



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: July 8, 2008

Expiration Date: August 6, 2008

Corps of Engineers No: NWP-2002-913

Oregon Department of State Lands No: 26274-FP

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers (Corps) number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Michele E. Hanson
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Roger M. Van
Heceta Lake Joint Venture (HLJV)
6806 SW Boeckman Road
Wilsonville, Oregon 97070-6728

Location: The project is located at the Reserve at Heceta Lake subdivision north of Heceta Beach Road, near Florence, Oregon. The site is in Section 10, Township 18 South, Range 12 West in Lane County.

Waterway: Wetlands adjacent to Heceta Lake

Project Description: HLJV proposes to place fill material into 0.156-acre of palustrine, shrub-scrub wetland to create building envelopes in two lots in the subdivision. The fill would consist of approximately 1,800 cubic yards of sand. Shrubs and trees would be excavated and removed from the site prior to filling the lots. The work would be accomplished using dozers and dump trucks.

A Department of the Army permit was issued in 2003 for HLJV to discharge fill into 0.39-acre in wetland to install the necessary road infrastructure for the subdivision.

Mitigation: At the time the Nationwide Permit No. 39 was verified, HLJV had limited overall wetland impacts to infrastructure and avoided fill for lot development, including building envelopes.

The applicant has provided a conceptual compensatory wetland mitigation plan to replace the proposed wetland impacts. The plan would create up to 2.33 acres of similar wetland type onsite. The wetland would be constructed adjacent to the wetland mitigation site constructed for previous wetland impacts associated with the subdivision.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: To provide housing in the Florence area.

Drawing(s): Nine (9) drawings are attached and labeled NWP-2002-913.

Additional Information: Additional information may be obtained from Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or email michele.e.hanson@usace.army.mil.

Authority: This permit will be issued or denied 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.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

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.

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.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: 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. This notice has been provided to the State Historic Preservation Office, 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 on page 1 of this notice) to assist in a complete evaluation of potential affects.

An initial evaluation of the proposed project area indicates that there are no recorded historic properties within the permit area. The proposed work is of such limited nature and extent that little likelihood exists for the proposed project to affect an unrecorded historic property or any other type of cultural resource.

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 of Engineers 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 this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. 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 and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

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

Corps of Engineers No: NWP-2002-913
Oregon Department of State Lands No: 26274-FP

Notice Issued: July 8, 2008
Written Comments Due: August 6, 2008

WHO IS THE APPLICANT: Roger M. Van, Heceta Lake Joint Ventures

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 surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Northwest Region, 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Water Quality Certification Coordinator, (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) 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 the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **August 6, 2008**. Written comments should be mailed to Oregon Department of Environmental Quality, Northwest Region, Attn: 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, emails should be aware that if there is a delay between servers or if a server is not functioning properly, emails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written 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 Public Affairs at (503) 229-5766 or toll free within Oregon at (800) 452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

PUBLIC NOTICE
OREGON OCEAN AND COASTAL MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION

Date: July 8, 2008

Corps of Engineers No: NWP-2002-913

Oregon Department of State Lands No: 26274-FP

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 for Permit Application. For further information, you may call DLCD at (503) 373-0050.

REVIEW CRITERIA:

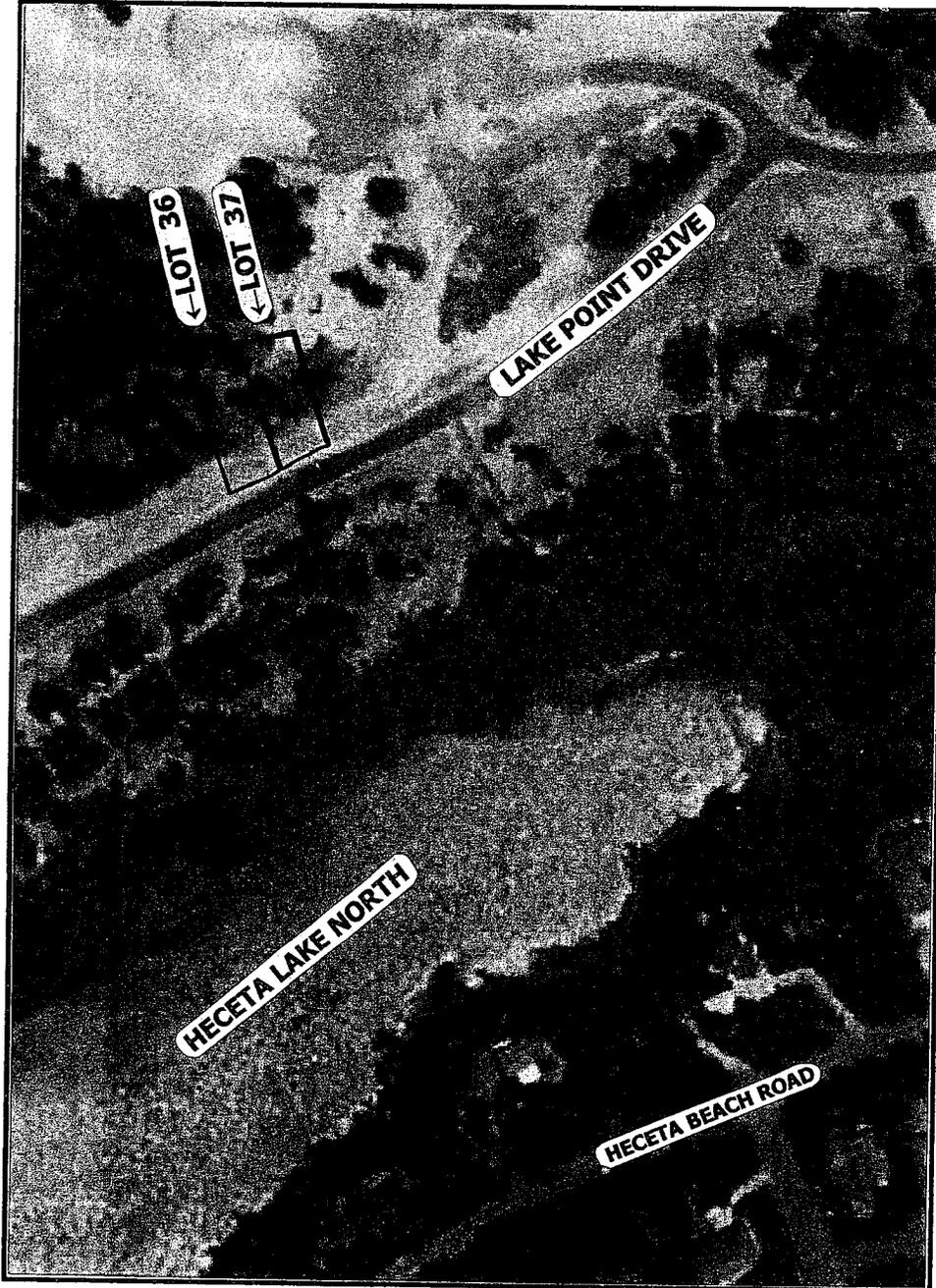
Comments should address consistency with the applicable elements of the Oregon Coastal management Program. These elements include the following:

- 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.

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.

AERIAL MAP
FLORENCE, LANE COUNTY, OREGON



SCALE
1" TO 300'

HECETA LAKE JOINT VENTURE
PROPERTY
TL'S 3700 & 3800
18 - 12 - 10-10
FLORENCE, LANE COUNTY, OREGON

TAX LOT MAP

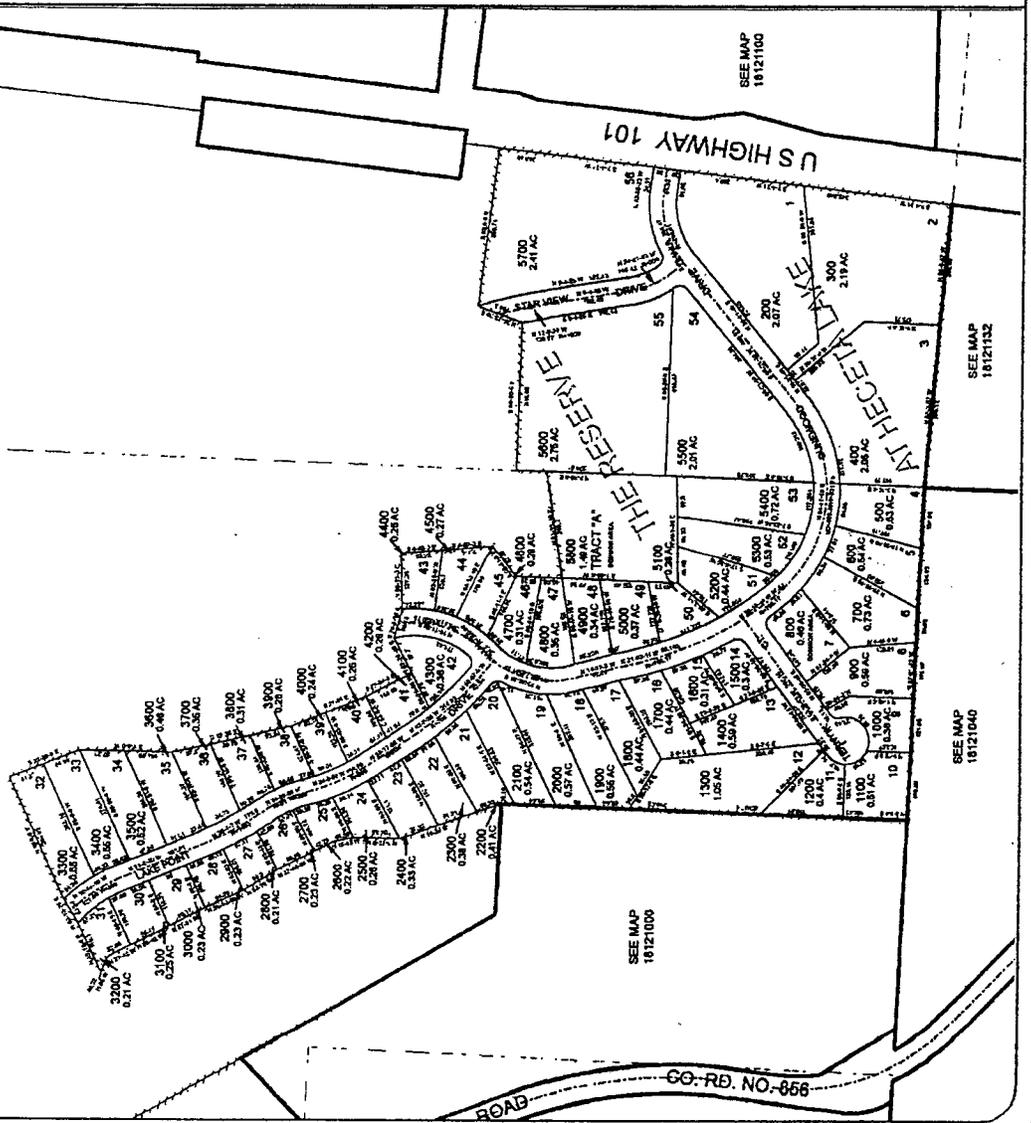
TL'S 3700 & 3800

HECETA LAKE JOINT VENTURE
PROPERTY
TL'S 3700 & 3800
18 - 12 - 10-10
FLORENCE, LANE COUNTY, OREGON

SCALE
1" = 200'

18120250

SECTION 10 T18S R12W W.M.
Lane County
1" = 200'



SEE MAP
18121100

SEE MAP
18121132

SEE MAP
18121040

SEE MAP
18121000

Mitigation Goals, Objectives and Success Criteria

Goal: To by creation improve a total of 0.190 uplands to functioning PEM/SS wetlands at original project mitigation site area. Overall mitigation goal is to create three small wetland areas that will add to the existing site and connect the site to other adjacent natural wetlands, thus sharing hydrology source. This will improve conditions for native plant species and provide some increase habitat for birds and animals now using the area.

- Objectives:**
- A) Acreage Objectives
.A1 to create and improve 0.190 acres of uplands and connect other wetlands including the original mitigation site in the near vicinity.

 - B) Vegetation Objectives
.V1 to establish native plant diversity in the newly created areas and increase wildlife habitat near original mitigation site watering hole. In addition plant some shrub tree riparian species for protection and added habitat.

 - C) Hydrology
.H1 to establish and maintain hydrology characteristics by grading and planting the sites to prevent erosion. Grading will involve removal of historic natural sand deposits and is consistent with the COE 1987 Manual Guidelines. All removal and material will be placed on graded unimproved lot adjacent to the site.
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Success Criteria: Vegetation Success Criteria:

- .A1 – SC1 the areas created will qualify as in kind PEM/SS wetlands, and shall have a vegetative cover of 95 percent native and volunteer and planted *Carex obnupta*, *Rumex crispus*, and *Deschampsia cespitosa*.

- .V1 – SC2 Riparian tree/shrub plantings identified on the planting design map will include *Salix hookeriana* and *Pinus contorta*; though *Ledum glandulosum* may be added later. *Malus fusca* and *Lonicera involucrata* may invade the upper elevations. Survival rate at the end of the five year monitoring period shall be 75 percent plus.

- .V1 – SC3 The percent of following invasive species shall be less than 10 percent after the five year monitoring period within the riparian upland areas (50'), possible species *Cytisus scoparius*.

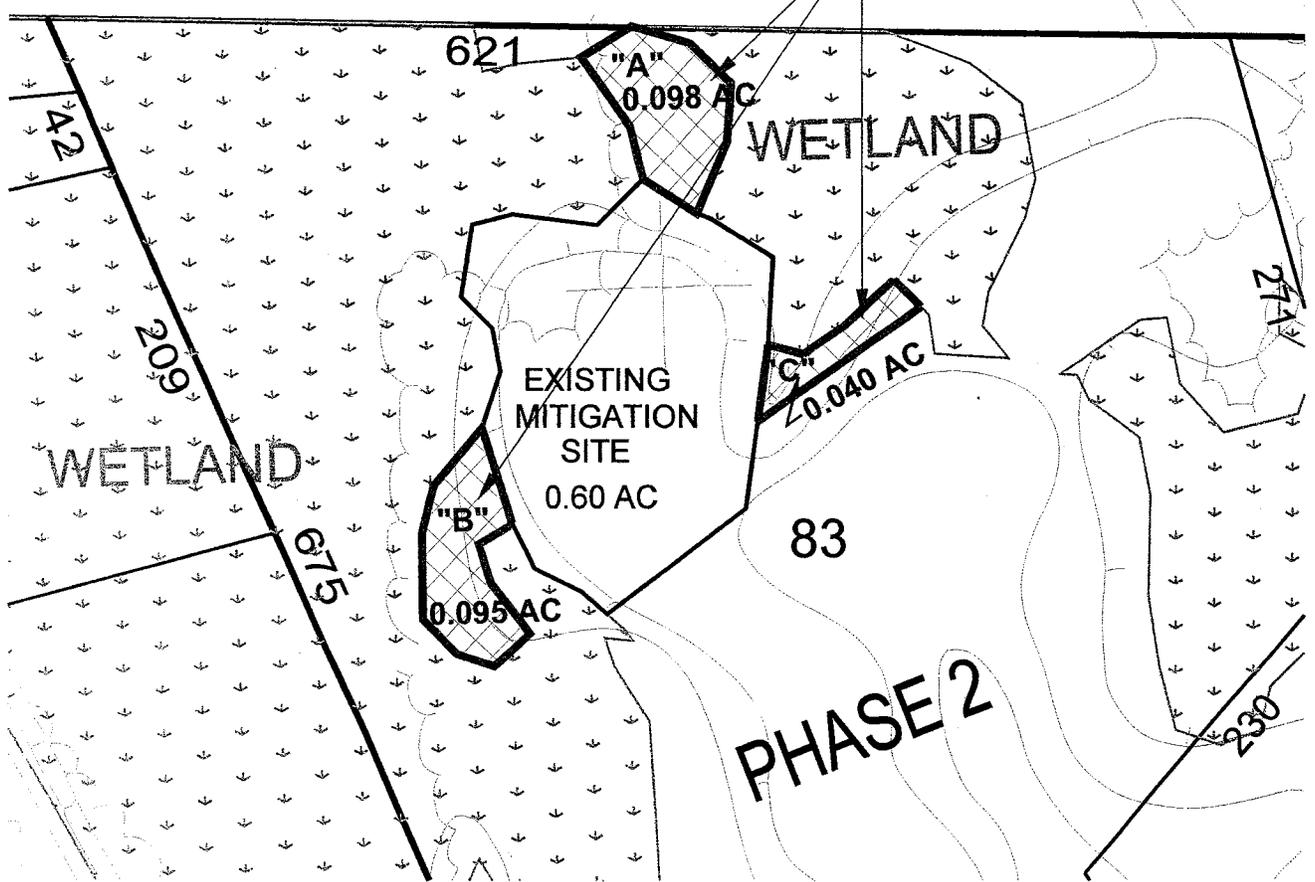
Hydrology Success Criteria:

- .H1 – SC1 the creation areas should meet COE 1987 Manual’s wetland hydrology requirement. However varied yearly seasonal fluctuations of annual rainfall amounts will determine exact hydrology at the site. This however will be consistent with nearby existing natural wetland systems. Seasonal ponding over the entire site will be observed on some years; this will not affect survival of plant species planted. Thus varying climate conditions and water levels will be recorded on monitoring data sheets.

- Note hydrology pass through from this flat dunal depression area will only occur by surface water table intrusion. First season late fall or early spring plantings will assure adequate hydrology within the planted species root zones.

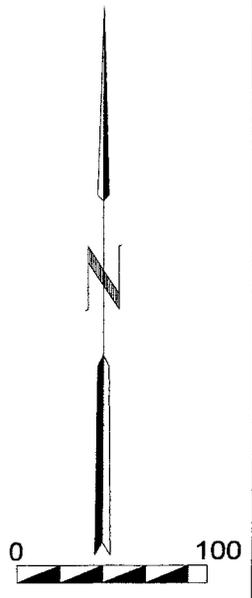
MITIGATION SITE

PROPOSED
MITIGATION SITE



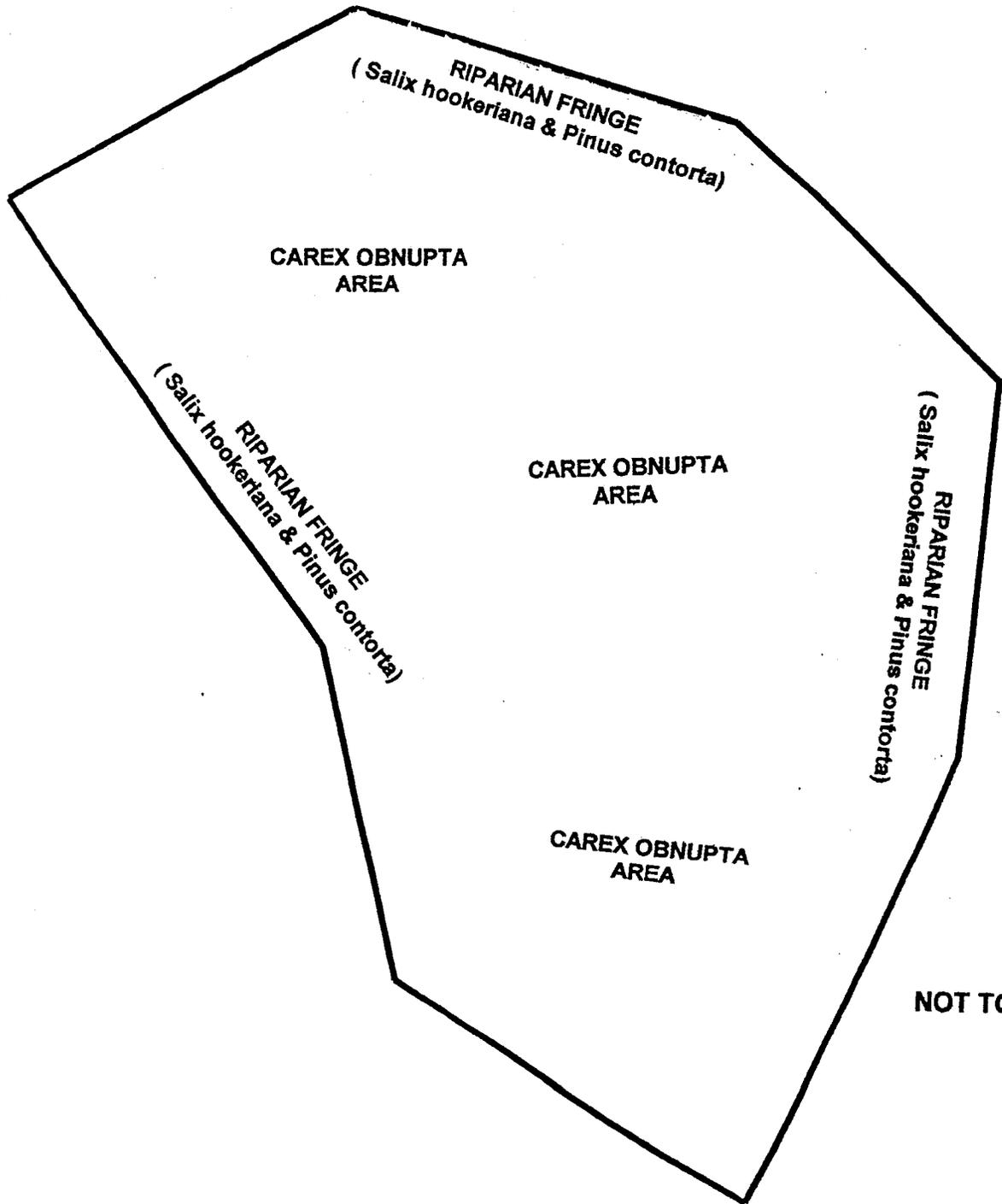
PROPOSED MITIGATION AREA
AND EXISTING MITIGATION AREA
FOR THE RESERVE AT HECETA LAKE

MITIGATION SITE "A" = 0.098 AC
 MITIGATION SITE "B" = 0.095 AC
 MITIGATION SITE "C" = 0.040 AC
TOTAL PROPOSED MITIGATION = 0.233 AC



L:\DC\DC2007\9264 MITIGATION

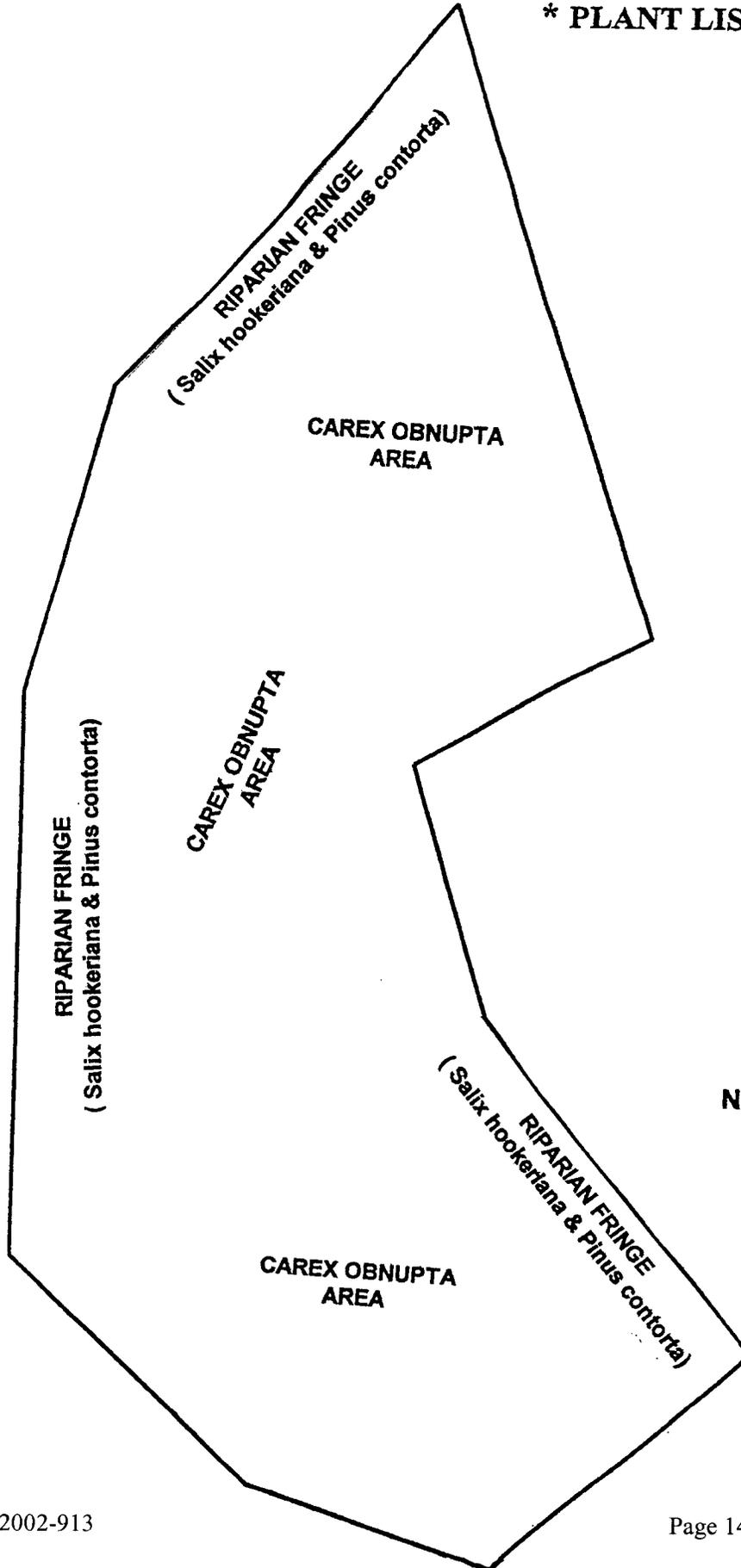
0.098 AC



NOT TO SCALE

0.095 AC

* PLANT LIST SAME AS AREA "A"



NOT TO SCALE

0.040 AC

* PLANT LIST SAME AS AREA "A"



NOT TO SCALE

