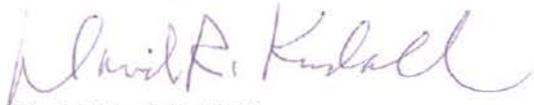


9 February 2006

**SUBJECT: SUPPLEMENTAL DETERMINATION OF THE DREDGED MATERIAL NOT COVERED BY THE INITIAL SUITABILITY DETERMINATION AND VOLUME REVISION FOR THE PORT OF SKAGIT COUNTY, LA CONNER MARINA, SKAGIT COUNTY, WASHINGTON (93-2-00076) FOR DISPOSAL AT THE ROSARIO STRAIT OPEN-WATER DISPERSIVE SITE, AS EVALUATED UNDER SECTION 404 OF THE CLEAN WATER ACT.**

1. The following summary reflects the consensus determination of the Agencies that comprise the regional Dredged Material Management Program (DMMP) for the State of Washington. The agencies include the Corps of Engineers, Department of Ecology, Department of Natural Resources, and the Environmental Protection Agency. This memorandum focuses on evaluating dredged material dredged within the characterized footprint, that exceeded the characterized depth. The permitted project depth is 12 ft MLLW + 1 foot of allowable over-depth. During dredging of the project, the dredging contractor removed approximately 11,005 cubic yards of material below the 13 foot MLLW layer.
2. The DMMP agencies reviewed the previous testing conducted in 1993 and in 2000, and Chemicals of Concern were either detected or the detection limits were quantitated below the DMMP screening level (SL) guidelines within the DMMUs tested from the North and South Basins. The two rounds of previous testing data were the subject of a re-ranking determination in a 15 July 2003 memorandum for record by the DMMP agencies, which concluded that this project could be re-ranked from Moderate to Low for future maintenance dredging (Attachment 1).
3. There are no known sources of contamination within the project area and the subsurface sediment layer dredged deeper than the +13 foot MLLW contour are deemed by the DMMP to be of a similar sediment quality as the previously characterized overlying sediments based on Best-Professional-Judgment (BPJ). Therefore, the DMMP conclude that the uncharacterized material within the subsurface horizon dredged and disposed at the Rosario Strait Dispersive Disposal site is suitable for unconfined-open-water disposal without additional testing.
4. This memorandum also authorizes the additional volume proposed for dredging beyond the permitted volume, which is 55,000 cy. The permit is being modified for an additional volume of 6,000 cubic yards, which will result in a total dredged volume limit of 61,000 cy. The additional dredging volume authorized to complete the project will be limited to the -12 ft MLLW authorized project depth.
5. The sediment quality of the uncharacterized material and the volume revision was coordinated with the DMMP agencies, and all concurred with this determination.



David Kendall, Ph.D.,  
Chief/Dredged Material Management Office  
Seattle District Corps of Engineers

**Copies Furnished:**

John Pell, Regulatory Branch Project Manager  
Peter Leon, DNR  
Jonathan Freedman, EPA  
Ted Benson, Ecology  
Cinde Donoghue/Helen Pressley, Ecology  
DMMO File



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**SEATTLE DISTRICT, CORPS OF ENGINEERS**  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

August 22, 2003

Operations Division / Technical Support Branch  
Dredged Material Management Office

John Hertzog, Ph.D.  
Hart Crowser  
1010 Fairview Avenue East  
Seattle, Washington 98102-3699

Re: LaConner Marina Re-ranking Proposal

Dear Dr. Hertzog:

This letter provides the Dredged Material Management Program (DMMP) response to your June 16, 2003 letter. After reviewing the previous testing data within the project maintenance dredging area for the LaConner Marina, the DMMP agencies have concluded that a re-rank from "Moderate" to "Low" is warranted for future maintenance dredging DMMP characterizations. I have attached a copy of the memorandum documenting the DMMP determination on this issue.

Please contact me at 206-764-3768 if you have any questions about this determination.

Sincerely,

David R. Kendall, Ph.D.  
Chief, Dredged Material Management Office

Enclosure

15 July 2003

SUBJECT: AREA RERANK DETERMINATION FOR THE PORT OF SKAGIT COUNTY, LA CONNER MARINA PROJECT, SKAGIT COUNTY, WASHINGTON, IN ACCORDANCE WITH THE DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP) POLICY REQUIREMENTS.

1. The following summary documents the DMMP agencies (U.S. Army Corps of Engineers, Department of Ecology, Department of Natural Resources, and the Environmental Protection Agency) consensus determination regarding re-ranking the Port of Skagit County, La Conner Marina, locate on the Swinomish Channel in Skagit County, Washington.
2. The dredging areas within the La Conner Marina North and South Basin were ranked “Moderate” for testing purposes and underwent two sequential characterizations in 1993 (27 April 1993 SDM) and again in 2001 (11 June 2001 SDM) in compliance with DMMP frequency guidelines.
3. Re-ranking of this project for future maintenance dredging purposes is appropriate and justified based on previous testing conducted.
4. The results of both the 1993 and 2001 characterizations found the sediments to be “clean”, with all chemicals-of-concern quantitated below the screening level.
5. The ranking algorithm for a “Low” Rank stipulates that all chemicals-of-concern must be quantitated below the screening level.
6. Therefore, the North and South Basins of the La Conner Marina dredging area qualifies for a re-rank from “Moderate” to “Low” for future maintenance dredging DMMP characterizations.
7. Future information bearing on sediment quality within the marina, such as ‘spills’ or activities within the marina that might result in sediment quality impacts, may alter this determination.
8. This re-ranking determination was coordinated with all DMMP agencies, and the DMMP agencies concurred with the area re-rank determination.

David R. Kendall, Ph.D.  
Dredged Material Management Office

**Copies Furnished:**  
Justine Barton, EPA  
Peter Leon, DNR  
Tom Gries, Ecology  
DMMO File