

COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION

PORT ORFORD OPERATION AND MAINTENANCE DREDGING
CURRY COUNTY, OREGON

Introduction

This determination updates the 1997 CZMA consistency determination for Port Orford operation and maintenance dredging, revising the Port Orford project description and the dimensions of disposal within the near-shore placement area. DLCD concurred with the consistency statement in a letter dated October 6, 1997. In 2004, the Corps issued a unified public notice that defined the dimensions of the near-shore placement area as 400 feet by 400 feet. While the Corps did not prepare a new consistency determination at that time, DLCD provided conditional concurrence for the unified dredging project in 2004. This concurrence is contingent on the use of approved dredged material disposal sites and techniques. This approval requires compliance with any conditions for use of specific dredged material disposal sites as outlined in applicable local, state, and federal regulations and requirements. The Corps and contractors performing the work pursuant to the unified dredging project water quality certification shall comply with the applicable requirements for use of any authorized disposal site, including timing; adaptive management and methods of disposal in effect at the time the work is being performed. Changes in designated disposal sites and conditions for their use are incorporated herein by reference as conditions of this concurrence. This concurrence is based, in part, on DEQ's July 29, 2004 water quality certification for this project. Conditions of approval for DEQ's water quality certification are conditions of this CZM concurrence and incorporated herein by reference.

This determination of consistency with the Coastal Zone Management Program is based on review of applicable policies and standards of the Oregon Statewide Planning Goals and the Oregon Territorial Sea Plan.

Proposed Action

The U.S. Army Corps of Engineers (Corps) proposes operation and maintenance (O&M) dredging to remove approximately 45,000 cubic yards (cy) of material from the Federal navigation channel at Port Orford during the summer months by a clamshell or pipeline dredge. In 2003, approximately 25,000 cubic yards of sediment was removed during summer dredging. Recent surveys indicate that approximately 45,000 cubic yards of sediment will need to be dredged in 2006, approximately 20,000 cubic yards more than is typically dredged. Sediment from summer dredging will be placed in a near-shore placement area that is located approximately 200 feet off the edge of the breakwater. The 2004 Unified Public Notice limited disposal to an area of 400 feet by 400 feet. Wave amplification assessment modeling indicates an area of these dimensions has a maximum capacity of 30,000 cubic yards of sediment. Discharge of more than 30,000 cy of dredged material within the current dimensions of the near-shore placement area would

result in an unacceptable level of sediment accumulation that would amplify waves to the extent of causing vessel transit problems and damage to the breakwater. Expanding the placement area to the size of approximately 800 feet by 800 feet will be needed for disposal at the near-shore placement area to accommodate the increased quantity of dredged material. A complete description of the proposed action is contained in the project environmental assessment.

Consistency Review

Oregon's Statewide Planning Goals. This consistency determination considers Oregon's Statewide Planning Goal 19 (Ocean Resources). Compliance with goals 17 (Coastal Shorelands) and 18 (Beaches and Dunes) is not being evaluated because the surf-zone and beach placement sites proposed for use in the 1997 consistency determination are no longer being used for dredged material disposal.

Goal 19. Ocean Resources. The objectives of this goal include conservation of the long-term values, benefits, and natural resources of the Ocean Stewardship Area that includes the near-shore ocean and continental shelf. The goal states that State and Federal agencies shall develop inventory information necessary to understand impacts of their actions as they carry out activities related to ocean resources. Discharge of dredged material in the near-shore placement areas was determined to be consistent with the State of Oregon Coastal Zone Management Program in 1997.

The vicinity of the near-shore placement area was inspected by Oregon Department of Fish and Wildlife, at the request of the Port of Port Orford, and their report indicated a relatively flat sand bottom with few aquatic organisms observed. The expanded near-shore placement area will encompass substrate and aquatic organisms similar to the original dimensions of the area. Material placed within the dimensions of the near-shore placement area will be consistent in nature to previously dredged and discharged material. Comments received from ODFW indicated no issues with increasing the dimensions for discharge within the near-shore placement area. Therefore, the revised project will not adversely affect this goal substantially different than originally described.

Types of Effects

Approximately 45,000 cubic yards (cy) of material will be dredged from the Federal navigation channel at Port Orford during the summer months. The proposed dredging will be conducted by clamshell and/or pipeline dredges. Mechanical (clamshell) dredging will be performed from a crane that is mounted on a barge adjacent to the dock. Sediment from the bucket is usually placed on a barge for offloading and disposal in the near-shore placement area. Return water from mechanical dredging comes from the bucket as it is raised above the water surface and from the barge as the material is loaded. Return water from the barge can come from overflow over the sides or through a skimmer if the barge is equipped with one. Pipeline dredging at Port Orford is currently performed using small contract dredges. A pipeline dredge uses a 'cutterhead' on the end

of an arm. It is buried in the bottom and as the cutterhead rotates it swings in an arc in front of the dredge.

Environmental impacts may include the disruption and removal of ocean bottom habitat and organisms; smothering of aquatic habitats and organisms during disposal; and resuspension of bottom materials during dredging and disposal. Minor turbidity resulting from an increase in suspended solids may occur for a short period of time during dredging and disposal. All dredging and disposal operations are conducted so as to minimize siltation and turbidity in the project area. Turbidity is monitored per the requirements of the Department of Environmental Quality water quality certificate.

Exhaust from equipment used during dredging and disposal is not expected to affect air quality. Sediment analysis at Port Orford has confirmed that the dredged material is suitable for unconfined, in-water placement without further characterization. Because the sediment does not contain pollutants or contaminants, there is little risk of exposure to toxic emissions.

Effects on Resources

Aquatic flora observed near Port Orford consists primarily of bull kelp beds that are located to the west-southwest of the breakwater at an average depth of 15 feet. The beds provide important invertebrate and fish habitat and increase the overall productivity of the system. Species of algae inhabit the plankton and benthic habitats adjacent to the port. Immediately adjacent to the breakwater, the aquatic habitat typically consists of undisturbed rocky shore/kelp habitat. Shoreline features include steep cliffs, high-elevation rocks, several low-elevation rocks, small rocky intertidal areas, subtidal reefs, sand beach, the Port of Port Orford dock, and a protective breakwater. Orford Rock, designated as a "priority rock/reef area" in the Ocean Plan is located approximately 4.5 miles northwest of Port Orford.

Aquatic Organisms

Demersal species present in the inshore area are mostly residents (not migratory), and include a number of species of flatfish, sculpins, sea perch, and rocky reef fish that are associated with the neritic reefs and breakwater. Dominant species include English sole, sanddab, and starry flounder. Essential fish habitat is present in the project area for species such as black rockfish, black and yellow rockfish, chilipepper, kelp geenling, grass rockfish, cabezon, gopher rockfish, leopard shark, blue rockfish, copper rockfish, bocaccio, lingcod, yellowtail rockfish, spotted ratfish, tiger rockfish, rosy rockfish, widow rockfish, stripetail rockfish, vermilion rockfish, squarespot rockfish, canary rockfish, bank rockfish, yelloweye rockfish, sharpchin rockfish, shortraker rockfish, flag rockfish, and cowcod. These species prefer hard bottom ocean subsurfaces and rocky intertidal habitat that is found in the Port Orford area.

A number of migratory fish species may also occur in the project area. Species present include smelt, herring, anchovies and a variety of other pelagic species. Coho and

chinook salmon adults and juveniles may occur infrequently in the area because there are no drainages into Port Orford.

Benthic organisms and bottom dwelling invertebrates may be temporarily disturbed, but no lasting impact will occur to the overall population as a result of the proposed action.

Federally Listed Marine and Terrestrial Wildlife

It has been determined that there would be no effect on loggerhead, green, leatherback, and Pacific ridley sea turtles; western snowy plovers; and stellar sea lions because these species are known to occur within the project area. The proposed action “may affect, but is not likely to adversely affect” bird species including: marbled murrelets, brown pelicans, bald eagles, and endangered whales including: right, Sei, blue, finback, humpback, and sperm. These species may infrequently occur in the project area but are not expected to be impacted by the proposed action.

Marine Use Conflicts

The proposed action will minimally affect the aesthetic enjoyment of the ocean views. Public access to the boat dock may be limited during dredging but access to parking and the adjacent beach should not be restricted.

The proposed action will not affect commercial fishing, navigation, academic or commercial research operation, communication cable, pipeline, waste disposal locations, or any operations that have been leased for extraction of sand and gravel, hard minerals, oil or gas, or any archaeological or historical artifacts.

Assessing the Effects

Effects on resources were evaluated in the 1997 consistency determination. Expansion of the disposal area to accommodate the discharge of additional material of the same nature is not expected to produce significantly greater effects than previously discussed. Most disposal will occur in the near-shore placement area. The area containing the near-shore placement area is a relatively flat sand bottom in a high energy zone, with no aquatic vegetation and few aquatic organisms. Disposal will result in the burying of benthic organisms at the discharge site and an increase in suspended solids in the vicinity of the discharge. These impacts should be localized and of short duration because the majority of the dredged material is sand and gravel, which quickly settles out of the water column. Efforts will be made to minimize mounding of sediments at the discharge site. Use of this site would avoid the highly productive rocky habitat and bull kelp beds to the north of the breakwater.

Oregon Territorial Sea Plan. An outgrowth of the Ocean Plan, this initiates a detailed planning effort for managing ocean resources in Oregon’s Territorial Sea. Part 2 of the Territorial Sea Plan contains requirements for resource inventory information, evaluating environmental effects, and conducting small-scale environmental disturbances to seek

new information. The proposed expansion of the near-shore placement area is consistent with Oregon's Territorial Sea Plan based on the findings and analysis contained in this consistency certification and the environmental data contained in the project EA.

Statement of Consistency

Based on the above information and analysis, the U.S. Army Corps of Engineers certifies that the proposed expansion of the Port Orford near-shore placement area complies with and will be managed in a manner that is consistent with the enforceable policies of the Oregon Coastal Management Program to the maximum extent practicable.