



# Legislative Proviso for Management Review of DMMP

SMARM - May 4, 2016

Jim Pendowski – Dept of Ecology

Kristin Swenddal – Dept of Natural Resources



# Purpose of Proviso Presentation

- Overview of Legislative Proviso
  - The Who, What, How, and When
- The path forward
  - Key questions we are considering - What are your thoughts?
  - How you can provide additional input on key questions

# Who does the review?



Courtesy floatingplantservices.com

- Washington State Legislature included a requirement within Ecology's budget (the proviso) for the Director to conduct a management review of the DMMP decision making and evaluation process
- Review will be conducted by the State (Ecology & DNR) while coordinating with our Federal colleagues (Corps, EPA, USFWS & NMFS)

# What are the specifics of the review?

Proviso identified 3 items to include in the review:

- (a) How management oversight of the DMMP is incorporated
- (b) Effect of DMMP policies and decisions on navigation and commerce
- (c) Identifying what regulatory flexibility exists and how it is used in decision making



Courtesy American constco.com

# Specific Proviso Language

- (a) The extent to which current operations, policies, and decisions of the dredged material management program provide for dredging actions necessary to maintain navigation and commerce;**
- (b) determining what regulatory flexibility exists to allow open water disposal of dredged materials in a manner that will protect human health and the environment; and**
- (c) an evaluation of the dredged material management program's decision-making process and policies to ensure that existing regulatory flexibility is appropriately used and that appropriate management and oversight is incorporated.**

# How and when will the work be done?

- Focus primarily on DMMP decision-making and policies to determine suitability of dredged material for Puget Sound open water, unconfined disposal sites
- Report to Legislature  
November 1, 2016  
findings and recommended actions
- Effort is shaped by
  - Time
  - Staff resources
  - Regulatory and policy framework (Federal, State and local)

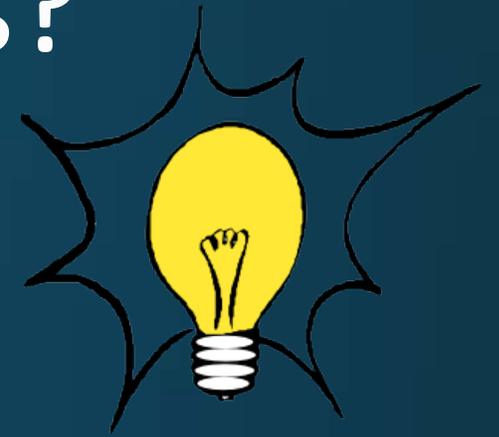


# How will the work be done? (cont.)

- We will consider input and perspectives from tribal governments and agencies issuing permits for open water unconfined disposal
- Review regulations, policies and guidelines to identify where flexibility exists and how it can be used (especially for bioaccumulative compounds)
- Review past suitability determinations to understand impacts to navigation and commerce, how existing regulatory flexibility is used and see how transparent the review process is
- Interview DMMP staff and agencies' management
- Seek input from applicants (ports etc.)



# The path forward – Your ideas?



Scoping our range of flexibility:

1. What flexibility exists that is being used well?
2. What flexibility exists that could be used better?

Looking at the DMMP Process:

3. What is generally working or not in the current DMMP decision making process?
4. How can the project evaluation and decision making process be made more transparent?
5. Are areas in DMMP guidelines unclear on how dredged material is evaluated or how suitability determinations are made?

# The path forward – Your ideas? (cont.)



Additional input:

- Is there anything else the agencies should consider?
- Please send us your ideas by May 30.

[DMMPproviso@ecy.wa.gov](mailto:DMMPproviso@ecy.wa.gov)

Thank you!