



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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SUPERFUND &  
EMERGENCY  
MANAGEMENT DIVISION

September 14<sup>th</sup>, 2023

Kate Wells  
National Marine Fisheries Service  
Oregon Washington Coast Office  
1201 NE Lloyd Boulevard, Suite 1100  
Portland, Oregon 97232-2182

Re: Programmatic Biological Opinion for the Portland Harbor Superfund Site and the In Situ Stabilization and Solidification Field Pilot Study.

Dear Ms. Wells;

The Environmental Protection Agency (EPA) developed a Programmatic Biological Assessment (BA) for remedial activities to be conducted at the Portland Harbor Superfund Site (Site) and requested formal consultation from National Marine Fisheries Service (NMFS) under Section 7 of Endangered Species Act (ESA) and consultation for adverse impacts to Essential Fish Habitat (EFH) as required under Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). It was intended that a programmatic biological opinion developed by NMFS based on this programmatic BA would be sufficient to provide a framework for programmatic consultations, as necessary, to streamline implementing and completing individual projects. Formal consultation was requested on August 20<sup>th</sup>, 2021 and NMFS initiated consultation on September 3<sup>rd</sup>, 2021. It has now been over two years since consultation was initiated, significantly exceeding the statutory requirement for Section 7 consultations.

The Site is located on a portion of the Lower Willamette River between approximately RM 1.9 and 11.8 in Portland, Oregon. The purpose of the proposed action is to reduce potential risks from contaminated sediments, surface water, groundwater, biota, and adjacent riverbanks at the site. Based on the potential impacts of the proposed action, EPA has concluded in the BA that the effects of the proposed action may adversely affect Pacific salmonid EFH as well as EFH for west coast groundfish and coastal pelagic species. However, long-term beneficial effects on EFH are also expected as a result of the proposed action based on the significant reduction and/or removal of sediment contamination from the Site.

As mentioned in the additional information provided to NMFS on March 2, 2023, a performing party, NW Natural, will be conducting an In Situ Stabilization and Solidification (ISS) Field Pilot Study at the Gasco Sediment Project Area within the Site under EPA oversight as part of the proposed action. This field pilot study is set to begin September 15<sup>th</sup>, 2023.

The Pilot consists of an in-water construction footprint of 1,750 square feet (0.04 acre) and is located approximately at river mile 6.4. The overall goal of this field pilot is to determine which means and methods optimize ISS implementation and performance in the field. In-water activities include Sediment ISS Treatment, ISS Post-Treatment Swell Management, Timber Dolphin Removal, and Temporary Ramp and Pier Installation. To minimize effects to juvenile salmonids, the Field Pilot all in-water work will be

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completed during the in-water construction window. The Field Pilot mobilization, construction, and demobilization is expected to take 6 to 8 weeks. A detailed description of the Field Pilot background and design can be found in the In Situ Stabilization and Solidification Field Pilot Study Work Plan prepared by NW Natural's Design Team (Anchor QEA, Severson Environmental Services, and Hahn and Associates).

In the absence of a Biological Opinion, all work will be done according to the BA and all additional information provided to NMFS throughout consultation. This includes best management practices (BMPs) and avoidance, minimization, and conservation measures for all relevant activities. As required by the Site Record of Decision, EPA has determined that by implementing the relevant BMPs and avoidance and minimization measures set forth in the BA and all additional information provided to NMFS this Field Pilot meets the substantive requirements of ESA and MSFCMA.

If you have questions about the planned project, please contact me at [young.hunter@epa.gov](mailto:young.hunter@epa.gov), or (503)-326-5020.

Sincerely,

A handwritten signature in cursive script that reads "Hunter Young".

Hunter Young  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 10 - Oregon Operations Office