

**Term and Conditions 5c**

NMFS Biological Opinion, 20 May 2002  
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12.5 Terms and Conditions

Deleted due to State  
Conditions  
Per Meeting 3-12-04

**Term and Conditions 5c**

5. In order to minimize the likelihood of incidental take through implementation of ecosystem restoration features (see Table 8-2 of the 2001 BA), the Corps shall:

c. To minimize the effects to ESA-listed salmonids and prey items during the Lois Island restoration activity, the Corps will submit a plan to outline how dredge material will be staged to construct this feature, including measures to minimize resuspension of contaminants from the temporary storage sump.

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**Action Plan:** The Lois Island embayment feature would restore about 191 acres of tidal marsh habitat by placement of dredged material to a target elevation of approximately 6.5 feet mean lower low water (MLLW). The target elevation is predicated on the approximate elevation break between low and high tidal marsh plant communities (Figure S4-3). Based on current hydrographic surveys, it is estimated that 6 mcym would be available for placement at the Lois Island embayment in the 2-year construction period. This material would originate from the navigation channel between CRM 3-29.

Construction of this feature would occur in two related operations (Figure S4-4). Material dredged would be transported via hopper dredge to a temporary location (sump), located within 600 feet of the federal navigation channel between CRM 18-20 on the Oregon side. Hopper dredges would use this location as a temporary construction sump. A pipeline dredge would then be used to pump dredged materials to the embayment. Hopper dredges would charge this sump prior to the in-water work period (November 1 to February 28). Hopper and pipeline dredges would then work concurrently throughout the in-water work period to sustain material delivery to the sump and embayment. Should additional material be required during the in-water work period of construction in year two, the sump would again be charged with material beforehand and the same scenario would be implemented to complete the ecosystem restoration. (Final SEIS, 2003, page 4-9)

The Corps will develop the dredge and disposal plan for the Lois Island restoration project. The plan will include methods of staged disposal. It is not anticipated that there will be any contaminated material at either the disposal site or in the dredge material so no method is needed to reduce re-suspension of contaminants. The plan developed will be submitted to NOAA Fisheries and the USFWS for review.

**Schedule:** Completed.