



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for PERMIT APPLICATION

Issue Date: March 5, 2004

Expiration Date: April 5, 2004

Corps of Engineers Action ID: 200400104

Oregon Division of State Lands Number: 31765

### 30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Mr. John W. Barco)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Mr. Eric Schwamberger  
Port of Portland Marine Division  
121 NW Everett Street  
Portland, Oregon 97209

**Location:** The proposed project is located at Port of Portland's Marine Terminals 2, 5, and 6.

Marine Terminal 2 is located on the southwest bank of the Willamette River, River Mile 10, Section 21, Township 1 North, Range 1 East, in Portland, Multnomah County, Oregon.

Marine Terminal 5 is located on the east bank of the Willamette River, River Mile 1.5, Section 23, Township 1 North, Range 1 West, in Portland, Multnomah County, Oregon.

Marine Terminal 6 is located on the Columbia River, River Mile 102.5, in Portland, Multnomah County, Oregon.

**Project Description:** The project would be to conduct underwater grading activities for a period of 10 years at Terminal 2 (Berths 204, 205, and 206), Terminal 5 (Berths 501 - deep-water portion, 502, and 503), and Terminal 6 (Berths 601, 603, 604, 605, and 607) to move accumulated sediment from high spots (shallower than -40 feet National Geodetic Vertical Datum NGVD)) to lower areas (greater than -41 feet NGVD) within the berths in order to maintain adequate water depths at berthing facilities for bulk, breakbulk, and container ships.

The project would also entail grading Terminal 2, Berth 203 in areas shallower than –20 feet NGVD, and grading Terminal 5, Berth 501 in areas shallower than –15 feet NGVD. The proposed grading activity constitutes a discharge of dredge material into a water of the United States, and is subject to review under Section 404 of the Clean Water Act. The project would entail the placement of approximately 10,000 cubic yards of dredge material into a water of the United States annually, resulting in approximately 26 acres of impact.

The grading would be accomplished by dragging a steel beam across the high areas with a boat and barge equipped with winches and fairleads to support and control the steel beam. The applicant would also equip the boat with a global positioning system (GPS), a depth sounder, and recent hydrographic surveys in order to make adjustments to the steel drag beam to achieve desired depths. The underwater grading would not completely replace authorized maintenance dredging, but is intended to reduce the period between the dredging episodes.

The applicant has proposed the following conservation measures to minimize impacts to the aquatic environment:

- All underwater grading would occur within the Oregon Department of Fish and Wildlife's recommended in-water work window for each waterway.
- The boat conducting underwater grading would be equipped with computer hardware and software, which displays recent hydrographic survey data and current boat position using GPS.
- Underwater grading would not occur outside of each berthing area.
- Lifting of the steel drag beam would only occur when necessary in order to minimize the exposure of river sediments to the middle and upper water column.
- Post-grading hydrographic surveys would be conducted to ensure that the material that was identified to be graded was leveled to the proper, authorized depth.
- All equipment would be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks.

**Purpose:** The purpose of the proposed project is to maintain adequate water depths at berthing facilities for bulk, breakbulk, and container ships.

**Drawings:** Eight drawings labeled Corps No. 200400104

**Additional Information:** Additional information may be obtained from Mr. John W. Barco, Project Manager, U.S. Army Corps of Engineers at (503) 808-4385.

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

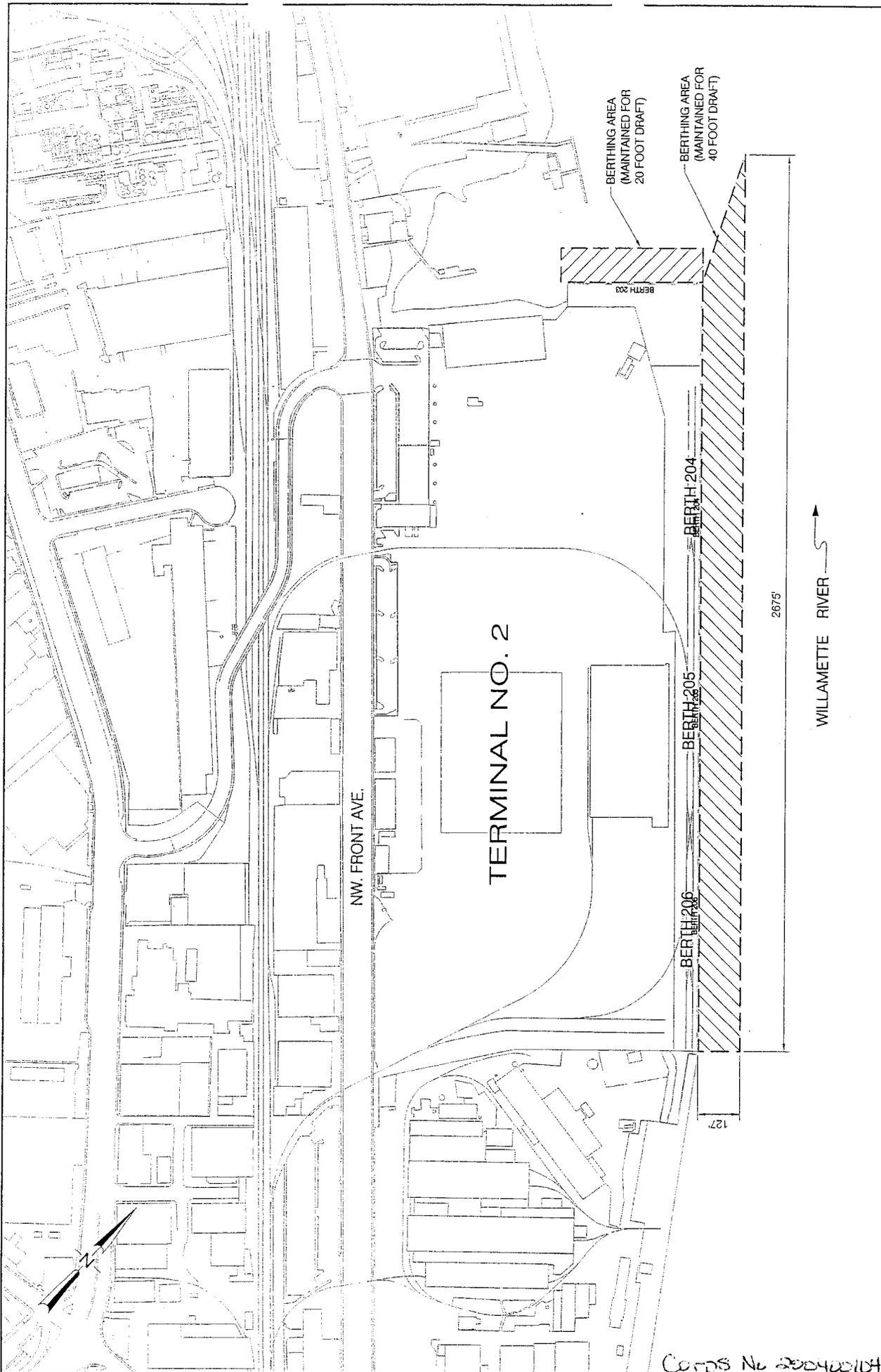
**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

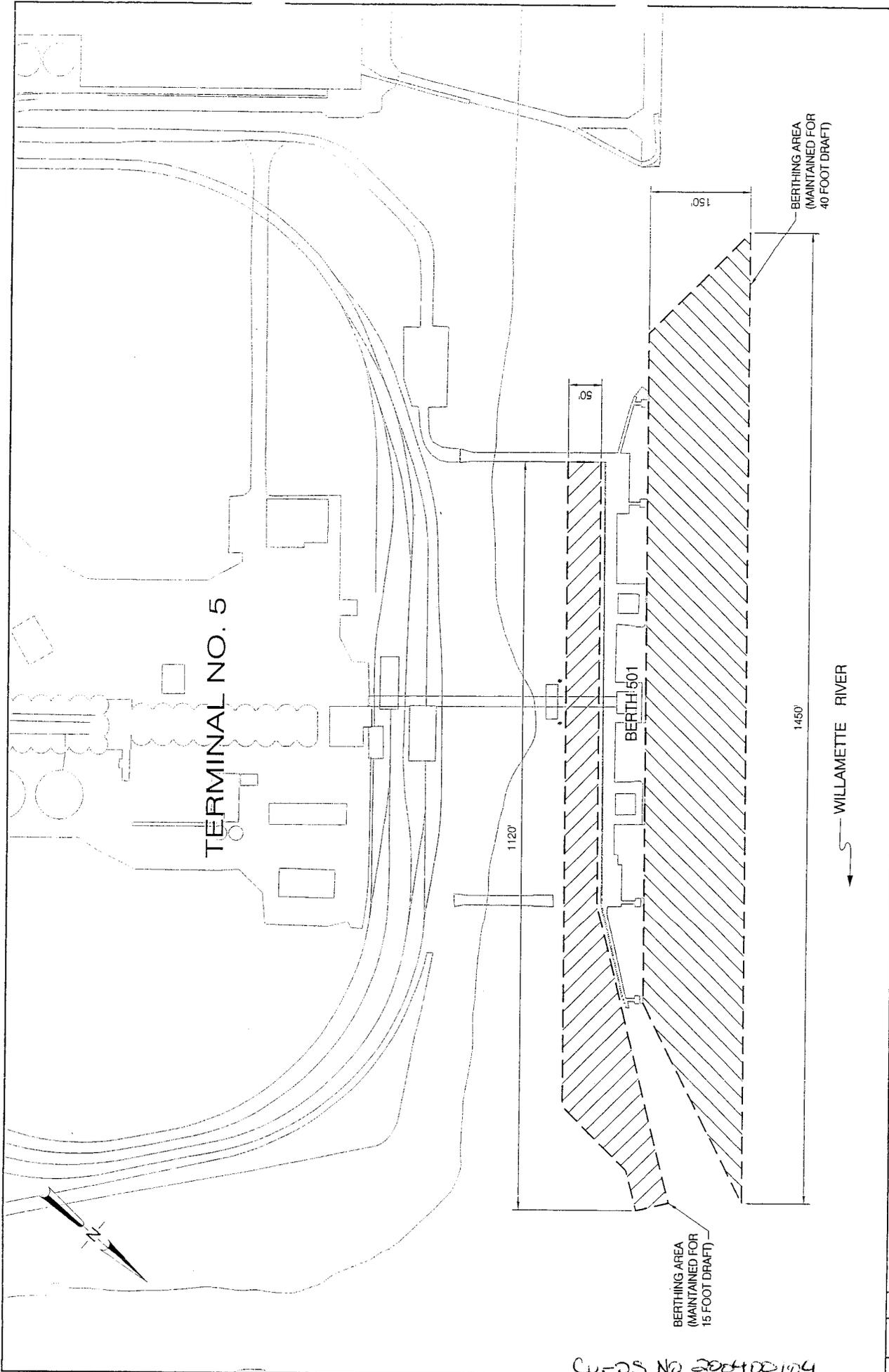
**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.





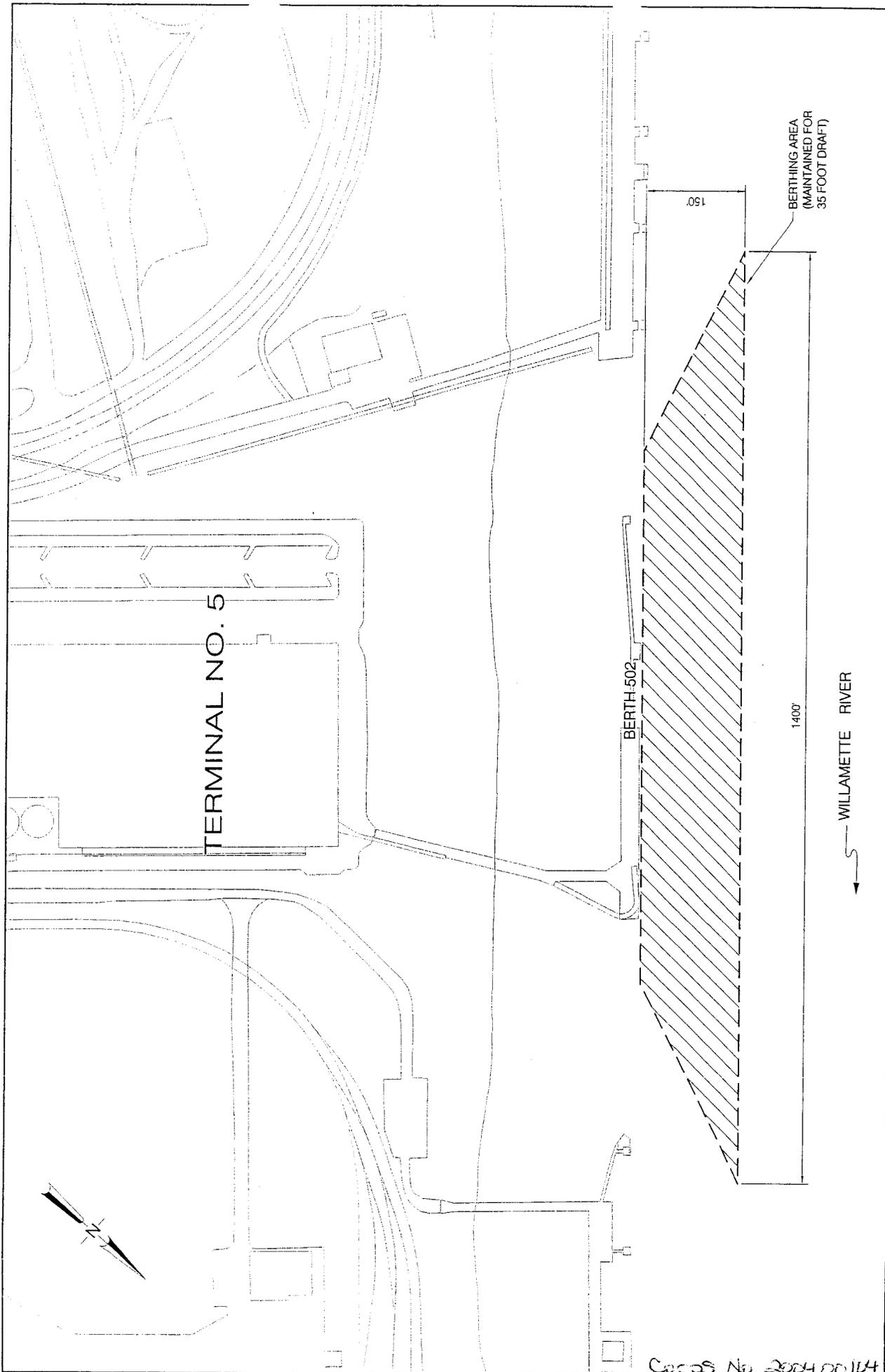
		PORT OF PORTLAND PORTLAND, OREGON		20030018 <small>DOCUMENT NUMBER</small>		50023 / 5518 <small>PROJECT NUMBER</small>	
DESIGNED BY M. HERMANS		DRAWN BY D. ADKINS		CHECKED BY M. HERMANS		DATE JAN 2004	
GENERAL TERMINALS		UNDER WATER GRADING AT T2, T5 AND T6 BERTH 204, 205 AND 206		SUBMITTED BY PROJECT NUMBER		DRAWING NO. GT 2004 - 1	
NO.		DATE		BY		REVISIONS	
127		2675'		WILLAMETTE RIVER		2 / 8 (1'C - 1)	

Comps No 200400104



CW-PS No 2004-00104

NO.	DATE	BY	REVISIONS	CKD	APPVD		20030018 <small>DESIGN NUMBER</small>	500023 / 52518 <small>PROJECT NUMBER</small>	PORT OF PORTLAND PORTLAND, OREGON	DESIGNED BY: M. HERMANS DRAWN BY: D. ADKINS CHECKED BY: M. HERMANS DATE: JAN 2004 SCALE: 1" = 200'	SUBMITTED BY: _____ TYPE: PC DRAWING NO.: GT 2004-1 PROJECT MANAGER: _____	GENERAL TERMINALS	
												UNDER WATER GRADING AT T2, T5 AND T6 BERTH 501	



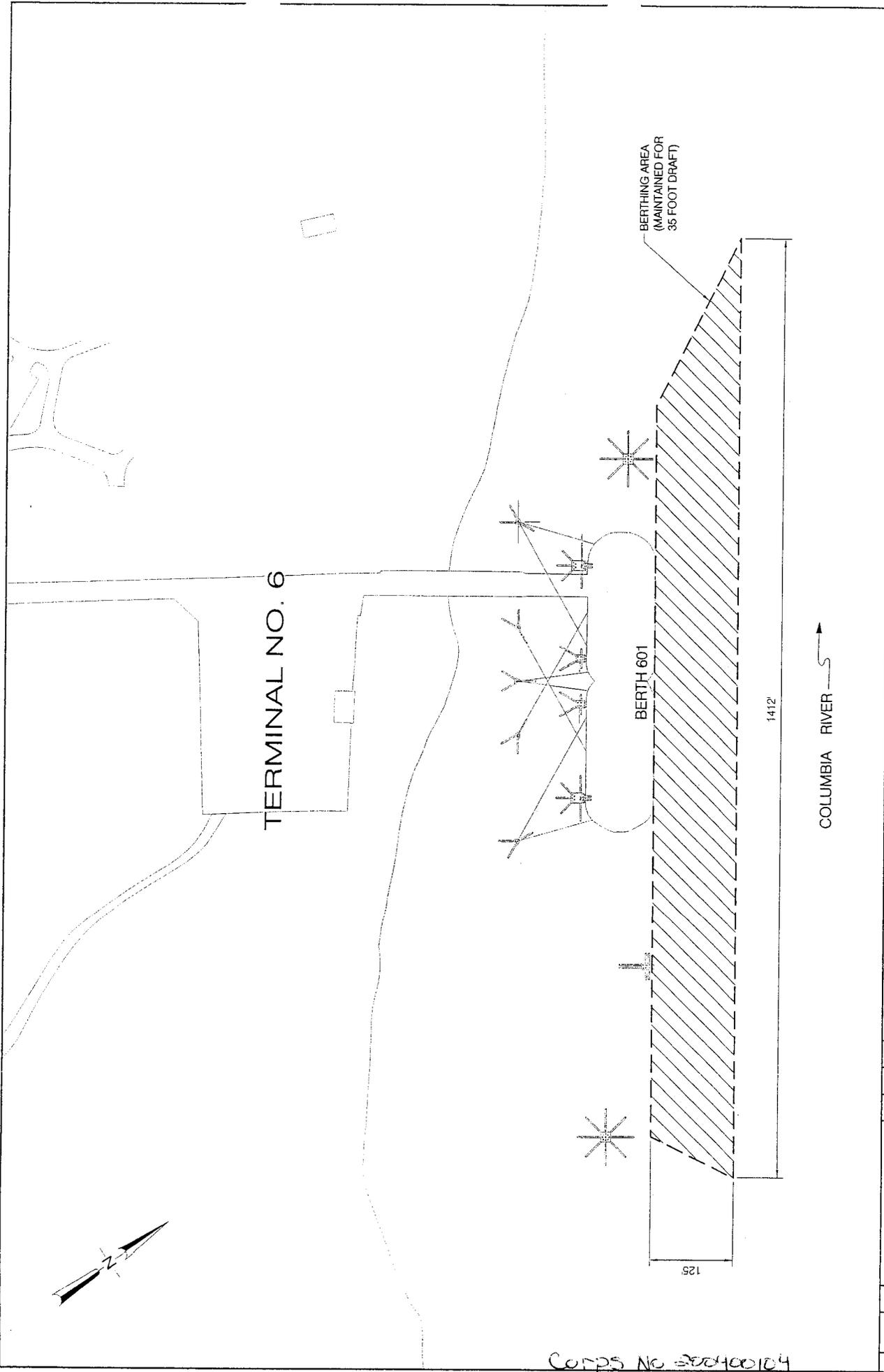
COECS No. 2004.00104

NO.	DATE	BY	REVISIONS	CKD	APPVD

		<b>PORT OF PORTLAND</b> PORTLAND, OREGON		20030018 <small>DESIGN NUMBER</small>	500023 / 52518 <small>PROJECT NUMBER</small>
DESIGNED BY: M. HERMANS DRAWN BY: D. ADKINS CHECKED BY: M. HERMANS		DATE: JAN 2004 SCALE: 1" = 200'		SUBMITTED BY: _____ PROJECT MANAGER	
GENERAL TERMINALS		UNDER WATER GRADING AT T2, T5 AND T6 <b>BERTH 502</b>			
DRAWING NO. GT 2004-1		TYPE: PC		4 / 8 (PC-3)	



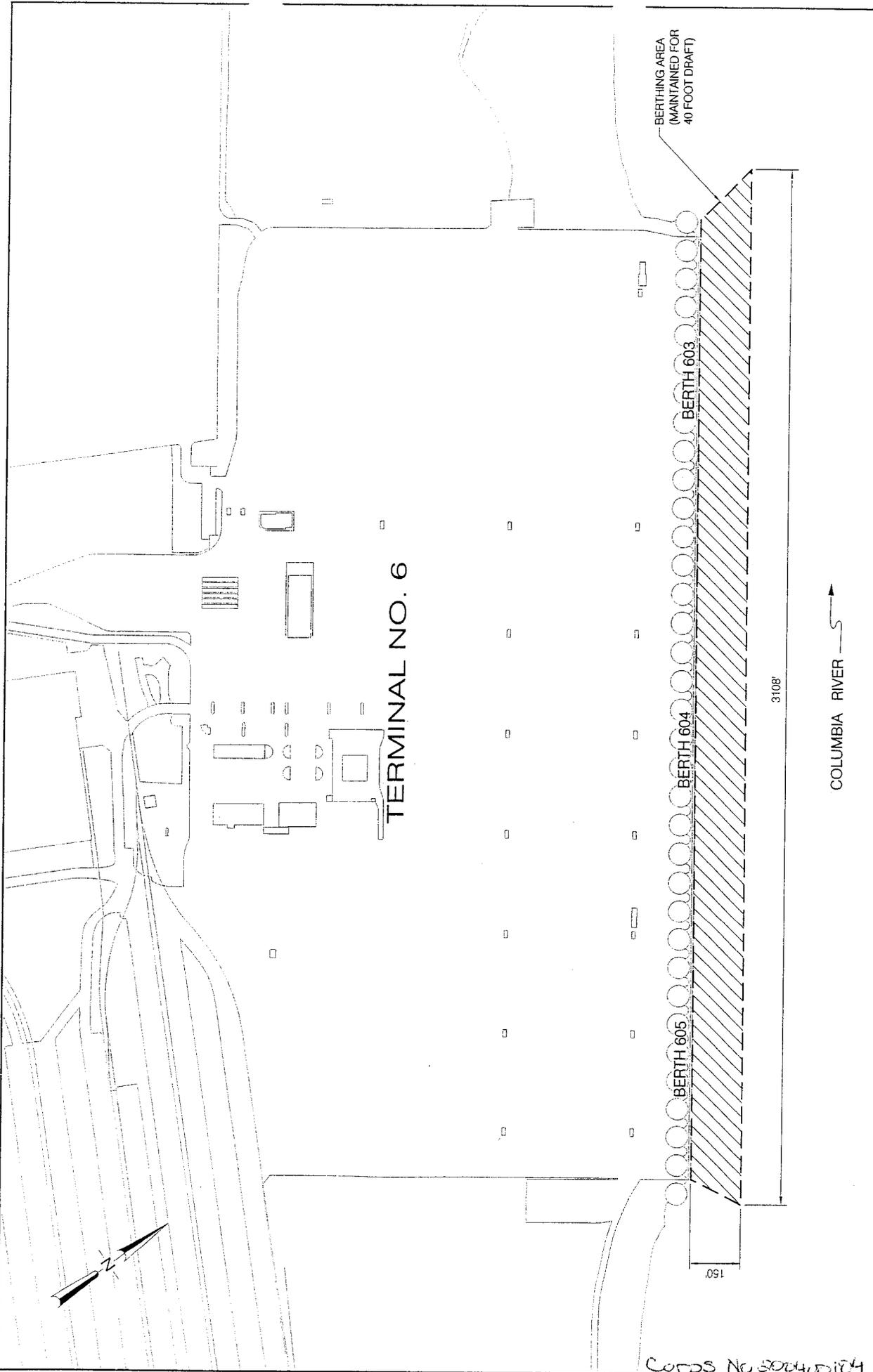


COPPS NO 200400104

NO.	DATE	BY	REVISIONS	CRD	APP'D

		<b>PORT OF PORTLAND</b> PORTLAND, OREGON		DESIGNED BY: <u>M. HERMANS</u> DRAWN BY: <u>D. ADKINS</u> CHECKED BY: <u>M. HERMANS</u> DATE: <u>JAN 2004</u> SCALE: <u>1" = 200'</u>	GENERAL TERMINALS  UNDER WATER GRADING AT T2, T5 AND T6 <b>BERTH 601</b>
20030018 <small>DESIGN NUMBER</small>	500023 / 52518 <small>PROJECT NUMBER</small>	SUBMITTED BY <u>PC</u>	DRAWING NO. <u>GT 2004 - 1</u>	TYPE <u>PC</u>	PROJECT MANAGER  <u>6 / 8 (PC - 5)</u>

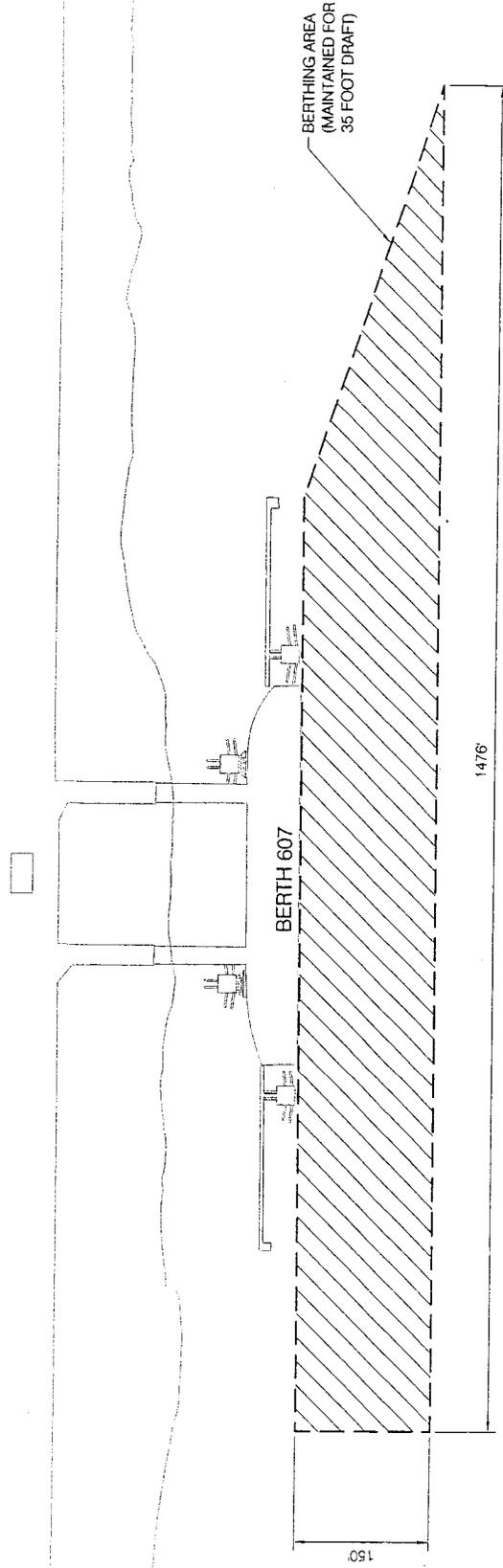


NO.	DATE	BY	REVISIONS	CYO	APPRO		<b>PORT OF PORTLAND</b> PORTLAND, OREGON		DESIGNED BY <u>M. HERMANS</u> DRAWN BY <u>D. ADKINS</u> CHECKED BY <u>M. HERMANS</u> DATE <u>JAN 2004</u> SCALE <u>1" = 400'</u>	<b>GENERAL TERMINALS</b>  UNDER WATER GRADING AT T2, T5 AND T6 BERTH 603, 604 AND 605	
							2003D018 <small>DESIGN NUMBER</small>	500023 / 52516 <small>PROJECT NUMBER</small>		SUBMITTED BY PC	DRAWING NO. GT 2004 - 1

CORPS NO. 500440104



# TERMINAL NO. 6



Corps No 20040014

NO.	DATE	BY	REVISIONS	CKD	APPD		2003001B <small>CONTRACT</small>	50023 / 5251B <small>PROJECT NUMBER</small>	PORT OF PORTLAND PORTLAND, OREGON	DESIGNED BY <u>M. HERMANS</u> DRAWN BY <u>D. ADKINS</u> CHECKED BY <u>M. HERMANS</u> DATE <u>JAN 2004</u> SCALE <u>1" = 200'</u>	SUBMITTED BY _____ PROJECT MANAGER	TYPE <u>PC</u> DRAWING NO. <u>GT 2004 - 1</u>	8 / 8 (PC - 7)
							GENERAL TERMINALS						

**Oregon Department of Environmental Quality  
Water Quality 401 Certification**

Corps of Engineers Action ID Number: 200400104  
Oregon Division of State Lands Number: 31765

Notice Issued: March 5, 2004  
Written Comments Due: April 5, 2004

**WHO IS THE APPLICANT:** Port of Portland Marine Division

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to melville.tom@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.