



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for Permit Application**

**15-Day Notice**

**Issue Date:** November 4, 2008  
**Expiration Date:** December 3, 2008  
**Corps of Engineers No:** NWP-2008-367  
**Oregon Department of State Lands No:** 40776-GA

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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 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  
Ms. Merina Christoffersen  
1600 Executive Parkway, Suite 210  
Eugene, Oregon 97401-2156

**Applicant:** Mr. James Brawner  
30130 Horseshoe Loop  
Lebanon, Oregon 97355-9505

**Location:** The project is located in a wetland complex off Santiam Highway in Waterloo, Linn County, Oregon. The site is in Section 4 of Township 13 South, Range 1 West.

**Waterway:** Wetlands abutting intermittent roadside drainage tributary to Vail Creek, tributary to the South Santiam River, tributary to the Santiam River, which is a navigable water of the U.S.

**Project Description:** The applicant would grade and excavate three interconnected ponds with low berm edges in up to 0.36-acre of previously ditched, drained wetlands to create a fish farm. The ponds would measure 50 feet wide by 100 feet long by 6 feet deep, 50 feet wide by 100 feet long by 3 feet deep, and 30 feet wide by 100 feet long by 6 feet deep, respectively. Excavated clay subsoils and cobble will be used to line the ponds. Seasonal creek flows would be captured and impounded for the ponds. Any outlet would be screened to prevent fish leaving the site. The applicant has also proposed to close the system annually with a riser gate, and then pump the water out of the ponds through sprinklers onto nearby fields to prevent any contaminants from flowing downstream. The area would be reseeded and planted with native vegetation including tufted hairgrass and sedges.

**Mitigation:** The project is expected to restore hydrology and native plants on the site. 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:** Creation of private fish farm ponds and restoration of ditched, degraded wetlands.

**Drawing(s):** Eleven (11) drawings are included, labeled Corps No. NWP-2008-367

**Additional Information:** Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U.S. Army Corps of Engineers at (541) 465-6882 or email [merina.e.christoffersen@usace.army.mil](mailto:merina.e.christoffersen@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. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

**Cultural Resources:** An initial evaluation of the proposed project area 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 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 effects.

**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-2008-367

**Notice Issued:** November 3, 2008

**Oregon Department of State Lands No:** 40776-GA

**Written Comments Due:** December 3, 2008

**WHO IS THE APPLICANT:** Mr. James Brawner

**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:**

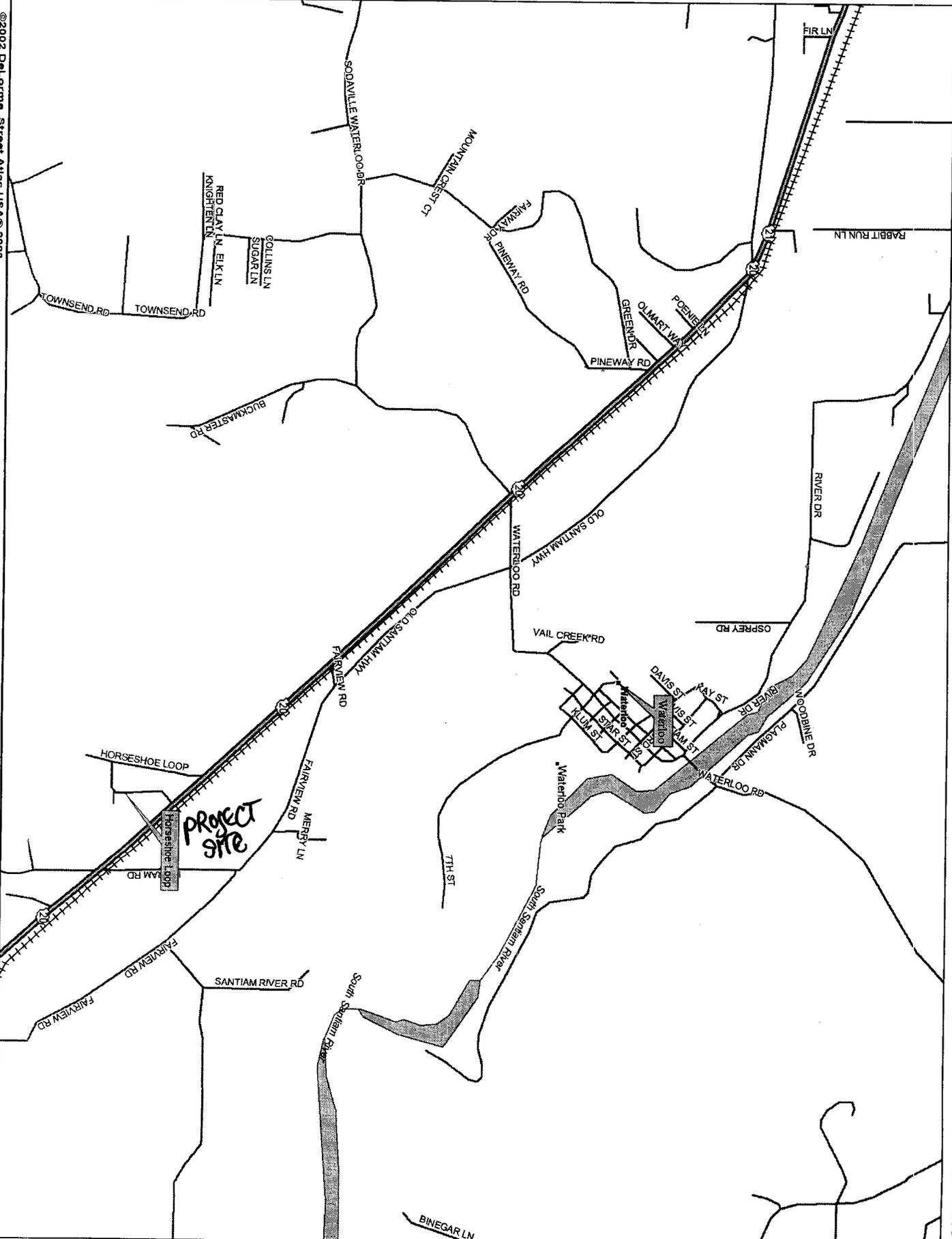
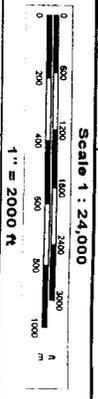
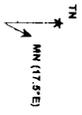
**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

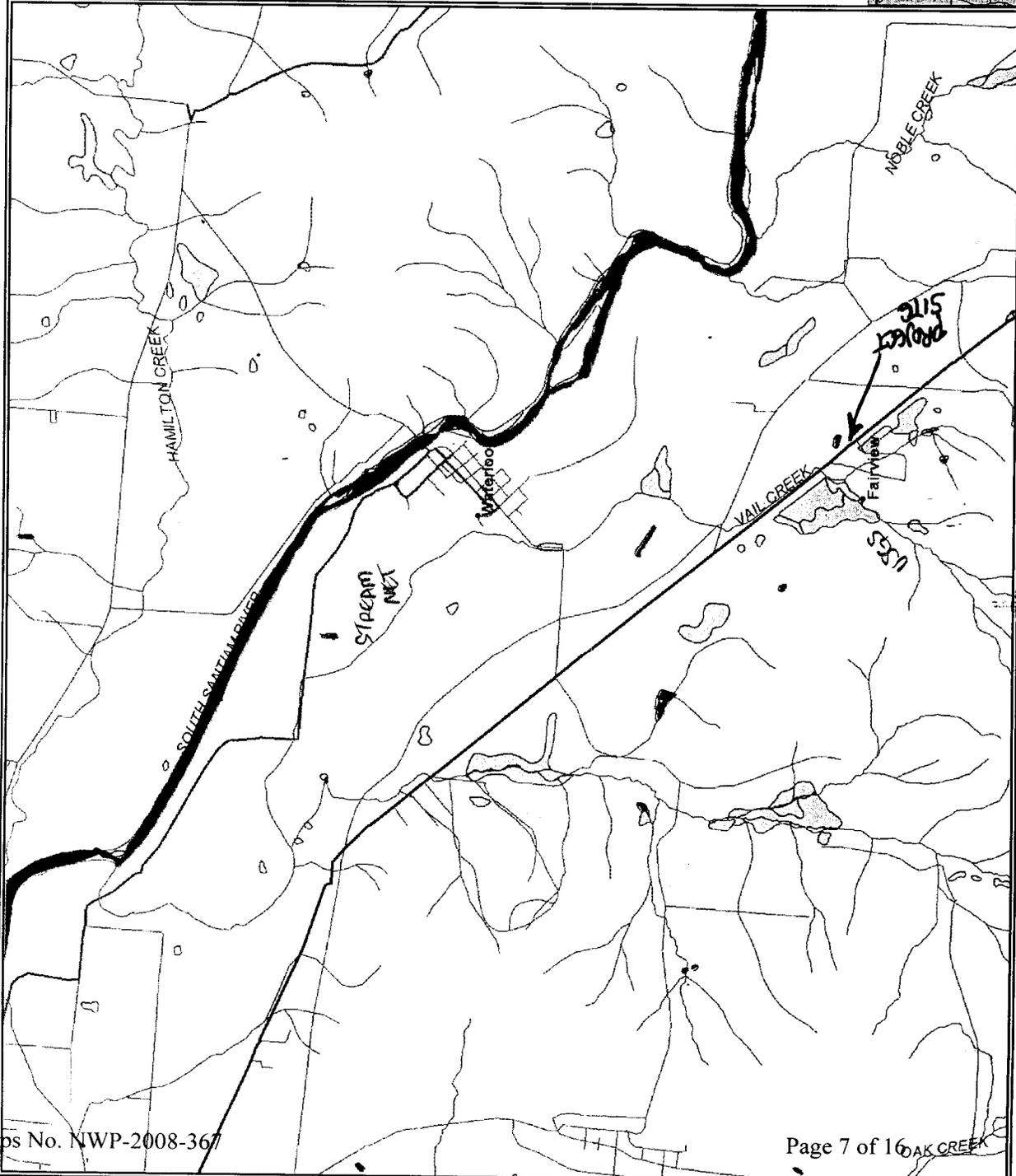
**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **December 3, 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](mailto:401publiccomments@deq.state.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

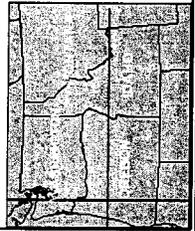
**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment 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 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.



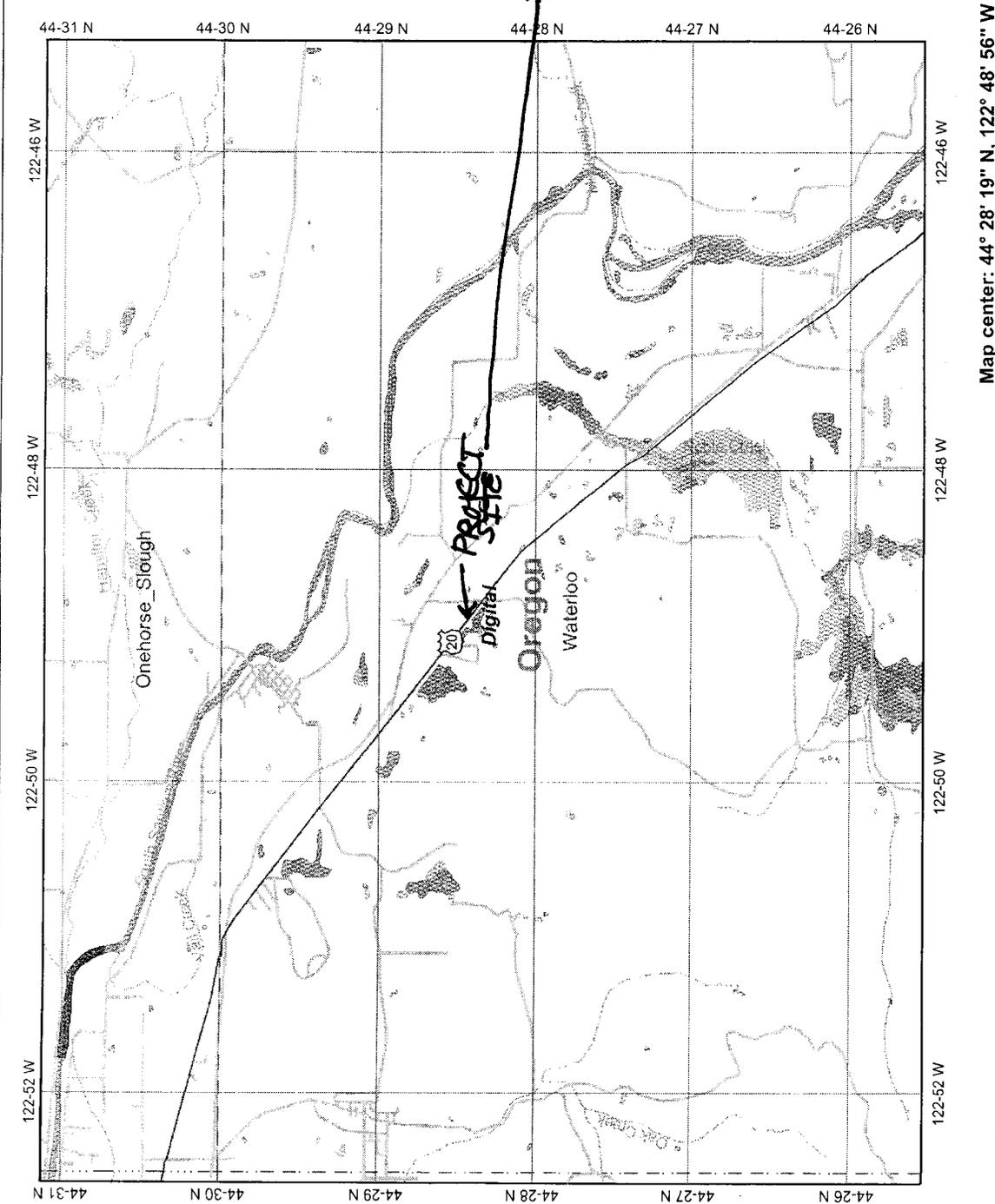


- NPCC Subbasins**
- Wetland Polygons
  - Palustrine
  - Lucustrine
  - Riverine
  - Estuarine
  - Marine



DISCLAIMER: Data for analysis and display were compiled from the best available sources. No liability is assumed for the accuracy or completeness of the information contained herein. Data and mapped features are intended only to depict approximate locations.

# 2008-367 Brawner Wetland

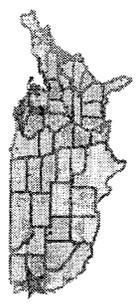


Map center: 44° 28' 19" N, 122° 48' 56" W

Scale: 1:72,625

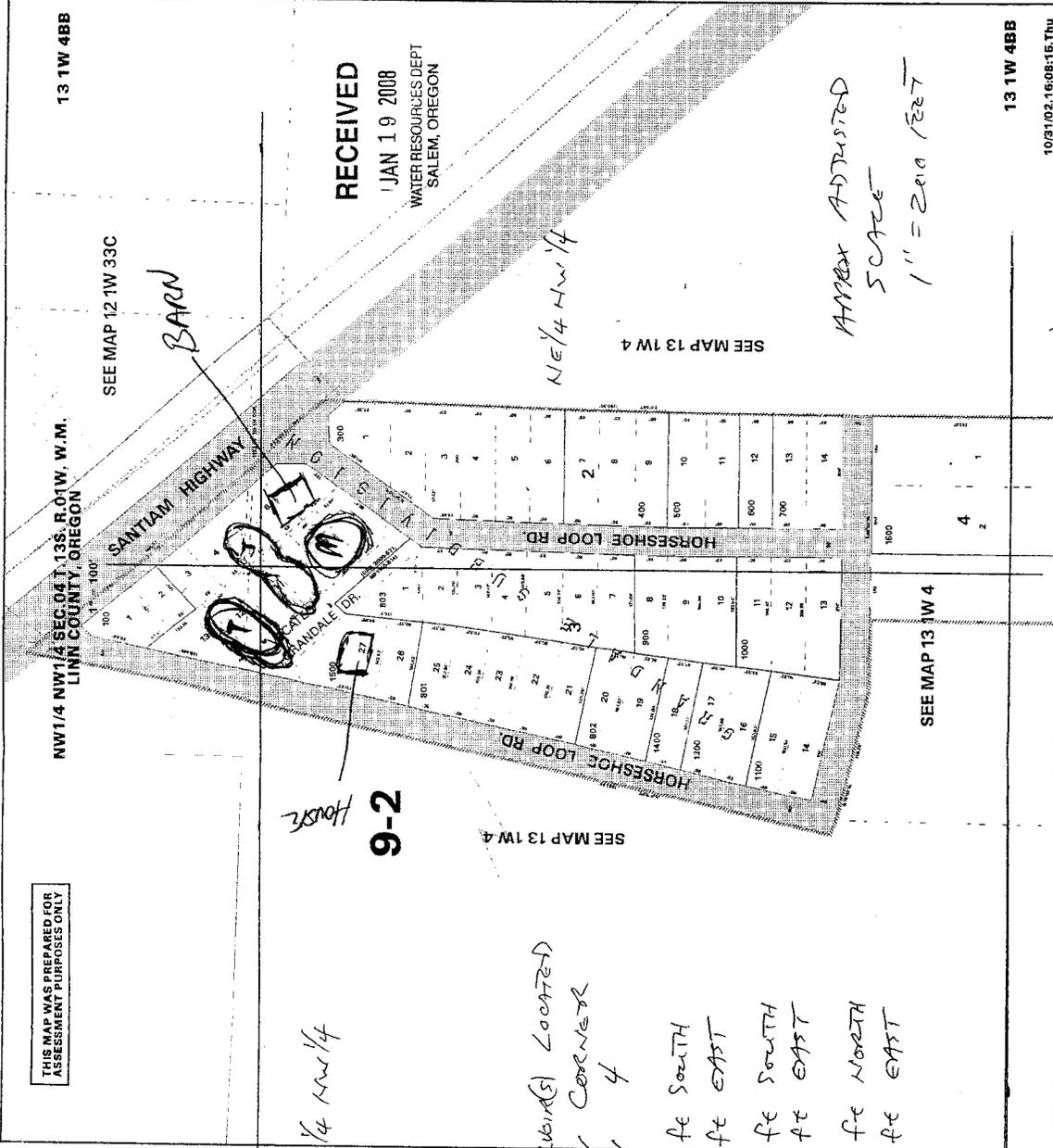
## Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Permit No  
R-14608  
AppNo R87099



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

RECEIVED  
JAN 19 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

MAP AS DRAWN  
SCALE  
1" = 200 FEET

13 1W 4BB

13 1W 4BB

10/31/02, 16:08:15, THU

NW 1/4 NW 1/4 SEC 04 T 13S. R 01W. W.M.  
LINN COUNTY, OREGON

SEE MAP 12 1W 33C

SEE MAP 13 1W 4

SEE MAP 13 1W 4

SEE MAP 13 1W 4

5-4

NW 1/4 NW 1/4

House  
9-2

3 Retardants Located  
from NW Corner  
Section 4

RET. "I" 20 ft SOUTH  
1310 ft EAST  
RET. "M" 140 ft SOUTH  
1360 ft EAST  
RET. "T" 200 ft NORTH  
1210 ft EAST

APPLICATION PLOT PLAN

Property ID: 13S01W04BB01500  
File Number:  
Date Produced: 11/17/05

REVIEWED  
Planning: *[Signature]* Date: 11-17-2005  
EHD: *[Signature]* Date: 11-22-2005  
Building: *[Signature]* Date: 11-22-2005  
Flood Plain: *[Signature]* Date: 11-17-2005

REVIEWED

Planning: *[Signature]* Date: 11-17-2005  
EHD: *[Signature]* Date: 11-22-2005  
Building: *[Signature]* Date: 11-22-2005  
Flood Plain: *[Signature]* Date: 11-17-2005

WILD FISH PARK

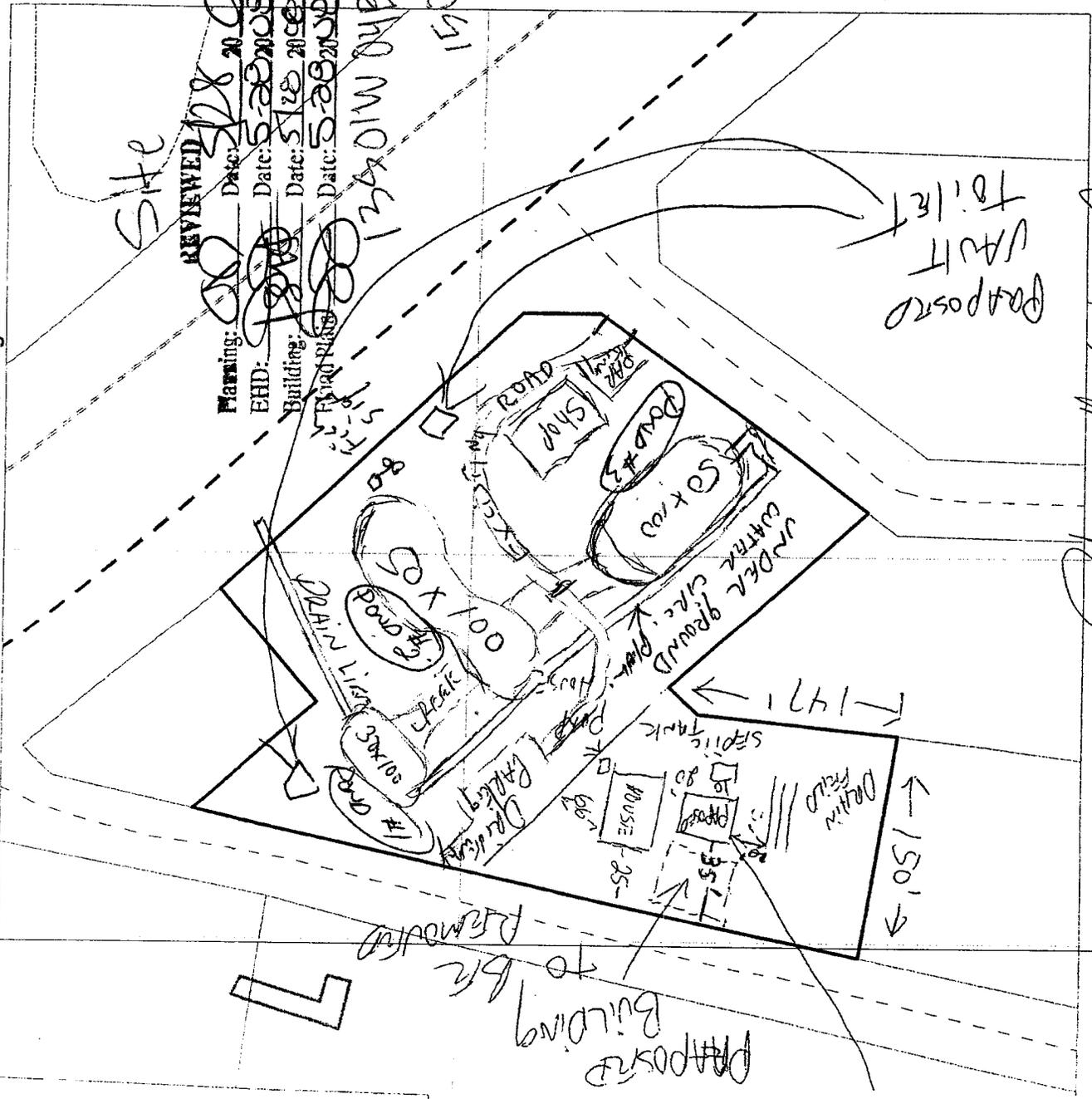
ITEC

- Lot 13S01W04BB01500
- Sections
- Highways
- Roads
- Railroads
- Major Rivers
- Rivers
- Drainages
- County Map Lots
- Wells
- Test Pits
- Disposal Areas



Date

Applicant's Name and Signature

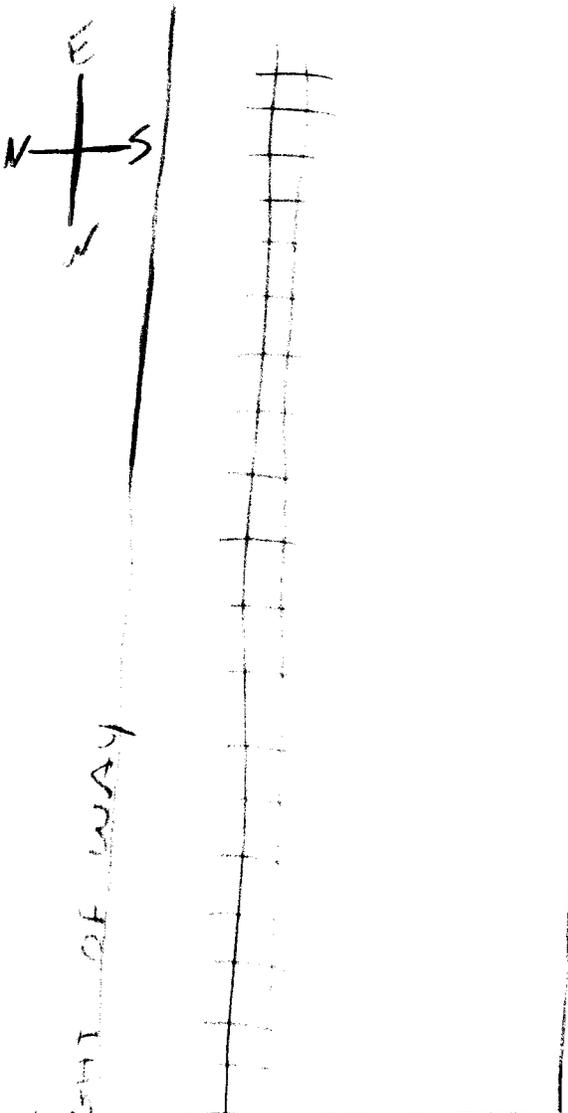


Site

PAPOSED VAULT TOILET

PAPOSED Building to be REMOVED





WATER WAY  
 From Fish  
 Farm TO off  
 STATE Right-A-  
 way

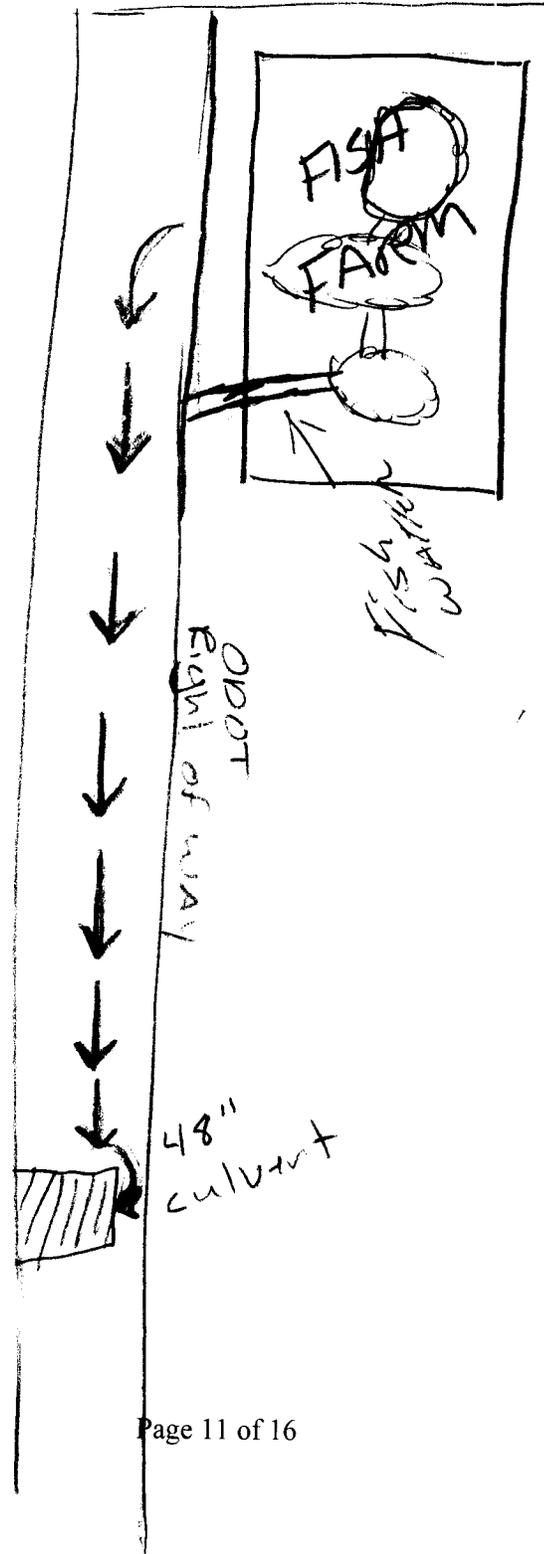
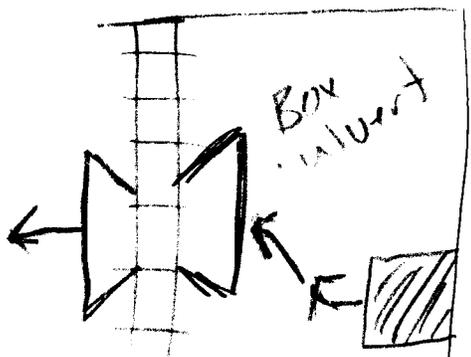
m.p. 20

Whisper  
 Hooped  
 EAST 2000

ODOT  
 RIGHT OF WAY

Downway to  
 mill

High 20



High 20

ODOT  
 Right of way

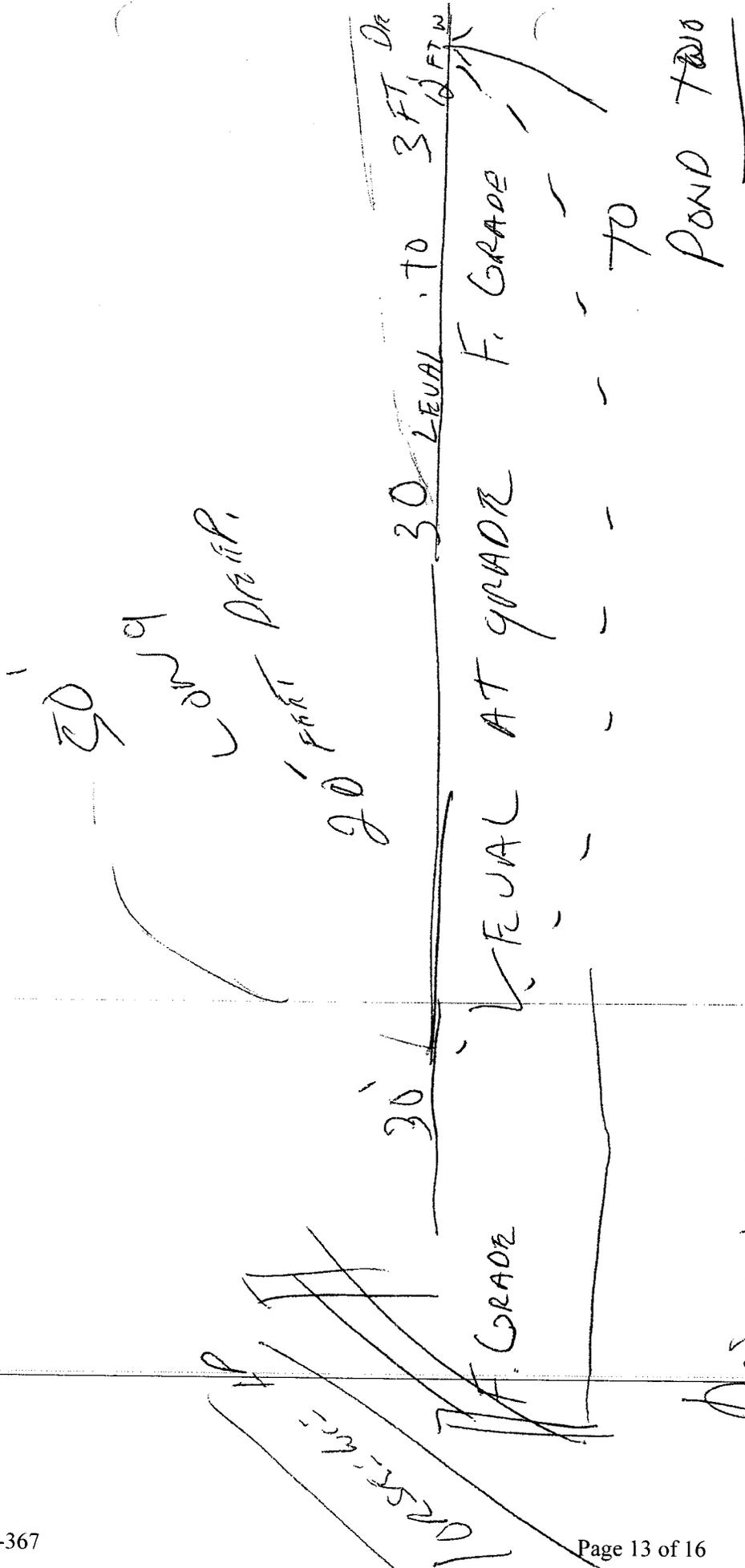
48"  
 culvert



END VIEW

N.

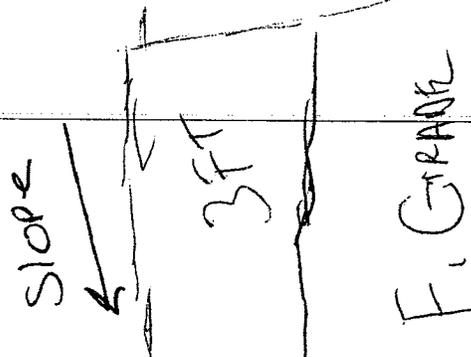
POND 1



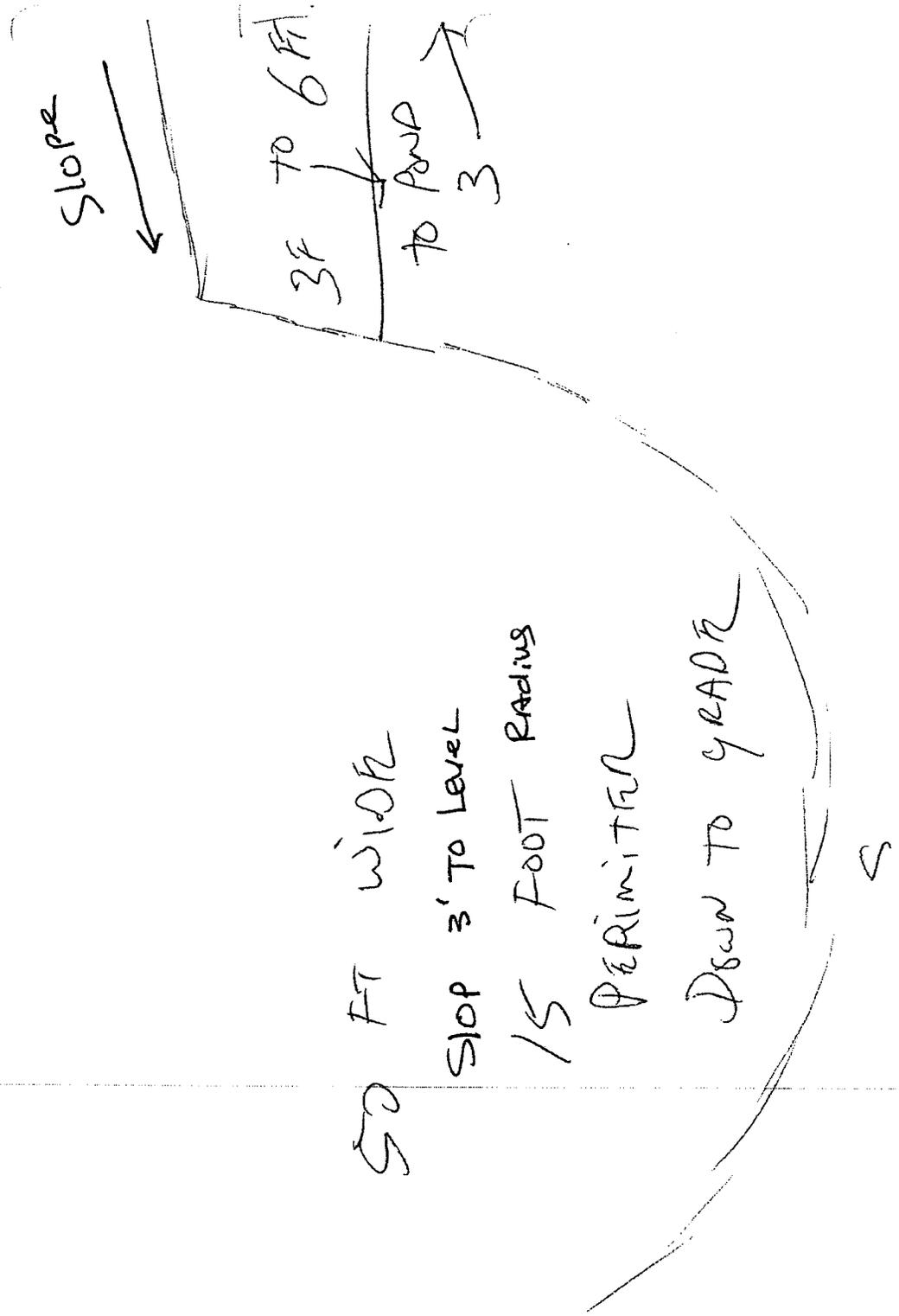
DRIVE WAY

S

POND 2



N



N

POND 3

Corps No. NWP-2008-367



SLOPE

6 FT

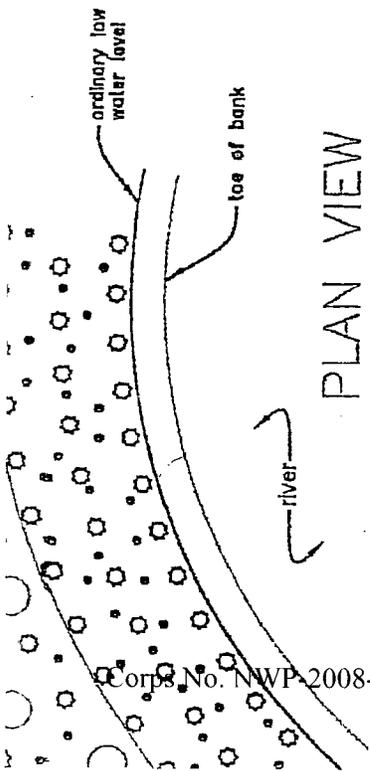
SLOPE

6 FT

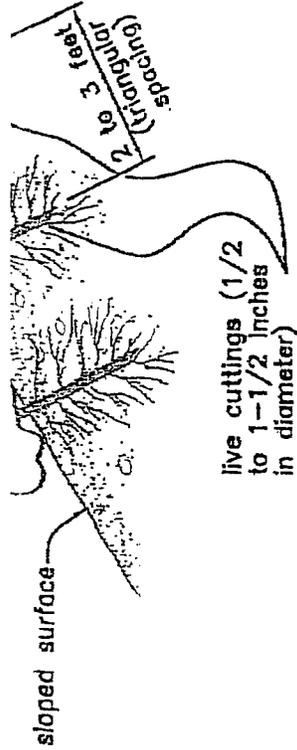
GRADE ?

F. GRAD

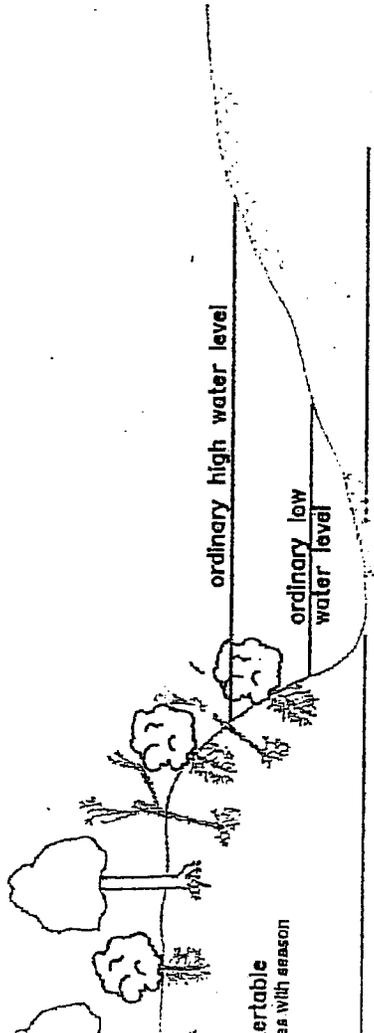
S



PLAN VIEW  
NOT TO SCALE



LIVE STAKE INSTALLATION DETAIL  
NOT TO SCALE



SECTION VIEW NOT TO SCALE

PLANTINGS

Native shrub or tree at 4 ft. x 8 ft.

- Species:
- SITKA SPRUCE AND WESTERN RED CEDAR
  - RED ALDER
  - CRABAPPLE
  - VINE MAPLE
  - RED FLOERBERRY
  - CASCARA ROSE
  - NOOTKA MAPLE
  - INDIAN PLUM
  - BIGLEAF MAPLE
  - OREGON ASH
  - WESTERN HEMLOCK

Cuttings - smaller growth form (preferably native)

- Species:
- WILLOWS
  - RED OSIER DOGWOOD
  - PACIFIC NINEBARK
  - OCEANSPRAY

Dia 1 1/2" - 1 1/2"  
Length \_\_\_\_\_

Notes: PLUG 1, 1-1 OR BETTER  
Length 1-4 ft.  
(TUBE PROTECTION REQUIRED FOR CEDARS)

REVISIONS	PROJECT	SHT. NAME	SHT. NO.
00FW	Brauner	PLANTING DETAILS	1
6/30/68	40776-6A		
John			