

locations that have not yet been identified and permitted, but will be in the future. To help address these concerns, the Corps suggests modifying the wording in Part 1, Section D of the Preliminary Draft Plan, as follows:

D. Applicability to Dredged Material Testing Program

1. *This Plan shall only apply under the conditions specified in Section 13396 of the California Water Code.*
2. This Plan shall not apply to:
 - a. Dredged material suitability determinations. Suitability determinations shall be based upon USACE and U.S. EPA methodologies developed for ocean, inland, and upland disposal *and additional* guidance developed by regional dredging teams and approved by the Regional Water Boards. *These suitability determinations shall apply to dredging taking place under conditions specified in California Water Code § 13396.*
 - b. The management of *aquatic dredged material disposal or placement sites that are currently active, designated or may be permitted in the future* ~~active, designated, or permitted aquatic dredged material disposal or placement sites~~. This provision does not prevent the State or Regional Water Boards from taking future action on placement sites if the site itself is harming beneficial uses.

If you have any concerns regarding our comments, please contact Ms. Jessica Burton Evans at 415-977-8523 or Jessica.L.BurtonEvans@usace.army.mil.

Sincerely,



Thomas R. Kendall
Chief, Planning Branch