

**Peter Huhtala  
Executive Director  
Columbia Deepening Opposition Group  
PO Box 682  
Astoria, Oregon 97103**

US Army Corps of Engineers  
Attn: Robert Willis  
CENWP-EM-E (CRCIP)  
PO Box 2946  
Portland, Oregon 97208-2946

February 28, 2003

**Comments on the Columbia River Navigation Improvement Project FSEIS**

Dear Mr. Willis,

Thank you for the opportunity to comment on this proposed public works project. Columbia Deepening Opposition Group (CDOG) has commented numerous times since 1999 regarding numerous aspects of the channel deepening proposal. Unfortunately the concerns that we have previously raised are not addressed by any changes offered in the Final Supplemental Environmental Impact Statement (FSEIS). **I am compelled to recommend that you withdraw this project from consideration for a Record of Decision at this time.**

I won't go into extended detail in this letter; instead I refer you back to comments on the Draft Supplemental Environmental Impact Statement (DSEIS), especially those submitted by the Lower Columbia River Estuary Partnership (LCREP), the Columbia River Estuary Study Taskforce (CREST), the Columbia River Crab Fisherman's Association, Northwest Environmental Advocates, American Rivers, Columbia River Inter-Tribal Fish Commission, Columbia River Alliance for Nurturing the Environment, the Pacific Fishery Management Council, and CDOG.

There are a few points of interest that I will offer. For example, it appears that the Corps chose to ignore the comments offered by the Technical Review Panel on Benefits. Useful ideas derived from this Corps-contracted panel. While you might argue that the letter of your charge insulates you from considering the reality of decision-making on the part of shippers and the market understanding that could come with studying the relationship between regional ports, these suggestions were made in good faith. **It would seem to me worthwhile to utilize the best evaluation tools possible, rather than the minimum that might be acceptable, in offering a recommendation to Congress and the American people regarding such a substantial investment.**

It is distressing that the FSEIS continues the tact of the DSEIS toward dependence on in-water disposal in the lower 46 miles in the estuary. This includes never-before-used

flowlane sites in deeper water. The disposal of at least 4 million cubic yards of sediment at the sump off Tongue Point and later pumping of this sand to the in-water site at Lois Island Embayment are acknowledged actions that would have at least temporary adverse impacts on aquatic life. Similarly, the construction of the Miller-Pillar pile dike field and the disposal of dredged material over a number of years are also acknowledged to have adverse consequences. **Even if the major negative impacts of flowlane and other in-water disposal options are of relative short duration, as stated in the FSEIS, the fact is that such activities will continue to be repeated regularly based on the offered plan for maintaining the deepened channel.** This proposal does not avoid or minimize such impacts, nor is compensatory mitigation offered. Based on the analysis in the FSEIS, not only should this channel deepening plan be rejected, but mitigation must be required for current channel maintenance activities.

**Lack of coordination with affected local communities and stakeholders has been an unfortunate hallmark of this project.** This is evident in the lack of understanding displayed by the Corps in regard to how the fisheries at Lois Island Embayment are prosecuted. The FSEIS makes unsubstantiated claims of exaggerated minimization on salmon fishing grounds at both locations, without even exploring the length and direction of drifts used by the commercial fishers. In fact, construction at Miller-Pillar would wipe out the historic drifts of over a dozen families. At Lois Island Embayment hundreds of fishers would be unable to work in the area after the proposed fill was in place. Again, no consideration was given for the techniques and locations of fishing effort at this location.

The Clatsop County Economic Development Council fisheries project at Lois Island Embayment would most likely be lost if this plan proceeds. If instead the fisheries project were expanded, several million dollars per year could be expected to bolster the local economy, and many millions more would be returned to other coastal communities through increased availability of ocean-caught salmon – especially when applying the appropriate multipliers to yield the broader value of ex-vessel landings. **Even though the District claims they do not need to look at changes to local employment as a result of a proposed action, the reality is that significant impact to the human environment is being overlooked. Coordination with local governments could have made this problem clear at an earlier date.**

I should offer some additional clarification to the CDOG comments to the DSEIS regarding river lamprey of the Columbia River. During the summer of 2002 Oregon listed the river lamprey (*lampetra ayresi*) as a Protected Species. This species is closely associated with shipping channels and specimens are found in dredge spoils along the Fraser River in British Columbia (see: *Kostow, Kathryn. Oregon Lampreys: Natural History Status and Analysis of Management Issues. ODFW, 2002*). River lamprey were discovered in smolt traps at the mouth of Chinook River during 2002, so we know that they are present in the Columbia River estuary. What we don't have is a Corps plan to minimize impacts on this species during dredging and disposal actions.

**Perhaps more than any other Corps Civil Works construction project now under consideration, the Columbia River Channel Improvement Project epitomizes the need for true independent review of large and controversial proposals.** I realize that the Portland District has many years invested in trying to make this work. It doesn't. Rather than acting as a broker on behalf of special interests, the Corps should consider offering a forthright analysis for the citizens of this country.

I must raise one additional issue of concern. The Portland District has worked closely with project sponsors, including the Port of Portland, in developing this proposal. In fact, the Port of Portland facilitated public hearings on the DSEIS in Vancouver, Washington. The attached letter discusses some of my concerns about these hearings. This letter of August 2, 2002, was addressed to Colonel Richard Hobernicht and titled "Comments on the Columbia River Navigation Improvement Project SEIS." **This letter was not included in the record published with the FSEIS, although it was provided within the comment period.**

In a similar regard there have been recent communications and meetings involving the Portland District, the Port of Portland and proponents with the Washington Department of Ecology, nearly a month-and-a-half after the state agency closed their comment period on Coastal Zone Management Act consistency and compliance with the Clean Water Act under Section 401. **Such behind-closed-door activities are at best suspect and may be construed to be improper if not illegal.**

Again I suggest that the Corps take the dignified and courageous act of recommending against this project. The economic justification is unsupported in the real world of modern shipping. The harm to the estuary ecosystem is all too substantial. And the inequity of imposing an environmental and economic burden on estuary is unacceptable.

Thank you for carefully considering these comments, and for returning to the previously referenced comments for proper consideration.

Sincerely,

Peter Huhtala  
Executive Director

Enclosure

**Peter Huhtala  
Executive Director  
Columbia Deepening Opposition Group  
PO Box 682  
Astoria, Oregon 97103**

Colonel Richard Hobernicht  
District Commander, USACE-Portland  
Attn: CENWP-PM-F (CRCIP)  
PO Box 2946  
Portland, Oregon 97208-2946

August 2, 2002

**Comments on the Columbia River Navigation Improvement Project SEIS**

Dear Colonel Hobernicht,

I am writing to express urgent concerns about the public process, under the National Environmental Policy Act (NEPA), that the Corps presently offers for this Supplemental Environmental Impact Statement (SEIS).

As you are aware, I delivered oral testimony at the first of two public hearings held in Vancouver, Washington, on July 31, 2002, regarding the channel deepening SEIS, which had just been published on July 12, 2002. In the announcement on the Portland District Corps of Engineers website and in news stories it was clear that two hearings would be held on July 31 in Vancouver: the first from 3 pm until 5 pm and the second from 6 pm until 9 pm.

Open houses were held before each hearing and you and your project manager, Laura Hicks, twice made opening statements and presented slideshow overviews advocating the proposed project, before receiving public testimony.

I made the reasonable assumption that I could arrange my time to attend both hearings and that I would have the opportunity to offer five minutes of oral testimony at each hearing. However, after I signed up to testify at the second hearing you informed me that I would not be allowed to speak into the record at that venue.

When I requested clarification you explained that the Corps considered the hearings as two sessions of one hearing. I made it clear that I disagreed, for the reasons stated above. You then told me that another individual had asked Ms. Hicks if they would be permitted to testify at the second hearing if they had already testified at the first. You informed me that the Corps had already denied this individual the opportunity that I now expected.

I sympathize with your interest in equitable treatment for the person who you had denied a chance to testify at each hearing. It wouldn't seem fair to this person if you treated me differently, even though I filled out the oral testimony form in good faith, as I had at the earlier hearing. The reality is that both of us should have been allowed to add to the record at the second hearing.

While I realize that I can submit written comments for your review, the delivery of oral testimony benefits members of the public as well as the Corps. I know that I learn a lot, and come to appreciate views of other individuals and organizations, by listening to testimony delivered at public hearings. This is an excellent way to help shape public debate under NEPA and perhaps even coalesce towards consensus.

Decisions that you and Ms. Hicks made on July 31 may have tainted the NEPA process. I certainly mean no disrespect, but an outside observer might construe this to be an unfair slanting of the process, especially when the record shows that my views were in the extreme minority at the earlier hearing. Those attending the second hearing were almost entirely a new group, many of whom were sympathetic to what I had to share and were denied the opportunity to hear what I might have said. They were also denied the chance to hear the views of the other individual who was refused audience.

This incident calls into question the ability of the District to conduct a fair and impartial NEPA-mandated public process. Perhaps the situation could be improved if the hearings were not facilitated by the primary local sponsor (the Port of Portland). This troubles me enough to suggest the need for a neutral, professional organization to facilitate future hearings. **The District should issue a request for proposals, seeking facilitation for the remainder of the public NEPA process.**

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I also need to raise additional concerns about the SEIS comment period, location of hearings, and utilization of comments for internal review purposes.

Two months is decidedly too short a period to examine complex documents for this controversial project. The revisions deriving from the limited evaluation review are significant. We will live with these decisions for decades to come. Many stakeholders, especially some directly impacted lower river fishermen, are unable to engage in this shoreside dialogue at this time. **I suggest an extension of time for comments on the draft SEIS, until December 12, 2002.** This may need to be longer due to time needed to engage neutral facilitators or because of other factors that will assist in superior decision-making.

The interest in this project has grown tremendously in Portland, Oregon, over the past year. It is vitally important to offer public hearings in Portland (not Vancouver). Interested parties in the metropolitan area should have adequate time to review the NEPA documents (certainly more than the slim two weeks prior to the Vancouver hearings). **I suggest providing 45 days notice before two hearings to be held in Portland. I also**

**suggest an additional November hearing, under similar notice, in Astoria, partly due to the current limited chance for fishermen involvement.**

Finally, I find it very odd that your internal benefit analysis and cost review panels are meeting so early in the comment period. It seems that it would be of value to allow the panelists access to public comments. This curious timing further diminishes the already low credibility of the review panel arrangement.

**The reasonable suggestion that I can offer is for the District to seek a complete, independent general evaluation review of the project's economic and environmental consequences,** as previously demanded by Northwest Environmental Advocates, American Rivers, Columbia Riverkeeper and others. This is the clear recommendation of the National Academy of Sciences for large Corps projects and is consistent with the expressed view of many distinguished members of Congress.

Thank you for your careful consideration of these concerns and suggestions. I look forward to working with you as you strive for excellence at the Portland District of the US Army Corps of Engineers.

Respectfully,

Peter Huhtala  
Executive Director