



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: March 3, 2004

Expiration Date: April 1, 2004

Corps of Engineers Action ID: 200300782

Oregon Division of State Lands Number: 31417-GA

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 be 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

Applicant: Mr. Charles Morris

Location: The site is located on the bed of Siltcoos Lake, near Dunes City, Lane County, Oregon. Work would occur at 83605 Clear Lake Road; and in Section 23, Township 19 South, Range 12 West.

Project Description: The applicant proposes to place a rock wave attenuation device below the ordinary high water mark of Siltcoos Lake to reduce energy from wave action. The project area would have the overall dimensions of forty (40) feet long, by one and one-half (1.5) feet wide by two and one-half (2.5) feet deep, and the rock would be placed by hand. The project area presently supports emergent hydrophytic vegetation. The applicant states the fetch during winter months is from the south causing large waves to break along his property located in the northern most portion of Siltcoos Lake. This has resulted in a loss of shoreline over the years, according to the applicant.

Mitigation: The applicant has not provided a proposed compensatory wetland mitigation plan for the loss of aquatic function associated with the project.

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 reduce wave energy.

Drawings: Three (3) 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 may affect endangered species or their critical habitat 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: The project is located in an area that has a high probability for possessing archaeological resources and/or buried human remains, according to the State Historic Preservation Officer (SHPO). A final permit decision will not be made until consultation as required under Appendix C of the National Historic Preservation Act is completed.

This notice has been provided to the SHPO, 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 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
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200300782
Oregon Division of State Lands Number: 31417-GA

Notice Issued: March 3, 2004
Written Comments Due: April 1, 2004

WHO IS THE APPLICANT: Mr. Charles Morris

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:

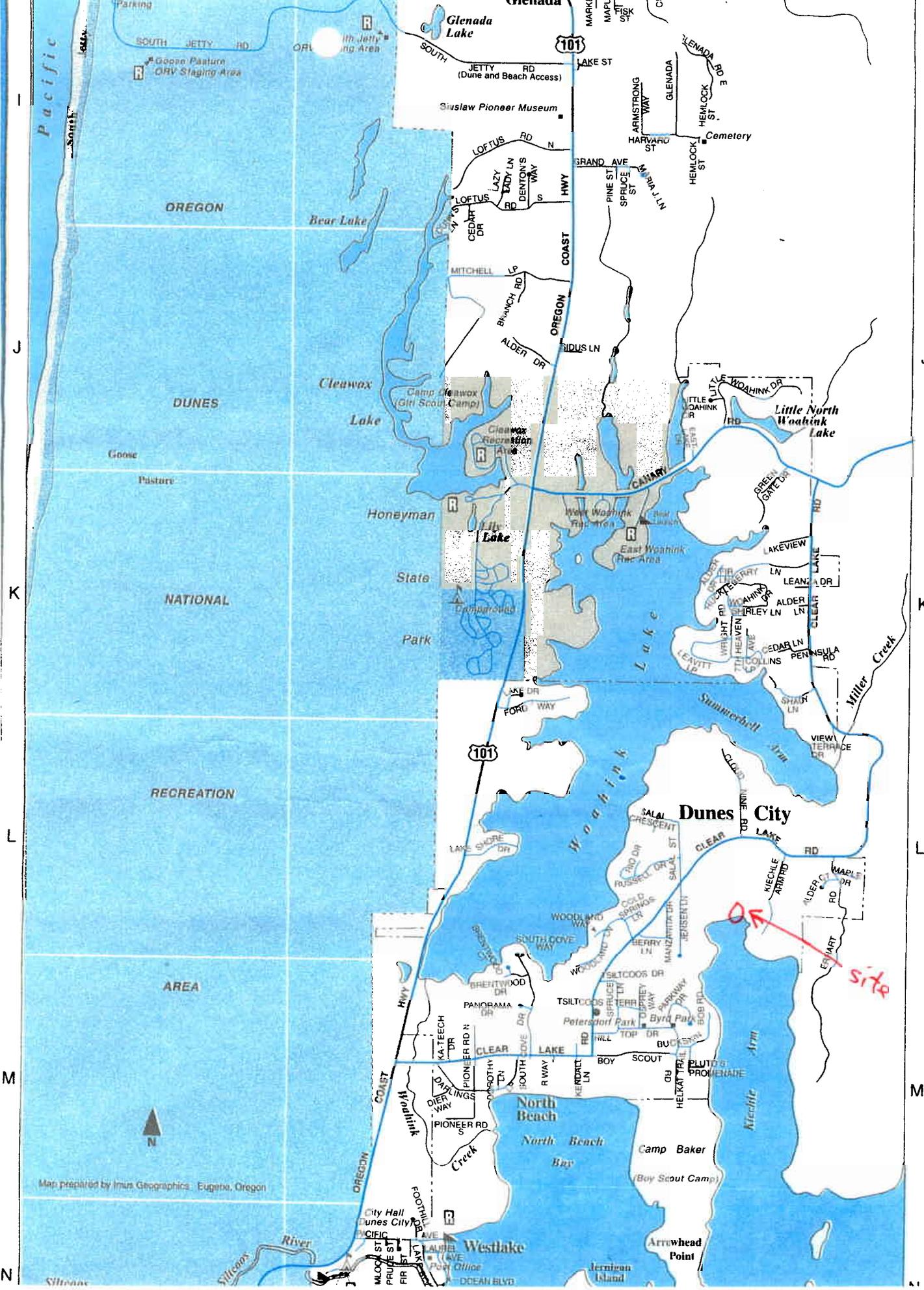
Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. 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 1, 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.info@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.



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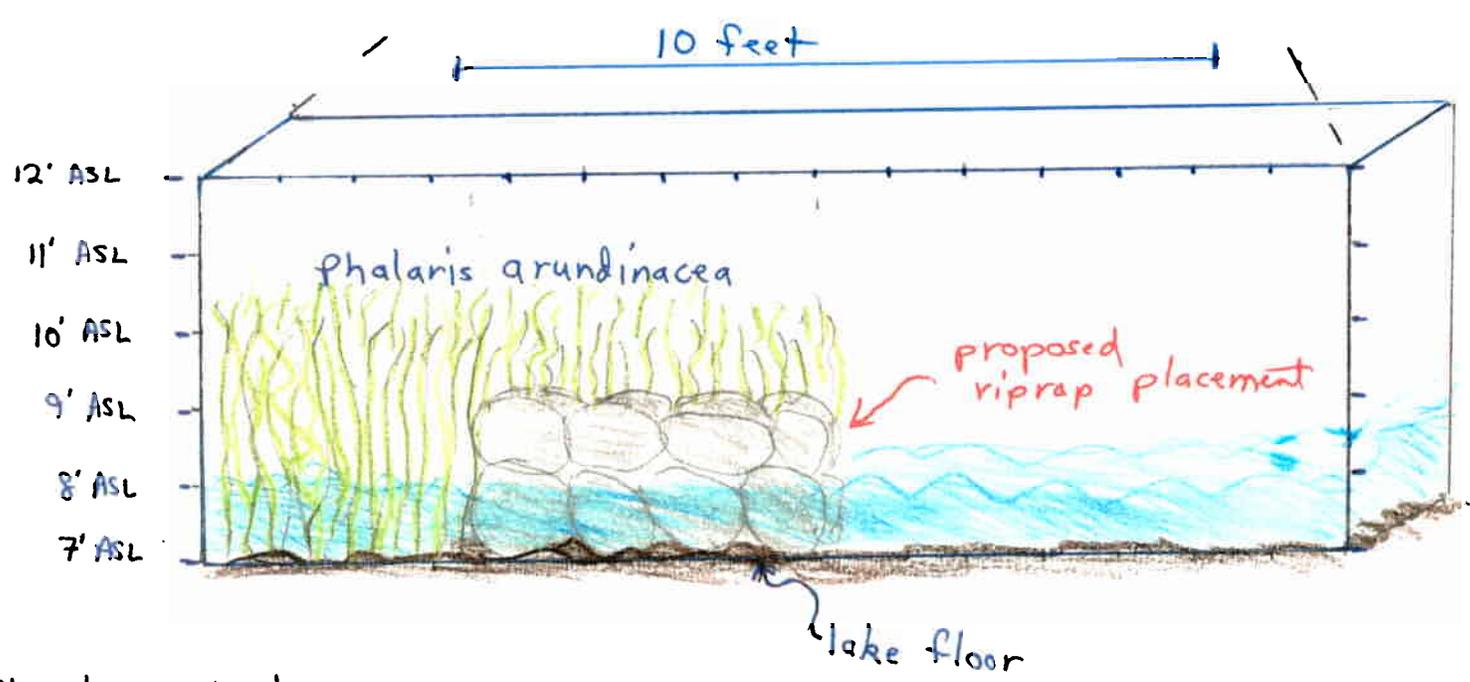
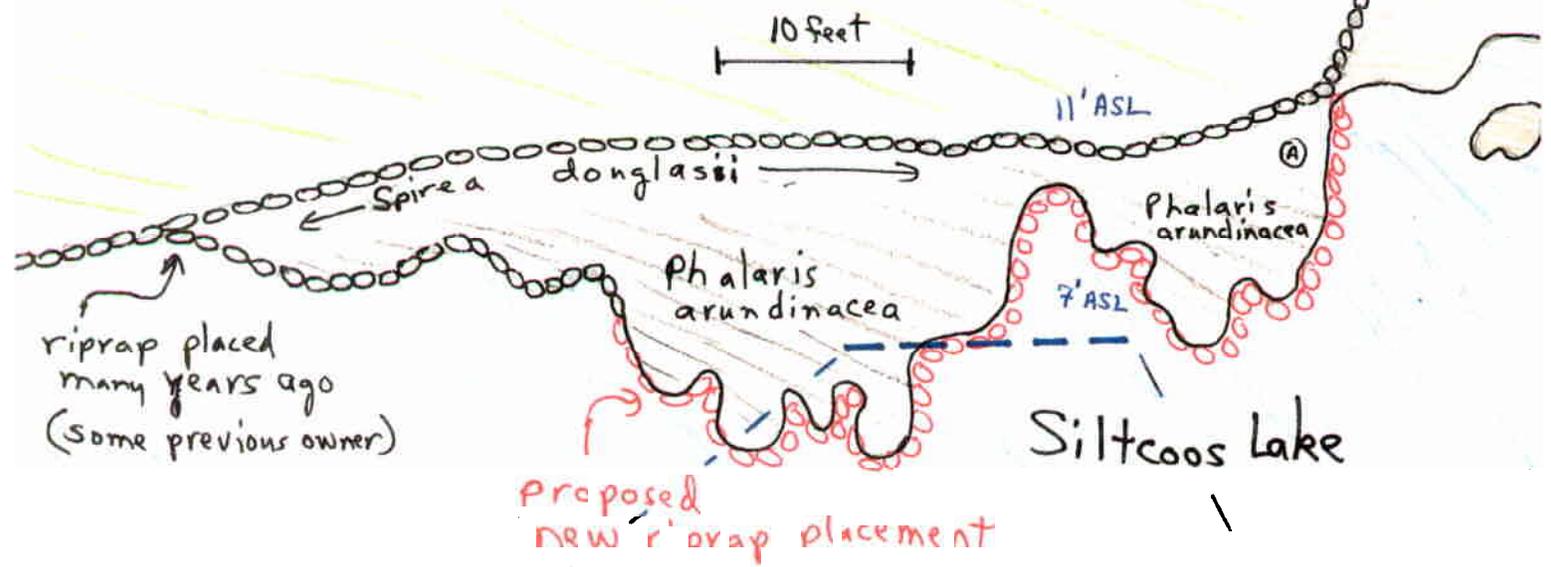
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Map prepared by Imus Geographics, Eugene, Oregon

Ⓐ = *Alnus rubra*

Lolium multiflorum
Lolium perenne
Festuca rubra

PEM
SS



SL = above sea level

State OH WM = 12' ASL

Typical WM (≈ 10 months of year) = 8' ASL

Lake floor at project site = 7' ASL

19-12-2 - 4-1, TL401

50'

HOUSE

GRASS

REM/SS

riprap
rock
placement

Siltcoos Lake

Gravel Road

Beginning at a point North 87° 31' 10" East 1457.85 feet and South 1° 36' 45" West 960.00 feet from a 2 1/2 inch pipe marking the center of Section 23, Township 19 South, Range 12 West of the Willamette Meridian; thence South 1° 36' 45" West 408.16 feet to the North bank of Siltcoos Lake; thence South 76° 29' 45" West 203.97 feet; thence North 1° 37' 09" East 417.59 feet; thence North 87° 36' 49" East 197.34 feet to the Point of Beginning. In Lane County, Oregon.

Wetland
Delineation
as per
OSL Enforcement
File 5166

Experts:
Wilbur Terryik
and Steve Morrow
(CTL, DSL)