

# **MEMORANDUM OF UNDERSTANDING**

## **Delta Dredging and Reuse Management Team**

### **Introduction and Background**

In late 2004, local sponsors of Delta dredging and reuse projects and the U.S. Army Corp of Engineers met to explore the feasibility of developing a long term management strategy (LTMS) in the Sacramento-San Joaquin Delta for the purpose of coordinating dredging, dredged material placement and reuse projects occurring in the Delta region. Formal development of the "Delta LTMS" began in early 2006 and continues to evolve.

One of the early decisions made during the LTMS development process was to create an interagency project review group, comprised of representatives from each of the agencies with jurisdiction over projects involving dredging and placement/reuse of dredged material in the Delta region. It is intended that this group will meet on an as-needed basis to review dredging and dredged material reuse permits. The Delta LTMS Management Committee was briefed on this subject at its meeting of December 12, 2007. At that time, the Management Committee agreed to move ahead with the formation of the group and that the group would be known as the Delta Dredging and Reuse Management Team (DDRMT).

### **Goals**

To establish a cooperative permitting framework that reduces redundancy and unnecessary delays in permit processing and increases coordination among agency staffs, while ensuring that 1) the laws, regulations and policies of the member agencies are fully implemented; 2) full public review and input to the decision-making process is maintained; and 3) projects evaluated by the DDRMT are conducted in an environmentally and economically sound manner.

### **Disclaimer**

Nothing in this MOU shall be construed as an agreement, expressed or implied, which amends, negates, or otherwise modifies the legal, statutory or regulatory authority of any member signatory agency or any interested party. The intent of the DDRMT is to improve the dredging and dredged material reuse permit review process in the Delta within existing (and future, as appropriate) laws, regulations and national and state policy.

### **Geographic Area**

The area covered by the DDRMT includes both the Primary and Secondary Zones of the Delta, as defined by the Delta Protection Act of 1992 and extends westward to the boundary of the Central Valley Regional Water Quality Control Board (approximately at

Antioch). The eastern boundary is somewhat flexible. The DDRMT will review all projects that involve dredging or dredged material placement/reuse as far northeast as the City of Sacramento.

## **Definitions**

- Host agency: **WHO? This needs to be determined soon and obviously prior to signing of this MOU.**
- Member agency/ies: those agencies signatory to this MOU.
- Interested party: Any person(s), organization or entity that has an interest or involvement in dredging and dredged material placement/reuse in the Delta.
- Management Committee: Executive level individual of the signatory agencies.

## **DDRMT Participants**

DDRMT meetings include the following participants:

- Applicant (and agent, as appropriate and necessary)
- Regulatory and Resource Agencies (all should be present)<sup>1</sup>
  - U.S. Army Corps of Engineers Sacramento District Regulatory Division
  - Central Valley Regional Water Quality Control Board
  - California Department of State Lands
  - Central Valley Flood Protection Board
  - U.S. Fish and Wildlife Service
  - National Marine Fisheries Service
  - California Department of Fish and Game
- Advisory Agencies
  - U.S. Environmental Protection Agency
  - U.S. Army Corps of Engineers San Francisco District
  - California Department of Water Resources
  - California Bay-Delta Authority

## **Dredging and Dredged Material Placement/Reuse Evaluation Process**

The DDRMT is responsible for coordinated staff review of dredging and dredged material placement/reuse project applications and USACE Civil Works projects. The Group has developed a Joint application form for dredging and dredged material placement and reuse projects for use by all applicants. The Group will meet on an as-needed basis to evaluate sampling and analysis plans, sampling results, and permit applications and USACE Civil Works project proposals.

The DDRMT is responsible for the development of joint staff recommendations regarding: 1) sediment sampling and analysis plans for dredging and placement options;

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<sup>1</sup> After successful development of programmatic Biological Opinions, staff from the US Fish and Wildlife Service and National Marine Fisheries Service may not be required to attend each meeting of the DDRMT, although they are encouraged to do so.

2) suitability determinations for placement and reuse; and 3) approval, conditioning or denial of permits (including placement/reuse locations, timing, and other permit conditions).

The DDRMT is a cooperative activity of the participating agencies. Agency staffs support the consensus recommendations made through the DDRMT. Although all participating agencies are committed to development of consensus recommendations, a dispute resolution process is included in this MOU (see below).

The host agency provides a single point of contact for applicants and the public to the DDRMT and provides necessary logistical support. Logistical support includes providing meeting space, preparing agendas, as necessary, preparing meeting minutes, distributing information, and maintaining the DDRMT 's permanent files.

The host agency is responsible for scheduling all meetings. Upon receipt of permit/project documentation, the host agency provides copies to all the Regulatory and Resource Agencies listed above (as well as pertinent Advisory Agencies). The host agency is also responsible for noticing all meetings of the DDRMT on the Delta LTMS website at least two weeks prior to the meeting. All meetings are open to the public.

### **Timelines**

The DDRMT is committed to timely decision-making; the following are the Group's established goals:

- The member agencies will respond to applicants, the public or each other within two days for telephone inquiries and within one week of receipt for written requests.
- The host agency will schedule meetings for all applicant requests no more than three weeks after receipt of the request. All DDRMT meetings must be noticed at least two weeks prior to the meeting.
- The host agency will distribute applicant submittals to Regulatory and Resource Agencies within three days of their receipt.
- The host agency will distribute meeting minutes to Regulatory and Resource Agencies within five working days of their receipt.
- Member agencies will provide comments on meeting minutes to the host agency within two working days of their receipt and the host agency will post minutes on the Delta LTMS website no more than ten working days after the meeting.

### **Shared Databases**

The DDRMT is in the process of creating and is committed to maintaining two databases, for use of the Group's members and the public. These are a shared database of sediment quality information and a shared database of dredging project and placement/reuse sites. These databases will be posted on the Delta LTMS website and updated at least quarterly by the host agency.

## **Public Involvement**

All participating agencies continue to follow their existing notification and comment procedures on pending applications, including circulation of public notices, staff reports, comment letters, etc. In addition, the host agency posts notice of upcoming DDRMT meetings at least two week prior to the meeting date on the Delta LTMS website and provides electronic notice to all interested parties on the DDRMT mailing list. All meetings are open to the public.

The DDRMT undertakes an annual review of its past accomplishments, providing a written report, and if appropriate, also holds a public meeting to present and discuss the year's activities with interested parties.

## **Dispute Resolution**

If consensus on DDRMT recommendations cannot be reached by members of the Team, the host agency will convene a meeting or conference call with the Management Committee. The host agency will prepare a synopsis of the issue in dispute and provide it to the Management Committee at least a week in advance of the scheduled meeting/conference call. The Management Committee will then attempt to resolve the issue, but if unable to do so, will elevate it to the Executive Committee. The Management Committee may also remand the issue to the DDRMT for further evaluation and review.

## **Amendment and Termination**

Any of the signatory agencies may petition to amend or terminate their involvement in the Delta LTMS DDRMT. Such amendment or termination will be evaluated at the Management Committee or Executive Committee level, respectively.

This MOU is intended to remain in effect for as long as it continues to serve the goals described herein, subject to the following:

- This MOU may be modified by mutual consent of the signatories or their designees. Any such changes must be documented by written agreement of all parties.
- Any of the signatory agencies may terminate their involvement in this MOU thirty days after providing written notice of their intent to terminate.

## **Effective Date**

This MOU is effective immediately after the execution by all the signatories.

U.S. Army Corps of Engineers South Pacific Division

California State Water Resources Control Board

California Department of State Lands

Central Valley Flood Protection Board

U.S. Fish and Wildlife Service

National Marine Fisheries Service

California Department of Fish and Game

U.S. Environmental Protection Agency

California Department of Water Resources

California Bay-Delta Authority