



Adopted Sept. 30, 2014

## **Flexibility in the federal standard for navigation dredging projects in the Great Lakes basin**

**Whereas**, dredging is vital to ensure safe navigation for shippers engaged in maritime commerce and recreational boaters who utilize ports, harbors and shipping channels in the Great Lakes and the St. Lawrence River; and

**Whereas**, low water levels over the past decade have increased the need for dredging; and

**Whereas**, increased dredging requires the Great Lakes states and the U.S. Army Corps of Engineers (USACE) to work together to plan for the disposal of dredged material in a manner that addresses both economic and environmental protection priorities; and

**Whereas**, to make decisions on how to administer funds for dredging projects, the USACE identifies and applies an economic feasibility determination known as the "federal standard"; and

**Whereas**, the federal standard is defined as the disposal placement alternative (or alternatives) identified by USACE that is the least costly, complies with feasible engineering practices, and satisfies federal permitting and state certification standards under Clean Water Act; and

**Whereas**, open water placement of dredged material is often identified as the preferred alternative under the federal standard, despite the preferences of states and local stakeholders for upland management options, including beneficial use, and;

**Whereas**, concern over the potential connection between re-suspension of nutrients during open water placement of dredged material and harmful algal blooms (HABs) is increasing; and

**Whereas**, cleanup of Areas of Concern and elimination of pollution has resulted in cleaner sediment allowing dredged material to be used for beneficial purposes such as habitat restoration and creation, beach nourishment, aquaculture, forestry, agriculture, mine reclamation, construction fill and Brownfield redevelopment; and

**Whereas**, under Public Law 94-587, Section 148, the USACE is asked to consider recycling of dredged material as an alternative to constructing new confined disposal facilities (CDF) to store dredged material; and

**Whereas**, Section 204 of WRDA (1992), authorizes the USACE to carry out projects for creating, protecting and restoring habitats at a 75 percent federal cost share with states or local entities, such as port authorities, but the federal standard determination, as it is currently applied, does not consider other environmental benefits such as the benefit of preventing disposal of dredged material and associated nutrients from the open waters of the lakes or placing dredged material in some shallow nearshore zones; and

**Whereas**, the State of Ohio has allocated \$10 million from its capital appropriation budget to be used for developing a program to promote beneficial use of dredged material as an alternative to open lake placement; and

**Whereas**, the USACE can select a disposal or placement method that is not the federal standard in order to achieve environmental benefits only with specific congressional appropriation, at a 75 percent federal cost share with the states; and

**Whereas**, assigning value to all options under the federal standard would broaden the number of beneficial uses qualifying for funding, which would provide greater social, economical and environmental benefits.

**Therefore, Be It Resolved**, that states and local governments are encouraged to identify, develop and expand the demand for the beneficial use of dredged material from Great Lakes harbors in order to make beneficial use a viable and cost-effective solution; and

**Be It Finally Resolved**, that the USACE should provide greater latitude and flexibility in interpreting and applying this federal standard in order to fully consider the social, economic and environmental benefits of reusing clean sediment, the added benefits of removing sediments and nutrients from the aquatic ecosystem, and utilizing beneficial use opportunities to reduce open water placement of dredge material, where appropriate.