



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: October 7, 2004

Expiration Date: November 8, 2004

Corps of Engineers Action ID: 199800062

Oregon Department of State Lands Number: RP-31217

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 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. Mary J. Headley)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: US Bureau of Reclamation, Umatilla Field Office, 32871 Diagonal Road, Hermiston, Oregon 97838

Location: McKay Creek, RM 0.01, Section 8, Township 2 North, Range 32 East, Pendleton, Umatilla County, Oregon

Project Description: Remove 1040 cubic yards of accumulated gravel and sand this year, and 500 cubic yards each year thereafter, immediately upstream and downstream of an existing manmade fish barrier near the mouth of McKay Creek. Temporary cofferdams would be installed each year to isolate the construction area from free flowing stream water. The cofferdams will be constructed using approximately 140 cubic yards of material from the streambed, and lined with plastic tarps in order to minimize turbidity during removal activities. One coffer dam would be installed upstream of the fish barrier, measuring approximately 75 feet long, 10 feet wide, and 6 feet high. A second cofferdam would be installed downstream of the fish barrier, measuring 50 feet long, 10 feet wide and 6 feet high. Sand/gravel removal area would measure approximately 120 feet upstream and 20 feet downstream of the fish barrier facility, and approximately 100 feet wide. The cofferdams, and all associated fill material will be removed entirely upon completion of the gravel removal activity each year. The total area of proposed impact within waters of the United States would be approximately 0.33 acre.

Purpose: Each year McKay Creek deposits sand, gravel and debris within the vicinity of the existing fish barrier, and on the pickets. If excessive material is deposited on the pickets it forces them to fail, and allows adult salmonids to swim over the barrier. General hand cleaning of the pickets to remove smaller woody debris is a year-round maintenance activity. Additionally, high

water flow in the Umatilla River deposits sands and gravel on the back side of the barrier making hand cleaning of the pickets extremely difficult for maintenance crews. Removal of accumulated sand and gravel on a yearly basis is essential to assure proper functioning of the fish barrier structure.

Drawings: 13 Sheets, identified as *BOR-McKay Fish Barrier Maintenance Dredging, COE #199800062*

Additional Information: Additional information may be obtained from Ms. Mary J. Headley, U.S. Army Corps of Engineers, La Grande Field Office, at 541-962-0401.

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 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.

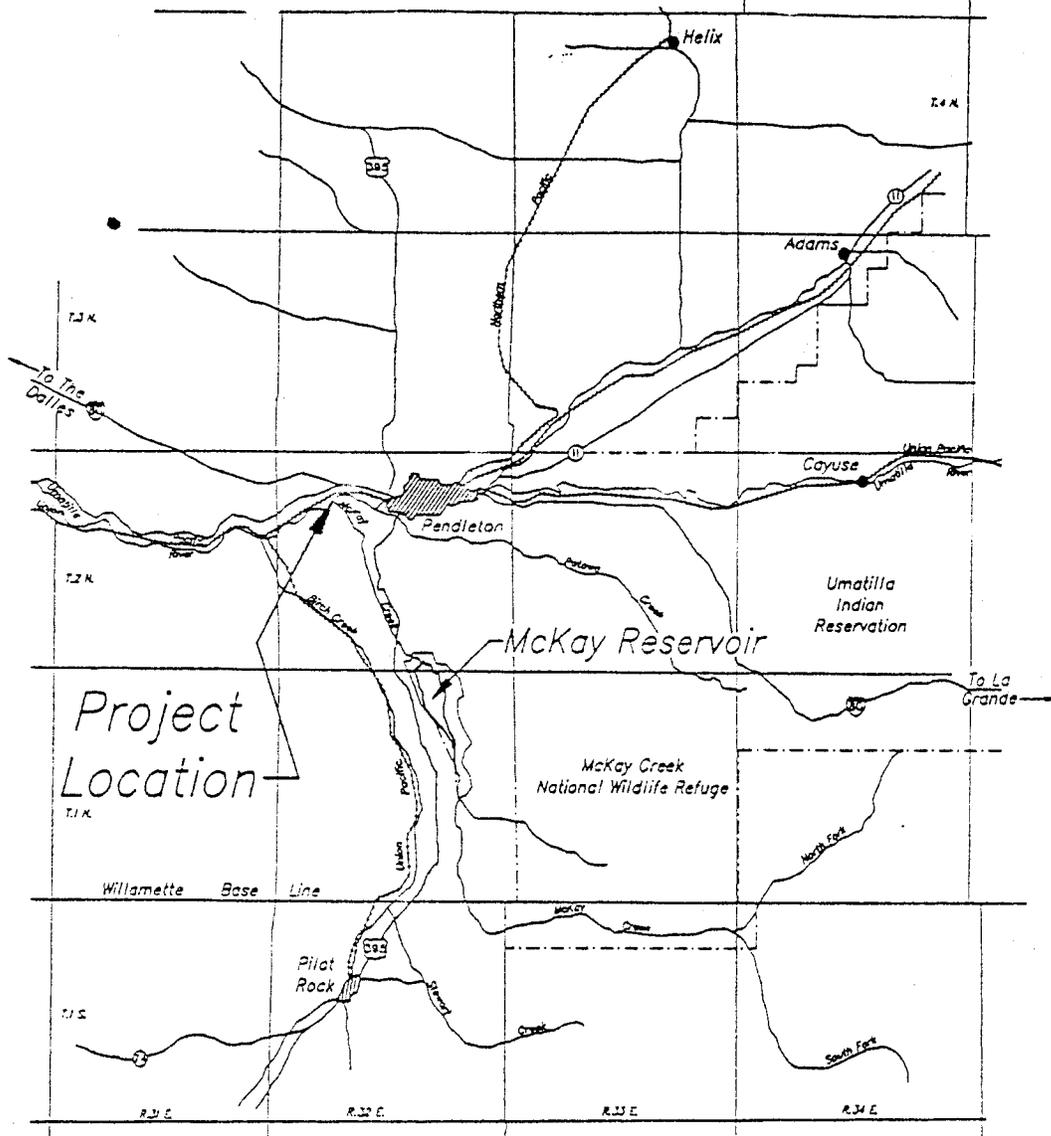
Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office, and Native American Tribes to determine if there are recorded, or potential, archeological sites that may be affected within the permit area.

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,

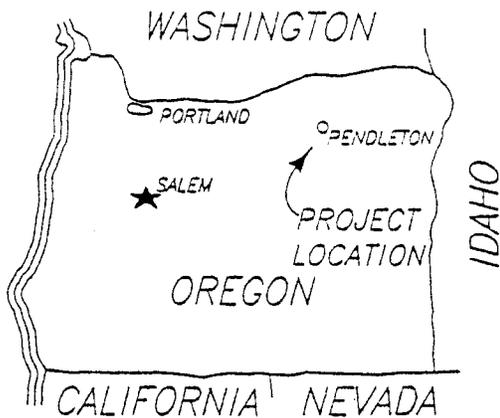
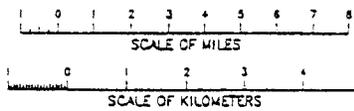
historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in 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.

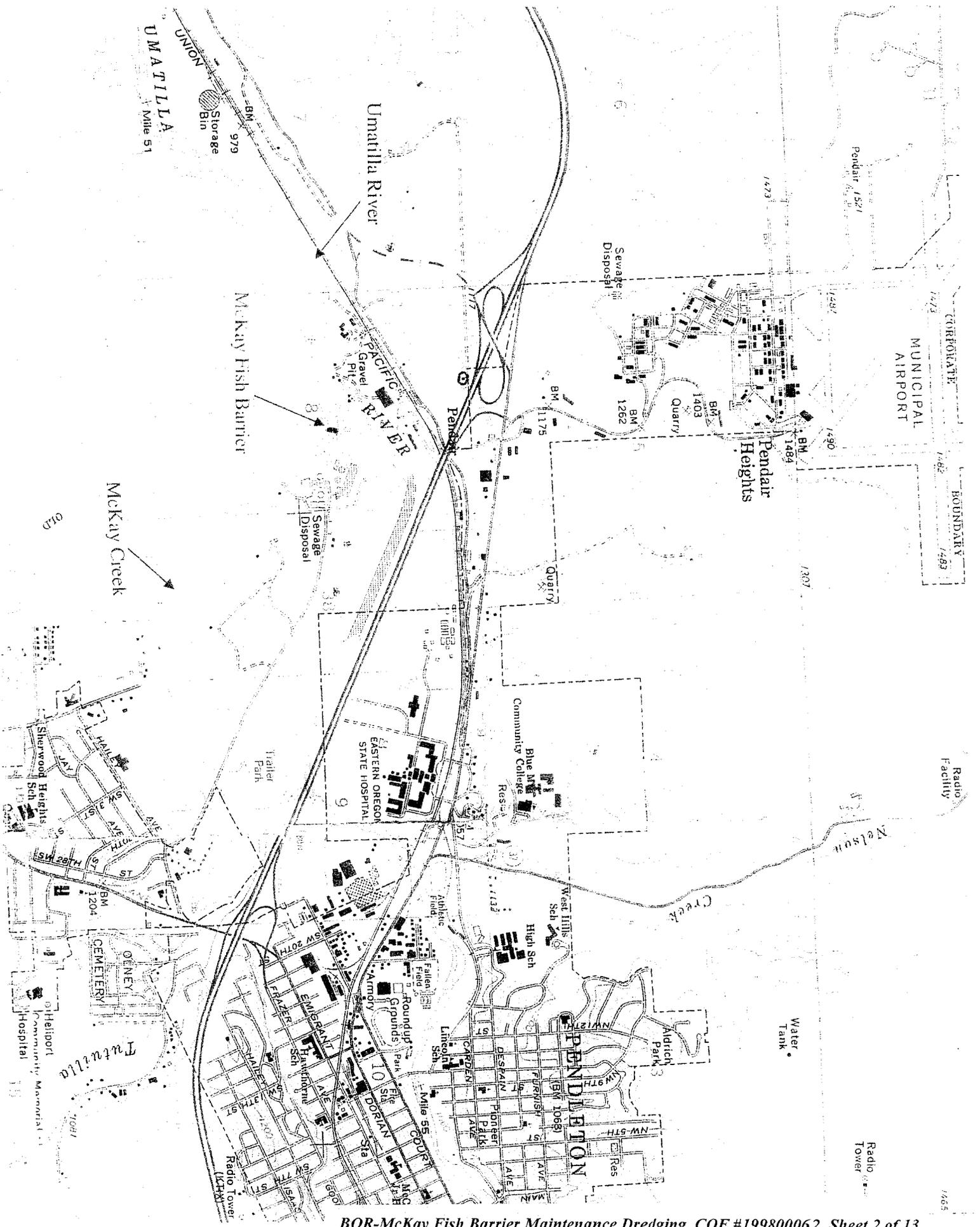
Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory 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.



Blue Mountains



ALWAYS THINK SAFETY	
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION UMATILLA PROJECT - OREGON MC KAY CREEK FISH BARRIER LOCATION MAP	
DESIGNED: <i>J.B.</i>	SUBMITTED: <i>J.B. - A. B...</i>
DRAWN: <i>D. S...</i>	RECOMMENDED: <i>J.B. - A. B...</i>
CHECKED: <i>J.B.</i>	APPROVED: <i>J.B. - A. B...</i>



UMAHILLA
1 Mile 51

Umahilla River

McKay Fish Barrier

McKay Creek

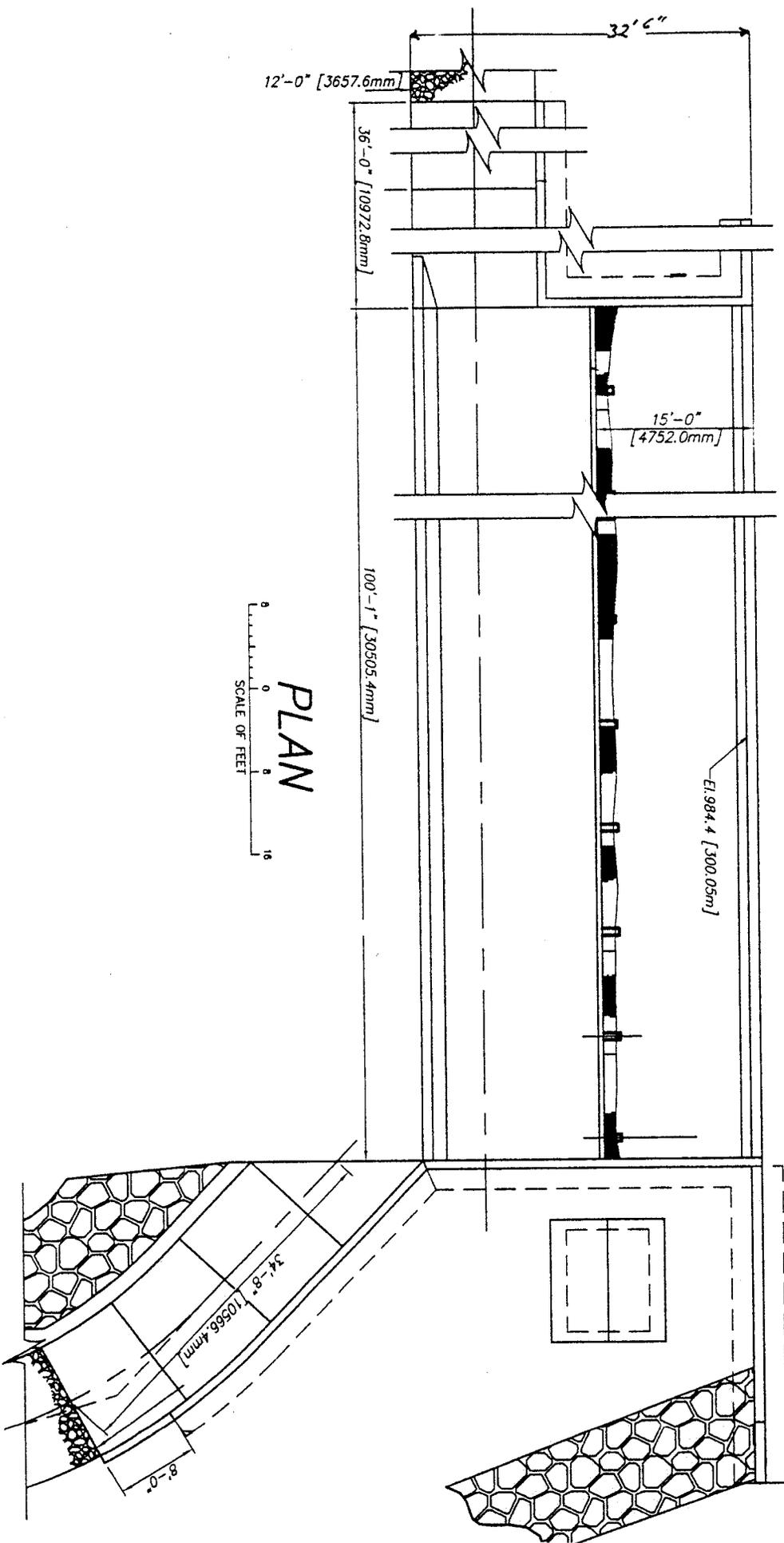
MUNICIPAL
AIRPORT

Pendair
Heights

EASTERN OREGON
STATE HOSPITAL

Blue Mt
Community College

BENDLETON

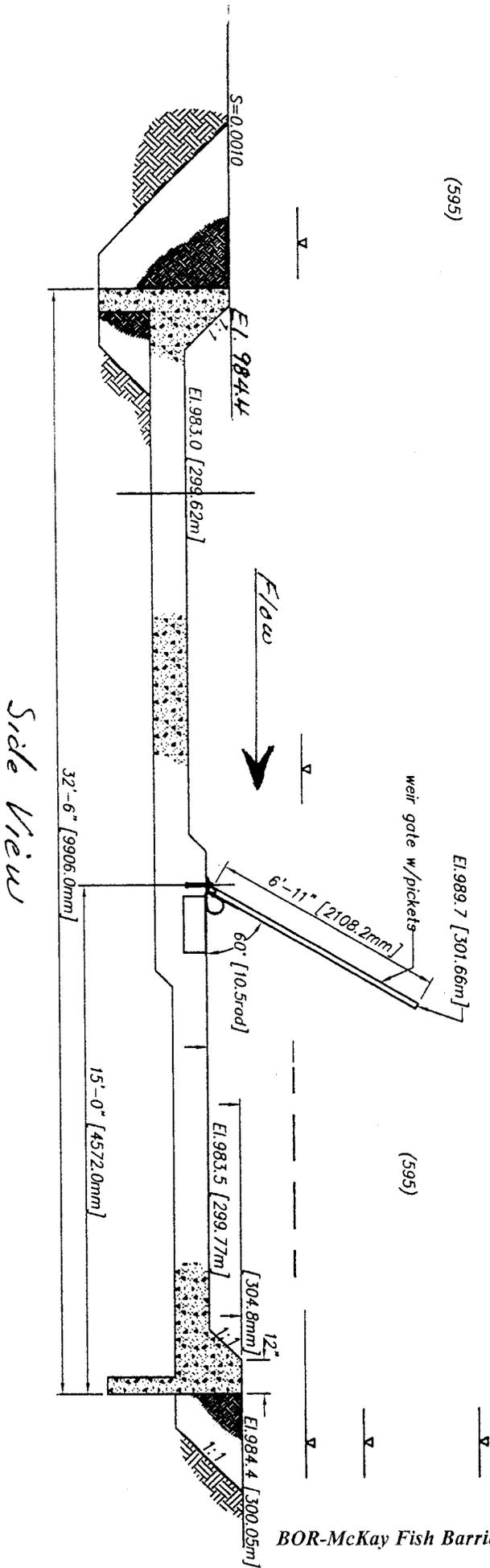


McKay Fish Barrier 2004

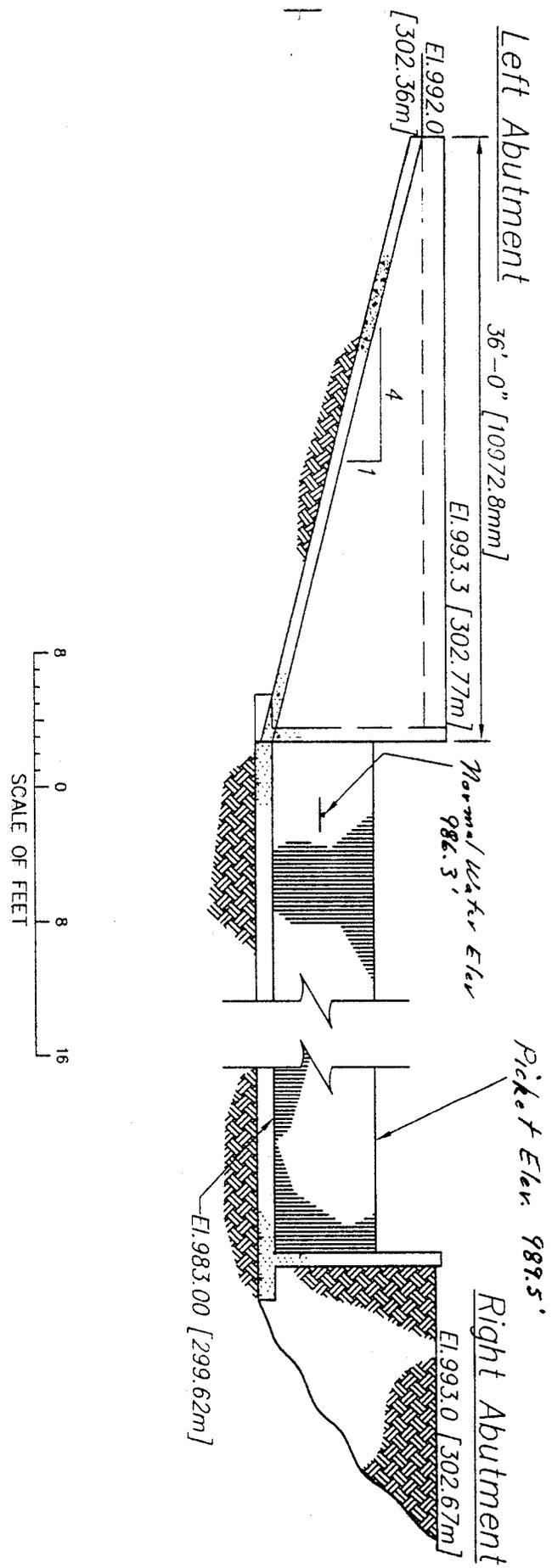
PLAN
SCALE OF FEET
0 8 16

McKay Fish Barrier 2004 CENTERLINE PROFILE

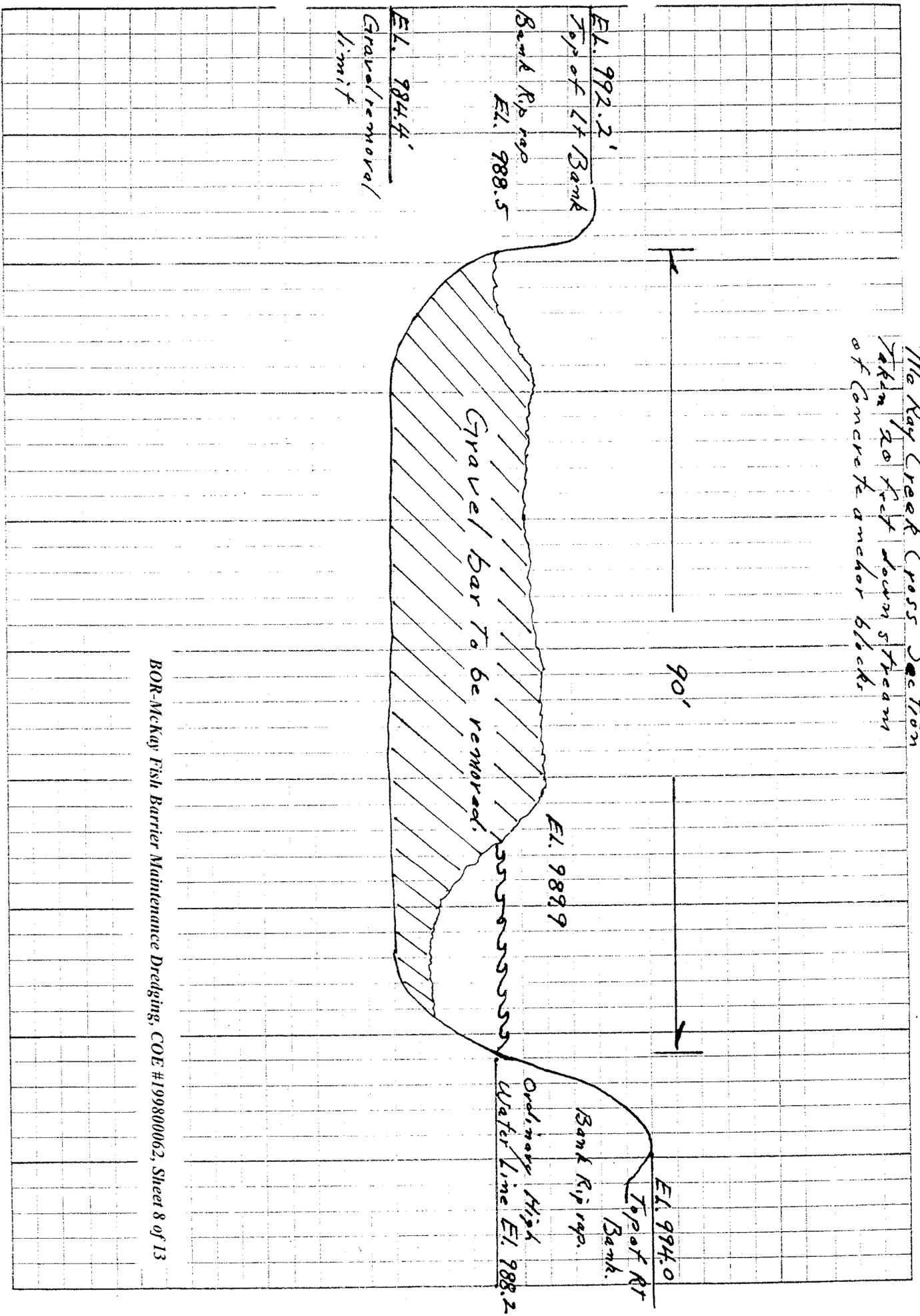
McKay Creek
 $Q = 375 \text{ ft}^3/\text{s}$ [$10.6 \text{ m}^3/\text{s}$] design
 (7% exceedance in creek)



McKay Fish Barrier
 Front View 2004

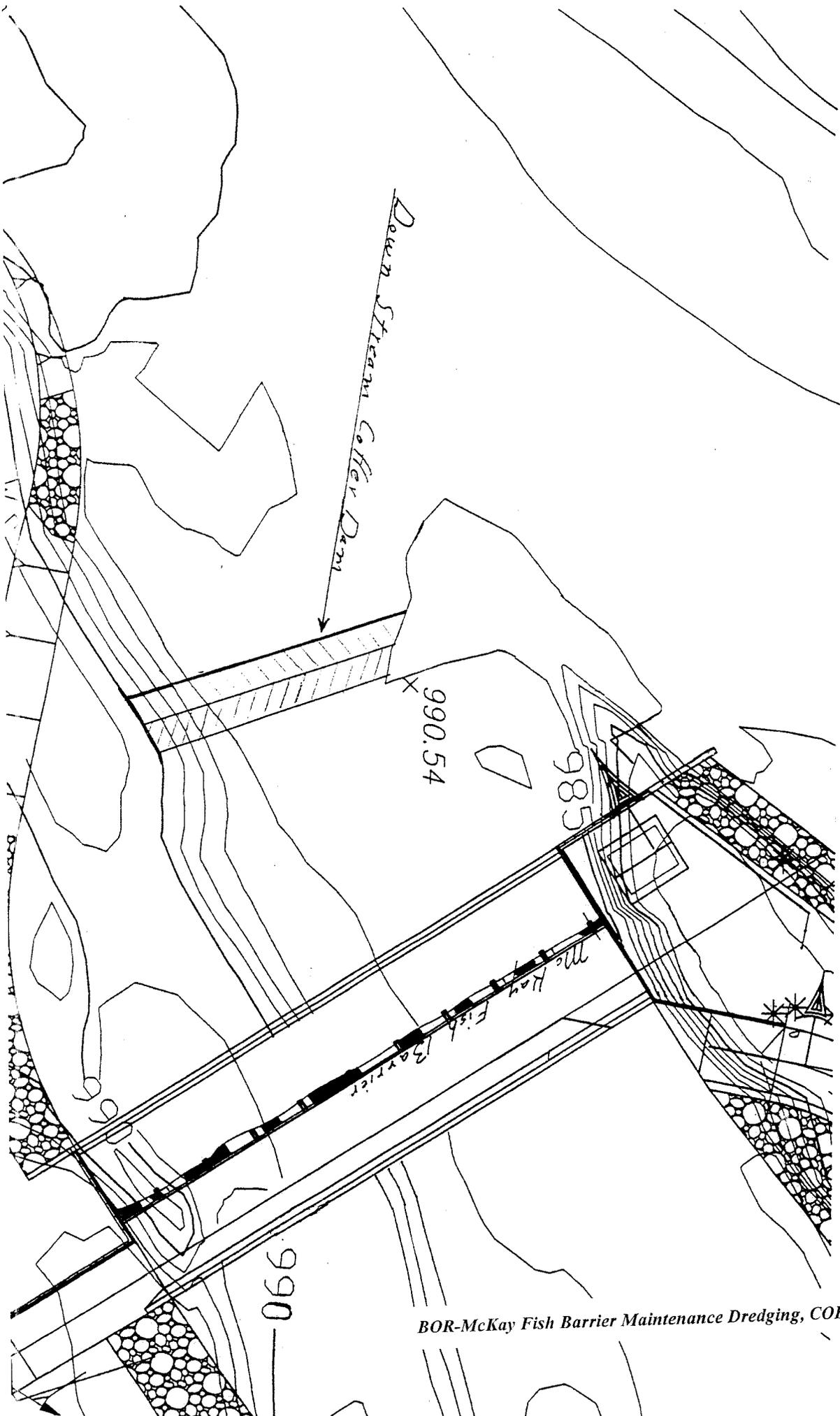


McKay Creek Cross Section
Taken 20 feet down stream
of concrete anchor blocks



BOR-McKay Fish Barrier Maintenance Dredging, COE #199800062, Sheet 8 of 13

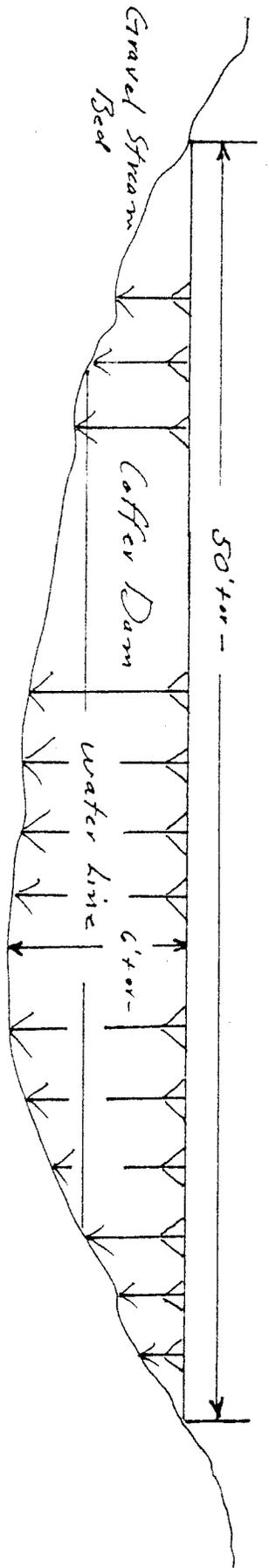
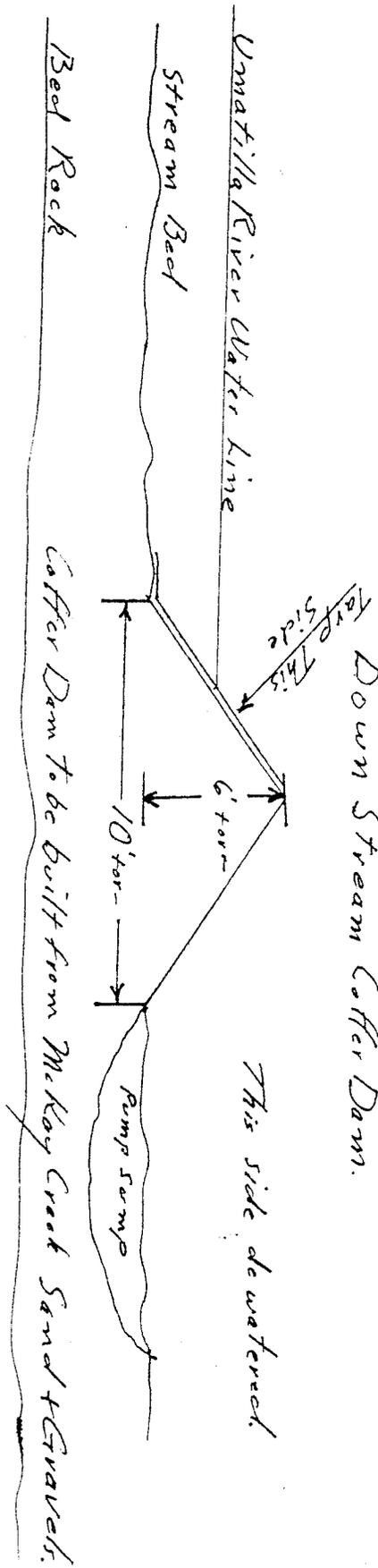
McKay Fish Barrier Downstream Cofferdam
D. S. L. # 31217

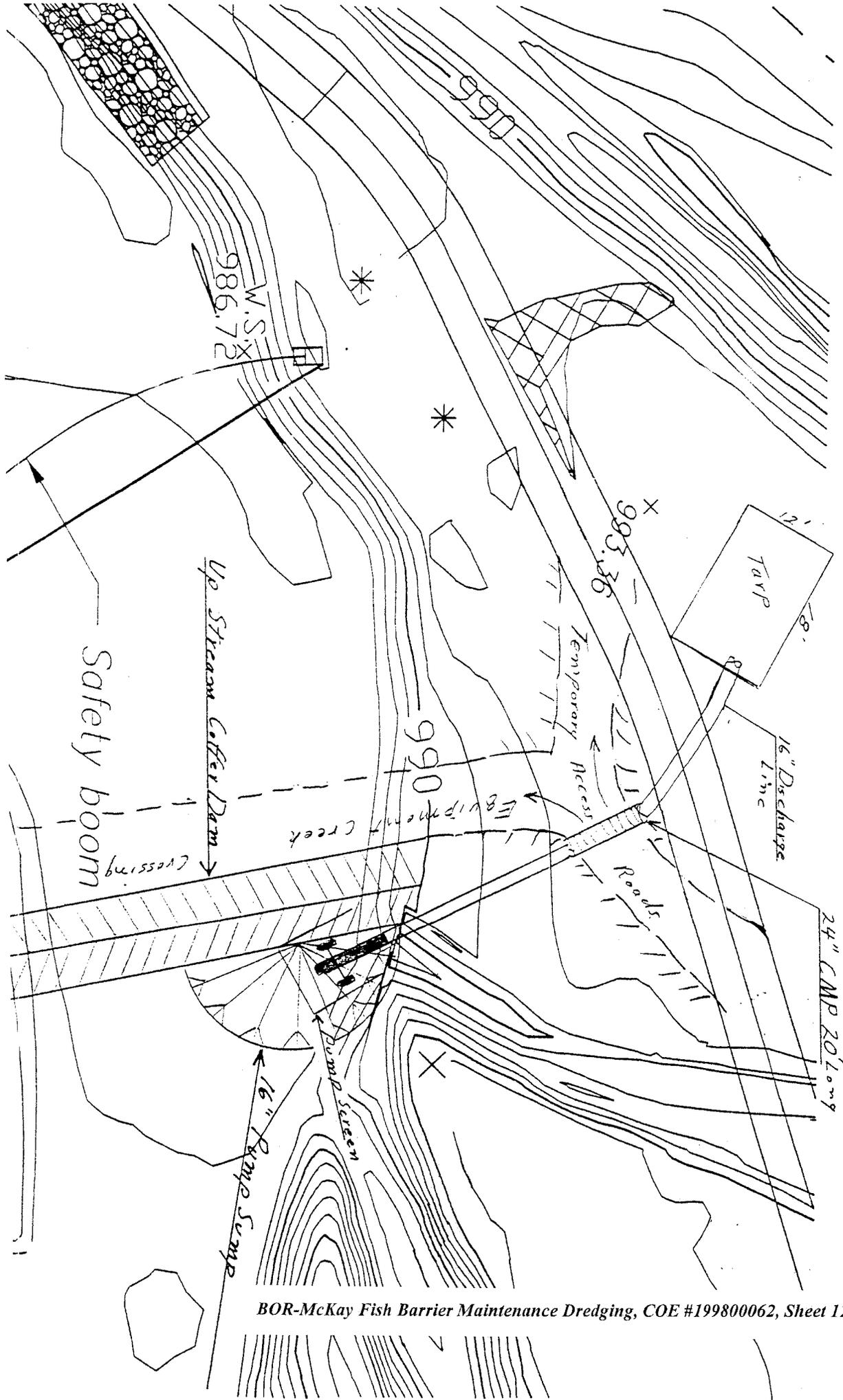


McKay Creek Cofferdam

D.S.L. 3/21/7

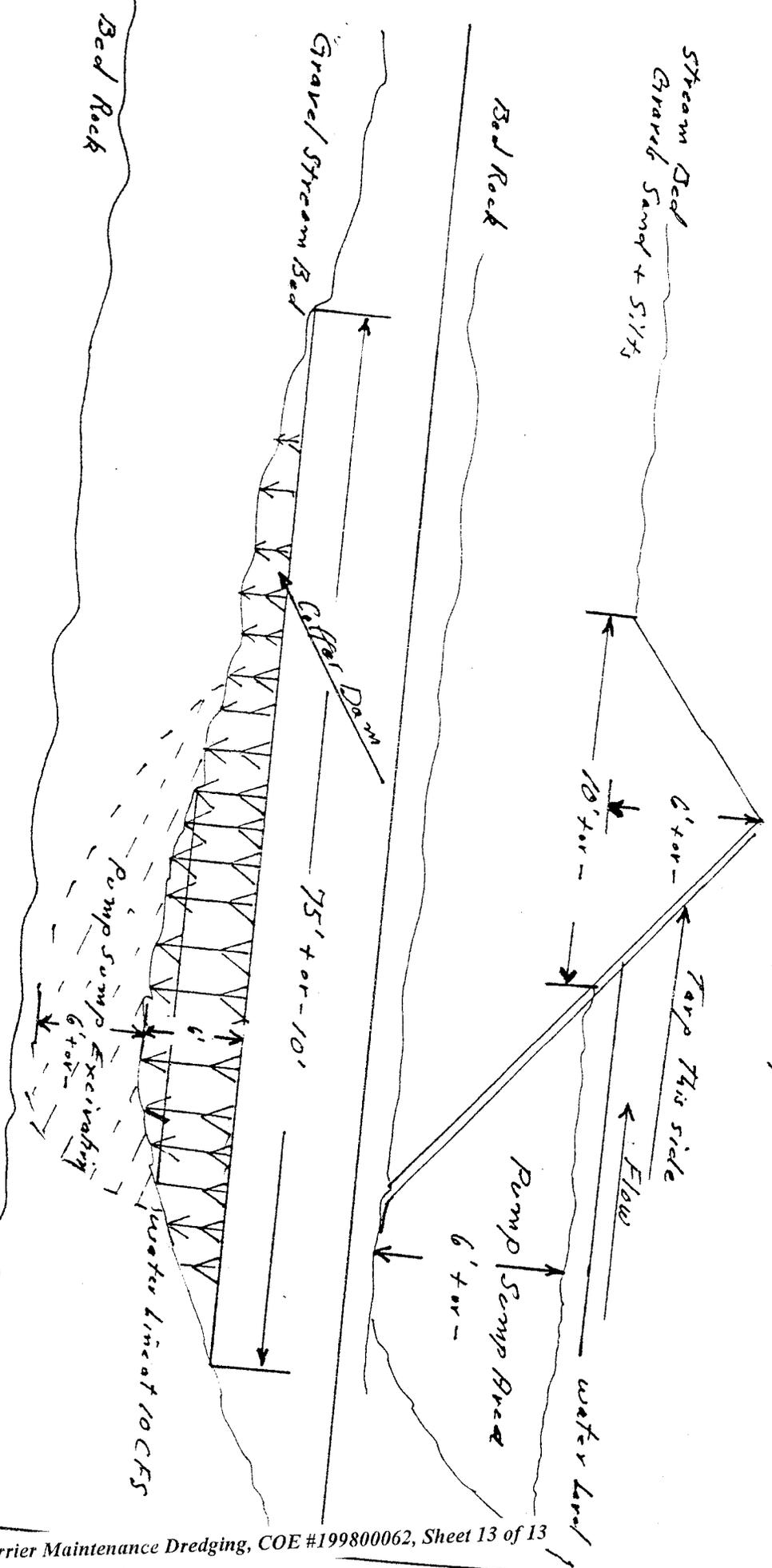
Down Stream Cofferdam.





McKay Creek Cofferdam
D.S.L. # 3/12/17

Upstream Cofferdam + Pump Sump



Cross Section View of McKay Creek

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 199800062
Oregon Department of State Lands Number: 31217

Notice Issued: October 7, 2004
Written Comments Due: November 8, 2004

WHO IS THE APPLICANT: US Bureau of Reclamation, Umatilla Field Office, 32871 Diagonal Road, Hermiston, Oregon 97838

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, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***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. 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.