2/2/2022 edoc

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208-2946

FEBRUARY 2, 2022

SUBJECT: Nationwide Permits 1 & 3 Equivalency for Sand Island Pile Dike Repairs

Ms. Loree Randall
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504

Dear Ms. Randall:

The U.S. Army Corps of Engineers (Corps) respectfully requests Washington Department of Ecology concurrence on the use of Nationwide Permits (NWP) 1 and 3 for Clean Water Act Section 401 Water Quality Certification (401 WQC) for aids to navigation and discharges of fill material associated with the maintenance of the existing Sand Island pile dike system in the lower Columbia River. The full scope of the proposed repair work will span across four pile dikes between river mile (RM) 4 and RM 7; however, the work occurring in the State of Washington includes only a portion of pile dike 6.37 at RM 6, and is entirely in water (see Encl 1 map). A Joint Aquatic Resources Permit Application has been prepared for repair of pile dike 6.37 to assist in your review (Encl 2). USACE has received 401 WQC for the work proposed in Oregon (Encl 3).

The pile dikes were constructed in the 1930s to maintain the federal navigation channel (FNC) by controlling northward river migration of the north channel, protecting the southern sides of East and West Sand Islands from erosion, and stabilizing the FNC. Maintenance of the pile dikes has not been done due to lack of funding since the late 1980s, thus repairs are urgently needed.

Pile dike 6.37 is entirely in water and is 4,000 feet long; 2,400 feet of the pile dike is in Washington. The proposed work entails removal of approximately 875 timber piles (of those located in Washington) and subsequent placement of approximately 4,091 cubic yards of enhanced enrockment along the existing pile dike enrockment (i.e. in the same location). This size and weight of the new rock will be similar to existing rock from the original construction. None of the new enrockment will be visible above the water surface. In addition, 12 aids to navigation (ATON) (also called marker piles or king piles) will be placed (in Washington) to demark the enrockment for vessel safety. The full scale rehabilitation will take place over three to five construction seasons (2023 to 2027), while the Washington portion is proposed to take two months and likely be completed from July through September 2023. This schedule may change depending on availability of funds.

Nationwide Permit 1 Conditions Analysis

The Corps has determined NWP 1 would satisfy compliance with the CWA for aids to navigation (ATON also called pile markers) to be installed at pile dike 6.37 in Washington. NWP 3 contains the following:

- The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard.

The ATON meet the requirements of the U.S. Coast Guard.

Nationwide Permit 3 Conditions Analysis

The Corps has determined NWP 3 would satisfy compliance with the CWA for the repair work to pile dike 6.37 in Washington. NWP 3 contains the following:

- The repair, rehabilitation, or replacement of any authorized, currently serviceable structure or fill…provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

- This NWP also authorizes the removal of previously authorized structures or fills.

- This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity.

The project design team evaluated the existing timber pile dike design using extensive hydrodynamic and sediment transport modeling. The Corps determined that all timber piles need to be removed due to extensive wood rot and deterioration, and almost complete loss of spreaders. Modeling demonstrated that at the channel-ward ends of the pile dikes, replacement of the existing, deteriorated piles with new piles is necessary but that in shallower water depths, it is possible to remove timber pilings completely and add rock for higher enrockment elevation to achieve equivalent hydraulic and sediment transport functions. The Corps proposes to perform those repairs to restore/retain full functionality of the existing Sand Island pile dikes in order to maintain the Columbia River navigation channel and to maintain the stability of the mouth of the Columbia River (MCR) inlet.

NWP 3 General Conditions

1) No activity may cause more than a minimal adverse effect on navigation. *The proposed action of removing timber piles and replacing with enrockment will aid in navigation by reducing shoaling, thereby decreasing dredging needs. The installation of ATONs would have a beneficial effect on navigation. There will be no adverse impact on navigation.*

2) No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. *Pile dike rehabilitation in the Columbia River is not likely to substantially disrupt aquatic species in the project area. Construction activity and pile driving noise are expected to result in some adverse impacts on fish migrating through the area; however, those impacts would be temporary. Marine mammals that may pass through the area are not likely to experience long-term or significant adverse impacts from construction activities. The Corps is consulting with National Marine Fisheries Services under Section 7 of the Endangered Species Act (ESA) for impacts to ESA-listed fish and with National Oceanic and Atmospheric Administration for impacts to marine mammals.*

3) Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. *Construction activity and localized movement of sediment may temporarily disrupt migrating salmonids; however, spawning does not occur within or directly adjacent to the FNC where work would be conducted. Spawning areas for eulachon and other ESA-listed and non ESA-listed species would not be adversely impacted by the project.*

4) Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. *Breeding occurs on East Sand Island. Double crested cormorants and terns occupy the island during nesting season. Currently the Corps is working to reduce the cormorant colony on East Sand Island to minimize impacts to ESA-listed salmonids, but has established buffers to minimize adverse affects to nesting under the Migratory Bird Treaty Act. Therefore, the pile dike construction is not likely to result in adverse impacts on avian species beyond those impacts taking place as a result of the cormorant control plan.*

5) No activity may occur in areas of concentrated shellfish populations. *No activity is scheduled to occur in areas of concentrated shellfish populations.*

6) No activity may use unsuitable material and must be free from toxic pollutants in toxic amounts. *Material to be used for pile dike 6.37 includes rock and steel pipe piles, which would "clean" and free from pollutants.*

7) No activity may occur in the proximity of a public water supply intake. *The project is not located near a public water supply intake.*

8) If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable. *The project would not create an impoundment of water.*

9) The pre-construction course, condition, capacity, and location of open waters must be maintained for each activity to the maximum extent practicable. *The objective of the project is to restore the function of the pile dikes. Therefore, no alteration to the course, condition, capacity, or location of open waters would occur.*

10) The activity must comply with applicable FEMA-approved state or local floodplain management requirements. *The proposed project would not alter flood control structures of cause other flood related effects.*

11) Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance. *Pile dike 6.37 is entirely in water.*

12) Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. *Replacing the pile dikes will maintain the sediment control structures that are currently in place. Pile dike 6.37 is entirely in water and soil erosion is not expected to occur during construction activities.*

13) Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. *No temporary fill is associated with the work at pile dike 6.37.*

14) Any authorized structure or fill shall be properly maintained. *The purpose of the project is to maintain the authorized pile dike structure.*

15) The activity must be a single and complete project. *The proposed project is single and complete.*

16) No NWP activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a “study river.” *The Columbia River is not a designated Wild and Scenic river or “study river.”*

17) No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands. *The proposed project will not impair or modify any reserved tribal rights. The Corps sent government-to-government letters to tribes in November 2021; no responses were received.*

18) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation. *The proposed action will not jeopardize the continue existence of a threatened or endangered species. Pile driving activities and temporary habitat disturbance may affect salmonids; therefore, the Corps is consulting with National Marine Fisheries Services under Section 7 of the ESA for impacts to fish, humpback whale, Southern Resident killer whale, and leatherback sea turtles.*

19) The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. *The Corps has discussed the project in detail with U.S. Fish and Wildlife Service to avoid impacts to migratory birds. There are no known bald eagle nest sites within 1500 feet of the proposed action and golden eagles do not nest in the vicinity of the project; therefore, the Corps has determined there is no potential for impact to preferred nesting, rearing, or foraging habitat, and no potential for a 'take' of bald or golden eagles The project may result in temporary disturbance to migratory birds. The Corps has implemented an exclusion area on East Sand Island to avoid nesting cormorants. There is a tern population that nests on the east side of East Sand Island; however, no work will occur near there. In addition, in order to avoid impacts to marbled murrelets, avian monitors will be present and will shut down pile driving activities if the murrelets enter the work area.*

20) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. *The Sand Island pile dike system is eligible to the National Register of Historic Places under criteria A and C. The Corps has consulted with the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, the Cowlitz Indian Tribe, and both the Oregon and Washington State Historic Preservation Offices (SHPO) on August 23, 2017 on the Sand Island Pile Dike Major Maintenance project. The Washington SHPO deferred to the Oregon SHPO on September 6, 2017. The finding was a no adverse effect. In February 13, 2018, the Portland District reassessed the findings and determined that the SIPDS rehabilitation work would have an adverse effect to the integrity of the historic structures. On August 27, 2018 the Corps entered into a Memorandum of Agreement (MOA) between the United States Army Corps of Engineers and the Oregon State Historic Preservation Office to mitigate the Adverse Impacts to Historic Properties on East Sand Island, Clatsop County, Oregon and Pacific County, Washington (Encl 4). All conditions will be met prior to construction.*

21) If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. *The project construction will be done by contractors with Corps oversight; all parties will be informed of the procedures if an inadvertent discovery is made.*

22) For NWP, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resources waters including wetlands adjacent to those waters. *The Corps will comply with the notification conditions of the NWP.*

23) The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: avoid and minimize adverse affects to waters of the United States, mitigation is required to ensure environmental effects are no more than minimal, compensatory mitigation is required for wetland losses greater than 1/10-acre, compensatory mitigation may be required when there are losses of streams or other open waters, etc. *Wetland impacts are not anticipated for this project and no losses of open waters are anticipated. No compensatory mitigation is required for the project.*

The Corps has implemented multiple mitigation measures to avoid, minimize, and reduce impacts to natural resources including the following:

- *Fueling and lubrication of equipment will be conducted in a manner that affords the maximum protection against spill and evaporation. Fuel, lubricants and oil will be managed and stored in accordance with all Federal, State, Regional, and local laws and regulations. BMPs will be employed in order to prevent petroleum products, chemicals, or other deleterious waste materials from entering waters. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will undergo frequent inspection for drips or leaks, and shall be maintained in order to prevent spills into waters.*
- *To avoid the need for emergency response a USACE Government Quality Assurance Representative will be on-site or available by phone at all times throughout construction. Emergency erosion/pollution control equipment and best management practices will be on site at all times; USACE staff will conduct inspections and ensure that hazardous material containment booms and spill containment booms are available and accessible to facilitate the cleanup of hazardous material spills, if necessary.*
- *Construction waste material used or stored will be confined, removed, and disposed of properly.*

- *A description of spill containment and control procedures will be kept on work sites.*
- *Upon completion of the work, any barge landing pilings will be removed and the area will be re-graded according to best management practices to minimize the risk of wake stranding.*
- *Erosion and sediment control measures will be implemented.*
- *Wetland areas will be avoided.*
- *BMPs to minimize impacts to water quality will be implemented per the conditions included in the Oregon WQC. Those conditions include turbidity monitoring and reporting turbidity. See Enclosure 5 Water Quality Monitoring and Protection Plan.*
- *To reduce noise impacts to fish, birds, and marine mammals, soft-start procedures for pile installation will be used in order to provide a warning and/or give animals in close proximity to pile driving a chance to leave the area prior to a pile driver operating at full capacity thereby, exposing fewer animals to loud underwater and airborne sounds. A soft start procedure will be used at the beginning of each day when in-water pile driving or any time pile driving has ceased for more than 30 minutes.*
- *Terms and Conditions in the Biological Opinion issued by NMFS to reduce take of ESA-listed fish will be adhered to. Those measures are anticipated to reduce adverse affects on other aquatic species.*
- *All conditions in the Incidental Harassment Authorization issued by NOAA to minimize impacts to marine mammals will be adhered to.*

24) Safety of Impoundment structures *No impoundment structures will be used.*

25) Water Quality *The Columbia River in the project location is classified as water quality limited under the Federal Clean Water Act with an Environmental Protection Agency Total Maximum Daily Load (TMDL) developed for the parameters dioxin (2,3,7,8-TCDD) and total dissolved gas; and is listed on the Section 303(d) list of impaired water bodies for the parameters of arsenic, polychlorinated biphenyls, DDE 4,4', fecal coliform, and temperature. None of these parameters contributing to degradation of the water quality would be affected by the proposed project. None of the equipment to be used for the project produces dioxin, methylmercury DDE 4,4', fecal coliform, arsenic, PCBs or PAHs. None of the activities are anticipated to increase total dissolved gas or modify river temperature. The BMPs described previously would minimize impacts to water quality. No hazardous materials would be used or produced in conjunction with the project. The proposed action does not include sewage, animal waste, or other pollution that would contribute to bacterial growth. The proposed action would not modify the pH of the Columbia River, nor change the temperature.*

The Corps intends to comply with water quality standards during construction of the proposed project. There is no foreseeable circumstance that would result in exceedances of established water quality standards. Visual monitoring and turbidity monitoring, and best management practices will be employed to ensure that the activity does not result in more than minimal degradation of water.

26) Coastal Zone Management *As a federal agency, the Corps complies with Subpart C for its activities occurring within the Washington coastal zone. The Corps will be submitting a Consistency Determination to DOE for this project.*

27) The activity must comply with any regional conditions that may have been added by the Division Engineer. *The portion of the project occurring in Washington is under jurisdiction of the Seattle District. Drawings. See "Seattle District Regional General Conditions" section below.*

28) The use of more than one NWP for a single and complete project is prohibited. *The Corps intends to use only NWP 3 to cover the proposed action.*

29) If the permittee sells the property associated with the NWP verification, it may be transferred to the new owner. *The portion of the project in Washington will take place in the Columbia River, which is owned by the state. No transfer of the NWP would occur.*

30) Each permittee who receives an NWP verification letter from the Corps (in this case the Corps itself) must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. *The Corps will prepare a memorandum to the file documenting completion of the authorized activity. Compensatory mitigation is not applicable.*

31) Activities Affecting Structures or Works Built by the United States. *This condition is not applicable because this is a civil works project to be performed by the Corps and its contractors.*

32) Pre-Construction Notification. *The Corps will notify the district engineer prior to commencement of construction activities.*

<u>Seattle District Regional General Conditions</u>

1) Drawings must be provided with pre-construction notification. *Corps will provide drawings.*

2) Activities resulting in a los of waters of the U.S. cannot be authorized except by certain NPWs. *Project will not result in a loss of waters of the US.*

3) Activities involving new bank stabilization in tidal waters of Puget Sound cannot be authorized. *Project is not located in the Puget Sound*.

4) Activities in Commencement Bay. *Project is not located in Commencement Bay.*

5) Bank Stabilization. *No bank stabilization is included in the project.*

6) Crossings of Waters of the U.S. *Project does not affect crossings of the U.S.*

7) A PCN is required for stream loss. *Project will not result in stream loss.*

8) Mitigation required for wetland losses. *Project will not impact wetlands.*

9) Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat. *The Corps has determined adverse effects on EFH that may result from the proposed action to rehabilitate deteriorating pile dikes within the lower Columbia River are not significant in nature or magnitude. Maintaining full functionality of the pile dikes is expected to continue to help control the amount of dredging that would otherwise be required to maintain adequate channel depth in the FNC. Dredging is associated with entrainment of ESA-listed fish species and general disruption to the bathymetry of the area being dredged and/or used for placement. The benefit of reduced dredging is likely to outweigh the temporary adverse impacts on EFH that could result from the proposed project. Additionally, the maintained pile dikes are expected to continue to protect beneficial fish habitat on the downstream side of each dike.*

10) Projects in forage fish spawning habitat must occur within designated forage fish work windows. *Project is not located in forage fish spawning habitat.*

11) Nationwide permit authorization letter should be provided to all parties performing work. *The Corps will provide the Nationwide permit authorization letter to all parties performing work.*

12) Construction boundaries should be marked where grading or fill placement will occur. *No grading or fill placement is included in the proposed activities occurring in Washington.*

13) Temporary Impacts and Site Restoration.

a) Temporary impacts in waters of the U.S. must not exceed six months unless a waiver is received by the district engineer. *Project work in waters of the U.S. will not exceed six months annually.*

b) No more than ½ acre of waters of the U.S. may be temporarily filled. *Project does not include temporary fill.*

c) Native soils removed from waters of the U.S. should be used for site restoration. *Project does not include soil removal.*

d) Revegetation of disturbed areas is required. *Project work in Washington is entirely in water.*

e) Impacts to submerged aquatic vegetation require a monitoring plan. *Project is not anticipated to impact submerged aquatic vegetation.*

NWP 1 & 3 Specific Regional Conditions

None.

Washington State Section 401 Certification – Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if: 1. The project or activities are below the Ordinary High Water Mark (OHWM) with new work being proposed outside the original footprint. 2. The proposed project or activity increases the original footprint of the structure by more than 1/10th acre in wetlands. 3. The project or activity includes adding a new structure, such as a weir, flap gate/tide gate, or culvert to the site.

1. The proposed work is below the Mean Higher High Tide but is within the original footprint of the pile dike.

2. N/A - no wetlands will be impacted.

3. No new structures are proposed.

CZM Consistency Response – Concur with conditions.
An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required. *The Corps will be submitting a Consistency Determination to WDOE for work in Washington and has submitted a Consistency Determination to Department of Land Conservation and Development for work in Oregon (currently in review).*

The Corps' regulation governing timing on requests for water quality certification for Corps dredging projects is found in 33 CFR 336.1(b)(8)(iii) and states that the state should take final action on a request for WQC within two months from the date of the initial request, and that the state agency may request an extension of time and that the total period of time in which the state must act should not exceed six months from the date of the initial request.

If you require further information regarding this project, please contact Elizabeth Santana at the letterhead address, by telephone at (503) 808-4722, or Elizabeth.Santana@usace.army.mil. Thank you for your assistance and attention to this matter.

Sincerely,

Christopher Page
Chief, Environmental Resources Branch

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1/21/2022 edoc

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208-2946

JANUARY 21, 2022

SUBJECT: Nationwide Permit 3 Equivalency for Sand Island Pile Dike Repairs

Ms. Loree Randall
Washington Department of Ecology
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Olympia, WA 98504

Dear Ms. Randall:

The U.S. Army Corps of Engineers (Corps) respectfully requests Washington Department of Ecology concurrence on the use of Nationwide Permit 3 (NWP 3) for Clean Water Act Section 401 Water Quality Certification (401 WQC) for discharges of fill material associated with the maintenance of the existing Sand Island pile dike system in the lower Columbia River. The full scope of the proposed repair work will span across four pile dikes between river mile (RM) 4 and RM 7; however, the work occurring in the State of Washington includes only a portion of pile dike 6.37 at RM 6, and is entirely in water (see Encl 1 map). A Joint Aquatic Resources Permit Application has been prepared for repair of pile dike 6.37 to assist in your review (Encl 2). USACE has received 401 WQC for the work proposed in Oregon (Encl 3).

The pile dikes were constructed in the 1930s to maintain the federal navigation channel (FNC) by controlling northward river migration of the north channel, protecting the southern sides of East and West Sand Islands from erosion, and stabilizing the FNC. Maintenance of the pile dikes has not been done due to lack of funding since the late 1980s, thus repairs are urgently needed.

Pile dike 6.37 is entirely in water and is 4,000 feet long; 2,400 feet of the pile dike is in Washington. The proposed work entails removal of approximately 875 timber piles (of those located in Washington) and subsequent placement of approximately 4,091 cubic yards of enhanced enrockment along the existing pile dike enrockment (i.e. in the same location). This size and weight of the new rock will be similar to existing rock from the original construction. None of the new enrockment will be visible above the water surface. In addition, 12 marker piles will be placed (in Washington) to demark the enrockment for vessel safety. The full scale rehabilitation will take place over three to five construction seasons (2023 to 2027), while the Washington portion is proposed to take two months and likely be completed from July through September 2023. This schedule may change depending on availability of funds.

Nationwide Permit 3 Conditions Analysis

The Corps has determined NWP 3 would satisfy compliance with the CWA for the repair work to pile dike 6.37 in Washington. NWP 3 contains the following:

- The repair, rehabilitation, or replacement of any authorized, currently serviceable structure or fill…provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

- This NWP also authorizes the removal of previously authorized structures or fills.

- This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity.

The project design team evaluated the existing timber pile dike design using extensive hydrodynamic and sediment transport modeling. The Corps determined that all timber piles need to be removed due to extensive wood rot and deterioration, and almost complete loss of spreaders. Modeling demonstrated that at the channel-ward ends of the pile dikes, replacement of the existing, deteriorated piles with new piles is necessary but that in shallower water depths, it is possible to remove timber pilings completely and add rock for higher enrockment elevation to achieve equivalent hydraulic and sediment transport functions. The Corps proposes to perform those repairs to restore/retain full functionality of the existing Sand Island pile dikes in order to maintain the Columbia River navigation channel and to maintain the stability of the mouth of the Columbia River (MCR) inlet.

NWP 3 General Conditions

1) No activity may cause more than a minimal adverse effect on navigation. *The proposed action of removing timber piles and replacing with enrockment will aid in navigation by reducing shoaling, thereby decreasing dredging needs. There will be no adverse impact on navigation.*

2) No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. *Pile dike rehabilitation in the Columbia River is not likely to substantially disrupt aquatic species in the project area. Construction activity and pile driving noise are expected to result in some*

adverse impacts on fish migrating through the area; however, those impacts would be temporary. Marine mammals that may pass through the area are not likely to experience long-term or significant adverse impacts from construction activities. The Corps is consulting with National Marine Fisheries Services under Section 7 of the Endangered Species Act (ESA) for impacts to ESA-listed fish and with National Oceanic and Atmospheric Administration for impacts to marine mammals.

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7) No activity may occur in the proximity of a public water supply intake. *The project is not located near a public water supply intake.*

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19) The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. *The Corps has discussed the project in detail with U.S. Fish and Wildlife Service to avoid impacts to migratory birds. There are no known bald eagle nest sites within 1500 feet of the proposed action and golden eagles do not nest in the vicinity of the project; therefore, the Corps has determined there is no potential for impact to preferred nesting, rearing, or foraging habitat, and no potential for a 'take' of bald or golden eagles The project may result in temporary disturbance to migratory birds. The Corps has implemented an exclusion area on East Sand Island to avoid nesting cormorants. There is a tern population that nests on the east side of East Sand Island; however, no work will occur near there. In addition, in order to avoid impacts to marbled murrelets, avian monitors will be present and will shut down pile driving activities if the murrelets enter the work area.*

20) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. *The Sand Island pile dike system is eligible to the National Register of Historic Places under criteria A and C. The Corps has consulted with the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, the Cowlitz Indian Tribe, and both the Oregon and Washington State Historic Preservation Offices (SHPO) on August 23, 2017 on the Sand Island Pile Dike Major Maintenance project. The Washington SHPO deferred to the Oregon SHPO on September 6, 2017. The finding was a no adverse effect. In February 13, 2018, the Portland District reassessed the findings and determined that the SIPDS rehabilitation work would have an adverse effect to the integrity of the historic structures. On August 27, 2018 the Corps entered into a Memorandum of Agreement (MOA) between the United States Army Corps of Engineers and the Oregon State Historic Preservation Office to mitigate the Adverse Impacts to Historic Properties on East Sand Island, Clatsop County, Oregon and Pacific County, Washington (Encl 4). All conditions will be met prior to construction.*

21) If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. *The project construction will be done by contractors with Corps oversight; all parties will be informed of the procedures if an inadvertent discovery is made.*

22) For NWP, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resources waters including wetlands adjacent to those waters. *The Corps will comply with the notification conditions of the NWP.*

23) The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: avoid and minimize adverse affects to waters of the United States, mitigation is required to ensure environmental effects are no more than minimal, compensatory mitigation is required for wetland losses greater than 1/10-acre, compensatory mitigation may be required when there are losses of streams or other open waters, etc. *Wetland impacts are not anticipated for this project and no losses of open waters are anticipated. No compensatory mitigation is required for the project.*

The Corps has implemented multiple mitigation measures to avoid, minimize, and reduce impacts to natural resources including the following:

- *Fueling and lubrication of equipment will be conducted in a manner that affords the maximum protection against spill and evaporation. Fuel, lubricants and oil will be managed and stored in accordance with all Federal, State, Regional, and local laws and regulations. BMPs will be employed in order to prevent petroleum products, chemicals, or other deleterious waste materials from entering waters. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will undergo frequent inspection for drips or leaks, and shall be maintained in order to prevent spills into waters.*
- *To avoid the need for emergency response a USACE Government Quality Assurance Representative will be on-site or available by phone at all times throughout construction. Emergency erosion/pollution control equipment and best management practices will be on site at all times; USACE staff will conduct inspections and ensure that hazardous material containment booms and spill containment booms are available and accessible to facilitate the cleanup of hazardous material spills, if necessary.*
- *Construction waste material used or stored will be confined, removed, and disposed of properly.*
- *A description of spill containment and control procedures will be kept on work sites.*
- *Upon completion of the work, any barge landing pilings will be removed and the area will be re-graded according to best management practices to minimize the risk of wake stranding.*
- *Erosion and sediment control measures will be implemented.*
- *Wetland areas will be avoided.*

- *BMPs to minimize impacts to water quality will be implemented per the conditions included in the Oregon WQC. Those conditions include turbidity monitoring and reporting turbidity*
- *To reduce noise impacts to fish, birds, and marine mammals, soft-start procedures for pile installation will be used in order to provide a warning and/or give animals in close proximity to pile driving a chance to leave the area prior to a pile driver operating at full capacity thereby, exposing fewer animals to loud underwater and airborne sounds. A soft start procedure will be used at the beginning of each day when in-water pile driving or any time pile driving has ceased for more than 30 minutes.*
- *Terms and Conditions in the Biological Opinion issued by NMFS to reduce take of ESA-listed fish will be adhered to. Those measures are anticipated to reduce adverse affects on other aquatic species.*
- *All conditions in the Incidental Harassment Authorization issued by NOAA to minimize impacts to marine mammals will be adhered to.*

24) Safety of Impoundment structures *No impoundment structures will be used.*

25) Water Quality *The Columbia River in the project location is classified as water quality limited under the Federal Clean Water Act with an Environmental Protection Agency Total Maximum Daily Load (TMDL) developed for the parameters dioxin (2,3,7,8-TCDD) and total dissolved gas; and is listed on the Section 303(d) list of impaired water bodies for the parameters of arsenic, polychlorinated biphenyls, DDE 4,4', fecal coliform, and temperature. None of these parameters contributing to degradation of the water quality would be affected by the proposed project. None of the equipment to be used for the project produces dioxin, methylmercury DDE 4,4', fecal coliform, arsenic, PCBs or PAHs. None of the activities are anticipated to increase total dissolved gas or modify river temperature. The BMPs described previously would minimize impacts to water quality. No hazardous materials would be used or produced in conjunction with the project. The proposed action does not include sewage, animal waste, or other pollution that would contribute to bacterial growth. The proposed action would not modify the pH of the Columbia River, nor change the temperature.*

The Corps intends to comply with water quality standards during construction of the proposed project. There is no foreseeable circumstance that would result in exceedances of established water quality standards. Visual monitoring and turbidity monitoring, and best management practices will be employed to ensure that the activity does not result in more than minimal degradation of water.

26) Coastal Zone Management *As a federal agency, the Corps complies with Subpart C for its activities occurring within the Washington coastal zone. The Corps will be submitting a Consistency Determination to DOE for this project.*

27) The activity must comply with any regional conditions that may have been added by the Division Engineer. *The portion of the project occurring in Washington is under jurisdiction of the Seattle District. NWP 3 does not have any specific regional conditions.*

28) The use of more than one NWP for a single and complete project is prohibited. *The Corps intends to use only NWP 3 to cover the proposed action.*

29) If the permittee sells the property associated with the NWP verification, it may be transferred to the new owner. *The portion of the project in Washington will take place in the Columbia River, which is owned by the state. No transfer of the NWP would occur.*

30) Each permittee who receives an NWP verification letter from the Corps (in this case the Corps itself) must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. *The Corps will prepare a memorandum to the file documenting completion of the authorized activity. Compensatory mitigation is not applicable.*

31) Activities Affecting Structures or Works Built by the United States. *This condition is not applicable because this is a civil works project to be performed by the Corps and its contractors.*

32) Pre-Construction Notification. *The Corps will notify the district engineer prior to commencement of construction activities.*

<u>Seattle District Regional General Conditions</u>

1) Drawings must be provided with pre-construction notification. *Corps will provided drawings.*

2) Activities resulting in a los of waters of the U.S. cannot be authorized except by certain NPWs. *Project will not result in a loss of waters of the US.*

3) Activities involving new bank stabilization in tidal waters of Puget Sound cannot be authorized. *Project is not located in the Puget Sound*.

4) Activities in Commencement Bay. *Project is not located in Commencement Bay.*

5) Bank Stabilization. *No bank stabilization is included in the project.*

6) Crossings of Waters of the U.S. *Project does not affect crossings of the U.S.*

7) A PCN is required for stream loss. *Project will not result in stream loss.*

8) Mitigation required for wetland losses. *Project will not impact wetlands.*

9) Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat. *The Corps has determined adverse effects on EFH that may result from the proposed action to rehabilitate deteriorating pile dikes within the lower Columbia River are not significant in nature or magnitude. Maintaining full functionality of the pile dikes is expected to continue to help control the amount of dredging that would otherwise be required to maintain adequate channel depth in the FNC. Dredging is associated with entrainment of ESA-listed fish species and general disruption to the bathymetry of the area being dredged and/or used for placement. The benefit of reduced dredging is likely to outweigh the temporary adverse impacts on EFH that could result from the proposed project. Additionally, the maintained pile dikes are expected to continue to protect beneficial fish habitat on the downstream side of each dike.*

10) Projects in forage fish spawning habitat must occur within designated forage fish work windows. *Project is not located in forage fish spawning habitat.*

11) Nationwide permit authorization letter should be provided to all parties performing work. *The Corps will provide the Nationwide permit authorization letter to all parties performing work.*

12) Construction boundaries should be marked where grading or fill placement will occur. *No grading or fill placement is included in the proposed activities occurring in Washington.*

13) Temporary Impacts and Site Restoration.

a) Temporary impacts in waters of the U.S. must not exceed six months unless a waiver is received by the district engineer. *Project work in waters of the U.S. will not exceed six months annually.*

b) No more than ½ acre of waters of the U.S. may be temporarily filled. *Project does not include temporary fill.*

c) Native soils removed from waters of the U.S. should be used for site restoration. *Project does not include soil removal.*

d) Revegetation of disturbed areas is required. *Project work in Washington is entirely in water.*

e) Impacts to submerged aquatic vegetation require a monitoring plan.
Project is not anticipated to impact submerged aquatic vegetation.

NWP 3 Specific Regional Conditions

None.

Washington State Section 401 Certification – Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if: 1. The project or activities are below the Ordinary High Water Mark (OHWM) with new work being proposed outside the original footprint. 2. The proposed project or activity increases the original footprint of the structure by more than 1/10th acre in wetlands. 3. The project or activity includes adding a new structure, such as a weir, flap gate/tide gate, or culvert to the site.

CZM Consistency Response – Concur with conditions.
An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required. *The Corps will be submitting a Consistency Determination to WDOE for work in Washington and has submitted a Consistency Determination to Department of Land Conservation and Development for work in Oregon (currently in review).*

The Corps' regulation governing timing on requests for water quality certification for Corps dredging projects is found in 33 CFR 336.1(b)(8)(iii) and states that the state should take final action on a request for WQC within two months from the date of the initial request, and that the state agency may request an extension of time and that the total period of time in which the state must act should not exceed six months from the date of the initial request.

If you require further information regarding this project, please contact Elizabeth Santana at the letterhead address, by telephone at (503) 808-4722, or Elizabeth.Santana@usace.army.mil. Thank you for your assistance and attention to this matter.

Sincerely,

Christopher Page
Chief, Environmental Resources Branch

4 Encls

Request for Clean Water Act
Section 401 Water Quality Certification
WA State Department of Ecology
Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY
Date Received: 1/21/2022
Aquatics ID#: 139423
Team: SWRO
Valid Request: 1/21/2022

A. Identify the applicable federal license or permit:

Permit or License Number (if known): _____

Federal Agency triggering the Water Quality Certification (WQC):

- ☐ U.S. Army Corps of Engineers
- ☐ U.S. Coast Guard
- ☑ U.S. Environmental Protection Agency
- ☐ Federal Energy Regulatory Commission
- ☐ Other: _____

B. Project Information:

Name: Sand Island Pile Dike Repairs County: Pacific

C. Documentation showing that the pre-filing meeting request was submitted at least 30 days prior to submitting this Section 401 WQC Request: ☐ Attached

D. Applicable Additional Information (Attached):

- ☑ Completed, signed, and dated Joint Aquatic Resources Permit Application (JARPA)
- ☐ Water Quality Monitoring Plan or WQ Monitoring and Protection Plan
- ☐ Mitigation Plan
- ☐ Wetland Delineation Report and ratings
- ☐ Copy of the federal permit or license application, including all accompanying information
- ☐ Suitability Determination for dredging projects with in-water disposal
- ☐ Dewatering Plan
- ☐ Revegetation/Restoration Plan
- ☐ Erosion and Sediment Control Plan
- ☐ SEPA and/or NEPA decision

E. Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

Initial CMP

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Initial CMP

Signature: PAGE.CHRISTOPHER.MICHAEL.1290831497 Digitally signed by PAGE.CHRISTOPHER.MICHAEL.1290831497 Date: 2022.01.21 15:58:50 -08'00' Date: 1/21/2022

Print Name: Christopher Page

Submit this CWA §401 Certification Request form along with a JARPA and supporting information to ecyrefedpermits@ecy.wa.gov and cc the federal permitting agency.

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

US Army Corps of Engineers ®
Seattle District

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

AGENCY USE ONLY

Date received: 1/21/2022 edoc
Verified Section 401

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Sand Island Pile Dike Repairs at Pile Dike 6.37

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Page, Chris			
2b. Organization (If applicable)			
U.S. Army Corps of Engineers			
2c. Mailing Address (Street or PO Box)			
333 SW First Avenue			
2d. City, State, Zip			
Portland OR 97204			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
503-808-4389			Christopher.M.Page@usace.army.mil

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
N/A			
3b. Organization (If applicable)			
3c. Mailing Address (Street or PO Box)			
3d. City, State, Zip			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☒ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ Private
☒ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

Sand Island pile dike number 6.37 is accessible by vessel only in the Columbia River at river mile 7 near the city of Chinook, WA (Enclosure 1).

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Nearest is Chinook, WA

5d. County [help]

Pacific County, WA

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

E 7328603.9, N 960456.9

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)

5i. List all wetlands on or adjacent to the project location. [help]

Sand Island pile dike number 6.37 is located in the mainstem Lower Columbia River at river mile 6 and is entirely in water.

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Columbia River

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☒ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The Corps conducted eelgrass surveys in 2015 near West and East Sand Islands in Baker Bay. There are no proposed activities within known or potential eelgrass areas mapped in 2015.

5m. Describe how the property is currently used. [help]

The project area is located in the Columbia River near the mouth, north and adjacent to the federal navigation channel (FNC). The pile dikes were built to focus current energy toward the center of the FNC to create scour, which reduces the need to dredge the FNC.

5n. Describe how the adjacent properties are currently used. [help]

The Columbia River is used for transport of goods, for recreational boating, recreational fishing, and commercial fishing.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

The Sand Island pile dikes were constructed in the 1930s and are permeable groins extending into the river. They consist of three rows of vertical (untreated) timber pilings driven in staggered rows of 5-foot centers alternately placed on each side of horizontal spreader piles and fastened together, with rock at the base of the pile dike.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Take I-5N from Portland, OR to WA-4/Ocean Beach Highway west to US-101 to Chinook, WA. The Sand Island pile dikes are accessible by vessel only in the Columbia River.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The full scope of the proposed repair will span across four pile dikes between river mile (RM) 4 and RM 7; however, the work occurring in the State of Washington includes only a portion of pile dike 6.37 (see Enclosure 1). USACE has received 401 Water Quality Certification for the remaining work proposed in Oregon (Enclosure 3).

Pile dike 6.37 is entirely in water and is 4,000 feet long; 2,400 feet of the pile dike is in Washington. The proposed work entails removal of approximately 875 timber piles (of those located in Washington) and subsequent placement of approximately 4,091 cubic yards of enhanced enrockment along the existing pile dike enrockment (i.e. in the same location). This size and weight of the new rock will be similar to existing rock

from the original construction. None of the new enrockment will be visible above the water surface. In addition, 12 marker piles will be placed (in Washington) to demark the enrockment for vessel safety. The full scale rehabilitation will take place over three to five construction seasons (2023 to 2027), while the Washington portion is proposed to take two months and likely be completed from July through September 2023. This schedule may change depending on availability of funds.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The purpose of the project is to repair the Sand Island pile dike system. The purpose of the Sand Island pile dike system is to maintain the federal navigation channel (FNC) and specifically to: control northward river migration of the north channel, protect the southern sides of East and West Sand Islands from erosion, and stabilize the south federal navigation channel. The pile dikes minimize dredging needs by providing a reliable channel alignment, reducing sediment deposits in the channel, and reducing riverbank erosion. The FNC supports safe and reliable vessel navigation into the estuary. In 2017, the Columbia River navigation channel was used to transport 47.5 million tons of cargo valued at $16 billion. The Columbia River is the nation's largest wheat export gateway and the third largest grain export corridor in the world.

The Sand Island pile dike system is currently in an advanced state of deterioration. Noticeable structural deterioration, as documented during the year 2010 and 2014 pile dike inspections, includes system-wide loss of spreaders; substantial pile loss throughout the length of each pile dike, with greatest loss at the channel-ward ends of the pile dikes; complete loss of piles at some mid-section locations; and wood rot throughout. The functional condition of the Sand Island pile dike system is greatly diminished from its original as-built condition. Flow is largely unimpeded at locations where full sections of vertical piles are missing, and corresponding scour is visible in the bathymetry and increasing erosion of the East Sand Island shoreline.

Therefore, repairs to the Sand Island pile dike system are urgently needed to maintain the Columbia River federal navigation channel and stability of the MCR inlet.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☒ Maintenance ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☒ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☒ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☐ Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Construction will consist of removing existing timber piles and placing rock for the enhanced enrockment segments. Timber piles will be removed by pulling, cutting or snapping at the approximate level of the enrockment. Pile removal is expected to proceed incrementally as replacement repairs are made to ensure that overall function is maintained during construction.

Rock placement will occur by means of barge-based excavators and/or cranes with a bucket that will pick up rock from the materials barge and deposit it on the river bottom. A specialized dump barge may also be used if capable of meeting design template requirements.

Barges will transport all materials (old piles and scour protection rock) to and from the site and serve as staging platforms for construction. Tugboats will be used to move the barges. Barges may be spudded or anchored into position.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: July 2023 End Date: November 2024 ☐ See JARPA Attachment D

This schedule may change depending on availability of funds.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

Cost estimates can be provided when final designs are determined, if necessary.

6h. Will any portion of the project receive federal funding? [help]

- **If yes**, list each agency providing funds.

☒ Yes ☐ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☒ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☒ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☒ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☒ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☒ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

N/A

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)
N/A						

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

N/A

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

N/A

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

Quantities of enrockment are reduced to the minimum necessary to achieve the required hydraulic and sediment transport functions of the Sand Island pile dikes. The Corps follows established Best Management Practices (BMPs) to minimize adverse impacts to the aquatic environment. The Corps is formally consulting with National Marine Fisheries Services and will implement terms and conditions as required to minimize adverse impacts to the aquatic environment. The Corps is informally consulting with US Fish and Wildlife Service for terrestrial species and will implement terms and conditions as required to minimize adverse impacts to the terrestrial environment. The Corps is applying for an Incidental Harassment Authorization to minimize adverse impacts to marine mammals.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☐ Yes ☒ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

Compensatory mitigation is not required for this project. Repairing the pile dikes to achieve their full functionality would decrease the need to dredge, continue to prevent island erosion, and continue to protect habitat that has been established on the downstream side of each of the pile dikes.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

N/A

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Remove existing timber piles	Columbia River (in Washington)	In water	2-3 months	Estimated 875 piles will be removed	Within rock placement footprint
Rock placement	Columbia River (in Washington)	In water	2-3 months	Estimated 4,091 CY	Estimated 2,400 linear feet
Marker pile installation (12)	Columbia River (in Washington)	In water	3 days		

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Rock to complete the repairs would be sourced from an area quarry and would be placed along the existing pile dike, entirely in water (i.e. not visible from the surface) using material barges with cranes mounted on them.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]
N/A

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
NMFS	Scott Anderson	360-528-0864	11/11/2021
USFWS	Jeff Dillon	503-231-6179	9/14/2020
USFWS	Michelle McDowell	503-231-2021	12/18/2018
OR DEQ	Jeff Brittain	503-229-5395	5/8/2019

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

170800

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

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9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☒ Urban ☐ Natural ☒ Aquatic ☒ Conservancy ☐ Other:

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☐ Shoreline ☒ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☐ Yes ☐ No

Name of manual: N/A

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [help]

N/A

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

☒ Yes ☐ No See Enclosure 4 for Memorandum of Agreement

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Columbia River Chum Salmon
Lower Columbia River Chinook Salmon
Lower Columbia River Coho Salmon
Lower Columbia River Steelhead
Upper Willamette River Chinook Salmon
Upper Willamette River Steelhead
Eulachon
Green Sturgeon
Marbled Murrelet
Southern Resident DPS Killer Whale
Humpback Whale
Leatherback Sea Turtles

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

Fish species:
Lamprey
Green sturgeon
White sturgeon
Eulachon
Bull trout
Chinook salmon
Chum salmon
Sea run cutthroat
Coho
Pink salmon
Rainbow trout
Steelhead
Redband trout
Sockeye salmon

Other species:
Western grebe
Great blue heron
Cavity nesting duck
Trumpeter swan
Tundra swan

Habitats:
Fresh deepwater
Instream

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

_____

☐ Other: _____

☒ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☐ Substantial Development ☐ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): N/A

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☒ Section 401 Water Quality Certification

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

☐ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

United States Coast Guard:

☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

Enclosure 1. Sand Island pile dike location. Pile dike 6.37 runs parallel to the Chinook Channel on the upstream side.