
CHAPTER NINE

CONCLUSIONS AND

RECOMMENDATIONS

9. CONCLUSIONS AND RECOMMENDATIONS

9.1. ^{revised} Conclusions

Section 101(b)(13) of the Water Resource Development Act of 1999 authorized the deepening of the Columbia and Lower Willamette Rivers Federal Navigation Channel to 43 feet. The authorized project, which is the locally preferred plan, consisted of the following.

- The existing 600-foot-wide and 40-foot-deep navigation channel would be deepened from -40 feet to -43 feet Columbia River datum (CRD), from Columbia River mile (CRM) 3 to CRM 106.5, including advanced maintenance dredging for overwidth and overdepth (authorized and approved actions) in the reaches where this practice is currently performed in the maintenance program.
- The existing 600-foot-wide, 40-foot-deep navigation project channel would be deepened from -40 feet to -43 feet CRD, from Willamette River mile (WRM) 0 to WRM 11.6 (the construction of the Willamette River portion of the authorized project has been deferred).
- Three of the existing five turning basins on the Columbia River (located at CRM 13, 73.5, and 101.5, respectively) would be deepened to -43 feet CRD.
- The three turning basins located at WRM 4, 10, and 11.7 on the Willamette River would be deepened to -43 feet CRD (the construction of the Willamette River portion of the authorized project has been deferred).
- A total of 29 upland (with a total land area of 1,681 acres), three shoreline, and two ocean *and one gravel pit* disposal sites would be required for the disposal of construction materials and subsequent channel maintenance dredged material.
- Ecosystem restoration features include the use of a combined pump/gravity water supply for restoring wetland and riparian habitat at Shillapoo Lake. Tidegate retrofits with fish slides for salmonid passage would be installed at selected locations along the lower Columbia River. Connecting channels would be constructed at the upstream end of Walker-Lord and Hump-Fisher Islands to improve juvenile salmonid access to their embayment-rearing habitats.
- Environmental mitigation features on a total of 740 acres of land located at the Woodland Bottoms, Martin Island, and Webb mitigation sites.

The non-federal sponsors for the proposed project requested that the Willamette River deepening be delayed to allow coordination with the USEPA and Oregon Department of Environmental Quality investigation and remediation planning for the Portland Harbor. Because of the evolving Portland Harbor Superfund remedial investigations/feasibility studies by USEPA, further work to complete these investigations, complete the Willamette River disposal site alternative analysis, and deepen the Willamette River would be deferred until the completion of the remediation investigation and remediation decisions related to contaminated sediments in the Portland Harbor. Any Willamette River deepening will be re-evaluated in a separate NEPA document and is not covered in this Final SEIS.

The reporting officers recommended several provisions for plan implementation, as shown below:

a. Where confined disposal facilities are located on port property, the disposal facility operations, maintenance and management should be authorized to be accomplished at full non-federal cost without reimbursement. Specifically, the sponsor would operate, maintain, and manage the disposal facilities in exchange for the opportunity to beneficially use the dredged material. Where private property owners propose to use dredged material deposited on their property, the potential value obtained for use of the material would be reflected in the payment for the real estate interest for use of the property.

b. Subject to the availability of funds, the Federal Government should be authorized to reimburse the non-federal sponsors an amount equal to the federal share of the actual costs of the operation and maintenance of disposal facilities performed that fiscal year or the actual fiscal year appropriation identified for operation and maintenance of disposal facilities, whichever is less. When the non-federal sponsors sell material from a disposal facility, the proceeds from the sale, less any State royalties, be deducted from the federal payment for operation, maintenance and management of the disposal facilities.

c. The Federal Government be authorized to allow the non-federal sponsor to assist in the work of maintaining the main ship channel in the Columbia and Willamette Rivers by making available to the United States a suitable pipeline dredge in good operating condition, with full crew and equipment, without charge other than reimbursement for the full operating cost of the dredge on a basis approved by the Chief of Engineers. The reimbursement to be afforded, subject to Government audit, would be based on the full operating cost of the Port of Portland's dredge while performing maintenance dredging of the project. This would include the proportionate cost of maintenance of the dredge based on the period of time the dredge is performing work for the United States that fiscal year or the actual fiscal year appropriations identified for that portion of maintenance dredging that are made available, whichever is less.

d. The non-federal sponsors be authorized to be given a pro-rated share of the value of LERR for disposal sites needed for operation and maintenance of the existing 40-foot project against the additional 10% cost share for the 43-foot project if the sites will also be needed for disposal facilities for construction and subsequent operation and maintenance of the 43-foot project. The pro-rated value would be based on the actual proportionate use of disposal site capacity for the maintenance of the existing project versus the projected capacity that would be used for the construction, maintenance and operation of the 43-foot project.

e. The non-federal sponsor be authorized to construct, and be granted credit for construction of that portion of the project from CRM 95 to the upstream end of the project at CRM 106.5 and improvement of the embayment circulation portion of the ecosystem restoration features of the project. The proposed credit to be afforded, subject to Federal

Government audit, would be applied toward the non-federal sponsor's cash contribution required for construction.

f. The Federal Government be authorized to make lump sum payment to the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife to fulfill the Federal Government's responsibility to operate and maintain mitigation areas, subject to agreement by these agencies to accomplish the operation and maintenance of the mitigation areas without further cost to the Federal Government.

9.1.1^{new} Additional Conclusions

For the Final SEIS, the following updated information has been added to this section. This Final SEIS incorporates the revisions identified in this report into the authorized project. These include reduced dredging volumes and reduced rock blasting. In addition, five new ecosystem restoration features, monitoring actions, ecosystem evaluation actions and adaptive management were added to the project (see Chapters 1 and 4 for further information). Two of the five new ecosystem restoration features, Lois Island embayment and Miller-Pillar ecosystem restoration features, beneficially use dredge material. If fully implemented, the Lois Island and Miller-Pillar ecosystem restoration features and traditional estuarine disposal sites and practices should eliminate the need for ocean disposal for construction and the first 20-years of maintenance. The three remaining ecosystem restoration features (Tenasillahe Island Phased Restoration, Bachelor Slough and Purple Loosestrife Control) were added to benefit ESA stocks through the ESA consultation. The revised plan reduces impacts to wetland, riparian and agricultural lands. As a result of these revisions and modifications, the project costs and benefits also were revised. The following list details the specific revision to the authorized plan.

Disposal Sites (construction and 20-year maintenance plan). A total of 29 upland disposal sites, for a total land area of 1,630 acres (excludes three shoreline disposal, one gravel pit, one disposal site for wildlife mitigation purposes (Martin Island embayment), and in-water are proposed for the disposal of construction and subsequent channel maintenance dredged material. Four upland disposal sites are new; all other upland disposal sites are located at previously used disposal sites. It is acknowledged that USEPA is designating two ocean disposal sites.

Wildlife Mitigation. Wildlife mitigation features would be implemented on a total of 528 acres of the 740 acres of land purchased at the Woodland Bottoms, Martin Island and Webb mitigation sites. The Martin Island embayment has been reduced from 32 acres to 16 acres.

Monitoring Actions. The six monitoring actions are intended to obtain data on physical changes and their effect on ESA salmonid habitat in the project area. The monitoring actions, coupled with review by the adaptive management team, are intended to address the risk and uncertainties associated with key salmonid pathways and indicators identified in the 2002 Biological Opinion. The intent of these actions is

to verify that the project's long-term adverse effects to ESA-listed salmonids and their habitats are likely to be limited.

Adaptive Management. The Adaptive Management Team (AMT), composed of the Corps, Sponsor Ports, NOAA Fisheries and USFWS, was established to consider information obtained during project implementation and operation regarding project actions, compliance measures, monitoring programs, evaluation actions and ecosystem restoration features. The AMT would be the decision-making body regarding modifications to these elements of the project, if warranted by the data obtained. The AMT and proposed monitoring actions are intended to validate the conclusions of the 2001 BA, help minimize take of listed species, and ensure that proposed project activities will not jeopardize listed species or adversely modify designated critical habitat [ESA Section 7(a)(2)].

Ecosystem Evaluation Actions. Ecosystem evaluation actions are measures take by the Corps as part of the project to assist the efforts of the Corps, NOAA Fisheries, USFWS, and others in the broader issues of understanding the lower Columbia River ecosystem. The evaluation actions address indicators of the salmonid conceptual model and will advance the knowledge base for the conservation and recovery of salmonid species.

This plan has been reviewed and endorsed by the local sponsors (see attached letter). This report satisfies Corps Engineering Regulation 1105-2-100, the Planning Guidance Notebook, and is intended to serve as a limited reevaluation. This reevaluation specifically evaluated the 43-foot channel improvement project under current policies, criteria and guidelines.

9.2. ^{revised} Recommendations

I have given careful consideration to all significant aspects of this study in the overall public interest, including engineering and economic feasibility as well as social and environmental effects. The selected plan described in this Final SEIS provides the optimum solution for improvements to the authorized Columbia and Lower Willamette Rivers Federal Navigation Channel in Oregon and Washington. This recommendation pertains exclusively to the Columbia River portion of the authorized project (as noted above, the Willamette River portion of the project has been deferred). The Columbia River portion of the fully funded cost estimate for this selected plan, including the environmental restoration components, is \$145,097,000.

This Final SEIS continues to support the need for the Columbia River portion to be modified to provide a 43-foot deep navigation channel. The proposed disposal plan continues to be the locally preferred plan. Disposal actions would occur in-water, at three beach nourishment locations, at new and previously used upland locations. The selected plan includes an environmental restoration component to restore for fish and wildlife habitats along the lower Columbia River, especially for anadromous fish species and two restoration features which beneficially use dredge material.

In addition, the authorizing document allows for the Port of Portland to be reimbursed for maintenance dredging of the project, performed by the Port of Portland's pipeline dredge. The reimbursement to be afforded, subject to Government audit, will be based on the full operating cost of the Port of Portland's dredge while performing maintenance dredging of the project, including proportionate cost of maintenance of the dredge based on the period of time the dredge is performing maintenance of the project.

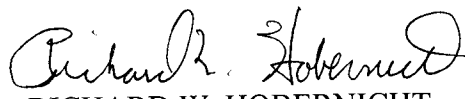
The non-federal sponsor is authorized credit for participation in the construction of the project from Columbia River mile 95 to the upstream end of the project and improvement of embayment circulation portions of the ecosystem restoration features of the project. The credit to be afforded, subject to Federal Government audit, will be applied toward the non-federal sponsor cash contribution required for construction.

The new ecosystem restoration features were not included in the 1999 Report of the Chief of Engineers. These features are recommended to be part of the overall project, and would be constructed under either the Chief of Engineer's discretionary authority or the Continuing Authorities Program.

Lastly, the Corps is authorized to make lump sum payment to the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife in fulfillment of the Federal Government's responsibility to operate and maintain these mitigation areas, subject to agreement by these agencies to accomplish the operation and maintenance of the mitigation areas without further cost to the Federal Government.

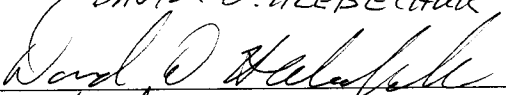
The recommendations contained herein reflect the information available at this time and current Departmental policies governing formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of national Civil Works Construction program nor the perspective of higher review levels within the Executive Branch.

Date: 19 January 2003


RICHARD W. HOBERNICHT
Colonel, EN
Commanding

CERTIFICATION OF LEGAL REVIEW

The report for the Final SEIS including all associated documents required by the National Environmental Policy Act have been fully reviewed by the Office of Counsel, Portland District, and is approved as legally sufficient.

DAVID. D. HLEBECHUK

Assistant District Counsel

19 JANUARY 2003
Date

INTERSTATE COLUMBIA RIVER IMPROVEMENT PROJECT (ICRIP)

P.O. Box 3529

Portland, OR 97208

Port of Kalama

Port of Longview

Port of Portland

Port of St. Helens

Port of Vancouver

Port of Woodland

January 10, 2003

Mr. Robert E. Willis
Chief, Environmental Resources Branch
CENWP-PM-E
Post Office Box 2946
Portland District
U.S. Army Corps of Engineers
Portland, Oregon 97208-2946

Dear Mr. Willis:

We are writing on behalf of the Interstate Columbia River Improvement Project (ICRIP), which consists of the following ports: the Ports of Kalama, Longview, Vancouver, and Woodland in Washington and the Ports of Portland and St. Helens in Oregon. We are pleased to serve as the non-federal co-sponsors for the Columbia River Channel Improvement Project and stand ready to fulfill our obligations as required for a federal navigation project.

We would like to reconfirm our support for the modified Columbia River Channel Improvement Project, as described in the Final Supplemental Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS).

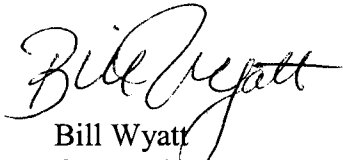
We support the proposed project including modifications made as a part of the Endangered Species Act consultation and subsequent Supplemental EIS, which will provide improved habitat for Lower Columbia River endangered fish and wildlife. The preferred project alternative beneficially uses dredged material for ecosystem restoration features that enhance the estuary. The ecosystem restoration features, adaptive management, monitoring and evaluation actions added to the channel project ensure that the project meets the high expectations of the citizens of this region for an environmentally sound and economically viable project.

All six sponsors continue to support the recommendation to delay the construction of the Willamette River channel improvements until resolution of sediment cleanup issues associated with its designation as a federal National Priorities List site under the Comprehensive Environmental Response, Compensation, and Liability Act. We understand that at that time additional engineering and environmental review would have to be pursued for the Willamette channel improvements to be constructed.

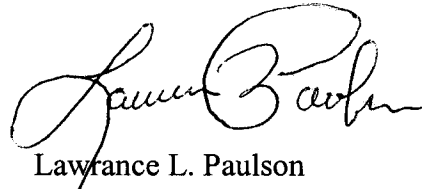
The sponsor ports look forward to entering into a Project Cooperation Agreement (PCA) with the Corps of Engineers prior to construction of the project. The sponsor ports are capable of funding our obligations for cost sharing the proposed project. The states of Oregon and Washington have both appropriated the necessary non-federal cost share for the Columbia River navigation project. Specific details will be provided in the sponsors' financing plan to be submitted with the PCA.

We urge the Corps to complete the steps necessary to bring the project to construction as expeditiously as possible. We stand ready to carry out our obligations as non-federal sponsors.

Sincerely,



Bill Wyatt
Oregon Sponsor Representative
Executive Director
Port of Portland



Lawrence L. Paulson
Washington Sponsor Representative
Executive Director
Port of Vancouver USA