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# **CHAPTER SEVEN**

# **COORDINATION AND**

# **PUBLIC INVOLVEMENT**

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## **\*7. COORDINATION AND PUBLIC INVOLVEMENT**

### **7.1. Required Coordination**

No updating of the existing information in this section was necessary for the Final SEIS (see the Final IFR/EIS, August 1999).

### **7.2. <sup>revised</sup> Public Workshops**

The Corps and sponsor ports held a series of public meetings and hearings leading up to this Final SEIS. The meetings provided an opportunity for study personnel, as well as personnel from USEPA, NOAA Fisheries, USFWS and state agencies, to share data, information, and study progress with the public. The public hearings allowed the public to provide comments on the project directly to Corps and sponsor port personnel. The public was notified of the workshops and hearings through news releases, web postings, and local media announcements. Public meetings were held on July 29 in Warrenton, OR, July 31 in Vancouver, WA, September 5 in Longview, WA, and September 10 in Astoria, OR. The public provided testimony at the Vancouver, Longview and Astoria meetings.

Comments received during the public hearings are provided in Volumes 5 to the Final SEIS; Volume 4 includes all written comments submitted on the project and responses to those comments.

In August 2002, the Corps also convened two technical review panels to evaluate the reasonableness of the Corps' economic analysis. One technical review panel evaluated the benefit analysis and the other panel evaluated the cost analysis. The technical review process was transparent, facilitated by a neutral, non-profit organization and included two sessions that were open to the public; an all day session on August 5, which included the Corps' and sponsor ports' presentations to the panels, and a half-day session on August 9, which included the panels' preliminary reports and responses to questions from the Corps, sponsor ports, and the public. The panels' reports are accessible on the Corps' website.

### **7.3. <sup>revised</sup> Specialized Coordination Activities**

No updating of the existing information in subsections 7.3.1 to 7.3.7 was necessary for the Final SEIS (see the Final IFR/EIS, August 1999). However, subsections 7.3.8 and 7.3.9 have been added to address ESA consultation coordination activities.

#### **7.3.8. <sup>new</sup> ESA Consultation and SEI Workshops**

In August 2000, NOAA Fisheries withdrew their previous Biological Opinion for the channel improvement project, citing the availability of new information regarding impacts to bathymetry (water depths) and flow on estuarine habitat, and resuspension of contaminants. Because a Biological Opinion that meets ESA requirements for listed salmonids must be in

place before the project can proceed, the Corps and NOAA Fisheries reinitiated the ESA consultation process to resolve issues connected with the project. The USFWS joined the reconsultation process to address new information regarding potential impacts of the project on two USFWS purview listed species, coastal cutthroat trout and bull trout.

For the ESA consultation, in February 2001 the Sustainable Ecosystems Institute (SEI) was hired to facilitate a series of workshops to provide an independent, scientific peer-review process to evaluate the potential environmental issues using best available scientific knowledge. The Corps, NOAA Fisheries, and USFWS jointly agreed to use SEI's experience to help resolve the issues. The SEI process included formal and informal review of scientific materials by an independent panel of seven scientific experts. The process included five workshops held from March to August 2001, which were open to the public, to review the science underlying the channel improvement project. Outcomes of the SEI workshops and informal discussions among the agencies provided input for a new BA. In January 2002, the BA was sent by the Corps to NOAA Fisheries and USFWS for use in preparing the May 2002 Biological Opinions.

The SEI Workshops addressed the following topics.

- Process, expectations and prior analysis and issues (March 17-18, 2001).
- Modeling (April 28-29, 2001).
- Fish and estuarine ecology (May 15-16, 2001).
- Sediments and sediment quality (June 7-8, 2001).
- Monitoring and adaptive management (July 14-15, 2001).
- Final workshop (August 28-29, 2001).

Information from all workshops, including copies of the presentations made and summaries of workshop discussions, are available at SEI's website (<http://www.sei.org/columbia/home.html>).

### **7.3.9. <sup>new</sup> State and Local Coordination**

The Corps and Sponsor Ports have continued to meet frequently with state and local jurisdictions since September 2000. Coordination with Oregon State agencies included the Oregon Department of Environmental Quality, Department of Land Conservation and Development, ODFW, Department of Geology and Mineral Industries, Division of State Lands, and the Governor's office. Coordination with Washington State agencies included the Department of Ecology, WDFW, WDNR, State Parks, and the Governor's offices. Coordination with local jurisdictions included the Columbia River Estuary Taskforce, Clatsop County, Pacific County, Wahkiakum County, Cowlitz County, Clark County, the City of Longview and the City of Vancouver.

Provided below is a list of all the coordination meetings the Corps has held with these state agencies and local jurisdictions.

September 14, 2001	Interagency Coordination (general)
October 24, 2001	Pacific County
October 24, 2001	Interagency Coordination (general)
October 25, 2001	Wahkiakum County
October 25, 2001	Crab
November 2, 2001	Interagency Coordination (general)
November 13, 2001	SEPA Compliance
November 20, 2001	Cowlitz County/City of Longview
November 20, 2001	Wetlands
December 2, 2001	Sediment Supply
January 11, 2002	Interagency Coordination (general)
January 23, 2002	Clark County/City of Vancouver
January 23, 2002	Crab
January 30, 2002	Sediment Supply
February 6, 2002	Fish Stranding
February 7, 2002	Sturgeon/Smelt
February 8, 2002	Crab
February 8, 2002	Interagency Coordination (general)
February 15, 2002	Habitat Evaluation Procedure (HEP)
February 25, 2002	Sediment Supply
March 14, 2002	Interagency Coordination (general)
June 10, 2002	Crab
August 30, 2002	Habitat Evaluation Procedure (HEP)
September 5, 2002	Crab
November 6, 2002	Sediment Supply
December 2, 2002	Habitat Evaluation Procedure (HEP)

#### **7.4. <sup>revised</sup> Compliance with Environmental Laws and Executive Orders**

No updating of the existing information in Subsections 7.4.1, 7.4.6, 7.4.7, 7.4.9, 7.4.11 to 7.4.13, 7.4.15, 7.4.16, and 7.4.18 was necessary for the Final SEIS (see the Final IFR/EIS, August 1999). Subsections 7.4.2, 7.4.3, 7.4.4, 7.4.5, 7.4.8, 7.4.10, 7.4.14, and 7.4.17 have been updated. Also, Subsections 7.4.19 and 7.4.20 were added for the Final SEIS.

##### **7.4.2. <sup>revised</sup> Clean Water Act of 1977, as Amended**

The Corps has requested the States of Washington and Oregon to issue certification of compliance under the Clean Water Act. A revised Section 404(b)(1) Evaluation has been prepared and is included as Exhibit E to this Final SEIS. The water quality applications to the States of Washington and Oregon are available on the Corps website.

##### **7.4.3. <sup>revised</sup> Coastal Zone Management Act of 1972, as Amended**

A revised “Determination of Consistency” for the project has been prepared for actions in or affecting the coastal zone of Oregon and Washington, and is included in Exhibit F. The states have been requested to concur with the determination regarding compliance with their respective state coastal management programs and local land use plans. The Coastal Zone Consistency Determinations are available on the Corps website.

#### **7.4.4. <sup>revised</sup> Comprehensive Environmental Response, Compensation and Liability Act**

As discussed in Chapter 1, since issuance of the 1999 Final IFR/EIS, a portion of the lower Willamette River has been placed on the CERCLA National Priorities List. Therefore, channel improvement in the lower Willamette River has been deferred until after resolution of the sediment cleanup issues associated with the national priorities listing. Any Willamette River channel improvement will be reevaluated in a separate NEPA document to be prepared at that time and is not covered in this Final SEIS.

#### **7.4.5. <sup>revised</sup> Endangered Species Act of 1973, as Amended**

ESA consultation was reinitiated for the project at the request of NOAA Fisheries regarding the fish species listed and proposed to be listed under the ESA. A new BA for listed salmonids was prepared by the Corps and provided to NOAA Fisheries and USFWS on January 2002 (see Exhibit H on the Corps' website). On May 20, 2002, NOAA Fisheries and USFWS transmitted their final Biological Opinions to the Corps. The opinions determined that the channel improvement project, including dredging, disposal, ecosystem monitoring and evaluation, adaptive management, and ecosystem restoration, is not likely to jeopardize the continued existence of, or to destroy or adversely modify designated critical habitat for, the 13 listed, one proposed, and one candidate fish species, bald eagles, or Columbian white-tailed deer. In addition, the NOAA Fisheries concurred that the project is not likely to adversely affect Steller sea lions.

#### **7.4.8. <sup>revised</sup> Fish and Wildlife Coordination Act**

The updated information and analyses in the Final SEIS have been developed with the assistance of the federal and state resource agencies, and complies with the act as required. The original USFWS *Fish and Wildlife Coordination Act Report*, and Corps responses to the recommendations, are located in Exhibit C of the Final IFR/EIS (August 1999).

#### **7.4.10. <sup>revised</sup> Marine Protection Research and Sanctuaries Act of 1972, as Amended**

The need for designating new Ocean Dredged Material Disposal Sites off of the mouth of the Columbia River remains fundamentally unchanged by the Final SEIS and will proceed as discussed in the 1999 Final IFR/EIS to formal rulemaking by the USEPA. The USEPA expects to initiate formal rulemaking on the Shallow Water and Deep Water Sites in February 2003, with the designations becoming effective by June 2003.

#### **7.4.14. <sup>revised</sup> Cultural Resources Acts**

In 1999, cultural resource evaluations, studies, and comments on potential impacts for the channel improvement project were submitted to the Washington and Oregon State Historic Preservation Offices per Section 106 of the National Historic Preservation Act, for review and comment. The Corps acknowledged in our transmittal letter that additional construction sites, wildlife mitigation areas, and general project contingencies would occur that may

affect cultural resources. To deal with subsequent project developments following State Historic Preservation Office review, the Corps recommended development of a Memorandum of Agreement per 36 CFR 800 implementing regulations for the National Historic Preservation Act. Both the Washington and Oregon State Historic Preservation Offices concurred with the project as described in 1999 and agreed in their concurrence letter with an use of a Memorandum of Agreement. This memorandum is under preparation.

Coordination with Native American tribes was conducted throughout the study phase of the project. Presentations and briefings have been provided to the tribal councils and executive committees of the Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Confederated Tribes of the Umatilla Indian Reservation. The Corps Portland District and Division also met with the subcommittee for Natural Resources of the Executive Committee for the Nez Perce Indian Tribe. The Corps continues to be open to consult nation to nation with any of the tribes in the project area. To date, the aforementioned nations have not responded to our offer for additional consultations or briefings on the channel improvement project. Discussions on technical issues have been held with the Columbia River InterTribal Fish Commission.

#### **7.4.17. <sup>revised</sup> Executive Order 11988, Floodplain Management**

Revised information on floodplain effects for the proposed plan and the least cost plan is found in Exhibit K-7 (*Evaluation Report Floodplains*). Review of the disposal site selection process shows that there are no practicable alternatives to the selected sites. The project, including disposal, is anticipated to have minimal effect on the floodplain or flood levels, and conforms to the requirements of this executive order.

#### **7.4.19. <sup>new</sup> State Environmental Policy Act**

As discussed in Chapter 1, this Final SEIS is issued as a joint document by the sponsor ports and the Corps to comply with the Washington State Environmental Policy Act (SEPA), as well as with NEPA.

#### **7.4.20. <sup>new</sup> Magnuson-Stevens Fisheries Conservation and Management Act**

As discussed in Chapter 6, the Corps and USEPA have analyzed the potential effect of the project on Essential Fish Habitat (EFH) under the Magnuson-Stevens Act for salmon, coastal pelagic and groundfish species. The managed salmon stocks were evaluated during the ESA consultation with NOAA Fisheries. In their 2002 Biological Opinion (see Exhibit H on Corps' website), NOAA Fisheries concluded that the project may result in adverse effects to EFH for listed salmonids, but noted that the Biological Opinion's conservation measures, reasonable and prudent measures, and terms and conditions address these potential adverse effects. The Corps and USEPA are in the process of evaluating NOAA Fisheries EFH conservation recommendations. The NOAA Fisheries is currently in the process of reviewing EFH information for groundfish and coastal pelagic species (see Exhibit I).

## **7.5. <sup>revised</sup> Other Related Programs**

No updating of the existing information in Subsections 7.5.1 and 7.5.2 was necessary for the Final SEIS (see the Final IFR/EIS, August 1999). However, Subsections 7.5.3 to 7.5.5 have been added for the Final SEIS.

### **7.5.3. <sup>new</sup> Columbia River Fish Mitigation**

The purpose of the Columbia River Fish Mitigation (CRFM) project is to investigate and develop improvements to anadromous fish passage facilities and operations at the eight lower Columbia and Snake River projects (Lower Granite, Little Goose, Lower Monumental and Ice Harbor on the Snake River; and McNary, John Day, The Dalles, and Bonneville on the Columbia River). The CRFM project has two major components: (1) a mitigation analysis, prepared in cooperation with regional federal, state, and tribal interests, to conduct research and evaluate measures to improve passage survival through the projects; and (2) the design and construction of recommended improvements. The CRFM project serves as one of the principle vehicles for the Corps to implement the requirements in the NOAA Fisheries Biological Opinions of 1995, 1998 and 2000 for listed salmon and steelhead species in the Columbia River Basin. Through Fiscal Year 2002, CRFM expenditures will be about \$800 million. The total cost to complete the CRFM is currently estimated at \$1.5 billion. The Anadromous Fish Evaluation Program involves research, monitoring, and evaluation in the estuary, and is funded under the CRFM project. Some current proposed studies include: (1) estuarine habitat and juvenile salmon - current and historic linkages in the lower Columbia River and estuary; (2) evaluation of the relationship among time of ocean entry, physical, and biological characteristics of the estuary and plume environment, and adult return rates; and (3) a study to estimate salmonid survival through the Columbia River estuary using acoustic tags.

### **7.5.4. <sup>new</sup> Section 536**

Section 536 of the Water Resources Development Act of 2000 authorized the Lower Columbia River Ecosystem Restoration Study to bring together and implement current efforts by a number of governmental and private organizations to identify and cost share restoration projects. These organizations include the National Estuary Program, six state agencies from Oregon and Washington, four federal agencies, recreation, ports, industry, agriculture, labor, commercial fishing, environmental interests and private citizens.

In the President's Budget for Fiscal Year 2003, this action was funded as a new start for \$2,000,000. The primary purpose of the proposed study is to carry out ecosystem restoration projects necessary to protect, monitor and restore fish and wildlife habitat based on recommendations made by the Lower Columbia River Estuary Program (LCREP). Furthermore, Section 536 is principally focused on fish and wildlife habitat as outlined by LCREP, and allows for immediate identification and construction of restoration projects. Also, the Corps conducted site visits to the proposed restoration sites with the LCREP Scientific Committee. The LCREP provided written comments, which are included in Volume 4 of the Final SEIS.

### **7.5.5. <sup>new</sup> Federal Columbia River Power System**

In December 2000, NOAA Fisheries and USFWS issued a multi-species Biological Opinion on the operation of the Federal Columbia River Hydropower System (FCRPS), which recognized that estuarine protection and restoration must play vital roles in rebuilding the productivity of listed salmon and steelhead throughout the Columbia River Basin. Reasonable and prudent action items, numbers 158-163 and 194-197 (summarized below), are included in the FCRPS Biological Opinion, and specifically address estuary research, conservation, and restoration actions that support the survival and recovery of ESA-listed salmonids. These action items are referred to in the Incidental Take Statement of the 2002 Biological Opinion for the channel improvement project, in order to better integrate ESA compliance measures for these two projects.

- Action 158. During 2001, the Corps and Bonneville Power Administration (BPA) shall seek funding and develop an action plan to rapidly inventory estuarine habitat, model physical and biological features of the historical lower river and estuary, identify limiting biological and physical factors in the estuary, identify impacts of the FCRPS system on habitat and listed salmon in the estuary relative to other factors, and develop criteria for estuarine habitat restoration.
- Action 159. BPA and the Corps, working with LCREP and NOAA Fisheries, shall develop a plan addressing the habitat needs of salmon and steelhead in the estuary.
- Action 160. The Corps and BPA, working with LCREP, shall develop and implement an estuary restoration program with a goal of protecting and enhancing 10,000 acres of tidal wetlands and other key habitats over 10 years, beginning in 2001, to rebuild productivity for listed populations in the lower 46 river miles of the Columbia River.
- Action 161. Between 2001 and 2010, the Corps and BPA shall fund a monitoring and research program acceptable to NOAA Fisheries and closely coordinated with the LCREP monitoring and research efforts to address the estuary objectives of this Biological Opinion.
- Action 162: During 2000, BPA, working with NOAA Fisheries, shall continue to develop a conceptual model of the relationship between estuarine conditions and salmon population structure and resilience. The model will highlight the relationship among hydropower, water management, estuarine conditions, and fish response.
- Action 163. The Action Agencies and NOAA Fisheries, in conjunction with the Habitat Coordination Team, will develop a compliance monitoring program for inclusion in the 1- and 5-year plans.
- Action 194. The Action Agencies and NOAA Fisheries shall work within the annual planning and congressional appropriation processes to establish and provide the appropriate level of FCRPS funding for studies to develop a physical model of the lower Columbia River and plume.
- Action 195. The Action Agencies shall investigate and partition the causes of mortality below Bonneville Dam after juvenile salmonid passage through the FCRPS.
- Action 196. The Action Agencies and NOAA Fisheries shall work within the annual planning and congressional appropriation processes to establish and provide the appropriate level of FCRPS funding for studies to develop an understanding of juvenile and adult salmon use of the Columbia River estuary.
- Action 197. The Action Agencies and NOAA Fisheries shall work within the annual planning and congressional appropriation processes to establish and provide the appropriate level of FCRPS funding for studies to develop an understanding of juvenile and adult salmon use of the Columbia River plume.