



US Army Corps
of Engineers®
Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: December 17, 2024

Expiration Date: January 16, 2025

30-Day Notice

U.S. Army Corps of Engineers No: NWP-1996-1445-18

Interested parties are hereby notified the U.S. Army Corps of Engineers, Portland District (Corps) has received an application for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached drawings. The Corps is soliciting comments on the proposed work.

Applicant: Oregon International Port of Coos Bay
Attention: Mr. Mike Dunning
125 Central Avenue, Suite 300
P.O. Box 1215
Coos Bay, Oregon 97420
Email: mdunning@portofcoosbay.com
Telephone: (541) 267-7878

Location: Dredged material disposal would occur at the U.S. Environmental Protection Agency (EPA) Coos Bay Ocean Dredged Material Disposal Site (ODMDS) F and/or H. The general location of the project is at latitude/longitude: 43.34603°, -124.32171°

ODMDS F is approximately 2,694 acres in size and is defined by the corner points (North American Datum (NAD) 1983):

43° 22' 54.8887" N; 124° 19' 28.9905" W
43° 21' 32.8735" N; 124° 20' 37.7373" W
43° 22' 51.4004" N; 124° 23' 32.4318" W
43° 23' 58.4014" N; 124° 22' 35.4308" W

ODMDS H is approximately 120 acres in size and is defined by the corner points (NAD 1983):

43° 23' 52.4012" N; 124° 22' 52.4313" W
43° 23' 41.4011" N; 124° 23' 05.4316" W
43° 24' 15.4014" N; 124° 23' 30.4333" W
43° 24' 04.4012" N; 124° 23' 42.4335" W

Dredging (previously authorized) would occur at the Oregon International Port of Coos Bay's Charleston Marina and Shipyard area. The applicant's Shipyard area includes their distant water fleet mooring site. The dredging areas are located in South Slough and Joe Ney Slough in Charleston, Coos County, Oregon (Sections 1, 2, 11, and 12 of

Township 26 South, Range 14 West). EPA ODMDs F and H are located in the Pacific Ocean directly offshore of the Coos Bay entrance channel near Charleston, Coos County, Oregon.

Waterway: South Slough, Joe Ney Slough, Coos Bay, and the Pacific Ocean. The boundaries and/or location of the Mean High Water Mark (MHW) shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

Project Purpose: The applicant's stated purpose is to maintain adequate water depth for the continued commercial and recreational boat access and use of existing marina and shipyard facilities.

Project Description: The applicant would transport and dispose of dredged material below the MHW of the Pacific Ocean at ODMDs F and/or H via tug and dump scow. This public notice is related to the Corps' analysis to determine whether to re-authorize the transport of the dredged material for the purpose of dumping it in ocean waters. The dredging itself is authorized under Corps No. NWP-1996-1445-18 through August 26, 2030. For clarification, the dredging portion of the project includes the following: The applicant would dredge of up to 31,000 cubic yards (cy) of silt and sand annually over a three year period from below the MHW of South Slough and Joe Ney Slough to maintain vessel access. The applicant would conduct dredging in the Charleston Marina and the Charleston Shipyard and access channel using mechanical methods.

The applicant's Charleston Marina consists of three areas measuring approximately 30 acres in size.

- The access channel would be dredged to an elevation of -15 feet Mean Lower Low Water (MLLW) datum;
- The inner boat basin would be dredged to an elevation of -8 to -15 feet MLLW.
- The outer boat basin would be dredged to an elevation of -10 to -15 feet MLLW.

The applicant's Charleston Shipyard and access channel are approximately two acres in size and would be dredged to a -15 feet MLLW depth.

Dredged Material Testing: Project sediments were evaluated in accordance with the *Sediment Evaluation Framework for the Pacific Northwest* (SEF). The interagency Portland Sediment Evaluation Team (PSET) implements the SEF for the Corps Portland District. For this project, the PSET has determined that sediments in the project area are suitable for unconfined, aquatic disposal and exposure.

The proposed project includes future maintenance dredging. Prior to each maintenance dredging cycle the applicant would be required to coordinate with the Corps and the PSET to determine if additional sediment testing is required.

Mitigation: The applicant proposes to avoid and minimize impacts from the project by avoiding mapped submerged aquatic vegetation during dredging in the Charleston outer boat basin. The applicant did not propose compensatory mitigation in the permit application. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: Eight (8) drawings are attached and labeled Corps No. NWP-1996-1445-18. Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately illustrates the proposed project. To access the electronic version of this public notice, go to the Portland District Regulatory website at <http://www.nwp.usace.army.mil/Missions/Regulatory> and under Regulatory Pages select Permit Application Public Notices.

Additional Information: By regulation, the timeframe of a Department of the Army permit involving the disposal of dredged material in ocean waters is limited to three years in length (33 CFR § 325.6(c)). The applicant is currently authorized to conduct dredging at their marina and shipyard pursuant to Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403) and to discharge dredged material at Coos Bay Placement Site G and their Barview upland site, with return water to South Slough, pursuant to Section 404, Clean Water Act (33 U.S.C. 1344).

Authority: The proposed project will be evaluated under the following:

Section 103, Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), for transport of dredged material for the purpose of dumping it into ocean waters.

Marine Protection, Research, and Sanctuaries Act (MPRSA): The proposed project would transport and dispose of dredged material at the Coos Bay ODMDS F and/or H. The sites have been designated as a disposal site by the U.S. EPA pursuant to Section 102 of MPRSA. See the attached drawings for the location and boundaries of the disposal site. The dredged material would consist of silt and sand. Disposal activities at the disposal site would occur annually for a duration of one to two weeks during the Oregon Department of Fish and Wildlife preferred in-water work period (or on an as-needed basis under an in-water work period extension, if approved).

Previous discharges at the disposal site have been dredged material from the maintenance of the Federal navigation channel and dredged material from Corps-authorized projects (e.g., dredging at wharfs and boat slips). Previous discharges have generally consisted of silts and sands. The dredged material will be evaluated in accordance with criteria established by the EPA for ocean dumping of dredged material. The Corps will request the EPA's concurrence for use of the disposal site for this project. The EPA and Corps manage the disposal site, which includes documenting the effects of other authorized disposals that have been made at the disposal site.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires non-Federal applicants seeking a

federal license or permit to conduct any activity occurring in or affecting the coastal zone to submit a Consistency Certification which indicates the activity conforms with the State's Coastal Zone Management Program. The applicant believes the proposed project would comply with and be conducted in a manner consistent with the Oregon Ocean and Coastal Management Program. The state's notice for a consistency certification is attached.

Endangered Species: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat. The Corps' preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat. The Corps has initiated consultation under Section 7 of the ESA. The Corps will complete the required consultation prior to finalizing a permit decision.

Essential Fish Habitat: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. The Corps has initiated consultation under Section 305(b)(2) of the MSA. The Corps will complete the required consultation prior to finalizing a permit decision.

Historic Properties/Cultural Resources: Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officer to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places. The Corps' preliminary review indicates the proposed undertaking is within the boundary of a Traditional Cultural Property, and eligible historic property and resource. A similar undertaking was consulted with area Tribes and the Oregon State Historic Preservation Office (SHPO) in 2020, which the Corps determined the project would have no adverse effect to historic properties. The Corps will re-engage consultation with Tribes and the SHPO through the NHPA to confirm the previous determination and allow for updated information to be shared.

This notice has been provided to the SHPO, interested Native American Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps' project manager identified at the end of this notice to assist in a complete evaluation of potential effects.

State and Local Authorizations: The applicant has obtained a Removal-Fill Permit from the Oregon Department of State Lands (DSL) (DSL No. 62613-RF).

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Submitting Comments: Interested parties are invited to provide comments on the proposed project. Comments may be submitted by conventional mail or email. All comments received will be considered in determining whether authorizing the work would be contrary to the public interest.

Either conventional mail or e-mail comments must include the Corps reference number as shown on page 1 and include the commenter's name and address. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the Corps reference number. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

Additional information about the proposed project may be obtained from the Corps Project Manager listed below. All comments, whether by conventional mail or email, must be received no later than the expiration date of this public notice to ensure consideration. Comments should be submitted to the following mailing address or email address:

U.S. Army Corps of Engineers
Mr. Tyler Krug
North Bend Field Office
2201 Broadway, Suite C
North Bend, Oregon 97459-2372
Email: Tyler.J.Krug@usace.army.mil
Telephone: (541) 756-2097

PUBLIC NOTICE
OREGON OCEAN AND COASTAL MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION

Date: December 17, 2024

U.S. Army Corps of Engineers No: Corps No. NWP-1996-1445-18
Oregon Department of State Lands No: 62613-RF

NOTIFICATION:

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Ocean and Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital Street NE, Suite 150, Salem, Oregon 97301-2540. Comments may also be sent by fax to (503) 378-6033 or by email to coast.permits@dlcd.oregon.gov. All comments must be received by DLCD on or before the comment deadline listed in the accompanying Corps of Engineers' Public Notice Application for Permit. For further information, you may call DLCD at (503) 373-0050.

REVIEW CRITERIA:

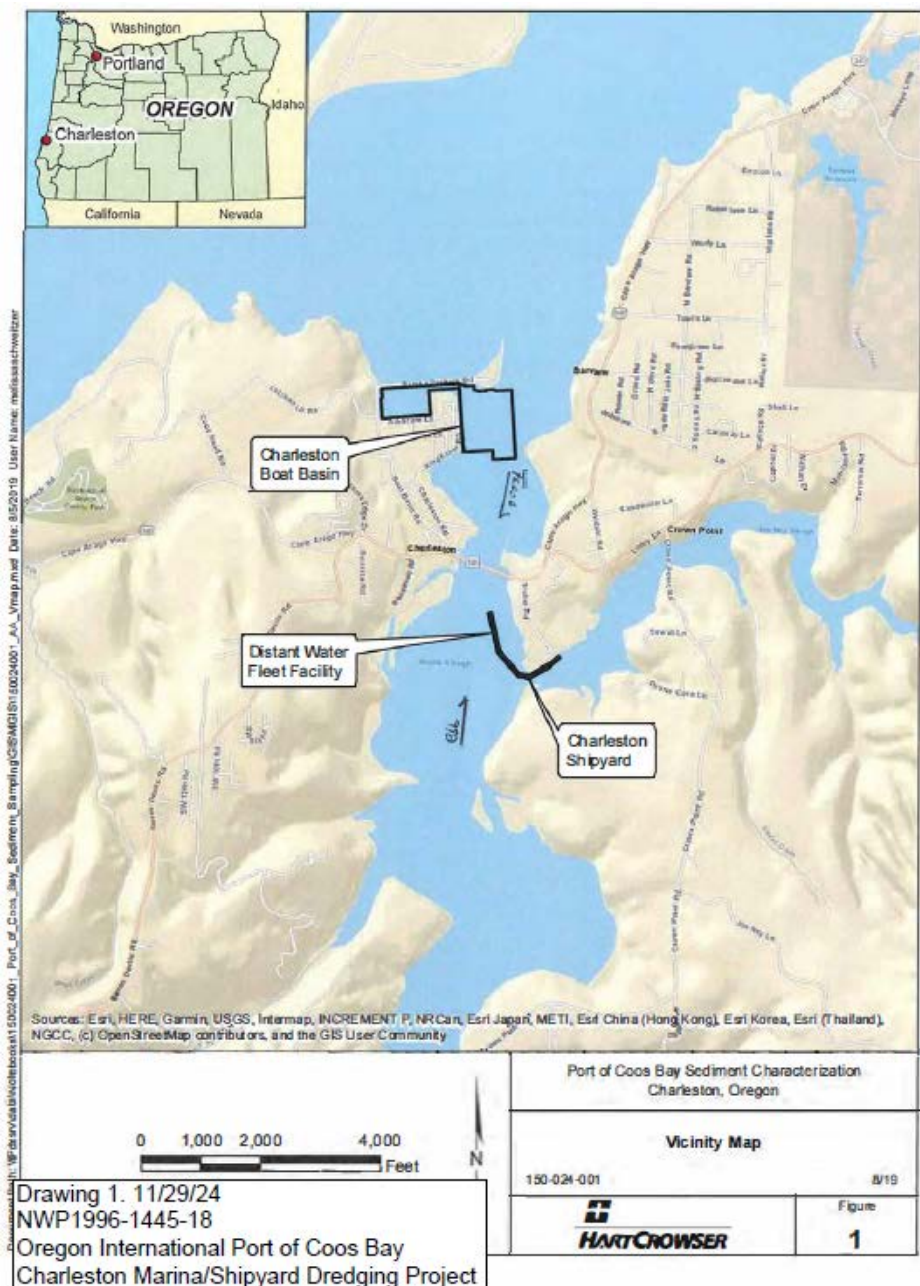
Comments should address consistency with the applicable ***enforceable policies*** of the Oregon Coastal Management Program. These enforceable policies are found in the following:

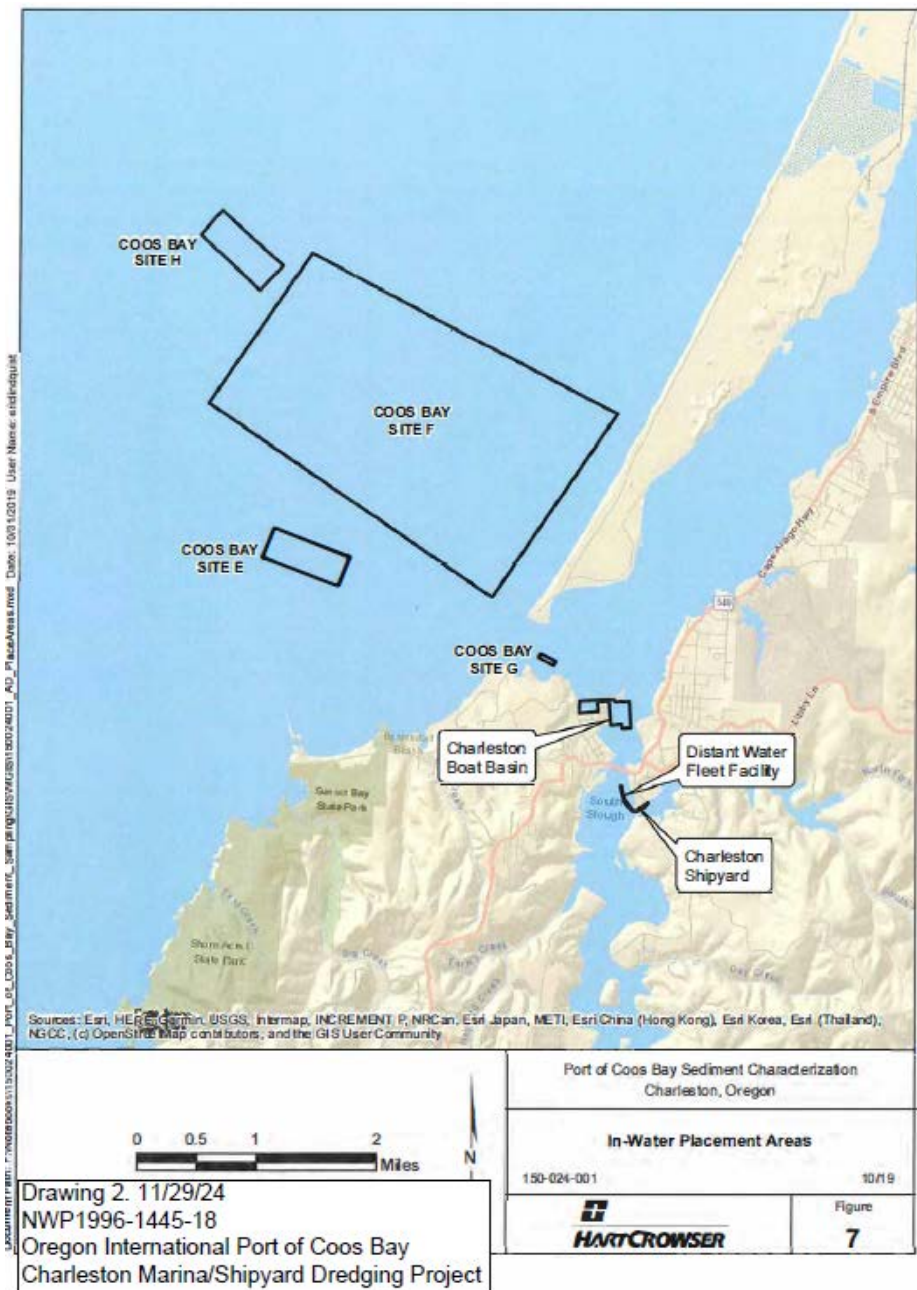
- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities incorporated into the Oregon Coastal Management Program (e.g. Removal-Fill Law, Water Quality Standards, Beach Bill, etc.) as applicable.

A list of specific enforceable policies can be found at the following link:
http://www.oregon.gov/LCD/OCMP/Pages/OCMP_Enforceable-Policies.aspx

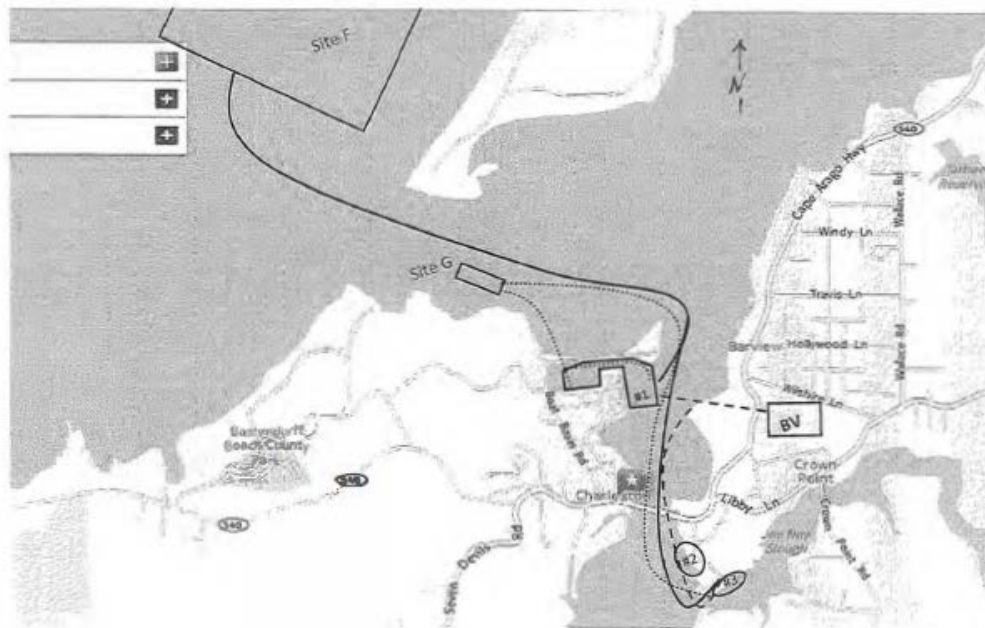
INCONSISTENT?

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.





Dredge Disposal Sites (Routes and Pipelines)



Site F - EPA Disposal	Project #1 - Access Channel (-15' MLLW), Inner Basin (-10' MLLW), Outer Basin (-15' MLLW)
Site G - USACE Disposal	Project #2 - Dredge to -15 MLLW
Site BV - Port Disposal	Project #3 - Dredge to -15' MLLW, 50' by 1,350 prism

Legend	
—	Sewer to EPA Site F
- - -	Pipeline Disposal to Upland Facility
.....	Pipeline Disposal to USACE Site G

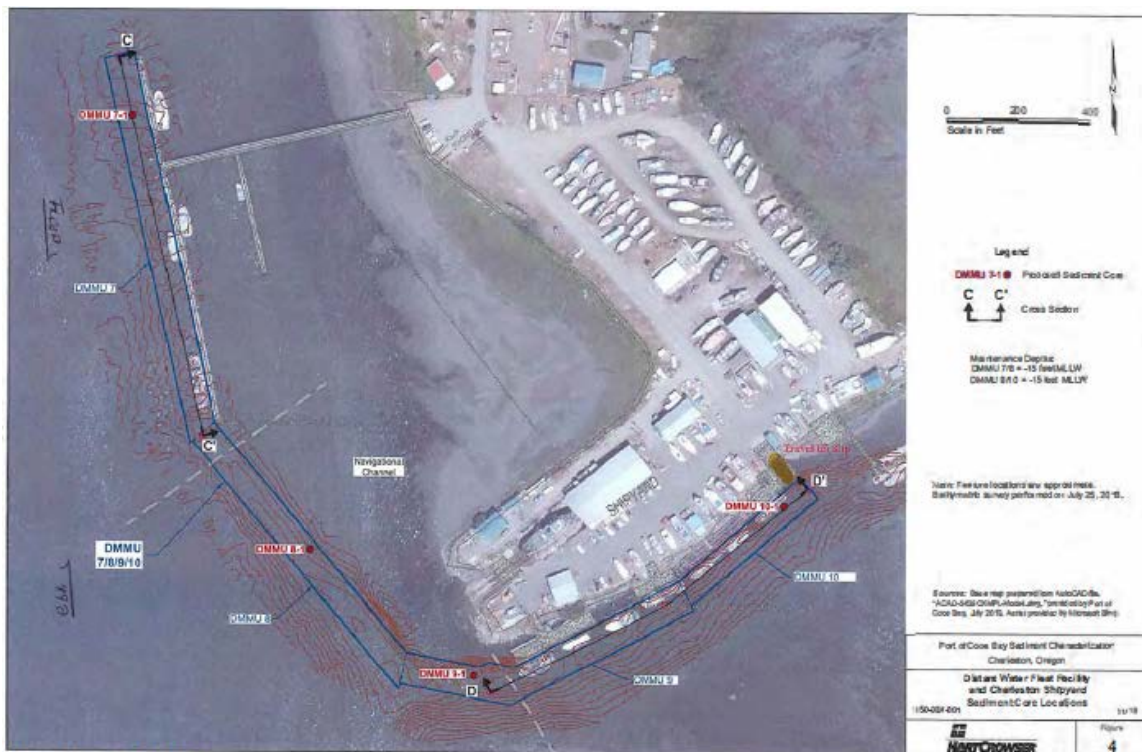
Drawing 3. 11/29/24
 NWP1996-1445-18
 Oregon International Port of Coos Bay
 Charleston Marina/Shipyard Dredging Project



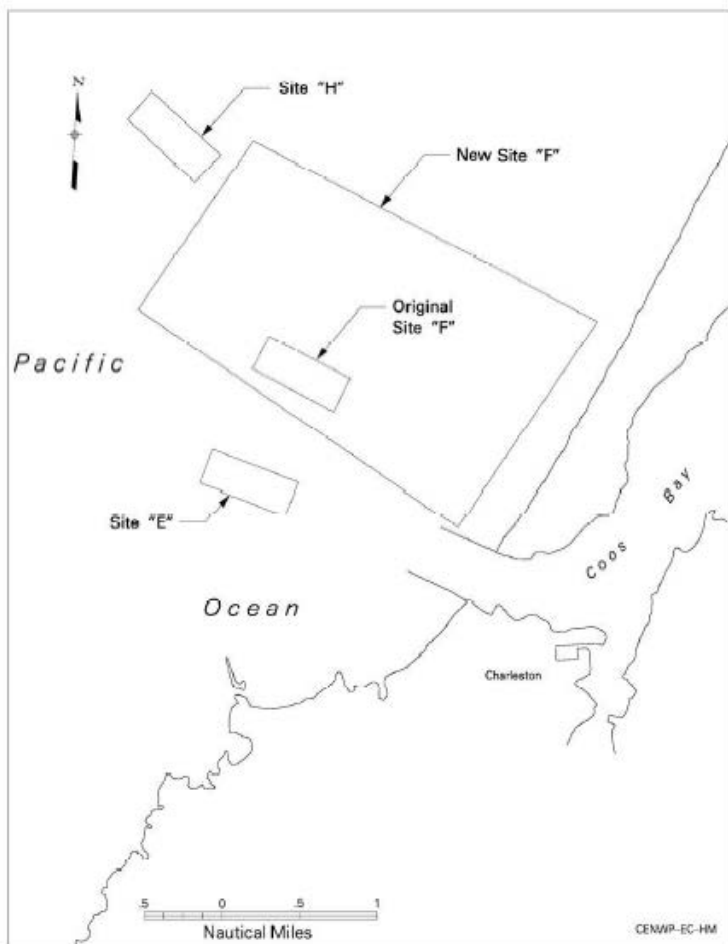
Drawing 4. 11/29/24
 NWP1996-1445-18
 Oregon International Port of Coos Bay
 Charleston Marina/Shipyard Dredging Project



Drawing 6. 11/29/24
NWP-1996-1445-18
Oregon International Port of Coos Bay
Charleston Marina/Shipyard Dredging Project



Drawing 7. 11/29/24
NWP-1996-1445-18
Oregon International Port of Coos Bay
Charleston Marina/Shipyard Dredging Project



Drawing 11. 11/29/24
NWP-1996-1445-18
Oregon International Port of Coos Bay
Charleston Marina/Shipyard Dredging Project