

Regional Gravel Initiative

Gravel Executive Team/Technical Team Roles and Responsibilities, and Scope of Project Outline Related to a Watershed Evaluation of In-Stream Gravel Operations

Two interagency teams (the Gravel Executive Team and Gravel Technical Team) have been established in an effort to strategically evaluate, on a watershed basis, whether the mining of gravel from Oregon rivers can be supported. As permitting agencies charged under state and federal law with review and decision making related to applications for in-stream gravel mining operations in the State of Oregon, the U.S. Army Corps of Engineers, Portland District (Corps) and the Oregon Department of State Lands (DSL) act as co-chairs of both the Executive and Technical Teams (Teams).

In addition to the Corps and DSL, the Teams consist of representatives from the following: Oregon Department of Fish and Wildlife (ODFW); Oregon Department of Environmental Quality (ODEQ); Oregon Department of Land Conservation and Development (ODLCD); U.S. Fish and Wildlife Service (USFWS); National Marine Fisheries Service (NMFS); U.S. Environmental Protection Agency (EPA); Oregon Concrete and Aggregate Producers Association (OCAPA); participating county planning departments; and current/prospective commercial mining operators based on the watershed being evaluated. Both the Executive and Technical Teams will be made up of one representative of the agencies/organizations listed above. The gravel industry will be represented on the Technical Team by a general technical representative/consultant. There can also be one OCAPA representative or operator from the watershed to attend Technical Team meetings as an "observer". That person will be present to listen only. They can provide information on gravel operations only at the request of the Technical Team. The Technical Team may also seek other appropriate expertise depending upon the issue being discussed by them.

The overall goal of this regional gravel initiative is for the Corps and DSL to consider developing regional general permits (RGP) and general permits (GP), respectively, for commercial gravel mining activities in various watersheds throughout Oregon. It is the role of the Executive Team to ensure progress continues, and to provide support and direction to the Technical Team.

It is the role of the Technical Team to scope, collect, review and analyze data and other information to present recommendations in a coordinated fashion to the Executive Team for the particular watershed being evaluated. Technical Team discussions will be restricted to technical issues and may include invitations to individuals with specific technical expertise on an as needed basis.

While this regional gravel initiative moves forward, it is understood the Corps and DSL must continue to process individual applications for gravel mining throughout the state. Although certain Technical Team representatives may also be responsible for evaluating these individual applications as part of their agency duties, the RGP specific Technical Team meeting times will not be used to discuss these projects.

In working through the regional gravel initiative, it is understood the criteria for permit and related decision making processes come from federal, state and local statutes, regulations, and codes. For example, there may be federal Endangered Species Act (ESA) and Magnuson-Stevens Act Essential Fish Habitat (EFH) consultations required as part of the permitting process. All appropriate laws, regulations, and codes will be followed.

River Specific Evaluations:

The Chetco River was chosen as the first study river for the regional gravel initiative. Phase 1 study efforts focused on evaluating existing information to determine vertical stability (i.e. whether the system was aggrading, degrading, or in equilibrium). Phase 2 study efforts will evaluate sediment transport and biological data requirements. A scope of work (SOW) for investigation of the Chetco River system has been completed by USGS and is expected to be implemented during the summer/fall of 2008 with a preliminary report available in January 2009 and a final report anticipated in April 2009.

I. Chetco River Operations

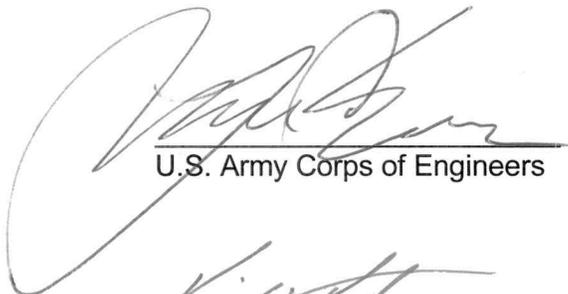
- A. The Corps and DSL issued permits to Freeman Rock and Tidewater Contractors authorizing gravel extraction through the 2008 in-water work period on the portion of the Chetco from head of tide to just past the second bridge at approximately river mile 11. In support of these permitting decisions, NMFS issued a biological opinion, ODEQ issued Water Quality Certification, and ODLCD concurred the projects were consistent with the Oregon Coastal Management Program.
- B. The Corps and DSL will work to develop a RGP and GP respectively, as the vehicle for authorizing continued mining on the Chetco River beyond 2008. The goal is to make a final decision on the respective permits by June 30, 2009. The Technical Team will provide scientific and technical input to the Executive Team and the Corps/DSL to develop the anticipated RGP/GP and inform the agency decision-making on these permits.
- C. The agencies will continue to gather relevant information during development of the RGP/GP for the Chetco operations. In the event issues cannot be adequately addressed and more studies are needed to complete the RGP/GP process, the Corps and DSL may exercise the options listed below.
 1. Permit applications may be placed on hold or denied pending data collection and information gathering,
 2. Individual short-term permits may be granted, but with limited gravel volumes or other conditions to minimize impacts. This option includes all relevant permitting requirements being met, including re-initiation of ESA consultation with NMFS and evaluation for 401 Water Quality Certification by DEQ.
- D. It is understood that evaluation of the Phase 1 and Phase 2 studies and all other relevant information will be used to determine final permitting decisions for gravel mining in the Chetco River system. The Technical Team will develop a document for presentation to the Executive Team summarizing their analyses and any recommendations regarding project permitting. The Corps and DSL will use this document as part of their respective agency decision making related to consideration of any future request for commercial gravel mining in the Chetco River.

E. Lower Tidewater project: The Tidewater location below head of tide will be included in the development of the RGP/GP for commercial gravel mining activities in the Chetco system. The Technical Team will continue to work with USGS in identifying and synthesizing any data gaps required to be addressed below head of tide on the Chetco to inform RGP/GP permitting decisions.

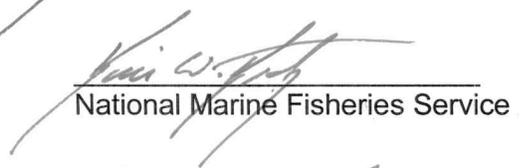
II. Operations on other river systems

- A. The Phase 1/Phase 2 study process used on the Chetco River will serve as a model for evaluating other river systems. The Technical Team, in coordination with the gravel industry, will recommend the priority of future river systems to be studied. Presently, the Umpqua, Rogue, Tillamook, and Coquille systems have been identified as the next systems to be studied in the order listed.
- B. The Technical Team will develop a list of information needs and recommend a process for obtaining and evaluating the information. This may involve an evaluation of existing data and a recommendation for additional data collection to fill information gaps.
- C. The Executive Team will approve or revise recommendations made by the Technical Team, and will develop strategies to distribute informational materials to potential operators and to fund necessary studies and data collection in support of the development of the watershed specific RGP/GP.

This process is agreed to by the following members of the Executive Team:


U.S. Army Corps of Engineers


OR Department of State Lands


National Marine Fisheries Service

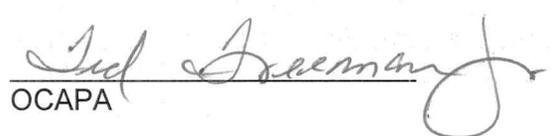

OR Department of Environmental Quality


U.S. Fish and Wildlife Service


OR Department of Fish and Wildlife


Environmental Protection Agency


OR Dept of Land Conservation & Develop


OCAPA