



Dredged Materials Management Program Fees

FUND 158 Rulemaking WAC 332-30-166

Frequently Asked Questions

1. What is the DMMP?

The dredge material management program (DMMP) operates to provide safe and economical disposal options for dredged material in Puget Sound, Grays Harbor and Willapa Bay. DMMP is a multi-agency partnership that uses expertise and resources from the Department of Natural Resources (DNR), the Department of Ecology, the US Army Corps of Engineers and the Environmental Protection Agency (EPA) to evaluate requests for dredged sediment disposal, monitor disposal sites and comply with local, state and federal laws.

2. Why is DNR modifying the DMMP Fee Disposal rules?

DNR manages disposal fees and uses them to monitor disposal sites. Monitoring ensures there are no negative impacts to aquatic habitat and is required when the amount of material at a disposal site reaches a predesignated volume. The DMMP is required by Federal (404 guidelines) to monitor to ensure compliance with ESA.

State law directs DNR to review and adjust fees for disposal sites as needed. DNR has not adjusted the current disposal fees since 1995, and the balance in the fund has since decreased. Without adequate funding to monitor sites as required, they will be closed, meaning greater costs for transportation of dredged materials for disposal.

3. Why is DNR modifying the fees?

The DMMP fund balance has declined for over ten years due to a general decrease in the volume of material subject to fees being disposed as well as increased costs of monitoring. DNR has already taken all possible actions to avoid raising fees and has worked collaboratively with DMMP agencies to reduce costs. DNR has funded DMMP staff costs from the Aquatics Division's regular operating fund. In addition, DMMP has modified the requirements for disposal site monitoring which has reduced costs, obtained legislative approval to remove requirements for shoreline permits, and closely monitored spending from the fund. No other options remain, and thus in spite of all these changes, the DMMP Fund has reached a point where there will not be enough revenue to pay for future monitoring requirements.

4. How often does DNR plan to increase fees?

It is important that DNR continues to evaluate the ability of dredging disposal fees to cover monitoring costs. Washington Administrative Code allows DNR to modify fees to meet monitoring needs. DNR has always prioritized cost reductions over fee increases.

5. Why don't you charge different fees for different sites?

The DMMP was established as a network of sites. To keep that network working equitably, the program has established a flat disposal fee. Varying fees would likely result in more material disposed at the least expensive disposal site, which would increase the need for monitoring at that site. It may not be financially viable for all parties to take their material to other locations due to higher transportation costs and this creates inequities with respect to access to disposal sites.

6. Why doesn't the Corps of Engineers pay for disposal?

Federal navigational servitude arises from the U.S. government's authority to maintain and regulate commerce in the Article 1, section 8 of the United States Constitution. USACE Navigation Sector determines operation and maintenance dredging of federal navigation channels and disposal locations. DNR cannot require the federal government to enter into an agreement when engaged in navigational maintenance efforts. The federal government has sovereignty in this area.

The USACE contributes to the DMMP in other ways, such as funding the physical monitoring at disposal sites, contributing to programmatic expenses such as preparation of the most recent Biological Evaluation for use of the disposal sites, and other related documentation. USACE funded labor for of the Commencement Bay site, and for expert consultation on various technical issues.

7. What are the next sites expected to need monitoring?

Anderson/Ketron will meet the monitoring trigger after an additional 20,224 cy of material is placed, which will occur with an upcoming planned marina dredge project; therefore the DMMP staff predicts the site will need to be monitored in the spring of 2022.

Elliott Bay will meet the monitoring trigger after an additional 167,995 cy of material is placed. With the upcoming Port of Seattle T-5, Duwamish navigation channel the DMMP predicts the site will need to be monitored spring 2024 or spring 2025

8. Why is a minimum fund balance necessary?

A base fund balance of \$400K would cover expected monitoring, necessary scientific studies, DNR administrative costs, leave a small balance for other unanticipated costs, and build a buffer for years when revenue is less than projected.

If the fund balance drops below this amount we are concerned we will not be able to afford monitoring costs, which could result in disposal site closures. Even with the proposed two-step fee increase, the fund balance may not meet the minimum fund balance until 2025. However, DNR does not wish to increase the fees at a faster or higher rate at this time.

9. How many scientific studies have been conducted for the dispersive sites?

Monitoring at dispersive sites has been limited to physical monitoring (bathymetric surveys) to make sure that disposed material is not accumulating. These sites have also been the subject of a fate and transport modeling study. Dispersive sites have more stringent project evaluation guidelines than do projects going to non-dispersive sites. Interested Parties have expressed concerns that fine sediments from material placed in dispersive sites could impact shellfish beds. DNR & the Corps conducted a special study modeling sediment dispersal from the three Puget Sound dispersive sites in 2011-2012 to address those concerns and no impacts were found.