



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: October 25, 2004

Expiration Date: November 24, 2004

Corps of Engineers Action ID: 200000872

Oregon Division of State Lands Number: N/A

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-GE (Mr. Dominic Yballe)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401

Applicant: Avery Construction

Location: The project would affect tributaries to Cook Creek and adjacent wetlands. The site is in Section 24, Township 25 South, Range 6 West, in the city of Sutherlin, Douglas County, Oregon.

Project Description: The proposed project would impact 3.11 acres of wetland and drainages and temporarily impact 0.05-acre of wetland for utility line installation to build 42 single-family residences. Site developments include extension of interior roads, utility lines, and other attendant features. A stormwater treatment system will be built consisting of sediment trapping catch basins, subsurface conveyance, and bio-filtration swales. The stormwater will then be discharged into the on-site wetland mitigation area to supplement hydrology.

Mitigation: The applicant has proposed a compensatory wetland mitigation plan to create, restore, and enhance a total of 5.61 acres of wetland, provide 1.29-acre wetland and upland buffer, and preserve 0.22-acre of wetland to compensate for lost functions and values incurred by the project. Hydrology to the mitigation area will be supplemented by the discharge of treated stormwater runoff generated from new impervious surfaces. If a permit is issued, the Corps will determine what is practicable and appropriate compensatory mitigation. The amount of compensatory mitigation shall be commensurate with the anticipate impacts of the project.

Purpose: The purpose of the project is to provide middle-income homes to meet the anticipated demands for housing in the Sutherlin area.

Drawings: Ten (10) drawings are attached.

Additional Information: Additional information may be obtained from Mr. Dominic Yballe, Project Manager, U.S. Army Corps of Engineers at (541) 465-6894.

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 may affect endangered species or their critical habitat designated as designated under the Endangered Species Act of 1973 (87 Stat. 844). A final permit decision will not be made until consultation as required under Section 7 of the Act is completed.

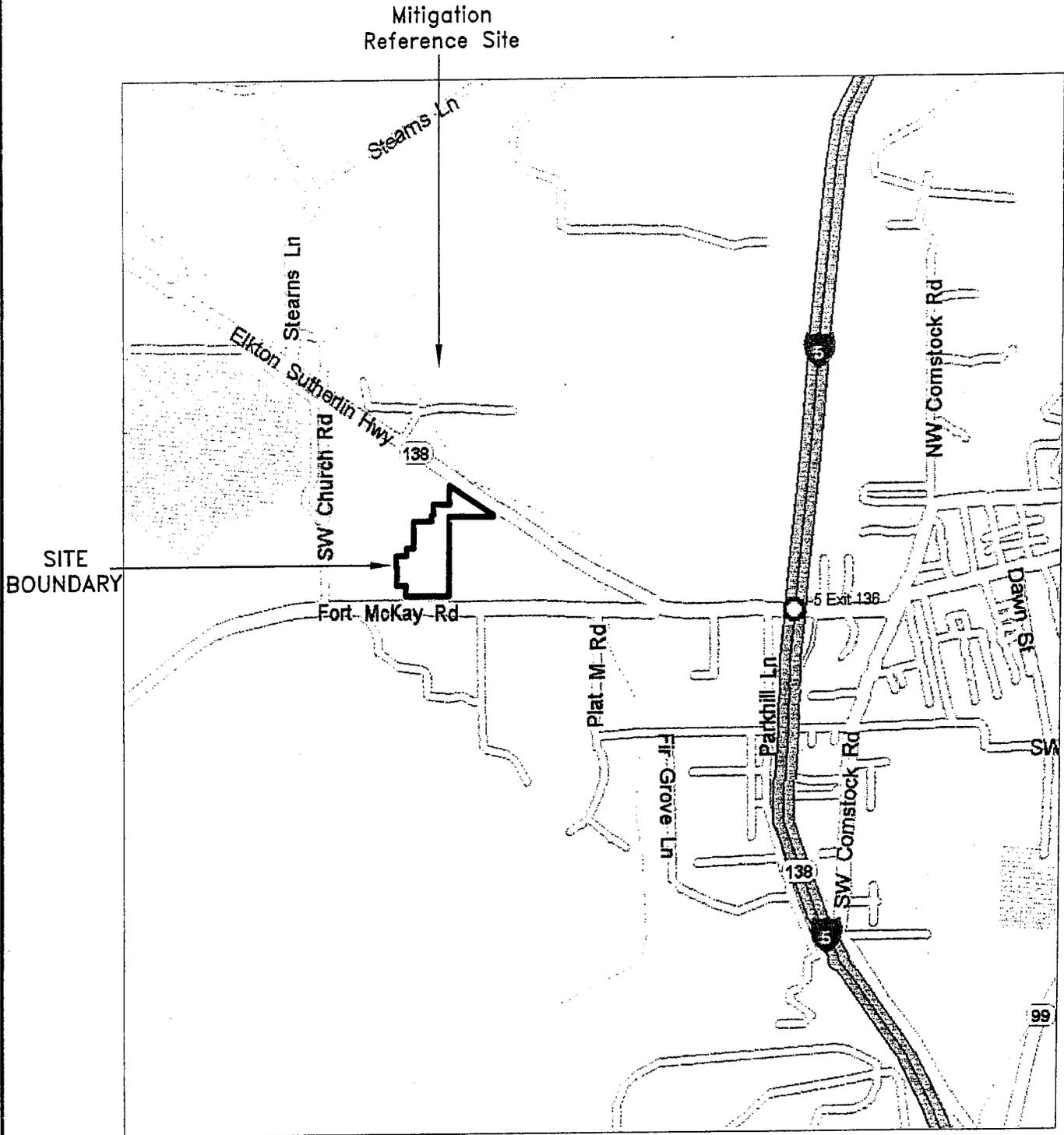
Cultural Resources: This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager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



Source: Microsoft Streets & Trips, 2001.

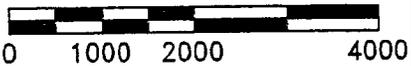
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WETLAND FILL PERMIT APPLICATION
AND COMPENSATORY MITIGATION
PLAN FOR THE MONT CLAIRE
RESIDENTIAL SUBDIVISION
Sutherlin, Douglas County, Oregon

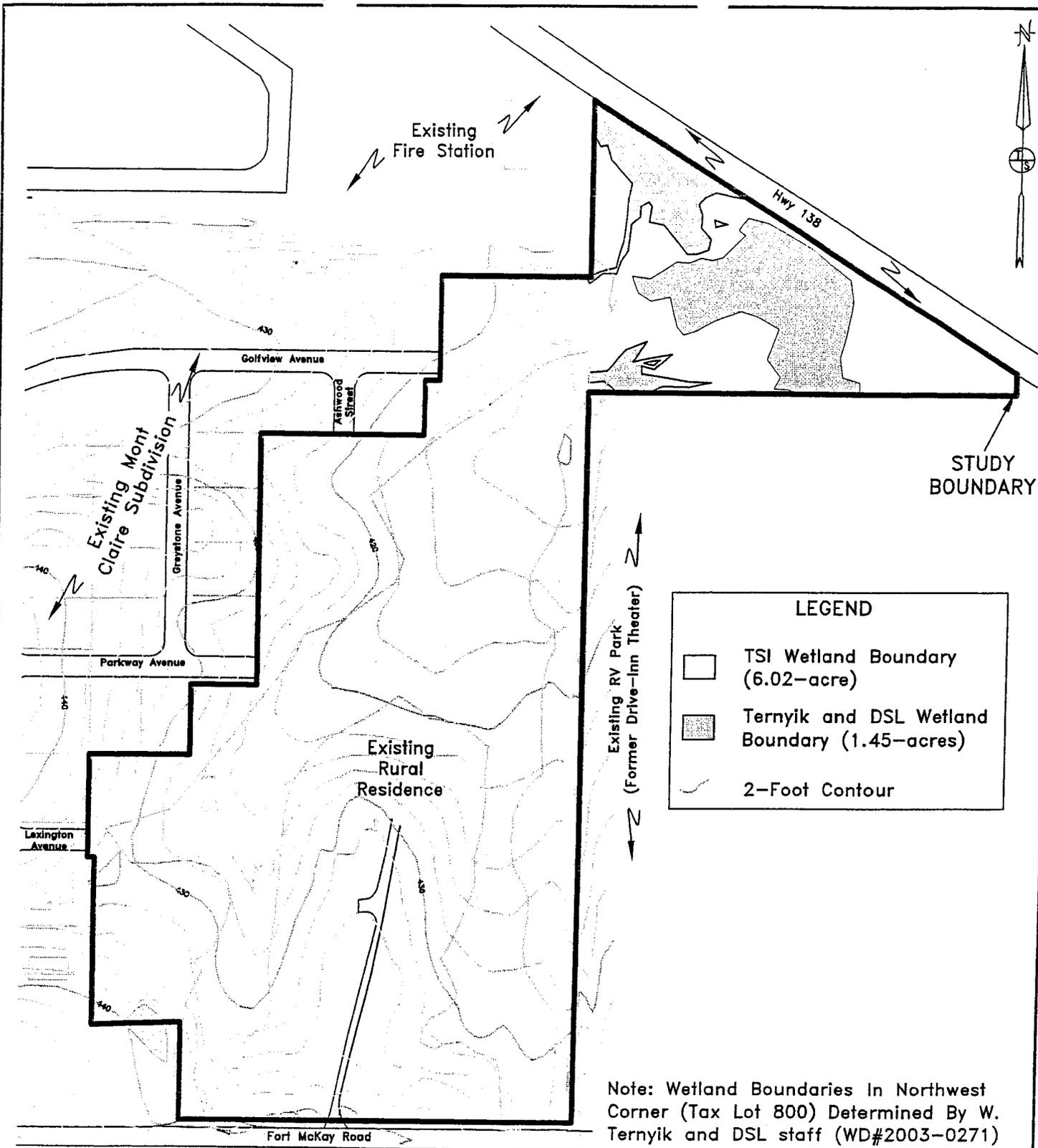
VICINITY
MAP

FIGURE 1

SCALE: 1 INCH=2000 FEET



September 2004



Note: Wetland Boundaries In Northwest Corner (Tax Lot 800) Determined By W. Ternyik and DSL staff (WD#2003-0271)

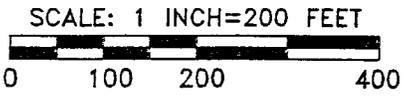
Source: Adapted From i.e. Engineering, Inc. topographic survey.

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WETLAND FILL PERMIT APPLICATION
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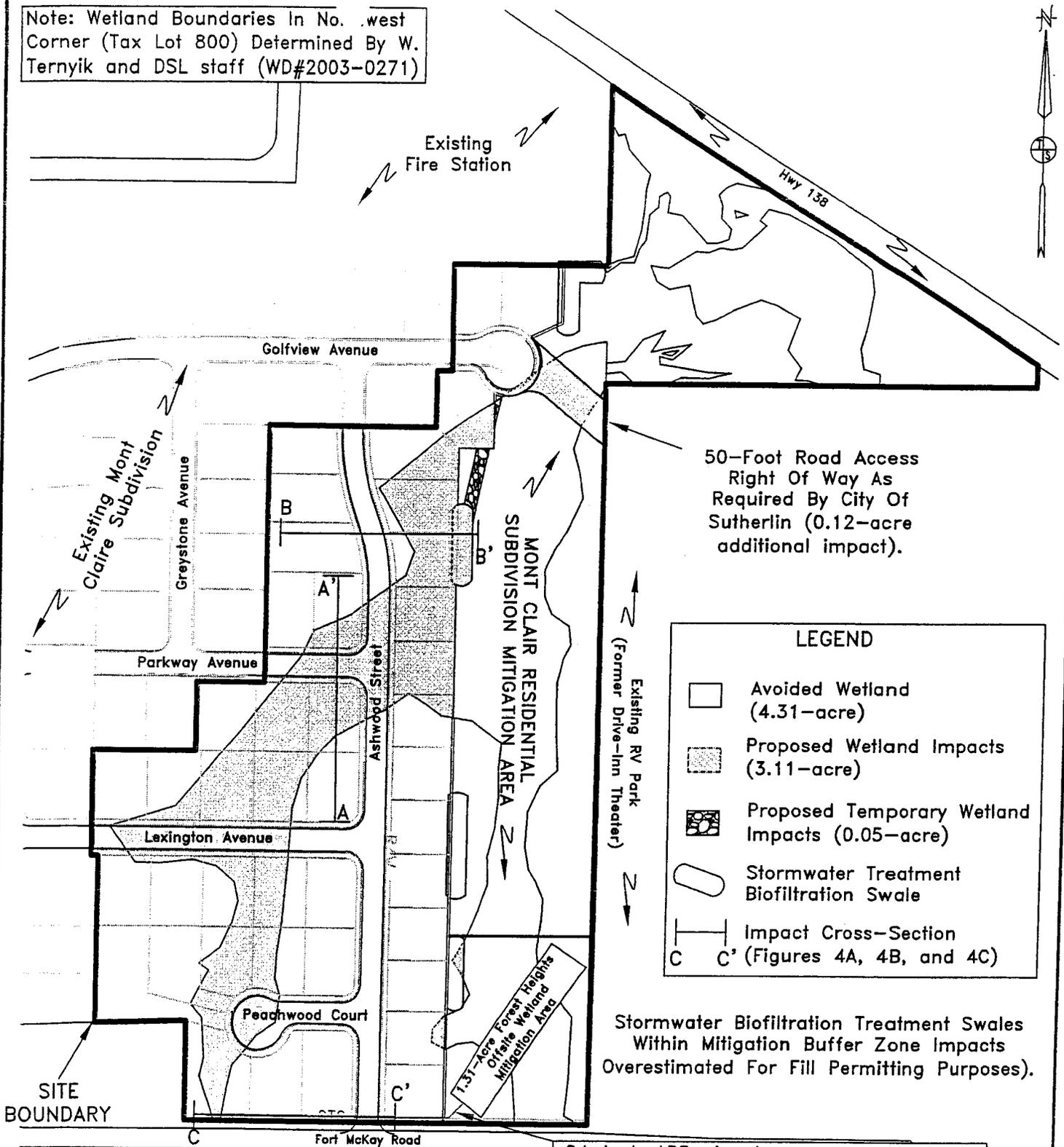
EXISTING CONDITIONS,
TOPOGRAPHY AND
WETLAND BOUNDARIES

FIGURE 2



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Note: Wetland Boundaries In No. West Corner (Tax Lot 800) Determined By W. TERNYK and DSL staff (WD#2003-0271)



50-Foot Road Access Right Of Way As Required By City Of Sutherlin (0.12-acre additional impact).

LEGEND

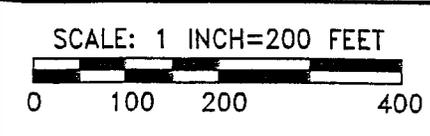
- Avoided Wetland (4.31-acre)
- Proposed Wetland Impacts (3.11-acre)
- Proposed Temporary Wetland Impacts (0.05-acre)
- Stormwater Treatment Biofiltration Swale
- Impact Cross-Section C, C' (Figures 4A, 4B, and 4C)

Stormwater Biofiltration Treatment Swales Within Mitigation Buffer Zone Impacts Overestimated For Fill Permitting Purposes).

24-Inch ABS pipe to convey water from impacted wetland swale into upper (southern) portion of the mitigation area.

Source: Adapted From i.e. Engineering, Inc. 2004 revised site plan.

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WETLAND FILL PERMIT APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE MONT CLAIRE RESIDENTIAL SUBDIVISION
Sutherlin, Douglas County, Oregon

September 2004

FIGURE 3

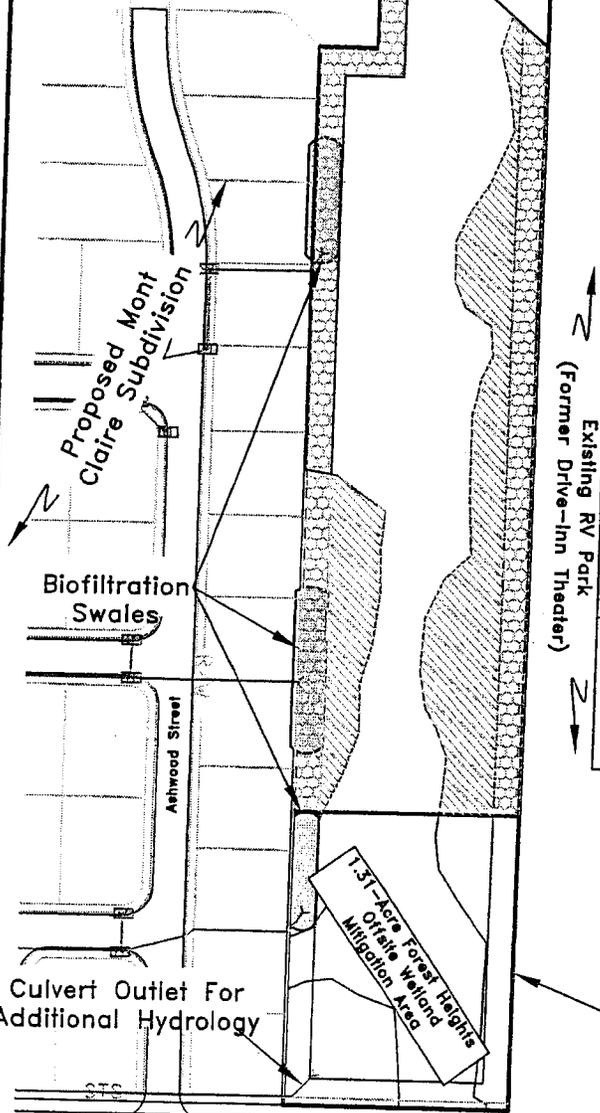
Existing Fire Station

Culverts To Establish Connectivity To Northern Portion of Mitigation Area.

Golfview Avenue

Hwy 138

MITIGATION BOUNDARY



LEGEND

	Wetland Preservation	0.223-acre	No Credit
	Wetland Restoration	1.638-acre	1.638-ac.credit
	Wetland Creation	0.918-acre	0.612-ac.credit
	Wetland Enhancement	3.048-acre	1.016-ac.credit
	Wetland Buffer (& Bioswales)	0.584-acre	No Credit
	Upland Buffer	0.706-acre	No Credit
TOTAL		7.117-acre	3.266-ac.credit

7.12-Acre Onsite Mitigation Area Would Provide 3.27-Acre-Credits To Offset The Unavoidable Wetland Impact of 3.11-Acres (Forest Heights Mitigation Area Not Included in calculations).

NOTE: Additional Hydrological Support To Mitigation Wetlands From Stormwater Biofiltration Swales and Culverted Water From Swale Proposed For Fill.

NOTE: Southern 1.31-Acres Of Wetland Mitigation Would Provide Acreage Requirements For Forest Heights Residential Subdivision (Located Less Than 2.5 Miles East From Mitigation Site).

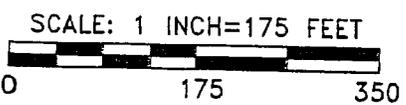
Source: Adapted From i.e. Engineering, Inc. 2004 revised site plan.

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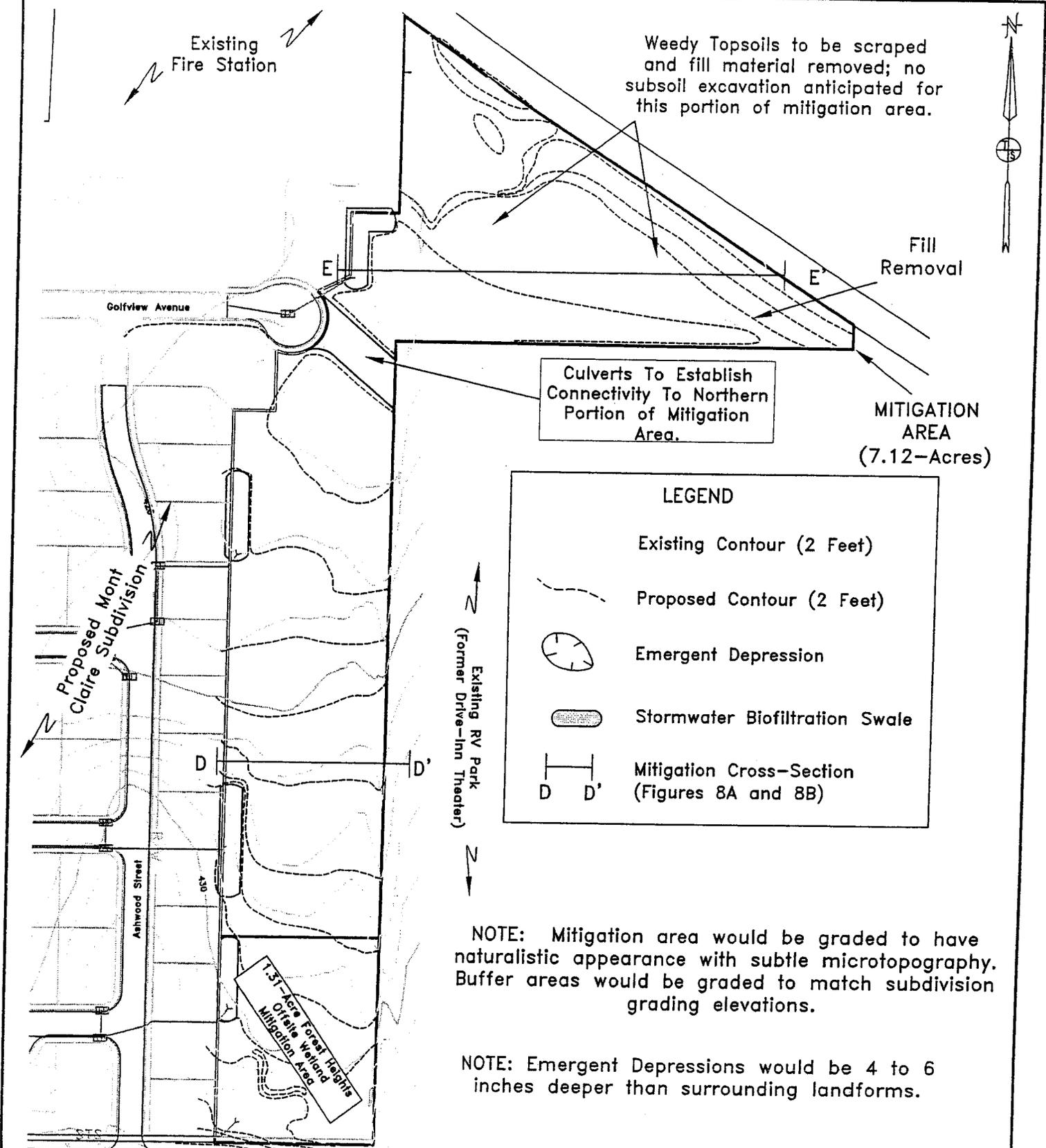
WETLAND FILL PERMIT APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE MONT CLAIRE RESIDENTIAL SUBDIVISION
Sutherlin, Douglas County, Oregon

PROPOSED MITIGATION CONCEPT

FIGURE 7



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Source: Adapted From I.E. Engineering, Inc. 2004 revised site plan.

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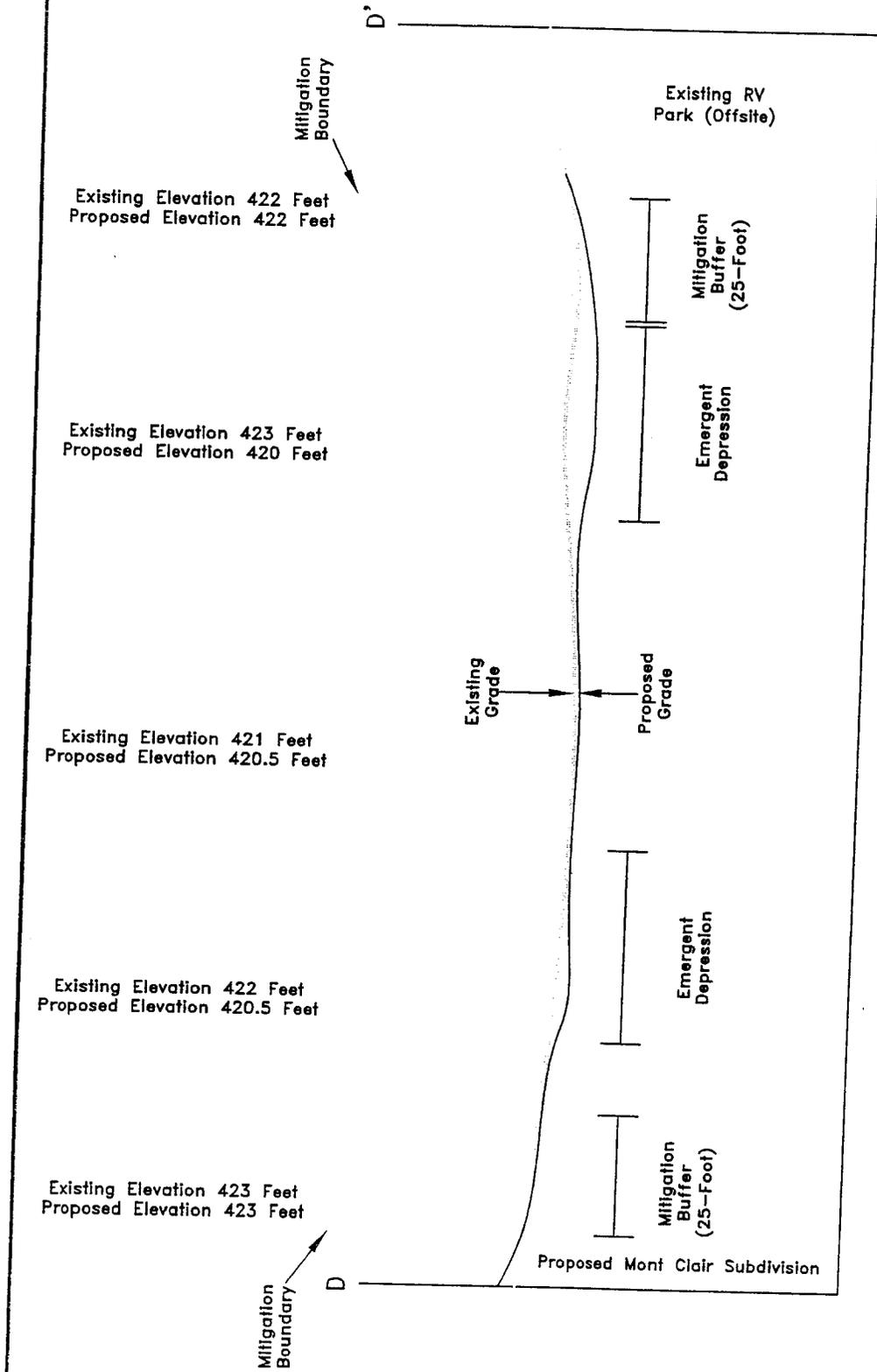
SCALE: 1 INCH=175 FEET

WETLAND FILL PERMIT APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE MONT CLAIRE RESIDENTIAL SUBDIVISION
Sutherlin, Douglas County, Oregon

PROPOSED MITIGATION GRADING CONCEPT

September 2004

FIGURE 8

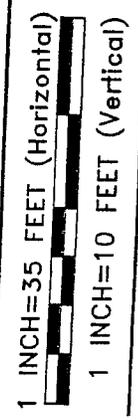


NOTE: Not For Construction Purposes.

source: Based on i.e. Engineering, Inc. topographic survey.

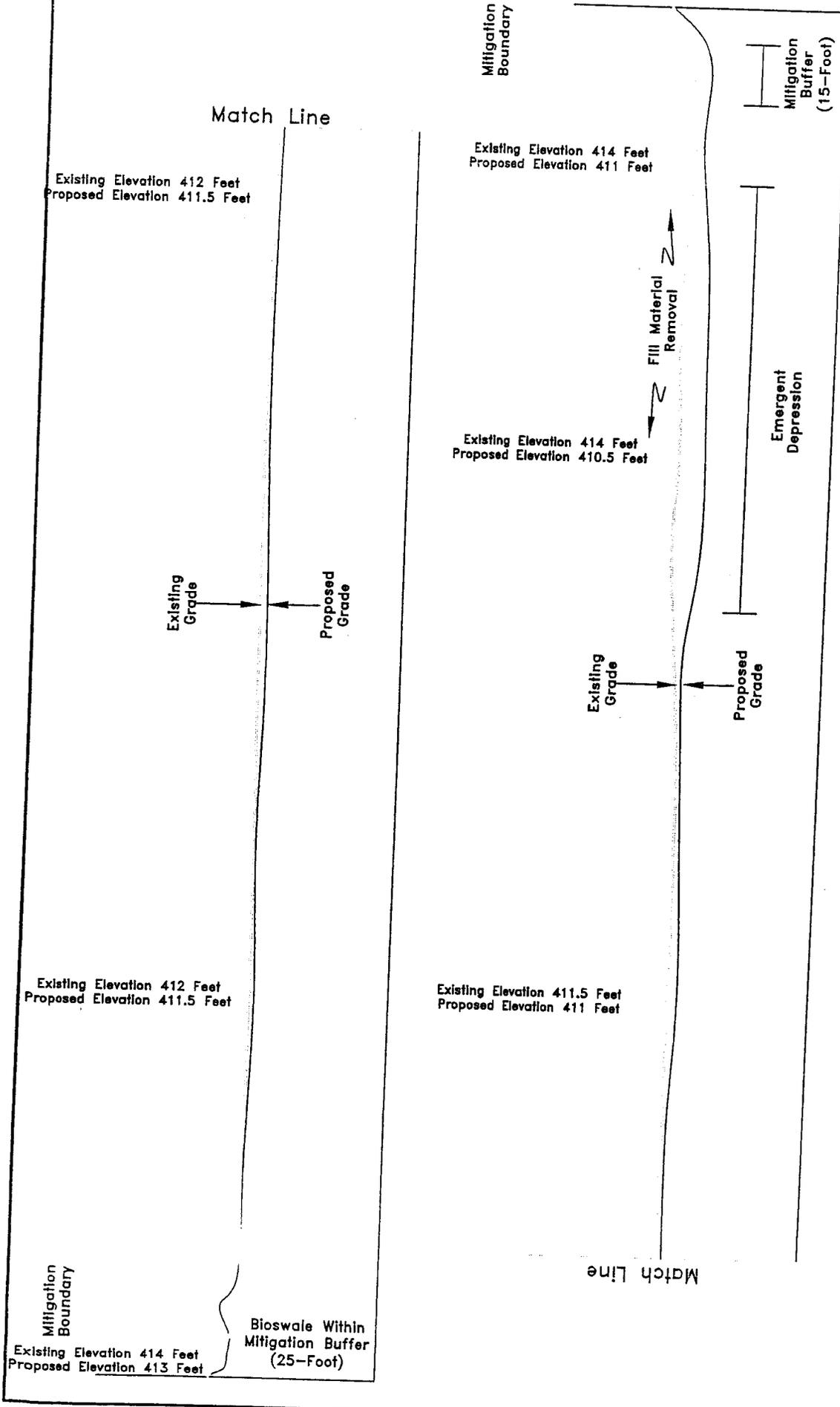
WETLAND FILL PERMIT APPLICATION
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Sutherlin, Douglas County, Oregon

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MITIGATION GRADING
CROSS-SECTION D-D'

September 2004

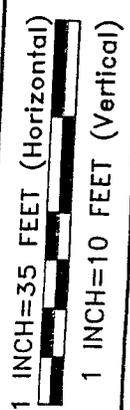


MITIGATION GRADING
CROSS-SECTION E-E'

Source: Based on i.e. Engineering, Inc. topographic survey.

WETLAND FILL PERMIT APPLICATION
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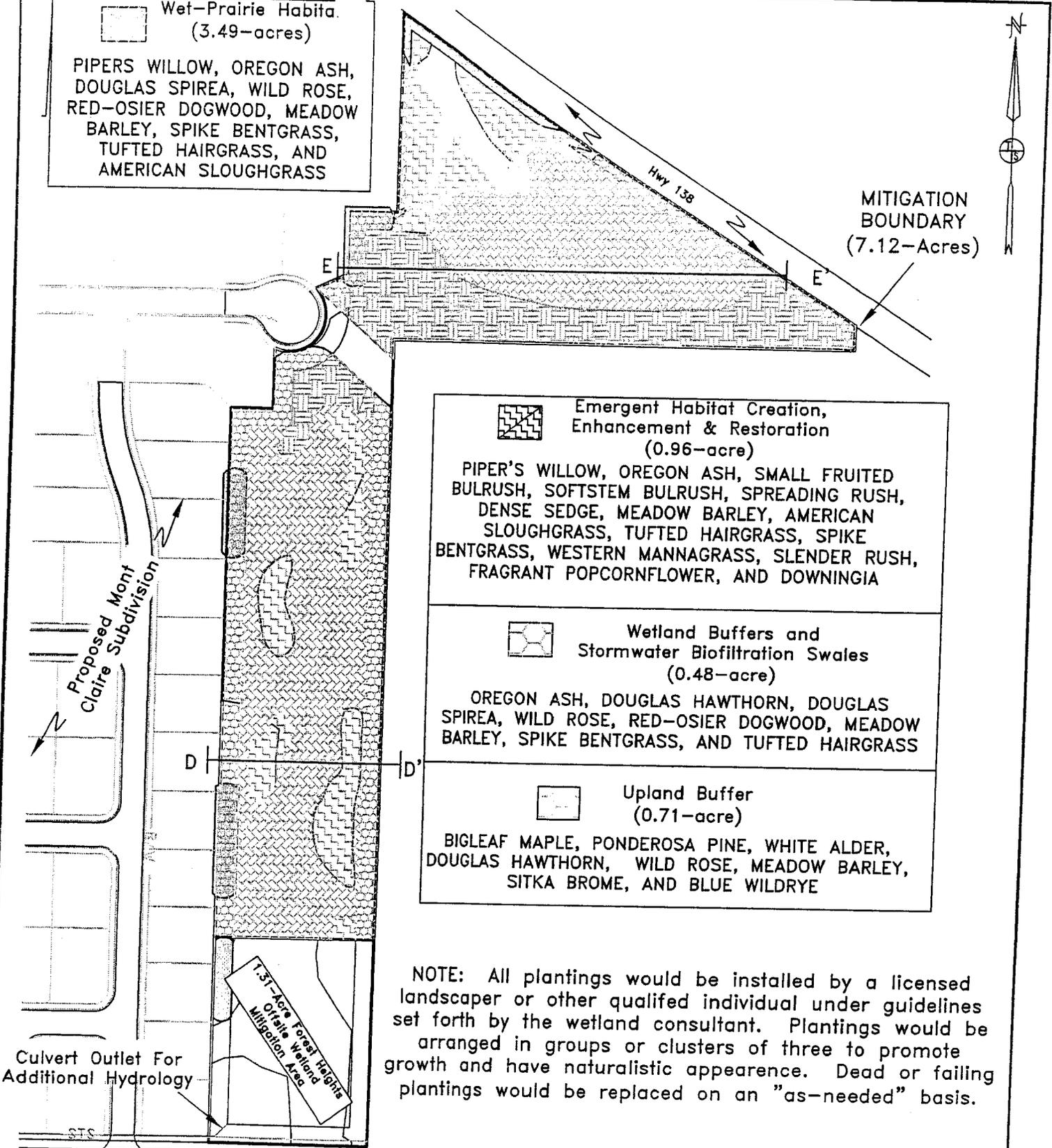
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Wet-Prairie Habita
(3.49-acres)

PIPERS WILLOW, OREGON ASH,
DOUGLAS SPIREA, WILD ROSE,
RED-OSIER DOGWOOD, MEADOW
BARLEY, SPIKE BENTGRASS,
TUFTED HAIRGRASS, AND
AMERICAN SLOUGHGRASS



MITIGATION
BOUNDARY
(7.12-Acres)



- 
Emergent Habitat Creation, Enhancement & Restoration
(0.96-acre)
 PIPER'S WILLOW, OREGON ASH, SMALL FRUITED BULRUSH, SOFTSTEM BULRUSH, SPREADING RUSH, DENSE SEDGE, MEADOW BARLEY, AMERICAN SLOUGHGRASS, TUFTED HAIRGRASS, SPIKE BENTGRASS, WESTERN MANNAGRASS, SLENDER RUSH, FRAGRANT POPCORNFLOWER, AND DOWNINGIA
- 
Wetland Buffers and Stormwater Biofiltration Swales
(0.48-acre)
 OREGON ASH, DOUGLAS HAWTHORN, DOUGLAS SPIREA, WILD ROSE, RED-OSIER DOGWOOD, MEADOW BARLEY, SPIKE BENTGRASS, AND TUFTED HAIRGRASS
- 
Upland Buffer
(0.71-acre)
 BIGLEAF MAPLE, PONDEROSA PINE, WHITE ALDER, DOUGLAS HAWTHORN, WILD ROSE, MEADOW BARLEY, SITKA BROME, AND BLUE WILDRYE

NOTE: All plantings would be installed by a licensed landscaper or other qualified individual under guidelines set forth by the wetland consultant. Plantings would be arranged in groups or clusters of three to promote growth and have naturalistic appearance. Dead or failing plantings would be replaced on an "as-needed" basis.

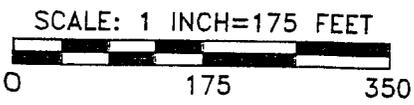
Source: Adapted From i.e. Engineering, Inc. 2004 revised site plan.

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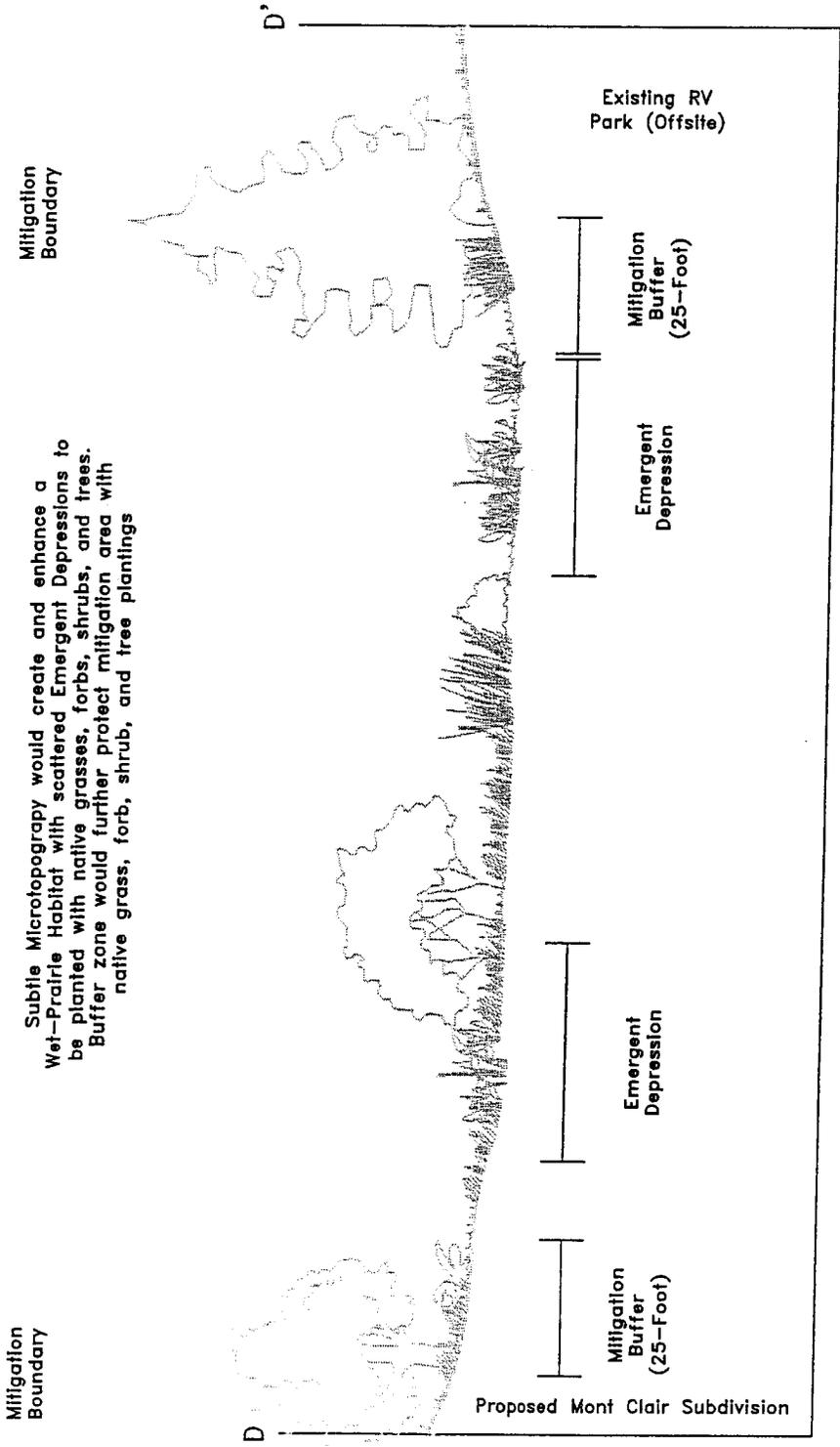
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MITIGATION
PLANTING
CONCEPT

FIGURE 9



September 2004



Subtle Microtopography would create and enhance a Wet-Prairie Habitat with scattered Emergent Depressions to be planted with native grasses, forbs, shrubs, and trees. Buffer zone would further protect mitigation area with native grass, forb, shrub, and tree plantings

Mitigation Boundary

Mitigation Boundary

Proposed Mont Clair Subdivision

Existing RV Park (Offsite)

Mitigation Buffer (25-Foot)

Emergent Depression

Emergent Depression

Mitigation Buffer (25-Foot)

D-D'

D

Source: Based on i.e. Engineering, Inc. topographic survey.

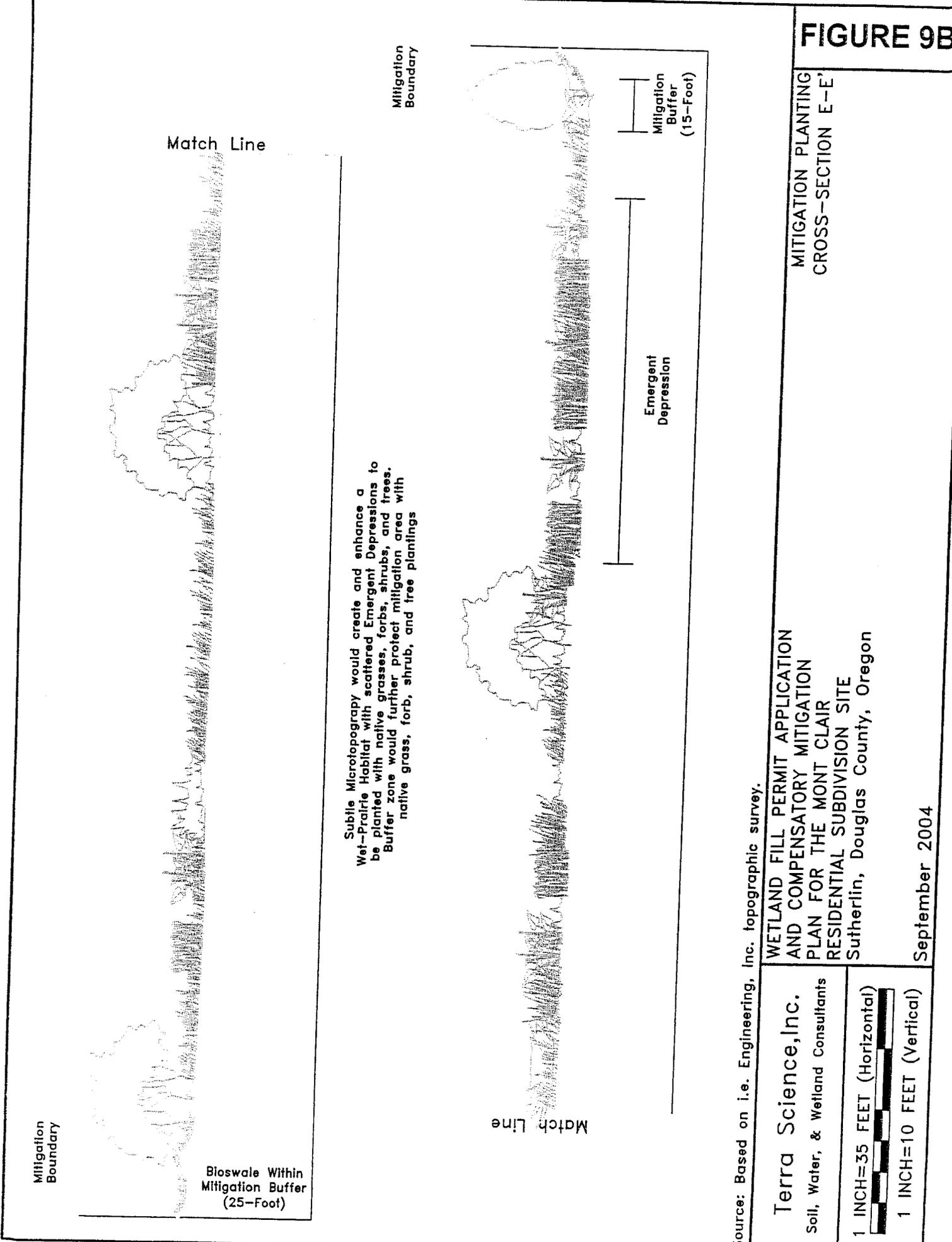
WETLAND FILL PERMIT APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE MONT CLAIR RESIDENTIAL SUBDIVISION SITE Sutherlin, Douglas County, Oregon

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1 INCH=35 FEET (Horizontal)
1 INCH=10 FEET (Vertical)

MITIGATION PLANTING CROSS-SECTION D-D'

September 2004



Source: Based on i.e. Engineering, Inc. topographic survey.

WETLAND FILL PERMIT APPLICATION
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PLAN FOR THE MONT CLAIR
RESIDENTIAL SUBDIVISION SITE

Sutherlin, Douglas County, Oregon

September 2004

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1 INCH=35 FEET (Horizontal)
1 INCH=10 FEET (Vertical)

MITIGATION PLANTING
CROSS-SECTION E-E'

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200000872 Notice Issued: October 25, 2004
Oregon Division of State Lands Number: N/A Written Comments Due: November 24, 2004

WHO IS THE APPLICANT: Avery Construction

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 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 November 24, 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 deq.infor@deqstate.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.