



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: October 28, 2004

Expiration Date: November 29, 2004

Corps of Engineers Action ID: 200400253

Oregon Department of State Lands Number: 33038-FP

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 (Corps) 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-GP (Ms. Lisa Grudzinski)
2201 North Broadway, Suite C
North Bend, OR 97459

Applicant: Ms. Robin Stevenot

Location: The project is located in Coos Bay, River Mile 3.5, near the town of Empire, Coos County, Oregon. The site is in Section 30 Township 25, Range 13 West.

Project Description:

The applicant is proposing to fill approximately 8.02 acres of wetland to construct 223 residential condominium units, 3 commercial buildings, and 36 parking spaces for recreational vehicles. A total of 42 acres of the 216-acre property is proposed for development. The Corps has not yet evaluated whether or not the proposed impacts are unavoidable.

A pulp mill and sawmill previously occupied the site. A new access to the development would be established from the Cape Arago Highway utilizing a portion of an existing roadway. In addition to a partial realignment of the road, the existing road prism would be widened and re-surfaced, and a failed 24-inch diameter culvert extending under the highway to the Third Creek reservoir would be replaced.

Restoration and realignment of the access road would result in impacts to an estimated 2.5 acres of palustrine forested wetlands. The types of wetlands affected by the residential development include palustrine forested, palustrine emergent, scrub/shrub, and estuarine emergent.

The development would be completed in two phases, and is estimated by the applicant to be complete within 4-5 years of starting the work.

The applicant is also proposing to renovate the adjacent deep-water dock. This action is currently being reviewed by the Corps under a separate action. A Public Notice describing the proposed renovations was issued by the Corps on September 27, 2004.

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. For unavoidable impacts, the applicant has proposed off-site compensatory mitigation using both previously established and proposed wetland creation portions of the Lyon's property located in Isthmus Slough near Coos Bay, Coos County, Oregon.

Purpose: Residential and commercial development.

Drawing(s): Nine (9) drawings are included.

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.

Authority: This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

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 known to be 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.

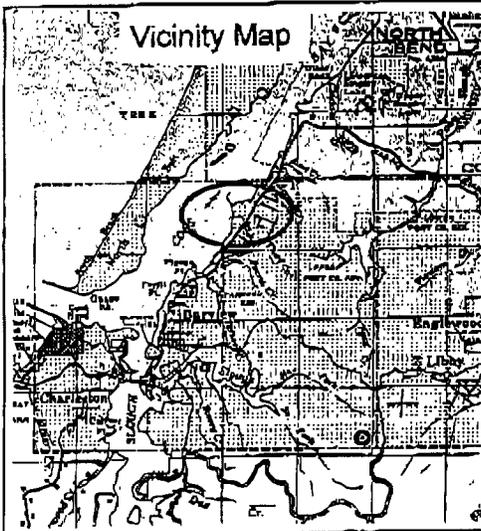
Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, 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.

COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 280 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

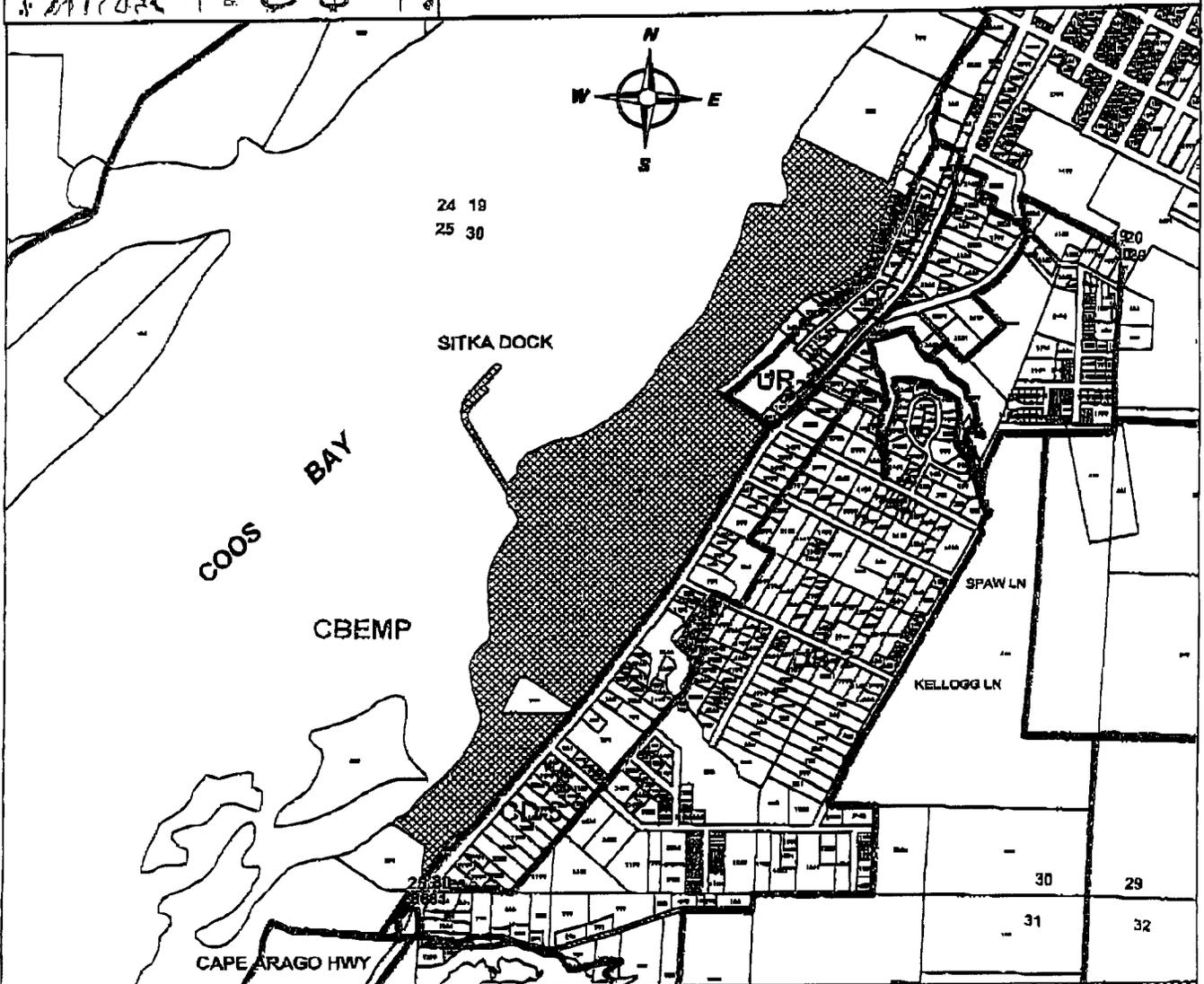


File Number: AP-04-03

Applicant: Robin Stevenot
(Owner: F. Willis Smith Trust)
2315 Liberty St.
North Bend, OR 97459

Location: T25S R13W Sec.30 TL 100

Proposal: Recreational Planned Community



Scale one Inch = 1200'

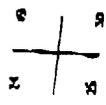
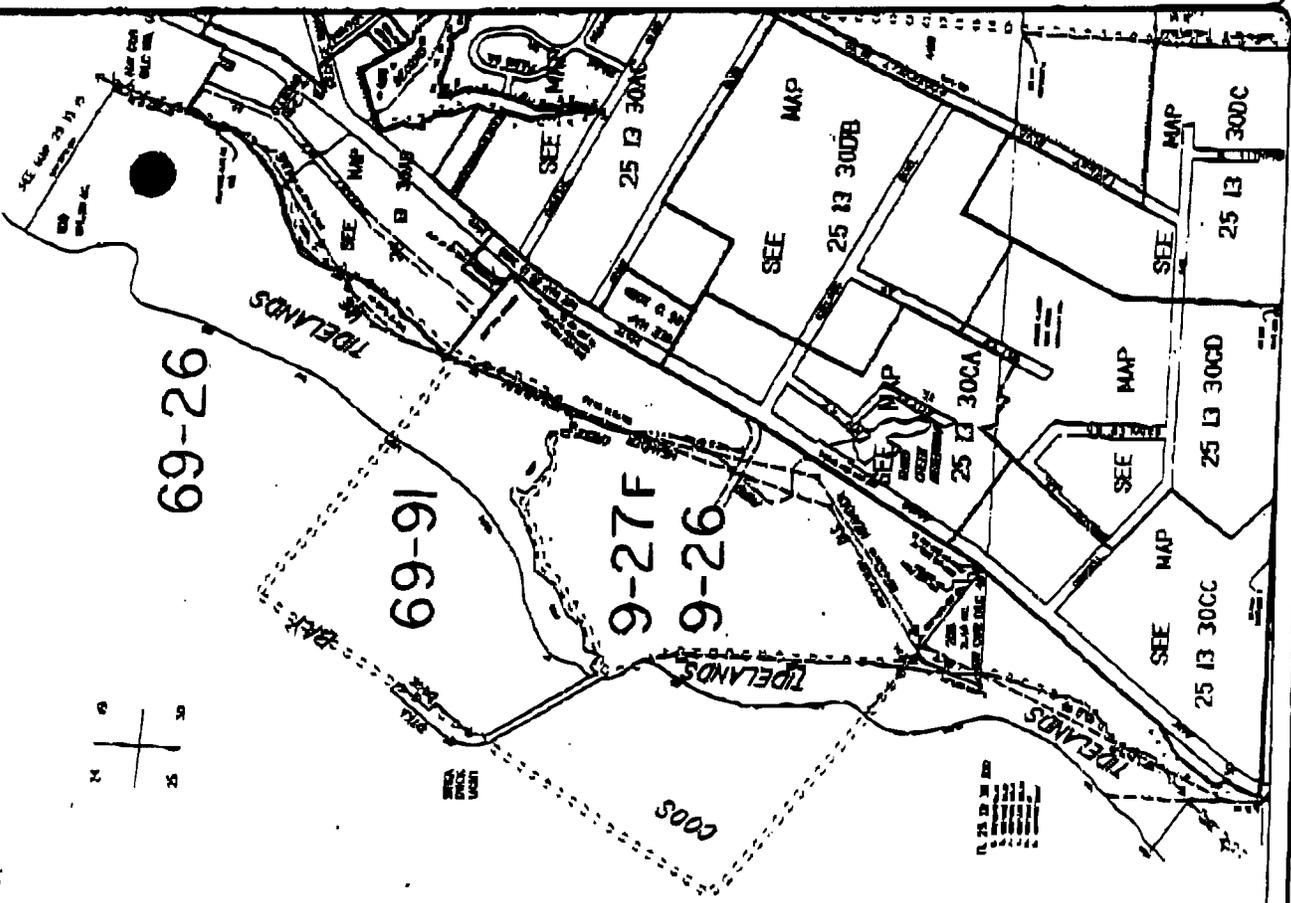
Subject Property = 

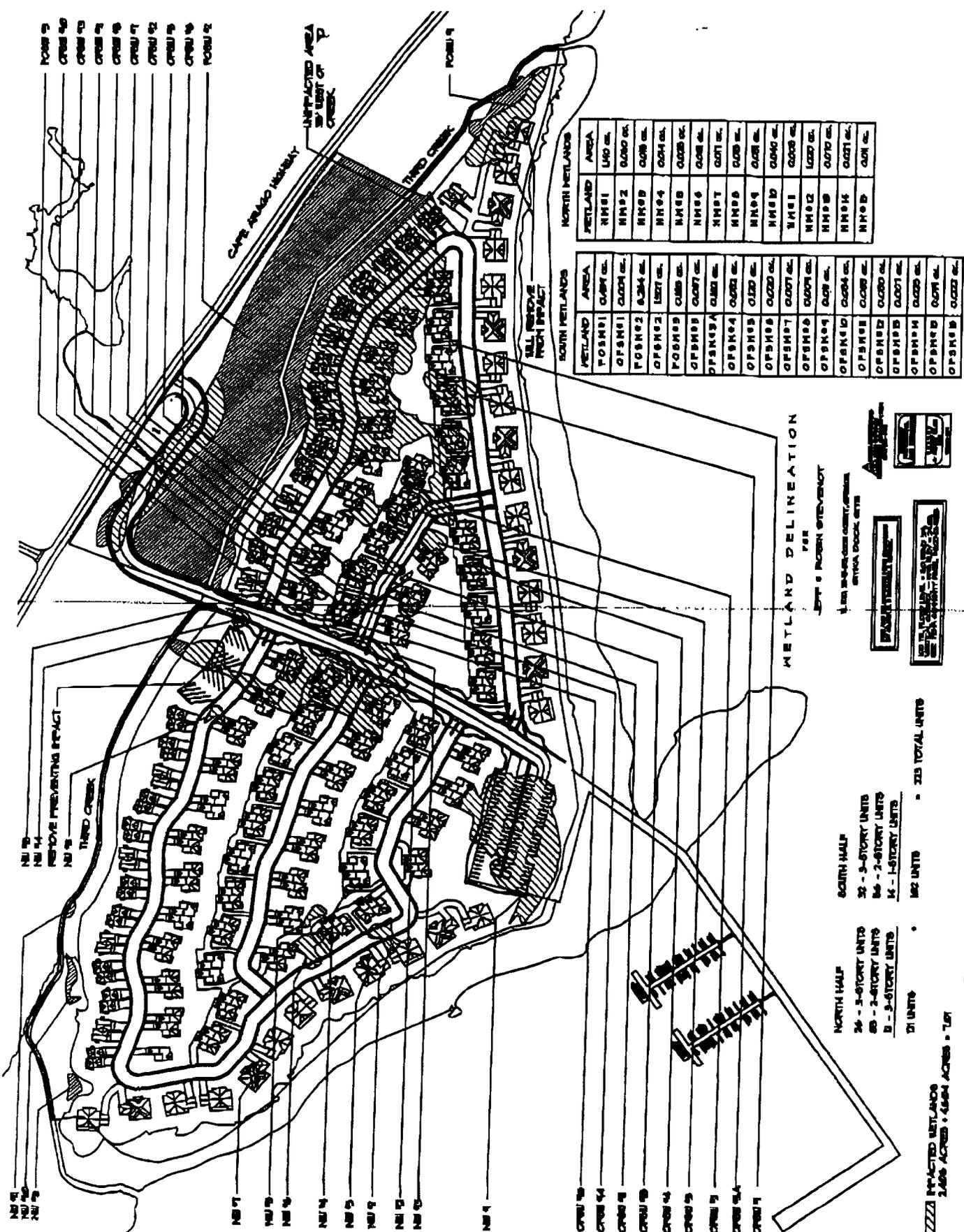
TAX LOT MAP

F. W. Smith Trust
Property
Tax Lot # 100
SEC. 30, T25S, R13W W.M.
Empire, Coos County, Oregon



SECTION 30 T.25S. R.13W. W.M.
COOS COUNTY





POB1 9
 CPOB 10
 CPOB 11
 CPOB 12
 CPOB 13
 CPOB 14
 CPOB 15
 CPOB 16
 CPOB 17
 CPOB 18
 CPOB 19
 CPOB 20

NI 10
 NI 11
 NI 12
 NI 13
 NI 14
 NI 15
 NI 16
 NI 17
 NI 18
 NI 19
 NI 20

NI 21
 NI 22
 NI 23
 NI 24
 NI 25
 NI 26
 NI 27
 NI 28
 NI 29
 NI 30

NI 31
 NI 32
 NI 33
 NI 34
 NI 35
 NI 36
 NI 37
 NI 38
 NI 39
 NI 40
 NI 41
 NI 42
 NI 43
 NI 44
 NI 45
 NI 46
 NI 47
 NI 48
 NI 49
 NI 50

SOUTH WETLANDS		NORTH WETLANDS	
WETLAND AREA	AREA	WETLAND AREA	AREA
POB10	0.007 ac.	NI10	0.007 ac.
POB11	0.008 ac.	NI11	0.008 ac.
POB12	0.009 ac.	NI12	0.009 ac.
POB13	0.010 ac.	NI13	0.010 ac.
POB14	0.011 ac.	NI14	0.011 ac.
POB15	0.012 ac.	NI15	0.012 ac.
POB16	0.013 ac.	NI16	0.013 ac.
POB17	0.014 ac.	NI17	0.014 ac.
POB18	0.015 ac.	NI18	0.015 ac.
POB19	0.016 ac.	NI19	0.016 ac.
POB20	0.017 ac.	NI20	0.017 ac.
POB21	0.018 ac.	NI21	0.018 ac.
POB22	0.019 ac.	NI22	0.019 ac.
POB23	0.020 ac.	NI23	0.020 ac.
POB24	0.021 ac.	NI24	0.021 ac.
POB25	0.022 ac.	NI25	0.022 ac.
POB26	0.023 ac.	NI26	0.023 ac.
POB27	0.024 ac.	NI27	0.024 ac.
POB28	0.025 ac.	NI28	0.025 ac.
POB29	0.026 ac.	NI29	0.026 ac.
POB30	0.027 ac.	NI30	0.027 ac.
POB31	0.028 ac.	NI31	0.028 ac.
POB32	0.029 ac.	NI32	0.029 ac.
POB33	0.030 ac.	NI33	0.030 ac.
POB34	0.031 ac.	NI34	0.031 ac.
POB35	0.032 ac.	NI35	0.032 ac.
POB36	0.033 ac.	NI36	0.033 ac.
POB37	0.034 ac.	NI37	0.034 ac.
POB38	0.035 ac.	NI38	0.035 ac.
POB39	0.036 ac.	NI39	0.036 ac.
POB40	0.037 ac.	NI40	0.037 ac.
POB41	0.038 ac.	NI41	0.038 ac.
POB42	0.039 ac.	NI42	0.039 ac.
POB43	0.040 ac.	NI43	0.040 ac.
POB44	0.041 ac.	NI44	0.041 ac.
POB45	0.042 ac.	NI45	0.042 ac.
POB46	0.043 ac.	NI46	0.043 ac.
POB47	0.044 ac.	NI47	0.044 ac.
POB48	0.045 ac.	NI48	0.045 ac.
POB49	0.046 ac.	NI49	0.046 ac.
POB50	0.047 ac.	NI50	0.047 ac.
POB51	0.048 ac.	NI51	0.048 ac.
POB52	0.049 ac.	NI52	0.049 ac.
POB53	0.050 ac.	NI53	0.050 ac.
POB54	0.051 ac.	NI54	0.051 ac.
POB55	0.052 ac.	NI55	0.052 ac.
POB56	0.053 ac.	NI56	0.053 ac.
POB57	0.054 ac.	NI57	0.054 ac.
POB58	0.055 ac.	NI58	0.055 ac.
POB59	0.056 ac.	NI59	0.056 ac.
POB60	0.057 ac.	NI60	0.057 ac.
POB61	0.058 ac.	NI61	0.058 ac.
POB62	0.059 ac.	NI62	0.059 ac.
POB63	0.060 ac.	NI63	0.060 ac.
POB64	0.061 ac.	NI64	0.061 ac.
POB65	0.062 ac.	NI65	0.062 ac.
POB66	0.063 ac.	NI66	0.063 ac.
POB67	0.064 ac.	NI67	0.064 ac.
POB68	0.065 ac.	NI68	0.065 ac.
POB69	0.066 ac.	NI69	0.066 ac.
POB70	0.067 ac.	NI70	0.067 ac.
POB71	0.068 ac.	NI71	0.068 ac.
POB72	0.069 ac.	NI72	0.069 ac.
POB73	0.070 ac.	NI73	0.070 ac.
POB74	0.071 ac.	NI74	0.071 ac.
POB75	0.072 ac.	NI75	0.072 ac.
POB76	0.073 ac.	NI76	0.073 ac.
POB77	0.074 ac.	NI77	0.074 ac.
POB78	0.075 ac.	NI78	0.075 ac.
POB79	0.076 ac.	NI79	0.076 ac.
POB80	0.077 ac.	NI80	0.077 ac.
POB81	0.078 ac.	NI81	0.078 ac.
POB82	0.079 ac.	NI82	0.079 ac.
POB83	0.080 ac.	NI83	0.080 ac.
POB84	0.081 ac.	NI84	0.081 ac.
POB85	0.082 ac.	NI85	0.082 ac.
POB86	0.083 ac.	NI86	0.083 ac.
POB87	0.084 ac.	NI87	0.084 ac.
POB88	0.085 ac.	NI88	0.085 ac.
POB89	0.086 ac.	NI89	0.086 ac.
POB90	0.087 ac.	NI90	0.087 ac.
POB91	0.088 ac.	NI91	0.088 ac.
POB92	0.089 ac.	NI92	0.089 ac.
POB93	0.090 ac.	NI93	0.090 ac.
POB94	0.091 ac.	NI94	0.091 ac.
POB95	0.092 ac.	NI95	0.092 ac.
POB96	0.093 ac.	NI96	0.093 ac.
POB97	0.094 ac.	NI97	0.094 ac.
POB98	0.095 ac.	NI98	0.095 ac.
POB99	0.096 ac.	NI99	0.096 ac.
POB100	0.097 ac.	NI100	0.097 ac.

NETLAND DELINEATION
 PER
 JEFF S. ROBERT STEVENSON
 1/2 IN. SCALE - SEE CONTRACT/PERMITS
 SURVIVAL BOOKS 4/15/04

UNITED STATES
 NORTH
 1" = 100'
 0' 100' 200' 300' 400' 500'

1 BAY POINT ESTATES
 SITE PLAN SCALE 1" = 200'
 NORTH
 0' 100' 200' 300' 400' 500'

NORTH HALF
 26 - 3-STORY UNITS
 88 - 2-STORY UNITS
 8 - 1-STORY UNITS
 21 UNITS

SOUTH HALF
 32 - 3-STORY UNITS
 86 - 2-STORY UNITS
 14 - 1-STORY UNITS
 132 UNITS
 213 TOTAL UNITS

IMPACTED WETLANDS
 2.66 ACRES - 4.664 ACRES - 7.61'

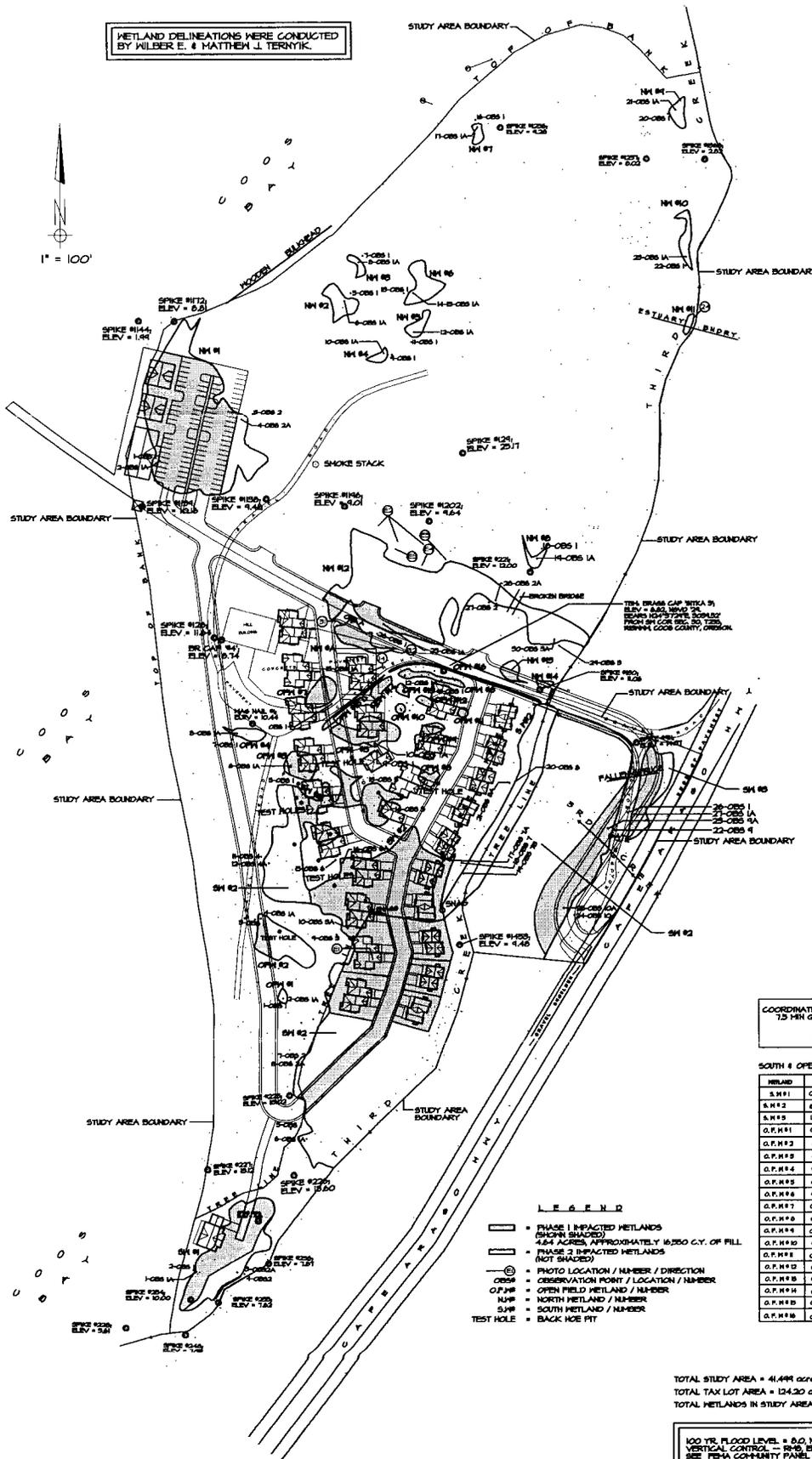
UNIMPACTED WETLANDS
 0.84 ACRES - 1.148 ACRES - 4.63'

LOW/CLAY & ASSOCIATES INC.
 ARCHITECTURE AND PLANNING
 LAND USE AND INTERIORS

WETLAND DELINEATION FOR JEFF & ROBIN STEVENOUT

TL 100, 25-13-30; COOS COUNTY, OREGON.
SITKA DOCK SITE

WETLAND DELINEATIONS WERE CONDUCTED
BY WILBER E. & MATTHEW J. TERNYK.



COORDINATES OF SMOKE STACK BASED ON USGS
7.5 MIN QUADRANGLE, CHARLESTON, OREGON
LATITUDE: N 45° 22' 28"
LONGITUDE: W 124° 11' 25"

SOUTH & OPEN FIELD WETLANDS			NORTH WETLANDS		
WETLAND	AREA	CLASSIFICATION	WETLAND	AREA	CLASSIFICATION
S.H.#1	0.494 ac.	PHOC	N.H.#1	1.240 ac.	PH/SS
S.H.#2	8.508 ac.	PHOC/PH/SS	N.H.#2	0.200 ac.	PH/SS
S.H.#3	1.537 ac.	PHO	N.H.#3	0.026 ac.	PHH
O.P.H.#1	0.026 ac.	PH/SS	N.H.#4	0.026 ac.	PH/SS
O.P.H.#2	0.063 ac.	PH/SS	N.H.#5	0.026 ac.	PH/SS
O.P.H.#3	0.871 ac.	PH/SS	N.H.#6	0.026 ac.	PH/SS
O.P.H.#4	0.026 ac.	PH/SS	N.H.#7	0.026 ac.	PH/SS
O.P.H.#5	0.026 ac.	PH/SS	N.H.#8	0.026 ac.	PH/SS
O.P.H.#6	0.076 ac.	PH/SS	N.H.#9	0.026 ac.	PH/SS
O.P.H.#7	0.076 ac.	PH/SS	N.H.#10	0.026 ac.	PH/SS
O.P.H.#8	0.026 ac.	PH/SS	N.H.#11	0.026 ac.	PH/SS
O.P.H.#9	0.026 ac.	PH/SS	N.H.#12	0.026 ac.	PH/SS
O.P.H.#10	0.026 ac.	PHH	N.H.#13	0.026 ac.	PH/SS
O.P.H.#11	0.026 ac.	PHH	N.H.#14	0.026 ac.	PH/SS
O.P.H.#12	0.026 ac.	PHH	N.H.#15	0.026 ac.	PHH
O.P.H.#13	0.026 ac.	PHH			
O.P.H.#14	0.022 ac.	PHH			
O.P.H.#15	0.022 ac.	PH/SS			
O.P.H.#16	0.022 ac.	PHH			

- LEGEND**
- ▭ PHASE 1 IMPACTED WETLANDS (SHOWN SHADDED)
 - ▭ PHASE 2 IMPACTED WETLANDS (NOT SHADDED)
 - PHOTO LOCATION / NUMBER / DIRECTION
 - OBSERVATION POINT / LOCATION / NUMBER
 - O.P.H.# OPEN FIELD WETLAND / NUMBER
 - N.H.# NORTH WETLAND / NUMBER
 - S.H.# SOUTH WETLAND / NUMBER
 - TEST HOLE
 - BACK HOE PIT

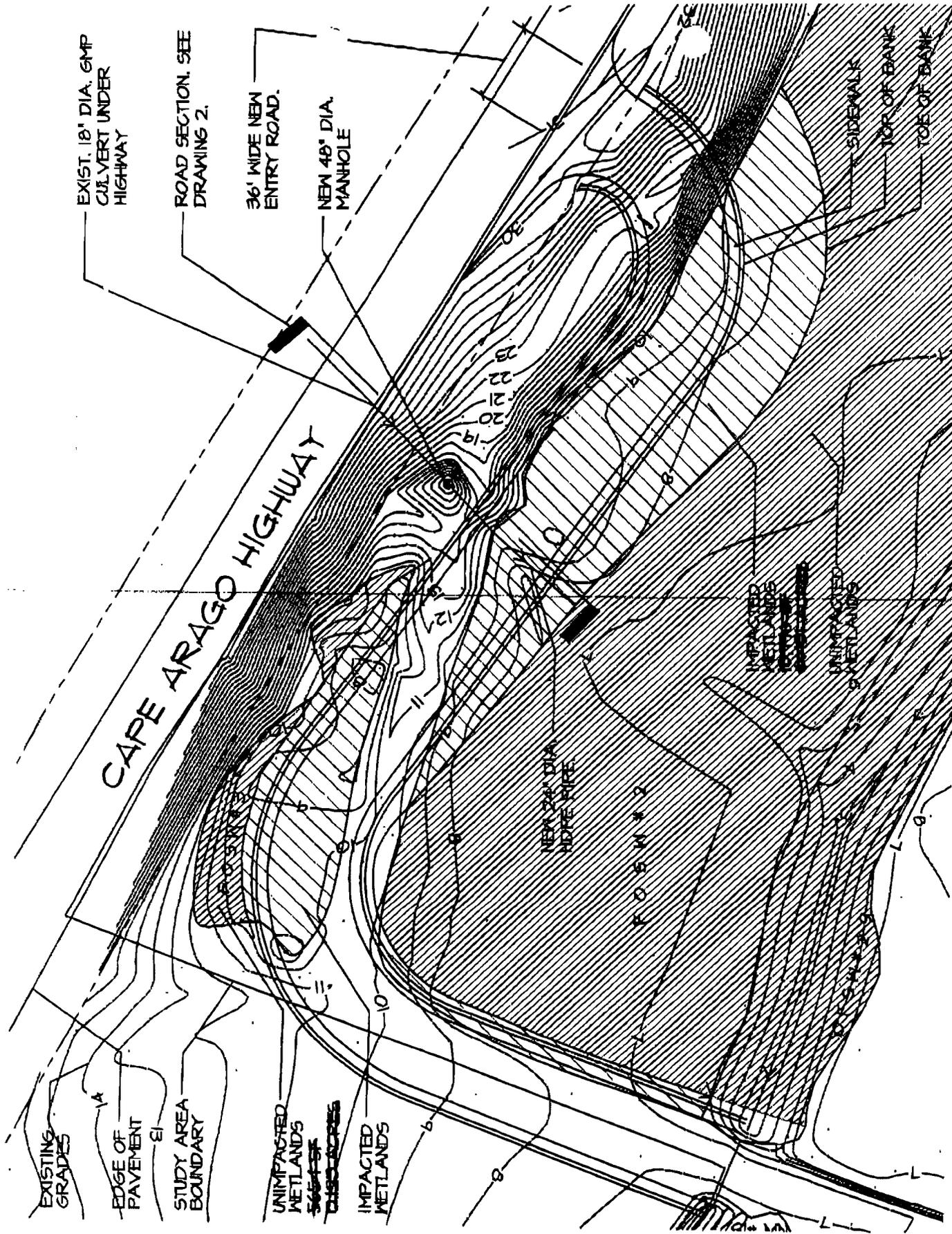
TOTAL STUDY AREA = 41.499 acres
TOTAL TAX LOT AREA = 124.30 acres
TOTAL WETLANDS IN STUDY AREA = 11.626 acres

100 YR FLOOD LEVEL = 5.0' MVD 25'
VERTICAL CONTROL - S.H.#10, ELEV = 24.66'
SEE PER-A COMMUNITY PANEL #460042-500

REGISTERED
PROFESSIONAL
LAND SURVEYOR

WILBER E. & MATTHEW J.
TERNYK & ASSOCIATES
1331
BROOKS AVE

KOOS ENGINEERING
2626 STANTON
NORTH BEND, OREGON 97454
(503) 755-4491



EXIST. 18" DIA. GMP
CULVERT UNDER
HIGHWAY

ROAD SECTION. SEE
DRAWING 2.

36' WIDE NEW
ENTRY ROAD.

NEW 48" DIA.
MANHOLE

CAPE ARAGO HIGHWAY

UNIMPACTED
WETLANDS

IMPACTED
WETLANDS

NEW 24" DIA.
HIDE-WAY

FOSSILS

SIDEWALK

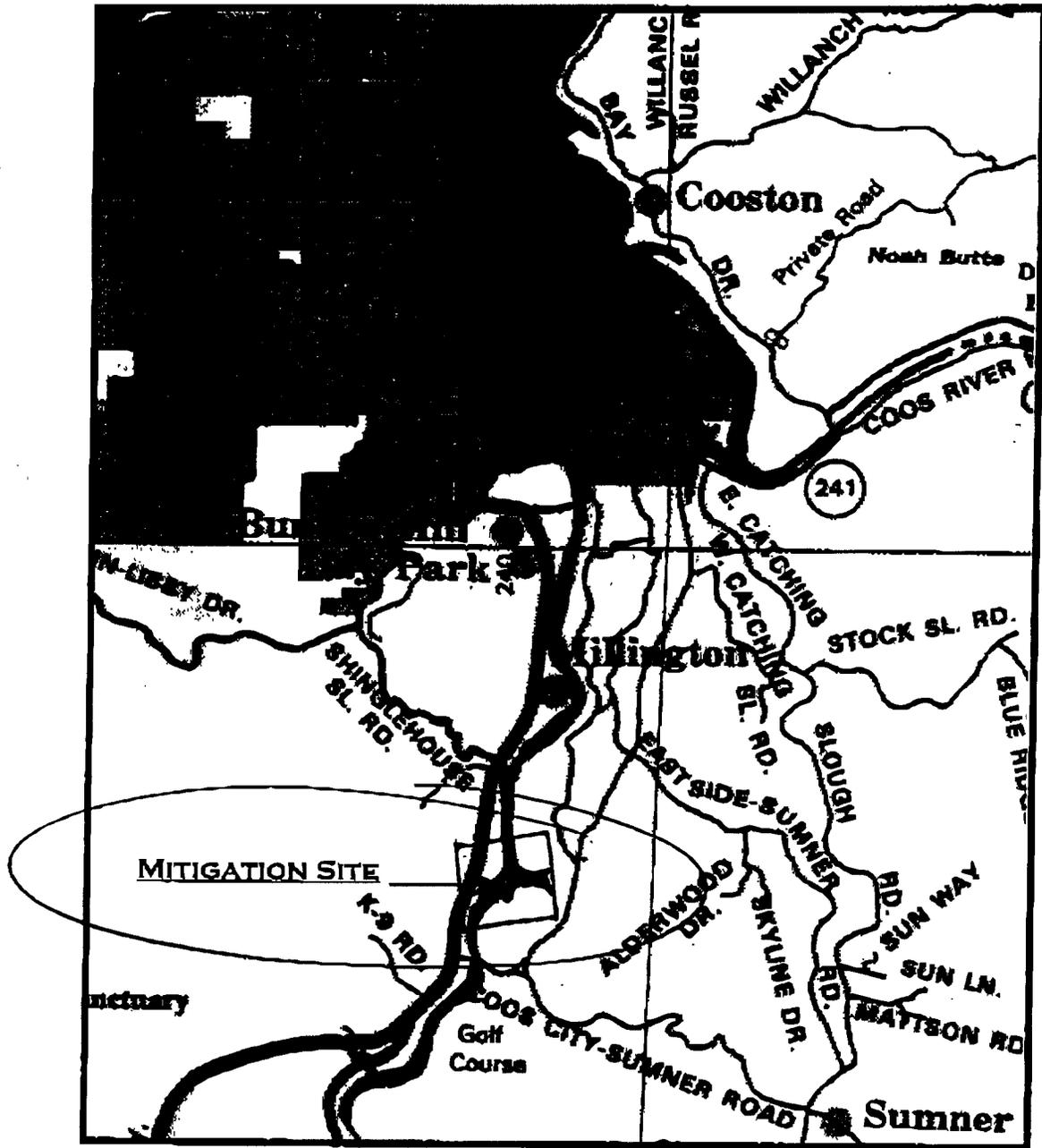
TOP OF BANK

TOP OF BANK

3 BAY POINT ESTATED
ENTRY ROAD SCALE: 1" = 40'



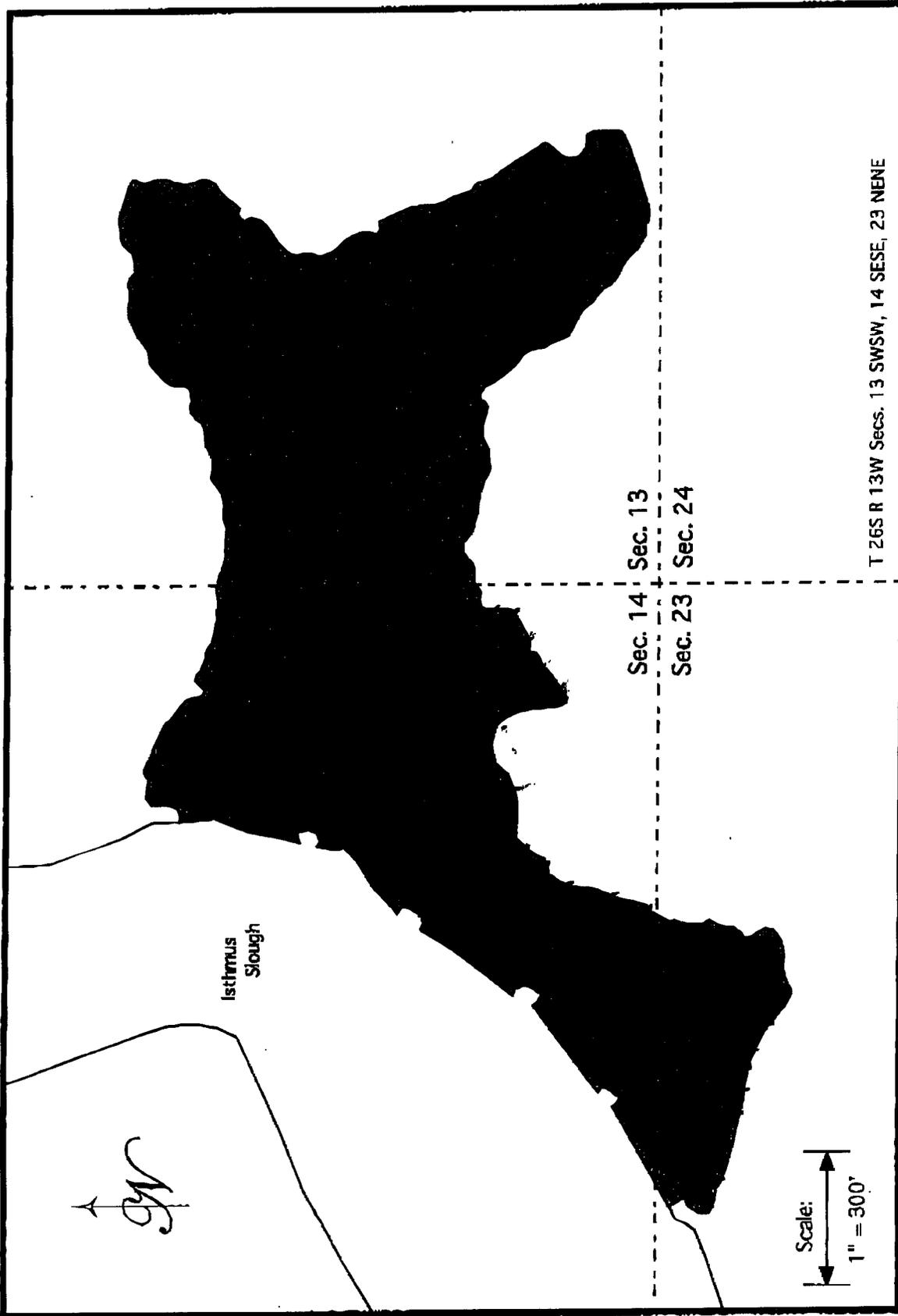
CROW/CLAY & ASSOCIATES INC.
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS



Not to Scale

Figure 1. Mitigation Site Location
Ocean Terminals Mitigation Site
Isthmus Slough, Coos Bay, OR
October 2000

4



T 26S R 13W Secs. 13 SWSW, 14 SESE, 23 NENE

Mapping accuracy, ± 3 feet

Lyons' Mitigation Area
North Bend, Coos County, OR
WET, Inc. September 2004



Lyons' Mitigation Area Total, 32.00 acres

Mitigation Area Defined for Projects, 17.72 acres

Remaining Lyon's Mitigation Area, 14.28 acres

Remaining Enhancement Credits: 4.76

Oregon Department of Environmental Quality

Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400253 Notice Issued: October 28, 2004
Oregon Department of State Lands Number: 33038-FPWritten Comments Due: November 29, 2004

WHO IS THE APPLICANT: Ms. Robin Stevenot

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

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 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 November 29, 2004. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***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. 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: October 28, 2004

Corps of Engineers Action ID Number: 200400253
Oregon Department of State Lands Number: 33038-FP

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 Capital St. NE, Suite 200, Salem, OR 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. 250.

REVIEW CRITERIA

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

- § 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.