

CENWS-OD-TS-NR-DMMO

MEMORANDUM FOR: RECORD

March 7, 2017

SUBJECT: SUPPLEMENTAL DETERMINATION REGARDING THE SUITABILITY OF PROPOSED DREDGED MATERIAL FROM LA CONNER MARINA, SKAGIT COUNTY, WASHINGTON (NWS-2014-1080) EVALUATED UNDER SECTION 404 OF THE CLEAN WATER ACT FOR UNCONFINED OPEN-WATER DISPOSAL AT THE ROSARIO STRAIT DISPERSIVE DISPOSAL SITE.

1. **Introduction.** This memorandum supplements the Dredged Material Management Program (DMMP) suitability determination, dated October 20, 2014, and reflects the consensus determination of the Dredged Material Management Program (DMMP) agencies (U.S. Army Corps of Engineers, Washington State Department of Ecology, Washington State Department of Natural Resources, and the Environmental Protection Agency) regarding the suitability of up to 136,500 cubic yards (cy) of dredged material from La Conner Marina for open-water disposal at the Rosario Strait dispersive site.
2. **Background.** The original suitability determination approved all 136,500 cy of dredged material for open-water disposal at the Port Gardner non-dispersive disposal site. The Port of Skagit chose not to conduct dioxin testing of the project sediments, which at the time was required for all projects proposing disposal at dispersive disposal sites. Therefore, the original suitability determination only considered non-dispersive disposal options, and no determination was made for dispersive disposal.

On February 7, 2017 the Port of Skagit submitted a letter to the Dredged Material Management Office requesting that the La Conner Marina sediment be considered for dispersive disposal at the Rosario Strait disposal site. The primary reason for this request was due to the increased cost of dredging the marina with a mechanical dredge, as is required for disposal at all non-dispersive disposal sites. Previous rounds of dredging within La Conner Marina have been accomplished with hydraulic dredging.

3. **Dioxin Testing Requirements.** At the 2016 SMARM, the DMMP agencies proposed, and subsequently adopted, a change to the dioxin testing requirements for projects proposing dispersive disposal such that only projects with a reason-to-believe that dioxin might be present in the project sediments would be required to undergo dioxin testing (DMMP, 2016).

Previously, all projects with dispersive disposal, regardless of whether there was a reason-to-believe, were required to conduct at least limited dioxin testing. The original suitability determination established that there was no reason to believe that dioxins/furans might be present in the sediments at La Conner Marina (DMMP, 2014).

As documented in the 2014 suitability determination:

The DMMP agencies determined that there is no reason to believe that dioxins/furans are present in the sediment at La Conner Marina at concentrations that would exceed the

DMMP site management objective of 4 ppt TEQ. This determination is supported by the results from dioxin testing in the Swinomish Channel in 2009, where all concentrations were below 0.2 ppt TEQ (DMMP, 2009).

Were this project to be tested today, under the updated dioxin testing requirements for projects proposing dispersive disposal, there would be no requirement for dioxin testing for La Conner Marina.

8. **Supplemental Determination**. This memorandum documents the supplemental evaluation of the suitability of sediment proposed for dredging from La Conner Marina for open-water disposal at the Rosario Strait dispersive disposal site. Due to the updated dioxin testing requirements and the lack of reason to believe that dioxin may be present in the project sediments, the DMMP agencies conclude that **all 136,500 cy of dredged material from La Conner Marina are suitable for disposal at the Rosario Strait disposal site.**

9. **Disposal of Hydraulically Dredged Material**. During the Puget Sound Dredged Disposal Analysis (PSDDA), guidelines were established for the disposal methods/equipment allowed to be used at the disposal sites. The Management Plan Technical Appendix, Phase I, states that only bottom-dump barges are allowed for disposal at non-dispersive disposal sites. The Management Plan Report, Phase II, which applies to North and South Puget Sound, states that “in general, only bottom dump barges will be allowed to use PSDDA disposal sites in order to minimize water quality impacts”.

At the 2008 SMARM, the DMMP agencies presented a clarification paper on the use of flat-top disposal barges at dispersive disposal sites (DMMP, 2008). It stated that at non-dispersive sites, site management and monitoring plans emphasize that material stays on site, and the use of a flat-top barge could result in greater dispersion of material and potential for off-site movement of material. Alternatively, it stated that use of flat-top barges will not interfere with the site management plans for dispersive disposal sites, as it is anticipated that material will quickly move off-site. This paper concluded that due to the dispersive nature and high current velocities of the dispersive disposal sites, turbidity and water column mixing associated with disposal by means other than bottom-dump barge was not a substantial concern.

The DMMP agencies have determined that disposal of hydraulically dredged material at the Rosario Strait dispersive disposal site is allowable for much the same reasons that were stated in the 2008 clarification -- due to the dispersive nature and high current velocities of the dispersive disposal sites, turbidity and water column mixing associated with disposal by means other than bottom-dump barge is not anticipated to be a concern.

10. **Debris Management** The DMMP agencies implemented a debris screening requirement in 2015 to prevent the disposal of solid waste and large debris at open-water disposal sites (DMMP, 2015). It states that “all projects must use a screen to remove debris unless it can be demonstrated that debris is unlikely to be present or that the debris is large woody debris that can be easily observed and removed by other means during dredging”. All debris larger than

12" x 12" must be removed prior to disposal.

A dredging quality control plan (QCP) must be developed and submitted to the Regulatory Branch of the Seattle District Army Corps of Engineers at least 7 days prior to the pre-dredge meeting. The dredging QCP must include a debris management plan that includes screening or otherwise clearly demonstrates how any debris greater than 12" x 12" will be removed and managed prior to placement of dredged material at any open-water disposal site. The QCP must also outline how dredged material will be disposed – any pump off associated with disposal of hydraulically dredged material must be managed to ensure water quality concerns are minimized.

11. References.

DMMP, 2016. *Final DMMP Clarification Paper: Updated Dioxin testing Requirements for Dispersive Disposal Sites in Puget Sound*. Prepared by Kelsey van der Elst and David Fox for the DMMP agencies. June 6, 2016.

DMMP, 2015. *Final DMMP Clarification Paper: Debris Screening Requirements for Dredged Material Disposed at Open-Water Sites*. Prepared by Erika Hoffman, Celia Barton and David Fox for the DMMP agencies. October 2, 2015

DMMP, 2014. *Determination Regarding the Suitability of Proposed Dredged Material from La Conner Marina for Unconfined Open-Water Disposal at the Port Gardner Nondispersive Site*. Prepared by the Seattle District Dredged Material Management Office for the Dredged Material Management Program. October 20, 2014.

DMMP, 2009. *Determination on the Suitability of Proposed Dredged Material Tested for the Federal Swinomish Channel Navigation Dredging Project for Either Open-Water Disposal at the Rosario Strait Dispersive Site, or an Appropriate Beneficial Use Site*. Prepared by the Seattle District Dredged Material Management Office for the Dredged Material Management Program. December 11, 2009.

DMMP, 2008. *DMMP Clarification Paper: Use of Flat-top Barges at DMMP Dispersive Disposal Sites*. Prepared by Courtney Wasson and Stephanie Stirling for the DMMP agencies. June 5, 2008.

10. Agency Signatures.

The signed copy is on file in the Dredged Material Management Office.

Concur:

Date Kelsey van der Elst - Seattle District Corps of Engineers

Date Justine Barton - Environmental Protection Agency

Date Laura Inouye, Ph.D. - Washington Department of Ecology

Date Celia Barton - Washington Department of Natural Resources

Copies furnished:

DMMP signatories

Heather Rogerson – Port of Skagit

Bob Thomas – USACE Seattle District Regulatory