

**DRAFT FINAL INTERAGENCY COOPERATION PLAN (ICP)
REGARDING THE CONTINUED DEVELOPMENT OF
A SEDIMENT EVALUATION FRAMEWORK (SEF)**

31 May, 2007

1. PARTIES:

U.S. Army Corps of Engineers; Northwestern Division (NWD); Seattle District (NWS); Portland District (NWP); and Walla Walla District (NWW); the U.S. Environmental Protection Agency, Region 10 (EPA); National Marine Fisheries Service (NMFS); U.S. Fish and Wildlife Service (USFWS); Washington State Department of Ecology (WDOE); Oregon State Department of Environmental Quality (ODEQ); and Idaho Department of Environmental Quality (IDEQ).

2. BACKGROUND:

The joint EPA/Corps national manuals on sediment assessment developed for compliance with the Clean Water Act (CWA) and the Marine Protection Research and Sanctuaries Act (MPRSA) both required development of regional guidelines for specifics not discussed at the national level. The Pacific Northwest has since that requirement developed a series of sub-regional manuals, or frameworks most notable in 1988 the Puget Sound Dredged Disposal Analysis (PSDDA), in 1995, The Grays Harbor Dredged Material Evaluation Manual, and in 1998 the Lower Columbia River Dredged Material Evaluation Framework (DMEF). All of these attempted to go beyond the requirement to address CWA and MPRSA Federal testing guidelines and to consolidate State 401 requirements into one combined set of guidelines. The DMEF was formally agreed to in 1998 by NWD, NWP, NWS, EPA, WDOE and ODEQ to be the standard approach for evaluating sediments for open water disposal of dredged material in the lower Columbia River. It was recognized in that agreement that updates and additions would be developed as needed. Since 1998 no additions have been made, but the DMEF has become the process of choice for most sediment evaluation requirements in the NW. The exception is PSDDA (now known as the Dredged Material Management Program, DMMP), which is a mature well-organized interagency plan for the Puget Sound Area.

It was recognized that a full regional plan for evaluation of sediments in the Pacific NW was the logical next step to the successful sub regional processes. In September of 2001 the Regional Sediment Evaluation Team (RSET) was formed to examine the feasibility of developing this process. RSET was formed under the auspices of the Northwest Regional Dredging Team (NWRDT), which is part of the National Dredging Team network which is comprised of ten teams. The Charter for the NWRDT is attached for reference. The NW RDT will continue to review the progress of the SEF and RSET. It was also recognized that since the acceptance of the DMEF in 1998 that several species had been listed under the Endangered Species Act (ESA) and there was a need to include NMFS and USFWS into the development of the new process.

All parties have been participating on RSET and the development of the SEF for the last five years. The RSET process and the SEF have developed to the point that the parties recognize the process should be implemented on an interim basis during the finalization process. This “beta test year” would be used to demonstrate that the process functions as envisioned in the SEF, and that the evaluation methodology is environmentally acceptable and manageable both for time and economic constraints. Adjustments, and changes to the process, and methodologies will be recommended and adopted after a public review and comment at the end of the interim period. This review will be incorporated into RSET as part of its annual process.

3. PURPOSE OF THE ICP:

This plan will outline each agency’s use of the Interim Final SEF and initiation of the RSET process. This plan will define schedules for project review, agency roles and responsibilities, and the development of adaptive management for the RSET process.

4. AGENCY ROLES AND RESPONSIBILITIES:

The SEF is at a stage of development where implementation is possible. Each agency agrees to use the project review process outlined in Chapter 3 of the SEF and participate in the Beta test, with the following caveats:

NMFS – NMFS will use the interim Final SEF as part of the Regional Management Team and in the effects analyses in our biological opinions in conjunction with a supplemental table of screening guidelines that addresses sub-lethal effects to ESA-listed species (i.e., multiple lines of evidence). The table and supporting documentation will be made available to all RSET members, applicants, and will be posted on the RSET website.

USFWS – USFWS will promote the use the interim final SEF to characterize sediment proposed for dredging, but may request a sampling intensity greater than that proposed as a minimum in the SEF to better assess some areas. For ranking a site proposed for dredging, USFWS will consider a number of lines of evidence before making a determination that a site needs no further characterization or testing. These lines of evidence will include a review of historic contaminant data, proximity to contaminant sources, river hydrodynamics, source of material proposed for dredging, erosional or depositional status of material, and total organic carbon (TOC) and grain size. In some cases, sandy materials with low TOC may require testing if other lines of evidence suggest contamination could be present. In addition, we will use Probable Effect Level/Threshold Effect Level values to compare with sediment contaminant concentrations, and other values more specific to fish, as lines of evidence to assess the potential for dredged material to pose a threat to the aquatic community. For bioaccumulative contaminants, we will use ODEQ’s bioaccumulation guidance as the primarily line of evidence to assess the potential effects of dredging and disposal to higher level receptors.

WDOE – Ecology will use the interim final SEF when preparing 401 certifications for projects that involve the dredging and disposal of freshwater sediments.

- Ecology will continue to use the Dredged Material Management Program (DMMP) guidelines and PSDDA values when preparing 401 certifications for projects that involve the dredging and disposal of marine sediments.
- Ecology will continue to use the Washington Sediment Management Standards (SMS) and Model Toxics Control Act (MTCA) Cleanup Regulations when preparing cleanup action plans and source control plans for contaminated sediments (freshwater and marine).
- Ecology will participate in monthly coordination and annual meetings.
- Ecology will review and provide comments on SEF updates.
- Ecology will participate in subcommittees and beta-testing meetings on a limited basis.
- Ecology will provide funding and staff support for selected development activities.

ODEQ – ODEQ will manage reviews for 401 certification in this interim period consistent with the existing draft SEF with the following exceptions- first, ODEQ will evaluate sediment chemistry using a PEL/TEL approach, in conjunction with other lines of evidence, including the Screening Level Values presented in the draft manual. Any additional bioassay testing required should be evaluated for chronic effects where possible. Second, ODEQ will evaluate bioaccumulative effects of contaminants consistent with our published guidance. Lastly, ODEQ may require additional samples, beyond the minimum required in the current SEF, on a case by case basis, in order to complete assessments.

IDEQ – IDEQ will utilize the Interim Final SEF as its first line of evidence for review of projects that involve the dredging and disposal of freshwater sediments.

IDEQ will participate in monthly RSET coordination and annual meetings, and will review and provide comments on SEF updates.

Corps/EPA – EPA and the Corps will use the Interim Final SEF as the required regionalization of the jointly prepared Corps/EPA national manuals. The SEF will be used to establish compliance with Sec. 404 of the Clean Water Act and Sec. 102/103 of the Marine Protection Research and Sanctuaries Act. We will work toward combining individual state Sec. 401 Clean Water Act requirements with this regionalization as the framework for both.

Each agency agrees that the SEF moves the process forward and agrees to provide continued participation in RSET, including participation in the monthly coordination meetings, Beta test meetings, annual meetings and SEF updates. The agencies agree to use the evaluation procedures and process outlined in the SEF and/or updates posted to the RSET web site as a first line of evidence to assess sediment/dredging projects. Exceptions to this, pending additional study, are freshwater sediment quality guidelines (SQG) in Oregon, and bioaccumulation tissue and sediment guidelines. These will be worked in 2007/2008 and evaluation process posted to the web site as soon as available.

The agencies also agree to participate on the Navigation Steering Committee of the RDT and to keep the executive level of the RDT informed and to elevate issues to them as necessary.

While recognizing budget constraints, agencies value the SEF and its continued development and will make RSET funding and staffing a priority.

Participation in RSET doesn't abrogate individual agency authorities and responsibilities.

5. IMPLEMENTATION:

The SEF is a compilation of state of the science concerning sediment testing and evaluation. As such, there are some issues requiring continued development, such as tissue residue concentrations, freshwater sediment quality guidelines, and freshwater bioassay assessment. Some of these issues are critical to the project review process. Until these issues are resolved, a small number of complex projects may need to be evaluated on a case by case basis. Issues related to these evaluations may be vetted through the RSET/RDT process.

Issues that will need additional study and/or discussion in 2007-2009 and could result in individual project decisions are: Chronic Freshwater bioassay; Freshwater SQGs; Bioaccumulation tissue and sediment guidelines; Sampling densities, rankings and exclusion from testing; polycyclic aromatic hydrocarbons (PAH) and dioxin values; dredging and disposal residuals; and toxic equivalency factors (TEF).

The path forward for resolution on these issues are listed in the schedule of events below, including estimated times and, where practicable, costs to accomplish them for continuation of and finalization of the SEF. Specific agency staffing and funding commitments are identified.

<u>Schedule of Events for Completion of Final SEF</u> <u>Through May 2009</u>		
General Timeline for 2007-2009 With reference to specific study timelines		
<u>Event</u>	<u>Est. Start & End Times</u>	<u>Costs/Staffing</u>
Continuation of Project Review Group	on-going	staff load/FY 07 Special coordinator (Stirling)
Revisit and Re-Approve Project Review Group	March 2007	staff load/FY 07 Special coordinator (Stirling)
Continuation of RSET Policy Group	On-going	staff load/co- chairs (Reese/Parkin)
Continuation of SEF Sub-Committees	On-going	volunteer/Staff load Contractor lead Fuji/Thornberg/ Michelsen
Continued development of Freshwater SQGs to final	March 07-April 08	FY 07 25k Available ODEQ/Johnson, Michelsen,

(See separate detailed timeline 1)		WDOE/Inouye,Sternberg/ NMFS/ Tortorici
Continued development of Biological testing issues: (See separate detailed timeline 2)	March 07-Jan 08	FY 07 40k Available Fuji/NMFS/ Subcommittee
Continued development of Bioaccumulation Issues: (See separate detailed timeline 3)	March 07-Jan 08	FY 07 80k Available Michelsen/Subcommittee/ DEQ/EPA/USFWS/NMFS
Workshops on sampling/testing volumes and exclusionary criteria	March 07-July07	volunteer/ Staff load USFWS (Buck)
PAH/Dioxin workshops	May 07-August 07	volunteer/ Staff load Tortorici NMFS
Updates of Interim Final SEF (Web posted and/or Public noticed) (Kroeger)	May07 /May08	FY 07 10k Available Stirling/Tetra Tech (Kroeger)
Senior Managers meeting of RDT (To propose and adopt updates) and discuss possible outcomes for FY 07*	25 July 07	staff load Reese/Parkin
1 st Public Meeting to review Changes to SEF and path forward	1 August 07	staff load /FY 07 Special coordinator Stirling
Senior Managers meeting to review progress at the end of 07 contracts and discuss continuation of funding/FY 08 For studies and special coordinator	30 August 07	staff load Reese/Stirling/ Parkin
End of FY 2007	30 Sept. 07	Stirling temp assignment /FY 07 Corps funds ends
2 nd Public Meeting to review Changes to SEF	15 Nov 07	staff load Special coordinator Need replacement or way to continue with Stirling
Post updates on web site	15 Jan 08	staff load Stirling or replacement/ Contractor (Tetra Tech?)

Executive RDT Meeting View progress propose new version	1 March 08	staff load Reese/Parkin
3 rd Public meeting to review and Propose updates	5 May 08	staff load Stirling or Replacement
Prepare and post new SEF	1 Aug 08	staff load Stirling or replacement/ Contractor (Tetra Tech?)
Final draft of SEF (Pending availability of funds for study)	May-Aug08	staff load Stirling or replacement
Review of SEF by member agencies	Aug/ Sept 08	staff load Stirling or replacement
RDT Executive Meeting	Oct 2008	staff load Reese/Parkin
404/401 Regional Public Notice	Nov 2008	staff load Kochenbach
Respond to comments/revise SEF	Jan-March 09	staff load Stirling or replacement/ Contractor (Tetra Tech?)
Final Approval of SEF	May 2009	staff load RDT agencies and State agencies approve

*** 25 July 07 Possible Paths Forward**

1. Regional SEF fully incorporating EPA/Corps 404/103; State WQ Certification (401); ESA consultation and State clean up requirements.

2. Regional SEF with different chapters for each state's 401 and/or clean up requirements. (minor differences in evaluation tools)

3. 2 or 3 sub-regional SEFs with different state 401 and/or clean up requirements. (major differences in evaluation tools keeping 1 or more states from signing on to a regional SEF)

4. Regional SEF for 404/103 only. Signed by EPA and the Corps for compliance with federal regulations.

1. Timeline for development of Freshwater Sediment Quality Guidelines:		
Schedule	Timeframe	Costs/staffing
Scoping of project	March 2007	ODEQ/Johnson, Michelsen, WDOE/Inouye, Sternberg/ NMFS/Tortorici
Data acquisition	March-June 2007	RSET SQG Subcommittee (Combined funds of Corps/EPA/DOE/DEQ
Finalize methodologies	March-June 2007	25k from Corps funded/remainder est. at 100K from ODEQ/WDOE/EPA)
Data validation/data entry	May-July 2007	Johnson/ Michelsen
Update to Senior Managers	25 July 2007	Johnson/Reese
Trial runs (After PAH summit)	August 2007	Michelsen
Review of trial runs	September- November 2007	Michelsen/ RSET Policy Group
Final runs and validation	December- January 2008	Michelsen/ Johnson
Public Review	February- March 2008	RSET Policy Group
RSET adoption	April 2008	Senior Managers Group

2. Biological testing issues:		
Schedule	Timeframe	Costs/staffing
Oversight of the Biological and SQG Subcommittees	March 07/Jan 08	Staff load/Fuji/NMFS/ Subcommittee (40 K Corps funds)
ESA protectiveness of current proposed SEF biological tests	Oct 2007	RSET Policy/ Tortorici/Buck Fuji
Reviewing existing biological interpretive criteria	July 2007	Fuji/ Subcommittees
10-day versus longer term tests for freshwater	Aug. 2007	Fuji/ Subcommittees

Reviewing available laboratory bioaccumulation species for freshwater testing	Aug. 2007	Fuji/Siipola/ Johnson (NMFS)/ Subcommittees
Reference sediment area selection process	Sept 2007	Fuji/RSET Policy Group
Appendix of sediment bioassays (tool box)	Jan. 2008	Fuji/Subcommittees
Ecological relevance of sublethal endpoints and biomarkers	Jan 2008	Fuji/Subcommittees
Review of existing marine biological tests	Jan 2008	Fuji/Subcommittees
Additional ESA issues	Jan 2008	Fuji/Tortorici/Buck

3. Bioaccumulation Issues:		
Schedule	Timeframe	Costs/staffing
Oversight of the Bioaccumulation Subcommittee	March 07- Jan 2008	Michelsen/Subcommittee/ DEQ/EPA/USFWS/NMFS
Compilation of Tissue Data		(80 K Corps funds) Michelsen
Identification of Regions (appropriate regional sub areas for evaluation of tissue data and development of bioaccumulative chemicals of concern (BCoC) lists)	Jan 2008	Michelsen
Development of Regional BCoC Lists	Jan 2008	Michelsen/ Subcommittee
Identification of Reference Areas and Screening Concentrations	Jan 2008	Michelsen/Fuji/Thornberg/ Subcommittee
Finalization of Human Health and Wildlife (spell out first) - TTLs	Jan 2008	Michelsen/Fuji/Thornberg/ Buck Subcommittee
Development of Fish Tissue TTLs	Jan 2008	Michelsen/NMFS/ Subcommittees

6. CONCLUSION:

The Parties to this ICP agree to fulfill the roles and responsibilities and to collaborate with each other as outlined in this plan. This ICP may be amended, altered, or terminated by officials signing below or a higher ranking official in the respective agencies. Nothing in this ICP supersedes individual agencies authorities or funding priorities. However, all agree to the importance of this process and that the continued development of the SEF is a regional priority.

7. APPROVAL

RDT Senior Managers Group

31 May, 2007