Oregon
Theodore R. Kulongoski, Governor

Department of Environmental Quality
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July 8, 2004

Marci Cook
Environmental Resources Branch
U.S. Army Corps of Engineers
ATTN: CENWP-PM-E
P.O. Box 2946
Portland, OR 97208-2946

Dear Ms. Cook:

The Department of Environmental Quality (DEQ) has reviewed the U.S. Army Corps of Engineers (USACE, Corps) request for Section 401 Water Quality Certification contained in Public Notice # CENWP-PM-E-04-01, an Environmental Assessment (EA) for the *Repair of the North and South Jetties at Tillamook Bay, Tillamook County Oregon*. Tillamook Bay is located on the west coast of Oregon approximately 47 miles south of the confluence of the Columbia River with the Pacific Ocean. It has a surface area of approximately 12 square miles at high tide and receives water from five major river systems; the Kilchis, Trask, Tillamook, Wilson and Miami.

The jetties were designed and constructed to confine tidal currents to a narrow channel to facilitate scouring of the navigational channels at the entrance to Tillamook Bay. The north jetty was authorized in 1912 and completed in 1917. The originally constructed length of the north jetty is 5,400 feet. Recent measurements show a loss of around 385 feet in length from the head portion of the jetty. Additionally the primary sand dune at the root of the north jetty has progressively eroded endangering both the foredune and the root structure of about 1000 feet of jetty.

The south jetty was authorized in 1965 and completed in three phases, the last in 1979. The south jetty has a design length of 8,000 feet which has decreased to 7,334 feet. Both jetties have experienced erosional damage to both their heads and their bases.

The proposed project includes the construction of a revetment at the base of the north jetty approximately 60 feet wide by up to 600 feet long. The height of the revetment will be +23 feet mean low low water (MLLW) and will require up to 14,000 tons of stone depending on the finished length. After construction the revetment will be backfilled with up to 6,000 cubic yards (CY) of sand. The revetment will stabilize and protect the foredune and jetty root of the north jetty. No action would result in the continued deterioration of the jetty system and the eventual destabilization of the Tillamook federal navigation project.

Informal consultation under section 7 of the Endangered Species Act (ESA) was completed by NOAA Fisheries on June 8, 2004. NOAA Fisheries agreed with the Corps that the proposed action to construct the north jetty revetment at the entrance to Tillamook Bay is not likely to jeopardize the continued existence of twelve species of ESA-listed salmonid fishes, or destroy or adversely modify their designated critical habitat.

On June 24, the US Fish and Wildlife Service concurred with the Corps' effect determination that the work proposed to construct a revetment at the base of the north jetty is not likely to adversely affect the brown pelican, and will have no effect to other listed species.

Based on information provided by the applicant, DEQ does not anticipate any violations of State Water Quality standards, including Oregon Administrative Rule (OAR) 340-041-004, Antidegradation Policy for Surface Waters, provided these conditions are adhered to.

1. **Aquatic life movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Unobstructed fish passage must be provided at all times during any construction activity.

2. **Turbidity/Erosion Control:** The authorized work shall not cause turbidity in any waters in the action area to exceed 10% over natural background turbidity 100 feet downstream (tidally adjusted) of the turbidity causing activity. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands, floodplains, and valley bottoms.

   For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. Practicable erosion control measures which shall be implemented, as appropriate, include but are not limited to the following:

   a) Place fill in the water using methods that avoid disturbance to the maximum practicable extent (e.g. placing fill with a machine rather than end-dumping from a truck);
   b) Prevent all construction materials and debris from entering waterway;
   c) Use filter bags, sediment fences, sediment traps or catch basins, silt curtains, leave strips or berms, Jersey barriers, or other measures sufficient to prevent movement of soil;
   d) Use impervious materials to cover stockpiles when unattended or during rain event;
   e) Erosion control measures shall be inspected and maintained daily, to ensure their continued effectiveness;
   f) Use a gravel staging area and construction access;
   g) Fence off planted areas to protect from disturbance and/or erosion; and
   h) Flag or fence off wetlands adjacent to the construction area.

   Turbidity shall be monitored during active construction periods. Monitoring points shall be an undisturbed site (representative background) 100 feet upstream from turbidity causing activity (i.e., dredge, fill, or discharge point), 100 feet downstream from that point, and at the point of disturbance. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

Turbidity shall be measured (or visually assessed) and recorded at the designated monitoring interval prescribed above during periods of active construction. The designated person attending the monitoring equipment shall be responsible for notifying the project foreman of any exceedance of the turbidity standard. If a 10% exceedance of the background level occurs at 100 feet below the project site, modify the activity causing the problem and continue to monitor at the proper interval. If exceedances occur with two consecutive measurements stop the activity causing the turbidity until the problem is resolved.

3. **Deleterious waste materials:**

    a) Petroleum products, chemicals, fresh cement, riprap grout, or other deleterious waste materials shall not be allowed to enter or contact waters of the state;
    b) Use only clean fill free of waste and polluted substances to maintain water quality;
    c) BMP's shall be employed in order to prevent discharges of spills to surface or ground waters.

4. **Planting/re-vegetation:**

    a) Plant new vegetation or replace any existing vegetation in areas that may be disturbed as a result of this project, in order to restore the function and stability of the landscape and habitat.
    b) Plant disturbed areas with native plants and trees in all cases except where the use of non-native plant materials may be essential for erosion control; and
    c) The standard for success is 80% cover for native plant species. Temporary fencing off of planted areas may be required to insure success.

5. During construction activities, storm water runoff or wash water from disturbed soils, permanent impervious road surfaces, access lanes, and parking lots shall be first treated by a facility specifically designed to remove storm water contaminants before entering state waterways or wetlands, including mitigation wetlands, so as to minimize contaminants entering those water bodies.

6. Provide a buffer zone, where practicable (minimum width of 50 feet recommended) in order to protect existing riparian areas, and existing and mitigation wetlands.

7. Projects of 1 or more acres require an NPDES 1200C Storm Water Discharge Permit. Contact the appropriate DEQ regional office for more information.

8. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained in order to prevent spills into State waters.

9. In the event of a discharge of oil, fuel, or other chemicals into State waters, or onto land with a potential to enter State waters, containment and cleanup shall begin immediately and be completed as soon as possible. Spills into State waters, or onto land with a potential to enter State waters, shall be reported immediately by contacting the Oregon Emergency Response System (OERS) directly at 1-800-452-0311.
10. DEQ reserves the option to modify, amend or revoke this WQC, as necessary, in the event new information indicates that the project activities are having a significant adverse impact on State water quality or critical fish resources.
11. This certification is valid for five (5) years from the date of issuance.
12. A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.
13. This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the Public Notice for certification.
14. DEQ requires reasonable site access.

If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are strictly adhered to.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Tom Melville at (503) 229-5845.

Sincerely,

Bob Baumgartner, Manager
Water Quality Division

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cc: Applicant(s)
Neil Mullane, DEQ