

DMMP PROJECT-SPECIFIC ISSUE RESOLUTION PROCESS

In 2016, the Washington State Legislature passed a proviso directing the Washington State Departments of Ecology (Ecology) and Natural Resources (DNR) to conduct a management review of the Dredged Material Management Program (DMMP). Ecology and DNR completed their review later that year and submitted a report to the Legislature entitled “Management Review of the Dredged Material Management Program”. The report made a number of recommendations, including the following:

“Define a process in the User Manual that an applicant can use to elevate an individual project decision before the management of all four DMMP agencies. The process would include a threshold for elevating an issue, a process for resolving the issue, and a timeframe in which an applicant can expect a timely response.”

DMMP agency managers and staff developed an elevation process in the fall of 2018. This process will be presented and discussed at the 2019 SMARM and the following language will be added to the next version of the User Manual:

ISSUE RESOLUTION PROCESS

Ideally, there is early and frequent communication between the DMMO project manager and project proponent. Communication throughout the process may be able to highlight and resolve issues as they arise, particularly before the suitability determination if possible. If conflicts cannot be avoided, the preferred method of resolving project-specific issues is for the project proponent to communicate promptly with DMMP agency staff to identify issues and work toward their resolution prior to finalization of a DMMP determination. In order to facilitate this process, the DMMO project manager assigned to a project will communicate in advance with the project proponent to ensure that the project proponent understands the determination being made and the rationale for agency decision-making. Issues identified by the project proponent or disagreement with the determination should be brought to the DMMO project manager’s attention prior to the suitability determination being signed. However, the following issue resolution process may be used to address issues or disagreement with DMMP determinations before or after signatures are obtained. DMMP staff and managers will commit to do their best to resolve issues raised by the proponent in a timely fashion.

In the event that a project-specific solution cannot be reached or the project proponent disagrees with the DMMP agency staff’s determination, the project proponent will take the following steps. The meetings described will be requested and scheduled well in advance such that all necessary participants are available to attend. Figure 1 provides a flow chart timeline summary of the process, and Table 1 provides a list of exhibits.

Step 1 – Staff Level

- A. The project proponent will prepare a position statement (Exhibit A) describing the basis of their disagreement with the DMMP determination and a proposed alternative approach and justification.

- B. The position statement will be submitted to the DMMO project manager assigned to the project at least 1 week prior to a specially scheduled meeting with DMMP agency staff to discuss the issue. The project proponent will be responsible for working with the designated DMMP contact to schedule the meeting.
- C. The DMMP agency staff will meet with the project proponent to engage in interest-based negotiations in order to work toward resolution of the disagreement. If a resolution is achieved in part or full, the DMMO project manager will draft a resolution document (Exhibit B) and distribute it to the project proponent and other DMMP agency staff for review. The final resolution document and any changes needed to the DMMP determination will be made available to the public via the DMMO website. A second meeting may be needed to fully resolve some issues.
- D. If substantial progress toward resolution of all issues is not made after two meetings, proceed to Step 2.

Step 2 – First-Tier Management Level

- A. The project proponent will prepare a management-level detailed briefing paper (Exhibit C) with the following information:
 - 1. A description of the proposed project (including previous position statement, historical information, figures, summary of existing information, and timing of project).
 - 2. A description of the issue(s) in need of resolution.
 - 3. The project proponent's understanding of and concern with the DMMP agency staff-level determination.
 - 4. A summary of the steps taken to resolve the issue during Step 1.
 - 5. The project proponent's proposed resolution of the issue.
- B. The DMMP agency representatives will notify their respective first-tier managers of the need for issue elevation. The DMMO project manager will provide the project proponent with contact information for DMMP agency managers and their scheduling staff. The project proponent will submit their briefing paper to the designated managers and staff at least 4 weeks prior to a specially scheduled meeting with managers and staff. The project proponent will be responsible for scheduling the meeting.
- C. The DMMP agency staff will collectively prepare a response memo (Exhibit D) to the project proponent's briefing paper which will contain the following information:
 - 1. A summary of and basis for the DMMP's original determination.
 - 2. Responses to the project proponent's position(s)/issue(s)/proposed resolution as described in the detailed briefing paper.
 - 3. The DMMP agency staff's proposed resolution of the issue.
- D. The DMMP agency staff response memo (Exhibit D) will be provided to the designated managers and project proponent at least 2 weeks prior to the scheduled meeting between the project proponent and DMMP agency managers and staff.

- E. The project proponent, DMMP agency managers and DMMP agency staff will meet to discuss the issue and work toward resolution of the disagreement.
- F. If a resolution is achieved for some or all of the issues, the DMMO project manager will draft a resolution document (Exhibit B) and distribute it to the project proponent, DMMP agency managers and DMMP agency staff for review. The final resolution document and any changes needed to the DMMP determination will be made available to the public via the DMMO website. A second meeting may be needed to fully resolve some issues.
- G. If substantial progress toward resolution of all issues is not made after two meetings, the DMMP managers will write a management-level summary (Exhibit E) of steps taken to-date to resolve all issues and proceed to Step 3.

Step 3 – Senior Management Level

- A. A package including the management-level summary of steps taken to-date (Exhibit E), the project proponent's management-level briefing paper (Exhibit C), the DMMP agency staff response memo (Exhibit D), and any other documentation generated from the meeting(s) in Step 2, will be provided to each of the agencies' designated senior managers within 1 week from the date of the determination to move to step 3.
- B. The DMMP agency representatives will notify their respective senior managers of the need for issue elevation. The DMMO project manager will provide the project proponent with contact information for DMMP agency senior managers and their scheduling staff. The project proponent will be responsible for working with the designated DMMP contacts to schedule a meeting with the senior managers.
- C. The project proponent, DMMP first-tier managers, senior managers and DMMP agency staff will meet to discuss the issue.
- D. If a resolution is achieved, a designated senior management representative (selected before or during the meeting) will draft a resolution document (Exhibit F) within 2 weeks of the meeting and distribute it to the project proponent, DMMP senior managers and DMMP agency staff for review. The final resolution document and any changes needed to the DMMP determination will be made available to the public via the DMMO website.
- E. If a mutual resolution cannot be reached at the meeting, the senior managers will develop a consensus opinion regarding resolution of the issue. The designated senior manager will draft a resolution document (Exhibit F) providing the rationale for the decision. The representative will distribute the draft resolution document to the other senior managers and DMMP agency staff within 3 weeks of the meeting. The final resolution document and any changes needed to the DMMP determination will be made available to the public via the DMMO website.

DOCUMENTATION AND REPORTING

As a check on the need for and effectiveness of the DMMP issue resolution process, an issue-resolution log will be maintained by DMMP agency staff. The log will document issues raised

for potential involvement by DMMP management, the steps taken to resolve the issues, and final resolution. This log will be provided on a regular basis to DMMP agency first-tier and senior managers and made available to the public via the DMMO website.

TYPICAL PROCESS

PROJECT PROponent (PP) → DMMP Review

SAP → SCR → SDM

Sampling and Analysis Plan (SAP) submitted

- DMMP review
- PP revisions
- SAP approved

Sediment Characterization Report (SCR) submitted

- DMMP review
- PP revisions
- Report finalized

Suitability Determination Memorandum (SDM) Issued

- Suitability for open-water disposal
- Antidegradation evaluation
- Debris management

STEP 1 INITIATED
 PP disagrees with DMMP determination and project-specific solution cannot be reached. Issue resolution process is triggered

Minimum 1 week from Exhibit A

PP prepares Position Statement (EXHIBIT A) and sets up meeting with DMMP staff

STEP 1 MEETING:
 PP and DMMP Staff Meeting

If substantial progress toward resolution is not made after two meetings Proceed to STEP 2

STEP 2 INITIATED
 First-Tier Management Level

Minimum 4 weeks from Exhibit C

PP prepares management-level briefing paper (EXHIBIT C) and sets up meeting with DMMP first-tier managers

STEP 2 MEETING:
 First-Tier Management Meeting

Minimum 2 weeks from Exhibit D

DMMP staff prepares response to Exhibit C (EXHIBIT D)

STEP 3 INITIATED
 Senior Management Level

Maximum 7 days to submit summary

PP sets up meeting with designated senior managers

STEP 3 MEETING:
 Senior Management Meeting

As needed to set up meeting

DMMO prepares issue resolution document (EXHIBIT B)

Publicly available on DMMO website

Review and post

Review and post

Senior management prepares resolution document (EXHIBIT F)

DMMP first-tier managers prepare management-level summary (EXHIBIT E)

RESOLVED with PP (within 14 days)

NOT RESOLVED with PP (within 21 days)