



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE for Permit Application

**Issue Date:** January 13, 2016

**Expiration Date:** February 12, 2016

**US Army Corps of Engineers No:** NWP-2005-426

**Oregon Department of State Lands No:** 58607-RF

## 30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers (Corps) number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
Regulatory Branch  
Melody White ([Melody.J.White@usace.army.mil](mailto:Melody.J.White@usace.army.mil))  
P.O. 2946  
Portland, Oregon 97208-2946

**Applicant:** Port of Portland  
c/o Michelle Hollis  
7200 NE Airport Way  
Portland, Oregon 97218

**Location:** The project is located adjacent to Port of Portland facilities at the following locations:

- Terminal 2 - Berths 203, 204, 205, and 206. Located at River Mile 10 of the Willamette River, in Portland (Section 20, 21, and 28, Township 1 North, Range 1 East) Multnomah County, Oregon.
- Terminal 4 – Berths 401, 410, 411, 414, 415, and 416. Located between River Miles 4 and 5 of the Willamette River, in Portland (Sections 2 and 35, Townships 1 and 2 North, and Range 1 West) Multnomah County, Oregon.
- Terminal 5 – Berths 501 (Face and Barge), 502, and 503. Located between River Miles 1 and 2 of the Willamette River, in Portland (Section 23, Township 2 North, Range 1 West), Multnomah County, Oregon.
- Terminal 6 – Berths 601, 603, 604, 605, and 607. Located between River Miles 102 and 104 of the Columbia River, in Portland (Sections 24 and 30, Township 2 North, Range 1 West and 1 East) Multnomah County, Oregon.
- Berth 308. Located at River Mile 9 of the Willamette River in Portland (Section 20, Township 1 North, Range 1 East) Multnomah County, Oregon.

- Berth 315. Located at between River Miles 8.6 and 9.2 of the Willamette River, in Portland (Section 20, Township 1 North, Range 1 East) Multnomah County, Oregon.
- Navigation Facility. Located at River Mile 8.7 in the Swan Island Lagoon of the Willamette River, in Portland (Section 17, Township 1 North, Range 1 East) Multnomah County, Oregon.

**Waterway:** The project is located in the Lower Willamette and Lower Columbia Rivers.

**Project Description:** The Port of Portland (Port) requests authorization to perform maintenance on existing pilings at Marine Terminals 2, 4, 5, and 6; Berths 308 and 315; and the Port's Navigation Facility. This would include the replacement, repair, raising, or lowering piles associated with fender piles, dock structures and associated walkways, dolphin structures, and other Port-owned marine structures. The types of pilings to be maintained include vertical bearing pilings, batter (or anchor) pilings, and fender piles.

The Port is proposing to perform the following maintenance activities per calendar year at each site:

- Terminal 2: Replace or repair up to 110 piles per calendar year through 2026.
- Terminal 4: Replace or repair up to 150 piles per calendar year through 2026.
- Terminal 5: Replace or repair up to 50 piles per calendar year through 2026.
- Terminal 6: Replace or repair up to 160 piles per calendar year through 2026.
- Berth 308: Replace or repair up to 40 piles per calendar year through 2026.
- Berth 315: Replace or repair up to 20 piles per calendar year through 2026.
- Navigation Facility: Replace or repair up to 20 piles per calendar year through 2026.

The existing pilings structures are composed of wood (treated and untreated), steel, or concrete. All replaced piles will consist of untreated wood, steel, cured concrete, plastic, or fiber-reinforced polymer (FRP). Untreated piles include those that have not been treated with chemical preservatives or pesticides. Treated timber piles may be replaced with untreated piles, steel or pre-cast concrete piles. For replacement of steel or concrete piles, like material will be used.

The replacement pile will be similar in size to the piling being removed. The majority of the new piles will measure 12 to 14 inches in diameter, although some steel or concrete piles may measure up to 24 inches in diameter. Over the next 10 years, it is estimated that the port may need to replace fifteen 24-inch steel piles and five 24-inch concrete piles at some of their facilities.

Piles will be extracted from the substrate with a vibratory hammer or by pulling it directly out of the substrate. Vibratory extraction will be the preferred method for removal. Vibratory hammer extraction typically requires between 15 to 30 minutes per pile, but may take longer depending on pile length and sediment conditions. Direct pull techniques will be used if the contractor determines it to be appropriate for the substrate type, pile length, and structural integrity of the pile. If a treated wood pile breaks during removal, the piling will be cut at the sediment surface and the pile fraction will be removed from the waterway. No treated wood debris shall be allowed to enter the water. Temporary deck work may be required to remove deck boards to expose the pile to be maintained.

For pile replacement, pilings will initially be dropped into place and a vibratory hammer will be used to set the pile. If vibratory driving encounters refusal, an impact hammer will be used to drive the piles to their elevations. It is estimated only one in 50 fender piles installed will require

the use of an impact hammer. It is expected that an impact hammer will be needed to install and/or “proof” any structural piles that require replacement, requiring additional strikes (average of approximately 2,500 strikes per pile). Noise attenuation measures will be in place if an impact hammer is used. After installation, piles will be reconnected to the structure they support.

Pile maintenance may be conducted from the wharf using land based equipment, or from the water using a crane mounted barge. If work is performed from the water, piles and other equipment may need to be stored on a work barge, and a tugboat will be required to move the barge around. Various types of barge, including spud barges, may be used for this work. If a spud barge is necessary, it would be moved only when necessary to minimize substrate disturbance.

The Port is requesting a 10-year permit duration to complete the work. Pile maintenance in the Lower Willamette River will be conducted during the in-water work window of July 1 to October 15. Pile driving in the Lower Columbia River will be conducted between October 1 and November 30. Only vibratory pile installation will occur during October in the Lower Columbia River to reduce impacts to listed fish species. All other in-water work activities in the Lower Columbia River could be conducted between November 1 and December 31. All work will be completed within these dates unless approved by NMFS in writing.

No new construction, expansion, or improvement of a Port facility is proposed as part of this permit application. This proposal does not include sheet pile maintenance. Although some of the Port’s structural steel pile measure 42 inches in diameter, it is expected that these large pile would only need to be replaced in an emergency situation (e.g. ship impact or natural disaster). Maintenance of these larger 42-inch piles is not included as part of the proposed action.

**Mitigation:** If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** To perform pile maintenance on an as-needed basis at the Port’s marine facilities within Multnomah County, Oregon.

**Drawing(s):** Sixteen (16) drawings are attached and labeled Corps No. NWP-2005-426/3.

**Additional Information:** Additional information may be obtained from Melody White, Project Manager, U.S. Army Corps of Engineers at (503) 808-4385, or E-mail [Melody.J.White@usace.army.mil](mailto:Melody.J.White@usace.army.mil) .

**Authority:** This permit will be issued or denied under the following:  
Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the described activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** An initial evaluation of the proposed project area indicates that:

An initial evaluation of the proposed project area indicates to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area. In addition the proposed work is of such limited nature and extent that little likelihood exists for the proposed project to affect an unrecorded historic property or any other type of cultural resource.

This notice has been provided to the State Historic Preservation Office (SHPO), interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps' project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

**Corps of Engineers No:** NWP-2005-426/3  
**Oregon Department of State Lands No:**  
**Notice Issued:** January 13, 2016  
**Written Comments Due:** February 12, 2016

**WHO IS THE APPLICANT:** Port of Portland, c/o Michelle Hollis, 7200 NE Airport Way, Portland, Oregon 97218

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

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**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Other project materials are available by contacting the Corps per the attached public notice.

Scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5263.

Any questions on the water quality certification process may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call the Oregon Telecommunications Relay Service at 1-800-735-2900.

## **PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that “The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.”

### **Written comments:**

Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on the date specified in the upper right section on page one of this notice. Written comments may be emailed, mailed or faxed as described below:

Email - [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us)

Mail - Oregon Department of Environmental Quality, Northwest Region  
700 NE Multnomah Street, Suite 600  
Portland, Oregon 97232  
Attn: 401 Water Quality Certification Coordinator

Fax - (503) 229-6957

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ's final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling the Oregon Telecommunications Relay Service at 1-800-735-2900.