

Mouth of Columbia Maintenance
Dredging Public Hearing

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Tuesday, February 12, 2002

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19 BE IT REMEMBERED THAT pursuant to the Oregon Rules
20 of Civil Procedure, the following Public Hearing was
21 taken before Tamara Ross, Certified Shorthand Reporter
22 in the State of Oregon and Licensed Notary in the State
23 of Oregon, on Tuesday, February 12, 2002, commencing at
24 7:00 p.m. at the Astoria Red Lion Inn: 400 Industry
25 Road, Chinook Room, Astoria, Oregon.

1 reason we place questions and answers at the
2 end of the hearing is to make sure that any of
3 you who wish to testify will have a chance to
4 do so. This is an important opportunity for
5 all of you that will require respect for the
6 process and for each other. I will need your
7 help in order to let as many of you have a
8 chance to say what you want to say as possible.
9 But before I discuss ground rules, let me make
10 certain that you are in the right place. The
11 purpose of today's meeting is to provide the
12 public with an opportunity to hear briefly from
13 the U.S. Corp Engineers, EPA, Washington State
14 Department of Ecology, Oregon Department of
15 Environmental Quality, and the Oregon Department
16 of Land Conservation and Development and this
17 year's proposed maintenance dredging plan for the
18 mouth of the Columbia River to provide you, the
19 public, the opportunity to submit both oral and
20 written comments. All oral comments will
21 transcribed by the court reporter. This is not
22 a hearing on the improvement of the 40-foot
23 Columbia River Federal navigation channel. This
24 is not a hearing on the deepening of the
25 channel, and this is not a forum to debate the

1 merits of any litigation. This is a forum in
2 which to give public comments on the mouth of
3 the River maintenance dredging.

4 We're holding this hearing
5 because it's important for the agencies involved
6 and for the people of the region to speak and
7 to be heard. The time you have taken to be
8 here to make your comments and feedback is very
9 important and greatly appreciated. To this end,
10 we have provided two ways for you to make your
11 thoughts and feelings known. You may give
12 testimony in this room or submit written comments
13 to the agencies. Additional to these, written
14 comments can be submitted up until February 23rd
15 to all the agencies here. So please make sure,
16 if you do intend to testify, to pull out the
17 little index cards. I will take them later at
18 random and pull the names so you can all have a
19 chance to testify.

20 Before we begin, I'd like to
21 review the upcoming agenda for this meeting and
22 go over a few administrative details. We will
23 begin today with a welcome and introduction from
24 Colonel Butler, who will introduce the rest of
25 the panel. Eric Braun will give a brief

1 overview of the proposal. When the presentations
2 are over, we'll take a short break and move
3 into public testimony. The break will allow me
4 to collect the testimonial cards and to make
5 sure we're ready to proceed.

6 We have scheduled the hearing to
7 concluded at 10 p.m. If there is time, as I
8 said, we'll have a brief question and answer
9 session. Individuals will be given three minutes
10 to testify. One person may speak on behalf of
11 an organized group or organization for up to
12 five minutes. If you're a group spokesperson,
13 you need to identify yourself on the yellow
14 index cards when you sign up. We will take a
15 break halfway through to give people a chance to
16 stretch. If you have any -- If you have your
17 comments in written form, we'd appreciate a copy
18 of them as well. Please note there are drop
19 off boxes in the open area of the house. The
20 agencies do want to hear from you. They want
21 to hear what you have to say in person or in
22 writing.

23 Given the interest this will be
24 -- the issues that will be discussed, I'm
25 requesting that we follow these ground rules.

1 Speakers will be recognized at random by the way
2 of lottery system. I will pick the cards at
3 random. If there are elected officials in the
4 room, I'll ask that they identify themselves.
5 And they'll be given an opportunity to go first.

6 Treat each speaker and the
7 panelists with respect. You may not agree with
8 what the person is saying, but everyone has a
9 right to their own views. And we want all of
10 them to be -- have a chance to be heard and be
11 on the record.

12 Please keep side conversations
13 to a minimum to assure proper recording of the
14 comments. As strong as you may feel about an
15 idea that you hear, please keep cheering and
16 jeering to a minimum so that the court reporter
17 can get all the comments into the record and so
18 others have ample time to make their comments.
19 Help me to help you testify by being at the
20 microphone, ready to speak when I've called your
21 name. I will let people know who's on deck.
22 Be courteous to others and stop speaking when
23 your time is up. I will let you know when
24 you've finished 30 seconds before your time is
25 up and 60 seconds if you have five minutes to

1 speak.

2 Remember -- remember that
3 today's meeting is not a attempt at consensus or
4 a vote. It's a opportunity for members of the
5 public to have their thought heard and considered
6 by Federal and State officials. Please follow
7 my instructions to help avoid confusion. To
8 make sure we end on time, as I said, individual
9 speakers will be limited to three minutes.
10 There can be one speaker for an association or
11 organization who may have five minutes. Your
12 time is your own. And in the interest of
13 hearing from as many of you as possible, should
14 not be assigned to others. If other members of
15 your group or association also testify, they will
16 do so as individuals. If you have already
17 testified as a spokesperson for a group, you
18 should not testify as individuals unless there's
19 time at the end of the hearing. Remember you
20 will have ten additional days after the hearing
21 to submit complete written comments.

22 We intend to end the hearing at
23 10 p.m. with concluding remarks from Colonel
24 Butler. And with that, I will introduce Colonel
25 Butler, who will introduce other members of the

1 panel.

2 COLONEL BUTLER: Good evening.

3 Can everybody hear me? I prefer not to use a
4 mike. The group next door to us right now is
5 a little on the noisy side, but we're also told
6 that they're going to be moving here. As you
7 step to the mike, please speak clearly into it.
8 Enunciate so the recorder can catch all your
9 words. That I ask you to do it to reinforce
10 what the -- our moderator has asked.

11 What I'd like to do -- In
12 almost all of our processes, we work this as a
13 team effort. This is not an individual effort.
14 It's a collective team effort. Tonight, we
15 have other agencies that are part or have an
16 interest in what we have put out a public
17 notice to discuss tonight here at the Mouth of
18 the Columbia River. And let me introduce those
19 folks. John Malek is from EPA. We have Eric
20 Braun, who is my Product Manager, who heads my
21 team for this particular project. And then we
22 have Sue Mauermann from the Washington Department
23 of Ecology. Then I've got Christine Valentine
24 from the State of Oregon from the Land
25 Conservation & Development folks, and then Tom

1 Melville from the Department of Environmental
2 Quality; also from the Oregon side. So you can
3 see this is a dual state. The River runs right
4 down between. So we have both State's interests
5 here, and that's very important.

6 I'm here tonight because I'm the
7 decision maker. I'm the guy that makes that
8 decision. Contrary to what I've seen and heard
9 around some folks, is -- A decision has not
10 been made. Okay? In our process, we come up
11 with different alternatives or different options
12 that we're looking at. We take those and we
13 look for public input on those. That's what
14 tonight is all about, is your opportunity to
15 provide us your input to what we have put out
16 to the public as what we are considering.
17 Okay? And it's a consideration. Nothing has
18 hit my desk until my team has had a chance to
19 hear your side and look at all the facts and
20 evidence and, you know, and science in this, you
21 know, will a decision actually be made. Given
22 that, this is not a bunch of hot air. Simple
23 as that. Okay? You have an opportunity to
24 actually do this. And I'm here to listen to it
25 so that I also hear what you have to say.

1 Now, this is -- What I ask is,
2 you know, we're earnestly interested in your
3 opinion and how you see our operations that go
4 along. Eric will explain what we're looking at;
5 all the different sites. And given that, we're
6 going to open it up to your comments. But what
7 I ask you to do is be respectful. I'm going
8 to it reinforce that. Okay? And give everybody
9 an opportunity to speak. And given the --
10 After that, if we have time, we'll conclude the
11 meeting. Then you can come and ask questions
12 at that point if you desire.

13 What I'd like to do is first
14 -- Do we have any elected public officials in
15 the audience tonight? Could I ask you to --
16 What I'd like to do is just -- You have, as
17 representatives of the constituency and elected
18 officials, I give you, you know, the priority to
19 speak first and to be able -- You also have
20 five minutes because you represent the people as
21 an elected public official. So I'd ask you to
22 work with Richard and be the first individuals
23 to speak to us tonight if you so desire. If
24 you don't desire to speak, you know, that's good
25 too. But given that, I want to make sure that

1 we have that -- we have that option.

2 Now, I'm going to turn it over
3 to have each one of our team talk a little bit
4 about who they are, why they're here. And then
5 like Richard said, we'll have Eric give us a
6 short brief, and then we'll go into the actual
7 testimony that you have for us tonight. So I'm
8 looking forward to it. Appreciate you coming
9 out tonight. Really do. Starting to get a
10 little warm in the room. I heard the noise now
11 died down. Given that, please let's go ahead
12 and start. John?

13 MR. MALEK: Thank you, Colonel
14 Butler. One of the gifts my wife gave me over
15 this last week is the beginning of a cold. So
16 I'm not going to try and stand up and talk.
17 My name is John Malek. I am with the
18 Environmental Protection Agency in Region 10.
19 Central Office located in Seattle. Region 10 is
20 composed of four states: State of Alaska,
21 Washington, Idaho, and Oregon. I am representing
22 tonight the Regional Administrator for Region 10.
23 Mr. John Eoney (phonetic) recently accepted and
24 has been confirmed for that position. EPA is
25 here because we are also a decision maker, as

1 well as a cooperating agency partner with the
2 Corp on many of its dredging projects and --
3 and such. For us, a decision has been made,
4 which is that EPA will be sometime later this
5 year, proposing to formally designate two ocean
6 dumping sites at the mouth of the Columbia
7 River. Those -- That particular decision has
8 been made, and environmental documentation has
9 been prepared.

10 However, for the specific
11 purpose right now, we are here as a cooperating
12 agency with the Corp of Engineers. We'll be
13 listening very closely to the comments and --
14 and testimony given to determine our
15 decision-making authority and help -- help us
16 decide what our response will be to the Corp's
17 public notices specifically out right now.

18 MAN: You made the decision.

19 So why are we here?

20 MR. MALEK: I've made a
21 different decision, or EPA has made a different
22 decision to propose to designate two ocean
23 disposal sites. Those sites have -- later this
24 year --

25 MAN: On your side? Which --

1 which sites were you talking about, John?

2 MR. MALEK: The deep water site
3 and the shallow water site, which have been
4 previously discussed.

5 MAN: Okay. This decision has
6 already been made, John.

7 MR. MALEK: Yes.

8 MAN: So why are we here? Why
9 don't you just designate them right now, John?
10 I don't mean to be disrespectful. But Colonel
11 Butler just told us that a decision had not yet
12 been made. And you're telling us the decision
13 has already been made.

14 MR. MALEK: The Colonel's
15 decision is with regard to his dredging and
16 where he puts it. At this point, the disposal
17 sites are not now designated. And therefore, he
18 has a decision that is different for his branch
19 of the Federal Government, as opposed to the
20 decision EPA has made. We've made a decision
21 to propose to designate. There is still a
22 process which involves publication of notice in
23 the Federal register and -- and so forth. At
24 that point, a lot more input will be put in
25 which will lead to a final designation or

1 determination at that point not to designate.

2 MAN: Okay. I -- I
3 misunderstood you. Sorry, John.

4 MR. BRAUN: Okay. I'm Eric
5 Braun. I'm the Project Manager for the Mouth
6 of the Columbia River Navigation project with the
7 Corp of Engineers. As Colonel Butler said, I
8 work for him, and I'm overseeing this project.
9 I'll be getting up in a few minutes to kind of
10 give you a summary of the proposed action. So
11 I won't spend any more time here. I will pass
12 it on to Sue.

13 MS. MAUERMANN: I wonder -- If
14 I stand up, can you all hear me? I prefer not
15 to use microphones. And this way, I can see
16 you a little bit better. My name is Sue
17 Mauermann. I'm from the Department of Ecology.
18 I'm the Regional Director for our Southwest
19 Regional Office. We have a couple of other
20 Department of Ecology folks here too. And we're
21 more than happy to talk with you after this
22 meeting to answer any of your questions.

23 This is a unique public hearing
24 for us because it's an opportunity to kind of
25 present in a more coordinated and efficient

1 fashion an opportunity to hear public comment on
2 this project. While the Colonel mentioned that
3 we're a part of the team here for the purpose
4 of this public hearing, we each play
5 independent roles. And for the state of
6 Washington and Oregon -- and I'll let Oregon
7 speak for themselves -- we are a regulatory
8 agency that needs to make independent decisions
9 related to this public notice specific to our
10 regulatory authorities.

11 Washington and Oregon have the
12 same regulatory authorities we're dealing with
13 because they're a part of the -- Our authority
14 that's given to us by Federal government. But
15 because our states are organized slightly
16 differently, the Department of Ecology for the
17 state of Washington is a lone agency with the
18 regulatory responsibilities to issue decisions on
19 what we call -- And for some of you, this will
20 sound very bureaucratic. We have an opportunity
21 to make a decision on a 401 certification and a
22 coastal zone management certification. One of
23 them is related to our water quality laws and
24 the consistency of this particular proposal or
25 the inconsistency with our water quality

1 standards and other laws. And the other is
2 related to the consistency with our coastal zone
3 management program. So we're here to listen to
4 you tonight prior to making that decision.

5 Thank you very much.

6 MS. VALENTINE: Thanks, Sue.

7 You just made my job a little bit easier. I'm
8 here tonight representing the Oregon Coastal
9 Management Program, which is a program
10 administered in Oregon through the Department of
11 Land Conservation & Development, an agency better
12 known for administering statewide land use
13 planning programs.

14 Our role in Corp -- the Corp
15 dredging project and other Federal projects is to
16 ensure that the Federal agencies fully consider
17 the state of Oregon's coastal and ocean
18 management policies. And to do that, we work
19 with the affected local government with a variety
20 of state agencies; interested parties. And we're
21 hear tonight to hear what the public has to say
22 about this proposal. We will take the
23 information from this hearing, as well as
24 information that we get from the rest of the
25 process, and use it to help us evaluate the

1 proposal that is before us. Eventually, the
2 agency will be sending an official regulatory
3 response to the Corp of Engineers.

4 I also would be glad to answer
5 any questions you have about the Oregon Coastal
6 Management Program after the meeting, or even
7 during the meeting if that's appropriate. I
8 brought some literature which is in the back of
9 the room which you're more than welcome to take
10 with you. And if I run out, I'll find more
11 or get it to you at some future date. I guess
12 that's it for now. I'll pass it along to my
13 Oregon counterpart here.

14 MR. MELVILLE: I probably won't
15 use the mike either. You can probably all hear
16 me. My name is Tom Melville. I'm from Oregon
17 Department of Environmental Quality. And I'm
18 thanking beforehand the Army Corp of Engineers
19 for providing me the transcript of tonight's
20 meeting. Because I will use the comments on
21 that transcript to determine and evaluate the
22 project. That's one of many things I will use.
23 I will evaluate those comments and the project
24 specifically for water quality impacts and
25 impacts to the benefit official uses in the

1 state of Oregon.

2 After reviewing the facts, I can
3 make one of three decisions: I can issue the
4 certification as requested, I can issue it with
5 conditions, or I can deny it. These are all
6 within the 401 powers. I think that's all I
7 need to say. Everybody has said the rest of
8 it. Let's get to the comments. Thank you.

9 FACILITATOR: Well, we still
10 need to hear from Eric. Eric will describe the
11 program which we will be commenting on -- or
12 his proposed program, which is what we're
13 having a public hearing on.

14 MR. BRAUN: I'll try to do it
15 without a microphone if people can hear me.
16 That'll be a little easier. Let me know if you
17 can't. I'll try to get this where it's a
18 little more visible too. Matt's moving one to
19 the other side of the channel. But what I
20 wanted to do is to briefly describe the proposed
21 action. Make sure everybody understands what the
22 proposed action is. Most of you have already
23 seen the public notice for this action. What
24 we're talking about is maintenance at the mouth
25 of the Columbia River Federal navigation channel

1 which extends up to about -- up to River Mile
2 Creek, where it joins up with a 40-foot channel
3 that continues on upriver and then tran -- joins
4 with a shallower channel for barge traffic up
5 river. It's primarily the entrance bar. The
6 authorized depth is 58 feet deep on the north
7 side, 48 feet on the south side. The channel is
8 a half mile wide. And basically, it is the
9 entrance to everything occurring upriver. It's
10 important to all the -- all the upriver traffic;
11 barge traffic, deep draft shift traffic. Smaller
12 boats -- boats also benefit from it. What we
13 have done is proposed an action with several
14 alternative disposal sites to allow us to
15 maintain the channel. We have to dredge four
16 to five million cubic yards of sand each year,
17 typically, in order to maintain the authorized
18 project depth.

19 The other thing I didn't mention
20 is because they're not really under discussion
21 here, for your awareness, there are a series of
22 jetties -- a south jetty, a north jetty, and
23 jetty A here. And they are integral to helping
24 contain the channel; stabilize it. The disposal
25 sites included in the public notice include the

1 north jetty site, which is near the outer end
2 of the north jetty. It's an area where we have
3 seen erosion as the channel tries to migrate to
4 the north potentially undermining the channel --
5 the jetty, rather. The base of the jetty sits
6 at about 30 feet on the sand bottom. So we've
7 been placing sand in that area to help prevent
8 that from being undermined. Because you know,
9 if it is undermined, the jetty could fail and
10 you know, could create a lot of other problems
11 as far as maintaining the complaint.

12 Expanded site E. And that --
13 This site is otherwise known as the shallow
14 water site. It's one of the sites proposed for
15 -- going to be proposed for designation by the
16 Environmental Protection Agency. We've been using
17 it for several years. What it consists of is
18 an EPA designated site E at this end, which is,
19 I think, 1000 X 4000 feet. We've expanded that
20 site considerably to allow us the flexibility to
21 spread the material over a larger area.

22 Expanded site F. Again, there's
23 an EPA designated site in the center and a
24 larger area around there the Corp has been using
25 under the authority of Section 103 because the

1 designated site does not have the capacity to
2 accommodate the quantities of material that we
3 have to dredge in order to maintain the channel
4 without creating other adverse effects. Benson
5 Beach, which is here along the base or the
6 shoreline at Canby State Park immediately north
7 of the jetty. And this is right now being
8 proposed as the demonstration project. Congress
9 has appropriated some additional funds to allow
10 us to attempt this. We've been working with
11 various -- both working with the coastal
12 communities and the ports to provide some
13 additional contributed funds because we expect it
14 will cost considerably more than the other
15 alternatives. The idea is to test this
16 alternative and find out the feasibility, you
17 know, the cost, the environmental effects, and
18 how effective it is at addressing the erosion
19 concerned -- along the Washington Coast.

20 The deep water site is out
21 here. What we have described in the public
22 notice. This site is not designated, as John
23 says. It will be proposed for designation.
24 That process has not been completed. What we
25 have stated in public notices -- We would use a

1 smaller area within that site measuring 7000 feet
2 X 7000 feet. We did not make clear in the
3 notice the intent there is to actually limit
4 placement to a 3000 X 3000-foot box within it.
5 Part of the reasoning there is to allow for
6 drift of sediment as it falls through the water
7 column. It will still end up within the
8 identified area on the bottom. And that site
9 probably wouldn't be used this year. But it
10 depends on how, you know -- on how the rest of
11 this coordination shakes out and what -- you
12 know, what other sites are available.

13 Disposal site A here is located
14 to the south of the channel. It is an
15 EPA-designated site. We included it in the public
16 notice because it is an EPA designated site.
17 We haven't used it for several years. Don't
18 intend to use that unless, for some reason, the
19 other sites are not available. It has a very
20 limited capacity. In the public notice, we had
21 proposed two other sites. And we have decided,
22 you know, based on consideration and some
23 comments that it would be best to get
24 additional information for those sites so, you
25 know -- Possibly information on the physical

1 conditions; biological conditions. Primarily work
2 with, you know, the respective states and coastal
3 engineers on optimizing their locations. But
4 right now, they're not on the table. They
5 won't be used under this action. Maybe proposed
6 as we address those issues working with the
7 other agencies and stakeholders.

8 That, in a nutshell is -- is
9 what we have proposed. All of the disposal
10 sites that we're talking about using here have
11 been addressed in existing environmental documents
12 -- NEPA documents -- except for Benson Beach,
13 which is completely new. We're preparing an
14 environmental assessment for the use of that
15 site. So the deep water site itself was
16 addressed in the EIS for the Columbia River
17 channel deepening, which also included site
18 selection to meet the needs for MCR and
19 potentially for the, you know, 40-foot channel
20 and deepened channel there. And so you know,
21 they were addressed in that environmental impact
22 statement. We're planning to include it in the
23 environmental assessment for Benson Beach because,
24 you know, what we're talking about here is a
25 little bit different action from that, and it's

1 before everything's been completed on that other
2 action.

3 So that's basically a summary of
4 what we're here to get comments on. We're, you
5 know, interested in getting your comments and
6 input so we can consider that in deciding, you
7 know, what and how we will use these sites for
8 continued maintenance at the mouth of the
9 Columbia River. Any questions on the sites or
10 the proposal?

11 FACILITATOR: Yes, sir.

12 MAN: What would be the name
13 or title of these sites you're discussing right
14 now? They're beyond E and F, I take it. What
15 is their designation or name?

16 MR. BRAUN: This, or this?

17 MAN: Both.

18 MR. BRAUN: This is expanded
19 site F.

20 MAN: Okay.

21 MR. BRAUN: Okay? Is how it's
22 referred to in the public notice. And you
23 know, what it is is an EPA site that, you know,
24 the Corp has, you know, used a larger area
25 around it with EPA concurrence. And this is

1 the deep water site. And within that, what
2 we're saying is that if we have a need or a
3 reason to use that site before EPA completes
4 their designation, we will limit it to this
5 smaller site within it. EPA is working forward
6 designation. And assuming, you know, the site
7 is designated, then, you know, the site would be
8 available for use within, you know, the limits
9 of that designation.

10 MAN: It's just referred to as
11 "deep water site"?

12 MR. BRAUN: Right.

13 MAN: Okay.

14 MR. BRAUN: Yes, sir?

15 FACILITATOR: Yes, sir.

16 MAN: Question, Eric: What's
17 the estimated capacity of site F this coming
18 year on site F.

19 MR. BRAUN: We have -- we've,
20 you know, stated and -- you know, an estimated
21 capacity in our utilization report from last
22 year. And I don't have it right in front of
23 me. What we do with these sites -- You know,
24 things are changing. There's movement of
25 sediment occurring and stuff. So I think what

1 we'll end up doing is, you know, we'll be
2 surveying the site this spring. And we'll
3 determine from that what the actual capacity is.
4 I believe, you know, the estimate was in the
5 range of six million cubic yards. But I don't
6 -- You know, don't hold me to that figure.
7 Okay.

8 FACILITATOR: Two more
9 questions.

10 MR. BRAUN: Okay.

11 FACILITATOR: Yes.

12 MAN: I'm wondering -- is the
13 Corp still stuck on the -- on the idea that
14 they can only transport so far because of the
15 -- of the economics of the thing? And so
16 that's why you've chosen those sites, or you've
17 abandoned that one?

18 MR. BRAUN: The cost and
19 feasibility are definitely an important
20 consideration. You know, we, in the process for
21 evaluating and selecting the sites, talked about
22 the zone siting feasibility. We have, you know,
23 finite resources available, as far as equipment
24 and as far as money for transport. And so
25 that, you know, still is an important

1 consideration.

2 MAN: Well, I guess how -- how
3 important on a scale of one to ten with the
4 rest of it -- all the rest of it -- Is money
5 the issue here? Or is it -- or is it actually
6 environmental things and -- and, you know, what
7 most of us are here to talk about?

8 MR. BRAUN: It's balancing all
9 those considerations.

10 MAN: That's a good dance.

11 FACILITATOR: Another person? A
12 question? This is just a question about the
13 factual question. Not an argument. Okay. Go
14 ahead.

15 WOMAN: I had a question on
16 site depth also. In '97, you said that we had
17 eight to ten million cubic yards left in site
18 F. And it says the water depth at this
19 location would preclude any dredge work placed to
20 mitigate for inadvertent damage caused by
21 dredging disposals. If you overmound site F,
22 you may have -- well, in your document -- your
23 utilization document -- you average between 1981
24 and 2001. And you said there was a natural
25 deposition of .2 million cubic yards per year.

1 If you just take '97 to 2001, there's a natural
2 deposition of 2.5 million cubic yards per year.
3 And if that's occurring, how can anything be put
4 in site F? Just curious.

5 MR. BRAUN: I'm not -- I'm not
6 in a position to, you know, discuss or debate
7 that right now. You know, our coastal engineers
8 are the ones that are better qualified to do
9 that.

10 WOMAN: Is anyone here that --

11 MR. BRAUN: No. We're here to
12 hear testimony from people on the sites and
13 their concerns and not, you know, discuss or
14 debate statistical aspects.

15 FACILITATOR: So if you're
16 concerned about site F, you know, I would ask
17 questions. Because once somebody hear a
18 question, and -- I'll reserve the rest of the
19 questions for after the hearing. Your hand's up
20 first.

21 MAN: You refer to the erosion
22 on the -- the end of the Washington side there.
23 And that needed to be filled. Is it possible,
24 in an informational way, rather than trying to
25 -- to create any other side discussions, to

1 describe the soundings? How it was occurred
2 that that was -- Was that a visual siting? Was
3 that a sounding? By what agency? How did you
4 arrive at the fact that this erosion is
5 dangerous to the jetty?

6 MR. BRAUN: That's based on
7 that bathymetric surveys. We frequently survey,
8 you know, the navigation channel and adjacent
9 areas. We frequently surveyed the disposal
10 areas. We were doing surveys specifically
11 looking at the north jetty to, you know --
12 because we're seeing signs of deterioration. And
13 they show 70 foot soundings within close
14 proximity to the jetty when the base is at 30
15 feet.

16 MAN: Was that shelving? How
17 would you describe it physically? Is it
18 shelving? How is it endangering the jetty?

19 MR. BRAUN: Well, the base of
20 the jetty sits at 30 feet. And if this
21 erosion continues and it becomes 70 feet
22 underneath it, the jetty falls into the hole --

23 MAN: Uh-huh.

24 MR. BRAUN: -- you know, in a
25 nutshell. It's sitting on loose sand. The loose

1 sand is eroding away. Close enough to the
2 jetty to cause the concern. Okay?

3 FACILITATOR: I'll cut off the
4 questions at this point because we will move to
5 the testimony. We'll have a five-minute break
6 while I gather the cards. Make sure, if you
7 want to testify, to have your cards. And your
8 comments will be -- you want to hear your
9 comments. If there's time at the end for
10 additional questions, we'll have additional
11 questions at the end. So a five-minute break.
12 And then if there are elected officials who want
13 to speak, please let me know.

14 (Short break taken at this
15 time.)

16 FACILITATOR: Okay. Ready to
17 resume. If you want to testify -- If you
18 change your mind and want to testify, you can
19 always fill out a card and get it to me, and
20 I'll put it in the pile. Right now, 14 people
21 have signed up to testify, which means we should
22 have time at the end for more questions and
23 answers to clarify whatever technical issues of
24 the proposal. Remember you have ten more days
25 to submit additional comments. So with that,

1 the first speaker is Matt Van Ess from CREST.

2 And on call is Lanny Cawley from Port of
3 Kalama. So -- Matt Van Ess? Is CREST an
4 organization?

5 MR. VAN ESS: Yeah.

6 FACILITATOR: So you have five
7 minutes.

8 MR. VAN ESS: Okay. I don't
9 think I'll need five minutes. But thank you
10 for the opportunity. Can everybody hear me?
11 Okay. Hello. My name's Matt Van Ess, and I'm
12 the Director of CREST, the Columbia River Estuary
13 Study Task Force. Thank you, Colonel, for
14 coming down. I really appreciate this
15 opportunity to provide some comments. On the
16 public notice for disposal. Thank you as well,
17 Mr. Malek, for coming down and representing the
18 EPA, and the rest of you guys. Thank you very
19 much.

20 CREST is a council of local
21 governments. We represent cities, counties, and
22 port districts on national resource planning
23 issues affecting the Columbia River estuary.
24 Ocean disposal is obviously one of those issues
25 that we're involved with. We'll also be

1 submitting written comments. And so I have a
2 little extra time with that. But I just want
3 to offer the following brief points here.

4 I guess I was surprised to
5 learn about the permanent designation process
6 that we just learned about a new minutes ago.
7 I'm struggling with -- And I guess maybe I'll
8 get some clarity as we move forward here -- why
9 a temporary designation is necessary now if we're
10 going to move forward with a permanent
11 designation within a year. I think our goals
12 here are the same. We want a long-term
13 strategy to deal with maintenance dredging of the
14 MCR that includes minimizing and avoiding
15 dredging impacts. We want to keep ocean dredge
16 material disposal sites to the minimum footprint
17 that is absolutely necessary, demonstrated, and
18 justified. And we want to include beneficial uses
19 of the dredge material.

20 Right now, we got a big mess.
21 Redredging ocean disposal sites, a couple of
22 investigations, crab fishery impacts that still
23 haven't been dealt with; unresolved and
24 unmitigated. Conflicting ideas and theories.
25 Renourishment of beaches.

1 Other ideas include taking it
2 offshore, where it's lost in the drift. The
3 disposal in the Columbia River plumes and the
4 impact to salmon are not understood. The last
5 EIS on the MCR project was in 1984. The
6 latest idea we've heard about related to channel
7 deepening is to dispose of a lot of material
8 that would have been going to the MCR project
9 in the estuary. So there's a lot of ideas
10 floating around regarding ocean disposal. It's
11 obviously critical project to the region; to the
12 country. You know, we got the most treacherous
13 bar in the United States, in terms of bar
14 crossing. We need your attention, EPA and Army
15 Corp. I think we've got it. So that there's
16 clearly a lot of issues that -- conflicting
17 issues we need a long-term look at.

18 The ten-page public notice is
19 inadequate to justify a temporary designation.
20 In fact, it's un -- it's inadequate to justify
21 disposal in any areas that have not been
22 previously used. So I guess what I'm asking
23 for is this year, use site E. Use site F. Use
24 the north jetty site, and use Benson Beach. I
25 think we've got adequate capacity to do that.

1 I really support the idea of dropping the deep
2 water site temporary designation process.
3 Especially with what we've learned for -- just
4 tonight of moving forward with the permanent
5 designation out there. So I strongly urge the
6 Corp to also remove the deep water temporary
7 designation, much like you did with the other
8 near shore sites.

9 Having said that, I guess one
10 -- Some of the reasons to abandon the temporary
11 designation -- the 1999 FEIS for channel
12 deepening that we're citing to justify the use
13 of the temporary deep water site, as you all
14 know, was denied by both states in terms of
15 coastal zone consistency and water quality
16 certification. So I -- I'm struggling again
17 with the idea of using that document to
18 temporarily designate a site when the states have
19 already denied that document.

20 We're also awaiting an updated
21 management and monetary plan for the temporary
22 use and biological assessment. The bottom line
23 is abandon this idea of temporarily designating a
24 deep water site. Let's move for permanent
25 designation.

1 FACILITATOR: Sixty seconds.

2 MR. VAN ESS: Okay. Is that
3 five minutes?

4 FACILITATOR: You have sixty
5 more seconds.

6 MR. VAN ESS: Okay. Benson
7 Beach. Complete the demonstration project and
8 seriously investigate direct beach nourishment as
9 a permanent alternative to MCR7. The least cost
10 is routinely cited as why Benson Beach is
11 problematic. Rehandling the material is too
12 costly. I'm anxiously awaiting the cost
13 estimates of the reparation alternatives,
14 including channel deepening. Rehandling the
15 material for the lowest -- in the island
16 abatement is not the least cost alternative.
17 Forget about Miller Pillar restoration. Restore
18 Benson Beach. Reinstate the Ocean Disposal Task
19 Force immediately. It's not an easy process.
20 It's absolutely critical. We absolutely need
21 full regional dialogue on sand impact issues
22 revolving around MCR maintenance. I guess I'd
23 like to personally offer my help in reinstating
24 the Ocean Disposal Task Force, being a liaison
25 to this area -- to this region and the local

1 governments in this area -- to help us enter
2 into a more regional discussion of sand
3 management. I think we'll getting there.

4 FACILITATOR: Okay. Time is
5 up.

6 MR. VAN ESS: Okay. We'll be
7 submitting some more written comments and the
8 long-term solution of MCR is a priority. Thank
9 you.

10 FACILITATOR: Thank you. Lanny
11 Cawley. And on deck Ken O'Hollaren; Port of
12 Kalama.

13 MR. CAWLEY: My name is Lanny
14 Cawley. I'm Port of Kalama -- represent the
15 Commissioners of the Port of Kalama who represent
16 about a 1000 persons in Kalama who also
17 represent many, many other employment
18 opportunities throughout the nation, as Kalama is
19 a leading bulk grain exporter.

20 I did submit testimony, and I
21 thank you for letting me speak again today.
22 And the testimony that I did submit was in
23 regard to a number of jobs that we have. But
24 today, what I want to talk about is the
25 importance of the Corp looking at alternate

1 disposal sites. We believe that there's
2 tremendous beneficial use of sand. Colleagues
3 here, including a former colleague John Fratt,
4 knew very well how important the sand has been
5 to Kalama. We built a marine terminal on
6 dredge disposal material. We have a 250
7 employee steel mill sitting there now. We have
8 a grain elevator on one end of the port sitting
9 on fill material and another grain elevator on
10 the other end, which makes a tremendous amount
11 of opportunity for the people in our area. We
12 need this channel more now than ever because of
13 our economy. We need to continue to do the
14 work that we do for economic development;
15 creating jobs. In the last five years, we've
16 created 55 percent growth and employment in our
17 area. And we'd like to continue to see the
18 Corp work on ways to make beneficial use of the
19 sand. We support the Benson Beach project.
20 We've asked the State to use some of the money
21 that was appropriated to us for the project --
22 channel deepening project to be used for the
23 Benson Beach project. We'd like to see that
24 project becoming a permanent project. We would
25 hope to see, eventually, sand completely

1 eliminated from ocean disposal. We're thrilled
2 to see the efforts made by the Corp to take it
3 out of the ocean from the channel deepening
4 project, and we hope to see that continue on on
5 the MCR project in the future. That's my
6 comments. Thank you for the opportunity.

7 FACILITATOR: Thank you. Ken
8 O'Hollaren. And then on deck is Peter Huhtale
9 from Concido (phonetic).

10 MR. O'HALLAREN: Thank you very
11 much. My name is Ken O'Hollaren, and I'm the
12 Executive Director of the Port of Longview. And
13 I also appreciate the opportunity to provide
14 these oral comments to the Corp in addition to
15 written testimony which we had submitted earlier.
16 As you may know, the Port of Longview, of
17 course, is a local sponsor for the 40-foot
18 project, as well as a sponsor for the 43-foot
19 deepening project.

20 Our port in the communities we
21 represent have a long historical stake in the
22 vitality of the Columbia River. And that stake
23 has certainly not diminished over the years, and
24 in fact has increased steadily throughout the
25 years.

1 In 2001 alone, 233 vessels
2 called at public and private docks in Longview
3 carrying nearly three million metric tons of
4 cargo. The current rate of unemployment in
5 Cowlitz County, at 10.5 percent, one of the
6 highest in the state -- Our Marine Corp and
7 River industries are more vital than ever in
8 preserving an economic base in our area.

9 With respect to the plan for
10 this year's maintenance dredging, we very much
11 appreciate the work of Corp of Engineers in
12 allowing the deposit of dredge material term
13 Benson Beach. The sponsoring ports are pleased
14 to have played what we believe to be an
15 important role in facilitating this demonstration
16 project. We certainly hope the outcome of the
17 project will demonstrate the value of a more
18 permanent disposal site.

19 On behalf of the entire port
20 community of Longview, we appreciate the efforts
21 of the Corp of Engineers in maintaining not just
22 the mouth of the Columbia River, but entire
23 channel, and urge that this maintenance proceed
24 on schedule this year so as to avoid any
25 interruption or elimination on navigation and

1 accessing our marine terminal. Thank you.

2 FACILITATOR: Thank you. Peter
3 Huhtale. I hope I'm not mangling your name.

4 MR. HUHTALE: No. You did it
5 perfectly. You've run into me before. Thank
6 you.

7 FACILITATOR: And Dale Beasley
8 on deck.

9 MR. HUHTALE: Thank you, Colonel
10 Butler and all you fine agency people for giving
11 us this opportunity to share our thoughts. The
12 following testimony is presented not only on the
13 behalf of the Columbia deepening opposition
14 group, Sea Dog, but also on behalf of Ocean
15 Advocates, a national nonprofit organization based
16 in suburban Washington, D.C. with offices in
17 Seattle, Washington.

18 We have several concerns about
19 the overall process in addition to specific
20 concerns about information provided in decisions
21 relevant to MPRSA, Marine Protection Research and
22 Sanctuary criteria for disposal sites and the
23 dredged material. I'm going to skip right to
24 that deep water dump site that Mr. Malek intends
25 to designate. The unused deep water site must

1 remain unused until the full EPA process has
2 been completed. There should be no supposition
3 that designation will be the outcome of the
4 process since a full evaluation has not been
5 completed. We believe that an updated
6 environmental impact statement should be
7 developed as part of the process and that the
8 decision whether to designate the site should be
9 made independent of decisions regarding
10 particularly -- particular dredging activities
11 such as the proposed channel deepening project.

12 The site designation process
13 should be made on the basis of existing
14 conditions relevant to the requirements of MPRSA
15 and its implementing regulations. One of the
16 provisions of the act is that sites previously
17 used should be given precedents in the site
18 designation process. Consequently, it's
19 imperative that the environmental conditions of
20 the unused site remain unaltered by disposal
21 activities until the designation has been made
22 with full public participation. Therefore, it is
23 unacceptable for the Corp to designate an area
24 within the site for short-term disposal of
25 dredged materials.

1 The provision that historical
2 sites be preferred is the very reason why we
3 cannot accept the use of any part of the deep
4 water site for disposal prior to final action on
5 its permanent designation by EPA. It would
6 constitute an ex post facto establishment of
7 historical use and therefore unfairly influence
8 the designation process.

9 The entire plume area outside
10 the mouth of Columbia River is characterized by
11 fine sediment that supports an abundance and
12 diversity of marine life, some of which are
13 unique and characteristic to be that area. In
14 addition to smothering life at this particular
15 site of disposal, depositing coarse sand will
16 interrupt the diverse ecosystem by changing its
17 very physical nature.

18 The deep water site cannot be
19 adequately monitored due to size, depth, and
20 likelihood of undesirable conditions for
21 monitoring activity. There have been no baseline
22 surveys for the proposed site. The ecological
23 information that exists for the greater plume
24 area indicates a rich and diverse fauna,
25 including several endangered or threatened

1 species. In other words, this is an area that
2 should remain undisturbed by such activities as
3 disposal of dredged materials.

4 Now, I want to talk just
5 briefly -- which I expounded on in greater
6 length in written comments that I provided to
7 you. And I will provide additional written
8 comments about beneficial uses and least cost
9 options. The U.S. delegation to the scientific
10 group of the London Convention under the
11 leadership of the Army Corp of Engineers has
12 aggressively promoted beneficial use as a
13 preferred option in all cases where dredged
14 materials are clean and there's a need for them.
15 Maintenance dredging at the mouth of the Columbia
16 River appears to be a potential poster child for
17 this policy. It's remarkable that the Portland
18 district does not see the options such as Benson
19 Beach and the replenishment of the other beaches
20 of the southern Washington coast as the most
21 attractive options of all and is not forward
22 looking enough -- maybe that's not fair -- But
23 to see the value of investing in technologies or
24 facilitating the rapid and effective transfer of
25 sediment from the mouth of the Columbia to the

1 desired location.

2 In evaluating the Benson Beach
3 placement alternative for disposal, the Corp has
4 given full attention to cost and almost no
5 attention to benefit. It's followed the flawed
6 Corp standard prescribing the least costly
7 option. If this model were followed to its
8 logical conclusion --

9 FACILITATOR: Sixty seconds.

10 MR. HUHTALE: -- the decision
11 would have to be made not to dredge the
12 Columbia River ever again. Because dredging
13 simply costs more than not dredging. By your
14 own formula, you cannot take into account the
15 benefits accrued from dredging, just as you've
16 not taken into account the economic and
17 employment benefits that would be accrued from
18 supplying clean sediments to the beaches of the
19 southern Washington coast, let alone avoiding
20 damage to the marine resources and the local
21 fisheries.

22 As mentioned in the testimony,
23 we're asking that crucial documents be supplied
24 for public review before finalizing any decisions
25 regarding the proposed dredging in the mouth of

1 the Columbia River. The environmental assessment
2 of the dredging project and proposed disposal
3 options; a draft EIS informed by the E.A.; a
4 revised management and monitoring plan for site
5 E; a management plan and long-term cost/benefit
6 analysis for Benson Beach placement office.

7 We also expect you to retract
8 the requirement for selecting the least costly
9 disposal option or provide clarification if we
10 have misinterpreted your intent regarding that
11 preference.

12 FACILITATOR: Time's up.

13 MR. HUHTALE: Thank you. Sea
14 Dog and Ocean Advocates will submit this
15 testimony for the record of the hearing, and we
16 will submit additional comments in writing.
17 Thank you.

18 FACILITATOR: Thank you. Dale
19 Beasley from Sierra CFA. And Bob Hrdlicka, Port
20 of Portland.

21 MR. BEASLEY: My name is Dale
22 Beasley. I'm a Commissioner for Columbia River
23 Crab Fisherman's Association based out of the
24 Columbia River. We not only represent our own
25 organization, but we've been selected to

1 represent several other organizations that affect
2 mariners from all over the Pacific Rim. Some of
3 our members are as far away as New Zealand,
4 Alaska, Canada. No one is here to speak for
5 the small recreational boaters. And I imagine
6 we can assume that role too. Priority concern
7 I have tonight -- And I don't want anyone in
8 the agency to miss that we want to maintain
9 navigational safety for not only the deep draft
10 vessels, but all of the small draft vessels that
11 use the mouth of the Columbia River. I have a
12 lot of other things to say, but that one thing
13 I don't want you to miss.

14 I had a prepared speech for
15 tonight. Some of the things that I've heard
16 here tonight have altered what I have to say.
17 But what else is unusual? This whole process
18 that we're looking at here tonight is lacking.
19 It's just like tonight, I hear our 7000 X 7000
20 deep water site has only a 3000 X 3000 use.
21 I've never heard that before tonight.

22 I didn't hear before tonight
23 that we were going to plan on permanent
24 designation sometime in the next year of a
25 deepened shallow water site.

1 Now, you look at all of the
2 other things that I have on my list here that
3 we haven't addressed prior to tonight's public
4 comments -- I get up here, and there's really
5 nothing I can say because I have not been privy
6 to this information to comment on. There's no
7 way I can comment on this in 30 second's
8 notice. It takes me a long time to look at
9 the documents to see what's going on. I've
10 been looking at the deep water site -- Or not
11 the deep water site, but site F. It's
12 concerning me. My wife brought it up a little
13 bit in the comment period here earlier about the
14 natural deposition rate in site F and two-tenths
15 of a million cubic yards between '81 and 1997.
16 Between '97 and now, they've averaged
17 two-and-a-half million yards of natural deposition
18 in site F with last year 2.8 million cubic
19 yards. And when I talk about navigational
20 safety for not only small crafts, this is a
21 concern for deep draft vessels. This year on
22 the second of September, we had a couple of
23 fatalities. Now, has anyone in this room heard
24 that on that same date, there was a deep draft
25 ship they lost control of, and they had a hard

1 time maneuvering in the main channel on that
2 very same day? Has this been part of the
3 record? No, it hasn't. But it's come to my
4 attention by the people that were piloting that
5 boat.

6 So the concerns here for site F
7 are dramatic. And if the capacity is truly
8 there, use it. Because I don't want to see
9 some of these other things go forward. I'd
10 like to see us use the sites that we have this
11 year already designated if the capacity is truly
12 there. Don't get me wrong. But above all,
13 don't make the mistake -- Be cautious. Because
14 site F is irreversible. Once you've made the
15 mistake there, you're stuck with it. You can't
16 correct it. It's not like site E, where it's
17 correctable.

18 Part of the problem tonight is
19 we're addressing five different agencies with a
20 lot of different mandates. There's no way that
21 we can possibly do this in five minutes. We
22 have a lot of risk to reduce in this cycle of
23 permitting. We've got risk to the small vessel
24 mariners on the edge that's been out of control
25 here lately. We've got some biological risks

1 that we haven't looked at adequately. Today
2 when I came in, for instance, I drove over the
3 outer portion of what they're now calling the
4 shallow water site. I call it expanded site E.
5 And I seen one string of crab gear in all of
6 that outer area. Normally this time of year,
7 I've seen 20 to 25 strings of gear in that
8 area. But we don't have any biological
9 assessment of that area to see what impact is
10 going on. But I can tell you one thing. One
11 down to -- or twenty, twenty-five down to one
12 -- That's a pretty good biological assessment in
13 my estimate.

14 FACILITATOR: One minute.

15 MR. HRDLICKA: One thing about
16 it I want to make entirely clear. These small
17 draft vessels need that channel dredged just as
18 well as the deep draft people. So this is one
19 of the things that we do need to have done.
20 We've got to find a solution. And that
21 solution has to be community-based. It has to
22 be palatable to all of the affected parties.
23 These command/control decisions that we're going
24 to designate have to start looking at the
25 affected parties and figuring out a way to make

1 these solutions palatable to everyone. And I
2 will be submitting some written comments. And I
3 have some comments here that I was going to say
4 tonight which I will leave here. And my
5 written ones are much longer than these.

6 FACILITATOR: Thank you. Buck
7 Hrdlicka from the Port of Portland and Dick
8 Sheldon from the Northern Oyster Company's on
9 deck.

10 MR. HRDLICKA: Good evening.
11 I'm Bob Hrdlicka, Marine Director from the Port
12 of Portland. And I would like to thank -- Thank
13 you all for this opportunity to provide some
14 comments here tonight. The Port has already
15 submitted written comments. And I will simply
16 summarize a few of the highlights from those
17 written comments. First of all, the Port
18 believes a continued maintenance of the -- of
19 the Columbia River navigational shipping gateway
20 is critical to the economic viability of the
21 Pacific Northwest and the nation.

22 Dredging at the mouth of the
23 Columbia River has been a part of the history
24 of the Columbia River and has been pivotal in
25 Oregon's and the Pacific Northwest's growth for

1 over 100 years. And any delay of the continued
2 maintenance of the Columbia River bar with more
3 than 4000 deep draft vessels transit annually may
4 seriously impact Northwest trade and commerce.

5 The Port also supports very
6 strongly the beneficial use of dredge material,
7 such as the Benson Beach site recommended in the
8 ports -- or in the Corp's public notice -- and
9 that effort is strongly supported by the Port.
10 We encourage the Corp and the other parties to
11 implement the demonstration project as soon as
12 possible. Assuming that the project proves
13 successfull, we believe that that will provide an
14 important disposal option for a long time into
15 the future.

16 Understandably, comments have
17 been expressed with regard to the potential
18 impact of -- on the crab fishery by ocean
19 disposal. We believe the proposed designation
20 site designations and procedures will minimize
21 such impact. The primary reason for selection
22 of the proposed deep water site has been because
23 it was felt that this location provided the
24 lowest operational impact to the crab fishery.

25 However, notwithstanding the

1 selection criteria, the Port is aware of
2 differing projections with regard to the
3 potential economic impact of ocean disposal on
4 the crab fisheries, and we strongly recommend
5 that the Corp or State agencies commission a
6 rigorous and objective analysis of the question
7 as a means of settling the issue.

8 Continued maintenance of the
9 mouth of the Columbia River is critical to the
10 continued viability of the Columbia River ports
11 and the hundreds of thousands of jobs that they
12 provide direct or indirect support of. Without
13 dredging, recreational commercial vessels will be
14 subjected to increased wave heights and risks in
15 crossing the bar. The excellent commercial
16 safety record for the Columbia River crossings is
17 due to very skillful piloting by the Columbia
18 River bar pilots, as well as a regular
19 maintenance dredging program. And we strongly
20 urge that -- that you proceed without delay.
21 Thank you again for the opportunity to testify
22 here tonight.

23 FACILITATOR: Thank you. Dick
24 Sheldon is next, and on deck is Rick Mock.

25 MR. SHELDON: My name is Dick

1 Sheldon. For the record, I own Northern Oyster
2 Company. I'm also a Water Quality Representative
3 for the Willapa Bay Grace Harbor Shellfish
4 Growers association.

5 I served on this Ocean Disposal
6 Task Force for as long as it was in existence.
7 And it was quite a learning experience, but it
8 wasn't very rewarding. The Willapa Bay issue
9 never really came up. But the Willapa's really
10 taken a hit. After the manipulations on the
11 Columbia River -- and that deals with damages,
12 with water retention, with -- with the changing
13 of the seasonal flows into Willapa by the
14 damming, by the deepening, by all of the
15 modifications -- we have a -- We have a shrimp
16 problem up there that didn't use to exist. We
17 also have a lack of fresh water in the spring
18 freshes that used to come down the Columbia
19 River in a rush. And it's thought that that's
20 one of the major controls on the shrimp thing.
21 Now we're taking a hit from everybody because
22 we're bad guys. We have to control the shrimp
23 that nature used to control.

24 We have -- there's a study that
25 was made in the '60s that dealt with the --

1 with contamination from Hanford. There was
2 iodized trace into the oyster meats in -- in
3 Willapa. There again, these sediments still lay
4 there in the bottom of the -- the riverbed.
5 And although they may not -- not show up in the
6 maintenance dredging, they're still there. And we
7 don't like the idea of messing with things that
8 you don't understand.

9 We have shoaling. We have
10 washing out. We have all kinds of changes on
11 the -- on the Willapa bars that change --
12 change the way we have to do things. Willapa
13 feeds off of the ocean. And when you change
14 the entrance and whatnot, all these things
15 change. So it's -- so the -- Even though the
16 Oyster Grower Association -- Shellfish growers up
17 there haven't been heard very loudly in the
18 past, we should be considered as a player in
19 this thing.

20 I also belong to the Columbia
21 River Crab Fisherman's Association. And some of
22 the assurance that we've heard from -- from the
23 ports and the proponents of these things --
24 Well, that this is the finest thing that could
25 happen, and this is the way things go -- It's

1 nice to be able to sit down and read a book.
2 But you haven't been there. And I invite some
3 of the braver ones to come along. I'll give
4 you a ride.

5 Thirty-five years I've spent on
6 that -- on the Columbia River. And I've
7 watched the shoaling after the -- after the
8 dredges. This isn't only -- only recently.
9 The three deaths that happened there this summer
10 that were the -- that the Corp was found not
11 responsible for -- I-- I don't think two of
12 them who were actually -- actually -- actually
13 really investigated. I happened to be there the
14 day that all three of these things happened.
15 And I was probably the closest to the sports
16 people that drowned at the time. I was just on
17 the other side of number seven and number three,
18 and I know the conditions on this thing. As I
19 said, I've probably run this bar longer than
20 anybody in this particular area that's grabbing
21 today. Because I fished in the north side all
22 this time. And if you want to chalk up some
23 responsibility, you have to -- have to look at
24 the Corp on those two sports death. Because
25 that was something that they created. And the

1 people that got around the corner and got scared
2 -- And I would have been scared too. But I
3 was smart enough, and I knew where I was at.
4 And they didn't. And once you're trapped,
5 you're trapped. And there wasn't a way out for
6 them.

7 So these are some of the things
8 that you don't hear at these meetings. Until
9 you've been there, you really won't understand
10 it. On the Benson -- Benson Beach project, I
11 was also on a task force for the State Parks
12 Department recently. And I proposed to them
13 that they change the concept of the state parks
14 at -- at Port Canby to accommodate a lot more
15 sand and -- than what the Corp says the area
16 would accept. In other words, turn it into
17 something more of a go-cart and motorcycle thing.

18 Of course, they had a heart
19 attack over this one because it -- it wasn't --
20 you know, it wasn't the thing that they wanted
21 to here. But why not? If you're going to
22 save something, why not go ahead and do that?
23 On the Benson Beach thing, that was brought up
24 when I was a member of the task force.

25 FACILITATOR: Sixty seconds.

1 MR. SHELDON: And they -- the
2 Corp came up with a -- with a proposal, or at
3 least a -- some material on a dredge that would
4 repump this stuff if they dumped it on top of
5 it. And I asked at the time, does the -- Has
6 the Corp considered the fact that that's probably
7 one of the safest places around for a boat to
8 operate in weather conditions? One of the
9 problems was that the Corp couldn't operate in
10 some of the sea conditions and would lose this
11 dredging time.

12 Another thing is it's closest
13 disposal site anyplace around. And that alone
14 should be a factor, as far as when you're
15 dealing with money. Sure, there's more money it
16 would cost to repump this stuff and the other
17 things. But I think there's some offsetting
18 factors that the Corp hasn't seriously looked at.
19 Thank you.

20 FACILITATOR: Thank you. Rick
21 Mock. And then on deck is Mack Funk.

22 MR. MOCK: I'm just a concerned
23 citizen. I figured I'd come down tonight and
24 voice my opinion. I start work at 4:30 in the
25 morning, so I've been up quite a while. I work

1 at the fishing industry. And daily, what I do
2 is monitor fishing limits for the boats. In
3 other words, if they go over, I'm the guy who
4 has to write them a ticket.

5 And I know and have been
6 following what's going on out there, as far as
7 what's happening to the marine species and why
8 we're protecting them and basically why those
9 limits are in place. I don't know if they're
10 right or if they're wrong. That's -- that's
11 not really my decision. I just kind of do what
12 I'm told.

13 But anyway, I can't see how
14 this is going to benefit those fish in any way,
15 shape, or form. Most kind of sole fish hang on
16 top of the mud or maybe just a little bit under
17 the mud. I can't see how dumping a bunch more
18 mud on top of them is going to help them out
19 any.

20 So if protecting these fish is
21 so important, how can -- What do I say to the
22 fishermen when they come in, and you guys are
23 basically destroying their habitat with mud and,
24 you know -- Not just regular old mud. Polluted
25 mud.

1 Because not only is, you know,
2 industry and stuff important up in Portland.
3 Most of their pollution and stuff comes up and
4 ends up down right in my drinking water. I got
5 a Pur filter. I've got three kids and a
6 wife. We got a Pur filter that's supposed to
7 last us six months. Right now, it lasts us
8 three. That's coming out of City water. So I
9 can't see how any kind of dredging could have
10 any kind of good environmental impact on what's
11 going on.

12 As far as -- as most of the
13 fishermen I know, and as far as I'm concerned,
14 I can't see how we can continually justify
15 punishing the fishermen with fishing limitations
16 when we can't get any help from our own people
17 -- especially environmental agencies -- on these
18 kind of issues to protect these fish. So are
19 we really here to protect the fish? Or are we
20 just trying to run the boats out of business?
21 Thanks for your time.

22 FACILITATOR: Thank you. Mack
23 Funk. And on deck is Robert Warren.

24 MR. FUNK: I am Matt Funk, the
25 Port Manager Port of Illwaco. Mr. Moderator,

1 Colonel Butler, Ladies and gentlemen, the Port of
2 Illwaco understands the importance of maintenance
3 dredging. We believe the Corp should dredge in
4 a manner that is, one, safe for Mariners; two,
5 best for the environment; and three, preserving
6 our local economy.

7 We think that the dredge
8 material must be disposed of in areas that
9 minimize dangerous wave breaking conditions.
10 We're concerned that dredge disposal should not
11 adversely impact coastal beaches that appear to
12 be eroding. We think that the Dungeness Crab,
13 while not an endangered species in the context
14 of Federal law, are nonetheless important to the
15 environment.

16 Obviously, covering large areas
17 of the ocean floor with dredge soil will smother
18 marine life. We've received recent reports that
19 disposal site B, which is not shown on the
20 plans you're using, is now producing 90 percent
21 fewer crabs than the surrounding areas.

22 Crab fishermen are completely
23 avoiding disposal site E due to safety concerns.
24 The loss of even a portion of the crab fishery
25 is critically important to our small fishing

1 community. In the past, we've suffered great
2 losses to the commercial salmon fishery and the
3 commercial bottom fishery. We can't -- We can't
4 forward to lose our crab fishery. We believe
5 it's in the national interest to consider all
6 the costs of the proposed maintenance dredging
7 programs.

8 FACILITATOR: Thank you. Robert
9 Warren; Columbia Riverkeeper. And on deck is
10 Jim Townley from Columbia River Steamship
11 Operator Ocean Association.

12 MR. WARREN: My name is Robert
13 Warren. I'm on the Board of Columbia
14 Riverkeeper based out of Portland, and I'm also
15 a Director of Sea Resources, a small nonprofit
16 watershed center in Chinook, Washington. So I'd
17 like to thank you for the opportunity to testify
18 today. And I -- and I am testifying on behalf
19 of Columbia Riverkeeper.

20 First of all, I'd like to
21 emphasize that Columbia Riverkeeper supports
22 maintenance of the navigation channel so long as
23 it is sustainable environmental, economically, and
24 ecologically.

25 Many natural resource managers

1 are finally taking seriously the concept of
2 operating within an ecosystem context when
3 managing natural resources. That means potential
4 management actions need to be considered with
5 regard not only to the direct immediate impact
6 that they may have on specific organisms or
7 their habitat, but also what any proposed actions
8 may have on the physical biological processes
9 that shape and maintain habitats critical for
10 those organisms.

11 Typically, a complex array of
12 natural processes work in concert together to
13 shape habitats required by species to complete
14 their life cycle. In addition, managers are
15 beginning to consider the complex food web
16 dynamics and trophic relationships that exist
17 between organisms when assessing potential impacts
18 of a specific action.

19 The Columbia River plume has a
20 unique natural system that's extremely important
21 for a variety of species. The importance of
22 this area species such as Dungeness crab and
23 bottom fish is fairly well established. However,
24 people interested in salmon recovery are just
25 beginning to understand the importance of the

1 Columbia River estuary, plume, and near shore
2 environment for certain species of salmon.

3 Recently, fishery managers have
4 offered evidence that a small improvement in the
5 survival during the early life stages in the
6 estuary in the near shore area could translate
7 into a very significant increase in smelter adult
8 survival. In other words, more juvenile salmon
9 reaching maturity and finally making their way
10 back to spawning grounds.

11 Work is currently underway by
12 the National Marine Fisheries and others to
13 better understand the specific benefits the plume
14 offers juvenile salmon, what natural processes
15 of supporting these benefits are, and what is
16 required to maintain these processes.

17 The plume has already been
18 altered due to physical modifications of the
19 river. Further modifications and impacts without
20 a serious analysis of potential impacts would not
21 be responsible. For these reasons, we believe
22 that it is important to take a careful and
23 measured approach in planning, designing, and
24 implementing projects and actions the such as
25 this.

1 Impact of actions that altar
2 natural physical process that shape and maintain
3 this highly productive habitat must more clearly
4 be understood before any serious impact
5 assessment can be completed. We are concerned
6 that this level of understanding and
7 consideration does not exist. We believe that
8 it is important to realize the limitations of
9 the existing information base regarding the
10 structure and functions of the ecosystem of the
11 Columbia River plume and estuary; especially in a
12 system as unique as these.

13 And so therefore, we believe
14 that the information contained in the EIS's that
15 are being used to characterize the ecology,
16 ecological function, and structure of these
17 ecosystems do not adequately reflect the best
18 available science regarding the ecological
19 structure and therefore is not adequate to
20 designate new disposal sites. Thank you.

21 FACILITATOR: Thank you. Jim
22 Townley. And on deck is John Fratt. And on
23 deck behind him is -- David Isaacs is the last
24 speaker that filled out a card. If there are
25 other speakers, please give them to me at this

1 point. Jim Townley.

2 MR. TOWNLEY: Thank you. Good
3 evening, Colonel Butler; distinguished members of
4 government. I am the Executive Director of the
5 Columbia River Steamship Operators Association.
6 And as such, I'm representing an 80-year-old not
7 for profit international trade organization. Our
8 42 member companies represent ship owners, ship
9 operators, ship agents, and towing, bunkering,
10 and launch service providers for those services
11 in our region.

12 The livelihood of my members
13 depends on the continues delivery of safe,
14 reliable, cost-effective, and environmentally
15 responsible ship movement on the Columbia,
16 Willamette, and the Snake River system.

17 Since I've now been able to
18 tell you who I represent, I want to get in for
19 the record some facts that are already known
20 to you and all the ports. That is that the
21 ships that we collectively aggressively try to
22 draw into our region link international shipping
23 to 36 ports and serve as many as forty states,
24 which is quite a sizeable number.

25 The international trade we

1 support represents about 39 million tons of cargo
2 each year and about fourteen billion dollars --
3 or excuse me. Yes. Fourteen billion dollars in
4 value. And we draw to our region and generate
5 funds in the tens of millions that stays in the
6 region. It makes the Columbia River the largest
7 gateway for lead escorts and second largest grain
8 corridor in the world. And we work diligently
9 to keep our costs low so that our agricultural
10 projects and forest products can compete in the
11 world market.

12 Now, that I've framed the facts,
13 I want to get to the main issue that concern my
14 members the most. All of the issues being
15 discussed are important and must be deliberated,
16 and we recognize that and we're grateful that
17 the process is going on. But what we're just
18 concerned about is that the continued maintenance
19 of the mouth of the Columbia River is critical
20 to the livelihood of the people I represent and
21 the continued viability of the region in
22 international trade. And any disruptions or
23 delays in the scheduling of dredging operations
24 increases the risk of accidents, threatens the
25 environmental integrity in the area, results in

1 delay of vessel movements, and contributes to a
2 poor reputation overseas. And if that situation
3 occurs, it takes many, many years to reverse the
4 reputation that we have. And the agents I
5 represent travel all over the world. They visit
6 50, 60 different countries each year and have to
7 deal with some of the reputation issues. So
8 the delays or disruptions in service are of
9 great concern to us.

10 The current recession has hit
11 our region very, very hard as you well know;
12 the hardest hit in the nation. And for that,
13 we can ill afford to see any reduction in the
14 number of ships or reduction of the volume of
15 cargo carried. What I want to do now in
16 concluding is thank the Corp for the splendid
17 job that they have done over the years in
18 maintaining the Columbia River mouth at its
19 authorized project depth and urge you to do
20 whatever is necessary to make sure that level of
21 service is continued. Thank you.

22 FACILITATOR: Thank you. The
23 next speaker is John Fratt. And I have only
24 one other person signed up. That is David
25 Isaacs. There's no other person that's signed

1 up.

2 MR. FRATT: Thank you. I'm
3 John Fratt. I'm from the Port of Vancouver
4 USA. I am here to commend you, particularly
5 Colonel Butler and his staff, for including
6 Benson Beach as one of your alternatives. We've
7 heard a lot about traditional places of placing
8 material. And certainly, Benson Beach is outside
9 the realm. Benson Beach is something that
10 everyone here in this room seems to support.
11 Hallelujah. We have agreement on this. In
12 fact, the ports, as local sponsors, have pledged
13 an amount of the budget appropriation in the
14 current law budget that has already been
15 appropriated to help support this study of Benson
16 Beach by actually paying for the material to get
17 there. We are very enthusiastic that Benson
18 Beach can be one of the ways in which we
19 resolve some of the most contentious issues that
20 we have in the maintenance and in the judging
21 of the -- in the deepening of the Columbia
22 River.

23 Also like to thank Jim Townley
24 for reminding us that we reach out and serve an
25 entire area, region, and beyond that, half of

1 the United States with our deep river channels
2 here in the Columbia River. Indeed, if you
3 ever want to get into a trivia contest, ask
4 people what the number one state in tonnage
5 export from the state of Washington is. It's
6 Nebraska.

7 My colleagues and I have worked
8 to get more and more material, more and more
9 jobs, more and more life to our economy, and do
10 so without endangering the environment and do so
11 with a greater awareness of the environment.
12 And certainly, of the jobs here in this -- in
13 this region and area. We don't want to hurt
14 the crab fishermen. We want to work with them.

15 We think Benson Beach is a good
16 answer to that. I have submitted written
17 testimony -- or the Port of Vancouver has.
18 We'll write another letter to that. But with
19 once again, I'd like to commend you for
20 considering Benson Beach. It's a good project,
21 and it's a project that we need to find out
22 about by just going out and doing it. And I'd
23 like to thank Nike for the -- that tag line.
24 Oh. You are here on Lincoln's birthday, and it
25 is fat Tuesday. So let's concluded this soon.

1 FACILITATOR: David Isaacs.

2 MR. ISAACS: Can I just speak
3 from here? I'm here as a public citizen. I've
4 done private research in health and wellness for
5 a number of years. And I wanted to relay to
6 you basically what I heard -- Something that
7 disturbed me the other day. It was the -- The
8 Port of Portland was giving this Polly Anna
9 propaganda about how rosy the scenario was going
10 to be with this increased project of dredging,
11 deepening, and shipping, enlarging prospect. And
12 I noted a couple of things which perhaps may be
13 anecdotal. But I'd like you to listen to them.

14 The larger ships aren't creating
15 more crew and employment. They're creating
16 smaller crews. Six to eight per super tanker
17 -- people run these things now. There's going
18 to believe fewer shipper -- shipping companies.
19 With you know -- It may very well be putting
20 these shipping companies out of business. It's
21 going to be pure middle. It's going to be
22 hierarchal. The morphology has been for ADM and
23 IDM and this type of thing putting smaller
24 companies out of business. There may be
25 subsidiary investments that we don't know about

1 that will enlarge the employment under that base.

2 But as of yet, we don't know what it is.

3 And you might ask something else
4 is -- You might ask the longshoremen in Portland
5 what the scenario has been for the last
6 generation. And you can take a look at the
7 historical investments of the Port of Astoria.
8 So I think as far as the shipping goes and the
9 rosy scenario that the people of Portland are
10 going sold now, I think if there's any issue
11 that relates to water quality and turbidity and
12 deepening and whether or not there are toxins in
13 the water, it relates to one of credibility.

14 And the comment I heard in
15 Portland had very low credibility, as far as I
16 was concerned. So I have one question if I
17 might ask. Have there been any bottom mud
18 studies? Have they taken samples of the bottom?
19 Have they done all -- for the substrates and
20 the components and the diluted pollutions and
21 that sort of thing so that -- that you know
22 whether you're turning up radio nuclides or
23 whether you're turning up --

24 MR. MALEK: We can talk about
25 that after the --

1 MR. ISAACS: Sure. Okay.

2 Thanks, guys.

3 FACILITATOR: Okay. That's all
4 the people that have signed up to provide
5 testimony. So what I'd like to do is either
6 recess or adjourn. You -- You let me know.
7 You can either have informal Q and A, or we can
8 have formal Q and A for a little bit after --
9 after the recess. Do you want to --

10 FACILITATOR: Okay.

11 WOMAN: Formal. Because I want
12 to hear what other people have to say.

13 FACILITATOR: I have to --
14 That's what happens when you ask a question.
15 Yes, sir. Question there?

16 MAN: A couple more minutes for
17 public testimony.

18 FACILITATOR: There being more
19 time -- Is anybody else in that position that
20 would like to give -- Okay. Well, given that
21 there's more time, I'll give each of you three
22 more minutes. Is that all right? Okay. So
23 why don't you -- Since you asked for it first,
24 why don't you go first? Introduce yourself for
25 the record again.

1 MR. BEASLEY: My name is Dale
2 Beasley Lee Columbia River Crab Fishermen
3 Association Commissioner. And in reviewing my
4 written comments, there's a couple of things that
5 I thought were important that had to be said.
6 Part of my -- my comments that were tonight
7 before I got a little rattled with all these
8 new things that I heard this evening that
9 changed what I wanted to say here tonight is I
10 wanted to thank these upriver ports for
11 supporting this Benson Beach project. This is
12 an important step. It helps with some of the
13 other problems we've been having.

14 We've been having a little
15 discrepancy in this process where the Coastal
16 Zone Management Act has caused some problems.
17 Some people don't want to accept the fact that
18 if there is an avoidable habitat damage, that we
19 should mitigate for that. And Benson Beach
20 helps with that problem. Because if that
21 sediment's put on the beach where there isn't an
22 ecological impact, then we don't have to mitigate
23 that. And that does away with a lot of the
24 problems that our association has had.

25 I don't know to what extent

1 that we could put Benson Beach as a primary
2 disposal option in the future, but it will help
3 put sand in the drift system for the state of
4 Washington, coastal erosion problems that they're
5 having and predict to have over the next few
6 years. And it should lessen the impact that's
7 necessary on the shallow water site.

8 Currently, the shallow water
9 site is carrying the full burden for the coastal
10 erosion from the Columbia River. And this is
11 an unfair burden to have on the shallow water
12 site. Because the only way that you can
13 maximize that site is by abusing the wave
14 amplification there by overmounding. If you
15 don't put in overmounding, you will limit the
16 amount of sediment that you can disperse here
17 and those things of conflict here, especially
18 here in the last year or two.

19 And hopefully, if we gets Benson
20 Beach as a primary disposal site, the need to
21 overuse the shallow water site will be greatly
22 diminished. I don't know for sure, but I would
23 assume that putting that sediment on the beach
24 is a thousand -- maybe a million times more
25 effective than putting it in -- near shore.

1 Near shore placement inside of
2 40 feet is really impractical. And to put it
3 40 feet deeper -- I would defy anyone to
4 measure those results on the beach within the
5 limits of a temporary site, which is ten years.
6 I don't care how much you put 40 feet off
7 shore. You get your measuring stick out and
8 try and measure it on the beach. You'll have a
9 difficult -- on the 4th of July in 2000, we
10 asked for ASCIS on ocean disposal. And we were
11 told that -- "Don't worry. All of the issues
12 and concerns that you have are going to be
13 addressed by a task force; an ocean disposal
14 task force." Sorry, folks. This hasn't
15 happened. We've had a couple of nonmeetings,
16 and they haven't addressed the issues of concern.
17 Especially the issues of concern that our
18 organization has.

19 Recently, we've been assured by
20 the Army Corp that they're going to reinitiate
21 the Ocean Disposal Task Force. And I made the
22 comment to them that I don't want this to be
23 just window dressing like we've had here in the
24 past. And I would suggest that this body be
25 put back in use in more than a window dressing

1 state to help with a permanent sustainable
2 solution that's compatible to all of the people
3 that are effected by this important project.
4 Thank you.

5 FACILITATOR: Thank you.

6 MR. HUHTALE: Hi. I'm Peter
7 Huhtale. I'm speaking on behalf of Ocean
8 Advocates and also Sea Dog. And I've also
9 participated in the Ocean Disposal Task Force
10 that deals with dispension (sic).

11 Don't yawn, but I'm going to
12 discuss briefly some of the problems with using
13 the existing need for process for designation
14 that -- in a temporary basis of the deep water
15 site. Both the hearing and public notice
16 referred to Section 103 and Regulation 33 CFR
17 part 335 through 338. However, under MPRSA
18 section 103, it's clear that designated --
19 decisions under that authority should referred to
20 section 102 and regulations 40 CFR parts twenty
21 -- 225, 2227, and 228 which sets the criteria
22 for evaluation of materials for ocean disposal
23 and designation of ocean disposal sites for
24 dredge materials.

25 The public notice does refer to

1 appendix H Volume 1 of the integrated feasibility
2 report for channel improvement and environmental
3 impact statements which considers the criteria
4 set forth in CFR 40. However, that document
5 examines the designation of ocean disposal sites
6 in the context of the Columbia River deepening
7 project.

8 First, we believe that binding
9 formal EPA ocean dumping site designation with
10 dredging project approval is uncommon,
11 unjustified, and contrary to provisions prescribed
12 by MPRSA regulations. Furthermore, evaluations
13 made exclusively within that context are not
14 sufficient in the present situation in which
15 temporary site designations are proposed for a
16 different dredging projects. The Corp must
17 separately address the need for the particular
18 disposal sites proposed for designation;
19 especially the type water site. You must
20 directly evaluate the proposed disposal and site
21 selections applying the criteria of MPRSA Section
22 102 as set forth in CFR 40 in the context of
23 the particular project. Thank you for bearing
24 with that.

25 Now, I'm going to touch briefly

1 on the least cost problem. The least costly
2 problem that we have with -- with really moving
3 forward with Benson beach and some other near
4 shore -- not near shore, but nearer shore and a
5 beach near enrichment placement projects.
6 Perhaps the most important breach of the MPRSA
7 in this notice is the requirement mentioned on
8 page nine of the public notice that the least
9 costly alternative consistent with sound
10 guidelines and ocean --

11 FACILITATOR: Sixty seconds.

12 MR. HUHTALE: -- criteria will
13 be designated Federal standard for the proposed
14 projects. While this is indeed one of the many
15 provisions of CFR 33 part 336 that's in direct
16 conflict with numerous other provisions of both
17 CFR 33 and 40. Least costly cannot be used as
18 the overriding factor in decisions regarding the
19 disposal of dredged materials in the ocean. We
20 -- we read the section in CFR 33 part 335.3 to
21 say that the least costly option must be
22 considered equally -- equally with other options.
23 It does not say that the least costly option
24 must be chosen.

25 In fact, to set that requirement

1 and standard is contrary to the provisions and
2 authority of MPRSA section 103. It would mean
3 that other factors, environment impacts,
4 interferences with other uses, etcetera, would
5 carry no weight in the face of cost
6 considerations which is, to put it simply,
7 contrary to the MPRSA. Thank you.

8 FACILITATOR: Thank you. Okay.
9 With that, do you have -- What? You want a
10 few more minutes?

11 MR. SHELDON: Yes, I do.

12 FACILITATOR: Well, I asked
13 before to identify themselves -- To do that.

14 MR. SHELDON: I just did. You
15 didn't see me.

16 FACILITATOR: Okay. I'm sorry.

17 MR. SHELDON: Dick Sheldon. I
18 -- I spoke briefly for the Willapa Bay Grace
19 Harbor Shellfish Growers Association and their
20 concerns and even briefer on the crab concerns
21 that I have as a member of CRCFA.

22 The problem that we had with --
23 with the ocean task -- disposal task force was
24 that really, we never had anybody with authority
25 to talk to. We got to talk to a lot of

1 messengers who had no authority to make any --
2 any -- any meaningful discussions like looking
3 over the alternatives and whatnot. We talked
4 over them, but -- But as you go to the next
5 meeting, they just all of a sudden disappeared.
6 A lot of them never came back. There is a
7 real issue here. A real safety issue with this
8 -- particularly the site off the end of the
9 north jetty. I think it's -- or E; site E.

10 MAN: E.

11 MR. SHELDON: That is a killer.
12 And it's -- This isn't the first time it's
13 killed. It's also done it in the past when
14 dredge disposals were put there. And all --
15 and what happens out there -- You have to
16 understand this. And without being there, you
17 can't. I don't care how many books you can
18 read and how many current tables. It just
19 doesn't happen.

20 In the past, we've lost other
21 lives there. One in particular, Eugene Andrews
22 flipped right there. Same -- The same year, I
23 came out of there. And -- out of the Willapa
24 and -- after some maintenance. I didn't know
25 the dredging had happened, and I got nailed

1 there. Neil Kennedy, who owned a charter boat
2 had a guy -- He got nailed right there in the
3 same place. The same place. Right off the end
4 of the jetty where the dredge disposal -- or
5 dredge. They -- It mounds up, and you can't
6 read it. We that deal with the ocean -- We
7 have to be able to reads these things. I
8 think most of us can take a look at a swell a
9 mile away and tell what's going to happen.

10 Particularly if you fish an area over and over
11 and over. And you can't do that there anymore.

12 When you start dumping sand in
13 places that create problems and safety problems,
14 you really have to look at this. Not only an
15 ecological issue. It's a safety issue and --
16 and they've run a lot of boats right off the
17 ground because they can't fish there anymore.
18 You can't gamble your pots in places that you
19 don't know you're going to be able to run them
20 because you only get so many. So they don't go
21 there anymore. The dredge -- dredge site on
22 Benson Beach.

23 FACILITATOR: Sixty seconds.

24 MR. SHELDON: Now, when I was
25 on the task force, I asked the Corp several

1 times if they could prove that if you bring the
2 sand -- disposal sand in 40 feet, which is --
3 They said that limited them, as far as getting
4 close to the beach -- and if those things would
5 actually add to the beach erosion problems or
6 subtract from it. And I suggested that they
7 put a tracer in there and find out just where
8 these sands go. And they never did it. And
9 they said they couldn't afford to and a lot of
10 other things. So we don't know whether the
11 Corp proposals will actually even work. Because
12 we don't know that that sand will have go back
13 into the beach and the -- where they propose to
14 place it. But on Benson Beach, we put it on
15 the beach in the first place.

16 FACILITATOR: Thank you. Well,
17 you didn't testify before.

18 WOMAN: I know, but I have a
19 question. I'd like to ask a question and do it
20 in open format.

21 FACILITATOR: Okay. Ask one
22 question, and we'll adjourn. And then you can
23 ask questions of the -- The agency members have
24 said they will stick around for questions. Why
25 don't you come up, ask your question, and --

1 and I don't know whether they'll just answer to
2 you after we adjourn or now. But what's your
3 question?

4 WOMAN: I have a question for
5 Mr. Malek. Mr. Malek, you said you've made the
6 decision to designate the deep water site and
7 the shallow water site. Could you give me the
8 -- the dimensions of the shallow water site?
9 Because I'm confused.

10 MR. MALEK: Small correction.
11 I said we had made the decision to propose to
12 designation.

13 WOMAN: Would you --

14 MR. MALEK: A subsequent
15 decision would need to be made to do the
16 actual designation.

17 WOMAN: Would you clarify and
18 give me the dimensions of that site?

19 MR. MALEK: I don't have that
20 information right here. But the information is
21 the same dimensions as are described in the
22 Appendix H of the deepening EIS.

23 WOMAN: Well, I'm still
24 confused. Because I've been taking a look at
25 some of the information. And I found seven

1 different conflicting site dimensions. In the
2 '97 draft SEA, 12000 X 3000 feet wide. The '97
3 draft SEA, section 103: 12000 X 2000 feet
4 wide. The '97 final SEA: 12000 length; base
5 of 1000 X 3000. The Corp's utilization
6 document: 10000 X 2000. The '98 DEIS
7 management and monitoring plan: 12000 x 4000 X
8 6000. The '99 May task force meeting: 12000 X
9 4000 X 6000. That was the same.

10 And then the '99 FEIS section
11 103 evaluation: 10000 X 1,064 feet X 3,600
12 feet. And then the '99 FEIS Appendix H Volume
13 1 Exhibit B: 10000 x 2000. So I wondering
14 which one of those -- you say it's -- Which one
15 did you say it's actually going to be? Because
16 I --

17 MR. MALEK: It's -- It's
18 supposed to be the one in the 103 evaluation
19 that's in Appendix H. And yes, we did find
20 that there had been some discrepancies of -- of
21 some of the dimensions.

22 WOMAN: This is why it needs
23 to be put in the public notice: So the public
24 does know what it is we're taking a look at.
25 Because this is very confusing. Also, one --

1 One more question on site E. There was a
2 letter written by Tom Savage from the Corp back
3 in '97. It states -- excuse me -- "We're
4 monitoring Site E to maintain depths greater than
5 50 feet to avoid any mounding and minimize
6 material returning to the navigation channel."
7 There was also a memo put out by Steven
8 Schlessler (phonetic) from the Corp of Engineers
9 that stated the same.

10 Back in '97, one of our task
11 force meetings -- If you take a look here, this
12 is site E. Notice how much is 50 feet and
13 under. It's in yellow. Okay? Just a very,
14 very small portion of it is 50 feet and under.
15 As of October 2000, this is the amount that is
16 50 feet and under. Can you --

17 FACILITATOR: So what's your
18 question?

19 WOMAN: I'm asking why is this
20 happening when we've been assured by the Corp
21 that we would maintain depths greater than 50
22 feet?

23 FACILITATOR: Is anybody able to
24 answer that or --

25 WOMAN: Mr. Braun, probably.

1 MR. BRAUN: The management plan
2 has changed over time, and other information was
3 developed and utilized, including some of the
4 models. And so that was a snapshot in time.
5 That's what we were looking at for management at
6 that time.

7 WOMAN: And now we have a
8 situation where we've mounded site E, and all
9 the red here we see is overmounding.

10 FACILITATOR: Okay. Thank you.

11 WOMAN: This is the situation
12 we're in now.

13 FACILITATOR: Okay. The meeting
14 is adjourned. Thank you for offering your
15 testimony. The agency members will stick around
16 to answer your questions. Thank you very much
17 for coming.

18 (Hearing adjourned at 8:53.)

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