

**THEODORE R. KULONGOSKI**  
GOVERNOR



March 3, 2003

US Army Corps of Engineers, Portland District  
CENWP-PM-E Attn: Robert Willis  
PO Box 2946  
Portland OR 97208-2946

Port of Longview  
Attn: Judy Grigg  
PO Box 1258  
Longview WA 98632-7739

Dear Mr. Willis and Ms. Grigg:

Thank you for the opportunity to comment on the *Final Supplemental Integrated Feasibility Report and Environmental Impact Statement* for the Lower Columbia River Channel Improvement Project (FSEIS).

Oregon recognizes the importance of the Columbia River navigation channel to the economic health of the state and the region. Many growers and manufacturers in this region depend on the Columbia River channel as an affordable means to reach global markets. The FSEIS indicates that deepening the channel will provide important benefits to Oregon and the regional economy. We urge the Corps to ensure the proposed project strikes an acceptable balance between the economic benefits and the ecological health of the Lower Columbia River estuary and ocean environment.

We appreciate the effort the Corps and Ports have made to address the concerns of our state agencies in the FSEIS. Several issues have not been adequately addressed, and I have enclosed the state agency comments specifying those concerns. The Department of Environmental Quality (DEQ) and Department of Land Conservation and Development (DLCD) will not comment on the FSEIS due to their ongoing reviews of the project under the Clean Water Act and Coastal Zone Management Act.

Oregon agencies are prepared to work with the Corps to resolve remaining issues concerning the project.

Thank you again for the opportunity to comment on the FSEIS.

Sincerely,

James E. Brown  
Natural Resources Policy Director

JEB:sm  
Enclosure

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**COLUMBIA CHANNEL IMPROVEMENT PROJECT  
FSEIS COMMENTS  
OREGON DEPARTMENT OF FISH AND WILDLIFE**

The Oregon Department of Fish and Wildlife's (ODFW) Interjurisdictional Fisheries staff, Habitat Division, and Marine Resources Program have reviewed the US Army Corps of Engineers' (Corps) Final Supplemental Integrated Feasibility Report and Environmental Impact Statement for the Columbia River Channel Improvement Project (FSEIS). This letter serves as ODFW's response to the FSEIS concerning both river dredging and disposal options and ocean disposal issues.

The Department provided comments on the Draft Environmental Impact Statement (DEIS) through the State of Oregon's DEIS response in February 1999. ODFW also commented on the Final Environmental Impact Statement (FEIS) through the State of Oregon's FEIS response in November 1999. The Department commented on the Draft Supplemental Environmental Impact Statement (DSEIS) through the State of Oregon's DSEIS response in September 2002. We continue to have comments and concerns relative to the project. This letter focuses on responses to ODFW's prior comments. ODFW's major points of concern with the project are offshore disposal site issues, timing, use of new sump areas, mitigation for offshore and estuarine impacts, and additional information needs. In addition, the Department continues to have serious concerns with two of the restoration/DMD sites proposed initially in the DSEIS and included in the FSEIS. Finally, ODFW believes that it is critical for state agencies to be involved with the adaptive management framework proposed by the Corps.

We appreciate that the Corps has addressed a number of issues raised in our prior comments including removal of all wetland dredged material disposal sites in Oregon and smelt sampling studies. However, ODFW continues to have a number of serious concerns with the proposal. We continue to be concerned that impacts to several of the important resources in the river have not been adequately addressed. While we support the work that has been done so far on sturgeon, ODFW believes there are still unanswered questions regarding the entrainment impacts on sturgeon mortality and disposal impacts on sturgeon rearing habitat. If the current telemetry study indicates that dredging and/or disposal would have adverse effects on these resources, ODFW requests that appropriate mitigation actions be developed including avoidance, minimization and compensation.

In addition, we continue to have serious concerns with the proposed offshore management of dredged material disposal (DMD). We summarize the ocean disposal issues below.

## State Endangered Species Act

In our prior comments on the DSEIS, the Department raised the issue of the Lower Columbia River coho listed as an endangered species under the State Endangered Species Act (ESA). The Corps analysis originally did not address coho. The Corps has added an additional section on the Lower Columbia River coho, which we believe, addresses consistency with the state ESA.

## Timing Issues

The Oregon Department of Fish and Wildlife has “Timing of In-Water Work to Protect Fish and Wildlife Resources” that permit applicants are typically required to adhere to by the regulatory agencies. Activities within the designated Columbia River navigation channel have usually not been required to meet the Department’s timing guidelines. The Corps however, is proposing a number of activities outside of the navigation channel including flow-lane disposal. Any activities outside of the navigation channel should be conducted within the Department’s timing guidelines. The in-water work timing for the Columbia River is November 1- February 28. The Department understands that the Corps will be continuing studies on sturgeon and crab in order to minimize the effects of dredging on these species. The results of these studies will need to result in timing of dredging operations that minimize impacts to these resources. The Department is particularly concerned with the proposal for a new sump site adjacent to the Tongue Point channel. This area is an important sturgeon area.

Our initial report on eulachon (smelt) indicated that “disposal is generally not a concern because in-water disposal sites are downstream of the lowest major eulachon spawning area.” Subsequent to issuance of the DSEIS it came to the Department’s attention that hopper dredge disposal of dredged material associated with the Columbia River Channel Improvement Project might occur in the channel within river mile reaches 51-56 and 59-61. This is adjacent to and immediately downstream of a reach identified as an important main stem spawning area (river mile 56-61) and a major spawning tributary – the Cowlitz River. We are concerned that larval eulachon survival may be reduced by an increase in suspended particles. The following recommendations for in-water disposal are based on findings from our 2001 eulachon study.

1. No in-water disposal should occur in areas shallower than 43 feet along the Washington shore between river mile 35 and 75. Eulachon were found to spawn throughout this area and this restriction will protect spawning habitat.
2. No in-water disposal should occur during the period of peak eulachon outmigration downstream from identified spawning areas (river miles 35-75). Peak eulachon outmigration in 2001 was April 2-18, but this varies in magnitude and duration among years. Since 1988, peak landings of adult eulachon have ranged from the 4<sup>th</sup> to the 16<sup>th</sup> week of the year, with most peaks falling between weeks 5 and 11. We

would expect peak outmigration to fall about four weeks after peak landings. Further analysis of historic data may better define the peak outmigration period.

3. If in-water disposal is essential during the period of peak outmigration further study is needed to estimate potential eulachon losses.

#### Off-Shore Disposal Issues

The Department does not object to offshore DMD disposal per se, however, we have concerns with the current proposal. The main issues with the proposed marine disposal are the excessive size of the site, the lack of sufficient biological baseline information as a foundation for management of the site, and the lack of site-specific Management and Monitoring Plans for the Deep Water Site and Shallow Water Site. Specific comments on the Corps responses are found below.

S13-16. The Corps has indicated that it does not intend to alter their decision on the size of the Deep Water Site, despite the availability of other ocean disposal options. We believe this decision is not validated by the justifications presented. The Corps argues that “*changes to the project do not reduce the necessity for conservatively sized ocean disposal sites.*” To put it more clearly, *disposal volume does not determine the size of the site.* However, using disposal volume to determine the size of the Deep Water Site was precisely how the Corps sized the site in the first place. Furthermore, the need to be conservative in sizing the disposal site has already been addressed by establishing a 3,000 foot-wide buffer zone around the disposal area. The creation of the buffer zone allows the internal disposal area to be sized to fit the volume of material. It stands to reason then, that if the volume of material is half of what it was originally (and it is); the actual disposal area can also be reduced. The Corps also argues that the site must remain large enough to accommodate *all* MCR disposal material, in the event that all other disposal site options disappear. Based on the current and projected characteristics of other ocean disposal sites, it is extremely unlikely that *all* other ocean disposal sites will become unusable. The Department does not believe that 9,000 acre ocean disposal site is warranted, given other viable ocean disposal options.

The Corps attempts to alleviate the Department’s concerns by stating that *site designation does not mean site use.* The Corp’s rationale is based on the notion that the site will be managed through the SSMP process. This could be a workable solution if the SSMP was designed to truly address marine resource impacts and if it could function to identify and minimize those impacts *prior* to occurring. Revisions to the SMMP will ensure its value as a management and monitoring tool to help protect the Deep Water Site from environmental degradation.

S-17. The Corps states that site management and monitoring questions will be addressed through an inter-agency review process of the SMMP. The Department has already provided much input on the SMMP although we do not see it incorporated into the FSEIS document. Earlier in the EIS process, the Corps was receptive to exploring innovative

approaches to site management and monitoring at the new MCR ocean disposal sites, incorporating alternative approaches to managing the material and conducting studies that address specific resource concerns. In fact, this was a caveat of the Department's decision to support the Deep Water Site. The Corps was, at that time, open to the idea that "management and monitoring" did not have to be limited to just tracking bathymetric changes, but could also include managing the material to avoid localized impacts within the site and monitoring biological resources to avoid even small-scale impacts. The Government's rigid SMMP review schedule presented in the final SEIS provides no opportunity for alternative approaches to site management and monitoring. The Corps' response implies that whatever inter-agency body is formed to assist the Corps with the SMMP review process, it will have little influence on the plan or process. It will be difficult for the Department to participate in a process that does not ultimately protect or benefit the resource. The Department will need to review a more detailed description of the SMMP review process prior to a commitment to participate. If the Department does participate, it would be our expectation that our input is integrated into decisions regarding site use, management and monitoring.

Another unresolved issue at the Deep Water Site is the Corps' decision to use a portion of the Deep Water Site as a temporary site under their Section 103 authority. The Corps moved through this process without soliciting input from ODFW or other taskforce members. ODFW's concern over the size and placement of the site prompted the Corps to re-evaluate it at two recent task force meetings, November 26 and December 18, 2002. The Corps presented new information, which supported the Department's opinion that the 103 site could be reduced by half, and still be large enough to contain the anticipated material. However, the Corps' December 21, 2002 Public Notice presented the final ocean disposal sites with the temporary 103 site unchanged. ODFW has concerns with the entire process that took place regarding the 103 site, particularly the most recent chain of events that undermined the task force process.

The Corps states that the baseline information gathered thus far confirms their decision to designate the Deep Water Site. The Department questions how the Corps can make such a determination when the gathering and analyses of the data have not been completed.

The Department has written several comment letters on the issues mentioned here. As these issues remain unresolved, our previous comments are still applicable. Please refer to these letters for more detailed comments (DEIS response, FEIS response, DSEIS response).

#### Proposed Restoration/DMD Sites

The DSEIS proposed 2 significant new restoration/dredged material disposal actions in the Columbia River estuary. The Department continues to have serious concerns with the Lois-Mott Island proposal and the Miller-Pillar Rock pile dike proposal. We continue to have serious questions as to their actual restoration value in addition to their impacts on existing natural resources.

After meetings with ODFW and other interested parties, the Corps reduced the proposed fill at Lois-Mott Island from 357 acres to 191 acres. We appreciate and support this reduction. In addition, the proposal is now to create intertidal habitat rather than subtidal habitat. However, the proposed fill is still in an area adjacent to the Tongue Point site for a net pen and select area fishery for coho and chinook salmon that has received substantial funding from the Department since 1995. The proposed fill would reduce the area used by fishers in the terminal fishery by 19%. We remain concerned that the proposal will have significant adverse effects on the fishery. The Tongue Point fishery is part of a joint Oregon-Washington strategy to maintain adequate fishing opportunities for the commercial fishing industry in the Columbia River. The proposed restoration site is also a rearing area for sturgeon and a popular sport fishing location for sturgeon.

The FSEIS states that the ecosystem restoration features at Lois Island and Millar-Pillar will negatively impact commercial non-treaty fisheries (6.8.1). Restoration at Lois Island embayment would reduce fishable acreage by 19% and restoration at Miller-Pillar would do the same by 14%. We did not see any language in the FSEIS speaking to mitigation for lost fishing opportunity. Compensation or assistance in some form to the SAFE project may be appropriate. We would add that these areas are effective commercial fishing areas and the losses identified above would represent a permanent loss in these commercial fishing areas. At Miller-Pillar we would also lose an important sport fishing area. In the FSEIS the Corps states that the loss of fishing area will be replaced by the improved long-term productivity associated with these restoration features. That statement assumes that these features will be successful which is unknown at this time. If these restoration features are not effective then this represents a permanent loss of fishing area with no benefit to listed species.

The second proposal at Millar-Pillar calls for the placement of five pile dikes with 234 acres of dredged material placed between them. The Department remains concerned with this proposal for a number of reasons. The Department remains concerned with potential changes in flow from the pile dike field. As we have stated previously, there is a biological value in the current water exchange between Jim Crow Sands and Miller Sands. The proposed dredged material disposal would substantially reduce this flow. This is an important commercial fishing area as well. We do not believe that prior circulation studies are adequate to demonstrate that flow in Cathlamet Bay will not be adversely affected by this proposal. After discussions with ODFW and other interested parties, the Corps' proposal has been modified to place 3 pile dikes during construction rather than five in order to determine if the desired habitat is being created. While this is an improvement over the original proposal, our preference would be not to construct the pile dikes at all. We are concerned that the pile dikes are proposed more as an action to control sediment in the navigation channel than provide improved

habitat for fish and wildlife. As the Corps describes its own action at Miller-Pillar, it is called an erosive site that normally would not support intertidal habitat.

As we have mentioned previously, the Department is also very concerned with the magnitude of the restoration projects being proposed by the Corps. We do not believe it is prudent to proceed with projects of this size without significant pre and post monitoring to ensure that the project is truly providing a biological benefit. We believe it would be more prudent to create pilot projects first to determine if the proposals are appropriate.

One major concern the Department has with the FSEIS document is that whenever the Corps refers to the Lois Island and Miller-Pillar restoration features it is assumed that these restoration features will be beneficial, which may or may not be the case. In reality we have no real idea what the impact of these restoration features will be. Unknown negative impacts of these restoration features may include loss of historic migration routes (i.e. Miller-Pillar), changing hydraulics (i.e. loss of flow to Cathlamet Bay), and negative fishery impacts (i.e. Lois Island). The bottom line is that these restoration features may or may not be effective and may have unforeseen impacts on fish habitat in these areas.

In all of the discussions the Corps has had with ODFW, they have referred to the restoration features as tests. The FSEIS presents the proposals as effective restoration efforts. We really don't know what the outcome of these restoration features will be; therefore, it should not be assumed that the results would be positive. The Corps should appropriately characterize these two restoration features as tests.

With respect to the Miller-Pillar restoration feature, in the FSEIS it is stated that the long-term expectation is that all 5 pile dikes will be employed (page 4-12). That is not consistent with ODFW's discussions with the Corps. In those discussions we expected that a positive evaluation of the first 3 pile dikes was required prior to continuing with the remaining 2 pile dikes. The FSEIS does discuss the evaluation process but the comment that the long-term goal is to establish all 5 pile dikes suggests that expansion of this project is not directly tied to this evaluation.

With respect to the cost benefit ratio analysis it is stated in the FSEIS that the Lois Island and Miller-Pillar restoration features were not included in the cumulative cost analysis because they were assumed to be beneficial. Again the Corps is assuming something that we are not sure is true. The costs of these two restoration features should be included until they are proven to be beneficial not before they are proven to be beneficial. Additionally, in determining costs for these restoration features lost fishing area needs to be accounted for.