Memorandum for Record **December 12, 2023**

Subject: Tier 1 No-Test for Palasz Dock Extension Dredging Project in Shelter Bay Marina, La Conner, Washington (NWS-2022-915) with Disposal at the Rosario Strait Open-Water Disposal Site

Introduction

This memorandum documents the Tier 1 evaluation conducted by the Dredged Material Management Program (DMMP) agencies (U.S. Army Corps of Engineers, Washington Departments of Ecology and Natural Resources, and the U.S. Environmental Protection Agency).

Project Description

This project is located in La Conner, Washington on the north end of the southern peninsula within the Shelter Bay Marina, on the west side of the Swinomish Channel (Figure 1). The purpose of the project is to extend the dock and remove accumulated sediment around the dock to allow maneuvering of vessels on both sides of the dock. Approximately 294 cy of dredged material will be removed and disposed of at an approved upland location or the Rosario Strait open-water disposal site.

Tier 1 Evaluation

Available data were obtained and reviewed by the Dredged Material Management Office (DMMO) to evaluate the project location's sediment chemical quality and understand whether sources of contamination could have historically impacted or currently be impacting the project site. The following resources were reviewed to conduct this evaluation:

1. Previous studies, suitability determinations or antidegradation assessments conducted by DMMP or other agencies.
    a. Two suitability determinations for maintenance dredging of access channels in Shelter Bay Marina have been issued within the last ten years. A full characterization occurred in 2014 and all the proposed dredged material was found to be suitable for open-water disposal (DMMP, 2014). However, no dredging occurred, and a second sediment characterization was completed in 2020 to expand the dredge footprint and confirm the surface sediments in the previously characterized area remained suitable (DMMP, 2020). The 2020 suitability determination again found all the proposed dredged material to be suitable for open-water disposal. This proposed project is located adjacent to DMMUs 2 and 4, which were found suitable for open-water disposal during both characterizations (Figures 2a and 2b). Due to the proximity of both previous characterizations to the proposed Palasz dock dredging project, the DMMP agencies have determined that no additional information is needed at this time.
2. Ecology's Environmental Information Management (EIM) Database. A search was conducted for chemical or biological sediment data within 0.5 mile of the project location (Figure 3). There were 12 locations within 1.2 mile of the site, all sediment locations from DMMP sediment characterizations. Eleven locations are from Shelter Bay Marina sediment characterizations, discussed above. One location from within the Swinomish Navigation Channel is an old sediment location from 1988 and was not evaluated further.

3. Ecology's "What's In My Neighborhood" Site Cleanup Database. A search was conducted to identify historical and active cleanup sites within 0.5 mile of the project location. There are no identified cleanup sites with 0.5 miles of the proposed project.
4. Ecology's Spill Map. A search was conducted to assess spills within the last 10 years within 0.5 mile of the project location (Figure 5). Two small spills have occurred within approximately 0.5 miles of the project site within the last two years. The spills ranged from 1 gallon of marine diesel to 3 gallons of oily water mixture. The spills were small in size and not immediately adjacent to the project, thus, the DMMP agencies do not expect that either release would impact sediment quality in the project area.

Suitability Determination.
Based on the Tier 1 evaluation, the potential for presence of contamination at the project site is low. Prior characterizations near the project location have demonstrated that the material, while high in fines, does not contain concentrations of chemicals above DMMP SLs. There are no cleanup sites in the vicinity and no recent reported spills of sufficient volume and proximity to impact the quality of the project sediments.

Because of the existing data and small volume of the project (less than 1,000 cy), the DMMP agencies have determined that there is low potential risk of unacceptable adverse effects at the open-water disposal site, and no chemical testing of the material is required for this project. The proposed 294 cy are suitable for open-water disposal at the Rosario Strait disposal site.

Debris Management
The DMMP agencies implemented a debris screening requirement following the 2015 SMARM to prevent the disposal of solid waste and debris greater than 12 inches in any dimension at open-water disposal sites in Puget Sound (DMMP, 2015). Debris screens are required unless it can be demonstrated that debris is unlikely to be present, or that debris is large woody debris that can be easily observed and removed by other means during dredging.

A 12" x 12" debris screen is required for all Palasz dock dredged material going to the Rosario Strait disposal site because anthropogenic sources of debris can be encountered near private docks and marinas.

Notes and Clarifications

This Tier 1 evaluation does ***not*** constitute final agency approval of the project. During the public comment period that follows a public notice, resource agencies will provide input on the overall project. A final decision will be made after full consideration of agency input, and after an alternatives analysis is done under section 404(b)(1) of the Clean Water Act.

A pre-dredge meeting with DNR, Ecology and the Corps of Engineers is required at least 7 days prior to dredging. A dredging quality control plan must be developed and submitted to the USACE Seattle District's Regulatory Branch and Ecology. Refer to the USACE permit and Ecology and Tribal 401 certifications for project-specific submittal requirements and timelines.

References

DMMP, 2014. *Memorandum for Record: Determination on the Suitability of Proposed Dredged Material Testedfrom the Shelter May Marina, LaConner, WA, Evaluated under Section 404 of the Clean Water Act for Unconfined Open-Water Disposal at the Rosario Strait Disposal Site.* Prepared by the Seattle District Dredged Material Management Office for the Dredged Material Management Program, December 9, 2014.

DMMP, 2020. *Memorandum for Record: Determination Regarding the Suitability of Proposed Dredged Material from Shelter May Marina Evaluated under Section 404 of the Clean Water Act for Unconfined Open-Water Disposal at the Rosario Strait Dispersive Disposal Site.* Prepared by the Seattle District Dredged Material Management Office for the Dredged Material Management Program, June 10, 2020.

DMMP 2021. *Dredged Material Evaluation and Disposal Procedures (User Manual)*. Dredged Material Management Program, updated July 2021.

Ecology's EIM Database Search: https://apps.ecology.wa.gov/eim/search/default.aspx

Ecology's What's in My Neighborhood Search: https://apps.ecology.wa.gov/neighborhood/

Ecology's Spill Incidents Database: https://ecology.wa.gov/Spills-Cleanup/Spills/Spill-preparedness-response/Responding-to-spill-incidents/Spill-incidents

Washington State's JARPA Form for #NWS-2022-915 provided to USACE Regulatory Department.

Agency Signatures

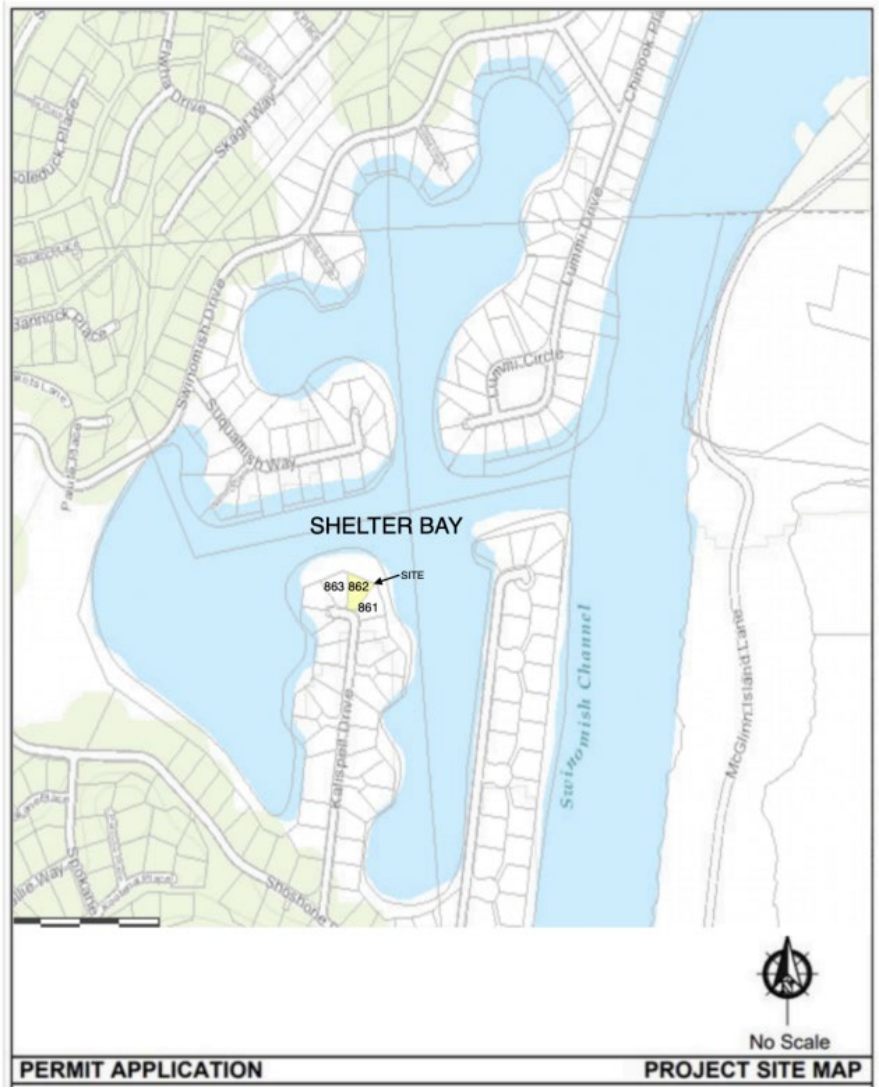
The signed copy is on file in the Dredged Material Management Office, U.S Army Corps of Engineers, Seattle District.

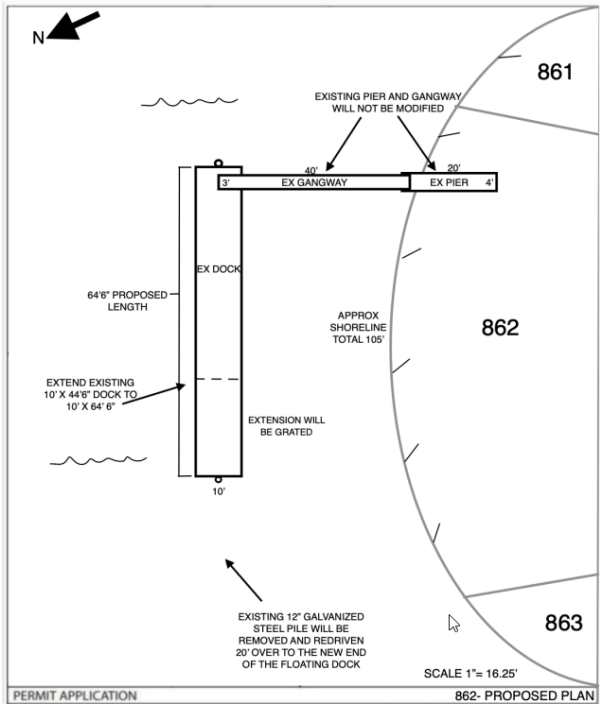
_____	_____
Date	Kelsey van der Elst – U.S. Army Corps of Engineers, Seattle District
_____	_____
Date	Justine Barton – U.S. Environmental Protection Agency, Region 10
_____	_____
Date	Laura Inouye, PhD. – Washington State Department of Ecology
_____	_____
Date	Shannon Soto – Washington State Department of Natural Resources

Copies Furnished:
DMMP agencies
Kristin Murray, USACE Regulatory Project Manager
Michael Palasz, Property Owner
Ashley Carlson, Northwest Permit Specialists
DMMO File

Figures

Figure 1. JARPA Drawings showing location of property, extension of dock, and location and quantity calculations for dredging.





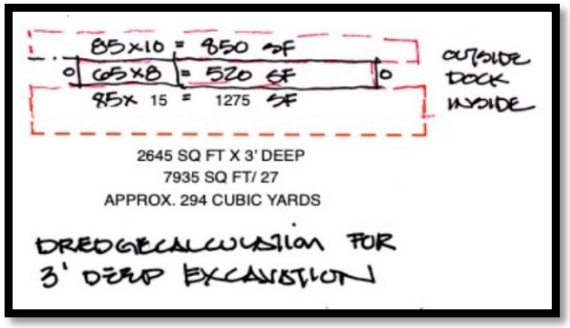


Figure 2A. Proximity of Shelter Bay Marina sediment sampling locations to Palasz Dock. (adapted from DMMP 2014)

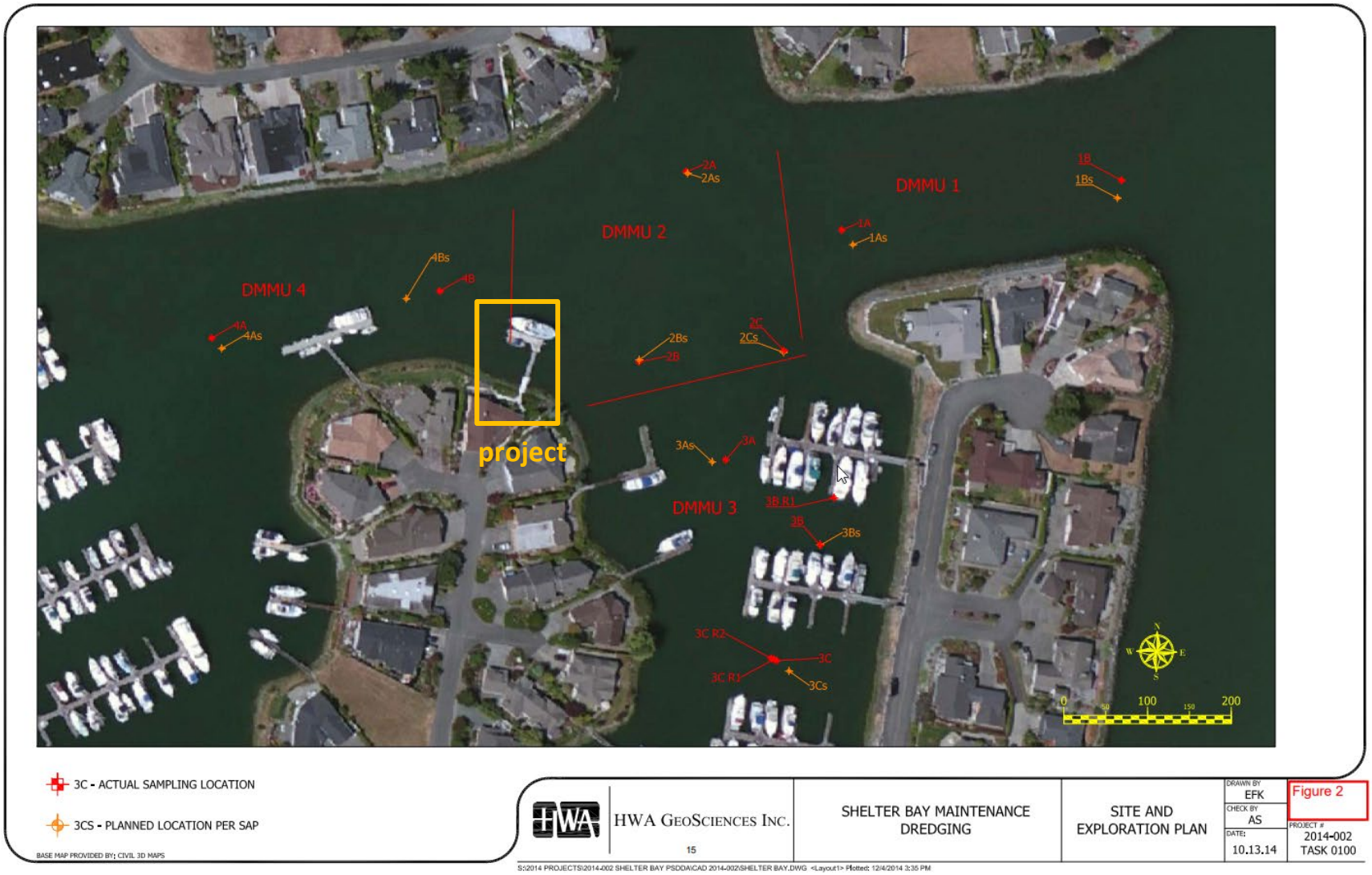


Figure 2 B. Proximity of Shelter Bay Marina sediment sampling locations to Palasz Dock (adapted from DMMP 2020)

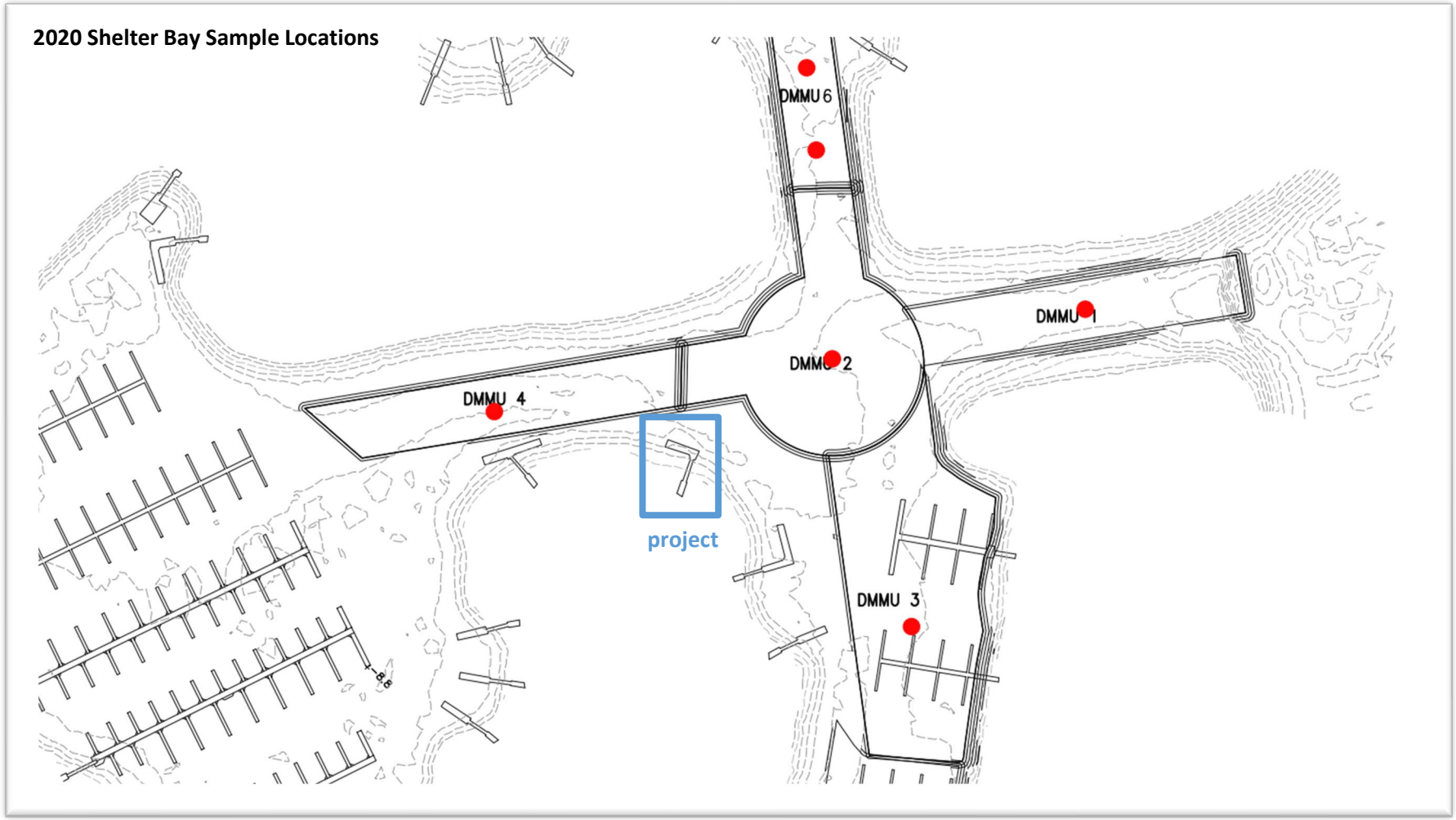


Figure 3: EIM Data Search

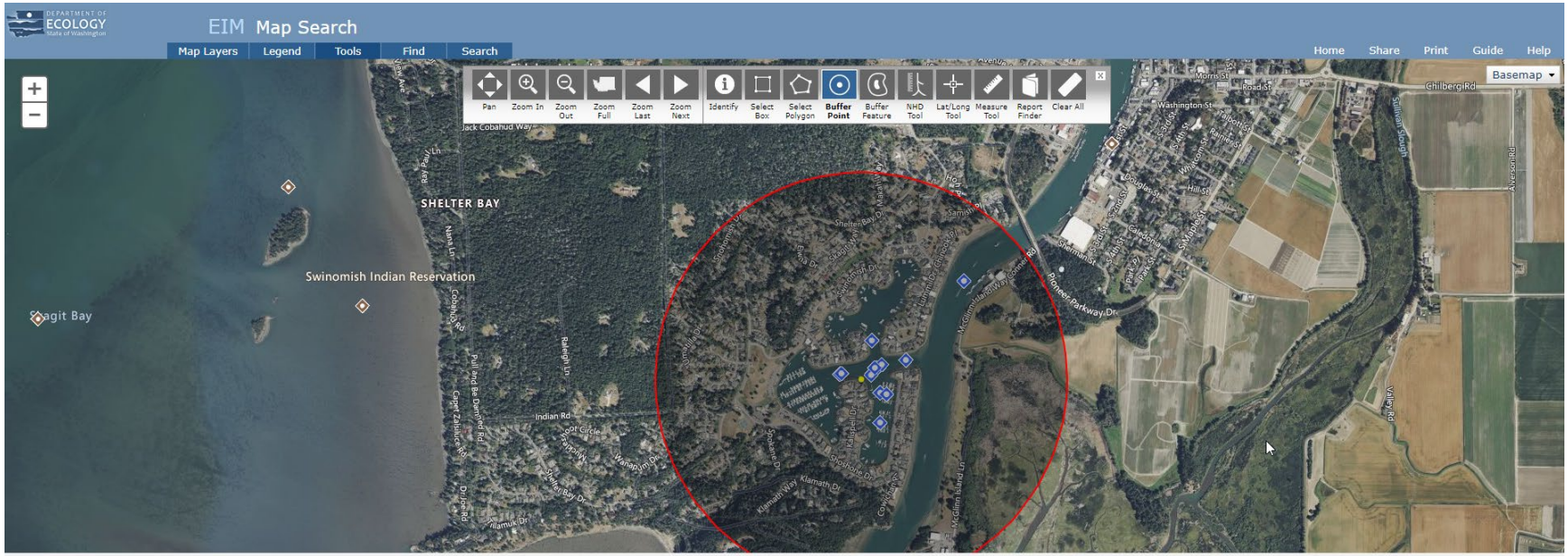


Figure 4: What's in My Neighborhood Cleanup Sites

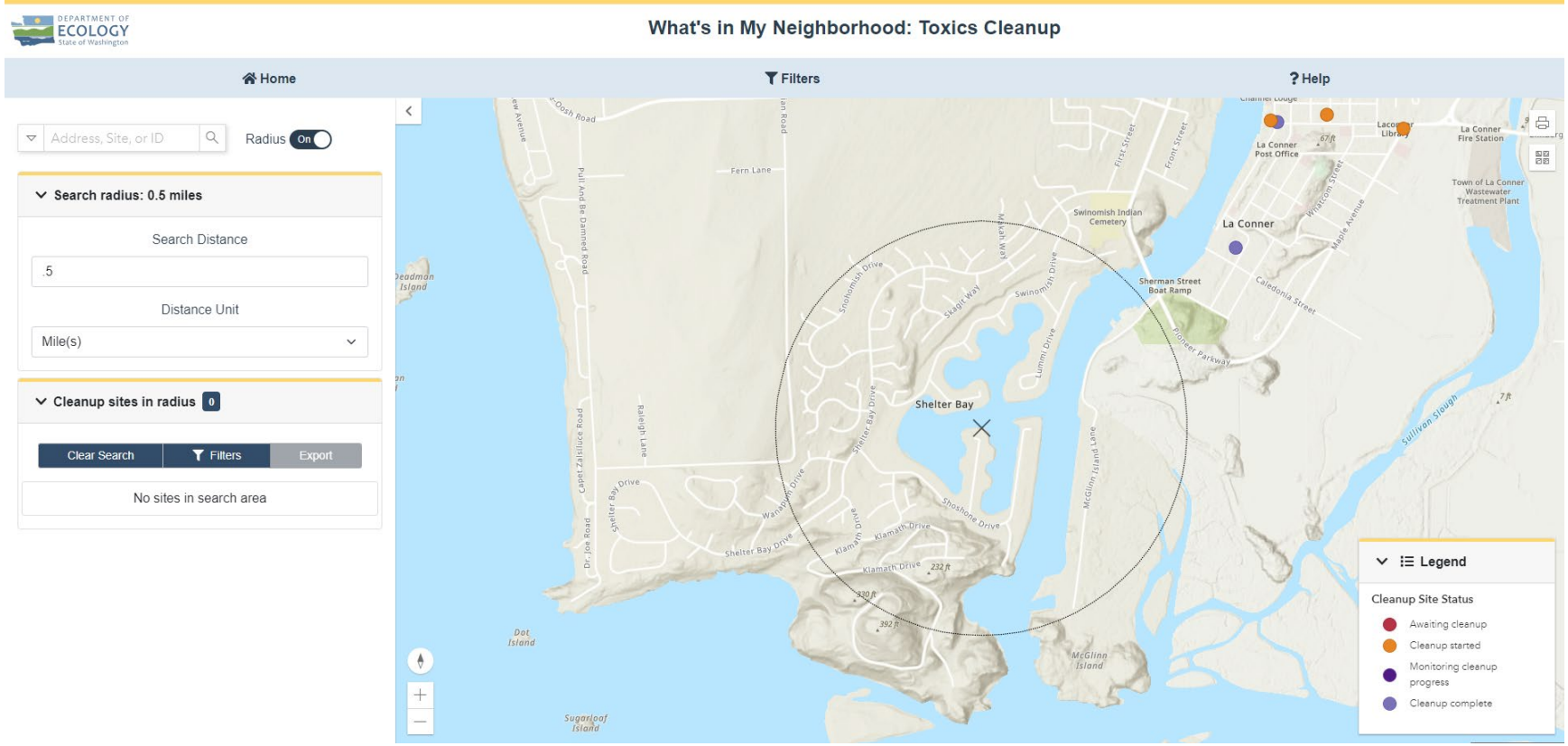


Figure 5. Ecology's Spills Database