



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: March 4, 2016

Expiration Date: April 4, 2016

US Army Corps of Engineers No: NWP-2015-483

30-Day Notice

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: GTO Property, LLC
Attention: William Rich
c/o East West Tea Co., LLC
950 International Way
Springfield, OR 97477
E-mail: bill.rich@yogiproducts.com
Telephone: (541) 988-7653

Applicant's Agent: Pacific Habitat Services, Inc.
Attention: John van Staveren
9450 SW Commerce Cir., Suite 180
Wilsonville, OR 97070
E-mail: jvs@pacifichabitat.com
Telephone: (503) 570-0855

Location: The project site is located on the south side of W. 11th Ave., west of Westec Dr., Eugene, Oregon. Section 33, Township 17 South, Range 4 West. Latitude and Longitude: 44.04769° North, -123.183856° West

Waterway: There are two palustrine emergent wetlands on the 8.95-acre project site: Wetland A is 2.16 acres in size; Wetland B is 0.02 acres. The wetland boundaries shown on the project drawings have not yet been verified by the Corps. Water from the site appears to infiltrate or sheet flow to a ditch along West 11th Ave. This ditch ultimately discharges into Amazon Creek. If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

Project Purpose: The applicant's stated purpose is to consolidate their business operations into one facility in order to run their operation as efficiently as possible, and to allow for the potential for increased growth in the future.

Project Description: The applicant is proposing to fill the 2.18 acres of wetlands on the site in order to build a 175,000 square foot building, associated parking for approximately 325

vehicles, and truck delivery and loading of materials. The layout design would allow for future expansion of the building and parking areas.

Mitigation: The applicant has included information describing efforts to avoid and minimize impacts to waters of the United States, which included: searching for alternative sites within the Eugene/Springfield area that met size, zoning, and other necessary criteria; information on site designs which might have avoided impacts to the wetlands; and an erosions and sediment control plan. The on and off-site alternatives were dismissed by the applicant as not practicable in meeting their project purpose. 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 did not propose compensatory mitigation in the permit application, stating that because the same wetlands were authorized to be filled in 1995, and that Corps authorization required the purchase of 7.83 credits from the West Eugene Wetlands Mitigation Bank, no further mitigation is proposed. The applicant has stated that the wetlands were in fact filled but that the existing wetlands formed on top of the fill. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: Eight drawings are attached and labeled Corps No. NWP-2015-483, Figures 1-8. 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: A Department of the Army permit (NWP-1995-01040) was issued to APC Inc., in April 2001, which authorized the discharge of fill material into 7.8 acres of wetlands on a 38-acre site for a commercial development. This permit expired in 2006, and the 2.18 acres of wetlands currently proposed to be filled by GTO Property, LLC, were part of the authorized 7.8-acre fill. The applicant has stated that the wetlands were filled but re-developed within the area. Stormwater management measures required to be implemented by the Corps and the State under the older permits are proposed to be modified.

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. 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 will not affect any endangered species or designated critical habitat. Consultation under Section 7 of the ESA is not required for the described activity. 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 the NMFS and/or USFWS.

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 not adversely affect EFH at the project location or in its vicinity. The Corps will make a final determination on the need to consult on EFH after receipt of comments from this public notice including any comments provided by the NMFS.

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 unaware of any cultural resource surveys of the project area.

This notice is 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 has applied for the following additional governmental authorizations for the project: Stormwater Discharge Permit DEQ 1200-c.

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
Heidi Firstencel
Eugene Field Office
211 E. 7th Avenue, Suite 105
Eugene, Oregon 97401-2722
Email: Heidi.firstencel@usace.army.mil
Telephone: (541) 465-6765

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

Notice Issued: March 4, 2016
Written Comments Due: April 4, 2016

Corps of Engineers No: NWP-2015-483

WHO IS THE APPLICANT: GTO Property, LLC
Attention: William Rich
c/o East West Tea Co., LLC
950 International Way
Springfield, OR 97477

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.