



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: October 13, 2016

Expiration Date: November 14, 2016

US Army Corps of Engineers No: NWP-2016-283

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: Ross Island Sand and Gravel Co.
Attention: Randall Steed
PO Box 82249
Portland, OR 97282
Email: randysteed@ridredge.com
Telephone: (503) 239-5504

Applicant's Agent: Pacific Habitat Services, Inc.
Attention: Craig Turner
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
Email: ct@pacifichabitat.com
Telephone: (503) 570-0800

Location: The project site is located on Ross Island in the Willamette River, street address is 4315 SE McLoughlin Blvd, Portland, Oregon. The site is in Section 14, Township 1 South, Range 1 East.

Latitude and Longitude: 45.488357 North, 122.659021 West

Waterway: The project would occur in Ross Island Lagoon at approximately river mile 15 of the Willamette River. The location of the ordinary high water mark/line of mean high water shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

Project Purpose: The project purpose is to conduct maintenance dredging of the berths at the Ross Island Sand and Gravel Co.'s (RISG) processing plant.

Project Description: The proposed project is maintenance dredging of the berths at the RISG processing facility berths. The applicant has proposed to annually dredge 5,000 cubic yards

of material to a maximum depth of -20ft Columbia River Datum (CRD). RISG processes sand and gravel aggregate from the Avery Pit mine in Klickitat County, Washington at its processing facility on Ross Island. As a result of the transfer of aggregate material to and from the barges at the processing facility, a relatively small amount of material inadvertently falls into the water and accumulates in the vicinity of the barge berths. The material will be dredged with a clamshell dredge and side cast into deeper areas adjacent to the barge berths. A tug will be used to move the dredge into place, and the dredge will pick up the material, swing it into deeper water, and release the material. If the water within the dredge's reach is not deep enough to place the dredged material, the material will be placed onto a barge and disposed of with a front end loader in the Ross Island Lagoon as shown in the attached drawings.

Dredged Material Testing: Ross Island Lagoon is the site of an Oregon Department of State Lands (DSL) reclamation project outlined in the 2002 Reclamation Plan for Ross Island (Reclamation Plan). The quality of fill materials placed directly or indirectly into the lagoon is reviewed by the Oregon Department of Environmental Quality (ODEQ) Cleanup Program in accordance with the Reclamation Plan. ODEQ has evaluated Avery Pit mine material and has determined that the Avery Pit Mine material is "Class A" clean fill and is suitable for unconfined, aquatic disposal in Ross Lagoon. Given that the proposed dredged material in the berths is incidental fallback from the transfer of Avery Pit Mine material from barges to the RISG processing facility, the ODEQ determination applies.

In general, the 2016 *Sediment Evaluation Framework for the Pacific Northwest* SEF can be used to evaluate federal and/or state environmental cleanup activities. However, a site specific sampling and evaluation protocol has been established by ODEQ in accordance with the Reclamation Plan and the cleanup action completed at this site. This protocol is more intensive and thus also meets the standards that would be applied through the SEF.

The proposed project includes annual episodes of maintenance dredging. Testing of the maintenance dredge material will occur on an as needed basis as determined by ODEQ.

Mitigation: The applicant proposes to avoid and minimize impacts from the project by conducting dredging activities within the July 1- October 30 work window. 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: Eight (8) drawings are attached and labeled Corps No. NWP-2016-283. 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 proposed project is being evaluated for a 10-year maintenance dredge and disposal permit. The proposed project would occur concurrently with Ross Lagoon reclamation activities that are authorized under Corps Permit No. 1994-1500.

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.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Clean Water Act Section 404(b)(1) Guidelines: The described discharge will be evaluated for compliance with guidelines promulgated by the U.S. Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. The 404(b)(1) Guidelines are the substantive criteria used in evaluating discharges of dredged or fill material into waters of the United States. The source of the fill material would be the RISG processing facility berths.

Water Quality Certification: Section 401 of the Clean Water Act (33 U.S.C. 1341) requires applicants to obtain a water quality certification for proposed discharges into waters of the United States. A permit for the described work will not be issued until certification has been issued or is waived from the certifying state. The state's notice for a water quality certification was issued separately.

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 has 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 has 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 described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. 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 at the end of this notice to assist in a complete evaluation of potential effects.

State and Local Authorizations: The applicant has or will be applying for the following additional governmental authorizations for the project:

401 Water Quality Certification (Oregon Department of Environmental Quality)
State removal/fill permit (Oregon Department of State Lands)

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
Margaret Chang
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