



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE for Permit Application

**Issue Date:** October 13, 2015

**Expiration Date:** November 11, 2015

**US Army Corps of Engineers No:** NWP-1999-381/4

**Oregon Department of State Lands No:** N/A

## 30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers (Corps) number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
Mr. Tyler J. Krug  
[Tyler.J.Krug@usace.army.mil](mailto:Tyler.J.Krug@usace.army.mil)  
North Bend Field Office  
2201 North Broadway Suite C  
North Bend, Oregon 97459-2372

**Applicant:** Mr. Ted Fitzgerald  
Port of Brookings-Harbor  
P.O. Box 848  
Brookings, Oregon 97415

**Location:** The project is located in the Port of Brookings-Harbor's (Port) Basin 1, 2, and Ice House Inlet area in the Chetco River, mile 0.4, and within the Pacific Ocean near Harbor, Curry County, Oregon (Sections 5 and 8 of Township 41 South, Range 13 West).

**Waterway:** Chetco River, mile 0.4; Pacific Ocean

**Project Description:** The Port of Brookings-Harbor (Port) would dredge approximately 153,000 cubic yards (CY) of sediment from below the mean high water mark of Basin 1, 2, and the Ice House Inlet area via hydraulic suction dredge to provide for adequate vessel clearance within authorized dredge prisms. Dredged material would be transported via a pipeline to the U.S. Environmental Protection Agency (USEPA) managed Chetco Ocean Dredged Material Disposal Site (ODMDS) for disposal. Work would occur during an in-water work period of October 1 to February 15.

**Mitigation:** The applicant has not provided a proposed compensatory mitigation plan for the project. If a permit is issued, the Corps will determine what mitigation is appropriate and

practicable. The amount of compensatory mitigation required, if any, shall be commensurate with the anticipated impacts of the project.

**Purpose:** To provide adequate vessel clearance within the Port's Boat Basins.

**Drawing(s):** Thirteen (13) drawings are attached and labeled Corps No. NWP-1999-381/4.

**Additional Information:** Additional information may be obtained from Mr. Tyler J. Krug, Project Manager, U.S. Army Corps of Engineers at (541) 756-2097, or E-mail [Tyler.J.Krug@usace.army.mil](mailto:Tyler.J.Krug@usace.army.mil).

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Section 103, Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), for transport of dredged material for the purpose of dumping it into ocean waters.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the described activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** An initial evaluation of the proposed project area indicates the uplands in the vicinity of the dredge location are generally perceived to have a high potential for cultural resources. The Corps will consult with the Oregon State Historic Preservation Office (SHPO) and Native American tribes to ensure no significant archeological resources will be affected by the proposed project.

This notice has been provided to the SHPO, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps' project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

**Corps of Engineers No:** NWP-1999-381/4

**Notice Issued:** October 13, 2015

**Oregon Department of State Lands No:** N/A **Written Comments Due:** November 11, 2015

**WHO IS THE APPLICANT:** Mr. Ted Fitzgerald  
Port of Brookings-Harbor  
P.O. Box 848  
Brookings, Oregon 97415

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Other project materials are available by contacting the Corps per the attached public notice.

Scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5263.

Any questions on the water quality certification process may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call the Oregon Telecommunications Relay Service at 1-800-735-2900.

## **PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that “The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.”

### **Written comments:**

Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on the date specified in the upper right section on page one of this notice. Written comments may be emailed, mailed or faxed as described below:

Email - [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us)

Mail - Oregon Department of Environmental Quality, Northwest Region  
700 NE Multnomah Street, Suite 600  
Portland, Oregon 97232  
Attn: 401 Water Quality Certification Coordinator

Fax - (503) 229-6957

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ's final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling the Oregon Telecommunications Relay Service at 1-800-735-2900.

**PUBLIC NOTICE**  
**OREGON OCEAN AND COASTAL MANAGEMENT PROGRAM**  
**CONSISTENCY CERTIFICATION**

**Date:** October 13, 2015

**U.S. Army Corps of Engineers No:** Corps No. NWP-1999-381/4  
**Oregon Department of State Lands No:** N/A

**NOTIFICATION:**

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Ocean and Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital Street NE, Suite 150, Salem, Oregon 97301-2540. Comments may also be sent by fax to (503) 378-6033 or by email to [coast.permits@state.or.us](mailto:coast.permits@state.or.us). All comments must be received by DLCD on or before the comment deadline listed in the accompanying Corps of Engineers' Public Notice for Permit Application. For further information, you may call DLCD at (503) 373-0050.

**REVIEW CRITERIA:**

Comments should address consistency with the applicable elements of the Oregon Coastal management Program. These elements include the following:

- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities incorporated into the Oregon Coastal Management Program (e.g. Removal-Fill Law, Water Quality Standards, Beach Bill, etc.) as applicable.

**INCONSISTENT?**

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.