



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: March 24, 2004

Expiration Date: April 22, 2004

Corps of Engineers Action ID: 200300316

Oregon Division of State Lands Number: 31266-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. Merina Christoffersen)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Cornerstone Industrial Minerals

Location: The project is located northwest of the intersection of Highway 395 and Missouri Avenue in Lakeview, Lake County, Oregon.

Project Description: The applicant is proposing to fill a six-acre millpond with 6,452 cubic yards of material. Fill would consist of material remaining from the processing of Perlite. The southern portion of the pond and riparian area would be preserved and recreated into a channel via a berm. The new channel would begin at the stream that currently flows into the existing pond, flow around the southern portion of the pond, and be directed into adjacent drainage.

Mitigation: 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. The applicant is proposing to create a section of new stream channel to carry flows around the southern perimeter of the pond. The drainage would connect to an intermittent unnamed tributary from a draw at the upstream end, and end in adjacent roadway ditches that eventually reach Bullard Creek at the downstream end.

Purpose: Fill pond for future development with material remaining from the processing of Perlite.

Drawing(s): Fourteen (14) drawings.

Additional Information: Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U. S. Army Corps of Engineers at (541) 465-6882 or at merina.e.christoffersen@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.

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 described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, 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: 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 that may reasonably 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 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 that 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: 200300316
Oregon Division of State Lands Number: 31266-RF

Notice Issued: March 24, 2004
Written Comments Due: April 22, 2004

WHO IS THE APPLICANT: Cornerstone Industrial Minerals

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, (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:

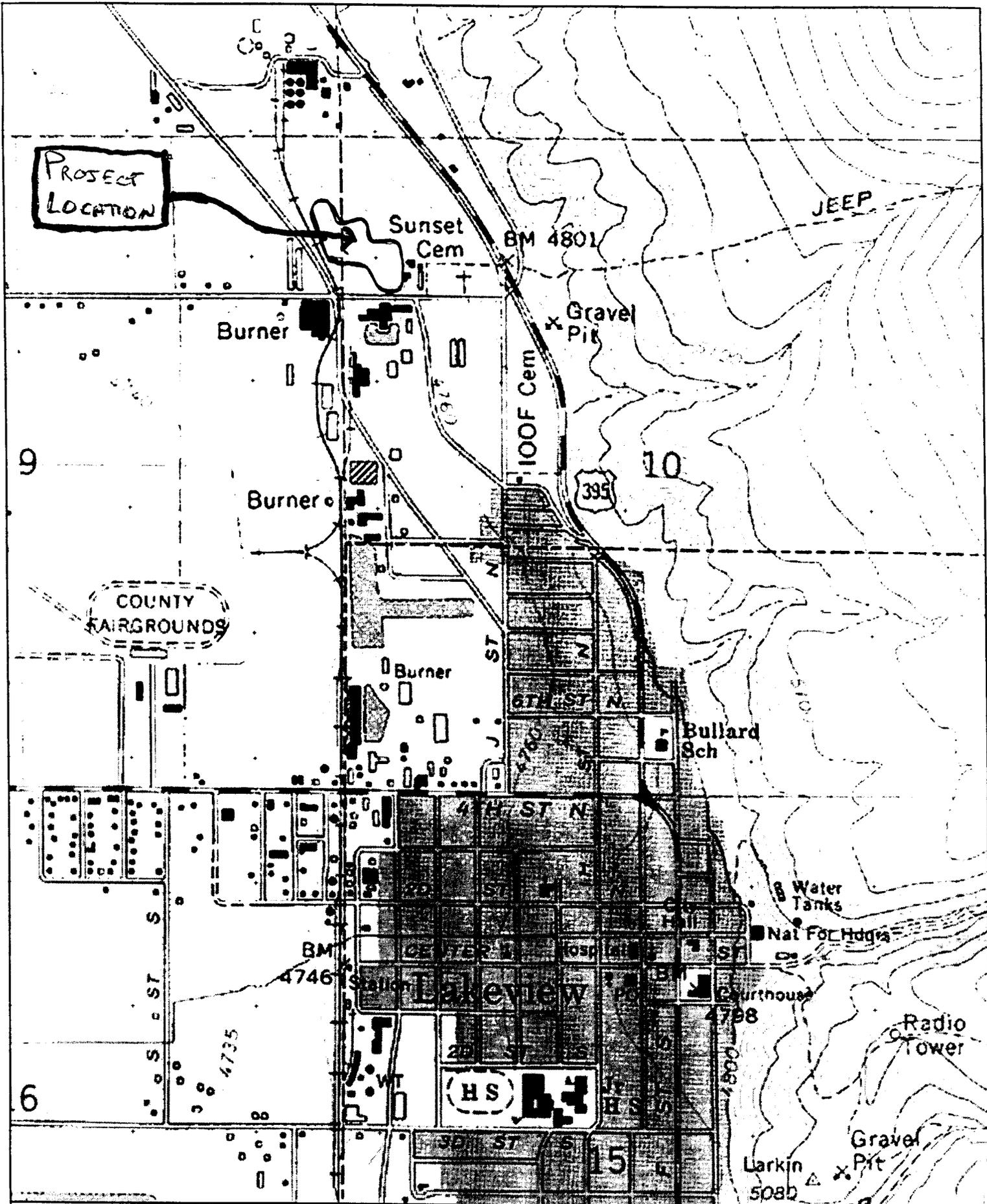
Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. 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 22, 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) 229-6124. ***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.

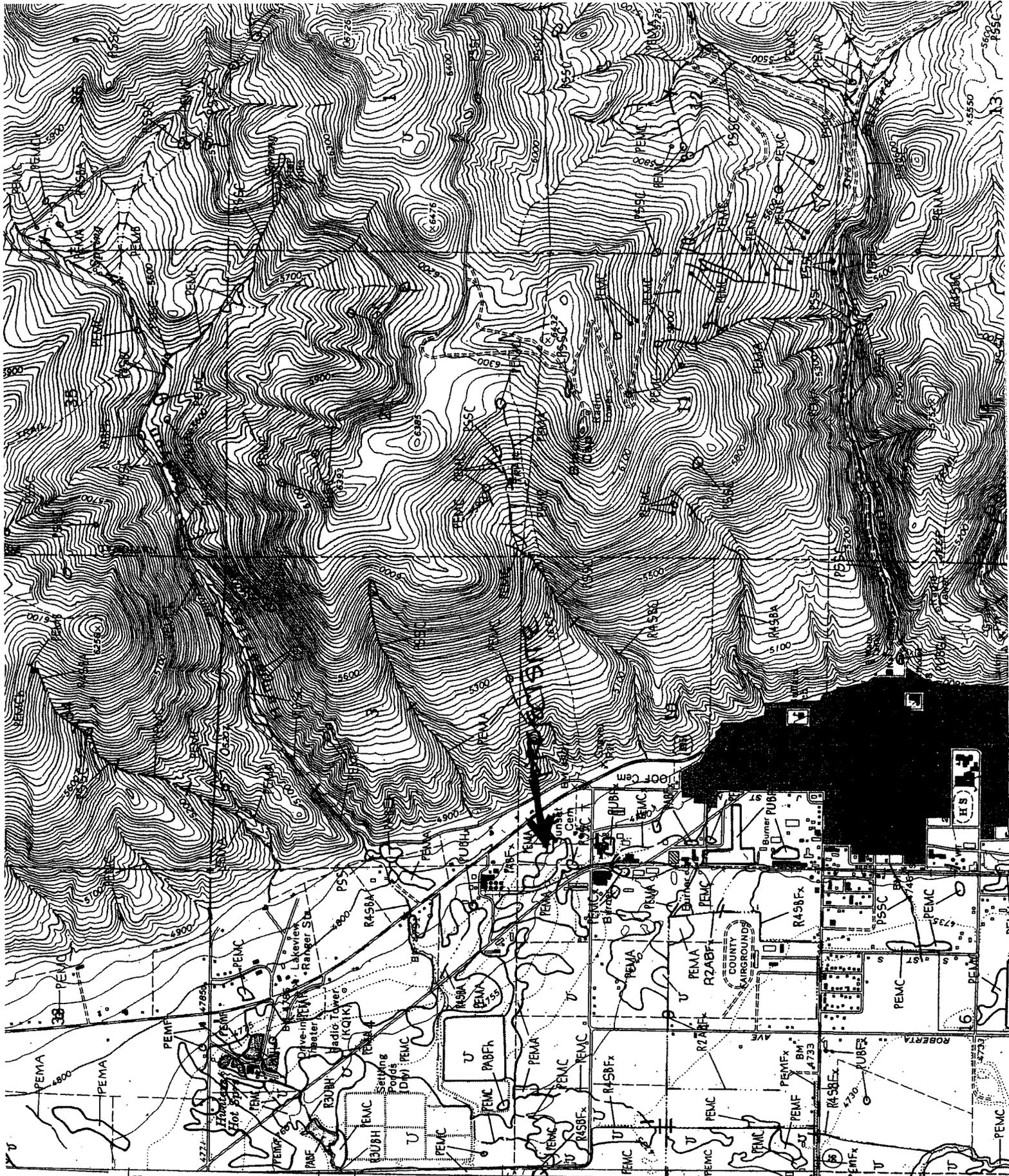
WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. 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.



Name: LAKEVIEW NE
 Date: 1/30/104
 Scale: 1 inch equals 1000 feet

Location: 042° 11' 51.0" N 120° 21' 00.7" W
 Caption: JOINT PERMIT APPLICATION
 CORNERSTONE INDUSTRIES
 SITE MAP



T. 38 S.

T. 39 S.

12°30"

KLAMATH FALLS (U.S. 97) 96 MI.
BY 43 MI

LAKEVIEW NW
1908 III NW





0 |-----| .5Km

0 |-----| .25Mi



0 100M

0 100yd

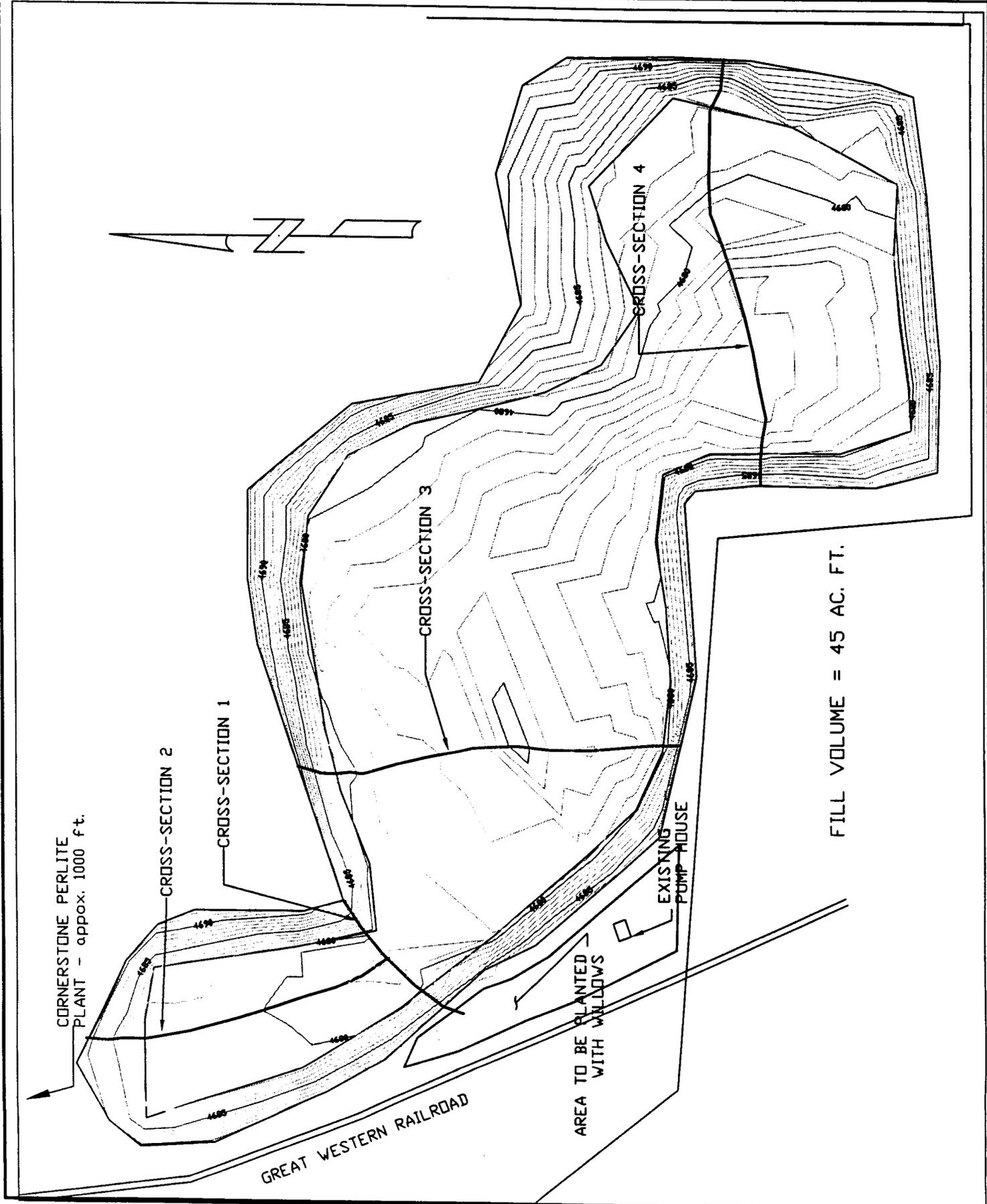
Image courtesy of the U.S. Geological Survey

© 2003 Microsoft Corporation. All rights reserved. **Terms of Use**

ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 923-4307
 FAX 923-4308

REMOVE/FILL APPLICATION
 SITE PLAN
 CORNERSTONE INDUSTRIES

DATE: 1/30/04
 SCALE: 1:100
 JOB: 2003-80
 DWG. BY: JB
 FILE: 2003-80
 SHEET 1 OF 1

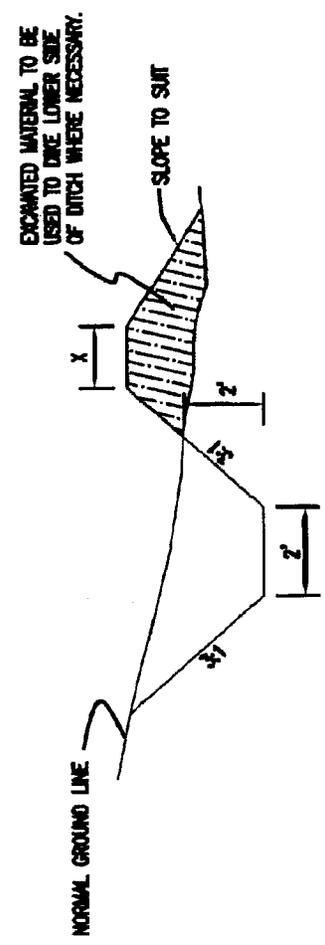
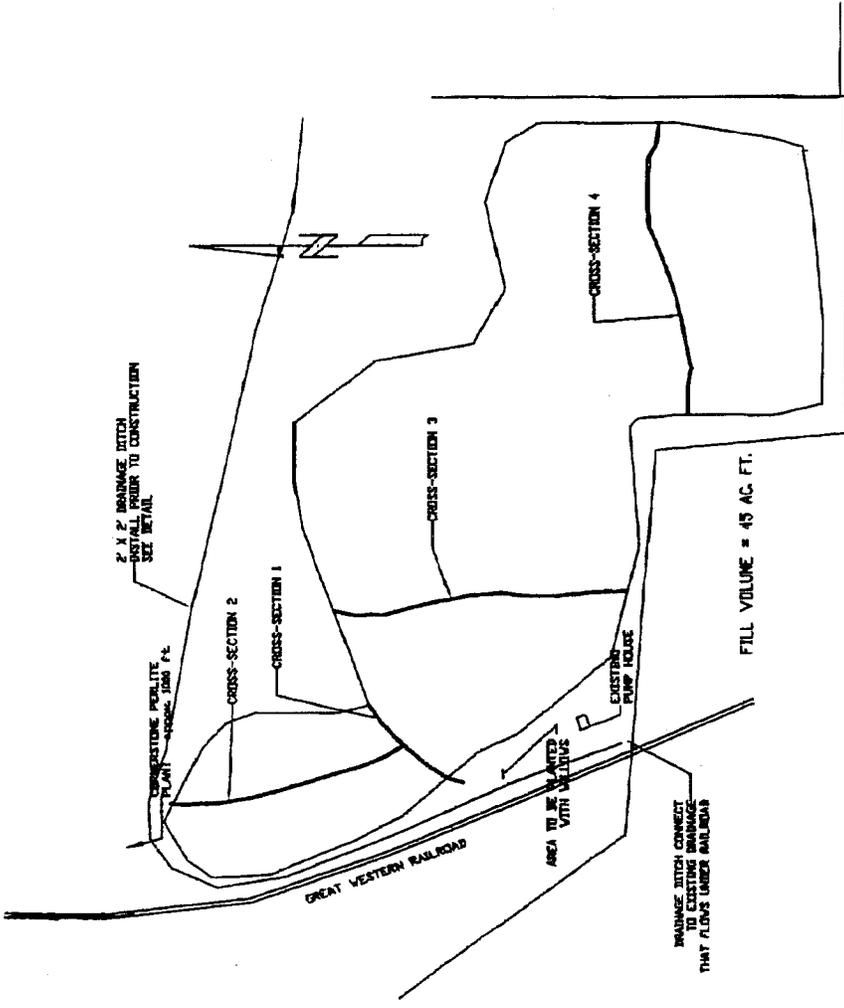


**ANDERSON ENGINEERING
AND SURVEYING, INC.**

P.O. BOX 28
LAKEVIEW, OREGON 97630
(541) 847-4407
(541) 823-4307
FAX 923-4308

**REMOVE/FILL APPLICATION
DRAINAGE PLAN
CORNERSTONE INDUSTRIES**

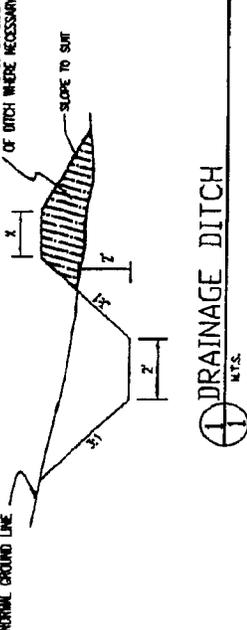
DATE: 2/19/04
SCALE: 1:200
JOB: 2003-80
DWG. BY: JB
FILE: 2003-80
SHEET 1 OF 1



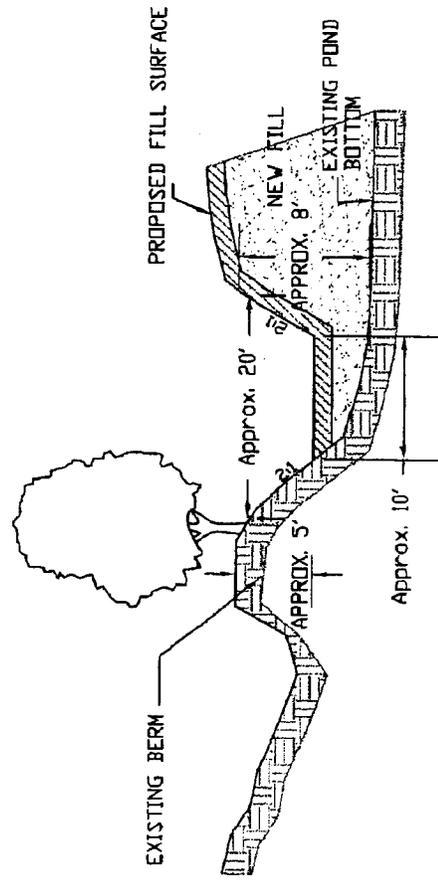
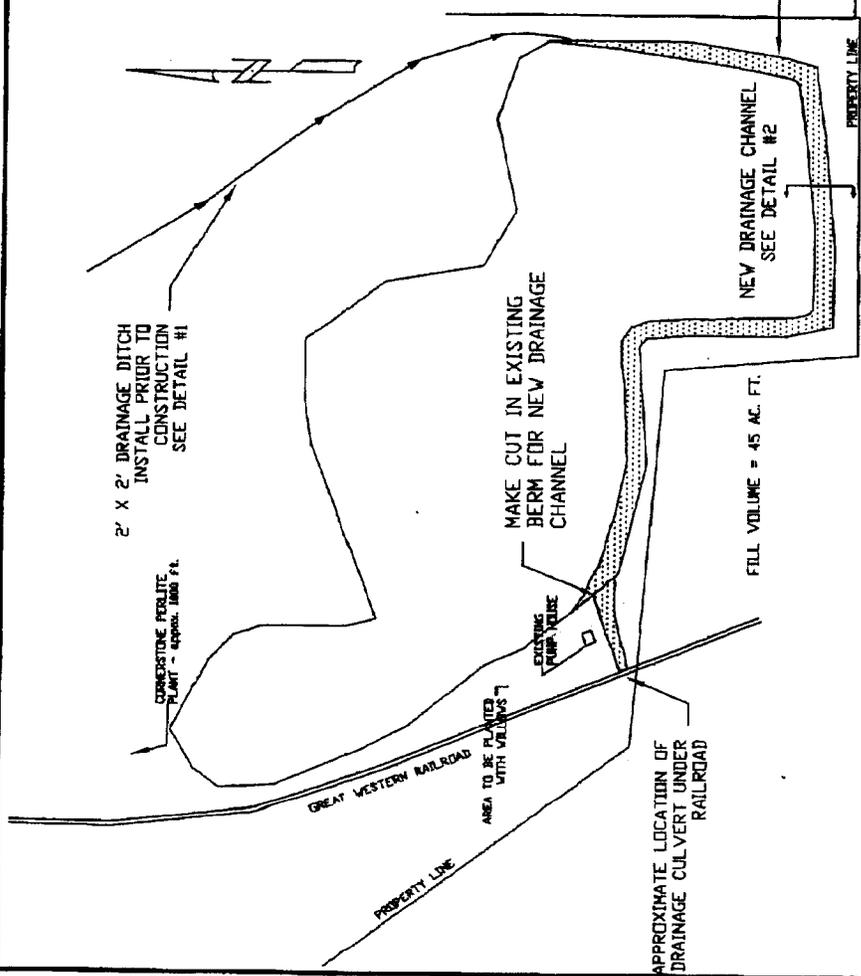
TYPICAL SECTIONS FOR DITCHES

**ANDERSON ENGINEERING
AND SURVEYING, INC.**

P.O. BOX 28
LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321



PROPOSED DRAINAGE CHANNEL AREA. EXISTING WILLOW TREES WILL BE SAVED IN THESE LOCATIONS. CHANNEL CROSS-SECTION WILL BE AS SHOWN IN DETAIL #2.



- EXISTING GROUND
- NATIVE FILL 2' MIN
- PERLITE FILL

2

1

DRAINAGE CHANNEL DETAIL

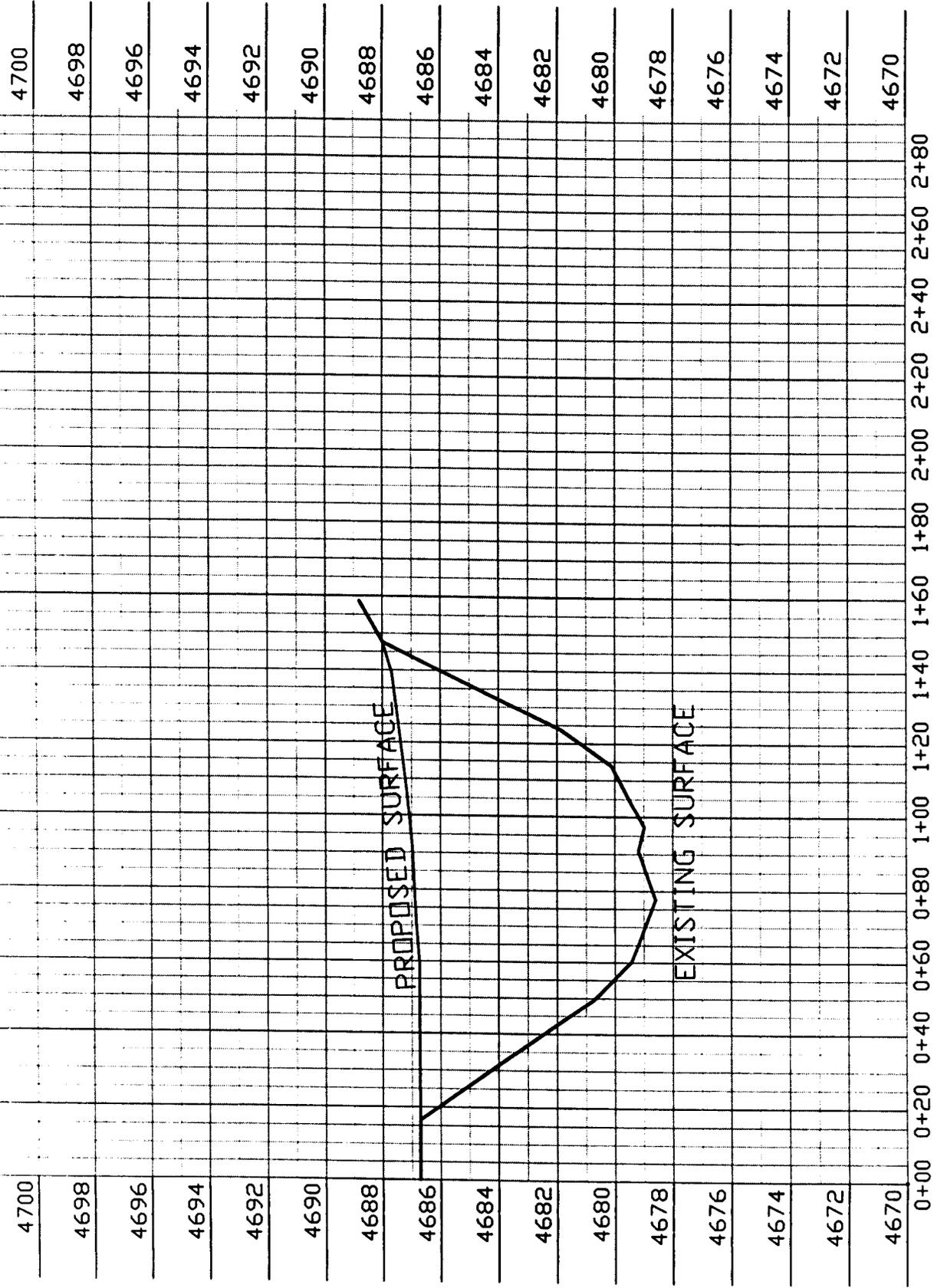
M.T.S.

**REMOVE/FILL APPLICATION
DRAINAGE PLAN
CORNERSTONE INDUSTRIES**

DATE: 3/18/04
SCALE: 1:200
JOB: 2003-80
DWG. BY: JB
FILE: 2003-80
SHEET 1 OF 1

GENERAL NOTES:

- 1) DRAINAGE WILL BE COLLECTED IN TWO DITCHES, ONE FLOWING FROM NORTHWEST TO SOUTHEAST ON THE EASTERN SIDE OF THE EXISTING POND, THE OTHER DITCH WILL FLOW ALONG THE SOUTHERN END OF THE POND.
- 2) THE OVERLAND FLOW WILL BE COLLECTED IN THE FIRST DITCH AND THEN FLOW INTO THE SECOND DITCH. THE EXISTING DRAINAGE APPROACHING THE POND FROM THE EAST WILL FLOW INTO THE SECOND DITCH ON THE SOUTH END OF THE POND.
- 3) THE DITCH ON THE SOUTHERN END OF THE POND WILL EMPTY INTO THE EXISTING DRAINAGE THAT FLOWS UNDER THE RAILROAD AS SHOWN.
- 4) CONSTRUCTION OF THIS DITCH WILL BEGIN BY CUTTING INTO THE EXISTING BERM NEAR THE WELL HOUSE AND ALLOWING THE POND TO SLOWLY DRAIN INTO EXISTING DRAINAGE. FILL WILL BEGIN ON THIS END OF THE POND WHERE A NEW DRAINAGE CHANNEL WILL BE FORMED AS SHOWN. THIS AREA WILL EXTEND AROUND THE SOUTHERN EDGE OF THE POND, AND WILL BE APPROXIMATELY 20 FEET WIDE.
- 5) IT IS ANTICIPATED THAT THIS WILL SAVE THE STAND OF WILLOWS ON THE SOUTHERN END OF THE PROJECT.



CROSS-SECTION 1

REMOVE/FILL APPLICATION
 CROSS SECTION 1
 CORNERSTONE INDUSTRIES

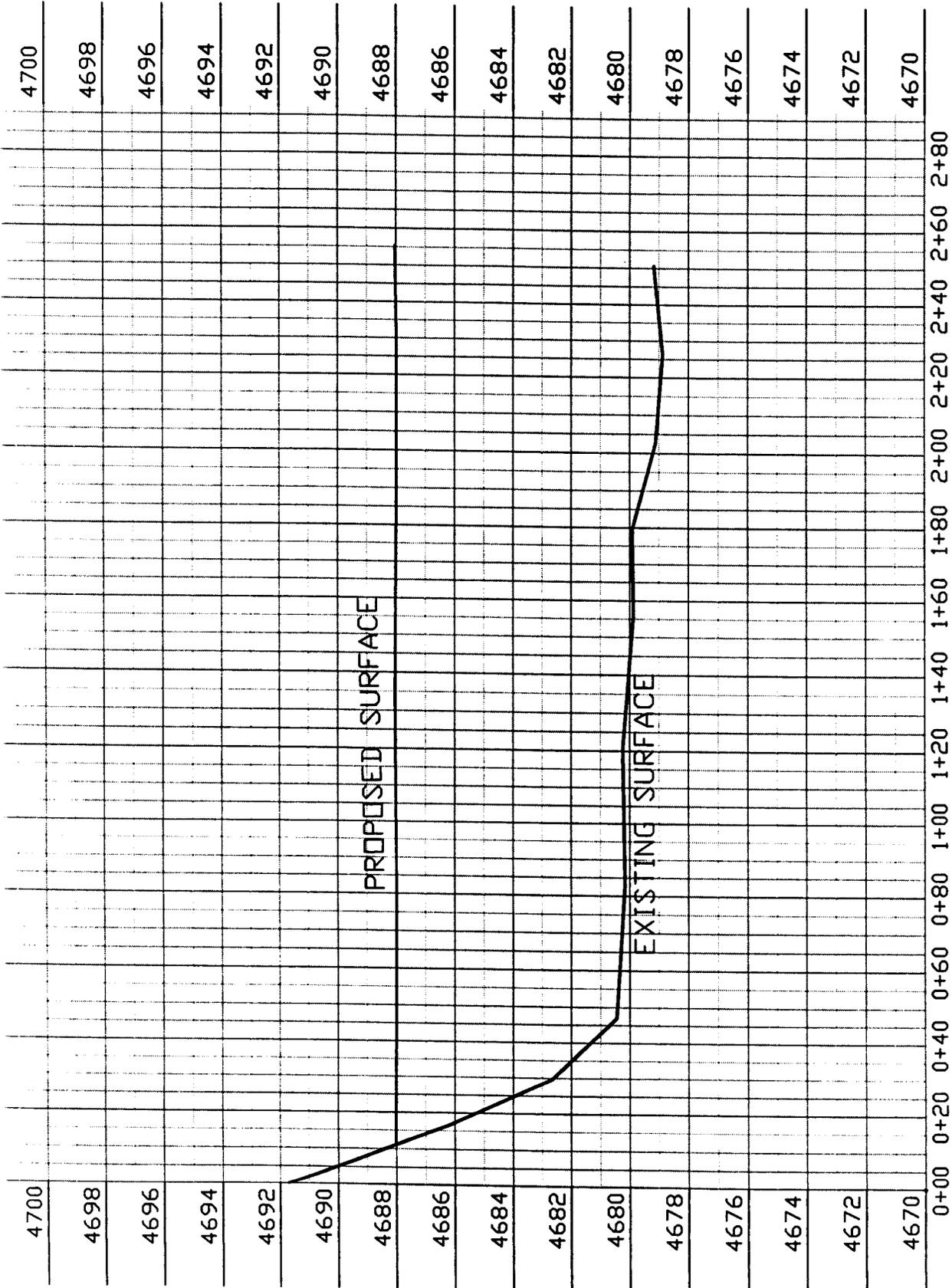
DATE: 1/30/04
 SCALE:
 JOB: 2003-80
 DWG. BY: JIB
 FILE: 2003-80
 SHEET 1 OF 1

ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 847-4407
 FAX 947-2321
 P.O. BOX 419
 REDMOND, OREGON 97758
 (541) 823-4307
 FAX 923-4308

ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 923-4307
 FAX 923-4308

REMOVE/FILL APPLICATION
 CROSS SECTION 2
 CORNERSTONE INDUSTRIES

DATE: 1/30/04
 SCALE:
 JOB: 2003-80
 DWG. BY: JB
 FILE: 2003-80
 SHEET 1 OF 1

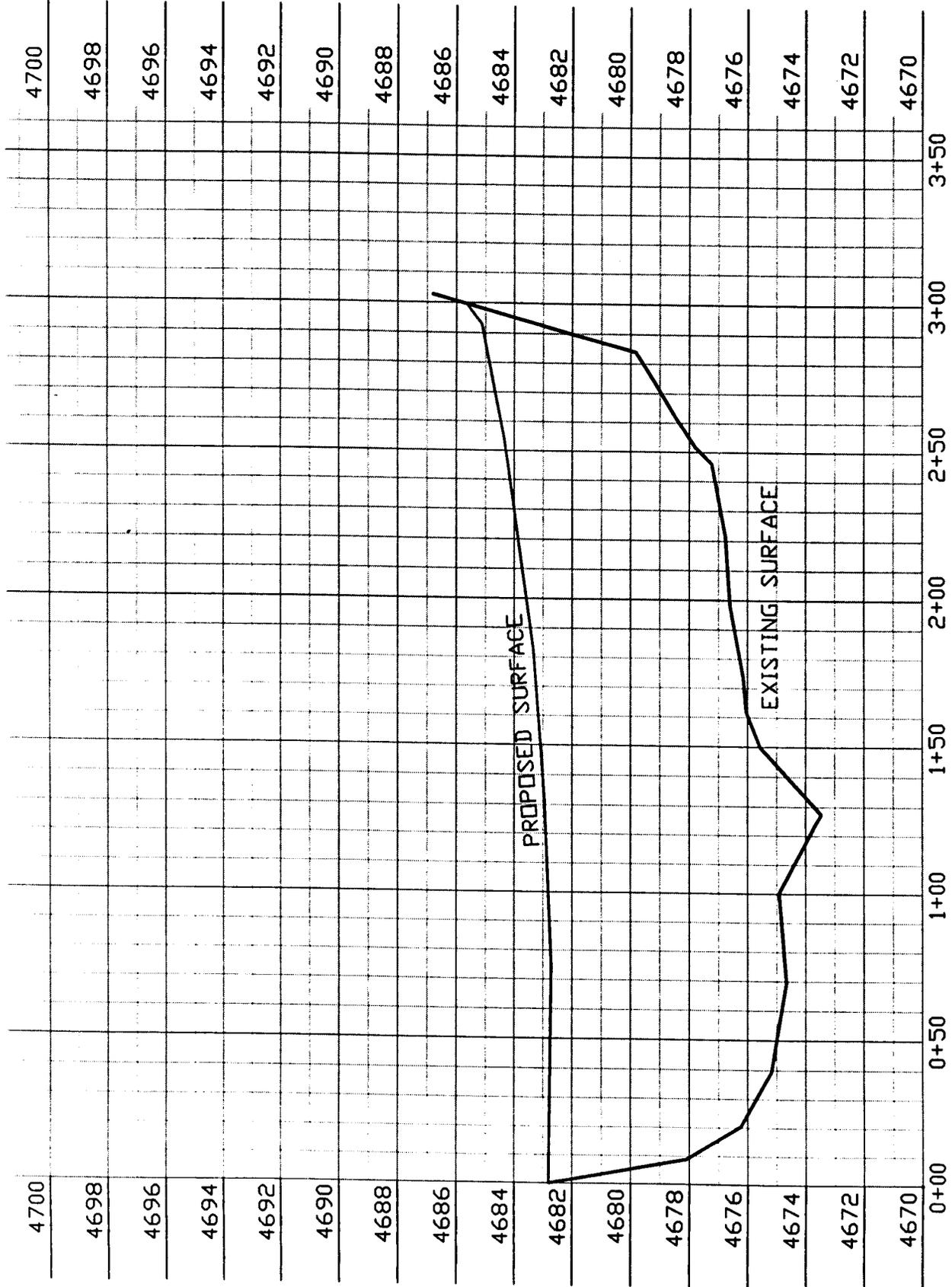


CROSS-SECTION 2

DATE: 1/30/04
 SCALE:
 JOB: 2003-80
 DWG. BY: JB
 FILE: 2003-80
 SHEET 1 OF 1

REMOVE/FILL APPLICATION
 CROSS SECTION 3
 CORNERSTONE INDUSTRIES

ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 823-4307
 (541) 823-4307
 FAX 823-4308

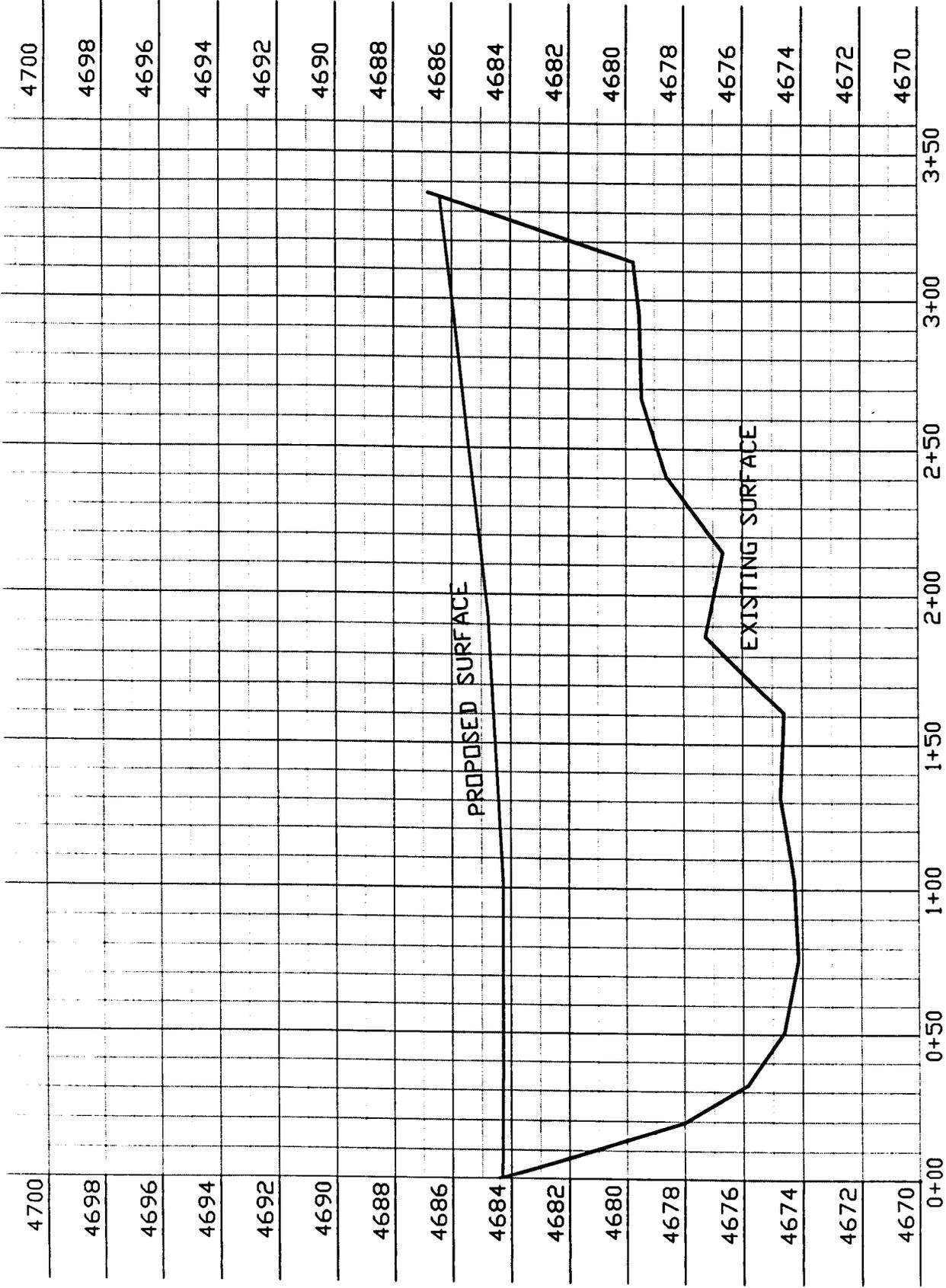


CROSS-SECTION 3

DATE: 1/30/04
 SCALE:
 JOB: 2003-80
 DWG. BY: JB
 FILE: 2003-80
 SHEET 1 OF 1

REMOVE/FILL APPLICATION
 CROSS SECTION 4
 CORNERSTONE INDUSTRIES

ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 947-4407
 (541) 923-4307
 FAX 923-4308



CROSS-SECTION 4

Cross section of exposed bed



BASE OF RUNES FROM THE PROPERTY TO APPROX. 20