



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## Application for Permit

**Issue Date:** August 10, 2016

**Expiration Date:** September 8, 2016

**US Army Corps of Engineers No:** NWP-2015-186

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

### 30-Day Notice

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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 and Wildlife  
Attention: Mr. James Reed  
4034 Fairview Industrial Drive SE  
Salem, Oregon 97302  
Email: [james.d.reed@state.or.us](mailto:james.d.reed@state.or.us)  
Telephone: (503) 947-6016

**Applicant's Agent:** AECOM  
Attention: Mr. Brian Fletcher  
111 SW Columbia, Suite 1500  
Portland, Oregon  
Email: [brian.fletcher@aecom.com](mailto:brian.fletcher@aecom.com)  
Telephone: (503) 478-7665

**Location:** The project site is located at the Tioga Sports Park Association (TSPA) property, 55726 Highway 101, Bandon, Coos County, Oregon. The site is located in Sections 25 and 26 of Township 27 South, Range 14 West (Latitude and Longitude: 43.2065° North, -124.3197° West). The proposed mitigation site is located in tidally influenced wetlands and channels abutting Beaver Slough, mile 1.1, near Coquille, Coos County, Oregon. The proposed mitigation site is located in Section 21 of Township 27 South, Range 13 West (Latitude and Longitude: 43.21477° North, -124.25838° West).

**Waterway:** Wetlands abutting and adjacent to unnamed tributaries to Sevenmile Creek, unnamed tributaries to Sevenmile Creek, and tidally influenced wetlands and channels abutting Beaver Slough.

**Project Purpose:** The applicant's stated purpose is to construct a public small fire-arms range and training facility to establish a positive image for shooting sports activities in the community, and increase awareness for public safety.

**Project Description:** The TSPA would discharge approximately 6,088 cubic yards (cy) of fill material into 0.63 acres of jurisdictional wetlands to construct a public small fire-arms range and training facility. TSPA anticipates the Tioga Sports Park (TSP) would be used by its members, Oregon Hunters Association members, local scout troops, local outdoor education programs, hunter education programs, local law enforcement agencies, and the general public.

The TSP would be comprised of a 600-yard, 100-yard, tactical, and law enforcement arms ranges. In addition, appurtenant structures would include a firing line enclosure, training/office building, bullet traps designed to capture all bullets onsite, interior and exterior berms, fencing, and access gates.

Native soils onsite would be graded and leveled to construct the interior and exterior berms with no imported soil or soil disposal forecasted. The access road and parking areas would be reinforced with a layer of imported 0.75-inch to 1.5-inch crushed rock gravel from a local quarry. Areas of proposed development for the 600-yard and 100-yard ranges were logged in 2008.

The U.S. Fish and Wildlife Service has provided funding through a grant to the Oregon Department of Fish & Wildlife (ODFW) for the project. The USFWS and ODFW have prepared an environmental assessment (EA) pursuant to the National Environmental Policy Act which is available at the following web address:

[http://www.dfw.state.or.us/education/hunter/ranges/tioga/Tioga\\_Sports\\_Park\\_Final\\_EA.pdf](http://www.dfw.state.or.us/education/hunter/ranges/tioga/Tioga_Sports_Park_Final_EA.pdf)

**Mitigation:** The applicant proposes to avoid and minimize impacts from the project by adopting a design layout which meets their purpose and need while minimizing aquatic resource impacts. During construction TSPA would install and maintain erosion and sediment controls and employ construction related best management practices to avoid and minimize impacts to onsite wetlands and downstream receiving waters from construction activities.

The applicant has provided a proposed compensatory wetland mitigation plan to offset losses of waters of the U.S. that may result from the proposed project. The applicant proposes to mitigate for unavoidable wetland impacts by constructing a compensatory wetland mitigation (mitigation) site at their Beaver Slough Unit property. The Beaver Slough Unit property is located within the same Coquille River watershed as the impact site. The proposed mitigation site is within an undeveloped property located within the Coquille Valley Wildlife Area (CVWA) in tax parcel 2100 (Coos County Tax Map 27S13W21). The parcel is managed for recreational hunting as well as the protection and enhancement of fish and wildlife habitat. The proposed mitigation project would enhance wetland, riparian, and aquatic habitat functions to benefit mammal, bird, and fish species, which are the focus of local and regional watershed plans and fish recovery efforts. Mitigation project elements include installing cattle-exclusion fencing around riparian areas, planting native wetland trees and shrubs, and constructing a channel-spanning fish-passable bridge to replace an existing partially blocked culvert.

The proposed mitigation site is a unit within a larger restoration area. Other portions of the parcel are being enhanced to provide mitigation for the construction of an access road to improve public, agency, and diking district access to the CVWA, ODFW Winter Lake Unit 2, and Beaver Slough Drainage District infrastructure (Corps No. NWP-2014-92/2). Restoration activities within this unit includes 1.5 acres of riparian planting, 5.5 acres of riparian protection (fencing), removal of a partially failed internal culvert and installation of a foot bridge which would meet or exceed ODFW and National Marine Fisheries Service (NMFS) fish passage criteria.

**Drawings:** Sixteen (16) drawings are attached and labeled Corps No. NWP-2015-186. 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 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 be native soils relocated from within the project site. 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 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 species or designated critical habitat. The USFWS is the lead Federal agency for ESA compliance for activities at the project site. The Corps is responsible for ESA compliance for the work at the proposed mitigation site (Corps No. NWP-2014-92/2) and 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 its vicinity. The USFWS is the lead federal agency for MSA compliance at the project site. The Corps is responsible for EFH compliance for the work at the proposed mitigation site (Corps No. NWP-2014-92/2) and 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 (NHPA) 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 USFWS will be the lead Federal agency for determining compliance with Section 106 of the NHPA at the project site and will consult with the appropriate State and/or Tribal Historic Preservation Officer as applicable. 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 unaware of any cultural resource surveys of the project 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 applicant may be required to obtain an individual 401 Water Quality Certification from the Oregon DEQ, individual Coastal Zone Management Act consistency determination from the Oregon Department of Land Conservation and Development, a bridge permit from the U.S. Coast Guard, a removal/fill permit from the Oregon Department of State Lands, and a local land use planning determination from the Coos County Planning Department. In addition, the project may require an ODFW-approved fish passage plan.

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

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

**Notice Issued:** August 10, 2016  
**Written Comments Due:** September 8, 2016

**Corps of Engineers No:** NWP-2015-186  
**Oregon Department of State Lands No:** N/A

**WHO IS THE APPLICANT:** Oregon Department of Fish and Wildlife  
Attention: Mr. James Reed  
4034 Fairview Industrial Drive SE  
Salem, Oregon 97302

**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:** August 10, 2016

**U.S. Army Corps of Engineers No:** Corps No. NWP-2015-186  
**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 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](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.