



US Army Corps
of Engineers
Portland District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification

US Army Corps of Engineers

Regulatory Branch
Post Office Box 2946
Portland, OR 97208-2946
Telephone (503) 808-4337
Attn: Michael LaDouceur,
Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal
Permit Coordinator

Public Notice Date:

September 19, 2016

Expiration Date:

October 18, 2016

Corps No.: NWP-2016-30

Oregon DSL No.: 58894

Name: Northwest Aggregates
Company

Interested parties are hereby notified the U.S. Army Corps of Engineers (Corps), Portland District and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings. This Public Notice will be distributed in the states of Oregon and Washington. The Corps is soliciting comments on the proposed work.

The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the Clean Water Act (CWA), with applicable provisions of State of Washington water pollution control laws. The Oregon Department of Environmental Quality (DEQ) will also review the work pursuant to Section 401 of the CWA, with applicable provisions of State of Oregon water pollution control laws, as described in the attached DEQ Public Notice.

Applicant: Northwest Aggregates Company
Attention: Bryan Wigginton
1050 North River Street
Portland, Oregon 97227
Email: bwigginton@calportland.com
Telephone: (503) 331-3700

Applicant's Agent: Axis Environmental
Attention: Sasha Visconty
13204 166th Avenue SE
Renton, Washington 98059
Email: sasha@axisenviro.com
Telephone: (206) 713-9406

Location: The project site is located in the Columbia River from River Mile (RM) 80 to 120. This reach of the Columbia River is bordered by portions of Cowlitz and Clark counties in Washington and by portions of Columbia and Multnomah counties in Oregon. Cities located along this reach of the Columbia River include Vancouver and Camas, Washington and Saint Helens and Portland, Oregon.

Latitude and Longitude at Western Terminus: 45.945789 North, 122.809544 West

Latitude and Longitude at Eastern Terminus: 45.566757 North, 122.410588 West

Waterway: The project would occur in the Columbia River from RM 80 to RM 120 within the Federal Navigation Channel and areas south of the Federal Navigation Channel

Federal Navigation Channel Background: From Columbia RM 3.0, at Ilwaco, Washington to RM 106.5 at Vancouver, Washington, the Federal Navigation Channel (FNC) is authorized to -43 ft Columbia River Datum (CRD). The Corps dredges the FNC to maintain the authorized depth. The Corps also implements advanced maintenance dredging of an additional 5 feet below the authorized channel depth to -48 ft CRD and up to 100 ft outside the authorized channel width to remove additional material from critical shoals for the purpose of maintaining the authorized depth of the navigation channel for a longer period between dredging events.

The FNC between RM 106.5 at Vancouver, Washington to RM 189.7 at The Dalles, Oregon is authorized to 27 ft deep. However, the Corps currently maintains the channel to 17 feet deep, which is considered adequate for current users (primarily tug and barge traffic). In some reaches where shoaling occurs the Corps implements advance maintenance dredging of an additional 2 feet below the authorized channel depth.

Project Purpose: The purpose of the project is to obtain sand and gravel for commercial uses.

Project Description: The proposed project would perform dredging within and south of the FNC between river miles 80 and 120 within the Columbia River. The dredging would result in 1,600,000 cubic yards (CY) of removal a year over 2,010 acres, with up to 16,000,000 CY removed over 10 years. All dredged material would be taken to any of seven upland receiving facilities - the Port of Vancouver, Blue Lake Aggregates, Front Avenue Aggregates, Knife River Corporation at Linnton, River Street, Columbia Boulevard Property, and Santosh Sand and Gravel - to be sorted and used for future commercial purposes. Dredged material would be offloaded by a conveyor or pumped as a slurry to the processing area. Water from the dredged material at the processing facilities is not expected to return to the Columbia River or other waters of the United States. The dredging is described in the following four segments: river miles 80 to 90, 90 to 96 and 98.5 to 101, 102.2 to 106.3, and 117 to 120.

(1) Segment RM 80 to 90 would remove up to 400,000 CY of sand annually from the Columbia River in Columbia County, Oregon and Cowlitz and Clark Counties, Washington. Dredging in this segment would occur within the FNC and extend 100 feet to the south. The FNC in this segment is between 600 feet and 800 feet wide. The proposed dredging depth would be -48 feet CRD. This segment totals approximately 1,000 acres of dredging.

(2) Segment RM 90 to 96 and RM 98.5 to 101 would remove up to 400,000 CY of sand annually from the Columbia River in Columbia and Multnomah Counties, Oregon and Clark County, Washington. The dredging in this segment would occur within the FNC and extend 100 feet to the south. The proposed dredging depth would be -48 feet CRD. This segment totals approximately 700 acres of dredging.

(3) Segment RM 102.2 to 106.3 would remove up to 400,000 CY of sand annually from the Columbia River in Multnomah County, Oregon and Clark County, Washington. Dredging in this segment would occur within the FNC. The proposed dredging depth would be -48 feet CRD. This segment totals approximately 200 acres of dredging.

(4) Segment RM 117 to 120 would remove up to 400,000 CY of sand from the Columbia River in Multnomah County, Oregon and Clark County, Washington. The dredge area includes the FNC as well as an off-channel area immediately south of the FNC between McGuire Island and the Oregon shore to a depth of -40 feet CRD and a barge access channel between the off-channel area and the shore to a depth of -7 feet CRD. This segment totals approximately 110 acres of dredging.

Material would be removed by hydraulic dredge (suction) methods using a 220 - foot hopper dredge with a 30-inch suction draghead screened to 6 by 6-inch openings. The dredge system is comprised of a hopper barge equipped with onboard pumps and a single drag arm consisting of a 20 – inch diameter pipeline and 30 – inch by 30 – inch drag head at the end of the pipe. The dredge is pushed from behind by a tug boat equipped with a GPS navigation system and fathometer used to position the dredge at locations where the drag head can be lowered to the authorized dredge depth within the designated dredge area.

Dredging activity would be intermittent, varying by day, month, and year in terms of quantity of material dredged, location, and extent. The dredge capacity is 1,500 cubic yards of material and at full pumping rate the hopper can be filled in approximately 2 to 3 hours. The slurry of sand and water is dewatered in the hopper. With the dredge removing material from the river bed in swaths approximately 30 inches wide and from 1 to 3 feet depth, a full load would entail dredging a path approximately 1 to 2 miles long, affecting a surface area of 0.03 to 0.6 acres.

Dredged Material Testing: Project sediments were evaluated in accordance with the Sediment Evaluation Framework for the Pacific Northwest (SEF). The interagency Portland Sediment Evaluation Team (PSET) implements the SEF for the Corps Portland District. The PSET determines the need for sediment testing based on the physical properties of dredged material, historical sediment quality data from the project and adjacent areas, current and historical land uses in and adjacent to the project area, and proximity of the project area to contaminant sources. The PSET has determined that no further testing or evaluation of the project sediments is necessary and that the project sediments are suitable for unconfined, aquatic disposal and exposure.

Mitigation: Northwest Aggregates Company would implement the following best management practices (BMPs):

- 1) Dredge vessel personnel will be trained in hazardous material handling and spill response, and will be equipped with all necessary response tools.
- 2) All fuel hoses, oil or fuel transfer valves, and fittings will be inspected prior to on the water activity and on a regular basis during operation for drips or leaks in order to prevent spills into surface waters.
- 3) During dredge operation, the drag head will be maintained in the substrate and will not be raised more than 3 feet above the river bottom when the dredge pumps are running.
- 4) Turbidity will be visually monitored and activities managed to prevent increases of 10% or more above background levels.
- 5) Material removed in shallow water areas (less than -25 feet) will only occur during the in-water work period for the Columbia River (November 1 until February 29).

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: Twelve (12) drawings are attached and labeled Corps No. NWP-2016-30. The drawings are a subset of the drawings submitted with the application. Additional cross section figures are available. You may request a complete copy of the figures by contacting Mr. Michael LaDouceur at the contact information listed below. 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 can be helpful in your review. 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 maintenance dredging between RM 90 to 120 was previously authorized under Corps Nos. NWP-1995-961, NWP-1998-1275, and NWP-1999-532, which are set to expire in February 2017. This request is to combine all three authorizations into one and add additional dredging from RM 80 to 90. The authorization would be for maintenance dredging over a 10-year period.

Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 U.S.C. 408 (commonly referred to as "Section 408") authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers of the U.S. Army Corps of Engineers, to grant permission for the alteration or occupation or use of a Corps civil works project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps project. The proposed project may alter the Columbia River Federal Navigation Channel, a Corps civil works project. A Department of the Army Section 10 permit will not be rendered prior to the decision on the Section 408 request.

Authority: The proposed project will be evaluated for a Department of the Army permit 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 initiate 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 initiate 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 that 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.

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 - Corps: 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.

Evaluation – Ecology: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

Evaluation – DEQ: See attached DEQ Water Quality 401 Certification Public Notice.

Submitting Comments to the Corps: 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
Mr. Michael LaDouceur
P.O. 2946
Portland, Oregon 97208-2946
Email: michael.a.ladouceur@usace.army.mil
Telephone: (503) 808-4337

Submitting Comments to Ecology: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermit@ecy.wa.gov.

Submitting Comments to DEQ: See attached DEQ Water Quality 401 Certification Public Notice.

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

Notice Issued: September 19, 2016
Written Comments Due: October 18, 2016

Corps of Engineers No: NWP-2016-30
Oregon Department of State Lands No: 58894

WHO IS THE APPLICANT: Northwest Aggregates Company
Attention: Bryan Wigginton
1050 North River Street
Portland, Oregon 97227
Email: bwigginton@calportland.com
Telephone: (503) 331-3700

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

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

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.