CENWS-OD-TS-NR-DMMO

MEMORANDUM FOR RECORD February 26, 2015

SUBJECT: DETERMINATION REGARDING THE SUITABILITY OF PROPOSED DREDGED MATERIAL FROM THE HME CONSTRUCTION, INC. COLUMBIA RIVER SAND-MINING PROJECT, VANCOUVER, WASHINGTON (Permit Application Number NWS-2014-00126) EVALUATED UNDER SECTION 404 OF THE CLEAN WATER ACT FOR IN-WATER PLACEMENT OR BENEFICIAL USE.

1. Introduction. This memorandum reflects the consensus determination of the Dredged Material Management Program (DMMP) agencies (U.S. Army Corps of Engineers, Washington Departments of Ecology and Natural Resources, and the Environmental Protection Agency) regarding the suitability of sediment proposed for dredging from the Columbia River federal navigation channel in the vicinity of Vancouver, Washington for in-water placement or beneficial use. HME Construction, Inc. (HME) proposes to dredge approximately 100,000 cubic yards (cy) of sediment per year for use as upland fill, in-water fill and environmental capping projects. Dredging is to occur on the Washington State side of the river between river miles 103+17+00 and 105+32+00 to a maximum depth of -48 feet Columbia River Datum (CRD); and between river mile 106+07+00 and 106+17+00 to a maximum depth of -38 feet. See the vicinity map in Attachment 1.

2. Background. HME has in the past performed maintenance dredging/mining of Columbia River sand and gravel between river miles 102-106 for use as upland fill or in-water environmental capping material in both Oregon and Washington. This work was accomplished under a Navigation Channel License issued by the Waterways Maintenance Section of the U.S. Army Corps of Engineers Portland District. The purpose of that license was to allow the licensee (HME) to dredge material for its commercial value or specific beneficial use, while assisting the Corps in maintaining the federal navigation project from which the material is dredged. Portland District no longer issues Navigation Channel Licenses. Therefore, HME has applied for a permit from Seattle District to continue mining sand for use in upland and in-water projects.

   The mined material is also a reportable commodity and HME currently holds a Right of Entry for Purchase and Removal of Valuable Material from the Department of Natural Resources (Right of Entry No. 31-A81291) for river miles 102-106. Examples of previous uses of sand mined by HME include the following:

Project Proponent	Location	Purpose	Year
Kinder Morgan	Portland, OR	dredge capping	2012
Louis Dreyfus	Portland, OR	dredge capping	2010 and 2013
Zidell Corporation	Portland, OR	environmental capping	2011
Alcoa	Vancouver, WA	environmental capping	2010
Hickey Family Company	Vancouver, WA	upland fill	2008

3. Corps of Engineers Study. Portland District is responsible for maintenance dredging of the Columbia River Navigation Channel and conducts periodic sediment sampling to ensure that material from the channel can continue to be dredged and disposed in-water without adverse

environmental impacts. The Columbia River Mainstem Channel was last sampled and tested in August 2008 (NWP, 2009). Several samples were taken from the area proposed by HME for sand mining. Those particular samples (BC95-BC100) were only analyzed for physical parameters because they met the exclusionary criteria under the Clean Water Act. That is, the sediment is composed primarily of sand; is found in an area of high current energy with large bed loads; and is sufficiently removed from sources of pollution. Two stations just downstream of the proposed sand-mining area were tested for chemicals of concern but had no screening level exceedances.

On the basis of Portland District's sediment characterization report, the Portland District Dredging Project Review Group issued a suitability determination (PDPRG, 2011) indicating that the navigation channel sediment is suitable for unconfined, aquatic placement. The Project Review Group consists of the Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Ecology, and the Oregon Department of Environmental Quality. The navigation channel is ranked "very low", so the suitability determination is valid for 10 years. The beginning of this 10-year "recency" period dates back to the time of sampling in August 2008. Therefore, the suitability determination expires in August 2018.

4. DMMP Determination. The Corps of Engineers study demonstrated that the sediment in the area proposed by HME for sand mining is clean sand. The DMMP agencies agree with the determination made by the Portland District Project Review Group (now known as the Portland Sediment Evaluation Team) that the material is suitable for unconfined aquatic placement. Therefore, no additional sampling and testing are required until the suitability determination expires in August 2018.

   This memorandum does ***not*** constitute final agency approval of the project. During the public comment period that follows a public notice, the resource agencies will provide input on the overall project. A final decision will be made after full consideration of agency input, and after an alternatives analysis is done under section 404(b)(1) of the Clean Water Act.

   This memorandum also does not constitute agency approval of any in-water projects utilizing material from HME's sand-mining operation. Those projects are subject to separate review and permitting.

5. References.

NWP, 2009. *Columbia River Mainstem Federal Navigation Channel Sediment Quality Evaluation Report.* Prepared by Tim Sherman and Wendy Briner for Portland District, Corps of Engineers. September 2009.

PDPRG, 2011. *CENWP-EC-HR Memorandum for Portland District Operations Division, Waterways Maintenance (CENWP-OD-NW) (Stokke); Portland District Project Review Group dredged material suitability determination for the Columbia River Mainstem.* July 12, 2011.

6. Agency Signatures.

The signed document is on file in the Dredged Material Management Office.

Concur:

_____ _____
Date David Fox, P.E. - Seattle District Corps of Engineers

_____ _____
Date Erika Hoffman - Environmental Protection Agency

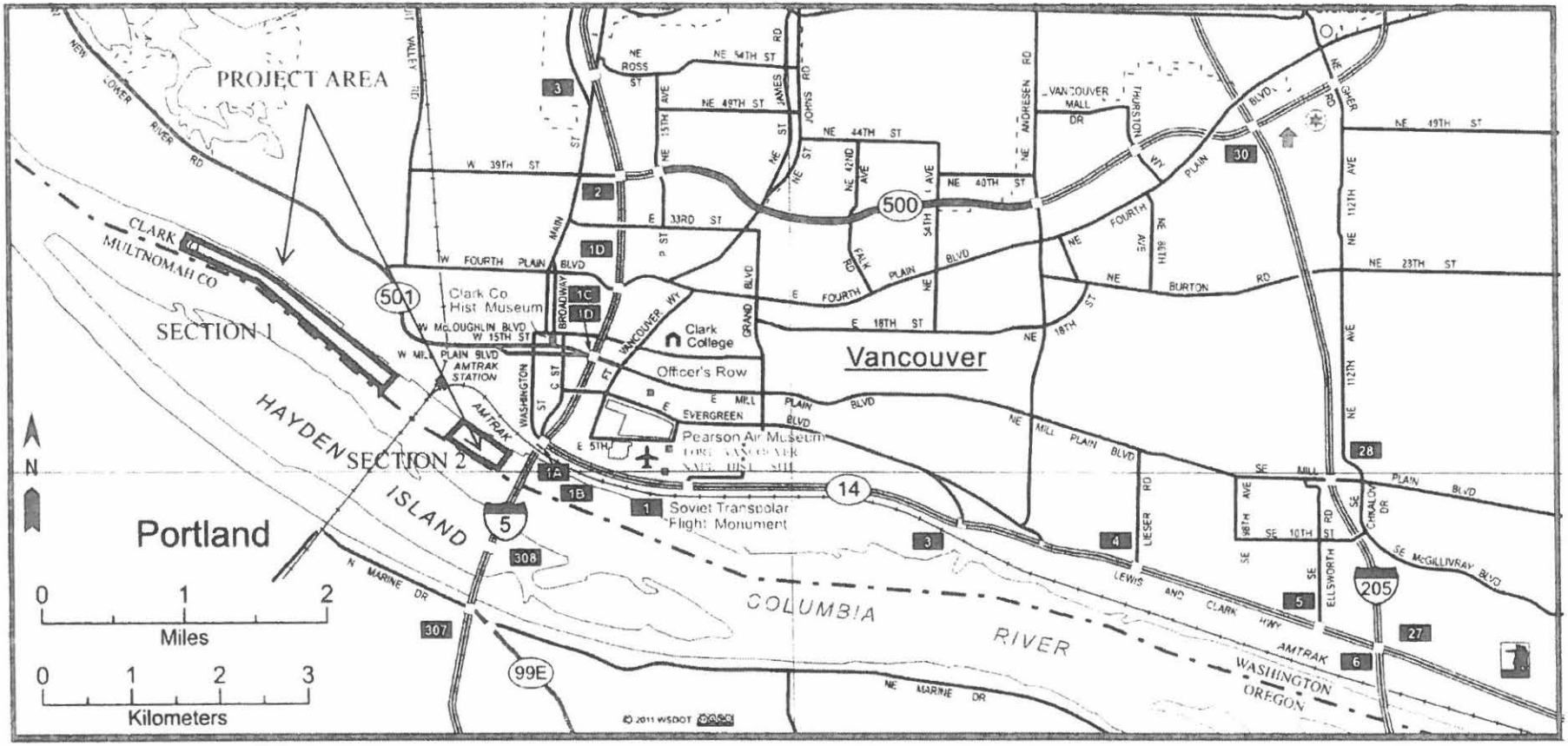
_____ _____
Date Laura Inouye, Ph.D. - Washington Department of Ecology

_____ _____
Date Celia Barton - Washington Department of Natural Resources

Copies furnished:

DMMP signatories
Steve Manlow, CENWS-OD-RG
Elizabeth Smock, CENWP-OD-NW
James McMillan, CENWP-EC-HR
Greg Speyer, HME Construction
Lynn Simpson, Ecological Land Services

Map 1. Vicinity Location



Vicinity Map

REFERENCE :	LOCATION : Vancouver Washington	PROPOSED PROJECT : HME Construction
APPLICANT : HME Construction, Inc.	RM 103+17+00 - RM 106+17+00	Columbia River Mining
ADJACENT PROPERTY OWNERS :	LAT / LONG: 45 37.834 N 122 41.898 W	IN: Columbia River
1. Port of Vancouver		NEAR/AT : Vancouver, WA
2. Port of Portland		COUNTY: Clark
3. Department of State Lands	PAGE #1 OF #5 DATE : 4-2-2014	STATE: Washington

Attachment 1