
LETTERS FROM FEDERAL AGENCIES



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Corps of Engineers Response

Reply To
Attn Of: ECO-088

Ref: 98-057-COE

September 16, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-PM-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

F-1 We have reviewed the Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement (DSEIS) for the proposed **Columbia River Channel Improvement Project** pursuant to the National Environmental Policy Act (NEPA), under section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. Section 309, independent of NEPA, directs the Environmental Protection Agency (EPA) to review and comment in writing on the environmental impacts associated with all major federal actions. In addition, as a recognized cooperating federal agency for this proposed federal project, we will address additional information needed to further the success of federal activities within the proposed project area.

F-2 The DSEIS addresses proposed channel improvement activities located along the lower segments of the Columbia and Willamette Rivers. Specifically, the proposed project area extends from river mile (RM) 3.0 to RM 106.5 along the Columbia River and RM 0.0 to RM 11.6 along the Willamette River. While the action on Willamette River segments of the proposed project is deferred, the proposals on the Columbia River segments will proceed. The DSEIS proposes an action plan to dredge and dispose of riverine sediments in order to improve navigational opportunities on the two rivers. Also, the proposed federal project includes ecosystem restoration activities to improve habitat conditions within the project area.

F-3 EPA's recommendations for the Final Supplemental EIS are that the Corps do a cumulative effects analysis related to the project area, should explain how this project will either advance or delay the goals and objectives of the Comprehensive Conservation and Management Plan (CCMP) for the lower Columbia River estuary, and improve its discussion on project monitoring. Additional comments are also supplied. Based on our review, we have assigned the Draft Supplement EIS a rating of EC-2 (Environmental Concerns - Insufficient Information). This rating and a summary of our

F-1. Comment noted.

F-2. The Final SEIS supplements the *Final Integrated Feasibility Report and Environmental Impact Statement* (Final IFR/EIS, August 1999). The scope of the 1999 Final IFR/EIS included the following agency actions: 1) improvements to the navigation channel for the Columbia and Willamette Rivers, 2) ecosystem restoration features, and 3) the long-term disposal needs for continued maintenance of the Mouth of Columbia River (MCR) project, maintenance of the existing 40-foot channel, and the disposal requirements for construction and maintenance of the proposed channel improvements alternatives. The Corps is the agency with primary responsibility for navigation improvements and ecosystem restoration actions. The USEPA is the federal agency responsible for designating ocean disposal sites necessary to address long-term disposal needs. The USEPA expects to initiate formal rulemaking on the Shallow Water and Deep Water Sites in February 2003, with the designations becoming effective by summer 2003.

A SEIS typically focuses on project changes and/or new information. To understand the scope of the SEIS, it may be helpful to explain how the SEIS is intended to address changes in the proposed action and new information for each of the three types of actions that were the subject of the 1999 Final IFR/EIS.

Navigation channel improvements. The Final SEIS reflects the decision to defer action on deepening the Willamette River until after USEPA decisions have been made regarding the clean up of the parts of the river listed as a Superfund site. The Final SEIS, therefore, focuses on the Columbia River; impacts regarding the Willamette River are discussed to a lesser extent in Section 6.12. With regards to new information, much of the new information presented in the Final SEIS, is information that pertains to impacts of deepening the Columbia River, hereafter referred to as the channel improvement project.

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F-2 (con't).

Restoration projects. The Final SEIS reflects the incorporation of five new restoration features and analyzes the environmental impacts associated with implementing these features. The new restoration features result in a minor change to long-term disposal needs.

Long-term disposal needs for MCR and channel improvements projects. The Final SEIS discusses revisions to upland disposal sites for the channel improvement project that resulted from the consultation process with NOAA Fisheries. In addition, implementation of the proposed restoration features at the Lois Mott embayment and Millar Pillar are anticipated to significantly reduce the need for ocean disposal of river channel material. The Final SEIS addresses this change in the disposal plan. Because the channel improvement project amounted to only a small fraction of sediments proposed for ocean disposal as analyzed in the 1999 Final IFR/EIS, the use of this material for ecosystem restoration, while significant in the context of the Corps' decision regarding the channel improvement project, does not fundamentally change the need for or sizing of the ocean disposal sites selected in the 1999 Final IFR/EIS. The SEIS also presents new baseline information collected for the ocean disposal sites selected in the 1999 Final IFR/EIS; however, the SEIS has less new information regarding this action than the other two actions discussed above.

F-3. The Final SEIS has been revised to include a more detailed cumulative effects discussion. Also, see our response to the specific comments following.

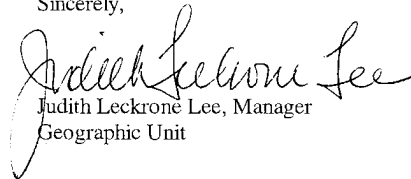
comments will be published in the *Federal Register*. A summary of the rating system we used in our evaluation of this DSEIS is enclosed for your reference.

F-3

Enclosed please find our detailed comments, which elaborate further on these issues. We are interested in working with the Corps in the resolution of these issues. I encourage you to contact John Malek (206-553-1286) or Tom Connor (206-553-4423) at your earliest convenience to discuss our comments and how they might best be addressed.

Thank you for the opportunity to review this Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement for the proposed Columbia River Channel Improvement Project.

Sincerely,



Judith Leckrone Lee, Manager
Geographic Unit

Enclosures

- **To adequately address indirect and cumulative effects related to the project area, the FSEIS should (1) describe possible potential development more fully and (2) disclose the environmental impacts of that development.**

The FSEIS should explain more fully and in one place in the document how proposed dredging of flowlanes within the lower Columbia River might affect and encourage further developments of coastal ports and industrialization within the project area. As identified in the DSEIS (Needs and Opportunities, page 3-1 and 3-2), the proposed project of deepening the existing shipping channel will improve waterborne transportation and reduce vessel delay costs. Even at the present time, many coastal ports within the project area are planning expansion of existing facilities to remain economically competitive and viable (Section 3.4). Future development of port marine and industrial facilities in the project area "is reasonably foreseeable in response to regional and national economic trends" (page 6-55).

F-4. The Final SEIS includes a more detailed cumulative effects discussion. "Flowlane" is defined as the area in and adjacent to the navigation channel to be used for in-water disposal. Dredging for the channel improvement project is limited to the Columbia River navigation channel, except for selected reaches where dredging will extend 100 feet outside the channel boundary. As documented in the amendment to the Biological Assessment, letters from the sponsor ports for the channel improvement project provide additional information regarding the Biological Assessment's discussion of potential future port development. Specifically, the letters support the conclusion that, with the exception of berth deepening at several locations, potential future port development is not interdependent or interrelated with the channel improvement project, nor is such potential development an indirect or cumulative effect of the project for ESA purposes. The Corps coordinated with the USEPA Sediment Management Program and believes the cumulative effects analysis prepared for this Project and ocean disposal element follows CEQ guidelines.

F-4

The Council on Environmental Quality (CEQ) guidance (*Considering Cumulative Effects Under the National Environmental Policy Act, 1997*) provides a framework for analyzing cumulative effects. It is not practical to analyze the cumulative effects of an action on the universe; yet, the list of environmental effects related to the project area must focus on those that are truly meaningful. Water quality, biodiversity, and near-shore and estuarine habitats are the resources most likely to be candidates for cumulative effects analysis under a dredging project.

In short, the guidance states that in order to address cumulative effects, five things should be done:

- 1.) Identify resources that are being cumulatively impacted (If there are none, then state this.);
- 2.) Determine the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and will occur;
- 3.) look at A past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
- 4.) Describe a benchmark or baseline; and
- 5.) Include scientifically defensible threshold levels.

- **To advance collaborative efforts for positive net habitat restoration gains within the project area, the Corps should explain how this project will either advance or delay the goals and objectives of the Comprehensive Conservation and Management Plan (CCMP) for the lower Columbia River estuary**

As a member of the Lower Columbia River Estuary Partnership, the Corps should evaluate in the FSEIS the potential impacts of this channel deepening project against the goals and objectives outlined in the Comprehensive Conservation and Management Plan (CCMP) for the lower Columbia River estuary since the action items in the CCMP are necessary to improve environmental conditions on the lower Columbia River. The Partnership includes various interest groups, representatives from the two Governors' offices; Oregon and Washington state natural resource agencies, local and tribal governments, and federal agencies, including the National Marine Fisheries Service, EPA, and the US Army Corps of Engineers.

In 1995, the environs of the Lower Columbia River estuary became part of EPA's National Estuary Program (NEP). The Lower Columbia River Estuary Partnership completed their initial obligations to the National Estuary Program (NEP) and EPA with completion of their CCMP in June 1999. This NEP study area, comprising over 230,000 square miles, includes the lower 146 river miles from Bonneville Dam to the mouth. This area was selected because many of the environmental impacts within the lower 146 miles were caused by human activities and inadequate attention was being paid to the environmental health and conditions of the lower river and estuary in the Columbia River system.

The overall task of the Estuary Partnership is to implement the CCMP. On October 1999, the Governors of Washington and Oregon, and EPA signed the Columbia River Estuary Program Implementation Agreement. For the first time, both Oregon and Washington were committed to implementing a bi-state plan that focused on the 146 mile stretch of the Columbia River between Bonneville Dam and the Pacific Ocean.

The CCMP identified seven priority problems in the lower river and selected forty-three specific actions to address those problems. The Lower Columbia River Estuary CCMP calls for no further loss of existing habitat and for restoring existing habitats to achieve a net habitat gain. Additionally, the CCMP calls not only for dealing with existing pollution problems, but eliminating future ones as well. Successful implementation of the CCMP depends on effective coordination and cooperation of the Partnership members. The Lower Columbia River Estuary CCMP represents a framework of collaborative community efforts whose goal is to facilitate coordinated environmental restoration and economic development in a sustainable manner. Acknowledgment of the goals and objectives of the Lower Columbia Estuary CCMP or an improved evaluation of the proposed project's environmental restoration features should be considered toward supporting the goals and objectives of the CCMP.

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F-5. The omission of reference to the CCMP for the lower Columbia River estuary was inadvertent, as both the USEPA and the Corps are participants in that planning effort. The estuary partnership's scientific workgroup did evaluate the ecosystem restoration features proposed for this project against the CCMP criteria and provided their comments. See stakeholder comments SS-90 through SS-102. The Corps has considered these comments as part of the Final SEIS. The Corps modified the Lois Island Embayment and Miller-Pillar ecosystem restoration features in the Final SEIS to address LCREP and comments from others. The Corps believes that these features, as well as proposed monitoring, advance the LCREP CCMP goals. The CCMP calls for an ecosystem based approach to protecting and enhancing the lower Columbia River and estuary. It has six actions that specifically address habitat conservation and restoration and are thus relevant to the EIS. They identify the need to: inventory and prioritize important habitats to be protected and conserved; establish a systematic approach to protect and restore key habitats; adopt consistent habitat protection standards; preserve and restore tributary buffer areas; restore 3,000 acres of tidal wetlands; and monitor the effectiveness of habitat projects.

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- **The FSEIS should disclose more explicitly what types of monitoring will be employed (e.g., baseline, effectiveness, and compliance) and how monitoring will be phased throughout the life of the proposed project to support adaptive management.**

F-6

On wetland mitigation, the FSEIS should provide further disclosure of any proposed monitoring plans. Also, in the DSEIS, Table 1 (Appendix B, page 25) is referenced as a summarization of performance standards which will be used in mitigation. Yet, Table 1 is omitted.

F-6. Monitoring of wetland mitigation is addressed in the 1999 Final IFR/EIS, Appendix G.

- **The FSEIS should disclose how adaptive management will actualize monitoring findings into adaptive field implementation efforts.**

F-7

While the DSEIS does state that adaptive management will be applied to monitoring (page 4-7) and does address monitoring actions (page 6-39), accompanying monitoring and implementation elements were not clearly discussed nor referenced in the DSEIS. The DSEIS states that “monitoring actions proposed are for indicators where the levels of uncertainty and risk from project effects warrant gathering additional information” (page 6-39). Yet, the document does not adequately address how “new information would warrant change” in (see Table S6-5) management and/or implementation directions. The proposed dredging, disposal, and habitat restoration actions should be viewed more as potentially beneficial and experimental rather than as a approach that has demonstrative results. Thus, the proposed monitoring plan should contain a comprehensive monitoring strategy to evaluate the overall success of the plan in meeting its defined goals and objectives.

F-7. Comment noted. As part of the terms and conditions by NOAA Fisheries and USFWS, the Corps has submitted an implementation draft plan, which included information on monitoring methodology for: the ecosystem restoration features, research activities, project impacts and adaptive management. Once approved, the document will be placed on the Corps’ web site.

- **If the Columbia white-tailed deer is not delisted, we recommend that the FSEIS should disclose contingency plans for proposed salmon habitat restoration activities.**

F-8

Previously, levees on Tenasillahe Island were created to improve habitat for the Columbia white-tailed deer, a listed ESA species (page 4-27). In the DSEIS, the proposed action is to remove the levees contingent on the de-listing of the deer. The intent of levee removal is to promote salmonid access to viable habitat within the interior of the island. If the deer is not de-listed within the time horizon of the project, what n-litigation efforts will be implemented so that no further harm, such as lack of habitat access, will occur to listed salmonid species?

This discussion will not only improve disclosure on how restoration activities on Tenasillahe Island would move restoration towards “its historical habitat mix”(Section 4.8.6), but also how restored sites should be supportive of its historical mix of species.

F-8. If Columbian white-tailed deer are not de-listed, the long-term actions at Tenasillahe would not be implemented as noted in the BA and Draft SEIS. Ecosystem restoration features are voluntary actions by the Corps utilizing existing authorities to implement actions for the betterment of listed species as provided under Section 7(a)(1) of the ESA; there will be no replacement actions if a feature is not implemented.

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- **The FSEIS should disclose how proposed disposal actions within the Gateway 3 disposal site might impact the Sandhill crane.**

F-9 The DSEIS lacks adequate discussion on how proposed disposal activities at Gateway Site 3 might impact this state listed species. In addition, the DSEIS is not clear if proposed habitat preservation activities at other locations in the project area will be sufficient for the species if the habitat at Gateway properties becomes impaired due to disposal actions. This clarifying information is needed within the FSEIS.

F-9. Comment noted. The Final SEIS is revised.

- **The FSEIS should disclose what are the contingency plans, if any, of the proposed restoration sites are determined to be inadequate.**

F-10 The DSEIS states (page 4-21) that Bachelor Slough “restoration feature is contingent on sediment testing and approval by WDNR [Washington Department of Natural Resources]” (Table S4-6, page 4-21). If approval is not granted by WDNR, the FSEIS should explain what are the alternatives within the proposed plan to mitigate for dredging activities and promote ecosystem restoration within the Columbia estuary.

F-10. If the Bachelor Slough Ecosystem Restoration Feature is not implemented, no alternatives are proposed to replace this action. These restoration features are not mitigation proposed to offset an impact caused from the federal project. Ecosystem restoration features are voluntary actions by the Corps utilizing existing authorities to implement actions for the betterment of listed species as provided under Section 7(a)(1) of the ESA; there will be no replacement actions if a feature is not implemented.

- **The FSEIS should improve cartographic information absent in DSEIS figures.**

F-11 Figures S4-2, S4-4, and S4-4 lack information in the legend describing what the green areas represent. Figure S4-2 needs to define what the red dash lines represent (National Wildlife Refuge Boundary?).

F-11. Comments noted.

Regarding Figures on Columbia River Channel improvement Study (Proposed - Reach 1, Reach 2, Reach 5, and Reach 6), the red fonts identifying the wildlife refuges are hard to read and understand since it lies underneath the black hatching.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
500 NE Multnomah Street, Suite 356
Portland, Oregon 97232-2036

Corps of Engineers Response

IN REPLY REFER TO:

September 17, 2002

Colonel Richard W. Hobernicht, District Engineer
Portland District, Corps of Engineers
CENWP-EM-E ATTN: Robert Willis
P.O. Box 2946
Portland, Oregon 97208-2946

Dear Colonel Hobernicht:

The Department of the Interior (Department), has reviewed the Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement (Supplemental IFR/EIS) on the Columbia River Channel Improvement Project, as prepared by the Corps of Engineers (Corps), Portland District. We offer the following comments with regard to your agency's proposed project.

General Comments

For over a year the Fish and Wildlife Service (Service) has worked with numerous entities to assist in the development of a new biological assessment and biological opinion on the Channel Improvement Project. These entities included the Corps, NOAA Fisheries, the States of Oregon and Washington, the Columbia River Ports, an independent scientific review panel, several consultant companies, and a variety of public groups.

F-12. Comments noted.

F-12

Simultaneously, the Corps was working to produce the Supplemental IFR/EIS, which incorporated the information from the new biological assessment and biological opinion. According to the Corps, the Supplemental IFR/EIS was developed to: 1) "document additional information, environmental analyses, and project modifications resulting from consultation" on the project under the Endangered Species Act (ESA); 2) provide additional information on an updated disposal plan as well as updated data on project economics; and 3) comply with the National Environmental Policy Act and Washington State Environmental Policy Act requirements. With regard to listed species, the focus of the Service was on bull trout, bald eagle, and Columbian white-tailed deer and, in addition, coastal cutthroat trout, a species proposed for listing.

The Department appreciates the opportunity given the Service to be involved in the development of the Supplemental IFR/EIS from an early stage. We believe this early involvement contributed to the majority of our concerns being addressed in the Supplemental IFR/EIS through the ESA consultation process. We still have some concerns regarding the overall benefit of some of the restoration sites, however, and the lack of focus on restoring endemic habitats which have been most impacted by development in the estuary and river. Tidal forest swamps (sitka spruce and hemlock/cedar swamps) and tidal emergent wetlands with tidal channels, for example, are the

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F-12 | habitats that have been most severely diminished in the lower Columbia River over the last century. These habitats supported juvenile salmon, benthic invertebrate populations, bald eagles, Columbian white-tailed deer, neo-tropical migrants, waterfowl populations, a variety of small and large mammals, aquatic furbearers, reptiles and amphibians, and, possibly, spotted owls and marbled murrelets. While the Supplemental IFR/EIS acknowledges the importance of these habitats, it appears that only one of the proposed restoration sites (Tenasillahe Island) attempts to restore historically important tidal marsh/swamp habitat by breaching dikes and allowing tidal inundation of the areas behind the dikes. Tenasillahe Island may not be available for restoration work for some time, however, as restoration of the island is contingent on establishment of secure Columbian white-tailed deer populations at other locations on the Columbia River. Several of the other restoration sites (Miller-Pillar, Lois Island Embayment, Bachelor Slough) also involve restoration methods which have not been tested or will require long-term efforts to achieve success. We recommend that careful monitoring and evaluation be given the highest priority at these sites and that alternative sites be pursued under an adaptive management agreement if these sites fail to provide viable habitats over time.

In addition, the Department understands that the Service is currently working on a memorandum of understanding to address many of the specific logistics entailed in the ecosystem restoration features which will be conducted on Service-managed lands. We believe this approach is the best way to ensure the restoration work proposed for Service lands is clearly defined, completed, and monitored, so as to achieve the greatest benefit to fish and wildlife resources.

Specific Comments

F-13 | Page 4-11, 3rd paragraph: It would be clearer to state the ESA determination for Miller-Pillar and the Lois Island Embayment as *likely to adversely affect*.

F-14 | Page 4-19, 2nd paragraph: Originally, the restoration project at Shillapoo Lake was to provide for off-channel rearing habitat for juvenile salmonids. It would be useful to the reviewer to know why this seemingly beneficial feature of the restoration project was rejected. We recommend providing this explanation in the EIS.

F-15 | Page 4-24, 2nd paragraph: The Department encourages the Corps to conduct additional benthic monitoring prior to completing the Lois Island restoration features. This will allow for better evaluation of the success or failure of the restoration project.

F-16 | Page 6-17, 1st paragraph: This paragraph states that chemicals and organics are not present in the channel sediments. It should be made clear whether this statement truly means “not present” or “not present above threshold levels.”

F-17 | Page 6-26, 1st and 2nd paragraphs: The last two sentences of the first paragraph and the first two sentences of the second paragraph are redundant. These two paragraphs should be combined to make a clearer statement about crab distribution and abundance at the Deep Water Ocean Disposal Site.

F-13. The Corps prefers to use the exact language from the Biological Assessment.

F-14. The original (WDFW) restoration proposal at Shillapoo Lake was for waterfowl habitat enhancement. The Corps was prepared to conduct a feasibility evaluation of the Shillapoo Lake restoration feature for fisheries (salmonid) habitat development. The fisheries habitat concept was coordinated with WDFW and NOAA Fisheries twice and the final determination twice presented to the Corps by these agencies was to proceed ahead with WDFW’s original proposal for waterfowl habitat enhancement.

F-15. As included in USFWS’s Biological Opinion dated May 20, 2002, Section 8.5, Terms and Conditions, 5f., the Corps is required to coordinate with the Service on the development and implementation of pre- and post-construction monitoring protocols for the ecosystem restoration actions to gauge their effectiveness in restoring the type, function and value of habitats identified in the aquatic species BA. The Corps will be working with the Service on this Term and Condition.

F-16. Concur. The Final SEIS has been revised as suggested by the addition of the phrase, “not present above threshold levels.”

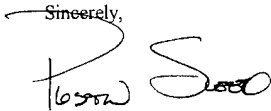
F-17. Concur. The Final SEIS has been revised.

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F-18 | Page 6-51, 1st paragraph: The Department appreciates the efforts made by the Corps to fund research projects in the lower Columbia River which will add to the knowledge base on how the Columbia River ecosystem functions. We support the ecosystem restoration efforts that will increase river and estuarine habitats that have been drastically reduced over the past decades but also encourage careful monitoring of these sites to ensure their success as restoration sites.

F-19 | Page 6-52, 1st paragraph: It is not clear why brown pelicans are mentioned in this paragraph. If brown pelicans were also the focus of the biological opinion, there should be additional discussion of the project's impacts on this species.

F-20 | Appendix B, Wetland Mitigation Plan, Page 31, 1st paragraph: We request that the Service be added to the list of agencies receiving copies of the monitoring reports on the mitigation sites.
We appreciate the opportunity to comment. If you have any questions, please feel free to call me at 503-231-6157.

Sincerely,


Preston A. Sleeper
Regional Environmental Officer

F-18. Noted.

F-19. The potential for impacts to brown pelicans and other listed species relative to ecosystem research, monitoring and restoration features were fully addressed in the 2001 consultation BA. The sentence referenced in the comment was providing the reviewer of the Draft SEIS a specific reference point (Chapter 8) from which they could review pertinent information on listed species affected by ecosystem research, monitoring and restoration features.

As discussed in the 1999 Final IFR/EIS and the Corps' 1999 Biological Assessment for the channel improvement project, dredging and disposal activities are expected to have no effect on brown pelicans. However, some of the ecosystem research activities developed through the ESA consultation process may affect brown pelicans. Therefore, the 2001 BA addresses these new activities. The BA concludes that they may affect but are not likely to adversely affect brown pelicans (BA at Section 8.4.2.4).

F-20. The USFWS will be furnished monitoring reports on the mitigation sites.