

228.4(e) of the Ocean Dumping Regulations, which allow EPA to designate ocean disposal sites for dredged materials.

B. Regulated Entities

Entities potentially regulated by the proposed rule are persons, organizations, or government bodies

seeking to dispose of dredged material in ocean waters at the Mouth of the Columbia River ODMDS, under the MPRSA, 33 U.S.C. 1413, and its implementing regulations. This proposed rule is expected to be primarily of relevance to parties near the Mouth of the Columbia River

seeking permits from the Corps to transport dredged material for the purpose of disposal into ocean waters at the MCR ODMDS, as well as the Corps itself. Potentially regulated categories and entities who may seek to use the proposed new ODMDS and would be subject to this Rule may include:

Category	Examples of potentially regulated entities
Federal Government	U.S. Army Corps of Engineers Civil Works Projects, Other Federal Agencies.
Industry and General Public	Port Authorities, Marinas and Harbors, Shipyards and Marine Repair Facilities, Berth Owners.
State, local and tribal governments	Governments owning and/or responsible for ports, harbors, and /or berths, Government agencies requiring disposal of dredged material associated with public works projects.

This table lists the types of entities that could potentially be regulated should the proposed rule become a final rule. EPA notes that nothing in this proposed rule alters the jurisdiction or authority of EPA or the types of entities regulated under the MPRSA. Questions regarding the applicability of this proposed rule to a particular entity should be directed to the contact person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. EPA anticipates that the Corps will be the primary, if not the only, user of the proposed ODMDS which are the subject of this rule.

C. Evaluation of Alternatives To Propose as New ODMDSs Through Voluntary EIS Development

Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, (NEPA) requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities in designating ocean disposal sites under the MPRSA, EPA voluntarily prepared a joint EIS with the Corps. (See 63 FR 58045 (October 29, 1998), "Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act (NEPA) Documents.") The *Integrated Feasibility Report and Environmental Impact Statement for Columbia River Channel Improvements*, dated August 1999 (Final IFR/EIS, 1999), considered the environmental aspects of new ODMDS site designations and improvements to the Mouth of the Columbia River (MCR)

Project and the Columbia River navigation channel. The Final IFR/EIS (1999) resulted in selection of preferred alternative sites to propose for designation (see below). EPA also voluntarily joined with the Corps to prepare a Supplement to the Final IFR/EIS (SEIS) that was released in 2003. The SEIS addressed proposed changes in the Corp's Columbia River navigation channel improvements project, which could reduce the volume of material going to the ocean for that project, and describes ocean surveys conducted by the Corps and EPA since the Final IFR/EIS. These voluntary analyses have been beneficial in improving coordination with the Corps on related Columbia River navigation issues and in expanding public involvement on issues related to the siting and management of new ODMDS.

The federally authorized navigation projects for the Columbia River include maintenance of the MCR project (*Final Environmental Impact Statement, Navigation Channel Improvements, Columbia River at the Mouth, Oregon and Washington*, dated 1983), maintenance of the existing 40-foot navigation channel (*Final Dredged Material Management Plan and Supplemental Environmental Impact Statement*, dated 1998), and the potential construction and maintenance of the proposed navigation channel improvements as described in the Final IFR/EIS (1999). The navigation channel improvements project has been authorized and funded by the Congress.

The voluntary NEPA process followed by the EPA generally conformed to the guidelines developed by a joint task force of EPA and Corps personnel, the *General Approach to Designation Studies for Ocean Dredged Material Disposal Sites* (1984). A hierarchical framework that initially established the

broadest economically and operationally feasible area of consideration for site location was utilized. A step-by-step sequence of activities was then conducted to screen possible sites. Evaluation of alternative sites (candidate sites) was based on factors such as the sensitivity and value of critical resources or uses at risk, and potential for unreasonable adverse impact presented by the dredged material to be disposed. The site-designation criteria, 40 CFR 228.5 and 228.6, were applied to the information assembled in this process, and sites were selected for consideration as preferred alternatives.

The process was structured into three major phases. Phase I included the delineation of the general area under consideration for locating a site and the identification and collection of the necessary information on critical resources, uses and physical and environmental parameters for the areas under consideration. After considering a reasonable distance of haul (the physical distance from the point an operating dredge picks up a load of material to the point where the material is disposed), a preliminary analysis, based on available data, was applied to identify and map areas of critical resources as well as areas of incompatibility for use as a disposal site. Such critical areas and resources included clustered areas of geographically limited habitats, fisheries and shellfisheries, navigation lanes, beaches, and marine sanctuaries. Phase II involved the elimination of sensitive and incompatible areas, the determination of additional data needs, and identification of candidate sites within the area based on the information collected and processed in Phase I. In Phase III the candidate sites were evaluated and sites were selected