



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE for Permit Application**

**Issue Date:** August 23, 2004

**Expiration Date:** September 12, 2004

**Corps of Engineers Action ID:** 200200339

**20-Day Notice**

**Oregon Department of State Lands Number:** 31504-RF

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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 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  
CENWP-OP-GE (Ms. Lisa Grudzinski)  
2201 North Broadway, Suite C  
North Bend, Oregon 97459-2372

**Applicant:** Mr. Bill Leslie, Gib's RV

**Location:** The project is located in an unnamed tributary to Pony Creek (referred to locally as the "K-Mart Fork"), River Mile 0.75, near Coos Bay, Coos County, Oregon. The site is in Section 21 of Township 25 South, Range 13 West.

**Project Description:** The proposed project would re-route the stream from an existing stream channel. The unnamed stream would be re-located through a new culvert measuring 180 feet long and 36 inches in diameter. The work would impact approximately 0.1 acre of stream and riparian area.

Due to the length of the culvert and the shape of the existing stream, an area 200 feet long, 4 feet wide on the bottom and 10 feet wide on the top, and 10 feet deep would be excavated in upland immediately adjacent to the existing stream channel to install the new culvert. The culvert would be placed into the excavated channel at 0.6 percent invert slope elevation and countersunk approximately six inches to accommodate fish passage. The channel would be backfilled with the excavated material and leveled. Approximately 20 linear feet of the newly excavated area immediately downstream of the culvert would be reconstructed to simulate the pre-construction stream channel and would connect the culvert and the undisturbed channel.

The new channel connecting the culvert invert with the undisturbed channel would measure 4 feet wide, 20 feet long, and up to 10 feet deep from the bank-line. The channel would be seeded four inches deep with gravel and cobble, extending six feet from the culvert outlet to protect the channel from scour. Riprap would be installed at the upstream and downstream ends of the culvert to prevent erosion. Riprap would also be placed adjacent to the culvert ends from the toe of the slope to the top of both banks, 15 feet high, 4 to 10 feet wide, and 1.5 feet deep.

Prior to in-water work, the area would be de-watered by installing a temporary dam upstream of the work and piping the water around the construction area, either by gravity or by pumping. Water would re-enter the stream downstream of the construction activities.

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:** Expansion of an existing commercial business.

**Drawing(s):** Five (5) drawings are included (Enclosure 1).

**Additional Information:** Additional information may be obtained from Ms. Lisa Grudzinski, Project Manager, U.S. Army Corps of Engineers at (541) 756-5316, or [lisa.a.grudzinski@nwp01.usace.army.mil](mailto:lisa.a.grudzinski@nwp01.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.

**Coastal Zone Management Act Certification:** A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3) requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

**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 adversely affect a species proposed for listing under the Endangered Species Act of 1973, as well as Essential Fish Habitat as designated by the Magnuson-Stevens Fishery Conservation and Management Act (MSA). A formal conference under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) and consultation under Section 305 of the MSA have been 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.

# Oregon Department of Environmental Quality (DEQ) Water Quality 401 Certification

Corps of Engineers Action ID Number: 200200339

Notice Issued: August 23, 2004

Oregon Department of State Lands Number: 31504-RF Written Comments Due: September 12, 2004

**WHO IS THE APPLICANT:** Mr. Bill Leslie, Gib's RV

**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 97204-1390.

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 at (503) 229-5808.

## **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 **September 12, 2004**. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-5408. ***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](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 Office of Communications and Outreach at (503) 229-5317 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.

**PUBLIC NOTICE**  
**OREGON COASTAL MANAGEMENT PROGRAM**  
**CONSISTENCY CERTIFICATION**

**Date:** August 23, 2004

**Corps of Engineers Action ID Number:** 200200339  
**Oregon Department of State Lands Number:** 31504-RF

**NOTIFICATION**

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 253.

**REVIEW CRITERIA**

Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include the following:

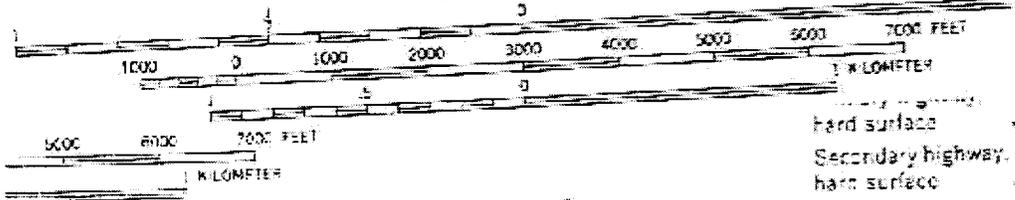
- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

**INCONSISTENT?**

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.



SCALE 1:24000



CLASSIFICATION

- Light-duty road, hard or improved surface
- Hard surface
- Secondary highway, hard surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

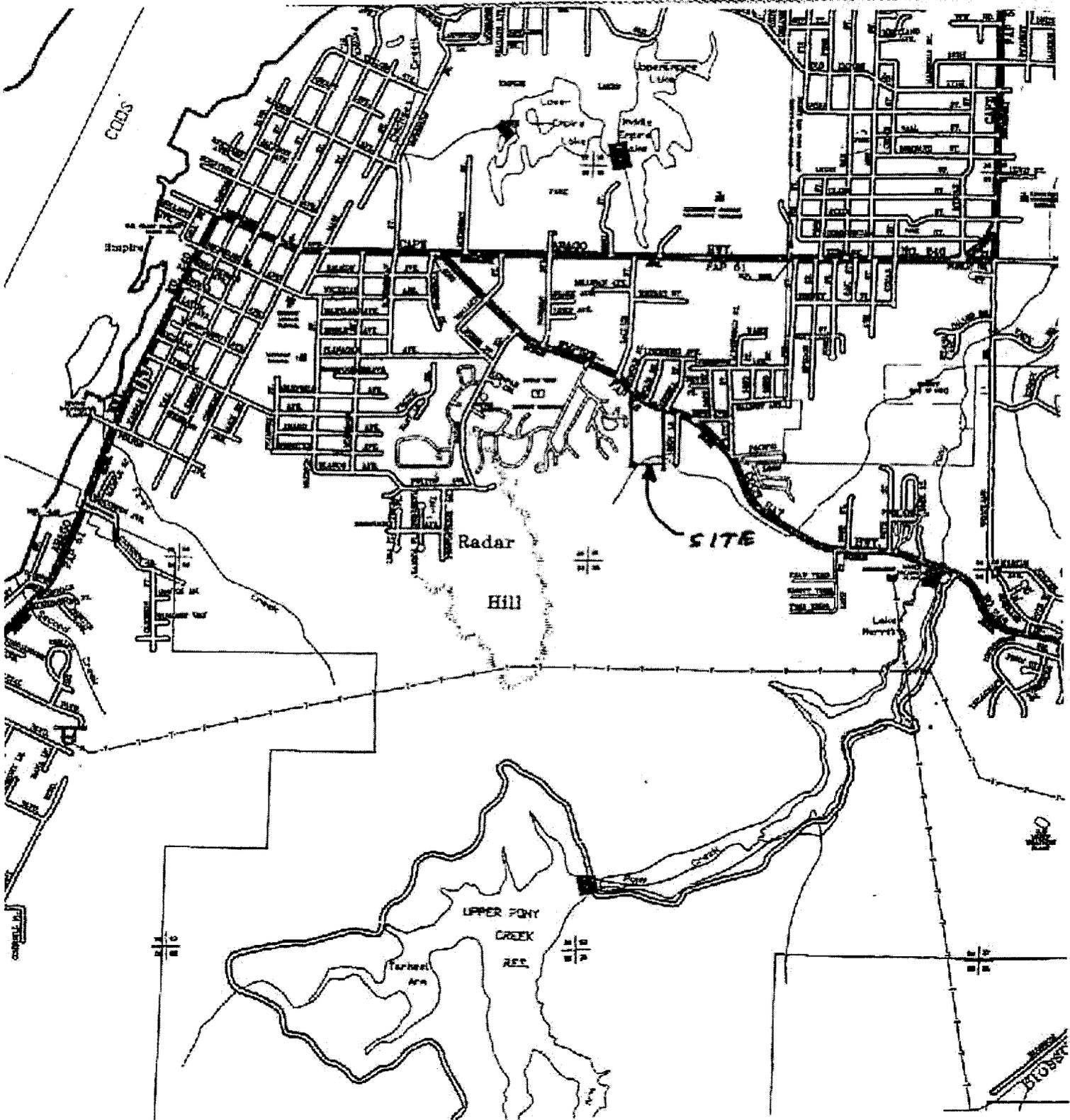
EET  
 1 MEAN LOWER LOW WATER  
 2 OF TIDEAL HIGH WATER  
 11.9 FEET



EMPIRE, OREG.  
 NE 1/4 EMPIRE 15' QUADRANGLE  
 N4322.5—W12415/7.5

1970 12

80225, OR WASHINGTON, D. C. 20242  
 IS AVAILABLE ON REQUEST  
 COE #200200339

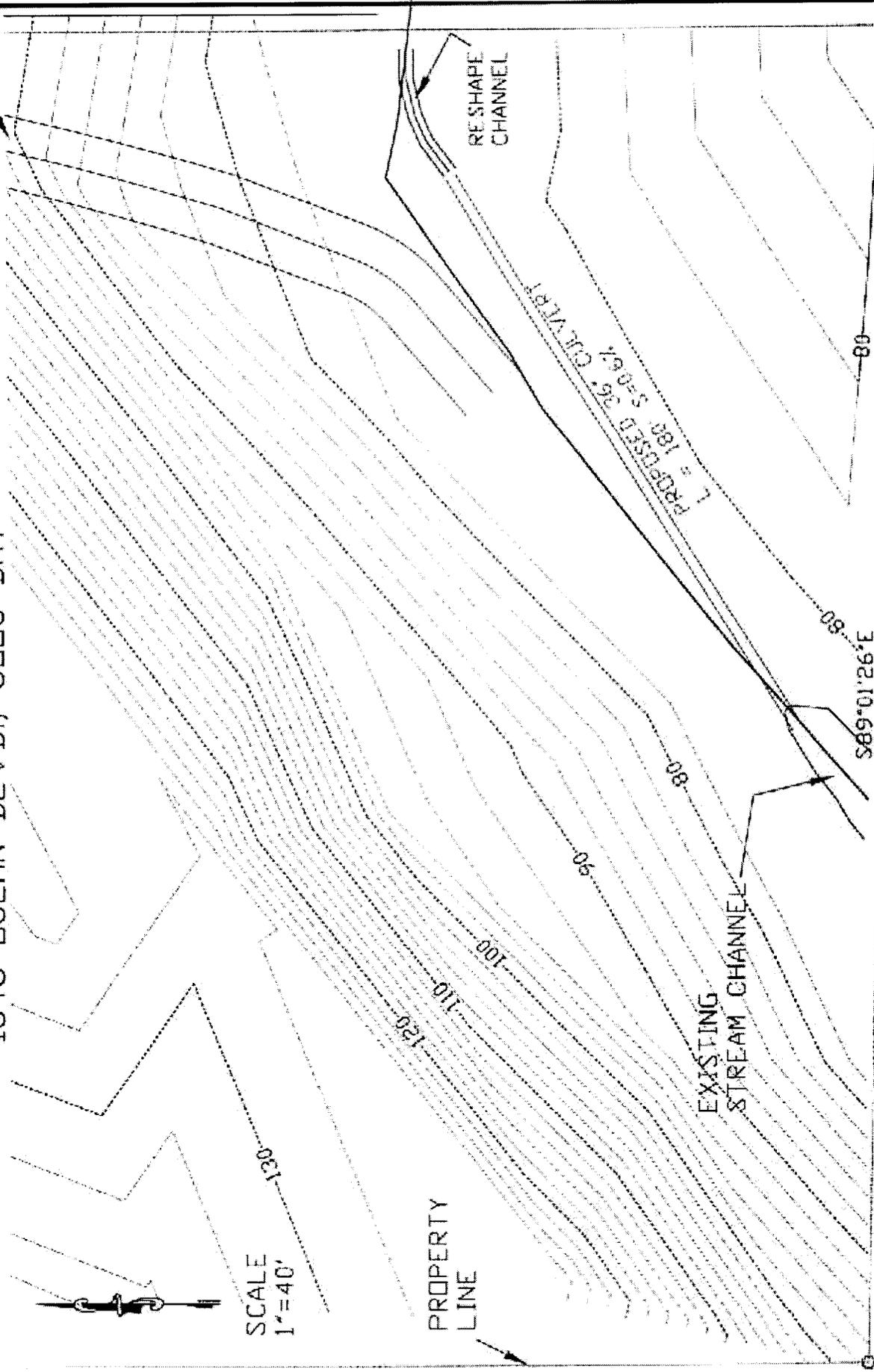


Received  
2/1/74

Proposed 7/17/04

# CULVERT PLAN FOR GIB'S RV. 1845 OCEAN BLVD., COOS BAY

PROPOSED ACCESS



SCALE  
1"=40'

PROPERTY LINE

EXISTING  
STREAM CHANNEL

RESHAPE  
CHANNEL

PROP. CORNER

S89°01'26"E  
382.36'

PROP. CORNER

**Stutzner Engineering  
& Forestry**

ENGINEERING • LAND SURVEYING • PLANNING • TREE SERVICE  
151 South Main St., Coos Bay, Oregon 97331  
Phone: (541) 337-8272 Fax: (541) 337-8238

Job Name: GIBS RV  
Job No.: 03  
Date: 07/17/04  
Scale: 1"=40'  
Sheet: 1 of 1

CULVERT PLAN

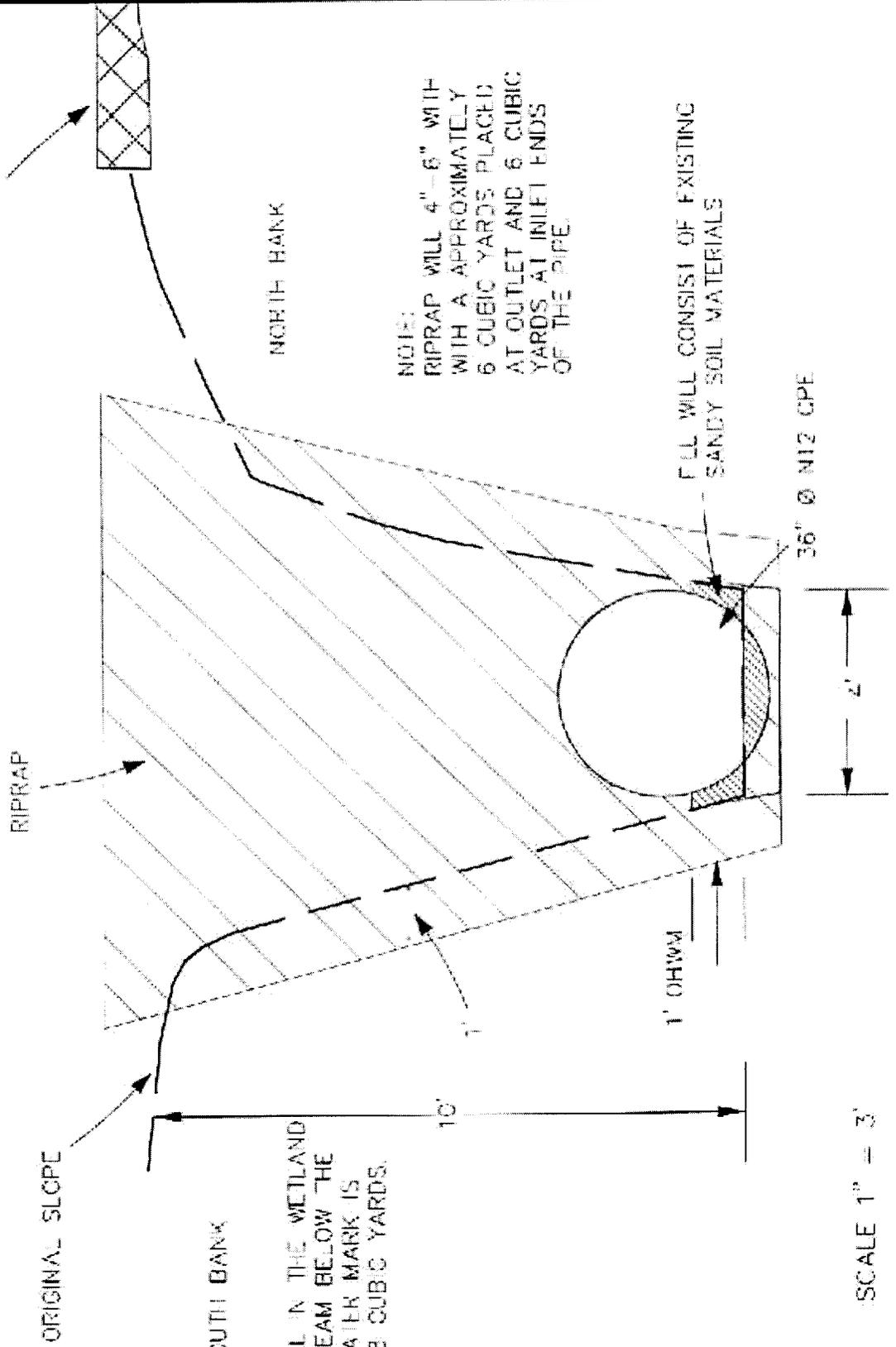
Sheet 1 of 1

125S, R13W, S21CB  
TL 5800

# PROPOSED CULVERT PLACEMENT

*Revised 2/17/04*

DSL# WD2002-03.07  
EXISTING FILL



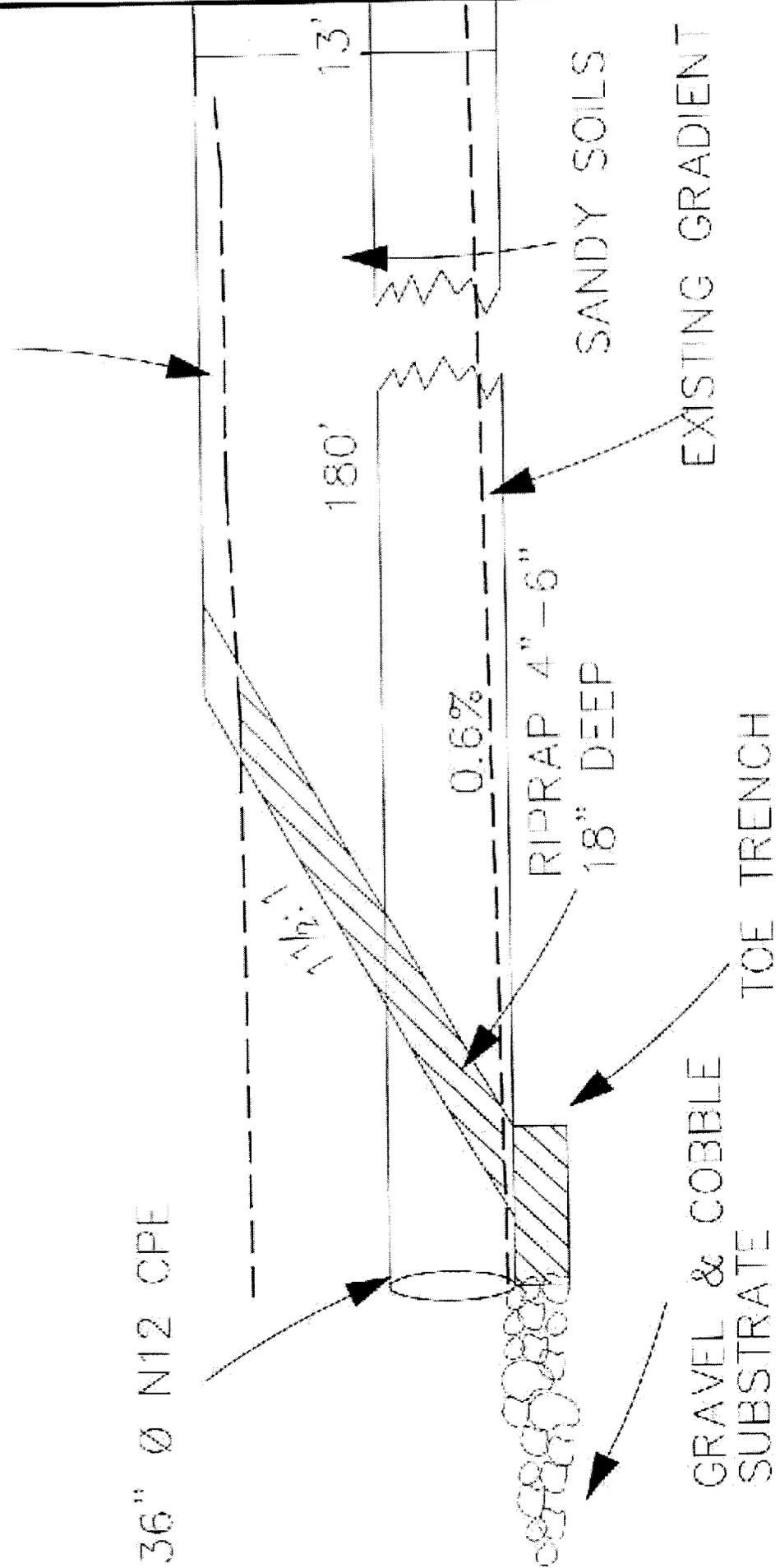
RECALCULATED FILL IN THE WETLAND  
AREA OF THE STREAM BELOW THE  
ORDINARY HIGH WATER MARK IS  
APPROXIMATELY 13 CUBIC YARDS.

200200339 4/17/04

T25S, R13W, S210B  
TL 5800

# PROPOSED CULVERT PLACEMENT

EXISTING SLOPE



36" Ø N12 CPE

1 1/2:1

180'

13'

0.6%

RIPRAP 4" - 6"

18" DEEP

SANDY SOILS

GRAVEL & COBBLE  
SUBSTRATE

TOE TRENCH

EXISTING GRADIENT

SCALE 1" = 5'