

April 15, 2022

Parametrix No. 553-2967-005

Corps of Engineers Project Manager
U.S. Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S. Bldg. 1202
Seattle, WA 98134-2388

Re: Geddes Marina Phase 2 Remediation

Dear Corps Project Manager,

Enclosed are permit submittal materials for the City of Marysville's Geddes Phase 2 Marina Project. The City of Marysville (City) requests that the project be reviewed for consistency with Nationwide Permit 38 - Cleanup of Hazardous and Toxic Waste.

The City of Marysville originally proposed to implement this project as the initial phase of a larger effort to expand the adjacent Ebey Waterfront Park. The project was discussed at a formal preapplication meeting held at the Corps Regulatory offices on October 16, 2018. At that meeting, the City identified that the proposed park expansion site was a brownfield formally occupied by the Geddes Marina.

The City acquired the marina property in 2010 and in 2016 the City initiated an interim remedial action. The action included the demolition of existing structures and associated facilities on the Geddes Marina site and the placement of a cap of clean soil over the upland portions of the site. At the time of the pre-application conference, the City proposed to initiate the remaining Geddes Marina site remediation work as part of the park expansion project, but the City has changed its approach because of funding availability and proposed to implement the final remediation work as a standalone project. At that time the City moved forward to prepare a Remedial Investigation/Feasibility Study for the proposed remediation and submitted an application for a Department of the Army Permit for the proposed park improvements (Reference Number: NWS-2019-299; Marysville; Ebey Slough) and application was also submitted to the Department of Ecology for a 404 Water Quality Certification.

The initial intent was to submit an application for the remediation work concurrently with the proposed park work; however, that approach was delayed due to the covid pandemic and third party considerations (portion of the remediation work is to be funded by the former marina's insurer). On April 30, 2020 the City was notified by the Corps project manager for the park application that they were unable to move forward on that application until the proposed remediation project application was submitted. The City and Corps continued to coordinate on the matter over several months. On September 10, 2020 the City notified the Corps that they were withdrawing the application for the park expansion and would be submitting an application for the remediation work separately. I am including a copy of the Remedial Investigation/Feasibility Study with the application materials.

The application materials for the Geddes Phase 2 remediation project are attached. The coordination and communication with the previous Corps project manager are documented in the attached email thread. At this time the City has not secured funding for the park project. The Geddes Phase 2 remediation project is being proposed as a single and complete project and is necessary regardless of the proposed future park expansion.

Sincerely,

PARAMETRIX

Benn Burke
Senior Consultant

cc: Project File

Attachment: NWS-2019-299 email correspondence.

From: [Anderson, Colleen C CIV USARMY CENWS \(USA\)](#)
To: [Benn Burke](#)
Subject: RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)
Date: Wednesday, September 23, 2020 9:18:59 AM

Benn,

Sorry for the delay I was on vacation and needed to discuss with my Section Chief.

1. It does sound like it would fit the NWP as long as the City is sponsoring the project. If I remember correctly the City also had EPA money as well or something to that affect.

When you send in your JARPA make sure that you provide a statement to support why it fits the NWP 38. I mostly will not be the project manager for the project.

2. Yes, the project would require an individual 401 and Costal Zone Management determination.

Thanks,

Colleen

-----Original Message-----

From: Benn Burke <BBurke@parametrix.com>
Sent: Monday, September 14, 2020 4:48 PM
To: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Subject: [Non-DoD Source] RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)
Importance: High

Hi Colleen,

I have a two hopefully simple follow up questions.

1) The remediation work is being implemented as an independent clean up action. I have been reviewing the requirements for NWP 38. I am assuming that the remediation project might be authorized under NWP 38 even though it is not being done under a court order because the City is a government agency and is sponsoring the project.

2) I assume that the project would require an individual water quality certification from Ecology because the project will impact more than a 1/2 acre of waters and is not being done under a MTCA order.

Can let me know if I am reading this correctly on those two items?

Benn Burke
206.841.6002 | mobile

-----Original Message-----

From: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Sent: Thursday, September 10, 2020 1:24 PM
To: Benn Burke <BBurke@parametrix.com>
Subject: RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)

Ben,

Thank you for the update. I will withdrawal the park permit.

Please submit the new application to the following e-mail.

NWS-PermitApp@usace.army.mil.

Thank you for your time.

Colleen C. Anderson
Project Manager, Regulatory Branch
U.S. Army Corps of Engineers, Seattle District
Office: 206-764-3262
colleen.c.anderson@usace.army.mil

-----Original Message-----

From: Benn Burke <BBurke@parametrix.com>
Sent: Thursday, September 10, 2020 1:04 PM
To: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Subject: [Non-DoD Source] RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)

Hi Colleen,

I wanted to give you an update. The City will be moving ahead with submitting an application for the remediation work as a separate project and putting the park application on hold.

We are currently working with them to prepare the application and supporting materials for that submittal,

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Benn Burke
Senior Consultant

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-----Original Message-----

From: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Sent: Tuesday, June 16, 2020 2:39 PM
To: Benn Burke <BBurke@parametrix.com>
Subject: RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Ben,

Thank you for sending the Corps the rationale on why the City of Marysville needs to permit these project elements separately. Unfortunately, because the project area of the proposals overlap, it is difficult for us to say the projects are "single and complete" projects, distinctly separate from each other. As such, we cannot process them as separate projects. We understand the funding is different; however, that is not the key factor we use to determine if projects are "single and complete".

However, in your email dated May 14, 2020, you state that the projects could potentially be constructed years apart from each other. If that is the case, we could consider them to be single and complete projects and process them separately. If you will be constructing the projects years apart, you can withdraw the application for the park work, and submit a new application just for the remediation work. Once the work for the remediation is permitted and all permitted work is complete, you can submit an application for the creation of the water park.

If compensatory mitigation is required for the remediation work, the mitigation area cannot be impacted by the water park proposal or it would be violation of the permit for the remediation.

Thank you for your time.

Colleen C. Anderson
Project Manager, Regulatory Branch
U.S. Army Corps of Engineers, Seattle District
Office: 206-764-3262
colleen.c.anderson@usace.army.mil

-----Original Message-----

From: Anderson, Colleen C CIV USARMY CENWS (USA)
Sent: Tuesday, June 9, 2020 3:31 PM
To: Benn Burke <BBurke@parametrix.com>
Subject: RE: NWS-2019-299; Marysville; Ebey Slough - Coordination (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Ben,

Sorry, it is taking a while to get back to you. I had many discussing regarding the project with my Team Lead.

I am still working on my response and hope to get back to you by next week.

Thank you.

Colleen

-----Original Message-----

From: Benn Burke [<mailto:BBurke@parametrix.com>]
Sent: Tuesday, June 9, 2020 3:27 PM
To: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Cc: Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>; jlaycock@marysvillewa.gov
Subject: [Non-DoD Source] RE: NWS-2019-299; Marysville; Ebey Slough - Coordination
Importance: High

Hi Colleen,

I am following my voicemail from earlier today. I am hoping you had a chance to review my email below with your responses to your April 30 email. We are hoping to get some input from you about the most efficient and effective way to proceed with the project and keep things moving ahead. We understand your request, but wanted the opportunity to talk with you about options given the information I outlined below regarding the challenges with folding the remediation work into the park work. I'd be happy to set up a conference call with the City folks if you let me know what times are best for you or you can give me a call directly on my mobile number.

Regards,

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-----Original Message-----

From: Benn Burke
Sent: Thursday, May 14, 2020 2:37 PM
To: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Cc: Bennett, Matthew J CIV USARMY CENWS (US) <Matthew.J.Bennett@usace.army.mil>;
jlaycock@marysvillewa.gov
Subject: RE: NWS-2019-299; Marysville; Ebey Slough - Options for moving forward
Importance: High

Hello Colleen,

Following the receipt of your email of April 30 (below), we have had several discussions internal to the City and design teams regarding an approach to respond to the request and move the projects forward. Prior to moving ahead with submittal of additional information, we would like some feedback and guidance from you and your management on what we see as the options for moving ahead.

When we met on March 5 at your offices, we discussed the reasons why the City separated the remediation work from park work. As a recap, when we had our formal preapplication meeting with the Corps in the fall of 2018 we intended to submit an application for a combined project that included both the remediation and park elements to be completed as a single project that would be constructed concurrently. During the subsequent preliminary design phase, the City decided to separate the remediation and park projects for three primary reasons. 1) At least some of the remediation work would be funded by an insurance settlement, which comes with relatively rigid financial and legal stipulations that would be difficult to implement as part of a larger combined project. 2) The City anticipated the remediation work could qualify for expedited environmental reviews and permits and the park work elements may make the project ineligible or at least complicate approval of the cleanup action. 3) And the park will require grants to fund construct and including the remediation work may make the park ineligible or at least complicate prospects for grant funding.

Because of these issues, the City has concerns about including the information about the remediation work and resubmit the materials as a single package. The main concern is the ability to clearly delineate the mitigation requirements or other conditions as part of the remediation work because of the need to keep the financial, accounting, and legal aspects of the remediation work separate. Also, the project areas overlap, the means and methods of the construction will differ, and the remediation work and park would be constructed at different times, potentially years apart. We feel this could make the logistics of reviewing the submittals and preparing a decision challenging for both the Corps, City, and consulting agencies.

The City's preferred approach is for the Corps to administratively withdrawal or otherwise put a hold on the Park project as submitted. The City will submit a JARPA and associated materials for the remediation work as a separate project. The Corps then can reopen the park project when you are comfortable with the scope of both projects. The Corps would then issue two separate decisions either concurrently or consecutively. This is the City's preferred approach because it allows for a clear separation of the project, permit conditions, and any required mitigation.

We would be pleased to discuss any additional options or variations that you think would be more efficient based on your experience with similarly complex situations. We would be happy to set up a conference call where we can

discuss the specifics and a pathway forward with you if this is helpful.

Regards.

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-----Original Message-----

From: Anderson, Colleen C CIV USARMY CENWS (USA) <Colleen.C.Anderson@usace.army.mil>
Sent: Thursday, April 30, 2020 9:36 AM
To: jlaycock@marysvillewa.gov; Benn Burke <BBurke@parametrix.com>
Subject: NWS-2019-299; Marysville; Ebey Slough (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Greetings,

I discussed the proposed project with a Section Chief here at the Corps, and after our discussion, I regret to inform you I am unable to move forward with the project at this time. Because the proposed project is dependent on filling the basin as a key component and dependent on each other, we would require all elements of the project to be permitted together. Please, submit all the necessary materials for the entire project.

Please submit all of the required information within 30 days of the date of this letter. After receiving this information, I may contact you to discuss specific aspects of your proposal. If you do not submit the required information or contact me within 30 days, the application will be canceled. However, cancellation of the application would not preclude you from submitting another application in the future.

Thank you for your time.

Colleen C. Anderson
Project Manager, Regulatory Branch
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