



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Modification

Issue Date: March 25, 2004

Expiration Date: April 23, 2004

Corps of Engineers Action ID: 199801241

Oregon Division of State Lands Number: 31803-RF

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 reach this office no later than the above expiration date of this Public Notice to become part of the record and considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
CENWP-OP-GE (*Ms. Michele E. Hanson*)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicants: Wiley Mountain, Inc.; Leelyn, Inc.; Alberts Development, LLC

Location: The project is located in SW ¼ Section 34, Township 17 South, Range 2 West, in the city of Springfield, Lane County, Oregon.

Project Description: A Department of the Army (DA) permit was issued on September 24, 2003, to authorize the discharge of fill material into 0.9 acre of wetlands and small drainages for the construction of road accesses, stormwater infrastructure, and signage for Mountaingate residential subdivision. The DA was based on an evaluation of Phases I and II and all subsequent phases of subdivision development.

The permittee has requested modification of their DA permit to allow the additional discharge of fill material into 0.35 acre of wetlands and drainages. As part of the permit modification request, a 0.027-acre wetland (H-1A) would be completely filled to accommodate a curve on the future Mountaingate Road. For fill slopes and infrastructure installation, in addition to adding two additional development lots, 0.32 acre of the large wet meadow drainage (D-1B) would be filled. These wetlands were previously identified for protection. Wetland D-1B was identified as open space under the previous DA authorization.

Mitigation: The applicant has proposed to compensate for unavoidable wetland losses by creating 0.73 acre of similar wetland type in close proximity to their previously authorized compensatory mitigation 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: The purpose of the project is to construct a residential subdivision in the Springfield-Eugene vicinity to meet housing needs created by population growth.

Drawings: (5) Five drawings are attached.

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

Authority: This permit will be issued or denied under the following:

Sections 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 that a public hearing be held to consider this application within the comment period specified in this notice. 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 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: An historic properties investigation has been conducted within the permit area as required by conditions of the previous DA permit. Sites eligible for or listed on the National Register of Historic Places were found to exist within the permit area. Permittee shall continue to coordinate with the Corps and the State Historic Preservation Office (SHPO) to avoid and minimize adverse effects to cultural resources.

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 Action ID Number: 199801241
Oregon Division of State Lands Number: 31803-RF

Notice Issued: March 25, 2004
Written Comments Due: April 23, 2004

WHO IS THE APPLICANT: Wiley Mountain, Inc.; Leelyn, Inc.; Alberts Development, LLC

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. Sixth Avenue, Portland, Oregon 97204-1390.

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

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

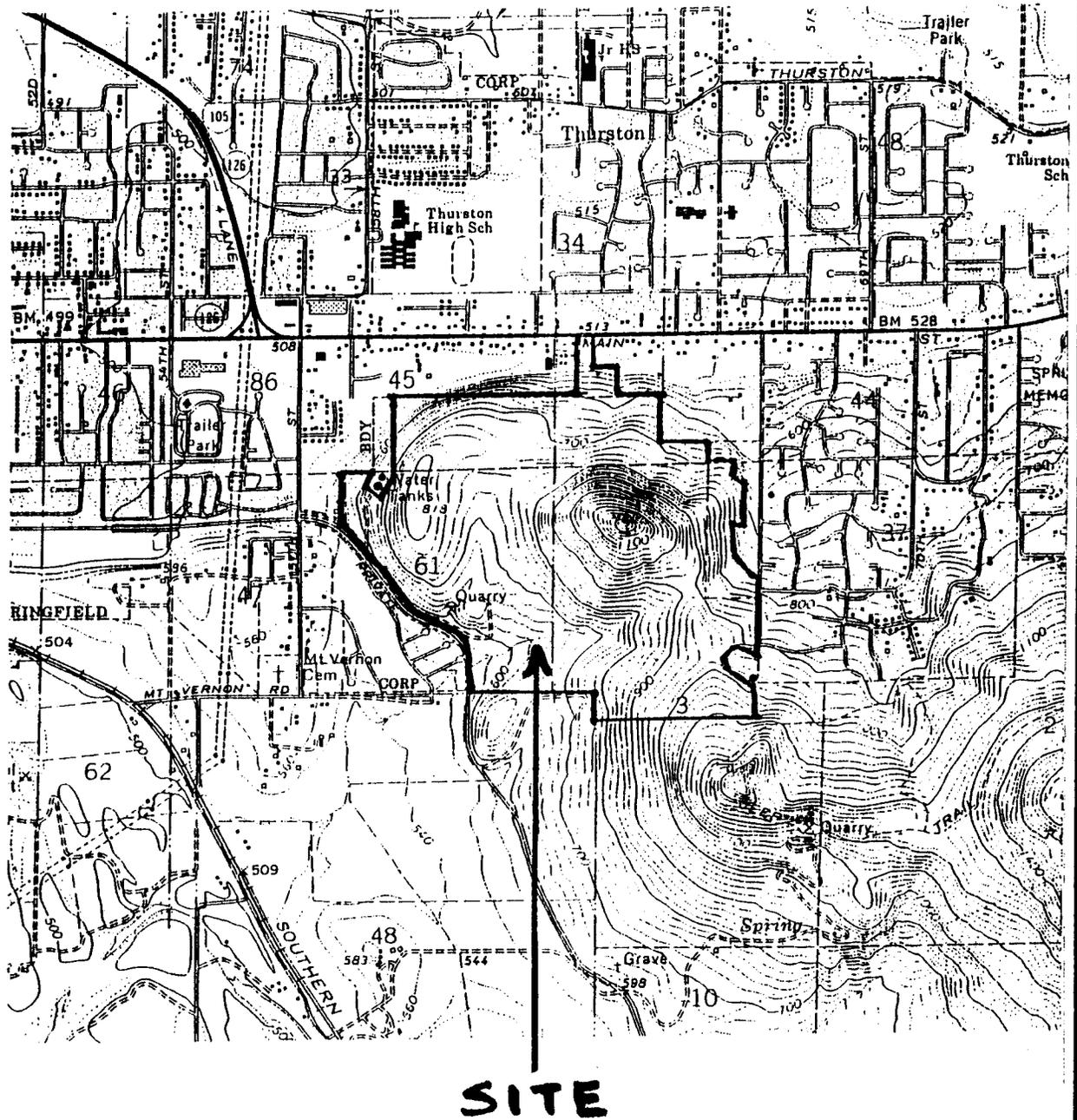
Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. 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 **April 23, 2004**. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***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 at melville.tom@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 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.



Source: U.S.G.S. Springfield, Oregon Quadrangle Map, 1986.



Patrick S. Thompson
CONSULTING

Phone (541) 933-3318
Fax (541) 933-3319
Email psticon@aol.com

Site Map
Figure 1

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

STAGING AREA

*Proposed
Wetland Impact
0.32 acre*

D-1B IMPACT AREA
0.32 ACRES

D-1A IMPACT AREA
0.036 ACRES
CORPS APPROVED
NOT DSE APPROVED

WETLAND D

EXCAVATOR
DEPRESSIONS

*Proposed
Wetland Impact
0.027 acre*

H-1A IMPACT AREA
0.027 ACRES

EXISTING
WETLAND H-1B

PHOTO POINT #1

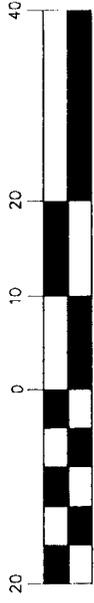
PHOTO POINT #2

EXISTING
WETLAND H-1B

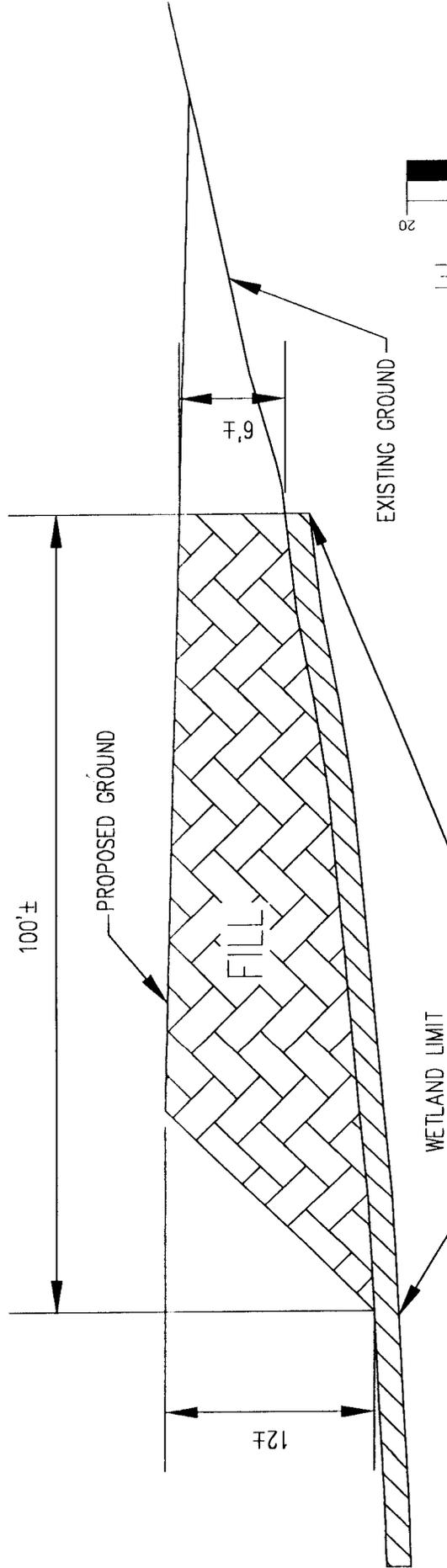
WETLAND CREATION AREA
AREA = 0.73 ACRES
1 TO 1.5 MITIGATION AREA

PROPOSED WETLAND IMPACTS

HORIZONTAL GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



VERTICAL GRAPHIC SCALE

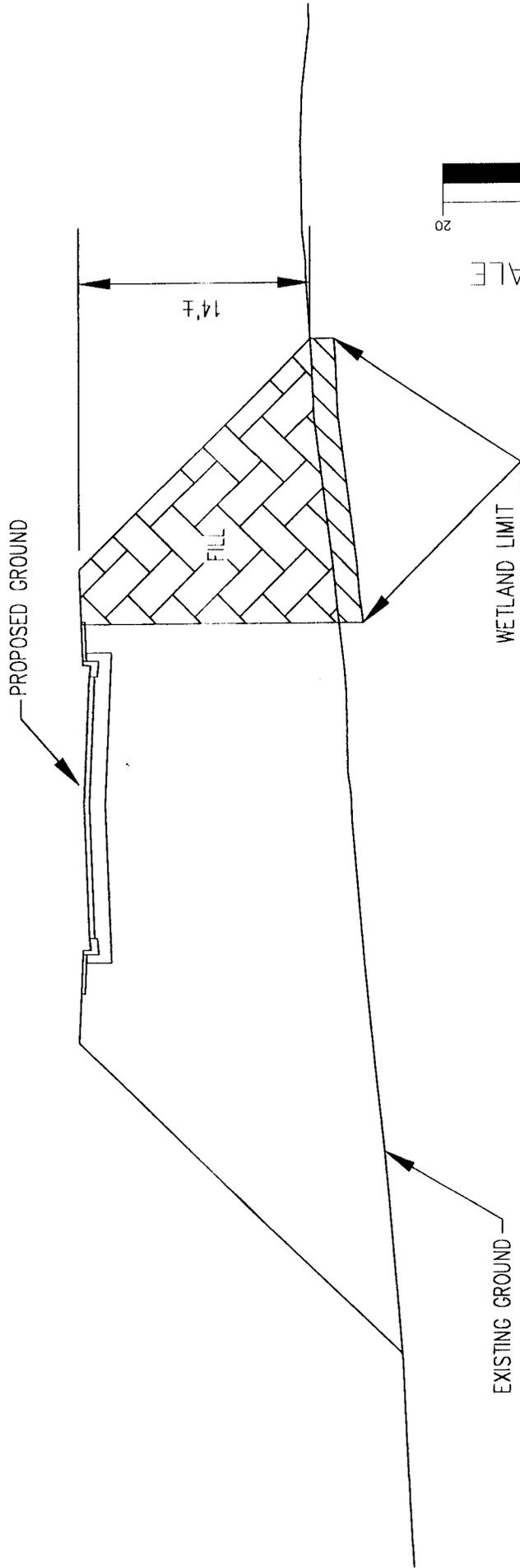
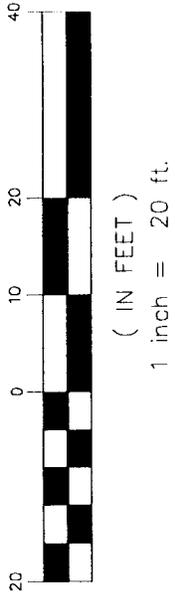


(IN FEET)
1 inch = 10 ft.

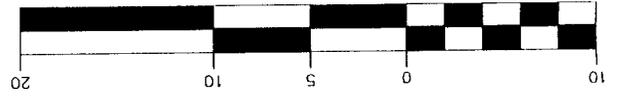
IMPACT AREA D-1B = 0.32 ACRES
FILL VOLUME = 4,600 CUBIC YARDS
REMOVAL VOLUME = 500 CUBIC YARDS

SECTION B-B

HORIZONTAL GRAPHIC SCALE



VERTICAL GRAPHIC SCALE



IMPACT AREA H-1A = 0.027 ACRES
FILL VOLUME = 400 CUBIC YARDS
REMOVAL VOLUME = 60 CUBIC YARDS

SECTION C-C