



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for PERMIT APPLICATION

Issue Date: November 26, 2008

Expiration Date: December 11, 2008

Corps of Engineers Action ID: NWP-2005-587

Oregon Department of State Lands Number: 41395

### 15-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 should 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  
ATTN: CENWP-OP-GP (Ms. Jaimee W. Hammit)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Oregon Department of Transportation (ODOT) - Region 2

**Location:** U.S. Highway 101 approximately 0.5 mile south of the Siletz River Bridge, near Kernville, Lincoln County, Oregon (Section 10, Township 8 South, Range 11 West)

### Project Description:

**NOTE: Due to project modifications resulting in additional impacts to waters of the United States, the notice is being reissued for additional 15-day comment period. The changes are as follows:**

1. Oregon Department of Fish and Wildlife (ODFW) has advised the applicant that it is necessary to widen the side channel on the southern downstream side of the bridge to maintain hydrologic connectivity and ensure fish are not trapped at low tide. The new channel area will be converted from low salt marsh to mud flat and requires an additional 0.1 acre of fill within the Corps' jurisdiction.
2. A bioswale, which was proposed in the original application, has since been modified, which results in an increased impact of 0.016 acre of waters of the U.S.
3. Additional geotechnical work has required the modification of the proposed piles. Instead of wood piles, the applicant is now proposing to use pre-cast concrete piles. This change results in a reduction in the volume and area of fill required.
4. To ensure that local traffic can safely travel between US101 and Immonen Road at the south end of the project, ODOT's roadway designer determined that it is necessary to widen a portion of the highway causeway south of the bridge on the west side. This change results in additional impact of 0.08 acre of fill in low salt march and 0.02 acre of additional fill in the subtidal channel.

5. The original application underestimated the number of piles required for construction of the work bridges. This may require up to 220 piles, up to 100 feet deep. Conversely, the original application stated 24-inch piles would be used. In fact, 16-inch piles will be used, resulting in the same amount of subtidal impact as originally proposed.
6. This project will take until August 31, 2012 to complete. The original application stated the project would be complete by December 2011. Also, work is proposed to be completed year-round, within containment as described in the Joint Permit Application (JPA). The containment will be erected and removed within the in-water work period. These procedures have been discussed with ODFW and National Marine Fisheries Service (NMFS).
7. The above changes result in a modification to the applicant's mitigation plan for the proposed project. The proposed mitigation area for low salt marsh at the old U.S. 101 mitigation site has been enlarged by 0.08 acre, which is reflected in Figure 18 (see attached). No new mitigation is proposed for the 0.02 acre of subtidal channel fill as the mitigation originally proposed is still appropriate for the level of impacts.

**Revised project drawings are attached as well as a table summarizing the revised permanent impacts to waters of the U.S.**

#### **ORIGINAL PUBLIC NOTICE DESCRIPTION:**

The applicant proposes to construct a new, longer 4-lane bridge to adjoin the existing 2-lane U.S. 101 highway. Specifically, the new bridge would be 330 feet long and would replace the existing 210 foot long structure. The new bridge would be shifted slightly downstream to avoid sensitive fishery areas and scattered eelgrass (*Zostera marina*) beds. The new 4-span bridge would be supported by 2 end bents and 3 interior concrete bents, having 8-10 pilings each. After construction, the new bridge deck will accommodate 4 travel lanes and shoulders with raised curbs to meet current minimum safety and design standards for cars, trucks, bicycles and pedestrians. New concrete railing will be constructed along the widened bridge. The new bridge will be 68 feet wide at completion, compared to the existing 35-foot wide structure. The existing 42 in-water pilings will be pulled out or broken below the ground line of the subtidal channel, as part of the bridge removal process. Finally, the applicant proposes to excavate toe trenches and install Class 2000 riprap to protect the bridge from scour forces.

The Siletz Bay occurs within the Cascadia Subduction Zone with 500- and 1000-year hazard events. An evaluation of the highway embankment was conducted to assess the degree of induced liquefaction following an earthquake. Based on the presence of extremely deep soft sediments in the Siletz Bay, and in consideration of shear strengths of the existing embankment and underlying sediments, it was determined that a significant risk of slope movement along the approach embankments would occur during the 500- and 1000-year events. Therefore, ground improvements are needed as part of the proposed project. The applicant can minimize the risk of liquefaction occurring below and adjacent to the bridge embankment by installing closely-spaced timber piles placed below the ground surface around the new abutments of the bridge. The timbers will be untreated wood placed on 3 to 4-foot on-center spacing within 30 feet of the new abutments. A maximum of 3,000 12-inch diameter timber piles will be installed 60 feet deep into the soft sediment of the slough. Impact hammers, such as air or diesel-driver arms, will be used to install the timber piles. Timber piles placed further out into the estuary will be driven to a minimum of 0.0 ft (1988 NAVD), which will be around 5 feet below the ground elevation of the subtidal channel. The action to install the timber piles will take place during the in-water work period. The work isolation system will contain any disturbed sediments by the pile-

hammering installation. After the work is completed, no piles will be exposed, even during minus tide events.

Thirty-foot-wide temporary work bridges will be installed to support the equipment necessary to construct the new bridge and ground improvements. The applicant proposes that approximately 50 piles (either steel or untreated wood) will be needed for this portion of the project. To minimize their footprint, the applicant proposes to install the work bridge approximately 5-feet from the existing bridge. All of the piles used for this portion of the project will be removed or broken off below the ground surface upon completion of the project.

The applicant has developed a mitigation plan with 3 distinct parts to compensate for the impacts to the types of waters of the U.S. impacted for the proposed project:

1) subtidal water and intertidal mudflats, 2) intertidal low and high salt marsh, and 3) eelgrass beds. Impacts to subtidal water and intertidal mud flats are proposed to be mitigated through the restoration of the Millport Slough channel by removing 60 feet of the existing causeway fill at the bridge and removal of fill associated with a historic utility road that currently constricts flows at minus tides immediately downstream from the existing bridge. Fill be removed on each side of the channel to restore it to its historic width and allow unconstricted movement of tidal waters. Impacts to intertidal low and high salt marsh areas will be mitigated along the old U.S. 101 section at the northerly extent of the project area. Here, the roadway embankment will be removed to restore estuarine habitats in-kind with the impact areas. Impacts to eelgrass beds will be mitigated on-site through transplanting under the direction of Dr. Steve Rumrill at the South Slough National Estuarine Research Reserve.

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 replace a two-lane structurally deficient bridge with a new four-lane structure to maintain an appropriate level of service on this heavily used highway.

**Drawing(s):** Seven (7) drawings are attached.

**Additional Information:** Additional information may be obtained from Ms. Jaimee W. Hammit, U.S. Army Corps of Engineers at (503) 808-4390.

**Authority:** This permit will be issued or denied 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.

**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.

**Coastal Zone Management Act Certification:** A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3) requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

**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 proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** ODOT archaeologist Kurt Roedel reviewed the maps on file at SHPO to determine the presence of archaeological resources studies and recorded archaeological sites in the project area. No previous archaeological resources studies have been conducted in the project area and no archaeological sites have been recorded in the project area.

Mr. Roedel contacted Robert Kentta of the Confederated Tribes of the Siletz Indians during the pre-application phase in 2008 regarding the proposed project. No comments were received.

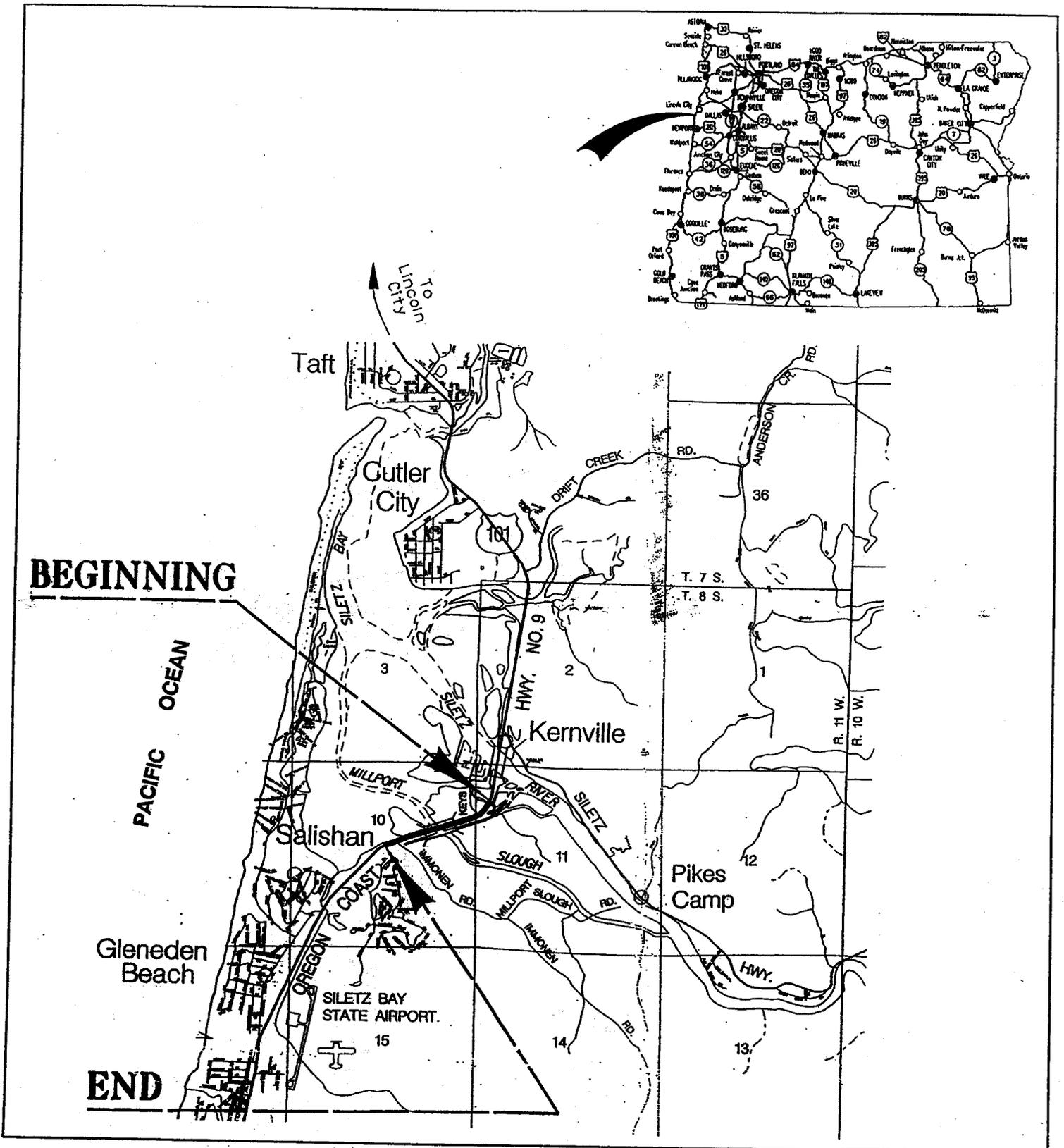
This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

**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.

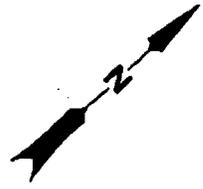


**FIGURE 1**  
**PROJECT VICINITY**

OR 101: Millport Slough Bridge Replacement Section  
Rural Lincoln County, Oregon  
(source: ODOT, 1997)

Not To Scale





Outer Edge of Tamp. Work Bridge

New 4-Lane Bridge

Work Isolation System

Revised Ground Improvement Areas

New Fish Passage Channel  
Additional Impact (Removal)  
= 0.010 ac.

Low Salt Marsh (EZEM1N or EFB)  
Cumulative Direct Impact = 0.241 ac.  
PLUS 0.080 ac. of amended highway  
slope fill and 0.010 ac. of removal for the  
fish passage channel = 0.331 ac.

Amended Highway Slope Fill  
= 0.080 ac.

Subtidal Channel (E1UBL or EFB)  
Cumulative Direct Impact = 0.390 ac.  
PLUS 0.02 ac. of Amended Highway Slope Fill  
= 0.410 ac.

APPROX. SCALE 1:1,000



OREGON DEPARTMENT OF TRANSPORTATION

CUMULATIVE and AMENDED PROJECT ESTUARINE IMPACTS

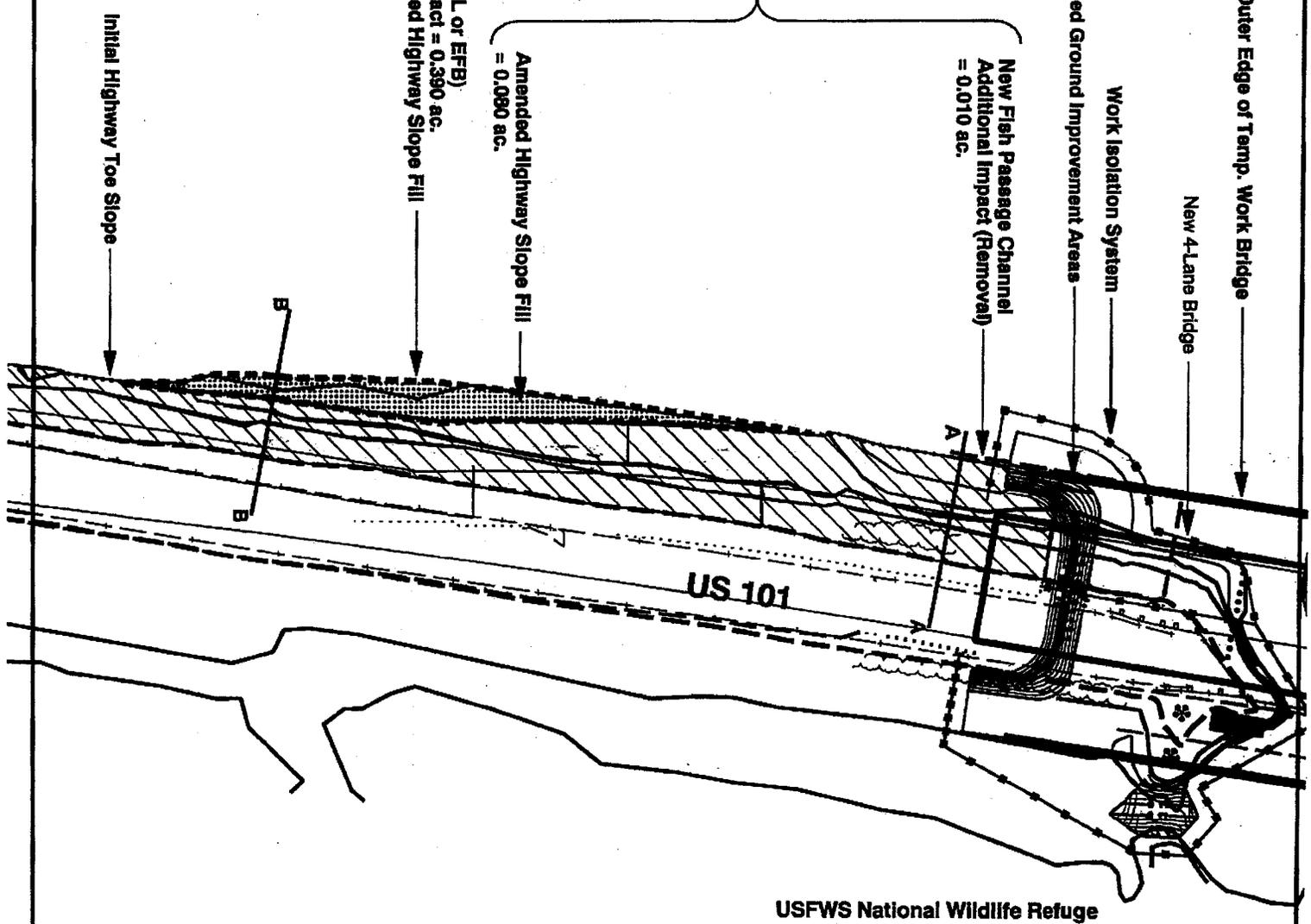
US 101 MILLPORT SLough BRIDGE REPLACEMENT SECTION

OREGON COAST HIGHWAY (US 101)  
RURAL LINCOLN COUNTY

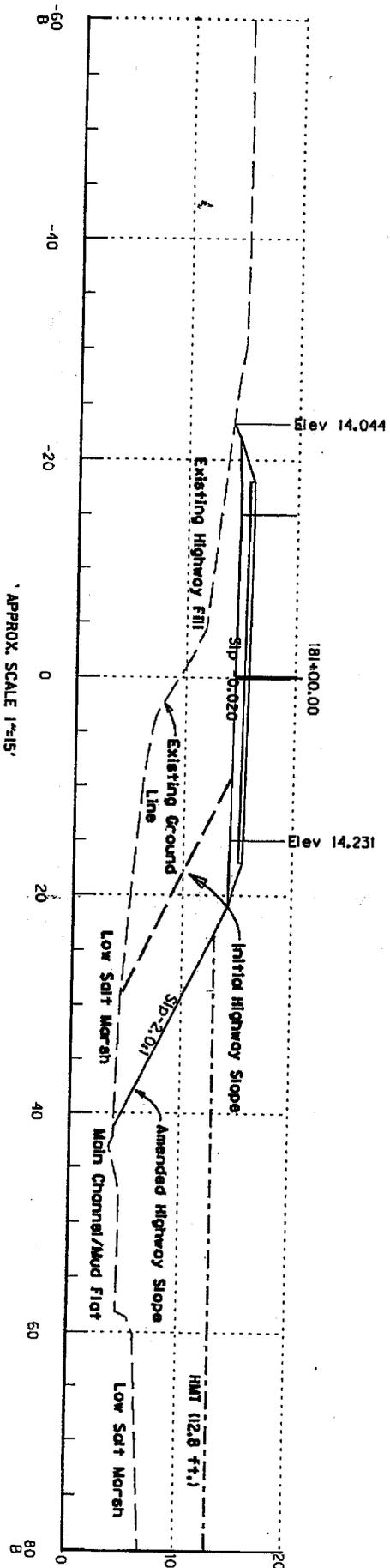
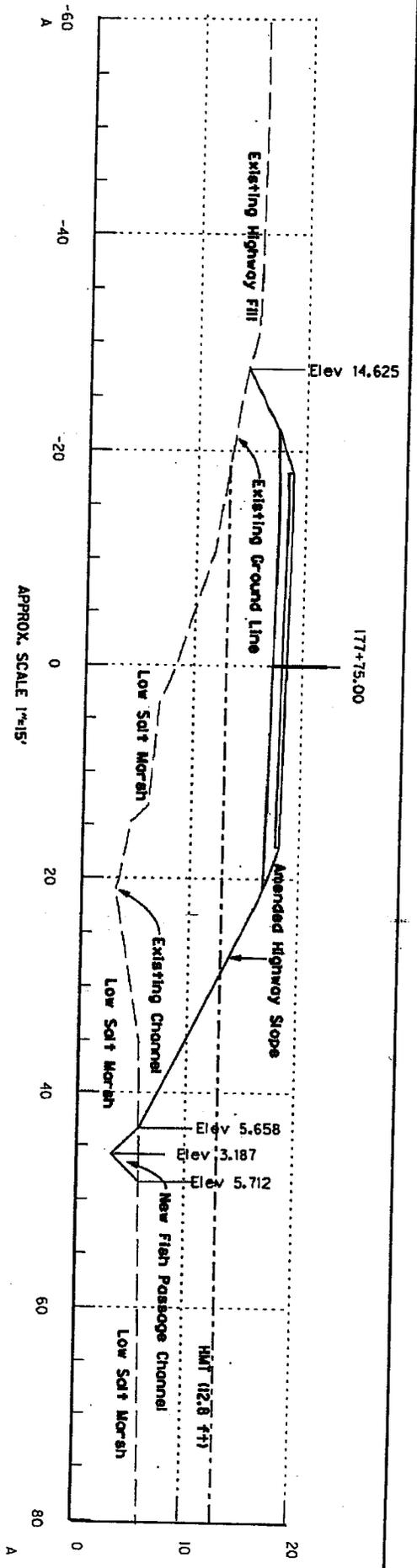
NOV. 2008

FIGURE 80

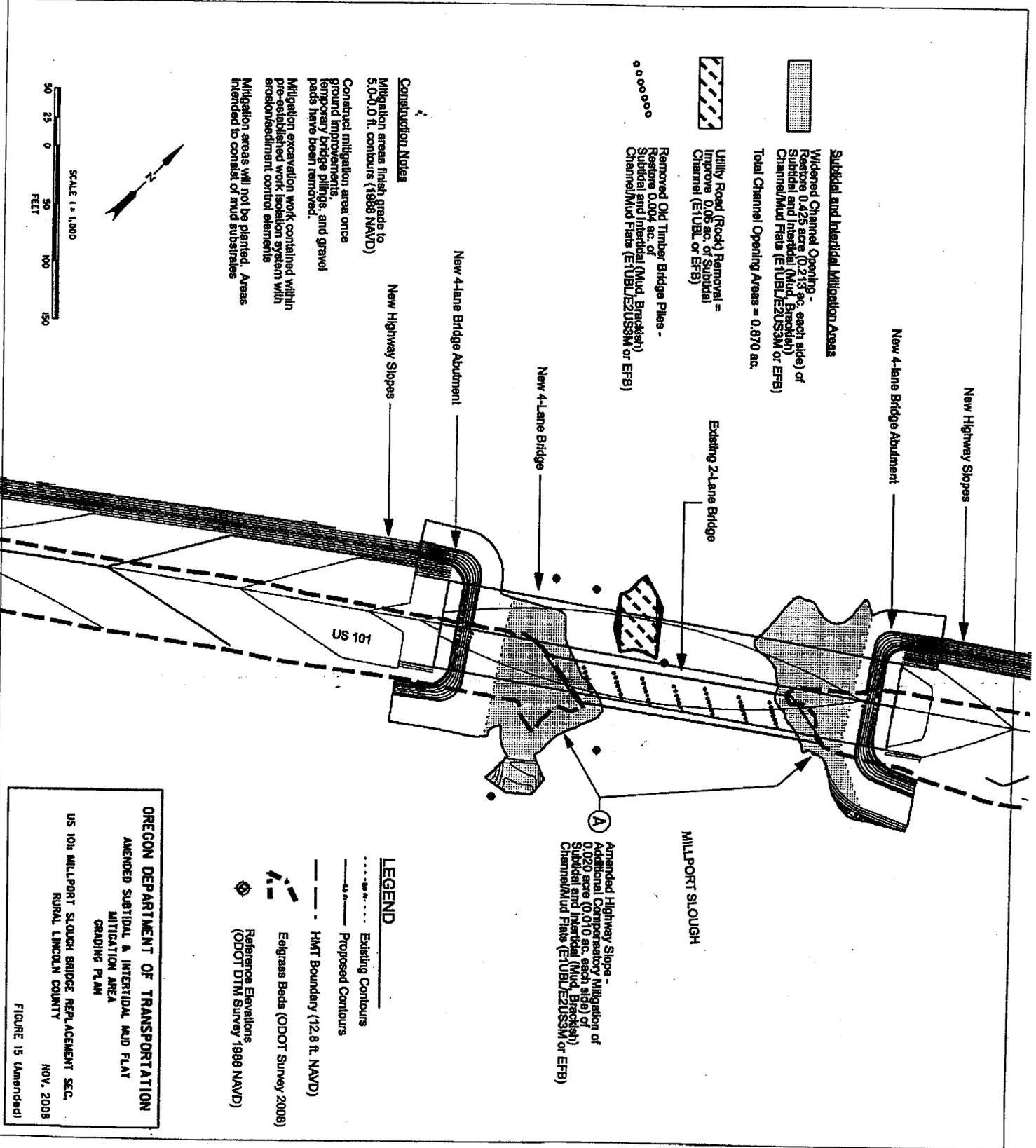
Initial Highway Toe Slope



USFWS National Wildlife Refuge



**OREGON DEPARTMENT OF TRANSPORTATION**  
 US 101 MILLPORT SLOUGH BRIDGE REPLACEMENT SECTION  
 OREGON COAST HIGHWAY (US101)  
 RURAL LINCOLN COUNTY  
 NOV. 2008  
 FIGURE 8B



**Subtidal and Intertidal Mitigation Areas**

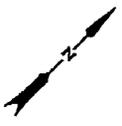
- Widened Channel Opening -  
Reopens 0.425 acre (0.213 ac. each side) of  
Subtidal and Intertidal (Mud, Brackett)
- Channel/Mud Flats (E1UBL/E2USSM or EFB)
- Total Channel Opening Areas = 0.870 ac.

- Utility Road (Rock) Removal =  
Improve 0.06 ac. of Subtidal  
Channel (E1UBL or EFB)

- Restored Old Timber Bridge Piles -  
Restore 0.004 ac. of  
Subtidal and Intertidal (Mud, Brackett)
- Channel/Mud Flats (E1UBL/E2USSM or EFB)

**Construction Notes**

- Mitigation areas finish grade to  
5.0-0.0 ft. contours (1988 NAVD)
- Construct mitigation area once  
ground improvements  
temporary bridge pilings, and gravel  
pads have been removed.
- Mitigation excavation work contained within  
pre-established work location system with  
erosion/sediment control elements
- Mitigation areas will not be planted. Areas  
intended to consist of mud substrates



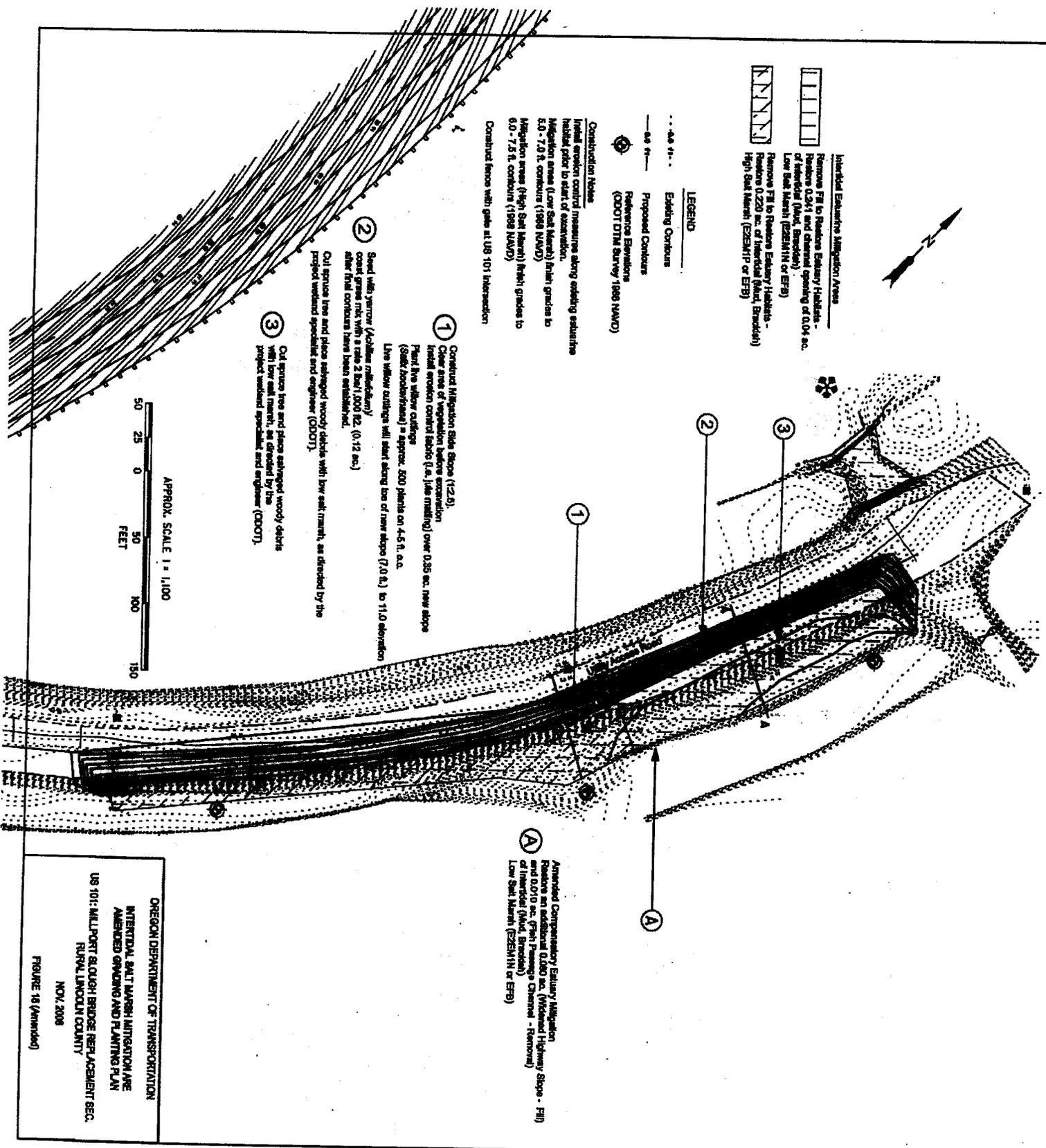
**OREGON DEPARTMENT OF TRANSPORTATION**  
**AMENDED SUBTIDAL & INTERTIDAL MUD FLAT**  
**MITIGATION AREA**  
**GRADING PLAN**  
 US 101 MILLPORT SLOUGH BRIDGE REPLACEMENT SEC.  
 RURAL LINCOLN COUNTY  
 NOV. 2008  
 FIGURE 15 (Amended)

- LEGEND**
- Existing Contours
  - - - Proposed Contours
  - HMT Boundary (12.8 ft. NAVD)
  - Eelgrass Beds (ODOT Survey 2008)
  - Reference Elevations (ODOT DTM Survey 1988 NAVD)

(A) Amended Highway Slope -  
 Additional Compensatory Mitigation of  
 0.020 acre (0.010 ac. each side) of  
 Subtidal and Intertidal (Mud, Brackett)

MILLPORT SLOUGH

US 101



**Intermodal Erosion Mitigation Areas**

- Remove Fill to Restore Estuary Habitats - Restore 0.241 and channel opening of 0.04 ac. of Intermodal (Mud, Breddick)
- Low Salt Marsh (E2EM1N or E7B)
- Remove Fill to Restore Estuary Habitats - Restore 0.228 ac. of Intermodal (Mud, Breddick)
- High Salt Marsh (E2EM1P or E7B)

**LEGEND**

- 48 ft --- Existing Contours
- 48 ft — Proposed Contours
- Reference Elevations (ODOT DATM Survey 1988 NAWD)

**Construction Notes**

Install erosion control measures along existing embankments habitat prior to start of excavation.

Mitigation areas (Low Salt Marsh) finish grades to 5.0 - 7.0 ft, contours (1988 NAWD)

Mitigation areas (High Salt Marsh) finish grades to 6.0 - 7.5 ft, contours (1988 NAWD)

Construct fence with gate at US 101 Intersection

1. Construct Mitigation Side Slope (12:5). Clear area of vegetation before excavation. Install erosion control fabric (i.e. jute matting) over 0.35 ac. new slope. Plant live willow cuttings (Salt Tolerant/mary) at approx. 500 plants on 4.5 ft. a.c. Live willow cuttings will start along base of new slope (7.0 ft.) to 11.0 elevation.
2. Seed with yellow (Kochia rhicoides) and coast grass mix with a rate 2 lbs/1,000 sq. ft. after final contours have been established.
3. Cut spruce trees and place salvaged woody debris with low salt marsh, as directed by the project wetland specialist and engineer (CDDOT).

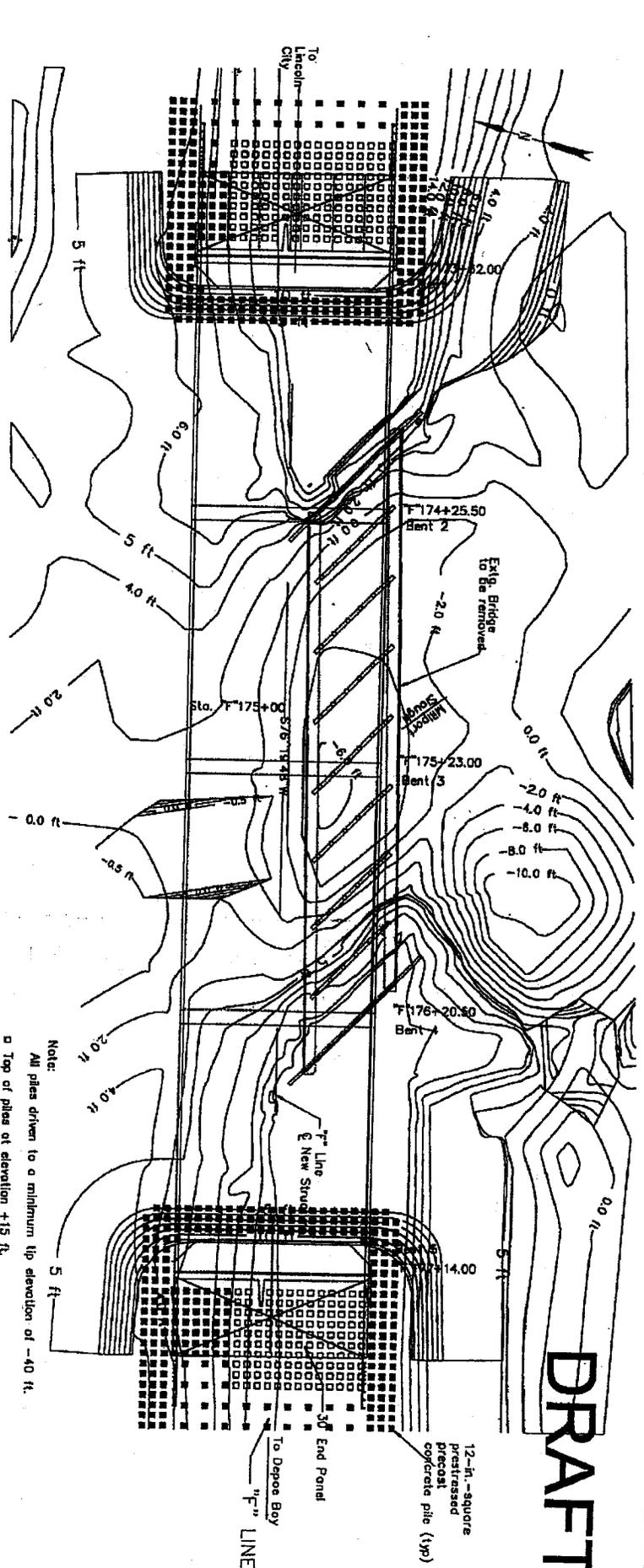
APPROX. SCALE 1" = 100'

50 25 0 50 100 150 FEET

**(A)** Amended Compensatory Estuary Mitigation. Restore an additional 0.083 ac. (Widened Highway Slope - Fill) and 0.010 ac. (Palm Fringe - Channel - Removal) of Intermodal (Mud, Breddick). Low Salt Marsh (E2EM1N or E7B)

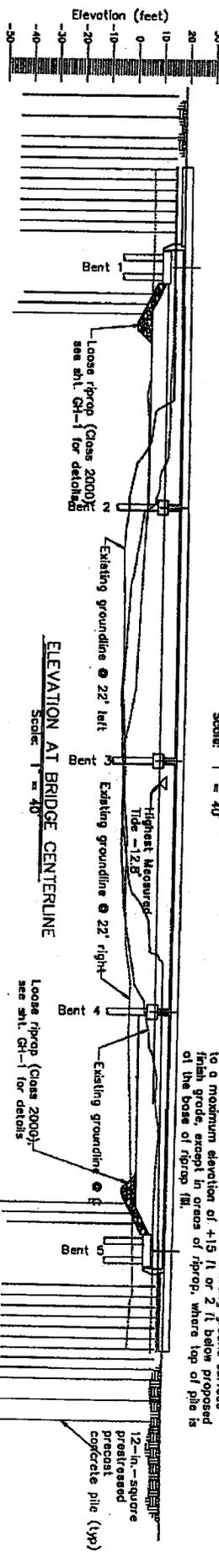
OREGON DEPARTMENT OF TRANSPORTATION  
 INTERMODAL SALT MARSH MITIGATION AND  
 AMENDED GRADING AND PLANTING PLAN  
 US 101 MILLPORT BLOUGH BRIDGE FERN ACQUIREMENT SEC.  
 RURAL LINCOLN COUNTY  
 NOV. 2008  
 FIGURE 16 (Amended)

# DRAFT



Scale: 1" = 40'

- Note:
- All piles driven to a minimum tip elevation of -40 ft.
  - Top of piles at least 2 ft above existing ground surface to a minimum elevation of +15 ft or 2 ft below proposed finish grade, except in areas of riprap, where top of pile is at the base of riprap fill.



### ELEVATION AT BRIDGE CENTERLINE

Scale: 1" = 40'

DESIGNER:	LEE A. BROWN	REGISTERED PROFESSIONAL ENGINEER	NO. 8045	OREGON
CLIENT:	MOORE, J. BARRINGTON, P.E. & CO.			
DATE:	20401	STRUCTURE NO.:	20401	
PROJECT:	STAN NELSON, P.E. & CO.	DATE:	OCT. 2008	
ISSUE:	JUNE 2009			
		MILLPORT SLOUGH, HWY 9 SEC. 9 MILLPORT SLOUGH BRIDGE, SEC. 9 OREGON COAST HWY IMP. (P. 120, 84) LINCOLN COUNTY		
CONCRETE PILE GROUND IMPROVEMENT		JOB NO. 4678-MS OCT. 2008		

FIGURE 19

Cumulatively, these changes result in an increase of 50 yd<sup>3</sup> of jurisdictional removal, a net decrease of 1,890 yd<sup>3</sup> of jurisdictional fill, and a net decrease of 0.094 acre of jurisdictional area impacted. A table of revised impacts follows, which replaces Table 2 of the JPA:

Table 2: Permanent Impacts Within Estuarine Habitats (*Amended Items ~~to~~ underlined*)

Construction Activity	Habitat Type	Fill Area/Volume	Removal Area/Volume	Proposed Mitigation	
<b>New Bridge:</b> 66 30" diameter piles, approx. 80' & 140' long	Subtidal Slough (E1UBL)	A = 0.010 ac. V = 1,500 yd <sup>3</sup>	No permanent removal	Establish subtidal and mud flat habitats at the opened ends of the new bridge.	
<b>New Bridge:</b> Toe trenches at new bridge abutments using Class 2,000 riprap	Subtidal Slough (E1UBL)	A = 0.300 ac. V = 9,000 yd <sup>3</sup>		Establish subtidal and intertidal mud flat habitats at the opened ends of the new bridge.	
<b>Widened Highway Slopes</b>	Subtidal Slough (E1UBL)	<u>A = 0.083 ac./V = 255 yd<sup>3</sup></u>		Establish subtidal habitat at the new bridge and intertidal mud flats/LSM/HSM with fringe willows at the old US 101 road.	
	Mud Flats (E2US3M)	<u>A = 0.044 ac./V = 190 yd<sup>3</sup></u>			
	LSM (E2EM1N or EFB)	<u>A = 0.321 ac./V = 2,545 yd<sup>3</sup></u>			
	HSM (E2EM1P or EFB)	<u>A = 0.220 ac./V = 1,775 yd<sup>3</sup></u>			
Upland below HMT	<u>A = 0.623 ac./V = 7,035 yd<sup>3</sup></u>				
<b>Staging Pad for Cranes*:</b> Gravel fill in estuarine areas for cranes	Subtidal Slough (E1UBL) Mud Flats (E2US3M)	A = 0.010 ac. V = 65 yd <sup>3</sup>			Establish subtidal and mud flat habitat at the opened ends of the new bridge.
<b>Work Bridges*:</b> <u>Up to 220 16" diameter piles, up to 100' long</u>	Subtidal Slough (E1UBL)	A = 0.007 ac. <u>V = 1,200 yd<sup>3</sup></u>			Establish subtidal and mud flat habitat at the opened ends of the new bridge.
<b>West and East Work Bridges*:</b> Shading impacts to eelgrass beds.	Eelgrass Beds (E1AB3L)	A = 0.015 ac. V = 0.000 yd <sup>3</sup>	Transplant impacted beds within submerged land within northerly upstream tidal ditch.		
<b>Ground Improvements:</b> <u>Up to 900 12" square piles, 60' long, with associated wick drains</u>	Subtidal Slough (E1UBL)	<u>A = 0.4 ac.</u>	<u>This will occur only in areas occupied by other fill (existing and proposed). Therefore, no mitigation is proposed.</u>		
	Mud Flats (E2US3M)	<u>(0.2 ac. under each abutment)</u>			
	LSM (E2EM1N or EFB)				
	HSM (E2EM1P or EFB)				
HSM (E2SS1P or EFB)	<u>V = 2,000 yd<sup>3</sup></u>				
<u>Fish Passage Channel:</u> 5' wide, 2.5' deep channel, about 90' long	<u>LSM (E2EM1N or EFB)</u>	<u>No fill.</u>	<u>A = 0.01 ac.</u> <u>V = 20 yd<sup>3</sup></u>	<u>Establish LSM habitat at the old US 101 road.</u>	
<b>Stormwater Treatment</b> <b>Bioswale:</b> 7' wide, 100' long	<u>Upland below HMT</u>	<u>A = 0.016 ac.</u> <u>V = 30 yd<sup>3</sup></u>	<u>A = 0.016 ac.</u> <u>V = 30 yd<sup>3</sup></u>	<u>This activity will occur only in areas functioning as uplands. Therefore, no mitigation is proposed.</u>	

\* Impacts resulting from these activities are temporary, but will last longer than one year, and are thus being considered permanent with regard to mitigation obligations.

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

Corps of Engineers Action ID Number: NWP-2005-587  
Oregon Department of State Lands Number: 41395

Notice Issued: November 26, 2008  
Written Comments Due: December 26, 2008

**WHO IS THE APPLICANT:** ODOT - Region 2

**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, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953.

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

Any questions on the proposed certification 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 DEQ's TTY at (503) 229-6993.

**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 the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on December 26, 2008. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953 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, e-mails 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](mailto: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 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 DEQ's TTY at (503) 229-6993.

# **PUBLIC NOTICE**

## **OREGON COASTAL MANAGEMENT PROGRAM**

### **CONSISTENCY CERTIFICATION**

Date: November 26, 2008

Corps of Engineers Action ID Number: NWP-2005-587

Oregon Department of State Lands Number: 41395

#### **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 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 St. NE, Suite 200, Salem, OR 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

#### **REVIEW CRITERIA**

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

- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

#### **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.