



## Comment Opportunity: Modifications to Removal-Fill Permit for Ross Island Lagoon Reclamation

The Oregon Department of State Lands (DSL) is seeking comment on Ross Island Sand & Gravel Co.’s application to modify the existing removal-fill permit for reclamation of Ross Island Lagoon.

The proposed changes:

**Modify the 2002 Reclamation Plan for Ross Island Lagoon through an Adaptive Management Plan.** The modifications proposed in the 2022 Adaptive Management Plan (AMP):

- **Reduce the volume of fill needed to complete reclamation.** The volume of fill placed to date has already exceeded the total amount the 2002 Plan estimated would be needed to complete reclamation. The proposed 2022 Adaptive Management Plan reduces the volume of fill needed to allow reclamation to be completed more quickly:

Plan	Volume Remaining	Years Remaining <sup>1, 2</sup>
2002 Reclamation Plan	1,061,132 cubic yards	31 years
2022 Adaptive Management Plan	499,330 cubic yards	14 years
<b>Difference:</b>	<b>561,802 cubic yards</b>	<b>17 years</b>

<sup>1</sup> assumes the current average of 33,981 cubic yards per year

<sup>2</sup> years remaining as of December 31, 2021

- **Create an additional 1.9 acres of salmon habitat.** The proposed 2022 Adaptive Management Plan increases salmon habitat area acres:

Habitat Area	Acres	
	2002 Plan	2022 AMP
Upland Forest (3:1)	118 acres	123 acres
Riparian / Emergent Wetlands	22 acres	22 acres
Shallow Water Habitat	14 acres	15.9 acres

- **Increase the number of wood structures for fish and wildlife habitat.** The proposed 2022 Adaptive Management Plan increases the number of large woody debris (LWD) structures and pieces in habitat areas:

Habitat Area	# LWD Structures / Total # LWD Pieces	
	2002 Plan	2022 AMP
Riparian / Emergent Wetlands	0 / 0	16 / 48
Shallow Water Habitat	18 / 72	39 / 168

**Incorporate DEQ’s latest screening requirements.** The Oregon Department of Environmental Quality (DEQ) has updated the Ross Island Sand & Gravel Co. “Class A” in-water screening criteria, which determine whether fill is suitable for in-water placement within Ross Island lagoon. The updated “Class A” in-water screening levels and characterization requirements were selected to be protective of human health and the environment, to improve clarity and

consistency in the fill evaluation process, and to be based on the best available science. *Please note: DEQ has invited the public to submit written comments on a proposed Section 401 water quality certification for the Ross Island Sand & Gravel project. This is related to but separate from modification of DSL's existing removal-fill permit to include the updated DEQ screening criteria for fill used in filling in the lagoon. The DEQ notice is available for review and comment at [ydo.oregon.gov](http://ydo.oregon.gov)*

**Establish a completion deadline for removal-fill activity.** The application states the removal-fill work will be completed in 2034, and planting will be completed in 2035. DSL would include these completion deadlines in the modified permit.

### **ONLINE PUBLIC INFORMATION SESSION**

The Department will hold a public information session on this application:

#### **Thursday, September 8 via Zoom**

5:30 p.m. to 7 p.m.

Meeting ID: 893 3530 8992

Join the Zoom meeting online: <https://bit.ly/3dR2aSi>

Join the meeting by phone: 253-215-8782

Phone passcode: 44061032

The information session will include an overview of the proposed modifications, as well as time for questions.

### **COMMENT INVITED ON PROPOSED MODIFICATIONS**

DSL is seeking comment on the proposed modifications to the 2002 Reclamation Plan, as identified in the proposed 2022 Adaptive Management Plan, and DEQ's updated screening criteria. A deadline of 2034 would also be established for completion of all removal-fill activity.

DSL will be evaluating the proposed changes to ensure they provide equal or better habitat than what is in the approved 2002 Reclamation Plan, while still meeting the 2002 Reclamation Plan's goals, objectives, and acreage requirements. The Department will also review Ross Island Sand & Gravel updated cost estimate for completing reclamation, which is in the application as Attachment 4.

***Please note: No other changes to the 2002 Reclamation Plan are under consideration. Comments should specifically focus on the proposed modifications in the 2022 Adaptive Management Plan, updated screening requirements, and/or proposed completion dates.***

All comments will be reviewed and considered before a decision is made on the proposed modifications and permit renewal. DSL will also ask the applicant to respond to all comments relevant to DSL's regulatory authority and focused on the proposed modifications. DSL will review the applicant's responses and may request follow-up information from the applicant or commenter as needed.

### **HOW TO REVIEW AND COMMENT**

**Reviewing Proposed Modifications.** Ross Island Sand & Gravel Co.'s application is available on the DSL website at <http://www.statelandsonline.com>. Click on "Check Permit and Authorization Status," then select Multnomah County, then select Ross Island Sand & Gravel under "Applications Available for Comment."

Please note:

- The 2022 Fill Evaluation Scope of Work is in the application's Attachment 1.
- The 2022 Adaptive Management Plan is in the application's Attachment 2.

- The 2002 Reclamation Plan is in the application's Attachment 3.

You may request a paper copy of the application by calling DSL at (503) 986-5200. Please have the application number and county name ready.

**Submitting Comments.** The public review and comment period for this application ends at 5:00 pm on Thursday, September 22, 2022. Comments must be received by this time and date to be considered. **Please reference Application Number 9819-RF when submitting comments.**

Comments may be submitted:

- Online at <http://www.statelandsonline.com>. Click on "Check Permit and Authorization Status," then select Multnomah County and Ross Island Sand & Gravel Co. under "Applications Available for Comment."
- By email to Melinda Butterfield at [melinda.butterfield@dsl.oregon.gov](mailto:melinda.butterfield@dsl.oregon.gov).
- By postal mail to DSL, 775 Summer Street NE, Suite 100 Salem Oregon 97301-1279.
- By fax to 503-378-4844.

## **FREQUENTLY ASKED QUESTIONS**

### **Why am I receiving this notice?**

Because you were identified as an interested party for removal-fill permit applications in Multnomah County, for this specific application, or because your name was provided by the applicant as an adjoining landowner.

### **Why are modifications to the 2002 Reclamation Plan needed?**

The 2002 Reclamation Plan was prepared and originally approved by DSL with the expectation reclamation would be complete by 2012. Reclamation remains incomplete.

Ross Island Sand & Gravel Co. has indicated two factors have affected completing reclamation:

- **The 2002 plan underestimated the volume of fill materials needed to complete reclamation.** The 2002 Plan estimated 4,500,000 cubic yards would be needed to complete reclamation. Approximately 4,836,291 cubic yards have been placed in the lagoon to date.
- **Fill materials are no longer available from the Columbia River.** The 2002 plan indicated Columbia River dredge material would be used to fill the lagoon. The federal government subsequently preferred to keep those dredge materials in the Columbia River to support downstream habitats, which impacted the materials available for Ross Island Lagoon reclamation.

### **Has the proposed 2022 Adaptive Management Plan been reviewed by agencies?**

Yes. DSL, DEQ, Oregon Department of Fish and Wildlife, National Marine Fisheries Service, and U.S. Army Corps of Engineers had multiple meetings with the applicant regarding adaptive management options. The agencies have reviewed the plan and confirmed the applicant has addressed issues raised.

It is important to note agency discussion and review focused on proposed modifications; agencies did not evaluate areas of the 2002 Reclamation Plan for which no changes were proposed.

### **Does the plan address algal blooms?**

The 2002 Reclamation Plan and the 2022 Adaptive Management Plan have a specific purpose – to guide creation of habitat and satisfy Ross Island Sand & Gravel Co.'s responsibilities for reclamation

per the DSL removal-fill permit. Harmful algal blooms (HABs) cannot be addressed under the current plan, or through modifications to the current plan.

DSL recognizes and shares the concerns of stakeholders regarding HABs within Ross Island Lagoon. DSL is currently supporting Oregon State University's study of HABs, and potential solutions, within the lagoon. DSL has also agreed to help find additional funding to support this important work.

DSL is committed to working with scientists, agencies, stakeholders, and the public in gathering data and developing data-based solutions for addressing HABs in Ross Island Lagoon, and in other Oregon rivers and lakes.

**OREGON DEPARTMENT OF STATE LANDS  
COMMENT FORM**

**APPLICATION No.:** 9819-RF  
Applicant Name: Ross Island Sand & Gravel Co.  
County: Multnomah  
Waterbody: Willamette River / Ross Island Lagoon  
TRSQQ: 1S 1E tax lots 100, 101, 200 and 1S 1E Section 10 tax lot 500

PLEASE MARK BOXES BELOW AND SUBMIT WRITTEN COMMENTS IN THE SPACE PROVIDED OR ATTACH ADDITIONAL SHEETS AS NEEDED.

I have reviewed the information and offer the following comments:

A permit is required from the agency I represent. Permit type: \_\_\_\_\_

The project WILL NOT adversely impact or unreasonably interfere with (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> navigation        | <input type="checkbox"/> water quality                  |
| <input type="checkbox"/> fishing           | <input type="checkbox"/> water quantity                 |
| <input type="checkbox"/> public recreation | <input type="checkbox"/> wildlife / wildlife habitat    |
| <input type="checkbox"/> scenic qualities  | <input type="checkbox"/> aquatic life / aquatic habitat |

The project WILL adversely impact or unreasonably interfere with (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> navigation        | <input type="checkbox"/> water quality                  |
| <input type="checkbox"/> fishing           | <input type="checkbox"/> water quantity                 |
| <input type="checkbox"/> public recreation | <input type="checkbox"/> wildlife / wildlife habitat    |
| <input type="checkbox"/> scenic qualities  | <input type="checkbox"/> aquatic life / aquatic habitat |

The project will have unacceptable impacts on public health, safety or welfare.

The project will adversely impact land uses and activities on adjacent lands.

The project would be acceptable if the project is changed or altered as follows:

The project will impact or interfere with the following state or federal listed species:

The project will impact or interfere with known cultural (e.g. archeological and/or historical) resource sites (please explain below).

The project, as presented, should be denied authorization (please explain below).

No comment.

**Comments:**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RETURN COMMENT FORM TO:**

**Oregon Department of State Lands  
775 Summer Street NE, Suite 100  
Salem Oregon 97301-1279  
Fax 503-378-4844**