable disposal and re-use options. Key uncertainties tend to be (1) the lack of a specific design configuration and (2) the lack of site-specific knowledge, particularly with regard to sediment contamination and volumes. In general, the goals of the three groups (Properties, Engineering, and Planning) differ somewhat, so that the refinement process is a series of compromises between maximizing revenue generation, optimizing design and buildability, and minimizing environmental concerns.

For major projects, the Port will usually present the project to the regulatory and resource agencies (now the Interim Advisory Committee of the Contaminated Sediments Task Force) late in the concept design process in a pre-application meeting. The input provided by the agencies is used to further refine the project.

At the end of the concept design process Engineering applies to Planning for a Harbor Development Permit (HDP), which Planning administers under the provisions of the Coastal Act. The HDP is a combined Coastal Development Permit (CDP), under the Coastal Act, and a city building permit. That application triggers the formal environmental review process and the project is ready to be reviewed by the public. The HDP application may also trigger the sediment characterization process, but that often takes place earlier in the concept design phase.

The environmental review process generally results in the preparation of an Environmental Impact Report (EIR), for which Planning is responsible. The draft EIR is circulated for 45 days,

during which the Board of Harbor Commissioners holds a public hearing. The document may be a joint EIR/EIS (Environmental Impact Statement) if the project were to be a federal project or a joint federal and local project. At the end of the public review the final EIR is prepared and submitted to the Board of Harbor Commissioners, as the governing body of the environmental lead agency, for action (certification). The Board may also approve the project in its role as project proponent.

Near the end of the environmental review process the Port prepares and submits the applications for the US Army Corps of Engineers' Section 404/Section 10 permit, Los Angeles Regional Water Quality Control Board's Section 401 Water Quality Certification or Waste Discharge Requirements, and a California Coastal Commission's permit (usually a consistency determination, not CDP).

## **PORT OF LOS ANGELES**

The Port of Los Angeles is most often the applicant to other agencies for dredging activities in the Los Angeles Harbor District. The process for implementing these processes is generally in the steps provided below.

1. Project Initiation. A project is initiated within the Department either through the Engineering Division or through the Property Management Division for tenant requests. Normally an *Application for Development Project* is completed by the initiating Division and sets in motion activities by a number of other Divisions.
2. Environmental Testing. Through consultants, Environmental Management Division carries out the testing at the request of the Engineering Division. This process includes approval of testing protocol by the US Army Corps of Engineers and US Environmental Protection Agency and guidance on acceptable disposal options once results are returned. This testing is done as early in the process as possible, but not so early as to make the testing results out of date.
3. Environmental Documentation. Upon receiving an *Application for Development Project*, the Environmental Management Division prepares the appropriate environmental documentation. The type of documentation varies from an exemption for some maintenance dredging projects to an Environmental Impact Report (EIR) for more complex projects. Sometimes a joint EIR/EIS (Environmental Impact Statement) is prepared instead. Eventually, the environmental documentation goes through a California Environmental Quality Act (CEQA) public review process. This documentation then becomes the basis for Harbor Department Project approvals and permit issuance by State agencies and, depending on the project, can be used as a basis for federal environmental documentation (such as an Environmental Assessment or Finding of No Significant Impact). In the case of an EIR, the board of Harbor Commissioners certifies the EIR and, if a discretionary action were needed, the project is approved. In some cases, permits are issued.
4. Department of Army Permits/Water Board Approval/Stream Alteration Agreements. In almost all situations, the Engineering Division is the applicant for these permits. The Environmental Management Division is frequently the liaison with these agencies in obtaining these permits (e.g., discussing test results). The Department of the Army Permit is often conditioned on receipt of California Coastal Commission and Los Angeles Regional Water Quality Control Board approvals. These permit applications are normally sent after the environmental documentation has been completed. However, in some cases, the Department of the Army Permit is submitted early in the project development process to allow the US Army Corps of Engineers to get authorization to work on the project.

5. Master Plan Amendments/Coastal Permits. The Planning and Research Division is responsible for coastal approvals, which may include a Coastal Development Permit application to the California Coastal Commission, or an application to amend the Port Master Plan followed by the Port's issuing a Coastal Development Permit, or a Consistency Determination submitted to the Coastal Commission. Prior to the Coastal Commission providing approvals, the Port must complete CEQA documentation (including an alternatives analysis and, in most cases, results of environmental testing). The coastal approvals at the Port may occur at the same time as the certification and approval of the environmental documentation or some time following that action.
6. Construction Activity. The Construction Management Division controls the construction activity at the Port. That division issues specifications and gets approvals to award contracts and to inspect contract activities. Awarding of contracts requires the appropriate permits to be in place so the contractor knows what restrictions are placed on its activities.