

MEMORANDUM FOR: RECORD

May 10, 2012

SUBJECT: DETERMINATION REGARDING THE EXCLUSIONARY STATUS OF DREDGED MATERIAL FROM THE POINT ROBERTS MARINA BYPASS OPERATION, WHATCOM COUNTY, WASHINGTON.

1. **Introduction.** This memorandum reflects the consensus determination of the Dredged Material Management Program (DMMP) agencies (U.S. Army Corps of Engineers, Washington Departments of Ecology and Natural Resources, and the Environmental Protection Agency) regarding the exclusionary status of dredged material from the Point Roberts Marina bypass operation (see Figure 1 for a vicinity map).

2. **Background.** Point Roberts Marina currently holds three separate permits for dredging operations at its facilities (see Figure 2). A brief summary follows:

NWS-2000-617: 10-year permit for annual dredging of accumulated sediments in two areas adjacent to the entrance channel jetties and placement of the material in the nearshore area to the west of the entrance channel to maintain natural lateral movement of sediments along the shoreline.

NWS-2001-165: 10-year maintenance dredging (three events) of the marina entrance channel with placement in the nearshore stockpile area used for the bypass operation.

NWS-2005-833: one time dredging of the marina basin.

Permit NWS-2000-617 is up for renewal and requires evaluation of the sediment involved in the bypass operation.

3. **Exclusionary Criteria.** The Clean Water Act (CWA) Section 404(b)1 Guidelines for Specification of Disposal Sites for Dredged or Fill Material (CFR 40 Section 230.60, subparagraphs a and b) include exclusionary criteria with regard to testing. The Guidelines state that (1) dredged or fill material is most likely to be free from chemical, biological, or other pollutants where it is composed primarily of sand, gravel, or other naturally occurring inert material. Dredged material so composed is generally found in areas of high current or wave energy such as streams with large bed loads or coastal areas with shifting bars and channels; and (2) the extraction site shall be examined in order to assess whether it is sufficiently removed from sources of pollution to provide reasonable assurance that the proposed discharge material is not a carrier of contaminants (EPA, 1980). Dredged material that meets these two guidelines may be excluded from further testing.

4. **Review of Existing Information.** Existing information from all three permitted activities was reviewed to better inform the evaluation of the bypass operation:

Permit NWS-2005-833 (boat basin): 164,900 cubic yards (cy) of material were tested under DMMP in 2005. One dredged material management unit had a screening level (SL) exceedance of 2,4-dimethylphenol, was subjected to bioassays and passed. There were no other SL exceedances. All material was found suitable for open-water disposal at the Rosario Strait site.

Permit NWS-2001-165 (entrance channel): A total of 30,000 cy of maintenance dredging is permitted over the 10-year life of the permit. The Dredged Material Management Office coordinated review of this project with the Department of Ecology and EPA in June 2001. No testing was required.

Permit NWS- 2000-617 (bypass operation): 3,000 to 7,500 cy are anticipated to be moved per year, with a maximum allowed volume of 10,000 cy per year. The bypassed sediment is described in the JARPA as sand, gravel and cobble. This material is excavated, placed in dump trucks and hauled to the placement area. Photos from the biological evaluation for the permit renewal are provided in Exhibit 1. These photos clearly show the coarse-grained nature of the bypass material.

The Department of Ecology's Environmental Information Management system was also queried for data in the vicinity of the project. The closest sediment station updrift from the marina was from the Puget Sound Ambient Monitoring Program in 2006 (see Figure 3). Sediment from this station was predominantly sand with no SL exceedances.

5. **Exclusionary Status Determination.** The existing information provides conclusive evidence that the sediment covered by permit NWS-2000-617 meets the exclusionary criteria provided in the Clean Water Act. The sediment is predominantly sand, gravel and cobble. The project is located in a high-energy environment that transports significant quantities of material along the littoral zone in this area. While minor sediment contamination was detected within the boat basin in 2005, the material in the littoral zone outside the marina is physically isolated from the area within the boat basin where this material was found, thus providing reasonable assurance that the proposed discharge material is not a carrier of contaminants.

In addition to meeting the exclusionary criteria, it should be noted that the bypass operation simply transports material from east to west within the drift cell, placing "like on like" within a small geographic area. In the absence of the marina and entrance channel, this same east-to-west sediment transport would take place as a result of local hydrodynamic forces. The bypass operation simply keeps the drift material from being trapped by the entrance channel.

In summary, the DMMP agencies have determined that the Point Roberts Marina bypass operation involves material that meets the exclusionary criteria under the Clean Water Act and results in "like on like" deposition. Therefore, sediment testing is not required.

This determination applies to the bypass operation only, and in the absence of significant changed conditions in the project area during the life of the new permit, this determination will remain in effect for the full 10 years covered by the permit.

This determination does not apply to sediment in the entrance channel or boat basin. When new permits are needed for those areas, additional evaluation may be required.

6. References.

BioAquatics, 2012. *Point Roberts Marina Biological Evaluation, Maintenance Bypass Operation, Point Roberts Marina, Point Roberts, Washington.* Prepared by Daniel Cheney, BioAquatics International, LLC, Olympia, Washington for Point Roberts Marina, March 2012.

DMMP, 1995. *Determination of the Suitability of Sediment Proposed to be Maintained Dredged from Point Roberts Marina, Point Roberts, Washington for Open-Water Disposal at the Washington State Department of Natural Resources (DNR) Rosario Strait PSDDA Open-Water Disposal Site, as Evaluated under Section 404 of the Clean Water Act.* Prepared by the Dredged Material Management Office for the Dredged Material Management Program agencies, December 2005.

EPA, 1980. *40 CFR Part 230 Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material,* Environmental Protection Agency, December 1980.

7. Agency Signatures.

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

Concur:

Date David Fox, P.E. - Seattle District Corps of Engineers

Date Justine Barton - Environmental Protection Agency

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

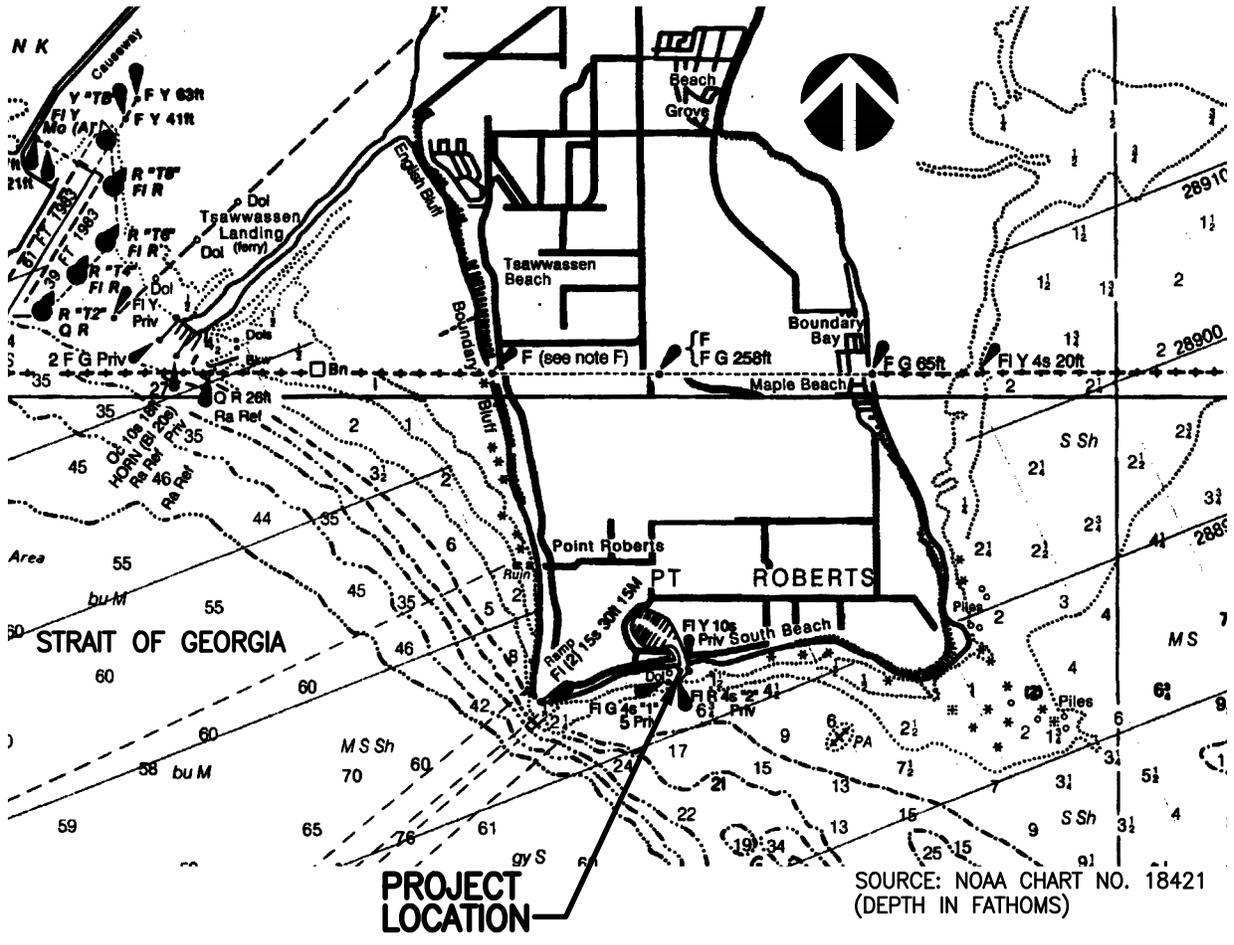
Date Celia Barton - Washington Department of Natural Resources

Copies furnished:

DMMP signatories

Randel Perry, Seattle District Regulatory

Jeff Layton, Layton and Sell



APPLICANT: POINT ROBERTS MARINA
713 SIMUNDSON DRIVE
POINT ROBERTS, WA 98281
ATTN: JACQUELYNE EVERETT

PURPOSE: MAINTENANCE OF LITORAL DRIFT

U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:

IN: STRAIT OF GEORGIA
AT: POINT ROBERTS
COUNTY: WHATCOM
STATE: WASHINGTON
DATUM: MLLW = 0.00'
LATITUDE: 48.974167°
LONGITUDE: 123.063333°

VICINITY MAP

Figure 1

DATE:
03/12/2012
REVISION DATE:
SHEET:
1 of 4



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coastal & civil engineers

Figure 2
Point Roberts Marina Permits

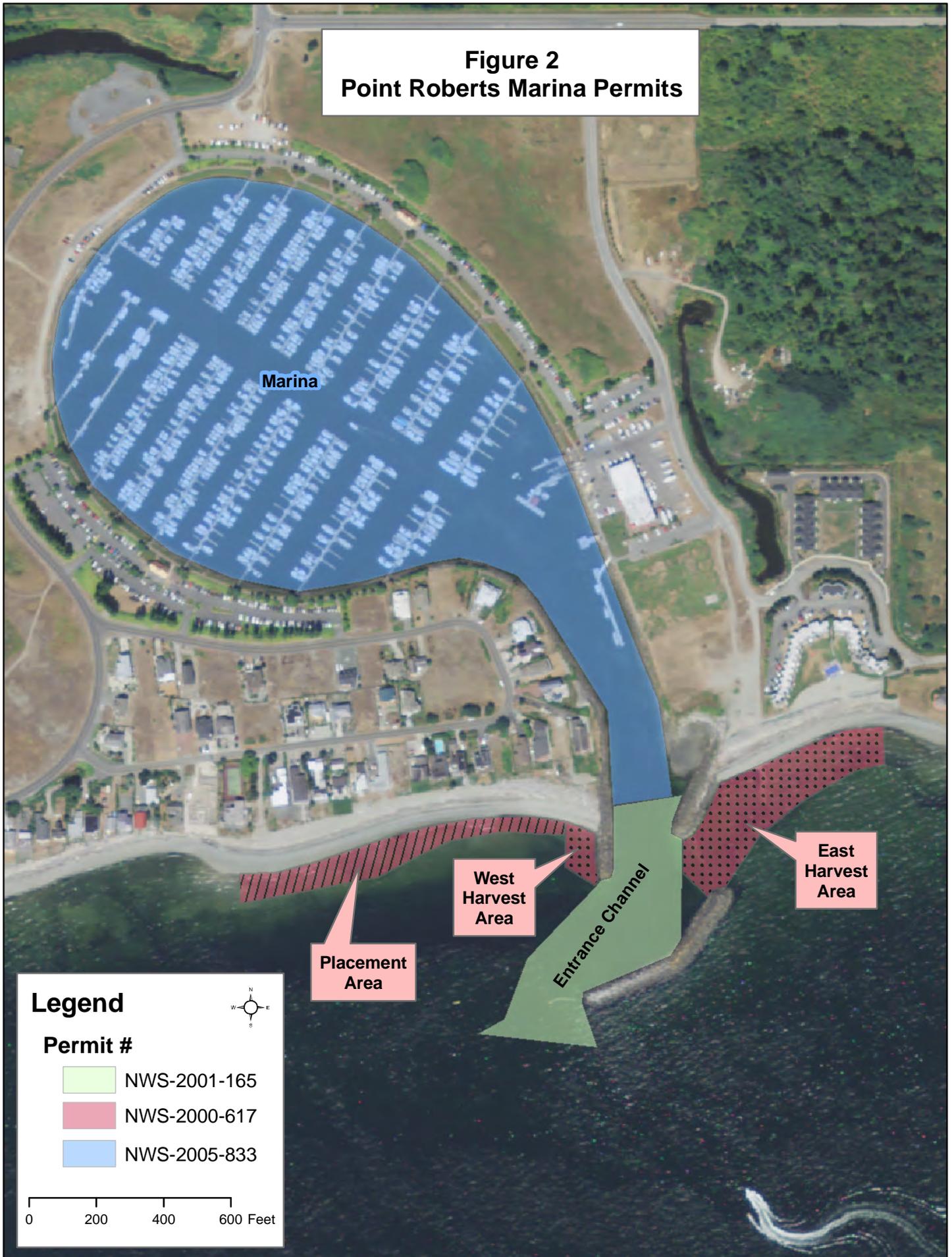


Figure 3

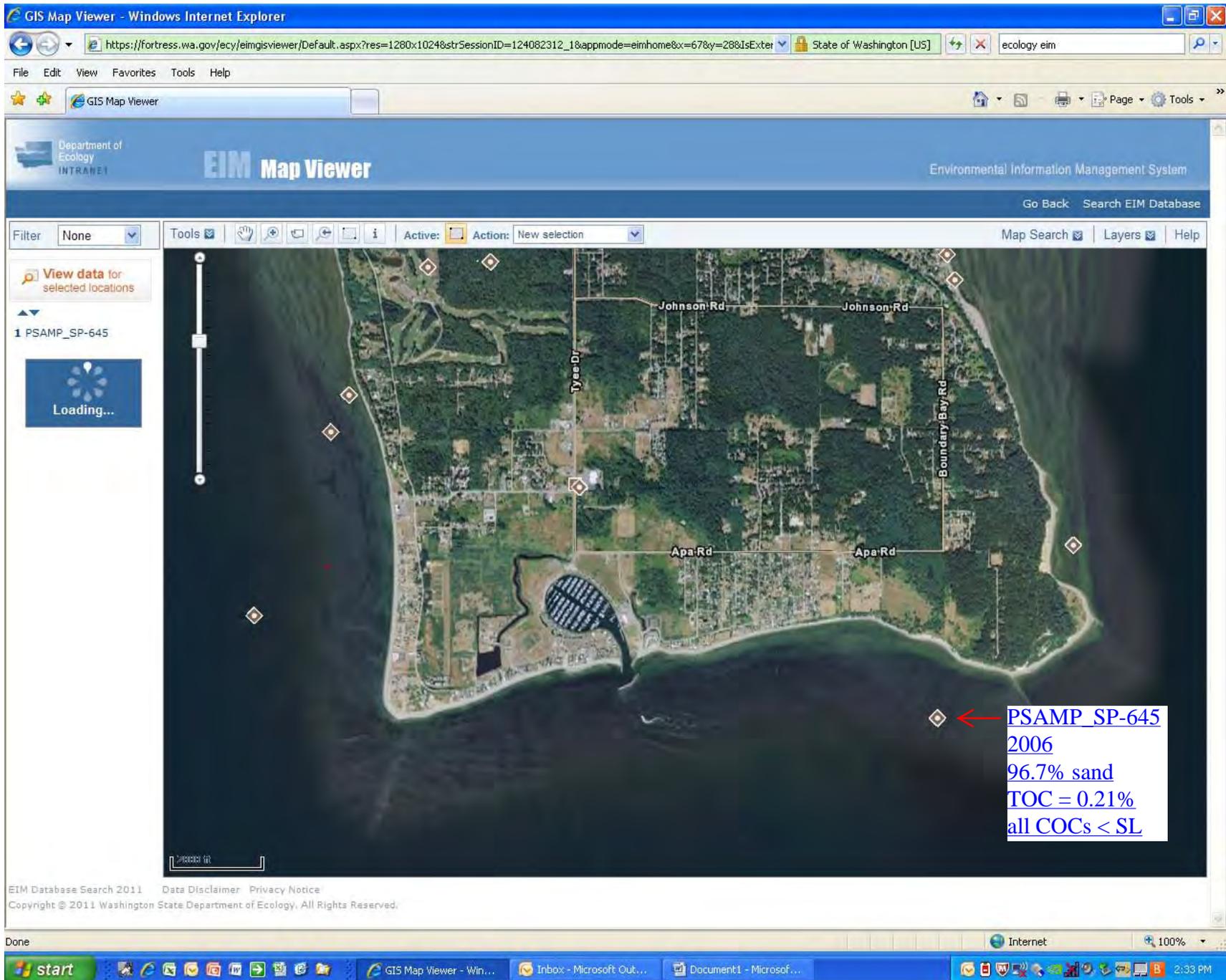


Exhibit 1

**Photos from Point Roberts Marina
Biological Evaluation
Maintenance Bypass Operation
March 12, 2012**



Figure 2. Aerial photograph of the general location of the Point Roberts Marina (Inset) and bypass operation site at the entrance to the marina. Sediment accumulation / harvest is in the areas within the yellow ellipses; the stockpile/beach replenishment site is within the ellipse polygon. Imagery source: Google 8-30-2010.



Figure 7. Aerial photo imagery of the harvest site. Top, photo Google, 5-22-2007. Bottom, photo WDOE, 6/28/06, tide elevation 0.6 ft MLLW. The large dark area in the right-hand corner of the photos is a patch of native eelgrass, which continues in a narrow band to the east. A similar band of eelgrass extending below ~ -2 ft MLLW is also visible west of the marina entrance (see also Figure 13). The remaining dark areas in and adjacent to the harvest site, are made up of the green algae, *Ulva*, which is either drifting or attached to underlying cobble and large gravel.



Figure 8. Harvest area, 8/28/00, at a tidal level of about -2 feet MLLW, and 13 months after beach harvest (Figure 9). A boulder berm protecting a stormwater outfall is visible in the center background.



Figure 9. Harvest area, 7/14/99, -2.0 ft MLLW. The sediment harvest operation is underway, with seaward activity to about +2 feet MLLW. Current sediment harvest takes place at night, typically from mid to late November.



Figure 10. Beach within the harvest area, 12/16/2011, the waterline is at about 5 ft MLLW. A rock berm protects the stormwater outfall (also visible in Figures 7 and 8. Accreted beach sediments were harvested at this location the previous month.



Figure 11. Sand and gravel in remainder of the harvest area, east of the stormwater outfall (12/16/2011).

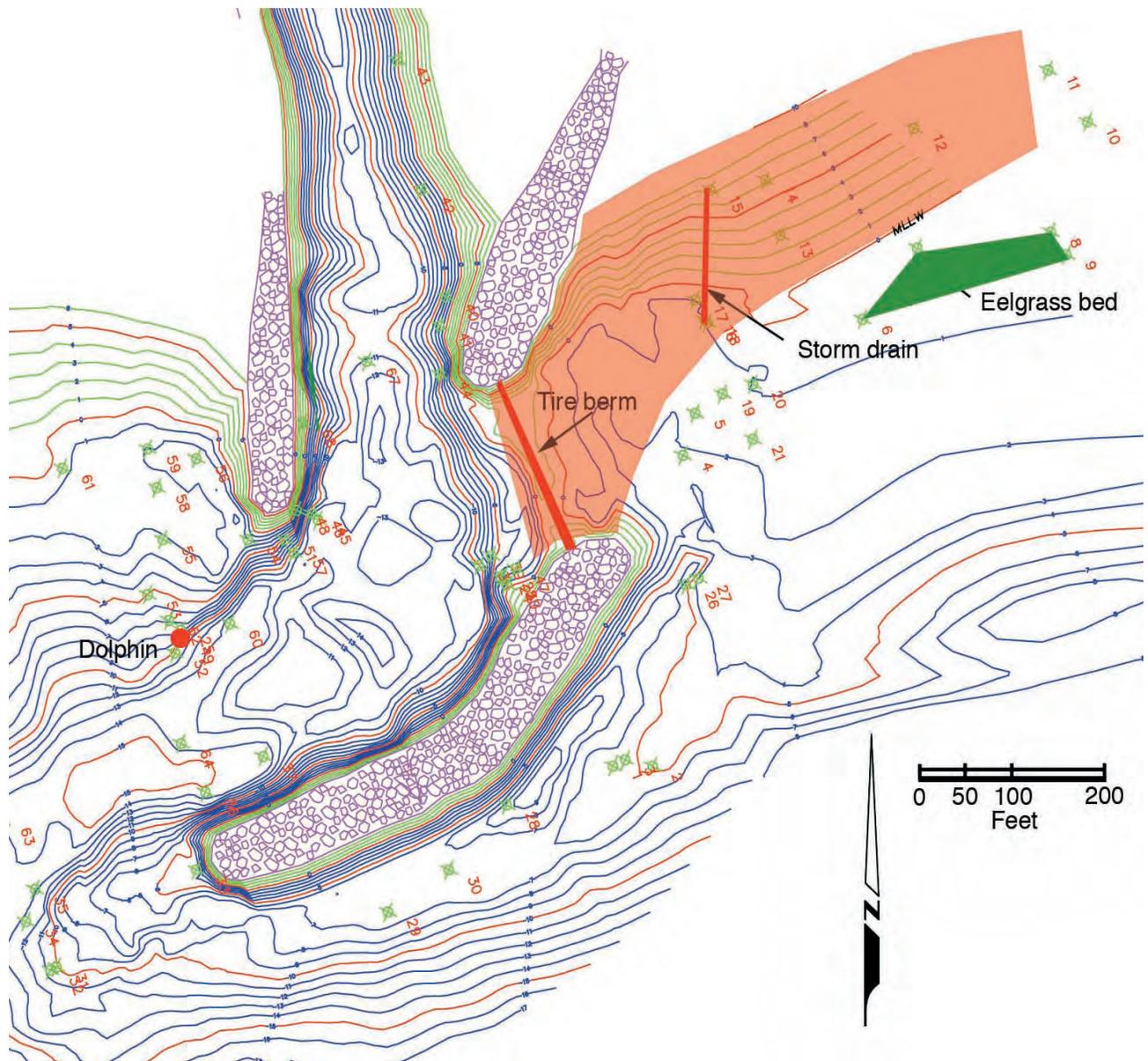


Figure 12. Eelgrass bed location east of the entrance channel, Point Roberts Marina, Point Roberts, Washington. Based on observations made August 28, 2000 and updated with field observations (December 16, 2011) and aerial photo imagery shown in Figure 7.

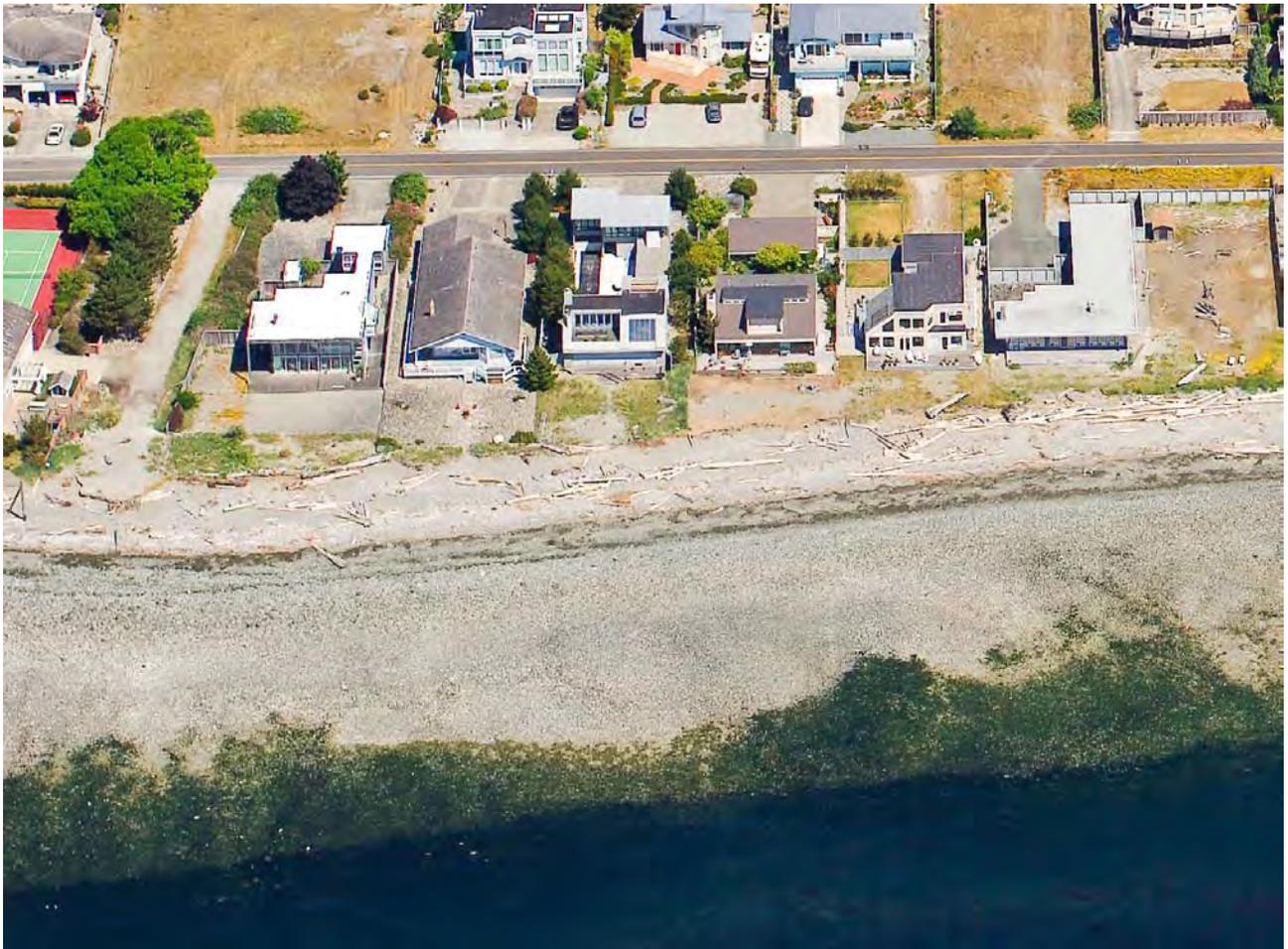


Figure 13. Top and bottom, bypass sediment stockpile area, photos WDOE, 6/28/06, tide elevation 0.6 ft MLLW. Top, there is a secondary harvest site at the northwest corner of the west jetty (Figure 3). Bottom, harvested sediments are spread on the high beach facing the homes. At the time this photograph was taken all or most of the stockpiled sediments had been dispersed by long-shore transport.



Figure 14. Surface and seaward edge of the stockpile area, 11/29/2011. These beach sediments were fed by erosion from the bluffs at Lilly Point, east of the marina and visible in the far right.



Figure 15. West edge of the stockpile area, 12/16/2011. Stockpiled beach sediments are beginning to be eroded and distributed westerly by late fall and winter storm waves.



Figure 16. Eroding compacted and consolidated beach sediments at the Stockpile Area, 12/16/2011..