Planning, Programs and Project Management Division (1165-2-26a)

June 2, 2003

Lindsay Ball
Director
Oregon Department of Fish and Wildlife
PO Box 257
Portland, Oregon 97204

Dear Mr. Ball:

This letter responds to the March 3, 2003 Oregon Department of Fish and Wildlife correspondence commenting on the Final Supplemental Integrated Feasibility Report and Environmental Impact Statement (Final SEIS) for the Columbia River Channel Improvement Project (see Enclosure). Since ODFW wrote this letter, Corps and ODFW staff have met frequently to exchange information and discuss the issues raised in this letter. The purpose of this letter is to document specific points contained in your March 3, 2003 letter as well as document understandings from follow-up meetings between members of our respective staffs.

A copy of this letter is being sent to Tom Byler, Governor's Office, Water Policy Advisor, and Governor's Natural Resource Office, 900 Court Street, Suite 160, Salem, Oregon 97301-4047.

Please contact Mr. Robert E. Willis, Chief, Environmental Resource Branch at (503) 808-4760 if you have any questions or require any additional information.

Sincerely,
/s/

Davis G. Moriuchi
Deputy District Engineer for
Project Management

Enclosure

Enclosure

Before addressing the specifics of the letter we also want to note for the record that the Corps was quite surprised that the March 3 letter appeared to be a slightly edited version of ODFW's January 15, 2003 letter that did not reflect discussions between our two agencies on October 31, November 13 and November 14, 2002.

We address specific issues below as identified by ODFW.

Timing Issues: Through the ESA consultation process, the following in-water timing restrictions have been agreed to by both NOAA Fisheries and US Fish and Wildlife Service as protective of aquatic resources. These restrictions, in conjunction with the best management practices (as described in the Biological Assessment and Opinions) for dredging and disposal, minimize impacts to species of concern including state species of concern.

Dredging Timing

Construction Features	**Type of Dredging**	**Timing**
Navigation channel, including overdepth and overwidth dredging at depths greater than 20 feet	Hopper Pipeline Mechanical excavation	No timing windows No timing windows No timing windows
Turning basins at depths greater than 20 feet	Hopper Pipeline	No timing windows No timing windows
Rock removal with blasting	Mechanical excavation	November 1 to February 28
Rock removal at depths greater than 20 feet	Mechanical excavation	No timing windows
Berths	Mechanical excavation	November 1 to February 28
Ecosystem Restoration Features		
Lois Island Embayment Habitat Restoration	Mechanical excavation Pipeline Hopper	No timing window for material placed in the temporary construction sump at CRM 18-20. Pipeline removal of material from the temporary construction sump and placement at the restoration site will occur in the November 1 to February 28 in-water work window.
Purple Loosestrife Control Program	No dredging required	July 1 – Oct 31 (represents application timeframe)
Miller/Pillar Habitat Restoration	Pipeline	No timing windows
Tenasillahe Island	Mechanical	July 1 – September 15

Interim Restoration[1] (Tidegate/Inlet Improvements)	excavation	
Tidegate Retrofits for Salmonid Passage	Mechanical excavation	July 1 – September 15
Walker/Lord and Hump/Fisher Islands Improved Embayment Circulation	Mechanical excavation	July 1 – September 15
Cottonwood/Howard Island Proposal[2] Columbian White-Tailed Deer Introduction	Not Applicable (No dredging required)	No timing window
Tenasillahe Island Long-Term Restorations[3] (Dike Breach)	Mechanical excavation	July 1 – September 15
Bachelor Slough Restoration[4]	Pipeline	July 1 – September 15
Shillapoo Lake Restoration[5]	Mechanical excavation	July 1 – Sept 15 (in-water work only); balance of work behind flood control levees and thus no timing window
Mitigation Action		
Martin Island Embayment	Pipeline	No timing window

All flowlane disposal, as mentioned in your comment, is typically done in the channel or channel margins in water depths of 50-65 feet. No timing restrictions are used for maintenance dredging. The reason for the ongoing exclusion from the in-water work period for the channel work is that it occurs at a depth below 20 feet, which is below the depth that juvenile salmon commonly migrate.

As long as the dredge discharge is kept below 20 feet, impacts are expected to be minimal. Flow lane disposal in off-channel areas that are as deep or deeper than the main channel should also have a minimal effect on salmon. Studies conducted to date have been used to develop the restrictions in the above table. Additional research on sturgeon will be used to manage disposal operations to minimize impact to sturgeon and their habitat, including potential scheduling of disposal operations. Additional information regarding entrainment of crab during dredging operations has been incorporated into the Final SEIS, Exhibit K-4. This information confirms that the impacts to crab should be small.

As proposed in the Final SEIS, the temporary sump adjacent to the navigation channel near Tongue Point will be used for only two years while the restoration action is completed. This sump encompasses approximately 145 acres located within 600 feet of the navigation channel in typical water depths of 45-65 feet. Following the construction of the ecosystem restoration

feature, the temporary sump will be returned to its original depth and allowed to recover naturally. After recovery, it will provide the same habitat value it provides today.. Our observations indicate that the majority of the sturgeon fishing activity at Tongue Point occurs south of the proposed temporary sump. We have further discussed this observation with John North of your staff who agreed with this general observation.

Your letter states the exact information on euchalon (smelt) that we included in the Final SEIS, Volume 2, Exhibit K-2, page 3, with no comment on how we used these recommendations on page 1 of the same citation. The final recommendation for euchalon (smelt) included in the Final SEIS was provided by your staff and agreed to by the Corps.

Off-Shore Disposal Issues: This specific issue has been addressed at a number of interagency meetings. Our specific comments to ODFW's concerns are presented in responses to comments Numbers S-12 through S-30 in *Volume 4, Comment Letters on the Draft SEIS and Corps Responses, CRCIP, Final Supplemental Integrated Feasibility Report and Environmental Impact Statement*. It is important to note that the Environmental Protection Agency is the federal agency that will be designating the ocean disposal sites and that EPA was directly involved in preparing the responses to ODFW's comments.

The Corps' preferred alternative would not use offshore disposal for CRCIP dredged material for construction and the first 20 years of maintenance, provided the ecosystem restoration features at Lois Island (construction material) and Miller-Pillar plus traditional estuarine disposal sites are used (for project maintenance material). The Mouth of the Columbia River Project (MCR) is a separate project and material from MCR would still be placed offshore in designated disposal sites. The Corps disagrees with your characterization of the baseline date the Deep Water ocean disposal site

Proposed Restoration/DMD Sites: It was the Corps understanding, based upon discussions of these restoration sites on October 31 and November 13-14, 2002., that ODFW concerns had been resolved. Specifically, the reduction in the acreage and modified habitat objective at Lois Island embayment were acceptable to ODFW. ODFW staff assured us that the area would still provide for adequate site use by commercial fishermen using the Tongue Point Select Area Fishery. Further, the proposed habitat modification, to now feature tidal marsh habitat, was viewed by ODFW staff as a positive development with a high probability of success given that the Corps would utilize existing tidal marsh habitat elevation as the target level for placement of fill material.

ODFW's letter stated that placement of fill in the Miller-Pillar restoration site would essentially unite Miller Sands and Rice Island. We now believe that ODFW understands that this was not the case based upon discussion of this restoration concept during our recent meetings.

Your letter purports that the Miller-Pillar restoration proposal would result in the addition of dredged material to Miller Sand and Rice Islands. The restoration area is clearly upstream of Miller Sands Island and several river miles from Rice Island and entails tidal marsh habitat development that would not support nesting Caspian terns. Further, the addition of dredged material to Miller Sands Spit, Rice Island and/or Pillar Rock, which would occur during

operation and maintenance of the navigation channel would not exacerbate the bird predation issue. There is far more potential Caspian tern nesting habitat already available in the estuary than the species could possibly use under existing conditions. Further the footprints of these islands will not be expanded. The Corps has been a principal partner in the development and continued maintenance of Caspian tern nesting habitat at East Sand Island where the nesting colony has been successfully relocated.

The issue of Miller-Pillar as an impediment to river circulation into Cathlamet Bay was also discussed with ODFW. It was our understanding that this concern was resolved with the mutual conclusion that the proposed restoration feature did not significantly alter flow into Cathlamet Bay. More detailed information is provided in comment and response S-8 in Volume 4, Comment Letters on the Draft SEIS and Corps Responses. Your letter provides no factual basis for your belief that prior circulation studies are inadequate to demonstrate that flow in Cathlamet Bay will be adversely affected by this proposal.

Your letter expressed concern regarding the need for pile dikes at Miller-Pillar and further stated that they were more an action by the Corps to control sediment in the navigation channel than to provide for improved fish and wildlife habitat. The assertion is incorrect. The site is an erosive area as demonstrated by bathymetric data over time. To hold material in place, current action would have to be lessened, thus the placement of pile dikes. The original habitat objective for the site was restoration to the historic shallow subtidal bathymetry that formerly characterized the site. However, in response to comments by others regarding the abundance of shallow water habitat and the significant historic reduction in tidal marsh habitat in the Columbia River estuary, the Corps has proposed revision of the objective to presently feature intertidal marsh habitat. This revised objective would mirror a natural tidal marsh habitat feature that currently abuts the downstream portion of the proposed restoration area and that would serve as an elevation guide for the tidal marsh and flats development at Miller-Pillar.

The original Lois Island embayment proposal was intended to restore the historic bathymetry (intertidal flats, shallow subtidal) of the estuary at this location. In other words, Lois Island embayment is an artificial habitat, the result of dredging actions that formed the embayment for moorage of WWII era ships and created Lois and Mott Islands. The objective at Lois Island embayment has subsequently been modified to target tidal marsh development due to comments received regarding the propensity of shallow water habitat and the lack of tidal marsh habitat in the estuary.

Subsequent conversations have provided information that suggests that the Lois Mott proposal should have less impact to the terminal fishery than assumed in the Final SEIS. Specifically, ODFW staff has indicated that the spring Chinook release has been reduced to experimental levels for three years because of straying problems that result in intermingling of hatchery and ESA listed wild stocks. Absent the resolution of the straying issue, spring Chinook would no longer be released for the Tongue Point SAF. Additionally, the Bonneville Power Administration has indicated that funding for the entire program has been held to the 2002 funding level and future funding is contingent upon further review in 2004. A more detailed review of the BPA SAFE is attached.

With regard to the likelihood of Lois Mott and Miller Pillar accomplishing their objectives, there are a number of examples of tidal marsh habitat development on dredged material in the estuary and adjacent to each of these features. Fringing tidal marsh habitat at Lois Island, Mott Island, South Tongue Point, Miller Sands Spit and Pillar Rock Island are a few examples. The key factor for tidal marsh establishment is substrate elevation, which can be determined from existing tidal marsh habitat via survey. In addition, the Corps and federal resource agencies have developed pre and post construction monitoring protocols to evaluate performance and to make modifications, if necessary.

We have been in discussions with Oregon and Washington regarding creation of a bi-state adaptive management process for resolution of issues relating to water quality and coastal zone consistency. Through that process, we hope that we can better communicate with Oregon agencies and be assured of a clear state position on issues of mutual concern.