



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: May 26, 2004

Expiration Date: June 25, 2004

Corps of Engineers Action ID: 200400296

Oregon Division of State Lands Number: 25818-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 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 (Mr. Mark A. Everett)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Oregon Pride Nurseries, Inc.
5380 SE Booth Bend Road
McMinnville, Oregon 97128

Location: Unnamed ephemeral tributary to the South Yamhill River in Section 27, Township 4 South, Range 4 West near McMinnville, Yamhill County, Oregon.

Project Description: The applicant proposes to construct a dam and associated pond across an unnamed ephemeral tributary to the South Yamhill River. The earthen dam would be approximately 39 feet high & 280 feet long, and would impound water in an area to be excavated within and immediately adjacent to the drainageway. The main spillway would be a 36"-diameter CMP riser connected to a 24"-diameter outlet conduit. A 12"-diameter drain conduit would be connected to the outlet conduit and would have a control valve at the upstream end. Impacts to waters of the U.S. would include 0.28 acre for the dam footprint and 0.48 acre of excavation to form the reservoir area. Total impacts to Waters of the U.S. would be approximately 0.76 acre, with volumes of 8,407 cubic yards (fill) and 1,554 cubic yards (removal). 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: To store up to 65 acre-feet of water for irrigation and agricultural use associated with 148 acres of nursery crops. Additionally, to impound runoff from the nursery operations, as required to prevent its entry into waterways.

Drawings: Seven (7) sheets identified as: Corps #200400296, Oregon Pride Nurseries, Inc.

Additional Information: Additional information may be obtained from Mr. Mark A. Everett, Project Manager, U.S. Army Corps of Engineers at (503) 808-4388.

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 Corps solicits your substantive comments regarding any potential cultural resources, which may occur, within the project area. This notice has been provided to the State Historic Preservation Office, American Indian Tribes, and other interested parties.

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.

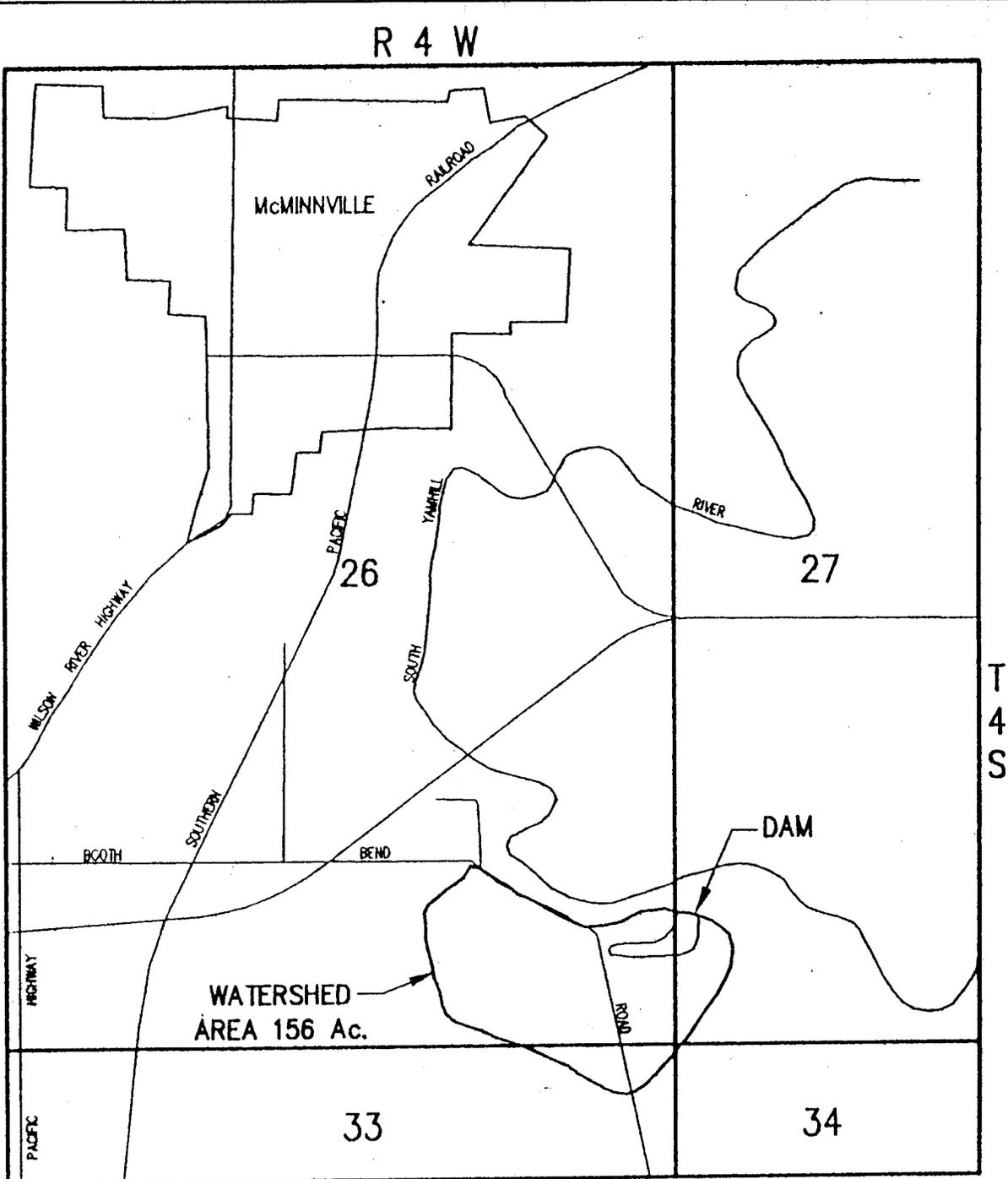
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

VERBOORT ENGINEERING
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HILLSBORO, OREGON
(503) 648-6180

JOB OREGON PRIDE NURSERIES, INC
SHEET NO. 2 OF 2
CALCULATED BY R. VERBOORT DATE 6-25-02
CHECKED BY _____ DATE _____
SCALE LOCATION MAP 1" = 2000'



LOCATION MAP

SCALE: 1" = 2000'

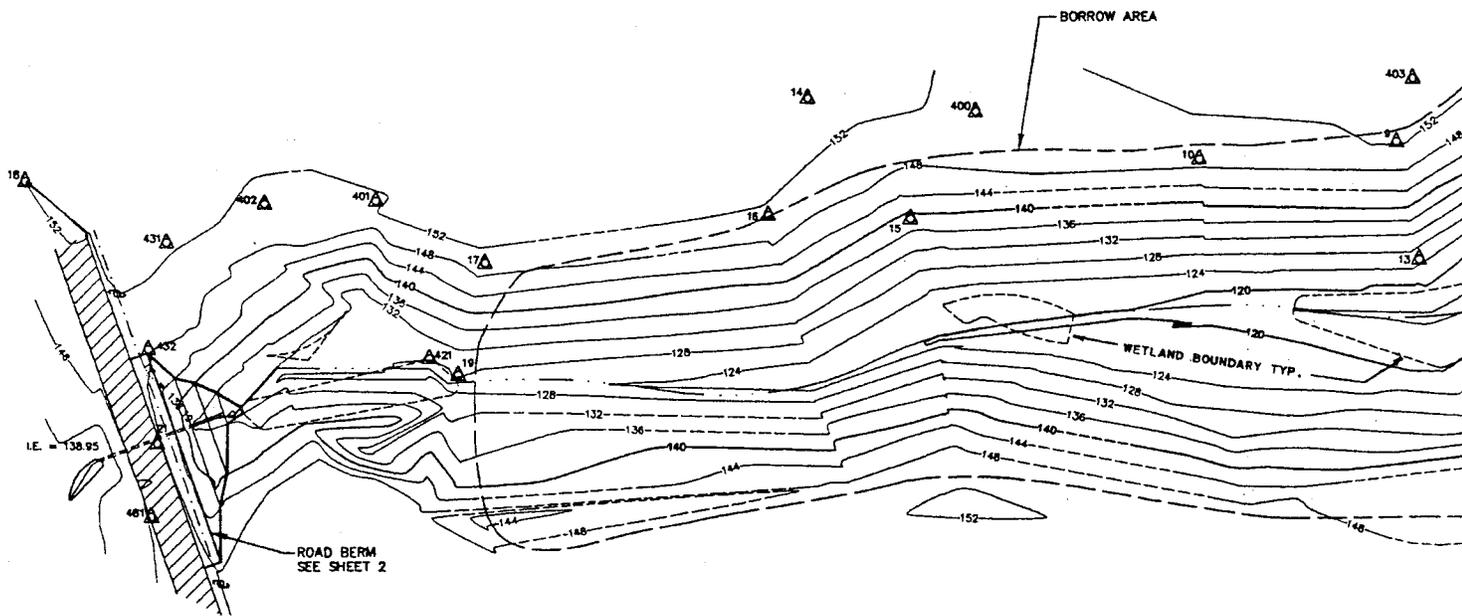


Corps #200400296
Oregon Pride Nurseries, Inc.

RITA N. MROCZEK, PWS
 3980 SW 170TH AVE.
 ALOHA, OR 97007

FIGURE 5.
 PLAN VIEW - PART 1

PROJECT: Oregon Pride Nurseries
 PREPARED FOR:
 Mr. Mark Van Hoef
 APR. 2004



PLAN VIEW

TOPOGRAPHICAL SURVEY
 FOR OREGON PRIDE NURSERY
 IN THE S.W. 1/4, SECTION 27, T4S, R4W, W.M.
 YAMHILL COUNTY, OREGON



LEGEND

- = CONTROL POINT
- = FLOW LINE
- = ASPHALT
- = TEST PIT
- = POWER POLE
- = POWER LINE
- = WETLAND BOUNDARY

SURVEY BY:

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



DEVELOPMENT &
 CONSTRUCTION
 SERVICES, INC.

339 W. MAIN STREET
 HILLSBORO, OREGON 97123 (503) 648-4959



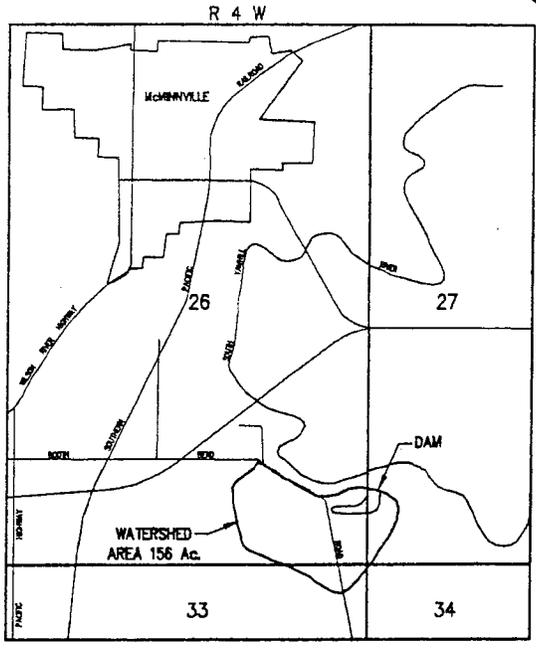
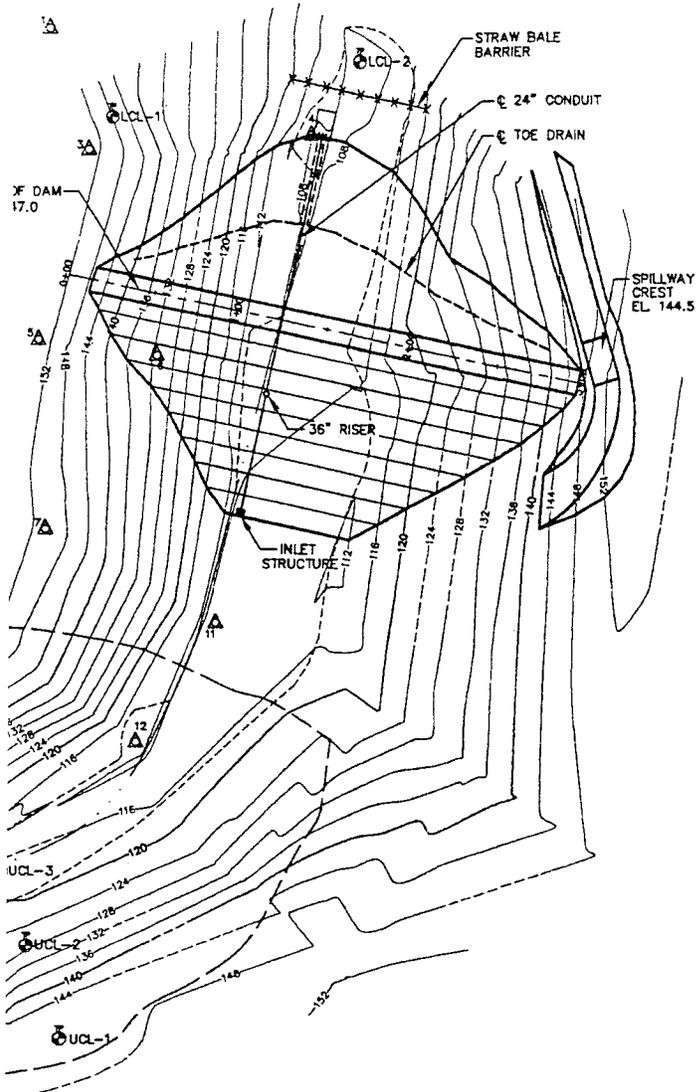
OREGON
 SEP 13 1978
 JOHN M. PETERSON
 1855
 RENEWAL 12/31/02

JOB # 9807018

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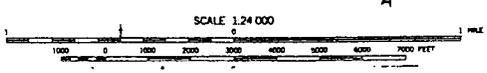
HYDROLOGIC DATA SUMMARY						
WATERSHED AREA = 156 AC.			WEIGHTED RCN = 88			
STORM DISTRIBUTION TYPE IA			T _c = 0.75 HOURS			
STORM FREQ. YEARS	PRECIP. INCHES	PEAK INFLOW CFS	PEAK RISER OUTFLOW	PEAK SPILLWAY OUTFLOW	TOTAL OUTFLOW CFS	MAX POOL ELEV
PHASE I - RISER CREST ELEV. 139.0						
50	4.4	88.5	42.2	0	42.2	140.71
100	4.8	97.9	46.2	0	46.2	140.91
PHASE II - RISER CREST ELEV. 143.0						
50	4.4	88.5	41.5	0	41.5	144.50
100	4.8	97.9	42.85	3.1	45.95	144.65

Corps #200400296
 Oregon Pride Nurseries, Inc.



LOCATION MAP

SCALE: 1"=2000'



OREGON PRIDE NURSERIES, INC.
 DAM PLAN
 5380 SE BOOTH BEND ROAD
 McMINNVILLE, OR 97128

by	date
designed WRV	5/20/02
drawn ER	5/20/02
checked WRV	6/04/02
drawing no.	02-D-05
sheet no.	1 / 3

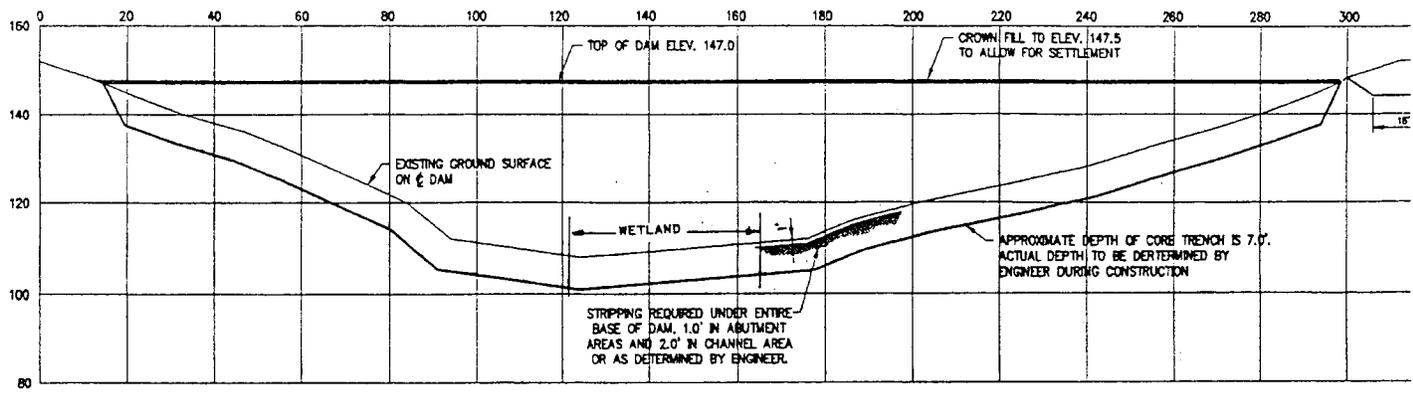
VERBOORT ENGINEERING
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 HILLSBORO, OREGON

RITA N. MROCZEK, PWS
 3980 SW 170TH AVE.
 ALOHA, OR 97007

FIGURE 6.
PLAN VIEW – PART 2

Corps #200400296
 Oregon Pride Nurseries, Inc.

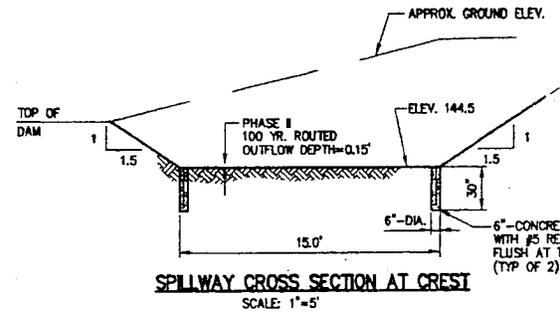
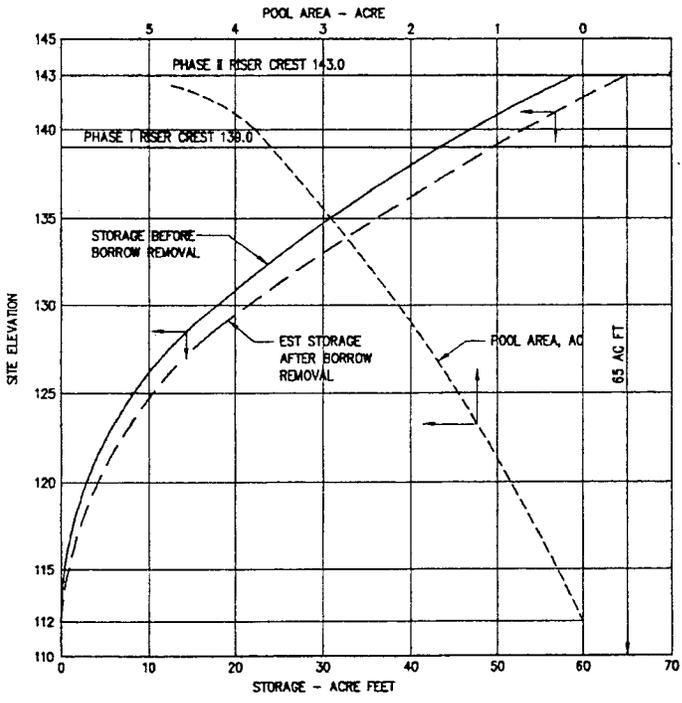
PROJECT: Oregon Pride Nurseries
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 Mr. Mark Van Hoef
 APR. 2004



PROFILE ON â DAM LOOKING DOWNSTREAM

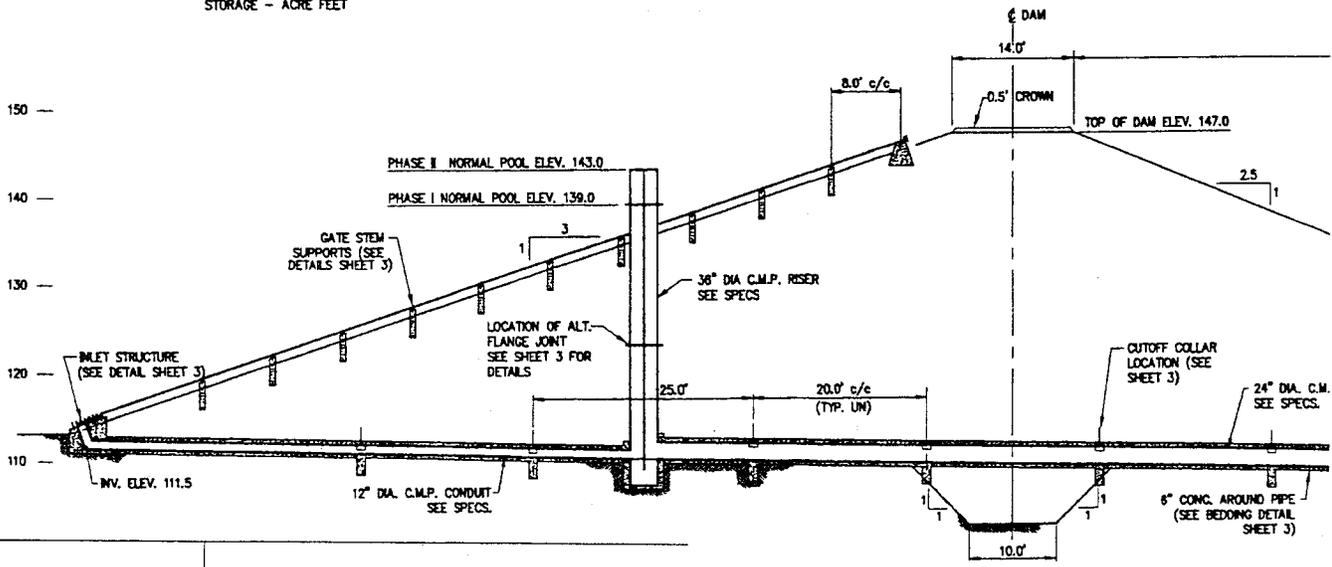
SCALE: HORIZ. 1"=20.0'
VERT. 1"=20.0'

PROJECT: Oregon Pride Nurseries
PREPARED FOR:
Mr. Mark Van Hoef
APR. 2004



SPILLWAY CROSS SECTION AT CREST

SCALE: 1"=5'



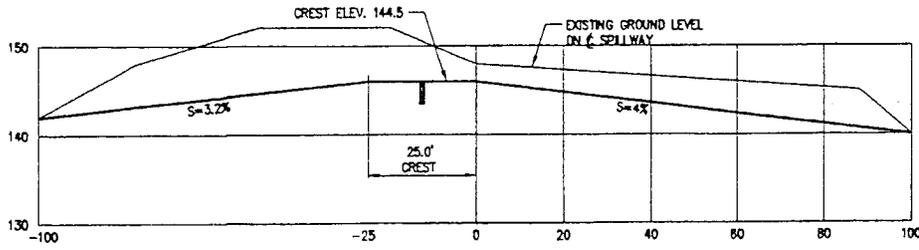
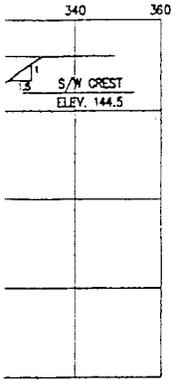
CROSS SECTION AT OUTLET CONDUIT

SCALE: 1"=10.0'

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ALOHA, OR 97007

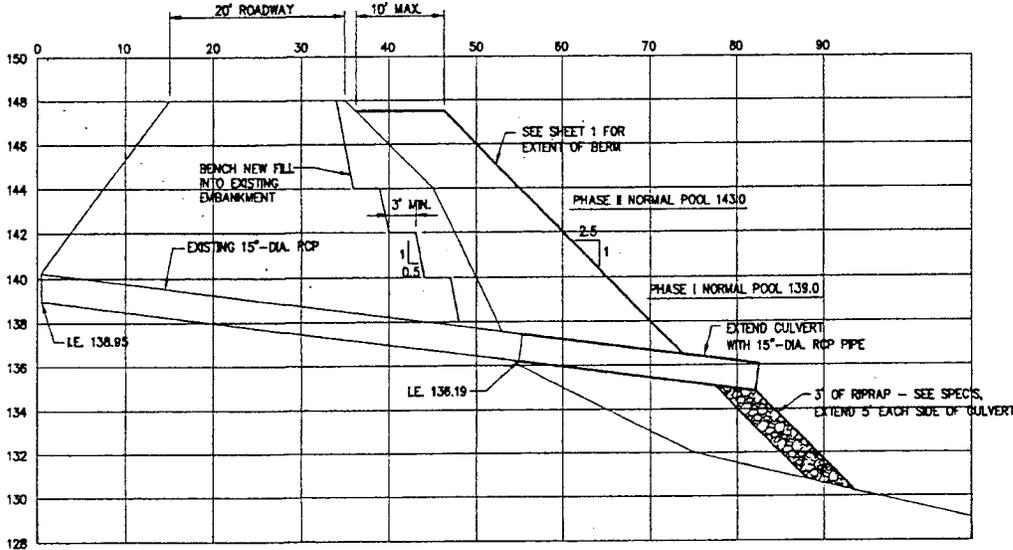
**FIGURE 7.
GRADING PLAN - PART 1**

Corps #200400296
Oregon Pride Nurseries, Inc.



PROFILE ON C. OF EMERGENCY SPILLWAY

SCALE: HORIZ. 1"=20.0'
VERT. 1"=10.0'



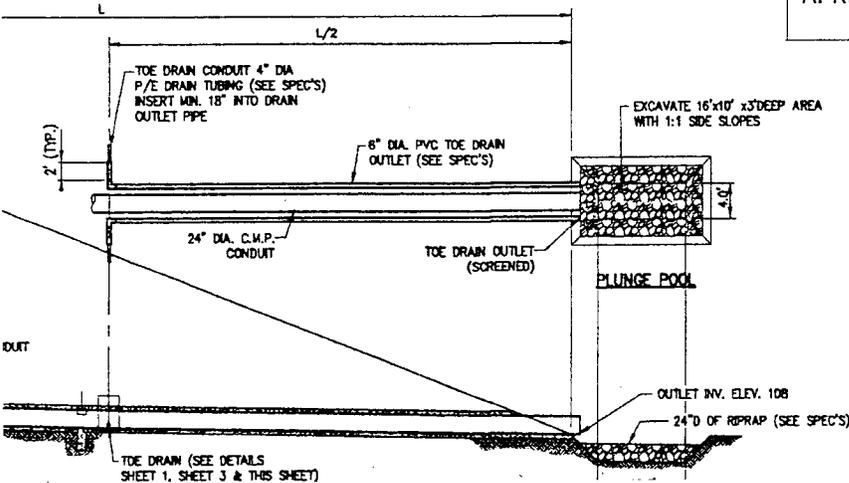
BERM AT BOOTH BEND ROAD

SCALE: HORIZ. 1"=10.0'
VERT. 1"=4.0'

PROJECT: Oregon Pride Nurseries

PREPARED FOR:
Mr. Mark Van Hoef

APR. 2004



RITA N. MROCZEK, PWS
3980 SW 170TH AVE.
ALOHA, OR 97007

FIGURE 8.
GRADING PLAN - PART 2
Corps #200400296
Oregon Pride Nurseries, Inc.

OREGON PRIDE NURSERIES, INC.

DAM SECTIONS

5380 SE BOOTH BEND ROAD
MCMINVILLE, OR 97128

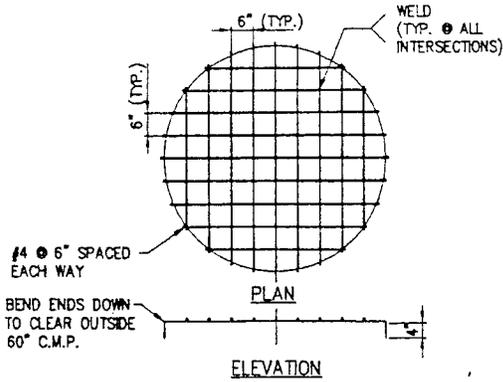
REV. 1 7/25/02

by	date
designed WRV	5/20/02
drawn JER	5/20/02
checked WRV	6/04/02
drawing no.	02-0-05
sheet no.	2 / 3

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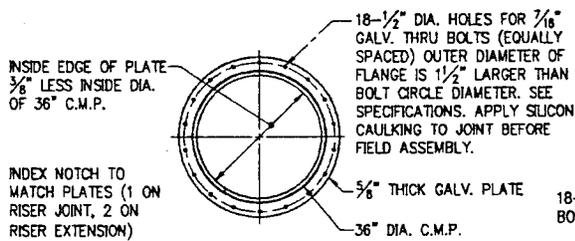
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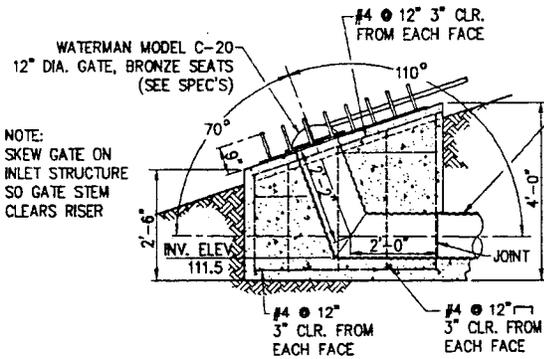


RISER TRASH RACK DETAIL

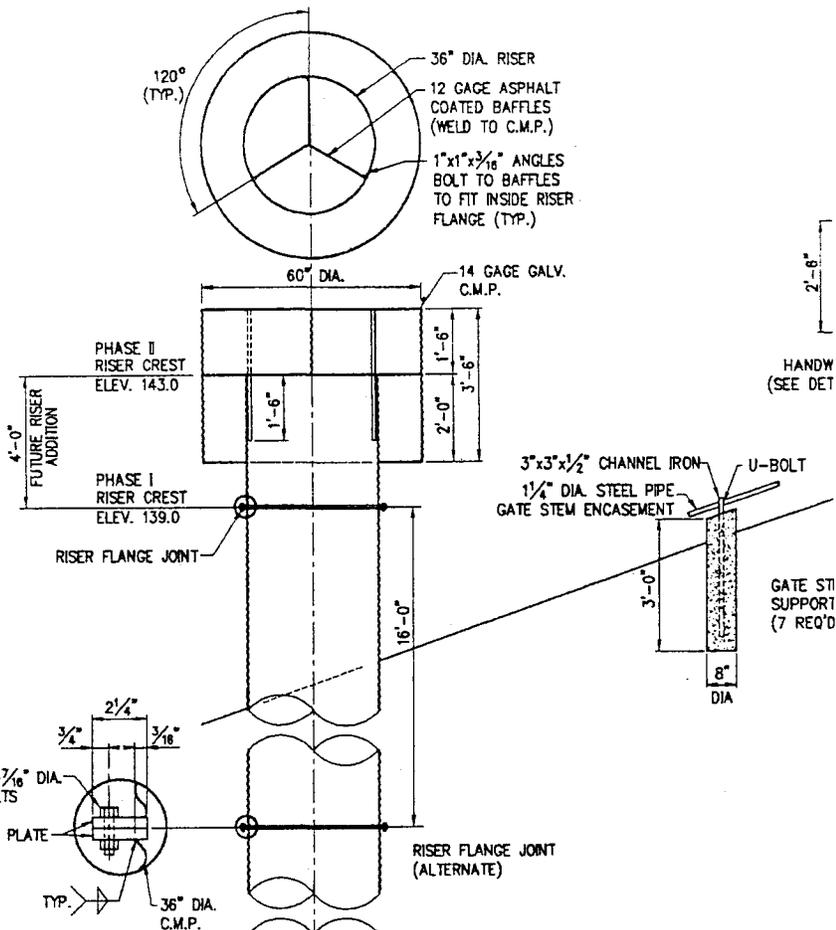
NOTE: RISER & GATE TRASH RACK TO BE PAINTED AFTER FABRICATION



FLANGE JOINT DETAIL

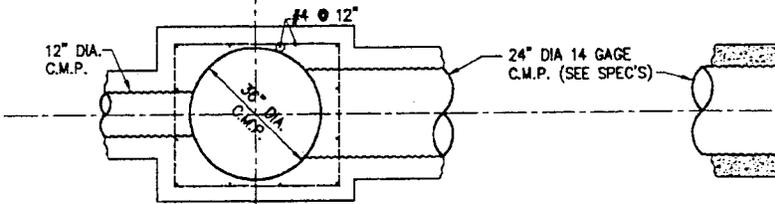
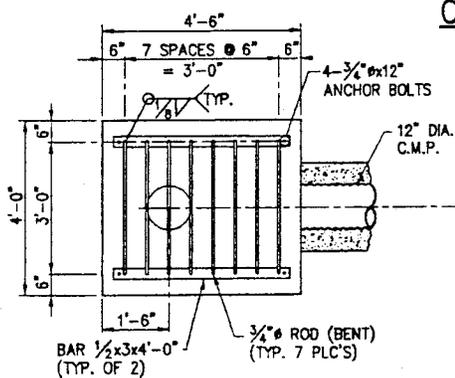


GATE - TRASH RACK DETAIL



CONDUIT & RISER - PROFILE & DETAILS

SCALE: 1"=2.0'



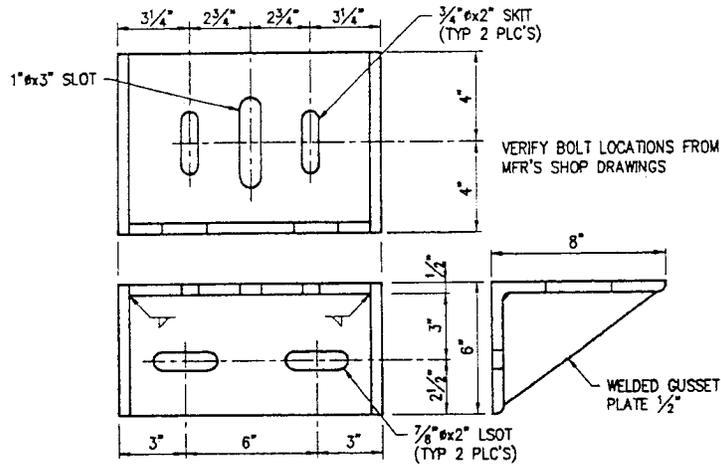
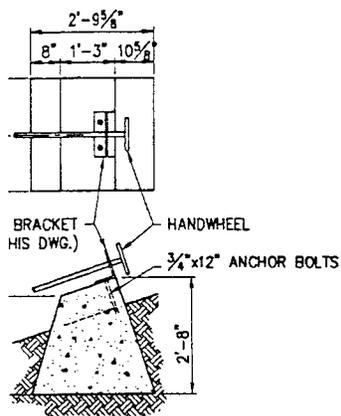
Corps #200400296
Oregon Pride Nurseries, Inc.

CONDUIT & RISER - PLAN VIEW & DETAILS

SCALE: 1"=2.0'

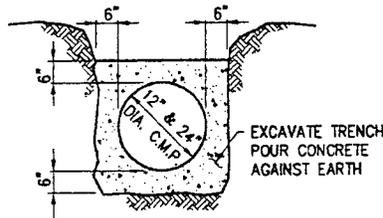
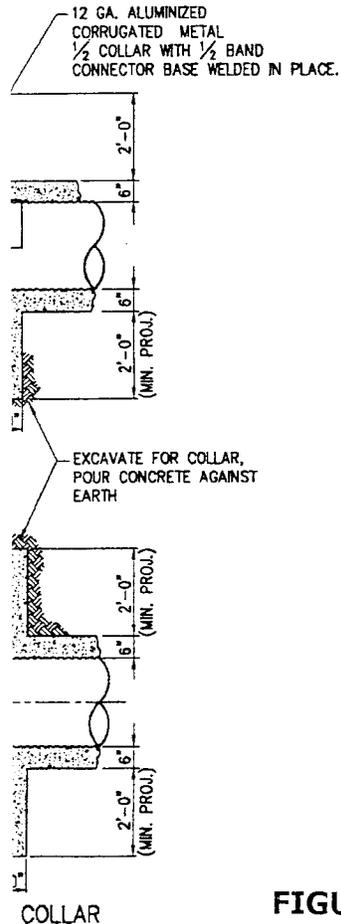
FIGURE 9.
WATER CONTROL
STRUCTURES - PART 1

PLAN

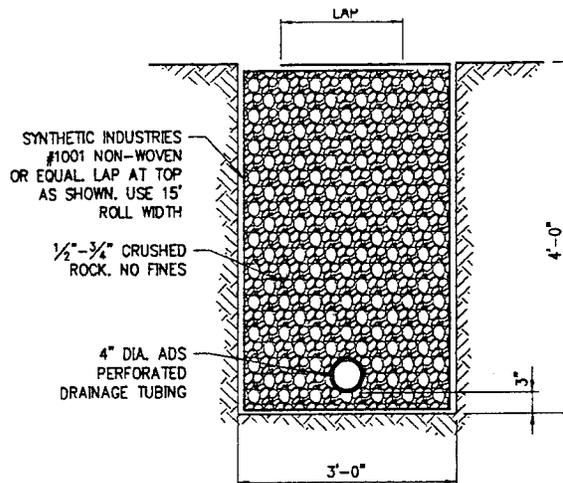


HANDWHEEL BRACKET

(NO SCALE)



PIPE BEDDING DETAIL



TOE DRAIN DETAIL

(NO SCALE)

FIGURE 10. WATER CONTROL STRUCTURES - PART 2

OREGON PRIDE NURSERIES, INC.
DAM DETAILS
5380 SE BOOTH BEND ROAD
McMINNVILLE, OR 97128

by	date
designed WRV	5/20/02
drawn ER	5/20/02
checked WRV	6/04/02
drawing no.	02-0-05
sheet no.	3 / 3

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HILLSBORO, OREGON

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400296
Oregon Division of State Lands Number: 25818-RF

Notice Issued: May 26, 2004
Written Comments Due: June 25, 2004

WHO IS THE APPLICANT: Oregon Pride Nurseries, Inc.

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 (full date). 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 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 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.