

Planning, Programs and Project
Management Division

Russell J. Harding, Ph.D.
Columbia River Coordinator
Standards and Assessments Section
Oregon Department of Environmental Quality
Water Quality Division
811 S.W. Sixth Avenue
Portland, OR 97204-1390

Dear Dr. Harding:

The U.S. Army Corps of Engineers, Portland District, proposes to perform work in navigable waters within the State of Oregon under the provisions of Section 404 of the Clean Water Act (CWA). We are hereby requesting water quality certification under Section 401 of the CWA. Our Section 404(b)(1) analysis is enclosed.

The proposed action is to deepen the Columbia River Federal Navigation Channel from its current authorized 40-foot depth to a maximum depth of 43 feet based on the recommendations in the *Final Integrated Feasibility Report for Channel Improvements and Environmental Impact Statement* dated August 1999 and the *Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement* dated July 2002. The proposed action involves both dredging and disposal within the state as described in the attached application.

Representatives of the Corps of Engineers and the Oregon Departments of Environmental Quality and Land Conservation and Development met July 24, 2002 on continuing discussion of processes for water quality certification and coastal zone consistency for the Columbia River Channel Improvements Project. During this meeting, issues were raised regarding local land use provisions and the applicability of the state fill/removal law.

The application includes information on local land use plans and implementing regulations. This information (Item 9) has been prepared and provided by the sponsor ports as part of their responsibilities as project sponsor. The position of the Corps of Engineers is that the federal channel improvements project is not subject to the state fill/removal law. We are currently engaged in discussion with the State Department of Justice regarding this issue.

For questions or information regarding this application please contact Mr. Bob Willis at (503) 808-4760.

Sincerely,

Signed: 4 September 2002

Richard W. Hobernicht
Colonel, Corps of Engineers
District Engineer

Enclosures

Enclosure 1

