



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: June 2, 2016

Expiration Date: July 5, 2016

US Army Corps of Engineers No: NWP-2011-314/2

Oregon Department of State Lands No: 47756-RF

30-Day Notice

Interested parties are hereby notified the U.S. Army Corps of Engineers, Portland District (Corps) has received an application for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plans. The Corps is soliciting comments on the proposed work.

Applicant: McCall Oil and Chemical Corporation
Attention: Dustin Wilson
5480 NW Front Avenue
Portland, Oregon 97210
Email: Dustin@mccalloil.com
Telephone: (503) 702-9044

Applicant's Agent: Northern Resource Consulting, Inc.
Attention: Brian Perleberg
1339 Commerce Avenue, Suite 309 B
Longview, WA 98632
Email: BPerleberg@nrcenv.net
Telephone: (360) 414-5239

Location: The project is located at 5480 NW Front Avenue the Willamette River, River Mile (RM) 8.0, in Portland, Multnomah County, Oregon. The site is in Section 18, Township 1 North, Range 1 East. (Lat: 45.5617° North, Long: 122.7363° West).

Waterway: Willamette River, RM 8.0

Project Purpose: The applicant's stated purpose is to conduct fender pile maintenance activities.

Project Description: The proposed project involves replacement of up to 50 fender piles over a five year period, within the Willamette River at RM 8.0. The area is within the Portland Harbor. To remove pilings, the applicant will unbolt untreated fender piling and remove with a vibratory hammer pile-driving method. All pilings will be taken offsite for disposal. Pilings will be installed by vibratory hammer pile-driving method. Pilings will be replaced in-kind, with untreated 18-inch wood fender pilings. Work will be conducted from a barge. Work is proposed to take place four days each year within the in-water work window of the Willamette

River (July 1 to October 31, 2016 to 2021). The project will replace approximately 88.4 square feet of fender piling.

Mitigation: The applicant did not propose compensatory mitigation in the permit application. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: Fourteen (14) drawings are attached and labeled Corps No. NWP-2011-314/2. Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately illustrates the proposed project. To access the electronic version of this public notice, go to the Portland District website at <http://www.nwp.usace.army.mil/> and select Regulatory Branch Permit Information. At the Regulatory page select Regulatory Public Notices.

Additional Information: The applicant has conducted fender pile replacement work at the site from 2011 to 2014. Twelve piles were removed and replaced from 2011 to 2014. Three piles were replaced in 2015. This work was conducted under a Nationwide Permit authorization. The applicant proposes to work from 2016 to 2021, which spans the course of two nationwide permit authorizations. Therefore, this project is being evaluated under a Standard Permit to allow the work to continue through the nationwide reissuance without interruption.

Authority: The proposed project will be evaluated 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.

Endangered Species: Section 7 of the Endangered Species Act (ESA) (16 U.S.C 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat. The Corps' preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat. The Corps will have initiated consultation under Section 7 of the ESA. The Corps will complete the required consultation prior to finalizing a permit decision.

Essential Fish Habitat: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. The Corps will have initiated consultation under Section 305(b)(2) of the MSA. The Corps will complete the required consultation prior to finalizing a permit decision.

Historic Properties/Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officer to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places. The Corps' preliminary review 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.

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 at the end of this notice to assist in a complete evaluation of potential effects.

State and Local Authorizations: The applicant will need to obtain approval from Multnomah County and will be applying for the following additional governmental authorizations for the project: Department of State Lands Waterway Lease (ML-7067), Department of State Lands Permit (47756-RF)

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.

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 the proposed project. Comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. 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.

Submitting Comments: Interested parties are invited to provide comments on the proposed project. Comments may be submitted by conventional mail or email. All comments received will be considered in determining whether authorizing the work would be contrary to the public interest.

Either conventional mail or e-mail comments must include the Corps reference number as shown on page 1 and include the commenter's name and address. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the Corps reference number. All comments received will become part of the administrative record and are subject to public release under the Freedom of

Information Act including any personally identifiable information such as names, phone numbers, and addresses.

Additional information about the proposed project may be obtained from the Corps Project Manager listed below. All comments, whether by conventional mail or email, must be received no later than the expiration date of this public notice to ensure consideration. Comments should be submitted to the following mailing address or email address:

U.S. Army Corps of Engineers
Regulatory Branch
Melody White
P.O. 2946
Portland, Oregon 97208-2946
Email: Melody.J.White@usace.army.mil
Telephone: (503) 808-4385