



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: June 29, 2016

Expiration Date: July 29, 2016

US Army Corps of Engineers No: NWP-2016-128

Oregon Department of State Lands No: 58502

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: Adam Crites
P.O. Box 2127
Salt Lake City, Utah
Email: adamcrites@gmail.com
Telephone: (208) 440-5040

Applicant's Agent: N/A

Location: The project site is located at NW Cedar Ave, Warrenton, Clatsop County, Oregon. The site is in Section 16DD, Township 8 North, Range 10 West. Latitude and Longitude: 46.170611 North, -123.927819 West.

Waterway: The project would be located in the Warrenton Meadows ditch, which drains to Alder Creek, and three wetlands that are described as the Spruce Forested Wetland, the Scrub/Shrub Wetland, and the Red Alder Forested Wetland. The wetland boundaries and location of the ordinary high water mark of the Warrenton Meadows ditch shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the wetlands/waters are substantially inaccurate a new public notice may be published.

Project Purpose: The applicant's stated purpose is to construct four residential duplexes within the City of Warrenton to meet the demand for rental properties for workforce within the moderate income range.

Project Description: The Warrenton Meadows project has been proposed to provide multi-family housing within the Warrenton, OR area. The project would impact four lots within an existing subdivision, where one duplex would be situated on each lot. Associated street improvements, including stormwater improvements, sidewalks, and fire hydrants, would also be included in the project.

Impacts to waters of the United States would include the placement of approximately 425 cubic yards (cy) of gravel and sand within 0.11 acre of the spruce forested wetland, the placement of approximately 600 cy of gravel and sand within 0.16 acre of the scrub/ shrub wetland, the placement of approximately 375 cy of gravel and sand within 0.1 acre of the red alder forested wetland, and the placement of approximately 200 cy of gravel and sand over 0.9 acres of the Warrenton Meadows ditch. Impacts to aquatic resources also would include the removal of approximately 0.11 acre of native soil from the spruce forested wetland, the removal of approximately 0.16 acre of native soil from the scrub/ shrub wetland, the removal of approximately 0.1 acre of native soil from the red alder forested wetland, and the removal of approximately 0.46 acre of organic waste from the Warrenton Meadows ditch. Total impacts to waters of the United States include approximately 1,600 cubic yards of native material, sand, and gravel removed and filled within 0.46 acre of wetlands.

Mitigation: Standard excavation and construction equipment would be used where erosion control measures such as silt fences and straw bales would be implemented prior to and during the course of construction. The applicant proposes to avoid and minimize impacts from the project by providing two story duplexes that maximize living space while preserving 25% of the remaining wetlands onsite. The applicant proposes to deed restrict eight remaining lots that contain approximately .803 wetlands that would also be preserved. The applicant also proposes to purchase 0.46 credits from the Lower Columbia In-Lieu Fee Bank to replace the same functions and values lost at the removal/ fill site. 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 Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: 7 (Seven) drawings are attached and labeled Corps No. NWP-2016-128. 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: Under some circumstances the work described might be authorized under a nationwide permit; however, we have determined that the work proposed would cause more than minimal individual and/or cumulative environmental impacts. Therefore, an individual permit will be required from the Corps.

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 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. 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.

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
Regulatory Branch
Danielle Erb
P.O. 2946
Portland, Oregon 97208-2946
Email: Danielle.H.Erb@usace.army.mil
Telephone: (503) 808-4368

PUBLIC NOTICE

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

Notice Issued: June 29, 2016
Written Comments Due: July 29, 2016

Corps of Engineers No: NWP-2016-128
Oregon Department of State Lands No: 58502

WHO IS THE APPLICANT: Adam Crites
P.O. Box 2127
Salt Lake City, Utah
Email: adamcrites@gmail.com
Telephone: (208) 440-5040

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:

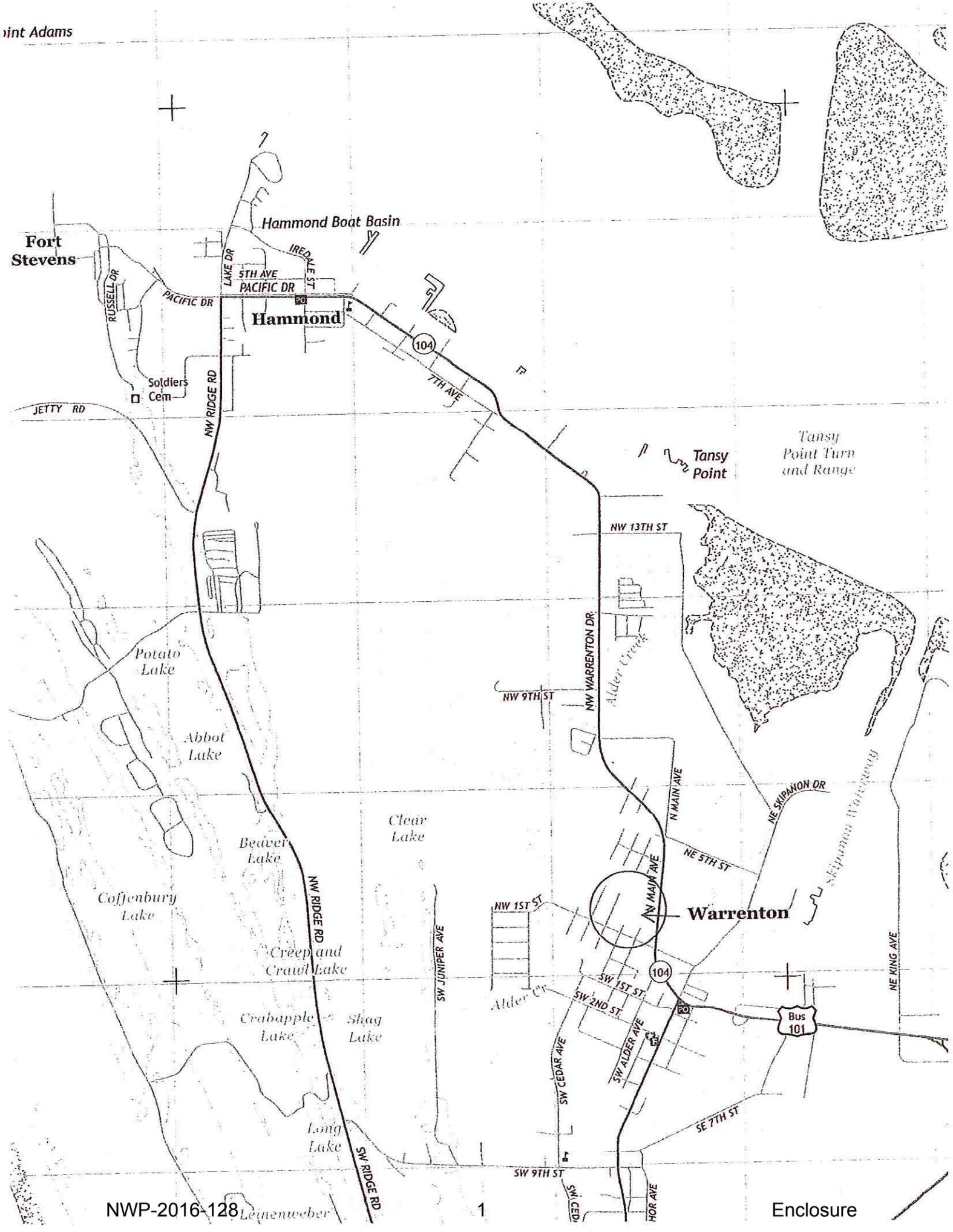
Email - 401publiccomments@deq.state.or.us

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.



Wetland Impact Map

S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.

WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, ON 4/22/2015.

SURVEY FOR: ADAM CRITES

SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

DATE: 4/22/2015

SCALE: 1" = 40'

LEGEND:

⊕ DENOTES TEST PLOT.

 DENOTES CONIFER TREE.



N. W. 3RD ST.

WETLANDS EXTEND OFF SITE

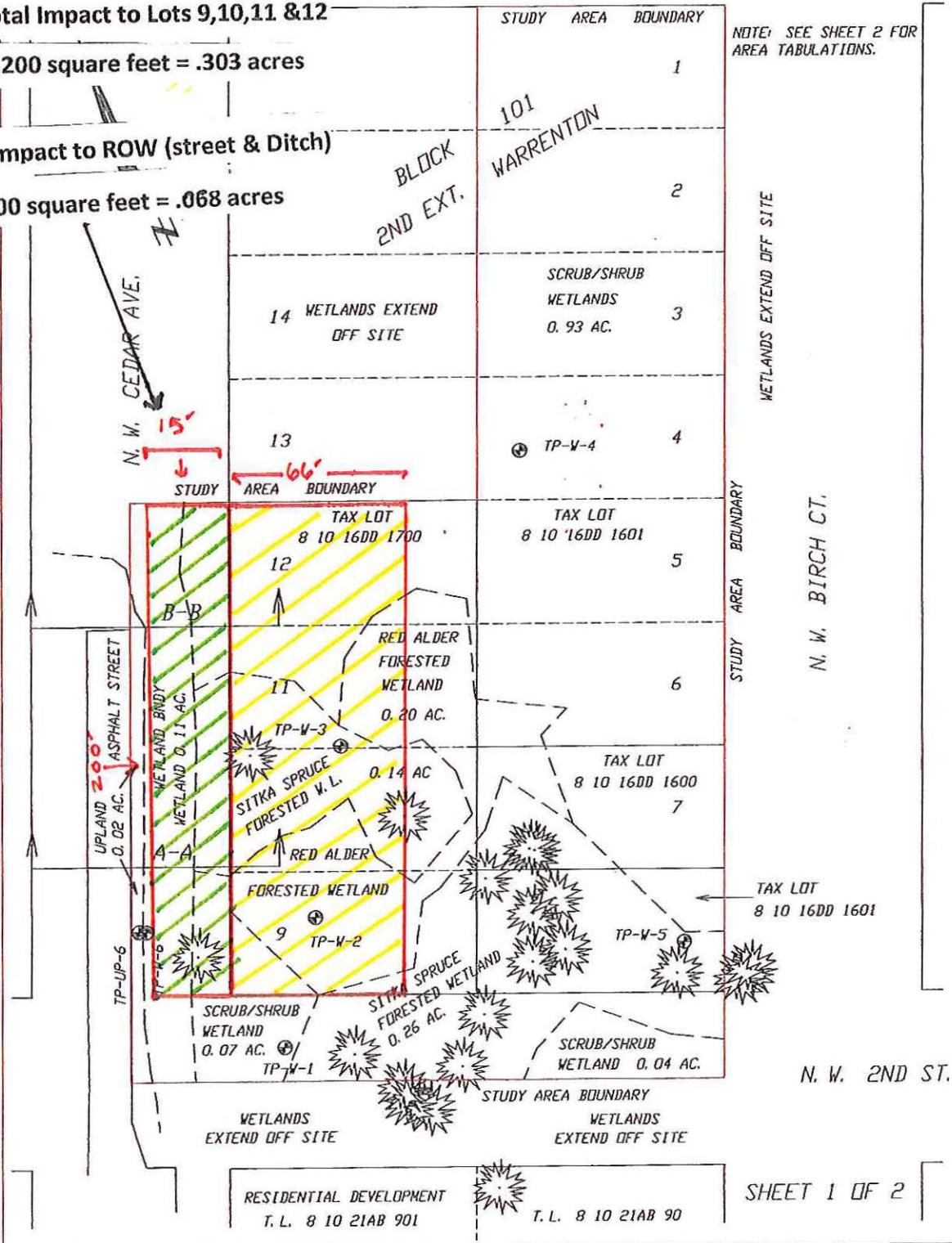
Total Impact to Lots 9,10,11 & 12

= 13,200 square feet = .303 acres

Total Impact to ROW (street & Ditch)

= 3,000 square feet = .068 acres

NOTE: SEE SHEET 2 FOR AREA TABULATIONS.



T8N R10W SEC 16DD WM
CLATSOP COUNTY



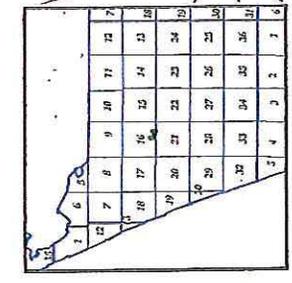
Cancelled Account

Existing Lot Lines

TAX LOT
81016DD01700
(lots 9, 10, 11, 12)

TAX LOT
81016DD01601
(lots 4, 2, 3, 4, 5, 6, 8)

Tax Lot
81016DD01600
(lot 7)



October 07, 2015

8.10.16DD



NWP-2016-128

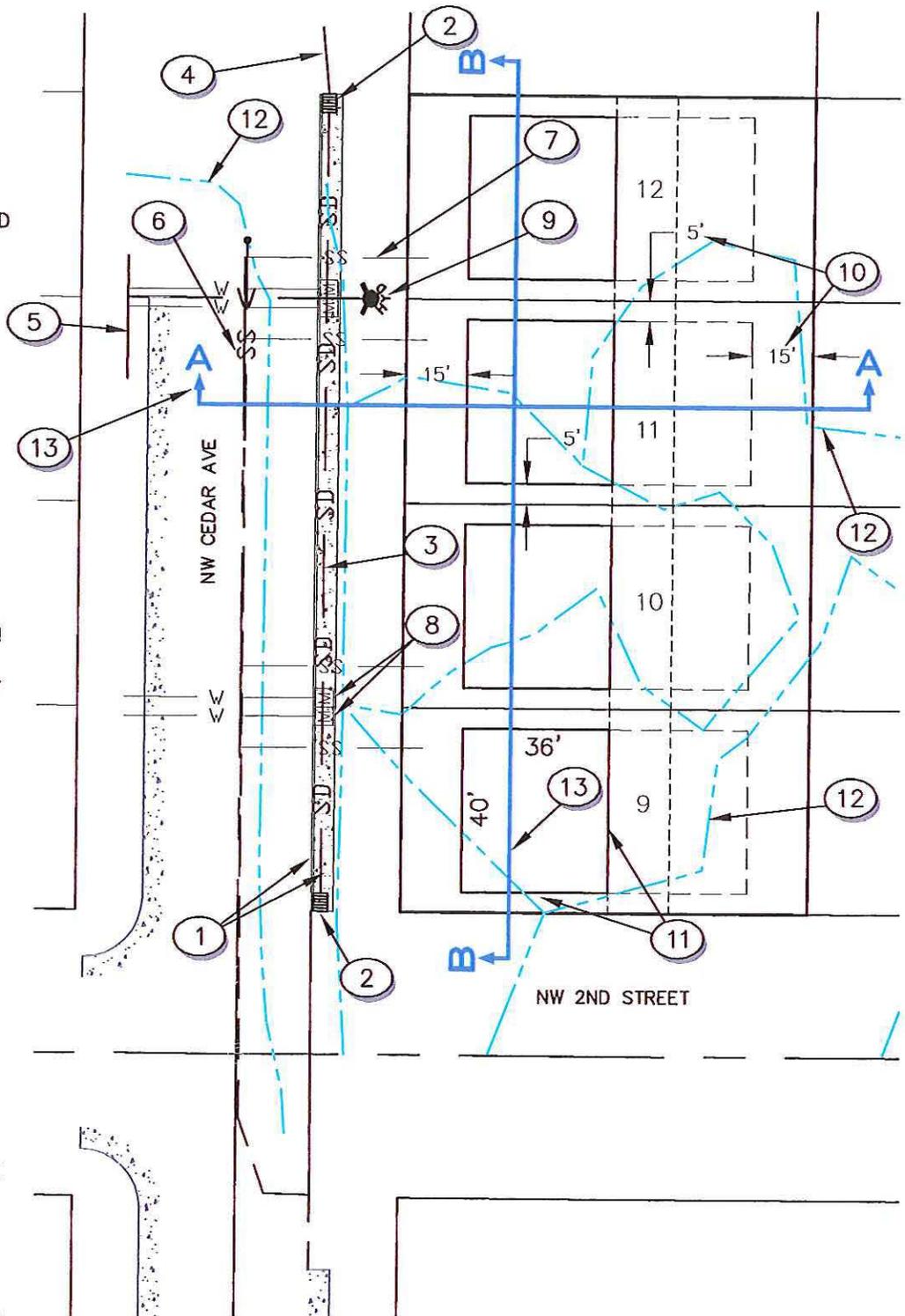
The map was prepared for recording. The data is provided by Clatsop County. Clatsop County is not responsible for an incorrect, outdated, or incomplete map.

SITE PLAN

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
 CITY OF WARRENTON, CLATSOP COUNTY, OREGON
 DATE: NOVEMBER, 2015 SCALE: 1" = 40'

NOTES

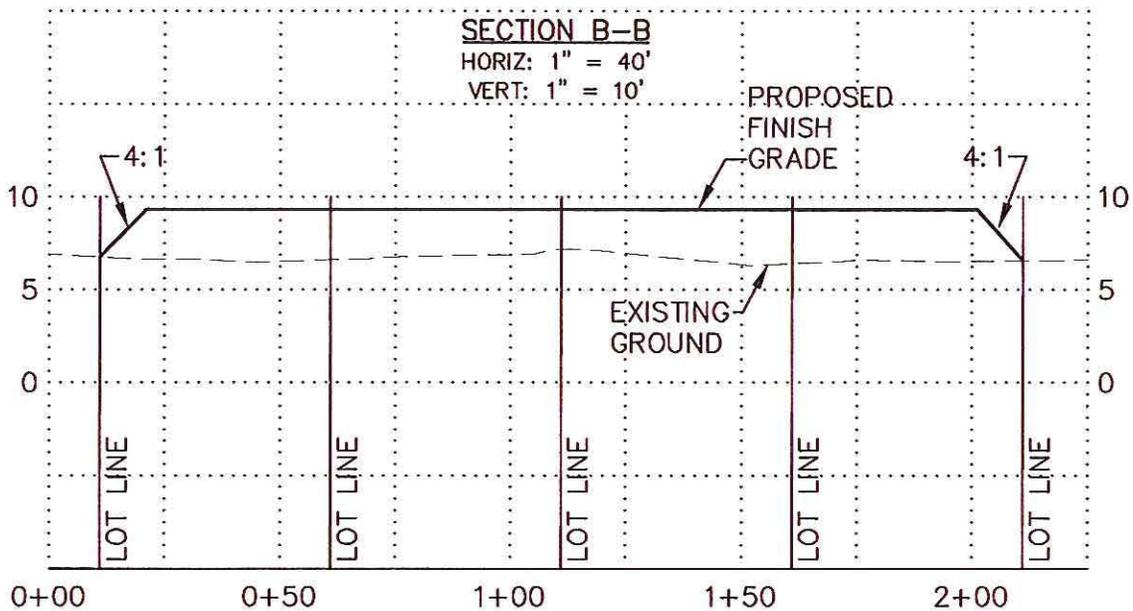
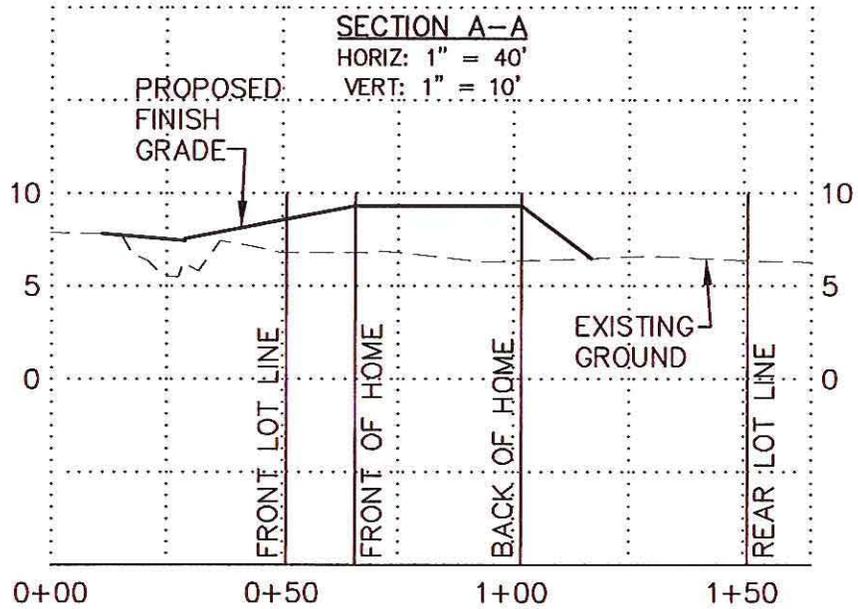
- ① PROPOSED CURB AND SIDEWALK
- ② PROPOSED STORM CURB INLET
- ③ PROPOSED PUBLIC STORM EXTENSION
- ④ PROPOSED OUTFALL TO DITCH
- ⑤ PROPOSED PUBLIC WATER EXTENSION
- ⑥ PROPOSED PUBLIC SANITARY EXTENSION
- ⑦ PROPOSED SANITARY LATERAL (TYP)
- ⑧ PROPOSED WATER METERS (TYP)
- ⑨ PROPOSED FIRE HYDRANT
- ⑩ BUILDING SETBACKS (TYPICAL)
- ⑪ PROPOSED BUILDING (TYPICAL)
- ⑫ EXISTING WETLAND LINE
- ⑬ CROSS SECTION LINE



SHEET 1 OF 2

CROSS SECTIONS

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

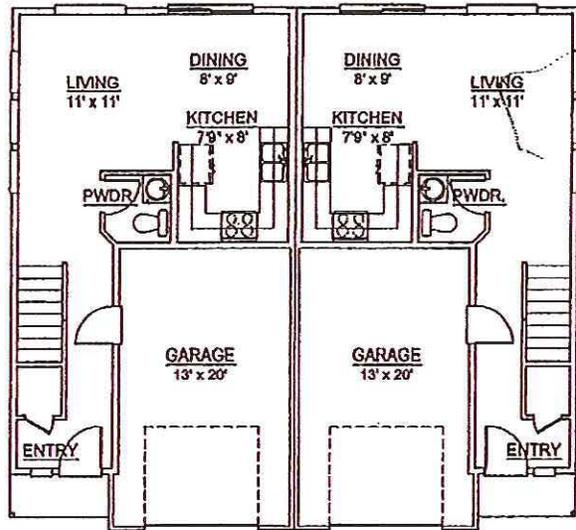
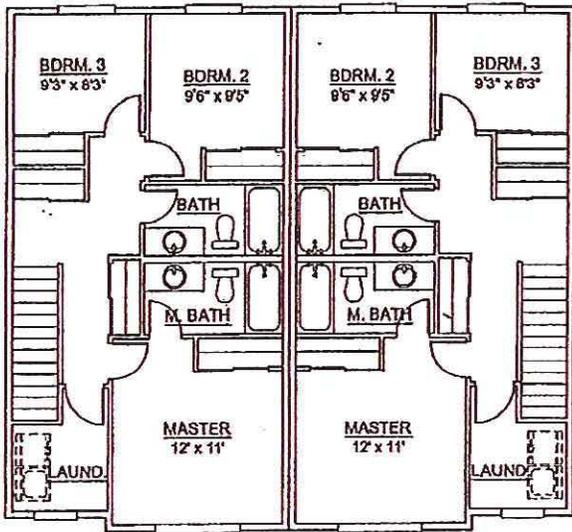


SHEET 2 OF 2

2392 Sq. Ft. Duplex

1196 Sq. Ft.
each side

507 S. Rosewater Dr. • Seaside, OR 97138 • (503) 739-4102



◀ 40'-0" ▶

▲ 37'-0" ▼



