



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for Permit Application**

**Issue Date:** March 23, 2004

**Expiration Date:** April 21, 2004

**Corps of Engineers Action ID:** 200400156

**Oregon Division of State Lands Number:** RP-5333

**30-Day Notice**

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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 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 (Lisa Grudzinski)  
2210 North Broadway, Suite C  
North Bend, Oregon 97459-2372

**Applicant:** Eleanor Ringer

**Location:** The proposed work site is on Hunter Creek, southeast of the city of Gold Beach, Curry County, Oregon.

**Project Description:** The applicant is requesting authorization to dredge up to 10,000 cubic yards (CY) of gravel annually from a bar on Hunter Creek. The total removal quantity over the five-year life of the permit would be 50,000 CYs. The aggregate is removed with a rubber tire loader, which pushes the material over the surface of the bar, and places it in 10-yard dump trucks.

The maximum depth of dredging is one-foot above the summer low-flow elevation. A 20-foot setback is maintained between the operation and the active channel. The bar is graded level upon completion of the work to avoid fish entrapment.

**Purpose:** To provide aggregate for County road projects.

**Drawing(s):** Six (6) drawings are attached.

**Additional Information:** Additional information may be obtained from Ms. Lisa Grudzinski, Project Manager, U.S. Army Corps of Engineers at (541) 756-5315 or [lisa.a.grudzinski@usace.army.mil](mailto:lisa.a.grudzinski@usace.army.mil).

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

**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 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.

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

Corps of Engineers Action ID Number: 200400156  
Oregon Division of State Lands Number: RP-5333

Notice Issued: March 23, 2004  
Written Comments Due: April 21, 2004

**WHO IS THE APPLICANT:** Eleanor Ringer

**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) 229-5845.

## **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 **April 21, 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 to [melville.tom@deq.state.or.us](mailto: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.

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

**Date:** March 23, 2004

**Corps of Engineers Action ID Number:** 200400156

**Oregon Division of State Lands Number:** «ODSL»

**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 Ocean-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 Oregon Department of Land Conservation and Development, 635 Capital Street NE, Suite 150, Salem, Oregon 97301-2540, attention consistency review specialist. Comments may also be sent by fax (503) 378-5518 or by email to [dale.blanton@state.or.us](mailto:dale.blanton@state.or.us). 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 Ocean-Coastal Management Program. These elements include:

- Acknowledged Local Comprehensive Plans and Implementing Ordinances
- Statewide Planning Goals
- State Authorities Incorporated into the Oregon Ocean-Coastal Management Program (e.g. Removal-Fill Law, Oregon Water Quality Standards, Beach Bills, etc.) as applicable.

**INCONSISTENT?**

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

# Ringer Gravel Bar

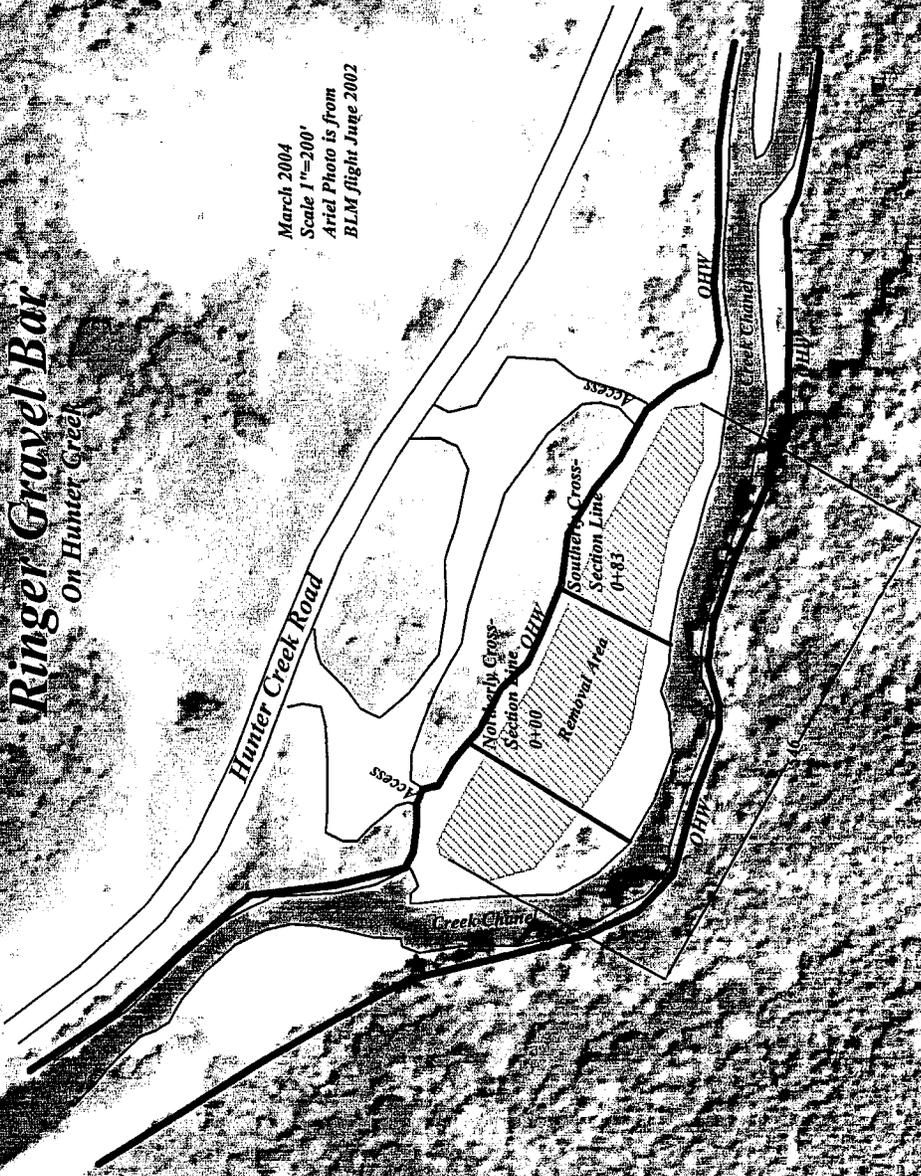


March 2004

# Ringer Gravel Bar

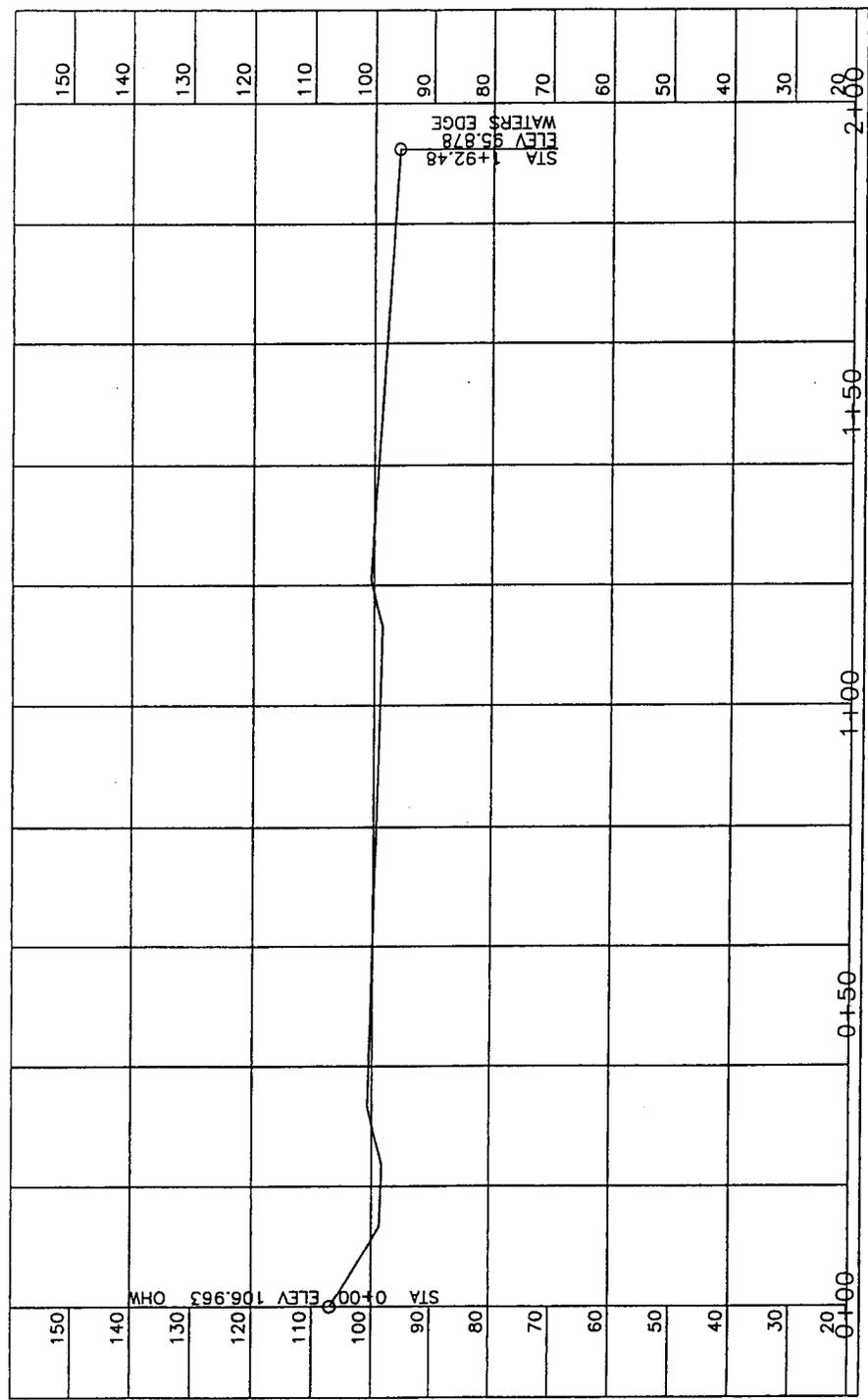
On Hunter Creek

March 2004  
Scale 1"=200'  
Aerial Photo is from  
BLM flight, June 2002



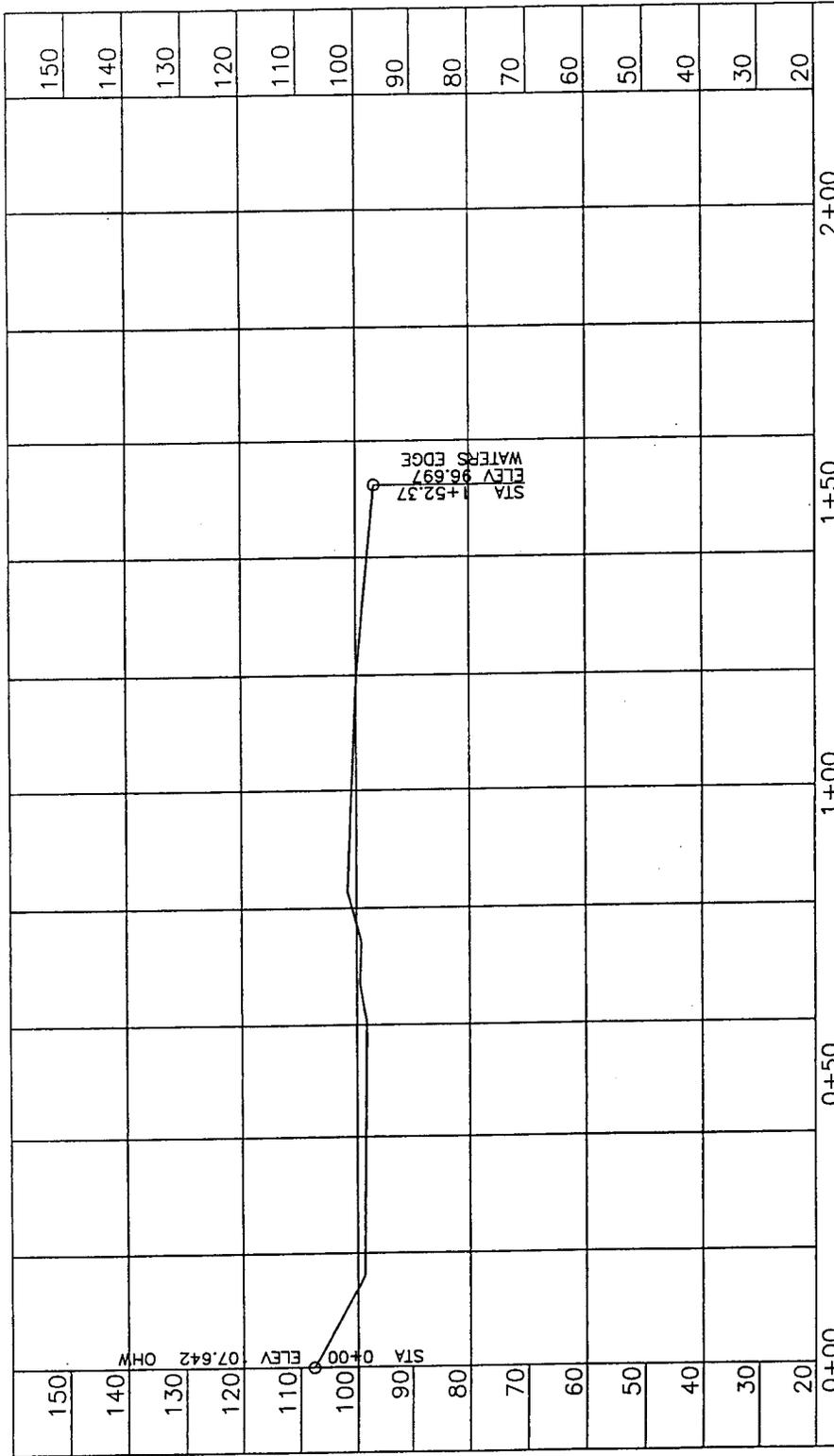
# RINGER'S BAR 1998 BEFORE REMOVAL

NORTHERLY CROSS SECTION ~ STATION 0+00  
 CROSS SECTIONED SEPTEMBER 29, 1998  
 SCALE: 1" = 20' HORIZONTAL & VERTICAL  
 ELEVATION ASSUMED



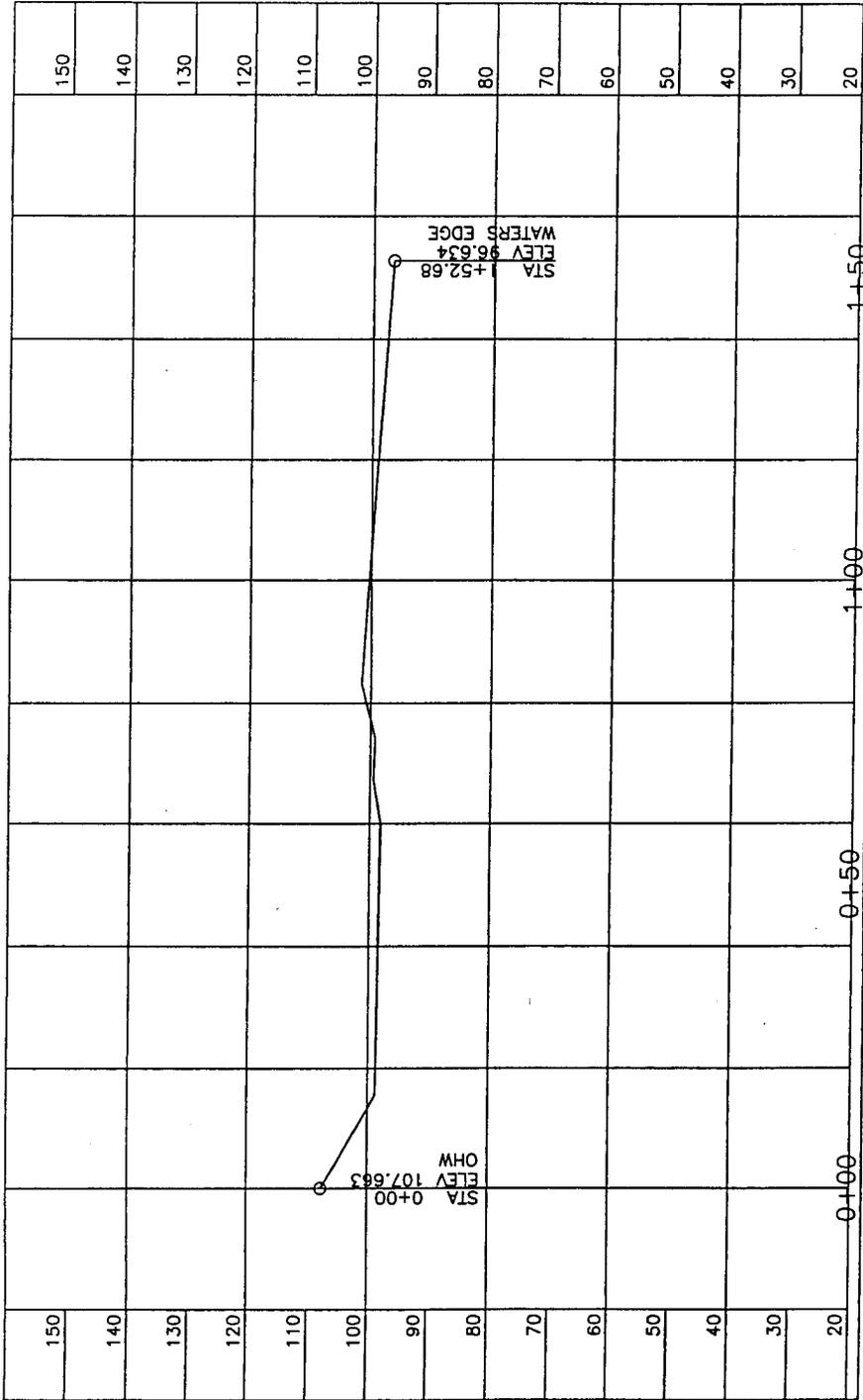
# RINGER'S BAR 1998 AFTER REMOVAL

SOUTHERLY CROSS SECTION ~ STATION 0+83  
 CROSS SECTIONED OCTOBER 7, 1998  
 SCALE: 1" = 20' HORIZONTAL & VERTICAL  
 ELEVATION ASSUMED



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