

DEQ Public Hearing

"PO Bar"

4/12/2011

Transcribed by Sharon Chalem

Nina DeConcini - ...names, and I'd like you to sort of come up and be on deck, if you will. And so the first person will sit in this chair, and you can use the microphone so everyone can hear and be heard. And then we'll record your comments. And then as you're nearing that twenty second to three minute threshold, I'm going to stand, so as not to interrupt you, but to give you an indication that you're almost to your time. So if you would please honor that so that everybody who has decided they'd like to speak can do so, I'd appreciate it. Remember that any type of comment is considered equally, so if you choose not to speak, which you can decide to do, anything you'd like to submit us in writing can be done by five o'clock on Monday, April 18th, which is the close of public comment. So does anyone have any questions about how we're going to structure the public hearing portion of the evening?

Okay, great. So if I may, I would like to call - and I'm just going to do this in the order that we've received the comments. For the record, I'm Nina DeConcini. I'm the presiding officer the beneficial use determination of reconsideration for placement of dredge sediments at West Hayden Island. And I am opening the hearing at approximately 7:30 pm on Tuesday, April 12th, 2011. So if I could have Sebastian Degens, Glenn Vanselow - is that right? - and Laurie Wall get ready, and then I will go ahead and begin timing. So can you can kind of move this up a little... if you'd use the microphone, Sebastian, that'd be great.

Sebastian Degens - Good evening. Thank you. I'm Sebastian Degens. I manage planning and development for the Marine Division at the Port. In that capacity, I've worked there for 25 years on harbor improvement projects and dredging projects. We've heard a little bit about the Port's role already. I want to talk as a local sponsor. We're required to provide upland placement sites for the dredge material. It has to go upland at every channel in the nation, and it has local port sponsorship requirements. And most of these channels, in particular every river port has upland placement sites. And we meet this need in a number of different sites up and down the Columbia River.

Placement's been happening since 1907, as far as I can tell, at West Hayden Island. And since adoption of the Clean Water Act in 1972, it's been aggressively regulated. And I mentioned before, in a 2003 channel deepening project, the West Hayden Island site went through an EIS process for the placement of dredge materials there. As part of that channel improvement project, the dikes were raised, and the spillway I believe that you were talking about - one of the gentlemen before - was constructed to make sure that dredge material and return water didn't enter the waterway through erosion, or as suspended sediment in the return water.

I mentioned at the public hearing, it's not a secret that the Port hopes and plans to develop a portion of the island for marine uses. We acquired the land from PGE in 1994. PGE had already had a permit for doing just about the same thing on that site. It's been brought into the Urban Growth Boundary through - by PGE for those purposes. Metro designated it as a regionally significant industrial site, and the - some of the - it's counted in the region's base for employment. Really, we wouldn't do anything on that property that would compromise those opportunities in the future. Still, it's going to be the City Council's decision on annexation. This dredge - this is a dredge materials site, and it has been used as such, even without - if we weren't in the annexation program, we would have - you know, our request for dredge placement would be pretty much the same five or ten years ago as it is today.

Really, I think it's not always possible to go in-water, meeting those ongoing navigation needs, so the harbor is going to require routine and regular maintenance dredging, and that's - to sum up, we have a continuing need for upland placement. Post Office Bar material can be placed there without harm to human health throughout the environment, and we believe DEQ properly issued the BUD, and we respectfully request you reissue the Beneficial Use Determination. Thank you.

ND - Okay, Glenn.

Glenn Vanselow - My name's Glenn Vanselow. I'm with the Pacific Northwest Waterways Association. We represent a large number of the 40,000 people whose jobs are dependent upon the movement of cargo in and out of this river system. On an annual basis, 25 million tons of cargo is moved either in foreign trade or domestic trade in the Portland harbor. About 17 million tons of that is foreign. Of that, about seven million tons is exported wheat out of Portland. And there are about two-and-a-half million tons of domestically produced petroleum products that move into the upper area of the Willamette, above the dredge site. Our members are the folks whose livelihoods depend upon this cargo's ability to move. It's the wheat growers in Eastern Oregon, Eastern Washington and Idaho that grow the grain. It's the tow boat companies, the captains and deck hands that move that grain down to these export grain facilities; the public ports, including the Port of Portland on the river system, both inland navigation upriver, and the deep draft ports on the Columbia River that handle the cargo; the long-shore labor that loads the vessels; pilots that guide the vessels in and out of the river system; and the steamship owners that - and steamship operators that are moving that cargo into the international marketplace.

All of those types of individuals, all of those jobs, all of those livelihoods, are dependent upon the ability to move cargo above Post Office Bar. Two of the three grain elevators in the harbor are above the dredge site. One of the three auto import terminals is above the dredge site. and all of the petroleum terminals that move - that actually bring in gasoline, diesel fuel, jet fuel for the airport, and home heating oil are all above this dredge site. The dredging needs to occur to maintain safe navigation to keep this cargo moving in and out of the river system. And for the dredging to occur, we need a dredge deposit site. And it's our understanding that this is the only one available. We urge that this site be adopted and accepted. Thank you.

ND - Thank you. So Laurie Wall is next, and if I could have the following three people who care to succeed her: Dave Red Thunder, Walt Evans, and Teresa Michelsen. Thank you.

Laurie Wall - Good evening. My name is Laurie Wall. I'm representing Inland Sea Maritime Group. They own the property at 3255 N Hayden Island Drive. We support the need to maintain safe river navigation in a sensible manner that does not slow shipping. The fill placement at this proposed site needs to be reasonable and efficient. It seems that the proposed fill is cleaner than the island it is to be placed on.

Finally, while we understand the proposed fill is not interdependent with any annexation of West Hayden Island, we want to help bring commerce and a terminal to Hayden Island. Thank you.

ND - Dave?

Dave Red Thunder - Hi, I'm David Red Thunder. I moved here two-and-a-half years ago because of my condition. I'm disabled. I fell from a building. But I've been going up and down this island just because of all the wildlife that I've been tracking back there. And I guess what I'm here to say is that

we try to fight cancers that are inside of ourselves. We're fighting the cancer. And I believe in Mother Nature as an organism, and we are the cancer that she's fighting, It's like now we've drilled so much blood, it's like oil from herself, and we find it, and now it's laying here, and we want to go dump it someplace, and we're saying this is the only place. And it's like, these bald eagles are nesting here for a reason, because I just made my nest here, and it's like, I - I have some material here that she said her husband got zinc on his teeth, and they scrape it off, and it's like, I think the zinc is sitting all in front of - by the gazebo, but I mean I'm just David Red Thunder, and so...

Anyways, it's - I can hear the shipping coming in. I mean, yes, we need big business, but where's - I mean I watch those deer every morning, and we force them right into this corner, and that's - they don't have to go out of bounds, and I mean things will swim across and kill them? I mean, once in awhile, one of those bird hunters will shoot 'em with their slugs, and I've seen that happen. But I can say I'm here to speak for the animals. And it's like - 'cause our tongue will work here. I don't think we're going to get an answer here. I think we're just going to be balanced here, or try to be balanced, and we don't feel that we're going to be. So thank you for my few minutes, and good night.

ND - Thank you. Walt Evans?

Walt Evans - Thank you. Thank you for the opportunity to testify. I'm Walt Evans. I'm a lawyer with Schwabe, Williamson and Wyatt. I'm testifying tonight on behalf of the Pacific Northwest International Trade Association. I support approving this site because the maintenance dredging that is done, the disposing on West Hayden Island site, is important if we're going to keep Portland a competitive city in the international trade arena. You need maintenance dredging, you need disposal sites. I'm reminded of what Mayor Sam Adams said in the notice to constituents about week and a half ago, "Our Portland economy is tied to global markets." I agree wholeheartedly.

I support taking adequate measures to minimize the health risks to ameliorate for any that are found to be substantial. The elements of international trade competitiveness for our region, we can't do anything about international trade policies. We can't do anything about international tax policies. But we can act to make the transportation of local goods as inexpensive as we can. It makes our products more competitive overseas. Dredging the Post Office Bar, moving the dredge materials onto the site at West Hayden Island, are one element in keeping our community competitive. Jobs that are tied to trade pay more than other jobs, too. There are opportunities that we need to maximize, and being able to safely use that Willamette channel, allowing the Port of Portland to maximize its strength as an export port are important. And it may not seem that dredging one site might be an important element of that, but in fact it is.

I will submit written testimony, but I think most of tonight should be for local West Hayden Island residents. I'm going to stop now.

ND - Teresa, you could come up next, and if I could have the following people prepare: Carolee Collen - Carolee Collen, Carolyn Trusty, and Herman Kachold, please.

Teresa Michelsen - Good evening. My name is Teresa Michelsen, and I'm an independent environmental scientist. For the last twenty years, I've worked on the development and implementation of sediment and dredging, and clean air programs in the Pacific Northwest. Over the years, I've worked for most of the agencies, in often making decisions, including the Oregon DEQ, EPA, the Corps of Engineers, and Washington State Department of Ecology. I've been involved in developing many of the risk standards and frameworks used to make decisions about dredge material, including fresh water

toxicity and bioaccumulation based standards.

Based on my experience with sediment risk based standards, the Port asked me to come and speak to you about the health risks in these sediments. It's a little difficult to do that. As Tom said, the concentrations are really low, and there really aren't many risks to talk about. But I wanted to go through a little bit about the sediments for you today.

I'm sorry...I haven't had much sleep lately. First, these sediments are not an environmental problem in their current in-water location. The only reason they need to be removed is for safety and navigational reasons. They are non-toxic to organisms that will live in sediments. Second, these sediments have concentrations of chemicals low enough that they will not be a threat to human health once placed on West Hayden Island.

As Tom spoke about, the risks from these sediments are less than one in a million, which the agencies consider acceptable. In comparison, the risk of developing cancer from other causes during a person's lifetime is one in two from men, and one in three for women. So these are really very small risks, compared to what you would normally experience. The risks from actual site uses are much lower than the risk scenarios used for the calculations, since there is very little access to the site, and the sediments do not migrate out of the site.

In addition, these sediments do pass all residential standards, except for a few compounds derived from hydrocarbons. It should be noted that most soils near roads, bridges, railroads, and airports would have equal or higher concentrations of these petroleum derived compounds. These chemicals are unfortunately typical in an urban environment, due to atmospheric sources, such as exhaust. There are a few chemicals, such as DDTs in these sediments due to localized historic industries in the area. However, the concentrations of these chemicals have been declining over time, and they are no longer considered to be high enough to cause risks in cleaner sediments, such as those at Post Office Bar.

Based on my review of these data, the sediments at Post Office Bar are almost certainly cleaner than most of the urban soils on the island, as well as the sediments for low levels of metals, such as have already been placed at the facility. And therefore, they represent a decrease, not an increase in concentrations on the island.

What all of this means, is that even if you disagree with the Port's proposed use of this site, and hope to an alternative use for West Hayden Island, such as wildlife or recreation, the sediments being placed from Post Office Bar would support these uses. They would not have to be removed or managed differently if one of these alternative land uses is ultimately selected by the city. Thank you. Sorry.

ND - That's okay, that's alright. Thank you, Teresa. Carolee? You're welcome.

Carolee Collen - Okay. To keep this brief - and I know everyone can hear me, because I was always chosen to be in the school plays. I'm really tearing this down. Three minutes is not very long. My name is Carolee Collen. I live on River Drive in the mobile home community. We absolutely love our island, and frankly, if we had any desire to leave, we couldn't, because those structures are not meant to be moved. They're old. And there really is no - isn't much alternative. Things are not selling now, and certainly no one would move here in their right mind, with all this going on, the bridge, the traffic, and all that. Airplanes, all the commercial activity. We're not anti-jobs, and I really dislike when people try to put that twist on it. This isn't us against them. And I feel like we're not being listened to. My own personal hate is for the trains, because they're the loudest of all the noises.

Anyway, this is why I need to stick to my notes. The toxics in the dredge do not pose a health risk. I don't understand why so many people could be satisfied with an unbiased study. That is just so key. We've been asking for that from the beginning. It doesn't have to be majorly expensive. It almost feels like you just want to - and by the way, thank you for letting us speak, and having this process. But that's very frustrating.

Let's see: earthquakes, toxic migration materials, floodings; these are all risks that I feel like shouldn't be ours. I'm back here, and I just knew that coming from a home situation, buying a mobile home that looked like something that was very affordable in our company. And I and Dan didn't know a darn thing about it, certainly not the seller, and certainly not the sales agent, didn't mention anything, and I thought I was doing good research.

Please don't approve this permit. Do something about the toxic waste that's already there. At least cap it. We need dredging sites, we need deposit sites. Someone said this is the only one that's approved. Well, approve another one. Find another one that's not going to impact people that are living right there. This is wrong. Is my time up?

ND - Yes.

CC - One last thing. If there's any question about toxicity, why would you ever consider putting it near people, let alone unique wildlife? Thank you. I just don't get it.

ND - Karen.

Karen Trusty - I'm going to try to speak from my heart. I didn't prepare anything, but -

ND - That's fine.

Karen Trusty - I live on the island, at Jantzen Beach moorage, and it's one of the most lovely places I've ever lived. And my understanding about the west end of Hayden Island is that it's one of the last remaining places for migrating birds, water fowl. I was on the river, and I watched osprey, you know, chasing another bird. I mean, it's just a beautiful place to live. And when I think about having this - a site there to dump Superfund stuff, it freaks me out. And I - you know, not all is known about these toxicities. I mean, I'm going to take these sheets, take them to people I trust that know this stuff and then I'll write another letter.

But you know, I think it's really important that we make a decision here that's for the future of Portland. And I don't think it's against - I'm not against shipping, or jobs, or anything. There are other sites. I challenge the Port to find another site, to find a landfill, to find someplace that is away from this. It may cost a little bit more, you get the stuff there. But it should not be here, it really should not be here. And I - you know, I don't understand why, when you make these kind of things, you have all these lists, and there - you know, there's mercury on there, there's lead on there, there's a lot of stuff that is dangerous stuff. And it may show that today, but it accumulates. Mercury stays around forever. And this stuff, it's very important. And I just really pray, actually, that the right decision is made for the habitat, for the people.

And you know, years ago when Forest Park was designated as a site, that was a brave thing and it was against all this interest. And it's one of the best things that is about Portland. And we can have another

site like that, that is for the remaining migratory birds, for them to go safely, and not worry about how much zinc they ingest. I don't think they worry about it, but we worry about it. So anyway, thank you very much.

ND - Thank you, Karen. Herman's next, and if I could have the following people prepare: Maia Godet, Stewart Avina, and Pamela Ferguson.

Herman Kachold - Thank you. Herman Kachold's my name. I'm a resident, with my wife Carolyn, Hayden Island manufactured home community. Our intent was to move to the island to kind of retire, and planned on doing that here this year. But now we're getting so involved with West Hayden Island, the CRC project, and so many other things here, that it will probably prolong our life, the activity that we're [laugh] we've come to enjoy here.

I've been hammering on this. My thing is to - West Hayden Island should be set up pretty much like Government Island is right now. I'm just going to read this into the record. West Hayden Island has enough going on with the sewage treatment facility, the high tension power lines in towers, the dredge dumping containment area, that it's time to reclaim West Hayden Island and do the same thing that the Port of Portland is doing with Government Island.

Most of Government Island is owned by the Port. The Port acquired the entire island in 1969, along with adjacent islands. And in order to expand nearby Portland Airport. Those plans have been abandoned. The Port continues to control the land to prevent any uses incompatible with this location, under the airport's primary flight path. In '99, the Port sold 224 acres of the island to Metro, and leased the remainder to the Oregon Parks and Recreation Department for 99 years.

With the need to protect the wildlife habitat, the need to protect the airspace above the flight path to the airport, it just seems like the right thing to do. It seems to me that the Port has the ability and experience to manage West Hayden Island as an urban wildlife habitat in the same way it manages Government Island. Leasing West Hayden Island to Oregon Parks and Recreation Department would be the best idea.

Do not approve this permit, and make the Port take the soil out that's already there, or put a protective cap over it to protect us and our community. Our health and livability depend on it. Thank you.

ND - Thank you. Am I pronouncing it right? Is it Maia?

Maia Godet - It's Maia ('May-a')

ND - Oh Maia. Sorry, my apologies.

Maia Godet - That's okay, everybody does that. My name is Maia Godet. I am a resident and owner of a floating home on Jantzen Beach moorage. When I moved there a year ago, I never even fantasized that the island that the island would be contaminated by anything at all. I understood that West Hayden Island had been a place that people have revered for a long time, along the same lines as Forest Park. I thought the end of West Hayden Island would be a refuge. I'm a birder, a kayaker, and it's very important to me that we rethink this decision, and use good science. And I'm also not a person that is against jobs. I'm not a person that is against shipping, or international - international commerce. But I do know that this is a very small piece of heaven that is being threatened.

I would like to work with whomever is opposing this decision. I'm legally trained, and I will use my skills to help that end. That's all I'd like to say.

ND - Thank you. Stewart?

Stewart Avina - I am a resident of this island. They say that no water will return the river, but water can find its way back through the sand and dirt. They say it won't go into our groundwater, but since the sludge is toxic, we don't want this in our groundwater. This is essentially moving pollution from the water, and depositing on a residential island. There will obviously be toxic effects in the air that we breathe. The impact would be worse from people and animals that live on the island. And when they say there might an adverse impact, that just means there will be an adverse impact, especially in the long term exposure of you know, of the people, the residential community of Hayden Island. And even it does not kill us, it may make us very sick.

Our current Mayor, Samuel Adams, says he wants to convert some 300 acres of Hayden Island into marine terminals for imports of cars and trucks, which also contribute to pollution, and exports of coal and potash. And then Mayor Adams has the audacity to say I think there is a real potential for both the world class habitat, and a park facility. And I don't find those two things are compatible.

Hayden Island is an irreplaceable sanctuary for threatened wild salmon, and steelhead, and 81 species of birds, many of which are in decline and are now under threat by the Department of Environmental Quality, who should know better. Not to mention that the deer - there are deer that are recently showed up, and it just goes on. My understanding is the Audubon Society will sue the City of Portland, so we do need to be more active in stopping this. Thank you.

ND - You're welcome. So Pam, you're next, and if I could have the following people: Tom Dana, Bob Sallinger, and Marilyn Weber, please.

Pamela Ferguson - My name is Pam Ferguson. I live here on Hayden Island, a resident of the manufactured home community. And thank you very much for having us tonight, and engaging the community in this important issue. We appreciate your time.

I'm very proud of the voices, and the talents, and the passion of our community. Thank you for everyone who came up tonight to give their - to talk about their concerns and their issues. And I want to be - start out with a statement that says we are not - we are not, the manufactured home community in particular, are not against maintenance dredging, we're not against jobs, we're not against safe navigation. Those are all important things to us. We live on the river, we appreciate all those things that we need to go for a safe marine habitat.

I want to tell you a little bit about the manufactured home community for the record. We're 440 homes, mixed community, sixty percent seniors, many with disabilities. We're an environmental justice community, many people of color, mixed - fixed incomes, low income, and many who have lived on this island for 25, 30, 35 years.

I wanted to talk a little bit about the fact that I think DEQ needs to do a better job analyzing the potential impacts on our community, on our lives, and our health. We understand that you believe that the toxics in the dredge do not pose a significant health risk to our community, but there is still some risk. And you - we need to make sure that you tell us that we are the ones that have to bear that risk. That's wrong, unfair, and unjust.

The studies about flooding, or earthquakes, or toxic migration are based on a lot of assumptions, each with its own level of risk. Why should our community be forced to bear these risks? Why isn't DEQ analyzing other disposal sites, other alternatives? I've heard the number 27, 27 other alternative sites that have not been approved for dredge, but boy, wouldn't it be nice if there was one or two that could? Why aren't other communities asked to shoulder these risks? Is it because we're an older community? Is it because we're a lower income community? Is it because we are perceived to be a community with less power? If that is, that's wrong, unfair, and unjust.

DEQ is not respecting the local planning process. No matter how safe you feel the soil is, you cannot permit the dumping based on the beneficial use as a foundation for a future marine terminal. Don't we have the right to participate in the local process that is planning for the future of our community? Think about the message that sends - this sends to our community, who are tirelessly advocating at the local city planning process. It says that you don't care about us, that you believe in business and commerce more than people and health. That's everything we're doing. That's everything we've been doing and fighting for means nothing. Once again, that's wrong, unfair, and unjust.

Let me see...I'll close with, please do not approve this permit, and make the Port take the soil out that's already there, or put a protective cap over it to protect us and our community. Thank you.

ND - Tom?

Tom Dana - Hi, I'm Tom Dana, and I live in the manufactured home community. And I'd like to reiterate about what a couple of people have said, that nobody in this meeting has said anything against commerce, against dredging, and the need for that. There are two parts of it; one's the dredging, one's the dumping. And it angers me when people take the view that we're against commerce, because we don't want a dump on West Hayden Island. We're not against the dredging,

There's a lot of confusing things to me. We heard - I don't know where she is, the lady, the environmental lady that the Port hired to come up here - said it wasn't toxic where it lays on the river bottom now. Why can't they just dump it on Ross Island? They need a million cubic yards there. If it's not toxic, they can dump it there.

There's also another thing that confuses me. If it's not toxic, they could have just dumped it without a beneficial use determination. It's got to be toxic, I think, to have a beneficial use determination. I mean, they have to - what a beneficial use is, is a justification for dumping toxic stuff, because it's got to be capped. That's the what the beneficial use says. Because it'll be capped, we can therefore dump toxic stuff. And so it's got to be toxic to be dumped there, or they wouldn't have had to go for the beneficial use determination. That's why I say just dump it if it's clean. So, that's all I have to say. Thanks.

ND - Thank you. Okay, Bob. and then Marilyn Weber. That's fine.

Marilyn Weber - Hi, I'm Marilyn Weber, and I also live in the manufactured home community. I've lived there two and a half years. I moved from Scottsdale, Arizona, where they just love to put concrete over everything, And when I moved here, I was so pleased to find simple housing that I could afford. And if you haven't visited our community or driven through it, it's very beautiful. Trees, grass, everyone gardens. It's lovely. And then our neighbors at the floating homes have beautiful homes on the river, and many of them have invested their life savings, and they don't want to have to give them up. We're dealing with airplanes, I don't mind them. The train, I love the train, Carolee. We have lots of

cars. We have a bridge that's going to come, and that's going to bring amazing destruction to our island.

I have spent this entire winter being sick about two weeks out of every month. I don't know why. I've been a very healthy person my whole life. I really have concerns for the people in our community who come to our Loaves and Fishes, that have lived on island 37 years, one lady 38, many of them over 20 years. They're all in their seventies and eighties. I have concerns for their health. I love those people.

I'm also not against jobs. I'm trying to find one right now. I wish I was a sailor, really. But hopefully, we can come to a conclusion that will help everyone And perhaps Ross Island is a solution, you know. We appreciate the Port has a job to do. You know, I want the Willamette River to be taken care of. My daughter swims the triathlon in it every year. It scares the crap out of me. Pardon me. But anyway, I think we have enough ports over there. Let's keep developing the Willamette River, because it's already, you know, it's already full of everything. And let's keep West Hayden Island wild. Thank you.

ND - Thank you, Marilyn. So Bob, and then if I could have Jon Ostar, Paul Amos, and Bob Bernstein next. Sorry I mixed you guys up.

Bob Sallinger - ...not here to testify about Ross Island tonight, but not a good alternate. My name is Bob Sallinger. I'm the Conservation Director for the Audubon Society of Portland. And I'm going to reiterate what's already been said about jobs. None of us are against jobs. And what I'm against is corporate greed. And we're not saying don't do it; we're saying do it right, even if that costs you a little bit more. And as father, two little kids, raising a family of four, with a wife who's looking for work, on a conservationists salary, I have to say I'm really tired of coming to meetings like this and hearing from \$400 dollar an hour corporate lawyers, and \$200 an hour consultants, who represent industries that don't even have the courage to come here and face the community themselves, and be lectured about jobs. Show up and represent yourselves.

So as far as the issues go, the beneficial use determination cannot be justified. The beneficial use requires the use - to be reasonably certain to occur, and not speculative. This is speculative. There's no reason to believe this will necessarily occur. This city's on record, saying that. And the common sense definition of the word indicates this is by all means speculative. And when we talk to DEQ about it. we're told that - they're talking about the farmer with his tires in his yard. Frankly, I don't see a difference.

We know that this is not protective of birds and wildlife. The values are two and three times higher for a variety of different contaminants. And furthermore. we're creating an attractive nuisance, because although the EA specifies that this won't be put in wetlands, in fact, they're creating wetland areas. It's full of water, and because it's full of water, it's full of birds. We were told in the environmental assessment that in fact - this is a quote, few wildlife species would occur, and those that do that are generally the low population levels. Dredge materials are not to be placed in wetland areas, or woodland areas. We told them they were wrong. The city's now proven that they're wrong. They've gone out there and have done monitoring. In fact there are sensitive species there, and it's heavily used by wildlife populations. We were told that the nearest bald eagle nest is two miles away. It's actually a couple hundred yards away. You can go back and look at that, and it look it up, all in the Golden Eagle Protection Act issues.

We were told that this would be covered within four years. I'm not sure how that's protective of wildlife populations that only live four or five years. But even assuming that it is, we're told tonight that in fact, the thinking that it was going to be covered by the Post Office Bar material is - turns out not to be

accurate. So maybe it's not going to be covered, or it will be covered with something else. Maybe they can find other contaminated materials to cover it with. DEQ forgot to check in on EJ issues, so now we're here doing it after the fact. When we brought up groundwater issues at the first hearing, they didn't have an answer for that, either. They had to go back and re-check those issues.

There are so many things that the agencies haven't been able to answer. And I think the reason there's so little confidence in this process, and that it's protective of the community or the environment is the fact that over and over again, the agencies have been scrambling to go back and find post-op rationalizations for decisions that were already made.

And I guess I would end by saying if this is how your beneficial use process works, then maybe you need to go back and look at the beneficial use policy. The problem isn't all the people in this room; the problem isn't the anti-job sentiment. The problem is the fact that this policy isn't working, isn't instilling confidence, isn't protecting our community, and isn't protecting our wildlife. Thank you.

ND - Okay, Jon.

Jon Ostar - My name is Jonathan Ostar, and I am a lawyer. I represent the - I'm the free kind of lawyer, so hopefully Bob is okay with me showing up here. I represent the Hayden Island Livability Project. I represent the Homeowner's Association of the manufactured home community on Hayden Island. I represent Audubon Society. I'm also the Vice Chair of the Statewide Environmental Justice Task Force. And through that process, I've been working - our task force has been working with DEQ for at least going on four years now to incorporate issues of environmental justice into their decision making process.

And I will say that DEQ as an agency is doing a commendable job in terms of being a leader on environmental justice, particularly when it comes to training. They're taking significant intentional steps to make sure that their managers and their staff get trained on issues of environmental justice. It's a slow process. I think where we're at right now, and this is really for DEQ's staff, primarily is that ORS-182-545 is a law that requires DEQ to incorporate environmental justice into their decision making, that's substantive, that's not just procedural.

So tonight we're having a public hearing, which is a great process. And we're creating opportunities for members of the public to come and voice their concerns. And so we're getting it right on the procedural front. The two questions are, how meaningful is this going to be? How is DEQ going to go back and incorporate what they're hearing tonight into their decision making process, and what is their analysis going to be? How are they going to analyze environmental justice impacts in the context of this permit decision?

You've heard from the community tonight about risk; you've heard from the community tonight about wildlife; we've heard about unacceptable assumptions for potential impacts, or incomplete studies; and you've heard a call for both independent testing, and also, a full analysis of alternative sites. And I think it's incumbent upon the agency to go back. It's not the Port's duty to say that there is or there isn't this site or that site; it's DEQ's job. And it might not say in the beneficial rule itself, but the law requires DEQ to do it, nonetheless.

And you know, I was with former Senator Gordley when we were drafting and advocating for the passage of Senate Bill 420, back in 2007, that created this task force, that created this law that requires DEQ to do this analysis. The intent was always to make sure that the agencies are digging in and doing

a correct analysis to ensure that they could avoid risk, they could avoid impacts where possible. I think that's what you're hearing from the community tonight, is show us that you're going to come back, and that you're going to have heard the community, and that you're actually going to analyze the degree to which we can avoid these impacts. No matter how slight the risks are, they're still risks that this community is being asked to bear, while the benefits of this dredging, this disposal, are being enjoyed by many other folks, particularly the \$400 lawyers in the room, alright? So that's the injustice we're looking to rectify here through this process, and we appreciate DEQ's attention to that issue. Thank you.

ND - Thank you. So, Paul, and Bob Bernstein.

Paul Amos - Good evening. My name's Paul Amos. I'm the President of Columbia River Pilots. And I appreciate the comments that I've heard tonight that people aren't opposed to safe navigation, jobs, and commerce. That's good, and I heard the same sentiments the last meeting. But I don't want us to lose sight of one of the primary needs for this is safe navigation. And that's what I'm most concerned with, is safe navigation. We've been dealing with this issue for a number of years. It's been a long, long process, we're near to getting this done, and we need to get it done.

The ship channel there is about 600 feet wide. Right now, it's down to about 450 feet wide. The ships, when they come around that corner basin and turn, do not want to turn. And I know you see us going by there, making our turn, but they don't want to turn. Effectively, we're cramming against the shoal trying to force that ship ahead, while the shoal forces us out. We're - we go from 75 feet beam to 300 feet beam now right around that corner. At the same time, we have to meet other inbound ships, or other inbound tugs and barge totes. It's getting to be a real risky turn for us there. We've been trying to get this accomplished for a long, long time.

We have to keep in mind that there's over a thousand ship movements per year passing through this area. Every one of the tank barges and tank ships that come up with the gasoline, and diesel and petroleum projects go through the area. We're getting to the point where we're going to have to take some other kind of action to restrict the movements and navigating that area. And it's getting to be real dicey for us. So we need to get this thing done. This site has been approved, and I would like to speak in support of maintaining this site. This is maintenance dredging; it's not a new project. It's not deepening, it's just keeping safe navigation in place for here on this river. So I'd like to see these approved.

This is out of my element, but from my experience on the river - and I've been on the river since 1974 - and it takes years, and years, and years to get other sites of approved. This one's approved, it's in the hopper, it's ready to go, and I'd like to see us take advantage of that. Thank you.

ND - Okay, so Bob's next, and then if I could have Donna Murphy, and Barbara Nelson come up for public comment.

Bob Bernstein - Hi, I'm Bob Bernstein. I've never made a buck out of Hayden Island, or the birds that I look at. I've only made it to middle class two years out of my life. My family's always been pro-union, my uncle Joe lost his fiance in the Triangle Fire in New York. And I'm tired of hearing this crap about jobs, jobs, jobs. If you think that people won't find a way to make a buck without doing this, then you're a fool. Okay.

If there's no other sites, why is that so? Why are there no other sites? If there could have - if this was

man from heaven, there'd be other sites. Why the heck aren't there more other sites? What's wrong with this stuff, that they come to this community, where they think maybe they can roll over the people here. Why aren't there other sites?
It boggles the mind.

I go to the dentist, and there's amalgam sitting on the shelf over there. And that may have a beneficial use somewhere. But it's not going in my mouth until we find a cavity, until there's a need for it. This is speculative use. When people talk about you can find similar levels of contaminants on the other side of the river, my understanding is there is no adequate baseline data that goes back maybe more than 50 years, prior to contaminants being put into the river. So they can say it's the same as it is over there. That doesn't mean it's good. There's precious little information about what happens when you start mixing zinc with chromium, with DDT, with this, with that. There's no real solid foundation for saying this stuff is safe. You know, I drop one piece of something into a glass of water, it doesn't look turbid yet, right? You keep adding little bits of things, all of a sudden, it's turbid, And I understand that it needs to be dredged. I have a friend who's a river pilot you know, so I'm not against the dredging. But it needs to be deposited someplace safe. I don't feel that we have the information to even do it safely, maybe.

In terms of having a berm around it and burying it. you know, we're coming to understand that there are limits to human comprehension. You see it in Chernobyl, you see it in Japan now, you see it, you know, in the BP disaster. We look at these bell curves, and we say, welllll.... it probably won't happen, it's a real thin area on the curve. But now there's books about this. And those little ends are called fat tails. They tend to kick your ass when they happen. And I'm not apologetic for that word.

So, what else? You know, I had a math teacher back you know, when I was a kid. All of it's place - you know, all over this, I keep seeing "it's common practice, it's common practice." Everywhere, it's common prac- my math teacher would have kicked me out of class for that sort of logic. I'm done.

ND - Donna.

Donna Murphy - Good evening. My name's Donna Murphy. I live on Hayden Island in the mobile home park. And I wasn't going to speak tonight, but you guys went there, so now I'm going to speak. As far - I just have to address this. As far as the world economy's go - as far as the Asian economy's go, Portland thinks it's a grown up, international shipping site. It's chump change compared to Los Angeles, San Francisco, Seattle, you name it. Who is going to come 90 miles in, on a river, to maybe ship out some weight to the Asian countries. It isn't a growing market, it will never be. I just can't - I can't understand how everybody thinks that way. Do a little research.

What you're doing is not fair to our community. We're on full saturation. Just because the Port owns the property, doesn't mean they get to destroy it. And it doesn't mean that you can destroy nature, it doesn't mean that you can take people and roll over 'em, and be done with it. Figure it out, find another site. And if it's - if it's - somebody's going to say no. Everybody will say no, but there's got to be a different place to put this. California put down LNG. We can put down this dredge site. And if California can do it, LNG, we're the back door for LNG. And I don't want to be the back door. I don't want to be the back door for anything. And I say what you're doing is wrong. It's unjust and unfair. Thank you. [clapping in audience.]

ND - So, Barbara. And then I'll just check in to see if there's anyone else that would like to speak on the record this evening. Here you go.

Barbara Nelson - I'm a 20-year resident of the island who wasn't going to say anything tonight. I'm more active in the I-5 Bridge, and the new developments, and how we can get good access and all this, and watching Hayden Island, the west end. But I come up here tonight, and I'm very discouraged. It sounds like we're being rolled over, they will be using it. We took the tour last year and saw how much fill has already been put in. We're the only site available. And I suppose in five years or so, we'll be the only site available for new development, because it's ready, and it's been filled.

But I guess my sideline hope - and in some ways it's a scare - my husband recently had a stroke. He's been a healthy person. One of the things they're finding that causes strokes is zinc, and they don't know how much of a little bit it causes. But they're eliminating zinc out of denture cream now. Maybe in five years, they're going to know how bad this stuff is, and going to have it cover it up, and we'll get it as a nature preserve. But what's happening right now?

One of the other things is, out here between Babies 'R Us, and the Sports Authority, if you look up, there is a nest on a pole. The osprey have new babies this year. They're feeding 'em. They'll be feeding 'em for the next two to three months. Then we get to watch them stand on the edge of the nest, and wait for Mom and Dad, and then we can figure out how many they hatched this year. One year, they had five. I really got acquainted with one of those babies. They would follow me with my scooter, and land on the tree - on the line - and kind of talk to me. And when he was really too scared to fly, he really kind of followed me along on the line over there. How many more - where are they getting their food from? How much zinc is in their food? Look up, enjoy the osprey that's there. I haven't - I did see deer last summer, also from the floating homes. We have a lot of wildlife. It needs to be a wildlife area. And I'm sure if this wasn't here, and development in its possible future, they would have another site ready. Thank you.

ND - So those were all the comments that we had registered. Is there anybody - we probably have a couple more minutes. If there's any final person that would like to speak on the record tonight. I just want to make sure we provide that opportunity... Okay. Thank you all for comments, and for abiding by the time limit so we could allow everybody. Did you want to say something?

?female - I just want to make an announcement, if I can. Friday morning, here - Friday morning, April 15th, tax day - Friday morning between 9:00 am and 12:00 pm, here in this room, will be the first meeting held on Hayden Island of the West Hayden Island Advisory Committee. The West Hayden Island Advisory Committee is made up of all sorts of interesting groups of people that are - is phase two of the future planning for West Hayden Island. We're looking at - we're right now in the very early stages of getting contract proposals out to contractors to get studies done, to look at various different issues on the island. But we're also charged with planning a develop- - five hundred acres of free space - I'm not using the right terms - and three hundred acres of possible marine development. So it's very important for the community to be there to introduce themselves, and to see and hear the committee. This is the actual committee that's kind of making things happen to get us closer and closer to possible development there on West Hayden Island, so they are collecting - they're asking for public comment. I think they'll do about (30?) minutes of public comment. And so we would love to have a lot of people there from the community. We want to show the West Hayden Island advisory community is engaged, and is participating in the process. So please, Friday morning, 9:00 to 12:00, right here, if you can make it. Thank you.

ND - Sure. So that's going to conclude the formal public hearing for DEQ. We sincerely appreciate everyone's attendance tonight. We have some time as we clean up if you'd like to speak to any of the

DEQ staff present, or Port folks. We'll certainly hang around, and we wish you a safe evening. Thank you.