US Army Corps of Engineers
Portland District

PUBLIC NOTICE
Application for Permit

Issue Date: June 6, 2016
Expiration Date: July 5, 2016
US Army Corps of Engineers No: NWP-2014-92/2
30-Day Notice **Oregon Department of State Lands No**: N/A

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: Oregon Department of Fish & Wildlife (ODFW)
63538 Boat Basin Drive
Charleston, Oregon 97420
Email: michael.e.gray@state.or.us
Telephone: (541) 888-5515

Location: The project site is located in Beaver Slough, mile 1.1 and abutting tidally influenced wetlands and channels, , near Coquille, Coos County, Oregon. The site is located in Section 20 and 21 of Township 27 South, Range 13 West. Latitude and Longitude: 43.21477 North, -124.25838 West

Waterway: Beaver Slough and abutting tidally influenced wetlands and channels. The wetland boundaries and/or location of the high tide line as shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the determined to be substantially different a new public notice may be published.

Project Purpose: The applicant's stated purpose is to provide pedestrian and vehicle access to the ODFW Coquille Valley Wildlife Area (CVWA) and ODFW Winter Lake Unit 2 for recreational purposes. The project is also to provide access to the Beaver Slough Drainage District (BSDD) infrastructure for maintenance. The access will be used by the public and for administrative purposes. In addition, the purpose of the project is to restore floodplain connectivity to approximately 43.4 acres onsite through the creation of 2,067-feet of primary channels and 2,724-feet of secondary channels.

Project Description: The proposed project involves the restoration of an existing dike system, creation of an access roadway, replacement of culvert infrastructure with bridges, and restoration of historic primary and secondary floodplain channel networks. The dike restoration and roadway would provide access to the ODFW CVWA, Winter Lake Unit 2, and BSDD infrastructure while the wetland and stream restoration components would increase floodplain function, water quality, and fish and wildlife habitat. The project proposal consists of the following components:

Road construction: The ODFW would discharge approximately 3,481 cubic yards (cy) of soil and rock below the high tide line (HTL) of Beaver Slough and abutting wetlands to repair and widen an existing dike to maintain the dikes original capacity and to construct a roadway on the dike. The road would provide access to the locations outlined above and would measure approximately 1,210-feet in length, 30-feet in width, and would possess a finished height of 10-feet mean sea level. The new dike prism would be constructed at a 2:1 and 3:1 slopes and incorporate 2-4-inch compacted gravel surfaces. The permanent footprint of the fill would measure approximately 0.83-acre and would be constructed primarily upon palustrine emergent wetland.

Roadway bridge construction: Three existing steel culverts would be removed within the dike during construction. Culvert A measures 24-inches in diameter and 20-feet in length, culvert B measures 24-inches in diameter and 30-feet in length and culvert C measures 36-inches in diameter and 30-feet in length. The culverts are estimated to be approximately 35 years in age. Stream crossings at culvert locations A and C would be provided by channel spanning bridges. The bridges would be constructed with metal sheetpile, steel beam, and pre-cast concrete and would measure approximately 30-feet in length and 10-feet in width. No pesticide-treated wood products would be used in the bridge design. Culvert B would be removed in its entirety.

Channel alterations: Approximately 517 cy of existing soil would be discharged below the high tide line of Beaver Slough and abutting wetlands to fill a southern tidal channel. The project area would be recontoured by lowering higher areas and using excavated material to fill historic channels. The primary channel measures approximately 558-feet long and 10-feet wide and is approximately 2.5-feet deep. Approximately 1,470 cy of earthen material would be excavated from below the HTL of Beaver Slough to construct 2,067-feet of primary tidal channels measuring 6-feet wide, and 3-feet deep. Approximately 969 cy of earthen material would be excavated from below the HTL of Beaver Slough to excavate the existing topography to recreate 2,724-feet of secondary tidal channels measuring 3-feet in width, and 3-feet in depth. Approximately 2,438 cy of earthen material would be thin-spread in the floodplain in a manner which would not impede natural hydrologic processes or convert aquatic resources to upland environments.

Interior bridge construction (North bridge): At one location a wooden footbridge measuring 22-feet in length and 7-feet in width would be installed to span the newly formed primary channel. No pesticide-treated wood products would be used in the bridge construction. The bridge may be constructed with use of four 12-inch cedar piling or with two concrete ecoblocks.

Culvert removal (South bridge): One existing 24-inch diameter, 15-foot length corrugated metal pipe (CMP) culvert would be removed and replaced with a wooden bridge measuring approximately 22-feet in length and 7-feet in width would be installed to span the newly formed primary channel. No pesticide-treated wood products would be used in the bridge construction. The bridge may be constructed with use of four 12-inch cedar piling or with two concrete ecoblocks.

Fencing: Approximately 5.6-acres of land would be fenced at two locations to manage livestock use. Native wood species would be planted within the fenced areas.

Dredged Material Testing: The proposed dredged material may be evaluated in accordance with the *Sediment Evaluation Framework for the Pacific Northwest* (SEF) to determine the suitability of the sediment for unconfined, in-water disposal. The interagency Portland Sediment Evaluation Team (PSET) implements the SEF for the Corps Portland District. The Corps, in coordination with the PSET as applicable, will determine if sediment testing is required for this project. Project sediments may require physical, chemical, and/or biological testing to support the permit application evaluation.

Mitigation: The ODFW has designed the project to avoid and minimize aquatic resources to while still fulfilling the project purpose and need. The project would result in increased floodplain connectivity by replacing culverts with bridges. ODFW has adopted a design whereby bridges would be incorporated to span active channels which run through the existing dike/proposed roadway. This incorporation reduces permanent aquatic resource impacts by 0.02-acre. The ODFW has designed primary and secondary channel improvements onsite which are expected to result in substantial ecological uplift of the degraded wetland environment baseline onsite. The ODFW would conduct work during low, in-coming tides to minimize sediment redistribution to the Beaver Slough main channel, would work from top of bank where practicable, would reseed areas disturbed during construction with native, non-invasive vegetation upon project completion, and would conduct work during an environmentally sensitive time period when primary species of concern are not found onsite; July 1 to September 15. The applicant did not propose compensatory mitigation in the permit application. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Tioga Sports Park advanced mitigation proposal: ODFW is proposing to allocate acreage within the restoration area as mitigation for a future project. As part of the forthcoming application, and forecasted unavoidable impacts to waters of the U.S. in relation to the ODFW Tioga Sports Park near the project site the ODFW proposes to reserve the following project components as an advanced-mitigation. The ODFW would implement the following measures with the intent they may be accepted as mitigation for unavoidable aquatic resource impacts with the Tioga Sports Park project. The Corps acknowledges this concept and proposal, has informed ODFW they bear the risk associated with advanced mitigation being unacceptable in future decision-making, and are implementing the following actions with the understanding the Corps will conduct a full evaluation of the future, unrelated Tioga proposal, and identify mitigation requirements when the time and need arise. Approximately 1.5-acres of the proposed 43.8-acre site would be enhanced through riparian plantings to provide ecological uplift onsite for permanent impacts to approximately 0.6-acres of unavoidable aquatic resource impacts at the Tioga Sports Park site. In addition, the removal of the south culvert, construction of primary and secondary channels, and fencing are proposed to offset unavoidable aquatic resource from the proposed Tioga Sports Park project.

Drawings: Thirteen (13) drawings are attached and labeled Corps No. NWP-2014-92/2. 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.

Additional Information: The proposed work exceeds the screening thresholds of the Corps Nationwide and General Permits and will be evaluated as a Standard Individual Permit. The ODFW acquired approximately 589 acres of land in the Winter Lake and Beaver Slough area west of Coquille, Oregon between 2010 and 2015. These lands are purposed for use as the CVWA, where sportsmen/women and those interested in use of tidally influenced freshwater floodplain wetlands would be able to hunt, fish, view wildlife, kayak/canoe, and recreate. To facilitate access to the CVWA, the ODFW is proposing to construct a road from North Bank Lane to the south that will connect to the BSDD road network. The proposed road would provide the public and ODFW critical access to both Winter Lake Unit 2 and BSDD tidegate infrastructure. The proposed road is proposed for access, infrastructure maintenance, general land management, and long-term research of fish and wildlife production on the lands. The administrative road from North Bank Lane is not proposed to be the main access route for the BSDD tidegate replacement/construction project, however, may serve as a secondary route for light vehicle travel as needed. Information on the CVWA can be found at this web address: http://www.dfw.state.or.us/resources/visitors/coquille_valley_wildlife_area.asp. The U.S. Fish & Wildlife Service released a draft Environmental Assessment of the Coquille Working Landscapes Project which can be found at this web address: http://www.coquilleworkinglandscapes.com/nepa---environmental-assessment-ea

Authority: The proposed project will be evaluated 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.

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 come from the project location, the Winter Lake/Beaver Slough Drainage District, or a site located approximately ½ mile from the project location. The intent of the project is to balance the cut and fill activities to reduce overall project cost.

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.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c), requires non-Federal applicants seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification which indicates the activity conforms with the State's Coastal Zone Management Program. The applicant may coordinate with the State of Oregon Department of Land Conservation and Development to ensure the proposed project would comply with and be

conducted in a manner consistent with the Oregon Ocean and Coastal Management Program. Attached is the state's notice for a consistency determination.

Endangered Species: Section 7 of the Endangered Species Act (ESA) (16 U.S.C 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or 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 may affect an endangered or threatened species or designated critical habitat. The Corps will initiate consultation under Section 7 of the ESA. The Corps will complete the required consultation prior to finalizing a permit decision.

Essential Fish Habitat: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. The Corps will initiate consultation under Section 305(b)(2) of the MSA. The Corps will complete the required consultation prior to finalizing a permit decision.

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 to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is aware cultural resource surveys have been completed south of the project area on the Winter Lake project site. The Corps is aware the results of these surveys and coordination with the State Historic Preservation Office (SHPO) is pending.

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 applicant may be required to obtain an individual 401 Water Quality Certification from the State of Oregon Department of Environmental Quality, individual Coastal Zone Management Act consistency determination from the State of Oregon Department of Land Conservation and Development, bridge permits from the U.S. Coast Guard, and a local land use planning determination from the Coos County Planning Department.

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
Tyler J. Krug
North Bend Field Office
2201 North Broadway Suite C
North Bend, Oregon 97459-2372
Email: Tyler.J.Krug@usace.army.mil
Telephone: (541) 756-2097

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

Notice Issued: June 6, 2016
Written Comments Due: July 5, 2016

Corps of Engineers No: NWP-2014-92/2
Oregon Department of State Lands No: N/A

WHO IS THE APPLICANT: Mr. Michael Gray
Oregon Department of Fish & Wildlife (ODFW)
63538 Boat Basin Drive
Charleston, Oregon 97420
Email: michael.e.gray@state.or.us
Telephone: (541) 888-5515

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.

PUBLIC NOTICE
OREGON OCEAN AND COASTAL MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION

Date: June 6, 2016

U.S. Army Corps of Engineers No: Corps No. NWP-2014-92/2
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. All comments must be received by DLCD on or before the comment deadline listed in the accompanying Corps of Engineers' Public Notice Application for Permit. For further information, you may call DLCD at (503) 373-0050.

REVIEW CRITERIA:
Comments should address consistency with the applicable ***enforceable policies*** of the Oregon Coastal Management Program. These enforceable policies are found in 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.

A list of specific enforceable policies can be found at the following link:
http://www.oregon.gov/LCD/OCMP/Pages/OCMP_Enforceable-Policies.aspx

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.