

PUBLIC NOTICE

Application for Permit

Issue Date: October 21, 2016

Expiration Date: November 7, 2016

US Army Corps of Engineers No: NWP-2013-83/1

Oregon Department of State Lands No: 56095-RF

15-Day Notice



US Army Corps of Engineers

Portland District

Interested parties are hereby notified the U.S. Army Corps of Engineers, Portland District (Corps) has received an application for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plans. The Corps is soliciting comments on the proposed work.

Applicant: Bend Park and Recreation District
Attention: Mr. Don Horton
799 SW Columbia Street
Bend, Oregon 97702
Email: don@bendparksandrec.com
Telephone: (541) 389-7275

Applicant's Agent: Campbell Environmental, LLC
Attention: Mr. Eric Campbell
4251 NE Hazelfern Place
Portland, Oregon 97213
Email: eric@campbellenviro.com
Telephone: (503) 680-8390

Location: The project is located in the Deschutes River below the Colorado Street Dam, in the city of Bend, Deschutes County, Oregon. The site is in Section 5 of Township 18 South, Range 12 East. (44.049979/-121.3200605)

Waterway: Deschutes River – River Mile 167.5

Project Purpose: The applicant's stated propose is to make additional permanent changes to the whitewater and safe passage channels of the Bend Whitewater Park.

Project Description: The Bend Park and Recreation District (BPRD) proposes to discharge approximately 517 cubic yards (CY) of permanent and temporary fill material below the ordinary high water mark of the Deschutes River to raise the elevation of pneumatic gates, reduce scour hole depths, and raise the elevation of whitewater pools for the purpose of improving the safety and performance of the whitewater park structures.

The BPRD is proposing to refine the Colorado Dam Safe Passage Project authorized in 2014 to construct a white water park, a new pedestrian bridge, and partially remove the Colorado Avenue Dam. The BPRD proposes to make the following changes to two of three constructed channels. The proposed construction activities would result in a discharge of approximately 185 cubic yards (CY) of new permanent fill into the safe passage channel and whitewater channel. The project would require approximately 385 CY of temporary fill for construction of temporary access and isolation measures. An undetermined amount of native alluvial material is proposed to be removed from the channel pools and from below whitewater park structures to support isolation structures and to supplement materials used to fill voids in the shoulders and groins of the channel structures. The work would occur from November through February.

a. Safe Passage Channel

The BPRD would install 100 CY of rock along the upstream edge of the safe passage features and in up to eleven safe passage drop structures. Approximately 20 CY of grout would be pumped into existing voids to reduce subsurface flow. Alluvium recruited within safe passage drops would be used to fill voids between boulders.

b. Whitewater Channel

Approximately 63 CY of concrete fill material is anticipated to complete improvements to the Whitewater Channel. BPRD proposes to adjust boulders, raise the concrete foundation slab and adjustable gates and place grout on the shoulders of the whitewater features to raise the pool elevation, increase head loss across the features and form a more consistent eddy for wave access by users at drop 2. Three 5-inch curbs would be replaced with 10-inch curbs at drop 3. Additional grout would be placed at the toe of drop 4 to improve wave consistency. An excavator would enter the whitewater channel below Drop 1 to install to install proposed sheet pile.

c. Temporary Access at McKay Park

In order to conduct proposed activities a temporary road linking McKay Park with the in-channel construction would be developed to allow a temporary 50-foot long by 12-foot wide bridge and 30-foot wide platform to be placed over the safe passage channel. The temporary road would discharge approximately 204 CY of graded aggregate below ordinary high water and placed over geotextile fabric to protect the beach and walkways constructed at the park.

An estimated 386 CY of temporary fill would be placed below ordinary high water to support the bridge and platform. Heavy equipment such as cranes and concrete pumping equipment would work from the platform and concrete islands separating the whitewater and safe passage channels. The platform would be supported using existing substrates, rock, gravel, and ecology blocks. Six temporary sheet piles would be set

with vibratory hammer for additional support. The BRPD may also work from the pedestrian bridge adjacent to Colorado Avenue and/or the Colorado Avenue Bridge.

d. Upstream River Marsh

Approximately 2 CY of soil anchors would be placed along the upstream Les Schwab Amphitheater Marsh to secure a floating sign and buoys to limit access to Designated Critical Habitat for Oregon spotted frog. The work would occur in January 2017.

e. Work Area Isolation

The BPRD would coordinate with PacifiCorp to lower water levels in Mirror Pond approximately two feet for the duration of construction activities to allow the work to occur in the dry to the greatest extent possible. Isolation methods would include turbidity curtains, sand bags, visqueen barriers and oil booms. Alluvial material to construct the temporary berms would be mechanically removed from the Deschutes riverbed below ordinary high water downstream of the project. An excavator would operate below ordinary high water to push alluvium along the riverbed to create isolation berms. It is anticipated that the material could be moved in the dry or at very low river levels. Following completion of all work upstream, river flows through the two channels are anticipated to redistribute alluvial materials in the Deschutes River.

Downstream fish passage would be maintained throughout construction with periodic interruptions to install or maintain isolation features. Fish salvage would occur during isolation measures by a qualified fish biologist. The BPRD proposes to sequence construction activities such that two of three channels would be available to route flows entering the construction area at all times.

Avoidance, Minimization, and Compensatory Mitigation: The BPRD proposes to avoid and minimize impacts from the project by avoiding vegetation planted along the Deschutes River at McKay Park and by working in the dry and at a time of year with little impact to resident fish and Oregon spotted frog. Impacts are also avoided by isolating the work area to avoid entry of green concrete into the water column. Fuels and lubricants in heavy equipment used below ordinary high water would be converted to vegetable oils. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: Eighteen (18) drawings are attached and labeled Corps No. NWP-2013-83/1. Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately illustrates the proposed project. To access the electronic version of this public notice, go to the Portland District website at <http://www.nwp.usace.army.mil/> and select Regulatory Branch Permit Information. At the Regulatory page select Regulatory Public Notices.

Authority: The proposed project will be evaluated under the following:

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

Clean Water Act Section 404(b)(1) Guidelines: The described discharge will be evaluated for compliance with guidelines promulgated by the U.S. Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. The 404(b)(1) Guidelines are the substantive criteria used in evaluating discharges of dredged or fill material into waters of the United States. The source of the fill material would be from the Deschutes River downstream of drop 1 of the safe passage drop and whitewater drops and from the pools associated with those structures. Should a permit be issued, the Corps will evaluate the fill material source (i.e., borrow site) prior to the start of construction.

Water Quality Certification: Section 401 of the Clean Water Act (33 U.S.C. 1341) requires applicants to obtain a water quality certification for proposed discharges into waters of the United States. A permit for the described work will not be issued until certification has been issued or is waived from the certifying state. Attached is the state's notice for a water quality certification.

Endangered Species: Section 7 of the Endangered Species Act (ESA) (16 U.S.C 1536) requires federal agencies to consult with U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat. The Corps' preliminary review indicates the described activity will not affect any endangered species or designated critical habitat. The Corps will make a final determination on the need to consult after receipt of comments from this public notice including any comments provided by USFWS.

Historic Properties/Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officer to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places. The Corps' preliminary review indicates that an historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area.

This notice has been provided to the State Historic Preservation Office (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 at the end of this notice to assist in a complete evaluation of potential effects.

State and Local Authorizations: The permittee will be applying for the following additional governmental authorizations for the project: Department of State Lands renewal of Removal/Fill permit No. 56095-RF and Department of Environmental Quality water quality certification.

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.

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 the proposed project. Comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. 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.

Submitting Comments: Interested parties are invited to provide comments on the proposed project. Comments may be submitted by conventional mail or email. All comments received will be considered in determining whether authorizing the work would be contrary to the public interest.

Either conventional mail or e-mail comments must include the Corps reference number as shown on page 1 and include the commenter's name and address. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the Corps reference number. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

Additional information about the proposed project may be obtained from the Corps Project Manager listed below. All comments, whether by conventional mail or email, must be received no later than the expiration date of this public notice to ensure consideration. Comments should be submitted to the following mailing address or email address:

U.S. Army Corps of Engineers
Anita Andazola
Eugene Field Office
211 E. 7th Avenue, Suite 105
Eugene, Oregon 97401-2722
Email: anita.m.andazola@usace.army.mil
Telephone: (541) 465-6894

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

Notice Issued: October 21, 2016
Written Comments Due: November 7, 2016

Corps of Engineers No: NWP-2013-83/1
Oregon Department of State Lands No: 56095-RF

WHO IS THE APPLICANT:

Bend Park and Recreation District
Attention: Mr. Don Horton
799 SW Columbia Street
Bend, Oregon 97702
Email: don@bendparksandrec.com
Telephone: (541) 389-7275

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

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.