



US Army Corps  
of Engineers®  
Portland District

# Public Notice

## Proposal to Issue a Regional General Permit for Maintenance Activities along the South Coast of Oregon

For additional information contact:  
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Issue Date: August 16, 2016  
Expiration Date: September 15, 2016  
Corps of Engineers No: NWP-2015-402

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Interested parties are hereby notified that, in accordance with 33 CFR 325.3(b), the U.S. Army Corps of Engineers, Portland District, proposes to issue a regional general permit (RGP) authorizing certain maintenance activities in waters of the U.S. within Douglas, Coos, and Curry Counties pursuant to: section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States; and section 404 of the Clean Water Act (33 U.S.C. 1344) for the discharge of dredged or fill material into waters of the United States.

**LOCATION OF AUTHORIZED ACTIVITIES:** The proposed RGP would be applicable along the South Coast of Oregon from the Umpqua River in Douglas County to the California border and within the limits of Oregon's designated coastal zone. The coastal zone is bound on the west by the extent of the state's territorial sea (generally 3 nautical miles offshore) and to the east by the crest of the Coast Range. Within this region, there are two exceptions to the eastern boundary: the Umpqua River, where the coastal zone extends to Scottsburg (approximate River Mile 28); and the Rogue River, where the coastal zone extends to Agness (River Mile 27.1).

**AUTHORIZED ACTIVITIES:** The proposed RGP would authorize the following maintenance activities at port, public, and private facilities:

- a. Maintenance dredging of existing marina basins; access channels to marinas or boat slips; boat slips; launch ramps; travel lifts; and ship berths,
- b. Disposal of dredged material associated with maintenance dredging,
- c. Maintenance of currently serviceable structures or fill, and
- d. Sediment sampling for the purposes of characterizing dredged material.

Details regarding the requirements associated with these activities, and the procedures for use of the proposed RGP, are described in the attached draft RGP.

**PURPOSE:** The purpose of the RGP is to streamline the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impacts on the aquatic environment.

The proposed RGP contains provisions intended to protect the aquatic environment, endangered species, and cultural resources. Work that would not comply with the provisions of the RGP would not be authorized by this permit and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP would not in itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest would not be authorized by this permit. These activities will be evaluated for Department of the Army authorization by other available permit tools.

**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.

**WATER QUALITY CERTIFICATION:** Portland District is requesting certification of this RGP under section 401 of the Clean Water Act (33 U.S.C. 1344). Attached is the Oregon Department of Environmental Quality public notice advertising the request for certification.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** 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 Corps is coordinating with the Oregon Department of Land Conservation and Development (DLCD) to obtain a programmatic consistency determination for this RGP. Attached is the DLCD public notice advertising the request for Consistency Certification.

**ENDANGERED SPECIES:** All project-specific activities requesting Department of the Army authorization under the proposed RGP will be evaluated to determine their level of effect on federally listed species. Those projects that may affect a federally listed species will be required to comply with the terms and conditions of an existing programmatic or previously issued biological opinion, or will need to go through an individual project-specific consultation if these options do not apply.

**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 will evaluate all project-specific activities requesting authorization under the proposed RGP to determine the level of effect on EFH and will consult with NMFS as appropriate. Project-specific affects to EFH may also be covered under the terms and conditions of an existing programmatic or previously issued biological opinion.

**CULTURAL RESOURCES:** All project-specific pre-construction notifications (PCN) requesting Department of the Army authorization under RGP-9 will be evaluated under

section 106 of the National Historic Preservation Act and coordinated with those Native American Tribes that have an interest in the area in which the proposed action would occur.

PCNs will be reviewed by the Regulatory Branch archeologist to determine whether the project may be located on property registered or eligible for registration in the latest published version of the National Register of Historic Places and to make an initial section 106 effects determination. If there is not enough information available in the project file to make a determination, the applicant will be requested to provide additional information. SHPO notification will be done according to current Regulatory Branch protocols and agreements based on the project-specific effects determination.

Notifications will be provided electronically to the Tribes with a request to provide information on whether the proposed project would impact such things as cultural resources, treaty fishing access sites, usual and accustomed areas, burial sites, or Traditional Cultural Properties.

If information is received from the SHPO, tribes or other interested parties indicating that the site of the proposed action may affect human burials, cultural resources or historic properties (as identified by the Federal historic preservation laws), the Corps will take actions needed to comply with Federal cultural resources and historic preservation laws and regulations.

**EVALUATION:** The ultimate decision whether to issue the RGP will be based on an evaluation of the probable impacts including cumulative impacts of the described activities 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 activities must be balanced against their reasonably foreseeable detriments. All factors, which may be relevant to the described activities 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; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the activities proposed to be authorized by this RGP. Any comments received will be considered by the Corps of Engineers in its decision on the RGP. Comments received by the Corps during the development of the RGP will be considered in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments will also be used to determine the need for a public hearing and to determine the overall public interest of the proposed activities. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this proposal. Requests for a public hearing must specifically state the reasons for holding the hearing.

The evaluation of the likely impact of the proposed RGP on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Information regarding the Corps' provisional determination that the proposed activities comply with the requirements for issuance of general permits is available at the Portland District office (see contact information above).

**COMMENTS:** Comments on the proposed RGP should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the expiration date of this public notice to become part of the record and to be considered in the decision. Comments should be mailed to the following address:

U.S Army Corps of Engineers, Portland District  
Attn: CENWP-OD-G (Judy Linton)  
P.O. Box 2946  
Portland, Oregon 97208

Comments may also be sent by email to: [judy.l.linton@usace.army.mil](mailto:judy.l.linton@usace.army.mil).

Attachment: Draft RGP #NWP-2015-402

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

**Notice Issued:** August 16, 2016  
**Written Comments Due:** September 15, 2016

Corps of Engineers No: NWP-2015-402

**WHO IS THE APPLICANT:** General Public

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice and draft regional general permit.

**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:** August 16, 2016

**U.S. Army Corps of Engineers No:** NWP-2015-402

**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.