



DECLARATION OF COOPERATION

RICE ISLAND COLLABORATIVE PARTNERSHIP

August 2003

I. Background

Rice Island is a state-owned island that has been constructed from the disposal of maintenance dredging material on the lower Columbia River, and is nearly at its disposal capacity. Because lack of disposal capacity in the area near the mouth of the Columbia River could have severe economic and/or environmental consequences, the Bi-state Lower Columbia Solutions Group has charged a team of public officials and community representatives to facilitate the beneficial use and marketing of Rice Island sands by getting Rice Island “market ready”. This includes planning and preparation of facilities, and institutional framework for permitting and contracting, market analysis, and regulatory coordination. The team is using a collaborative process, assisted by *Oregon Solutions*.

II. Project Summary

The primary objective of the group is to make Rice Island sands “ready for marketing” by addressing regulatory, transportation, and other issues in advance. This includes development of a conceptual plan for facilities at Rice Island which would facilitate the export of State-owned sand deposited on Rice Island by maintenance dredging of the federal navigation channel. The project will facilitate the commercial and beneficial re-use of the Columbia River sands, provide royalties to the State of Oregon, encourage economic development opportunities for the local community, and restore disposal site capacity at Rice Island for maintenance of the Columbia River Deep-Draft Navigation Channel.

In addition to other potential markets, the possible near-term market opportunity of selling Rice Island sands to San Francisco International Airport or Sea-Tac Airport for their runway expansion projects was investigated. While the San Francisco project is currently on hold Rice Island is currently on the “short list” of potential borrow sites. There is a planned bid process for the Sea-Tac project in fall of 2003.

Rice Island sands. A survey of Rice Island was completed by the U.S. Army Corps of Engineers in November of 2001. There are currently 13.3 million cubic yards of material more than 5 feet above the low (MLLW) water mark. There are 11 million cubic yards located more than 10 feet above the low water mark (which would greatly minimize permitting requirements.) The quality of Rice Island sands is considered quite high as a fill material. (as evaluated by SFIA consultants).

Unloading Facilities needed. An estimate of the unloading facilities needed at Rice Island to market the sand include:

- Mooring dolphins (cluster of piles)
- A trestle to the ships
- Total cost is currently estimated at \$2-3 million

Regulatory Requirements. The following regulatory and permitting requirements would need to be met prior to marketing of Rice Island sands:

- License or Contract from the Oregon Division of State Lands, giving permission to utilize the sands.
- Clatsop County land use
- USCOE Section 10 permit and 404 Permit (for piles)
- DEQ Water Quality Certification
- ESA consultation
- Either removal permit from DSL or DOGAMI

Regulatory or Permitting Issues Identified during this process:

1. NOAA Fisheries: impacts from piles (predators for salmon?)
2. USFWS: New Zealand snail and other invasive species
3. Long-term versus short-term facilities: may play a role in making review or certification easier. Could do a short term permit (5 years) and do monitoring (adaptive management)

III. The Solutions Process

- The process begins with a problem or opportunity defined by the community – *The Lower Columbia Solutions Group has identified beneficial use of dredged material, including Rice Island dredged sand, as a high priority.*

- It is chaired by a community convener identified by the Governor – *Matt Van Ess was appointed by former Oregon Governor Kitzhaber to be the convener of the Rice Island project collaborative process.*
- It uses a collaborative process involving a team of federal, state, and local governments; business, and non-profits. . *Steve Greenwood has been contracted to be facilitator for the Rice Island Solutions process.*
- It works toward an integrated solution that leverages the resources of the team.
- It results in a signed declaration of cooperation.

The following “ground rules” for the collaborative process were adopted by the group:

1. We recognize that the best solution depends upon cooperation by all entities at the table.
2. We recognize that each party has a unique perspective and contribution to make, and legitimate interests that need to be taken into account in the solution.
3. We commit to openly expressing our ideas, potential contributions, and our concerns: no holding our cards close to the vest.
4. We are willing to creatively explore potential mutual benefits and solutions: not simply settling on the first apparent answer.
5. An important requisite to collaboration is participation, including attending, or sending a representative to, the group meetings (recognizing that not all members will be able to personally attend all meetings).

IV. Project Tasks and Responsibilities

- *Intergovernmental Agreement.* Overall project management will be conducted jointly by the Port of Astoria and the Port of Portland, under the terms of a separate intergovernmental agreement.

- *Project Management Group.* A Project Management Group for Rice Island will be established as a steering committee, and will meet periodically to provide policy guidance to the work effort. Decisions of the group will be made by consensus.

The Port of Astoria, The Port of Portland, and the Oregon Division of State Lands shall each designate one individual to serve on the project management group. Others may be asked to serve on the Project Management Group or to assist the PMG with specific tasks as needed.

- *License or Contract.* The Division of State Lands intends to issue a license or contract for the marketing of all or a portion of Rice Island sands, to facilitate the commercial and beneficial use of those sands and provide royalties to the State of Oregon. A first step in this process has been the drafting of a license agreement for review by prospective parties. Prior to any agreement, DSL will convene discussions between the Project Management Group and the Oregon Concrete and Aggregate Producers Association (OCAPA).
- *Planning and Preliminary Design Work.* The Project Management Group will complete a feasibility study for a sand load out facility, including conceptual design and permitting.
- *Regulatory Coordination.* The Columbia River Estuary Study Taskforce (CREST) will, through its contract with the Port of Astoria, ensure that all necessary regulatory permits are applied for and received. CREST agrees to convene as necessary an interagency group of local, state, and federal regulatory agencies that will include (but not be limited to: DSL, Clatsop County, U.S. Corps of Engineers, DEQ, NOAA Fisheries, U.S. Fish and Wildlife, and Oregon Department of Fish and Wildlife. This group agrees to coordinate to the extent possible the regulatory activities associated with the Rice Island project.
- *Public Involvement.* The Port of Astoria, with assistance from CREST, will lead and direct public and stakeholder participation in the project.
- *Market Analysis.* The Port of Portland will conduct, through a contractor, an assessment of the west coast market for Rice Island sands.
- *Funding.* It is the intent of the Project Management Group to find outside funding sources for market analysis, conceptual design, and permitting assistance. The

PMG will work with the Oregon Economic and Community Development Department, the Community Solutions Team, and others to identify and apply for funding.

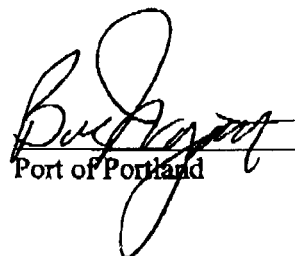
- *Near-shore sand deficits.* During the course of discussions, the issue of the Columbia's overall sediment budget came up, and a presentation was made by a representative from the Oregon Department of Geology and Mineral Industries (DOGAMI) on the effects of a declining amount of sand in the near-shore environment off the mouth of the Columbia. Although this issue is certainly larger than the Rice Island project, it raises a number of questions, including the potential for using Rice Island sands for near-shore deposition.
- *Governor's Community Solutions Office.* The Governor's Office can assist the project in a number of ways. The Governor and his staff have already provided letters, contacts, facilitation and other assistance. They will continue to assist the project by requesting state agencies to address issues presented by the project, and helping to assure that appropriate parties involved with other activities that may affect the Project are coordinated with the Project Team. The State of Oregon supports the marketing of Rice Island sands, and will continue to work closely with all parties to make this a reality.
- *Reporting back to Lower Columbia Solutions Group.* The Management Group will report back to the Lower Columbia Solutions Group on progress made on the tasks listed above. The reports will be made within 6 months and again within 12 months after the signing of this declaration.

V. Signatures to this Declaration of Cooperation.

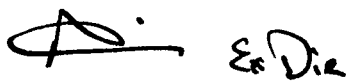
This Declaration of Cooperation, while not a binding legal contract, is evidence to and a statement of the good faith and commitment of the undersigned parties.



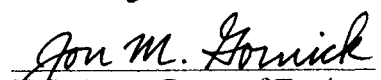
Matt Van Ess, C.R.E.S.T. (Convener)



Port of Portland



Port of Astoria



Jon M. Gornick
U.S. Army Corps of Engineers

Nancy K. Lee
U.S. Fish and Wildlife Service

Christina Warren
Community Solutions Team

Bob Affler
Columbia Riverkeeper

P. John Martus
Audubon Society

Stephen J. Pugh
Oregon Div. of State Lands

(signed)

Clatsop County