



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: April 6, 2004

Expiration Date: May 6, 2004

Corps of Engineers Action ID: 199900250

Oregon Division of State Lands Number: FP-16795

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. Kathryn L. Harris)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: City of Forest Grove
1924 Council Street
Forest Grove, Oregon 97116

Location: Clear Creek, River Mile 2.1, in Section 13 of Township 1 North, Range 5 West, near Gales Creek, in Washington County, Oregon.

Project Description: The City of Forest Grove (City) has an existing water right to withdraw 1-2 cubic feet per second (cfs) from Clear Creek for municipal uses. The existing diversion structure does not allow for fish passage, although there is approximately 1.5 miles of quality habitat for steelhead upstream of the structure. The proposed project consists of constructing a fish ladder, installing a new intake screen, placement of rip rap below the existing structure, and the removal of material from the forebay, as described below:

1. A new concrete, pool and weir fish ladder would be constructed on the right bank, immediately downstream of and attached to the existing diversion structure. The ladder would consist of six pools, 4-feet wide by 8-feet long. Timber stop logs between the pools would allow water levels to be regulated and aid in cleaning out the ladder, if necessary. A small notch would be cut in the existing diversion structure to allow water to enter the ladder.
2. A new flat panel fish screen would replace the existing trash rack at the entrance of the water intake vault. The stainless steel screen would be approximately 4-feet wide by 7-feet long and consist of 1.75 mm spacing.

3. Approximately 3 cubic yards (cy) of class 500 rip rap would be placed at the toe of the existing structure and 20 cy of class 200 rip rap would be placed along both banks below the diversion structure.
4. Approximately 267 cy of material would be removed from the forebay of the diversion structure to facilitate construction of the new ladder and installation of the new fish screen. The material would be removed and disposed of at an approved upland location.

The project would be constructed during the summer, during the period of low flow. The site would be de-watered and isolated from free flowing water. A small gravel cofferdam would be constructed upstream of the diversion structure and streamflow diverted into a pipe or culvert and routed around the site for a distance of approximately 125 linear feet. Any water entering the construction site would be pumped out and filtered before being discharged back into the creek.

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 fish passage at the existing water intake structure.

Drawings: Figure 1, Location Map
Figure 2, Site Plan
Figure 3, Plan View
Figure 4, Profile Cross Section

Additional Information: Additional information may be obtained from Ms. Kathryn L. Harris, Project Manager, U.S. Army Corps of Engineers at (503) 808-4387.

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.

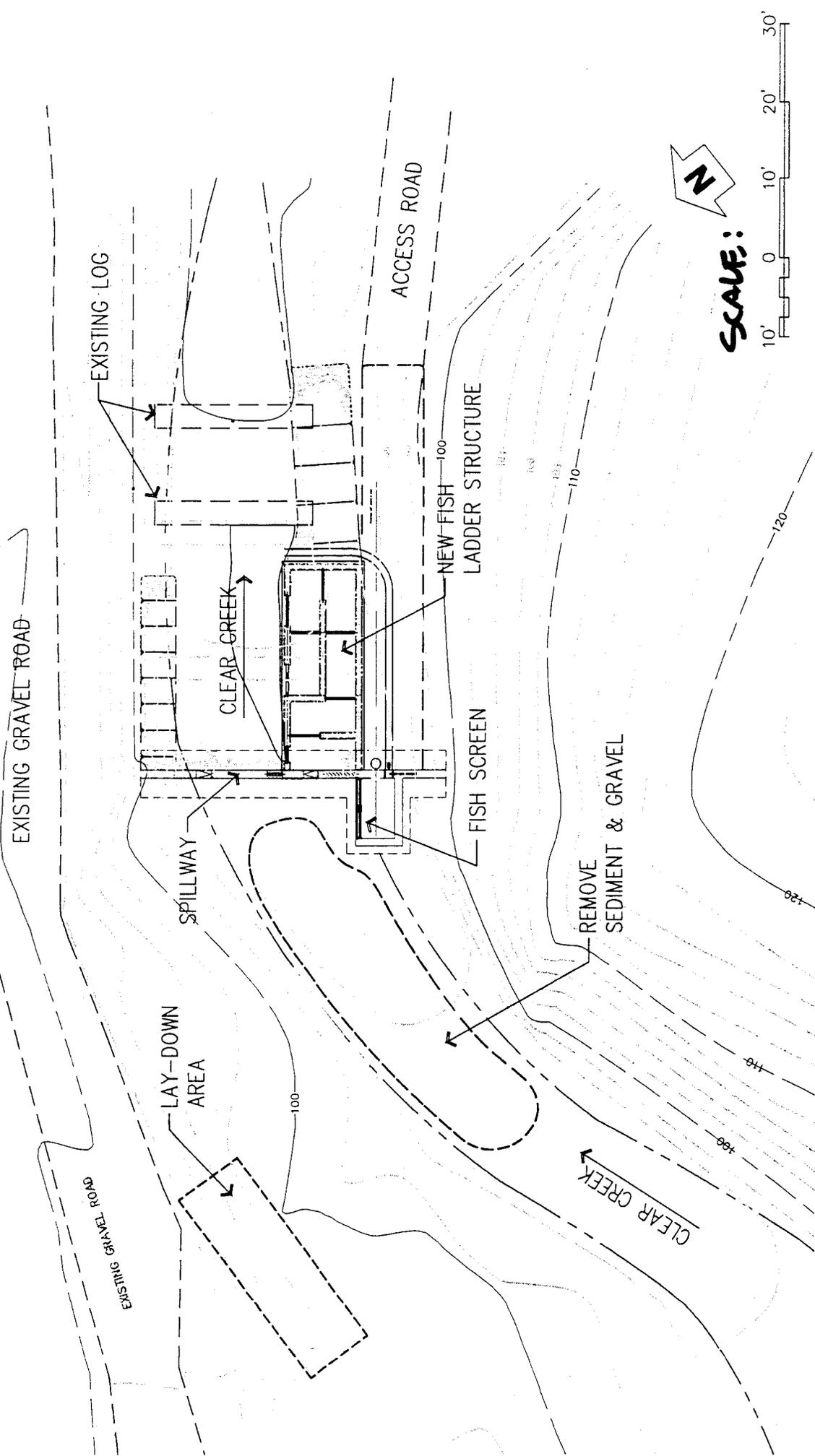
Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

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.

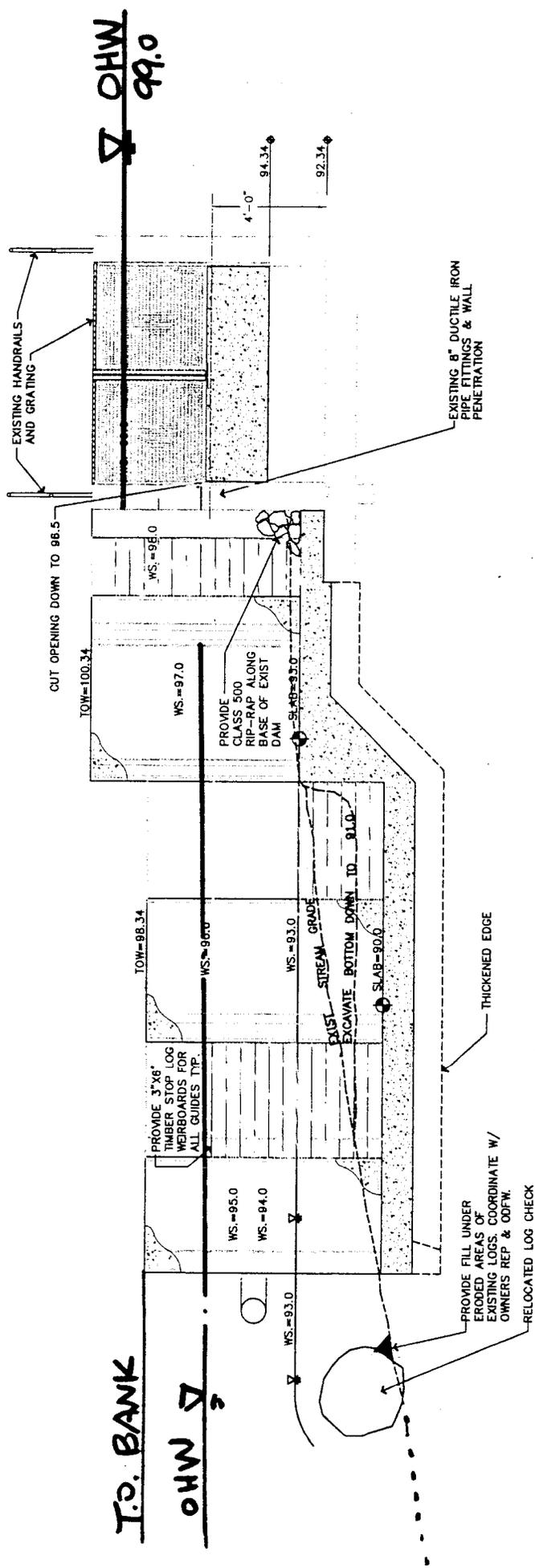
**CITY OF FOREST GROVE
 CLEAR CREEK DIVERSION
 SCREEN LADDER
 IMPROVEMENTS
 SITE PLAN**



199900250

Figure 2

**CITY OF FOREST GROVE
CLEAR CREEK DIVERSION
SCREEN/LADDER
IMPROVEMENTS
PROFILE**



CROSS-SECTION DRAWING
SCALE: 3/16" = 1'-0"

Oregon Department of Environmental Quality Water Quality 401 Certification

Corps of Engineers Action ID Number: 199900250
Oregon Division of State Lands Number: FP-16795

Notice Issued: April 6, 2004
Written Comments Due: May 6, 2004

WHO IS THE APPLICANT: City of Forest Grove

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 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 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.