
CHAPTER SEVEN

COORDINATION AND

PUBLIC INVOLVEMENT

7. COORDINATION AND PUBLIC INVOLVEMENT

The Corps' traditional public involvement and coordination approach was far exceeded for this feasibility study and integrated EIS. The Corps, EPA and sponsoring ports sought information, comments, and assistance from many federal, states, and local agencies, the maritime community, local interest groups, and individuals interested in or affected by the proposed project. Many aspects of the study required the coordination of specialized technical efforts. Provided below is a discussion of the required coordination, public workshops, and specialized coordination activities used to share project information, solicit comments, and obtain assistance and input for the feasibility study and EIS.

7.1 Required Coordination

The scoping process required by CEQ Guidelines was conducted to invite public participation, encourage an open process, and determine the significant issues to be addressed in the study. A Corps news release was issued on September 6, 1994 to inform all interested parties that the sponsoring ports and the Corps had initiated a study to determine the feasibility of improving the authorized Columbia and Lower Willamette Rivers navigation channel. A notice of intent to prepare a draft environmental impact statement was published in the *Federal Register* on October 30, 1994. On November 16, 1994, a scoping letter was distributed to agencies, tribes and the public. Both the notice of intent and scoping letter requested comments on the proposed scope of the EIS. Several responses were received and are included in Exhibit B, *Scoping Documentation*.

To fulfill a requirement for independent evaluation of Corps actions in a feasibility study, a Draft Coordination Act Report was prepared by the USFWS. The report is included in Exhibit C, *Fish and Wildlife Coordination Act Report*. Corps responses to the USFWS recommendations follow the Coordination Act Report.

The ESA requires the Corps to consult with resource agencies concerning the listed and proposed threatened and endangered species that may occur in the study area. As discussed in Chapter 6, biological assessments were prepared by the Corps to determine whether the proposed project may affect threatened and endangered species and/or their critical habitat. The biological opinions prepared by the resource agencies will be included as part of the Record of Decision for this action.

Coordination between the Corps' Northwestern Division and Headquarters staff was maintained throughout the feasibility study. A listing of these activities is shown below.

- ◆ Technical Review Conference on April 7, 1995 – Current Operating Practices and Underkeel Clearances
- ◆ Technical Review Conference on July 27, 1995 – Formulation of Alternatives and Salinity Workshop Results
- ◆ Teleconference on June 11, 1996 – Project Issues

- ◆ Policy Resolution Conference on February 21, 1996 – Project Issues
- ◆ In-Progress Review/Technical Review on November 18-19, 1996 – Without-Project Condition and Project Issues
- ◆ In-Progress Review on March 16-17, 1998 – Sponsor's Preferred Plan
- ◆ Alternative Formulation Briefing on June 22, 1998
- ◆ Policy Resolution Conference on June 21, 1999

7.2 Public Workshops

Public workshops provided an opportunity for study personnel to share data, information, and study progress with the public. The public was notified of the workshops through Corps news releases and local media announcements. The first series of public workshops were held on November 1 and 3, 1994, in Portland and Longview, respectively. The purpose of the workshops was to explain the elements of the feasibility study and to gather scoping comments from the public early in the planning process.

The second series of public workshops were held on January 14, 16, and 22, 1997, in Kelso, Astoria, and Portland, respectively. The purpose of the workshops was to update the public on the progress of the study and to talk to proposed affected property owners. Comments were recorded at the meetings as well as received after the meetings from the public. Comments, responses and the proceedings from the workshops were published and mailed to all attendees.

A third series of public workshops was held on November 5, 12, and 19, 1998, in Portland, Astoria and Kelso following release of the draft feasibility report and integrated EIS for public review. The purpose of these workshops was to discuss the alternatives, including the preferred alternative, and solicit further public comments. Copies of transcripts from these meetings are available at the Portland District office.

7.3 Specialized Coordination Activities

7.3.1 Environmental Roundtable Meetings

Environmental roundtable meetings were initiated in order to bring environmental concerns into the spotlight early in the study and to find the best ways to address them. The purpose of the roundtables was to encourage discussion, develop a common knowledge base, and provide input on topics to be addressed during the study. Environmental advocates, agency and port representatives, and other concerned environmental professionals met about every six weeks to address local and regional environmental considerations associated with the study. The first roundtable met on February 22, 1996, and 17 meetings have occurred since that time. A summary of the topics of each environmental roundtable are listed below:

- ◆ **Roundtable 1 – February 22, 1996**
 - The need for environmental roundtable meetings
 - Relationship between the Columbia River Channel Improvement study and the Dredged Material Management study
 - Status and schedules for the studies
 - Relationship between the Corps and port sponsors
 - Corps relationship with other agencies and the National Estuary Plan

- ◆ **Roundtable 2 – April 4, 1996**
 - Review of Roundtable 1
 - Comparison of alternatives

- ◆ **Roundtable 3 – May 16, 1996**
 - Presentation by Northwest Environmental Advocates
 - Habitat loss issues

- ◆ **Roundtable 4 – June 27, 1996**
 - Ecosystem restoration

- ◆ **Roundtable 5 – August 9, 1996**
 - Ecosystem restoration
 - Oregon Environmental Council presentation on sediment toxicity

- ◆ **Roundtable 6 – September 19, 1996**
 - Regroup and reassess where we are

- ◆ **Roundtable 7 – October 30, 1996**
 - Lower Columbia River sediment transport

- ◆ **Roundtable 8 – December 12, 1996**
 - Up-coming public workshops

- ◆ **Roundtable 9 – March 6, 1997**
 - Survey of roundtable interest
 - Open discussion

- ◆ **Roundtable 10 – April 17, 1997**
 - Astoria workshop
 - Presentation by Salmon for All
 - Discussion on siting new off-shore disposal site

- ◆ **Roundtable 11 – May 29, 1997**
 - Ship wake erosion
 - The job of a Columbia River pilot
 - Questions and answers about ship wake erosion

- ◆ **Roundtable 12 – July 17, 1996**
 - Presentation of sediment sampling plan

- ◆ **Roundtable 13 – September 12, 1997**
 - Explanation of economic studies
 - National vs. regional benefits
 - With- and without-project conditions
 - Corps benefit calculations

- ◆ **Roundtable 14 – November 19, 1997**
 - Review of the Dredge Material Management Study

- ◆ **Roundtable 15 – January 15 and February 5, 1998**
 - Results of sediment quality sampling

- ◆ **Roundtable 16 – March 24, 1998**
 - Study updates on the Columbia River Channel Improvement study and the Dredged Material Management study
 - Proposed navigation channel maintenance action near Puget Island and discussion of alternatives

- ◆ **Roundtable 17 – June 4, 1998**
 - Discussion of the mitigation plan

7.3.2 Ecosystem Restoration Workshops

In September 1997, the port sponsors requested the Corps to develop a scope, schedule and cost estimate for a potential ecosystem restoration component to be included in the on-going feasibility study. The Corps conducted two ecosystem restoration workshops in response to this request. Agencies participating in the workshops included the NMFS, FWS, ODFW, EPA, ODEQ, WDOE, and the WDFW. As a result of the workshops, several restoration components were added to the feasibility study. These include tide gate improvements to provide fish passage; removal of dredge material at Hump-Fisher and Walker-Lord Islands for improving juvenile salmonid use; and restoring a hydraulic connection between the Columbia River and Shillapoo Lake.

7.3.3 Ocean Dredged Material Disposal Site Technical Working Group

The purpose of this technical working group was to assist in identifying new candidate ocean disposal sites for the MCR project, maintenance of the navigation channel, and proposed channel improvements. Hosted by the Corps and EPA, agencies and stakeholders participating in the working group included the NMFS, FWS, ODFW, DOE, WDFW, the sponsoring ports, and local fishing organizations. Nine workshops were held, as well as interviews with local fishers in Astoria. Meeting notes from the work group meetings are contained in Appendix H, *Columbia River Ocean Dredged Material Disposal Sites* (Volume 2). The meetings were held in Portland and Astoria, Oregon on the following dates:

July 10, 1997
July 23, 1997
August 20, 1997
October 1-2, 1997
October 8, 1997
October 23-23, 1997
February 19, 1998
August 19, 1998
March 14, 1999
May 12, 1999

7.3.4 Reach Meetings with Resource Agencies

The purpose of these meetings was to keep the resource agencies informed about the progress and assumptions being evaluated early on in the feasibility study. The river was divided into seven reaches and meetings were held monthly for seven months. Disposal quantities, locations, and potential impacts were discussed at each meeting.

7.3.5 Salinity Workshops

Three salinity workshops were held to determine the effects of channel improvement on the salinity in the estuary and the subsequent impacts to estuarine organisms. Agencies participating included the NMFS, USFWS, ODFW, EPA, ODEQ, and the WDFW. The Corps' Waterways Experiment Station was contracted to run a numerical model that predicted changes in salinity in the estuary. The Corps also contracted with a biological consultant to assist in evaluating the biological impact as a result of the physical change in salinity. Minutes from the workshops are included in Appendix F, *Salinity Intrusion Studies*.

7.3.6 Sediment Quality Technical Group

A group of scientists were brought together from the Corps, EPA, ODEQ, and the WDOE to assist in developing the sediment sampling plan on the Columbia and Willamette Rivers. This group evaluated the results of the sediment sampling and commented on where and to what extent further studies should be undertaken.

7.3.7 Wildlife Mitigation Interagency Technical Work Group

The two-fold purpose of this work group was to document wildlife habitat losses associated with project implementation and to develop a mitigation plan to offset identified losses. Agencies participating included the USFWS, ODFW, WDFW and the WDOE. As of April 1998, this group has completed 12 meetings. The USFWS Habitat Evaluation Procedures were the basis for determining habitat losses and gains for nine target species/groups at 17 disposal locations and 9 potential mitigation sites. Conceptual management plans and associated implementation, operations and maintenance costs were developed for each potential mitigation site. Mitigation plans were directed toward establishment and recovery of riparian forest, development and recovery of wetland habitat, and provision of foraging habitat for wintering Canada geese.

7.4 Compliance with Environmental Laws and Executive Orders

7.4.1 Clean Air Act of 1970, as Amended

The Clean Air Act establishes a comprehensive program for improving and maintaining air quality throughout the United States. Its goals are achieved through permitting of stationary sources, restricting the emission of toxic substances from stationary and mobile sources, and establishing National Ambient Air Quality Standards. Title IV of the act includes provisions for complying with noise pollution standards. As discussed in Section 6.8.2, the alternatives would not likely increase particulate matter in the lower Columbia River area above acceptable threshold levels. Noise created by dredge operations would not exceed current industrial and maintenance dredging noise levels. Overall, as required by the Federal Facilities Compliance Act, this project conforms to all applicable federal and state air quality requirements.

7.4.2 Clean Water Act of 1977, as Amended

Water Quality Certification has been requested from the States of Oregon and Washington for all potential new in-water fill actions in conformance with the requirements of the Clean Water Act. A Section 404(b)(1) Evaluation has been prepared to address proposed in-water disposal actions and is included as Exhibit E.

7.4.3 Coastal Zone Management Act of 1972, as Amended

A federal "Determination of Consistency" for this project has been prepared for actions in or affecting the coastal zone of the States of Oregon and Washington, and is included in Exhibit F. The States of Oregon and Washington will be requested to concur with the determination regarding compliance with their respective state coastal management programs and local land use plans.

7.4.4 Comprehensive Environmental Response, Compensation, & Liability Act

Provisions for evaluation and cleanup of hazardous, toxic and radioactive wastes (HTRW) are included in this act. In general, dredged material and sediments beneath navigable waters proposed for dredging qualify as HTRW only if they are within the boundaries of a site designated by EPA or the state for a response action or if they are part of a National Priority List site under CERCLA. No HTRW sites have been identified. All sediments have been evaluated for suitability for disposal under the guidelines established by Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. All requirements under this act have been met.

7.4.5 Endangered Species Act of 1973, as Amended

The FWS and NMFS have been consulted regarding fish and wildlife species listed and proposed to be listed under the ESA. Biological Assessments have been prepared and forwarded to the FWS and NMFS to address species and habitat impacts where applicable. Concurrence with the assessments that listed species would not be adversely affected is anticipated. Information pertaining to listed species is being coordinated with the FWS

and NMFS. The Biological Assessment for wildlife and plants is found in Exhibit G to this report, and the Biological Assessment for fisheries is in Exhibit H.

7.4.6 Estuary Protection Act

The purpose of the Estuary Protection Act is to establish a program to protect, conserve and restore estuaries. The act does not affect an agency's authority for existing programs within an estuary. The Columbia River is designated as a Deep Draft Development Estuary within Oregon's Estuary Management System. This designation seeks to protect the integrity of the estuary's natural resources while recognizing and allowing for deep-draft port development. The channel improvement project complies with the act.

7.4.7 Fishery Conservation and Management Act of 1976

Law 99-659, Section 104, amended Section 302 of the 1976 act to require all federal agencies to respond within 45 days to comments and recommendations made by the Regional Fishery Management Council relative to the impacts a federal activity have on fishery resources under the Council's jurisdiction. The Pacific Fisheries Management Council has been provided a copy of the draft feasibility report with integrated EIS for review. Their comments on the impacts of the proposed action will be incorporated into the final document. All requirements of the act will be met.

7.4.8 Fish and Wildlife Coordination Act

This final report and integrated EIS has been coordinated with federal and state resource agencies and complies with the act as required. The FWS's *Final Fish and Wildlife Coordination Act Report* is located in Exhibit C, and Corps responses to the recommendations follow the report.

7.4.9 Marine Mammal Protection Act of 1972

This act is the principal U.S. statute for conserving and protecting marine mammals. The alternatives described in this report are not likely to adversely impact marine mammals. Dredging and disposal actions are localized in nature and of short duration at any specific location. Therefore, marine mammals can avoid these work areas. Impacts to prey resources are expected to be ephemeral. No work is occurring near haulout or pupping areas. Sediments have been evaluated for contaminants; contaminated sediments would be disposed of in a manner consistent with the requirements of the Clean Water Act and the Ocean Dumping Act. Therefore, introduction of contaminants into the marine system is not anticipated nor are contaminant impacts to marine mammals expected.

7.4.10 Marine Protection Research and Sanctuaries Act of 1972, as Amended

All proposed actions have fully considered the requirements of this act. Ocean disposal would occur only at EPA-designated or approved Section 103 sites. Region 10 of the EPA is a cooperating agency for this action. Detailed discussion of the ocean disposal site selection process is included in Appendix H. A Section 103 Evaluation has been prepared for disposal of dredged material from existing federal navigation channels and the

proposed 43-foot channel at the proposed new sites. This evaluation is included as Exhibit D to this report. This final report and EIS will be adopted by the EPA as supporting documentation for site designation.

7.4.11 Migratory Bird Conservation Act

This act authorized a national system of waterfowl refuges. The act provided the Federal Government the authority to acquire lands with the consent the affected states, for migratory bird refuges. The alternatives described in this report would have no bearing on the Migratory Bird Conservation Act or implementation of provisions of the act.

7.4.12 Migratory Bird Treaty Act (1918)

This act represents congressional ratification of the 1916 Migratory Bird Treaty with Canada. Similar treaties were later established with Mexico, Japan, and the USSR. These treaties provide, in part, protection of songbirds, prohibits traffic in all wild migratory birds and establish management of migratory game birds. The alternatives described in this report should not result in the take or loss of migratory birds.

7.4.13 Submerged Lands Act of 1953

This act confirms and establishes titles to the states to lands beneath navigable waters within the state boundaries and to the natural resources within such lands and waters. It also confirms the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of state boundaries. The proposed project, including disposal of dredged material, is considered a suitable activity under the Oregon Estuary Management Plan. Further discussion of the jurisdiction of the States of Oregon and Washington is included under the Coastal Zone Management Act requirements.

7.4.14 Cultural Resources Acts

Cultural resources investigations and literature search have been conducted with a preliminary determination that no resources would be affected or can be avoided. The results of the investigation are documented in the report and we are awaiting Section 106 review from the Oregon and Washington State Historic Preservation Offices. The proposed actions will meet the requirements of pertinent cultural resources acts.

7.4.15 Analysis of Impacts on Prime and Unique Farmlands, CEQ Memorandum, 1976

A detailed evaluation of the effect of the proposed project on prime and unique farmlands is discussed in Section 6.8.2.4, *Prime and Unique Farmlands*, of the EIS. The proposed project would conform to the requirements of this executive order.

7.4.16 Executive Order 11990, Protection of Wetlands, 24 May 1977

A comprehensive screening process was conducted for all potential disposal sites to avoid or minimize effects on important habitat, including wetlands. Any wetland sites affected

by disposal were considered unavoidable. A detailed evaluation of the effects of the proposed project on wetland areas is discussed in Section 6.10, *Mitigation*, of the EIS. The proposed project would conform to the requirements of this executive order.

7.4.17 Executive Order 11988, Floodplain Management, 24 May 1977

The proposed project and changes in disposal practices would have no effect on the floodplain or flood levels.

7.4.18 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 11 February 1994

The overall purpose of the order is to avoid disproportionately high imposition of any adverse environmental or economic impacts on minority or low-income populations. All NEPA environmental analyses must include an evaluation of effects on minority and low income communities. No identified minority or low-income populations would be adversely affected by the proposed project.

7.5 Other Related Programs

7.5.1 Northwest Power Planning Council Fish and Wildlife Program

The Northwest Power Planning Council's Fish and Wildlife Program was developed to "...protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat on the Columbia River and its tributaries...affected by the development, operation and management of [hydroelectric projects] while assuring the Pacific Northwest an adequate, efficient, and reliable power supply." Although the focus of program goals is related to the Columbia River hydropower system, there are some goals that are connected to lower river and estuary actions. Specific goals affected by the proposed channel improvement include habitat enhancement and reduction of avian predation in the estuary. The proposed ecosystem restoration actions in this study provide enhanced habitat conditions for anadromous fish species. The Corps also has been actively involved in efforts to reduce Caspian tern predation of juvenile salmonids in the estuary.

7.5.2 Lower Columbia River Estuary Program

The Lower Columbia River Estuary program is a joint venture between the states of Oregon, Washington, and the EPA to prepare a management plan for the lower Columbia River. Its purpose is to preserve and enhance the water quality of the estuary to support biological and human communities. The management plan has identified 43 actions related to protection and enhancement of habitat and water quality of the lower river. The Corps has participated on the management committee in development of the recommended actions. The recommendations of this report and EIS recognize and are supportive of their management plan.

