

Port of Lewiston Dock Expansion and Storage Area Development Environmental Assessment

Summary of Comments Received and Responses to Comments

This report provides a summary of the comments received by the Walla Walla District Corps of Engineers (Corps) on its *Port of Lewiston Dock Expansion and Storage Area Development* Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI), and the Corps' responses to those comments. The Corps distributed the EA and draft FONSI for a two week review which was extended for another two weeks. The Corps received a total of 57 e-mail messages or letters, of which 18 were requests for an extension in the comment period. Of the remaining 39 messages, one stated they had no comment, one provided information in support of the proposed action, and 37 were opposed to the proposed action. The Corps also received comments through Government to Government consultation with the Nez Perce Tribe on April 2, 2012. The Corps also received copies of 18 letters sent to the Port of Lewiston (Port) supporting the dock expansion project.

The comments provided in the 37 e-mail messages or letters and the consultation with the Nez Perce Tribe have been separated into 40 distinct comments. These comments are listed below. The Corps' response is included below each comment. The Corps' response also indicates if the EA was revised in response to the comment.

Comment 1: Expansion of the dock will result in increased barge traffic on the Snake and Clearwater Rivers and adversely affect fish.

Response: See the attached Corps' Regulatory Division Memorandum for Record: Department of the Army Environmental Assessment and Statement of Finding for Above Numbered Permit Application (Regulatory MFR), Section 3.e.(2), response to Comment 12.

As stated in the Environmental Assessment, an increase in barge traffic associated only with the dock expansion is not guaranteed. Any increase would be primarily the result of the economy (local, regional, national, and international), market forces, and changes in the transportation system such as the recently completed deepening of the Columbia River channel allowing deeper-draft ocean-going vessels access to Portland, Oregon. The Port of Lewiston (Port) anticipates that the dock expansion would result in increased business, and therefore the Corps is addressing that potential in this response. Any increase may not exceed the amount of business the Port has experienced in the past – with its current facilities The Port has had more business in the past and the system has the capacity to handle that amount of business. There is no indication that is the maximum amount of business that the system could accommodate. The level of barge traffic at the Port is currently low compared with levels in the 1990's. From March through July barge use of the dock averages about one barge per week. From August through February barge use is higher, averaging about 1-2 barges using the dock per week. This use can be represented by the amount of cargo currently being handled at the dock. In 2011 the total container cargo handled by the Port with its current dock was 3,653 Twenty Foot Equivalent Unit (TEU's). When the Port was experiencing higher usage in the late 1990's and

early 2000's, the number of TEU's handled each year was about 17,000 TEU's (See Port webpage http://www.portoflewiston.com/wordpress/?page_id=69), which is about five times the current amount of cargo. The number of barges needed to handle that level of cargo averaged about 3-4 barges per week (one barge per day on three or four separate days) using the existing dock. If the amount of cargo handled at the Port increased to levels similar to that of ten years ago, the number of barges using the Port's dock could double to 2-4 barges per week. This would not be considered an increase in use but a return to levels that were experienced for several years.

An increase in the number of barges using the Port's dock does not necessarily equate to increased barge traffic and increased environmental effects. Most of the environmental effects are caused by the passing of a tow, not the number of barges. In the Snake River, tows can consist of between one and four barges and each barge can be destined for a different port facility. Four barges per tow is the maximum number that can be accommodated by the locks of the Snake River dams. Additional barges destined for the Port of Lewiston does not necessarily mean more tows, but instead could result in more barges in the tow (up to the maximum of four). Since the proposed dock expansion would allow two barges to be handled at a time, the number of tows could possibly be reduced as one tow could pick up or drop off both barges at one time instead of making two separate trips.

If the amount of barge traffic were to increase, it could have potential increased effects on fish through noise level, chemical contamination, and wave action. Effects on fish are tied to the number of tows. An increase in number of barges would not have as much of an effect on fish as the number of tows as it is the passing of a tow that increases the noise level in the river and creates the wave action. As stated in the National Marine Fisheries Service (NMFS) Biological Opinion for this project, dated March 28, 2012, p. 27-28 "the amount of noise level produced would be similar to what is already being produced by the passing of the existing barge traffic, which should then remain within the background sound level and within current sublethal effects." If larger tows (more barges per tow) use the dock, noise levels would not necessarily increase as there would still be just one tug pushing the tow and generating the noise through operation of the motor and propellers.

While NMFS acknowledges increased barge traffic would increase the potential for risk of spills or other chemical contamination (Biological Opinion, p. 27-28), they also state "barging would continue to operate under the existing safety and operational guidelines and should not significantly increase that risk. " The cargo handled at the existing dock is containerized or break bulk cargo and not petroleum products (Dave Doeringsfeld, Port Manager, personal communication, April 9, 2012), therefore any spills or releases would be the fuel needed to operate the tug.

NMFS also acknowledges in their Biological Opinion that increased barge traffic would increase the amount of wave action, which could affect fish through increased shoreline erosion, physical damage to fish, and stranding. In the Port area, this effect would be minimal. Much of the shoreline in the Port area is armored with riprap, therefore there would be little erosion or turbidity from erosion. Barge traffic can affect salmon eggs, but the area "does not contain spawning habitat" so "salmon or steelhead eggs would not be present". Stranding can occur

when the water displaced by ocean-going vessels “causes long run-up of the waves onto large stretches of flat beaches” which can result in stranding of juvenile fish. However, “freshwater barges do not displace the same volume of water as the ocean-going vessels, and the Lewiston area does not have large stretches of flat beaches, but instead has large areas of riprap and levee system which would not present the same run-up and potential stranding issues found in the lower Columbia River.”

Turbidity could also be generated by prop wash from the tows. This would be most likely when a tow first gets underway. This could happen 3-4 times per week if barge traffic increases to the level of the late 1990’s (one barge per day for 3-4 days.). Tows leaving the Port dock could generate turbidity, but the plume would be short-lived and would not extend downstream very far. Any fish in the area would be able to easily avoid the plume.

The U.S. Fish and Wildlife Service (USFWS) Biological Opinion for this project, dated January 4, 2012, did not identify any effects to bull trout critical habitat from barge traffic expected to use the proposed expanded dock.

The EA has been updated to address these points.

Comment 2: The dock expansion project will increase the frequency of “mega loads” and other truck traffic on U.S. 95 and Hwy 12, which will increase traffic hazards and road maintenance and negatively affect travel/tourism, scenic rivers/roads and wildlife.

Response: See the Regulatory MFR, responses to Comments 21-28 and 33 regarding effects from use of the highways.

The purpose of the Port’s proposed project is to increase efficiency and safety of dock operations. Any increase in cargo handled would be the result from market/economic forces. The Port has already accommodated nine barges (36 modules) of roll on/roll off (mega loads) with its current dock facilities. As stated in the EA, the Port does not have any current contracts providing for additional mega load off-loading and any future contracts are not reasonably certain to occur.

Even if an increase in barge traffic and/or increase in cargo can be linked to the dock expansion, such an increase is not expected to result in significant impacts. The existing dock handles containerized and break bulk cargo and the majority of the cargo is exported – barges bring empty containers upstream to the Port and take filled containers downstream. Cargo to be exported is brought in to the Port primarily via truck. Of that cargo, about 90% is shipped out on barges with the remaining cargo shipped out via rail (Dave Doerinsfeld, Port Manager, personal communication, April 9, 2012). Historically the transportation system supporting Port activities handled 3-5 times the amount of cargo currently being handled, so any increase in the amount of cargo up to that historic level would not represent an increase in the capability of the system or an increase in impacts to that system.

There are multiple transportation routes that could be used to haul any of the cargo that would be loaded or off-loaded at the Port - no specific transportation route has been identified for any of the cargo. Both U.S. Highway 12 and 95 are already being used for cargo that is currently moving through the Port, including oversize loads. Use of the highways for transporting materials and equipment is regulated by the respective state transportation departments. Any use of the highways would need to comply with the applicable requirements, restrictions, and permits.

The EA has been updated to address these points.

Comment 3: The expansion project would allow transportation of equipment to Canada (Tar Sands) and contribute a rise in global warming that is the result of burning this dirtiest oil on the planet.

Response: The dock in its current configuration has already been used for offloading equipment bound for Canada, therefore expanding the dock is not necessary to allow for transportation of this equipment. While expanding the dock would make offloading of this oversized cargo easier and more efficient, the Port has stated they do not have any future contracts to handle this type of cargo.

The use of Highway 12 for the transportation of the equipment for oil extraction is addressed in the attached Regulatory MFR response to Comment 21. Use of the highway is regulated by the State of Idaho Transportation Department and special permits needed for oversized cargo have been and would continue to be issued by that agency.

Comment 4: Expansion of the dock will result in increased truck traffic and railcar transport from the area.

Response: See the response to comments 1 and 2 above. If the Port experiences an increase in cargo from what is being shipped currently, there could be an increase in rail traffic. However, as noted above, the transportation system has historically handled up to five times the amount of cargo that is currently being shipped. Also, rail is used for shipping out only about 10% of that cargo.

Comment 5: The Corps needs to analyze the possible decrease in rail traffic, and highway traffic that will occur on Interstates 84 and 90 as a result of increased barge traffic.

Response: See the response to comments 1, 2, and 4 above. The amount of traffic would be dictated by the economy and market forces. Shipment by barge is more fuel efficient than shipment by rail or truck, therefore if fuel prices continue to rise, there could be more shipment of bulky or oversized cargo by barge. However, this could occur regardless of the proposed

expansion of the Port's dock. The Corps was unable to identify any methodology to determine the effect of potential increased barge traffic on use of Interstates 84 and 90 resulting solely from the dock expansion. Any increase or decrease in the use of other transportation modes caused by the dock expansion would not be expected to be great. Again, historically the Port handled five times the amount of cargo it is handling now, using the current facilities.

Comment 6: Expending taxpayer dollars on a steadily declining entity would be a foolish investment. The expansion project is unnecessary given the decrease in the amount of barge traffic in recent years and is therefore a poor business decision.

Response: It is not the Corps' responsibility, as part of the permits/approvals being requested, to analyze the soundness of the Port's business decisions. The Port has expressed a need for the project to increase safety and efficiency, which could also make the Port more competitive with other modes of transportation. Whether Port funds should or should not be expended on the dock expansion is an issue between the Port, its revenue base, and grant agencies.

Comment 7: The expansion project would require additional, unnecessary, funding by residents.

Response: See the response to comment 6 above. The Port intends to fund the \$2.9M dock expansion project through a revenue bond (loan), existing revenue sources, and a state grant. The Port is also hoping to receive a Federal grant (Tiger Grant), but is budgeting for the project without the Federal grant. The Port cannot unilaterally increase its tax revenues from local residents. Any increase in tax revenues requires a public review and approval process. Such an increase (if it does occur) is therefore not an indirect effect associated with the Corps' permit/approval, as any increase is not reasonably likely to occur and the Corps permit/approval cannot be viewed as the proximate cause of such tax increase.

Comment 8: If the dock expansion occurs it could make the Port more "competitive" and result in competition between local ports and a decline of trucking and rail industries.

Response: See the response to comments 1, 2, 4, and 5 above. The three ports in the area (Port of Lewiston, Port of Clarkston, and Port of Whitman at Wilma) do not generally compete with each other as each port tends to specialize in one type of activity or cargo. The Port of Lewiston specializes in containerized cargo – neither of the other two ports handles containers, so there is no competition locally for that shipping method. However, there is some overlap in the type of cargo handled by each port facility. Expanding the Port of Lewiston's container dock would not necessarily increase competition between the local ports for shipment of cargo.

Comment 9: The EA ignores all but one alternative to the no action option: expand the dock.

Response: The National Environmental Policy Act (NEPA) requires analysis of reasonable alternatives. The EA considered the “No Action” alternative and five action alternatives, including the preferred alternative of expanding the current dock. The Corps identified screening criteria related to the purpose and need for the project. Four of the alternatives did not meet the screening criteria, therefore they were not considered viable (reasonable) and were not carried forward for further consideration. The preferred alternative was the only action alternative that met the criteria and was considered viable, therefore it was carried forward for consideration. The No Action alternative was also carried forward for comparison as required by NEPA.

Comment 10: Port expansion will result in additional barge traffic and increased need to dredge the Clearwater River.

Response: See the response to comment 1 above regarding additional barge traffic. Also see the attached Regulatory MFR response to Comment 11.

Neither the proposed dock expansion nor any potential increase in barge traffic would require any increase in navigation channel maintenance of either the port berthing area in the Clearwater River or the Federal navigation channel in the Clearwater or Snake Rivers. The footprint of the dock expansion is within the current berthing area that has historically been maintained at the authorized depth through periodic dredging. No additional maintenance or dredging would be needed, either in the footprint of the dredged area or frequency of dredging or quantity of material to be removed. No additional maintenance of the Federal navigation channel would be needed to support use of an expanded dock. Maintenance of the berthing area and Federal channel is tied to sediment accumulation decreasing the water depth, not number of barge loads. Maintenance is performed because navigation is one of the authorized project purposes of the lower Snake River projects. Maintenance is needed regardless of the number of barges or tows using the system.

The expanded dock would not increase the amount of sediment deposition in the Federal channel or the berthing area. The current dock is located on the right bank of the Clearwater River on a straight stretch that is parallel with the flow of the river. Lower Granite reservoir bathymetry information collected in September 2011 indicates that sand wave bedload transport in this stretch of the river occurs mostly towards the center of the river with very little occurring along the right bank in the vicinity of the existing dock. Some sediment does deposit along the sheetpile wall of the existing dock and the riprap along the right bank immediately downstream of the dock. An eddy currently exists at the downstream end of the existing dock which encourages some deposition of sediment. Constructing the proposed dock expansion would transfer the deposition of sediment from the riprap in the footprint of the dock expansion to the outside of the new sheetpile wall, but would not result in additional deposition from what

currently occurs. The eddy at the downstream end of the existing dock would be pushed downstream to the end of the dock extension, but would not change sediment deposition patterns or quantities.

The barges that would use the dock would not require increased water depth. Barges using the Snake River are limited in size by the size and depth of the water over the sills of the navigation locks at the dams. Larger barges requiring greater water depth would not be used as they would not be able to enter and exit the navigation locks of the lower Snake River dams to reach the Port.

Comment 11: The deeper port available just downstream should be used instead of expanding the Port of Lewiston dock.

Response: See the attached Regulatory MFR response to Comment 15. The proposed dock expansion is to address the Port's needs, not to facilitate off-loading of oversized cargo, particularly mega loads. Use of a different port site would not meet the purpose and need for the Port's action.

Comment 12: Port expansion will increase siltation in the river during the lifetime of the dock.

Response: See the response to comment 10 above. The proposed dock expansion would not result in increased sediment deposition.

Comment 13: The Corps only considered a single resource in the region as being relevant to its cumulative effects analysis.

Response: The Corps followed the guidance from the Council on Environmental Quality when determining which resource or resources to evaluate for cumulative effects. The Corps determined that the aquatic environment was the only resource for which cumulative effects could be attributed by the proposed project. As discussed in comment responses 1, 2, 4, and 5 above, the Corps has determined it cannot reasonably attribute increased transportation effects to the proposed dock expansion project.

Comment 14: The EA did not explain why there were no significant impacts. The Corps should have prepared an Environmental Impact Statement (EIS).

Response: Through this comment summary report and revisions to the EA, the Corps has tried to present a more clear explanation of why it has determined the proposed dock expansion would not have significant impacts and why an EIS is not required.

Comment 15: Request a public hearing on this proposal.

Response: The Corps held a public hearing for this project on October 19, 2011. The scope and scale of this proposed action does not warrant a second public hearing.

Comment 16: Dock expansion is premature given the ongoing development of a Programmatic Sediment Management Plan (PSMP) for the Lower Snake River. Until the Corps issues its Record of Decision for the dredging EIS, no action concerning the proposal should be taken which would: (1) have an adverse environmental impact; or (2) limit the choice of reasonable alternatives. The Corps has also failed to analyze the cumulative effects of the proposed project on the Lower Snake River PSMP for which the Corps is currently preparing a Draft EIS.

Response: The PSMP and the proposed dock expansion are independent actions. The PSMP is evaluating alternatives and measures that could be used to manage sediment deposition in the lower Snake River. The Port's project would not affect sediment deposition or the need for sediment management in the Clearwater River or the Snake River navigation system and would not influence or limit the alternatives or measures being considered in the PSMP. The dock expansion project does not rely on the PSMP to be a viable project.

As stated in the EA, the Corps has determined the proposed dock expansion project would have a few adverse effects, mostly associated with water quality and the aquatic environment, and none of them would be significant. The Corps determined the proposed project could adversely affect several Endangered Species Act-listed fish species and their critical habitat, and requested formal consultation with NMFS and USFWS. The Corps received a Biological Opinion from NMFS dated March 28, 2012. The Biological Opinion included an Incidental Take Statement as NMFS estimated a total of 123 juvenile fish could potentially be harmed or killed by the in-river activities associated with the filling behind the sheetpile bulkhead. Of these 123 fish, 41 are steelhead and 82 are Chinook salmon. The Smolt-to-Adult-Return (SAR) ratio for both species between 2000 and 2011 has ranged from 0.92 to 2.08 for steelhead and 0.22 to 2.74 percent for Chinook (Fish Passage Center website at http://www.fpc.org/survival/css_annual_sars_SNK_COL_queryv3.html). This means the juvenile salmonid take estimated by NMFS represents up to possibly one or two returning adult fish for each species. NMFS listed two Reasonable and Prudent Measures that must be followed and the Terms and Conditions that must be implemented. These are to be complied with through the Department of the Army Section 404/10 permit the Corps is considering issuing to the Port.

The Corps received a Biological Opinion from USFWS dated January 4, 2012. The Port already committed to performing conservation measures to minimize effects on bull trout critical habitat.

See the response to comment 10 above regarding the need for additional channel or berthing area maintenance, including the use of dredging. The proposed dock expansion would have no effect on the need for navigation channel maintenance and would therefore have no effect on the alternatives the Corps is considering for management of sediment deposition in the lower Snake River. There would be no cumulative effects on the PSMP as the dock expansion would not change sediment deposition rates or increase the footprint of river bed in which channel maintenance would be needed.

Comment 17: The use of a separate decision document for the Section 404/10 permit is a bifurcation/segmentation of this single project in violation of the NEPA process. The EA analyzes the Section 408 construction permit but not the Section 404 or Section 10 permits.

Response: The EA has been modified to clarify that this EA is intended to be comprehensive and include all actions by the Corps associated with the Port's dock expansion project. The separate decision document and environmental review prepared for the Section 404 and 10 permits is a requirement of the District's Regulatory program (33 C.F.R. 320 and Appendix B to Part 325). This comprehensive EA has been prepared in accordance with the Corps' Civil Works NEPA regulations (33 C.F.R. 230). The reviews may (in part) be redundant, but it is not bifurcation/segmentation.

Comment 18: The Port's demand for higher elevations at Lower Granite will likely become more frequent if the dock extension is implemented. Port expansion will require the Lower Granite pool to be operated above minimum operating pool (MOP) for more and heavier barges, which has a negative effect on fish by increasing outmigration travel times and water temperature and possibly violate the Federal Columbia River Power Supply (FCRPS) Biological Opinion (Bi-Op).

Response: The proposed dock expansion would have no effect on the Corps' operation of Lower Granite reservoir above MOP during the juvenile salmonid outmigration. The Corps' decision to operate above MOP is made based on the need to provide for navigation in the reservoirs and is done in compliance with the 2008 FCRPS Bi-Op Reasonable and Prudent Alternative item 5 (RPA #5).. The RPA states the lower Snake River projects, including Lower Granite, "will be operated at minimum operating pool (MOP) with a 1-foot operating range from April 3 until small numbers of juvenile migrants are present (approximately September 1) unless adjusted to meet authorized project purposes, primarily navigation." In recent years the Corps has been operating Lower Granite reservoir from MOP +1 foot to MOP+2 feet to provide additional depth over the high spots caused by sediment deposition in the navigation channel. This deviation is in

compliance with RPA #5 as it is implemented to provide for safe navigation within the reservoir. The Corps would return to operation of the reservoir within one foot of MOP once it can restore the authorized depth of the navigation channel to 14 feet deep as measured at MOP.

See response to comments 1 and 10 above. The dock expansion would not result in additional channel maintenance. There would be no additional sediment deposition as a result of the dock expansion. Channel maintenance is performed in response to sediment deposition and need to maintain the navigation system, not the number of barges using the system. The dock expansion would not result in heavier barges requiring more than the 14-foot deep authorized navigation channel. Such barges would not be able to enter or exit the navigation locks of the Snake River dams.

Comment 19: Additional storage space isn't crucial to improving the Port's economic position.

Response: The 2.1 acre additional storage space area is located within the Port's existing easement area. The easement requires the Corps to approve the work, but the decision – from a land management standpoint -- is based on whether the work is associated with port and industrial use (public interest) and not contrary to the Corps mission. Additionally, this 2.1 acres is adjacent to seven (7) acres of additional storage space (on Port property) the Port has already constructed. There are negligible environmental effects associated with the 2.1 acres of additional storage space as it is located entirely within a prior dredged material disposal area.

Comment 20: Corps approval should prohibit over-wide, and/or over-length, and/or over-weight cargo, i.e. no "megaloads."

Response: The Corps has no authority to approve the type of dimension of cargo transported on the Snake River. The Corps is reviewing the request by the Port as required by the Port's easement with the Corps, 33 U.S.C. 408 for modification of an existing Corps structure (the levee), and the Corps' regulatory authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

The Corps is not "approving" the transportation of megaloads. Any necessary approvals would be for the transportation of those loads on public highways and those approvals would be issued by the appropriate state highway department (see the attached Regulatory MFR Memorandum for Record: Department of the Army Environmental Assessment and response to Comment 21).

Comment 21: Public funds should be used to address the long-term risk of flooding in the Lewiston-Clarkston area and not a port expansion.

Response: See responses to comments 6 and 7 above. The Corps is not funding the Port's dock expansion project. The Corps is not required to consider flood risk in the Lewiston and Clarkston area as an alternative to the Port's dock expansion project. Consideration of flood risk will not satisfy the purpose and need stated in the EA. Additionally, the two issues are independent actions. Factors contributing to flood risk in the Lewiston and Clarkston area (if they exist) will persist with or without the project. The small amount of fill needed for the proposed dock expansion would not have any effect on the flood risk for the Lewiston and Clarkston area.

Comment 22: Dock expansion is expected to increase the size of barges and the material they carry. Currently, the water depth at the dock is very low. This suggests that if the dock expansion has the results desired by the proponents, then more dredging will be required.

Response: See response to comment 10 above. The proposed dock expansion would not result in deeper-drafting barges or additional dredging.

Comment 23: In coming up with the purpose and need, the agency has defined the issues to preclude a reasonable array of alternatives. The purpose and need of a NEPA document cannot be so narrow as to constrain consideration of reasonable alternatives. A reasonable alternative, that of using the much deeper port of Wilma, was not analyzed because the purpose and need was too narrowly constructed. We urge consideration of an alternative that emphasizes the Port of Lewiston's road and rail operations, as opposed to further investment in a waterway with steadily declining use. An additional alternative of replacing the old oil/water separator was not evaluated either

Response: The comments received on this issue did not identify how the Corps had defined the purpose and need (P&N) in unreasonably narrow terms. A reasonable range of alternatives depends on the nature and scope of the proposal and the facts in each case. The Corps must consider all reasonable alternatives within the P&N it has defined. The Corps may not define the P&N of a project in unreasonably narrow terms, but that has not occurred in this case. The action/proposal being considered by the Corps is not part of a coordinated plan to deal with a broad problem, which would require the range of alternatives to be evaluated to be broadened (e.g., Increased use of the Port of Wilma). The P&N is appropriately focused on the Port of Lewiston and its need for additional dock and storage space, which would improve efficiency and safety and may enable the Port to remain competitive with other modes of freight transportation. With that P&N in mind, the Corps identified three (3) alternatives, in addition to the proposed action and no action alternatives, to the dock expansion – relocate dock, additional barge berth, and improved productivity (no build). The Corps also considered development of a storage area at a different location. The alternatives considered by the Corps, when considering the nature and scope of the proposed action and P&N, constitute a reasonable range of alternatives. The expansion of the Port's "road and rail operations" would not satisfy the P&N

because the dock in question is primarily an export terminal for containerized cargo, with rail operations being only a small part thereof. Additionally, the addition of an oil/water separator is not a viable alternative, as the P&N is not focused on improving water quality. The proposed dock expansion project will, as a side benefit, improve the Port's storm water discharge system, but that is not the purpose of the project.

Comment 24: Why didn't the EA evaluate listed spring/summer Chinook, listed Sockeye, and the rare sturgeon?

Response: The EA initially did not evaluate spring/summer Chinook or sockeye as they are not listed under ESA in the Clearwater drainage. The EA has been revised to address these fish species.

White sturgeon were mentioned in the EA in section 5.2. This section of the EA has been revised to include additional evaluation of sturgeon.

Comment 25: Fish that rest over near the confluence of the Snake and Clearwater River, in either river, in their travel up the Snake River could be harmed by increased sediment from the construction project and other activities, including construction and noise, of the dock.

Response: See the response to comment 1 above for the effect of noise from barge traffic on ESA-listed fish. In their March 28, 2012 Bi-Op, NMFS also addressed the effect of underwater noise during construction on ESA-listed fish (p. 24-26). NMFS stated in the Bi-OP "given the lack of applicable criteria, the lack of observed injury from vibratory driving, and the fact that the adult salmon are only moving through the area, thereby reducing their duration of exposure, NMFS assumes that vibratory driving of sheet piles will not pose a risk of physical injury to listed salmon." NMFS stated that naturally-produced fall Chinook juveniles may not have migrated through the action area by July 1, however, "NMFS expects the effects on these fish to be minor and that neither injury nor mortality is expected.

See Section 5.1.2 of the EA for a description of turbidity expected from the construction of the dock expansion. There would be some turbidity during installation of the sheet pile and the Clean Water Act Section 401 Water Quality Certification issued by Idaho Department of Environmental Quality requires the Port to use best management practices (BMP's) and to monitor the effectiveness of those BMP's. Once the sheet pile is in place, it would act as a cofferdam and prevent further release of turbidity into the Clearwater River.

See the response to comment 10 above regarding sediment deposition. The proposed project would not increase the amount of sediment deposition that occurs in this reach of the Clearwater River.

Comment 26: The EA also includes no Biological Opinion for either steelhead or fall Chinook, but does include one for bull trout. Why not?

Response: At the time the EA was distributed for public review, the Corps had received a draft Biological Opinion from NMFS for fall Chinook and steelhead. The Corps does not attach draft Bi-Ops to its EA's, only final Bi-Ops. Based on discussions with NMFS, the Corps did not anticipate major changes between the draft and final Bi-Op and therefore released the EA using information from the draft Bi-Op. The Corps has since received the final Bi-Op from NMFS and has revised the EA accordingly.

Comment 27: Why didn't the EA look at the losses in terms of local and national tax-payers for the massive subsidy, not only for this dock but for a barge system where traffic is declining? Keeping river shipping viable at the Port will require the ongoing investment of additional public funds into the future in order to maintain the river channel.

Response: See the responses to Comments 6, 7 and 21 above. The Lower Snake River Navigation system is a viable system and will continue regardless of this dock expansion. The need to maintain the navigation channel exists today, as it will in the future, with or without the Port's dock expansion.

Comment 28: Rather than a dock along the Clearwater, having a more natural river bank could be a boon to the local economy.

Response: See the responses to comments 6, 7, 21 and 28 above. Removal of the dock and restoration of the river bank is not a reasonable alternative to the Port's dock expansion project. Doing so would not satisfy the P&N stated in the EA.

Comment 29: Expanding the dock to enhance the handling of megaload shipments will have a direct and negative impact on the Outstandingly Remarkable Values of the Clearwater/Lochsa Wild and Scenic Rivers. [

Response: The Middle Fork of the Clearwater River has been designated as a Wild and Scenic River starting at Kookia, Idaho, and going upstream to include the Lochsa and Selway Rivers. Kookia is about 73 miles upstream of the Port of Lewiston.

The Port has already accommodated nine barges (36 modules) of roll on/roll off (mega loads) with its current dock facilities. As stated in the EA, the Port does not have any current contracts providing for additional mega load off-loading and any future contracts are not reasonably certain to occur.

The proposed dock expansion is to improve efficiency and safety for the Port, regardless of the type or size of cargo handled at the dock. Megaloads are just one type of cargo that have been and could be handled at the Port.

See the attached Regulatory MFR response to Comments 21, 23, and 24.

Comment 30: The COE is responsible for the operations of its storm water system at the Port. The COE should immediately investigate its storm water system and implement corrective actions.

Response: See the responses to comments 24-29 above. The P&N is not focused on Corps storm water system or improving water quality. The proposed dock expansion project would, as a side benefit, improve the Port's storm water discharge system, but that is not the purpose of the project. The Port is responsible for storm water from its facilities that discharges into the Corps' collection pond/system. The Port and the City of Lewiston are working through Clean Water Act National Pollutant Discharge Elimination System (NPDES) requirements associated with the Port's storm water discharges.

Comment 31: The Corps assessment of affects to ESA-listed Snake River fall chinook and Snake River steelhead based on a draft biological opinion from National Marine Fisheries Service, and the lack of analysis or conclusions from that agency, makes it difficult for the Corps to assess, or the public to provide meaningful comment on, such impacts at this stage.

Response: See the response to comment 26 above. The Corps has since received the final Bi-Op from NMFS. NMFS expanded their discussion of effects on listed species, but did not change their conclusion that the proposed project "is not likely to jeopardize the continued existence of Snake River Basin steelhead and Snake River fall Chinook salmon, or result in the destruction or adverse modification of their designated critical habitat".

Comment 32: Expansion of the Port's dock and yards could secondarily and cumulatively impact many environmental and social factors: Clearwater and Snake river shoreline erosion and modification, floodplains and wetlands, water quantity and quality, fish and wildlife populations, riparian flooding hazards and protective measures, private and historic properties, area land use, aesthetics, and recreation, energy production and conservation, the regional economy and public resources, and the safety and welfare of Idaho, Montana, Oregon, and Washington citizens.

Response: This comment does not clearly identify what these effects are or how the project would result in these effects, so response is difficult. As stated at the beginning of Section 5 of the EA, the Corps described the environmental resources the Corps determined were relevant to the alternatives being considered and evaluated the effects of the alternatives on those resources. The comment responses described in this summary provide additional rationale why other resources or effects were not considered to be relevant.

Comment 33: Approving Port dock expansion prior to release of the dredging EIS and its findings would inappropriately overlook sediment issues that could arise during construction of an expanded dock and/or with continued Port operations.

Response: See response to comments 1, 10, and 16 above. Corps staff preparing the PSMP were consulted during preparation of the EA for the proposed dock expansion project and did not identify any issues with the dock project that would affect the PSMP. Some of the data collected for the PSMP was used to evaluate the effects of sediment deposition from the proposed project. The Corps' analysis of that data indicated there would be no additional sediment deposition associated with the dock expansion project.

Comment 34: The Corps should deny the Port's request for a dock expansion because citizen protests and legal challenges have caused corporations seeking to offload megaloads at the Port to rethink their proposed land routes through Idaho and Montana.

Response: See the responses to comments 6, 7 and 28 above. This comment directly refutes other comments received that conclude the dock expansion will increase oversized cargo at the Port of Lewiston. Regardless, the project is not focused on allowing the Port to accommodate oversized or roll-on/roll-off cargo. The Port can already do that. The Port has in the past accommodated 36 "megaload" modules and could do so again if necessary in the future. Additionally, the lack of such cargo does not make the dock expansion unnecessary. The dock in question is primarily used for the export of containerized cargo.

Comment 35: The Corps' plans to expand the Port of Lewiston dock to accommodate more and larger barge traffic when the traffic lanes in the area do not currently allow for existing barge traffic is flawed.

Response: The Port is proposing to expand the dock, not the Corps. The Port has requested approval of their proposed project from the Corps based on the Corps' land managing and regulatory authorities.

See the response to comment 10 above. The amount of sediment deposition within the navigation channel interfering with navigation triggers the need for channel maintenance, not the number of barges. Larger (deeper draft) barges would not be used at the Port's expanded dock as barges drafting more than the current industry standard of 14 feet would not be able to enter or exit the navigation locks on the lower Snake River dams.

Comment 36: The project will likely increase the type and frequency of barge traffic on the Snake River, resulting in impacts to treaty and cultural resources not only in the Snake River, but on Tribal interests located along U.S. Highway 12.

Response: See the response to comment 1 above regarding the frequency of barge traffic and the effect on fish. If the economy and/or markets improve, there may be more barges using the

Port's dock, but that does not necessarily mean there would be more tows going to the Port. Also, since the Port has historically handled more barge traffic and cargo using the existing dock, the Port could experience more business without the expanded dock.

The dock expansion itself would not result in any increased channel maintenance. Any channel maintenance needed in the future would be limited to those areas previously disturbed. Any disposal of dredged material would be designed to avoid affecting known cultural resource sites.

The amount of barge traffic would have no direct effect on cultural resources. Tows can indirectly create shoreline erosion through wave action, but an increase in the number of barges would not necessarily result in an increase in the number of tows. Much of the lower Snake River shoreline is armored with riprap, which limits erosion. If shoreline erosion affects cultural resources sites, the Corps could be expected to take action similar to what it has taken in recent years at several sites along the river to prevent further erosion. Any increase in barge traffic associated solely with the dock expansion is not expected to increase such remedial actions. The shoreline of the Clearwater River in the vicinity of the Port is already armored with riprap, so no erosion would be expected.

See the attached the Regulatory MFR response to Comment 30 regarding the effect of the use of Highway 12 on treaty rights.

Comment 37: The Corps' assertion that fall Chinook and steelhead smolts will not be in the vicinity of the dock expansion project during the construction period (July 1-September 30) is incorrect.

Response: The EA has been revised to indicate smolts could be in the Port area during the summer construction period.

Comment 38: The screening criteria that were developed violate NEPA. Indeed, the criteria it set up excluded all action alternatives except the proposed action.

Response: See the response to comment 24 above. As a rule, if an alternative does not satisfy the P&N for the action, it should not be included in the environmental effects analysis. Development of screening criteria is appropriately used to assist an agency in identifying those alternatives that will satisfy the actions P&N. CEQ regulations acknowledge that alternatives can be removed from detailed study if they do not satisfy the P&N (40 C.F.R. 1502.14(a)). The Corps developed five (5) screening criteria, which were used to identify alternatives that did not satisfy the P&N. Application of the screening criteria did eliminate all but the proposed action (and no action) from further analysis, but that by itself does not constitute a violation of NEPA. The comments received on this issue did not identify which of the criteria were inappropriate or how application of such criteria inappropriately excluded alternatives. After additional review of

the criteria, it is the Corps position that the criteria developed, and application of such criteria, was appropriate given the P&N and facts in this case.

Comment 39: The dock expansion would result in more barge traffic using the river which could present a safety hazard to Tribal fishermen exercising their treaty fishing rights on the Snake River at night.

Response: See the response to comment 1 above regarding the potential for increased barge traffic. The Corps is unaware of this type of conflict occurring on the Snake River reservoirs in the past and any increase in barge traffic related solely to the dock expansion would not be expected to create such a problem. All river users would be expected to follow boating regulations and be alert to prevent boating accidents.

Comment 40: By expanding its dock, the Port will not only increase the ability to safely and efficiently handle cargo, it will also create jobs and build revenue for the state of Idaho.

Response: The EA indicates the proposed project would improve efficiency and safety of the Port's dock operations.