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CECW-P/CECW-O

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Assuring the Adequacy of Environmental Documentation for Overdepth Dredging and Clarification of the Dredging Process

1. Purpose: This memorandum provides guidance to assure that environmental compliance activities and environmental documentation associated with U.S. Army Corps of Engineers new Federal navigation project dredging or maintenance dredging adequately considers overdepth dredging and adequately describes the dredging process. The guidance also has application to permitting associated with non-Federal dredging.

2. Background. Congress specifically authorizes Federal navigation channels by specific depth and width. These authorized channel dimensions are generally based on maximizing net transportation savings considering the characteristics of the vessels using the channel and include consideration of safety, physical conditions, and vessel operating characteristics. In addition, the reliability of the channel is considered and may result in the incorporation of advanced maintenance depth into the construction of the channel where such advanced maintenance is justified to assure channel depths. Finally the construction requirements for the channel are considered. There is inherent imprecision in the dredging process which vary with the physical conditions (tides, currents, and waves); the dredged material conditions (silt, clay, sand, gravel, rock, etc.); the channel design (depths being dredged, side slopes, etc.) and the type of dredging equipment (mechanical, hydraulic, hopper, etc.). Due to this imprecision, Corps cost estimating and contracting documents recognize that dredging below the authorized project dimensions will occur and is necessary to assure the required depth and width. To balance project construction requirements against the need to limit dredging and disposal to the minimum required to achieve authorized dimensions, a paid or allowable overdepth (including side slopes) is incorporated into the project dredging prism. Material removed from this allowable overdepth is paid under the terms of the dredging contract. Material removed outside the allowable overdepth is not paid.

3. Problem Being Addressed. The U.S. Environmental Protection Agency has raised questions concerning the dredging of material from outside authorized Federal project dimensions and the potentially unauthorized discharge of that material in the Federally regulated waters of the United States. Environmental documents primarily associated with compliance with the National Environmental Policy Act and the Clean Water Act may not adequately describe the dredging project and may not adequately recognize the concepts of allowable overdepth and non-paid overdepth. The documents may convey an inaccurate impression about the precision of the dredging process and may, in some cases, understate dredging quantities or not provide for adequate characterization or testing of material in the paid and particularly non-paid overdepth areas. Environmental regulatory agencies may not have an adequate understanding of the inherent imprecision

of the dredging process and variation from project to project based on physical conditions, material being dredged, and type of dredging equipment. There is also a need for better communication with agencies and the public about the concepts of authorized project dimension, advanced maintenance, and overdepth to account for construction imprecision.

4. Guidance for Environmental Compliance Documentation Associated With Planning, Engineering and Design, and Maintenance of Federal Navigation Projects Which Involve Dredging and the Environmental Compliance Documentation Associated With Non-Corps Permitted Dredging and Disposal Activities.

a. In the process of collaboration and coordination of environmental compliance actions with state and Federal resource and regulatory agencies, the Corps will assure that the cooperating agencies understand the dredging process including an understanding of the total dredging prism including authorized project dimensions, advanced maintenance and paid (allowable) and non-paid overdepth. We recognize that the details of the dredging process become more precisely defined as a new construction or maintenance project moves from planning to the design and construction phases. Details should be coordinated with resource and regulatory agencies as they are developed.

b. Characterization and appropriate testing of dredged material most consider the entire dredging prism including allowable and non-paid overdepth dredging. Characterization and testing of dredged material should err on the side of considering all material that might be dredged.

c. Environmental documentation most describe the dredging process appropriate to the level of detail available at the stage of the project development process and clearly present the dredging sections including the advanced maintenance, allowable overdepth and potential non-paid overdepth. The estimated dredging and dredged material placement quantities must include an estimate of amount of paid overdepth and unpaid overdepth likely to be dredged. These estimates should consider the site-specific conditions that would affect overdepth dredging quantities including physical conditions likely type of dredging equipment, and type of dredged material.

5. Guidance for Contracting and Construction Management.

a. Contracts should contain appropriate incentives and disincentives to limit overdepth dredging while assuring that the design profile is achieved.

b. References to the dredging process contained in environmental documentation should be included in project specifications.

c. The pre-construction conference must address the dredging process and the expectations and limitations contained in the environmental documentation.

d. Where there are critical depth-limiting requirements, appropriate inspection and quality assurance will be undertaken during dredging operations.