



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: July 2, 2004

Corps of Engineers Action ID: 200400317

Oregon Division of State Lands Number: 32296

30 Day Notice

REVISION 1

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. John L Ferrise)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Bob Keys
1550 NW Eastman Parkway, Suite 150
Gresham, Oregon 97030

Location: In unnamed intermittent tributaries in Sluice Canyon, Rhodes Canyon, and an unnamed canyon west of Rhodes Canyon that are tributaries to the John Day River, within Section 28 and 29, Township 8 South, Range 20 East, Willamette Meridian, near Clarno, Wheeler County, Oregon

Project Description: This is a revised public notice. The original public notice was issued on June 18, 2004 for the construction of a dam, only. The project now involves the construction of an earthen dam and irrigation pipeline in two unnamed intermittent tributaries. Approximately 277 cubic yards of fill material would be placed below the ordinary high water line (OHW) of the unnamed stream in Sluice Canyon to construct the dam. The dam would be approximately 800 linear feet long by 140 feet wide, at the base, and 35 feet high. A total of approximately 25,000 cubic yards of fill material would be placed to construct the entire dam. The dam will be constructed with a spillway to allow water to flow downstream. Once the dam is constructed the water level at the base of the dam would be 30 feet high. The reservoir would store 50 acre-feet of water and flood 3.6 acres of mostly upland area.

A 12-inch diameter conduit would be installed in the dam to drain the reservoir, if needed, and to transport water into a 4-6 inch diameter irrigation pipeline. The irrigation pipeline will furnish water to pasture land approximately 3,700 feet downstream. The irrigation pipeline will be trenched four feet deep under the unnamed stream in Rhodes Canyon and another unnamed stream to the west of Rhodes Canyon.

Purpose: Construct a dam and pipeline to store water and to transport water for irrigation to a pasture area approximately 3,700 feet downstream from the dam.

Drawings: Five drawings identified as Corps File No. 200400317, Sluice Canyon Dam, John Day Ranch, LLC.

Additional Information: Additional information may be obtained from Mr. John L Ferrise, Project Manager, U.S. Army Corps of Engineers at (503) 808-4391.

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.

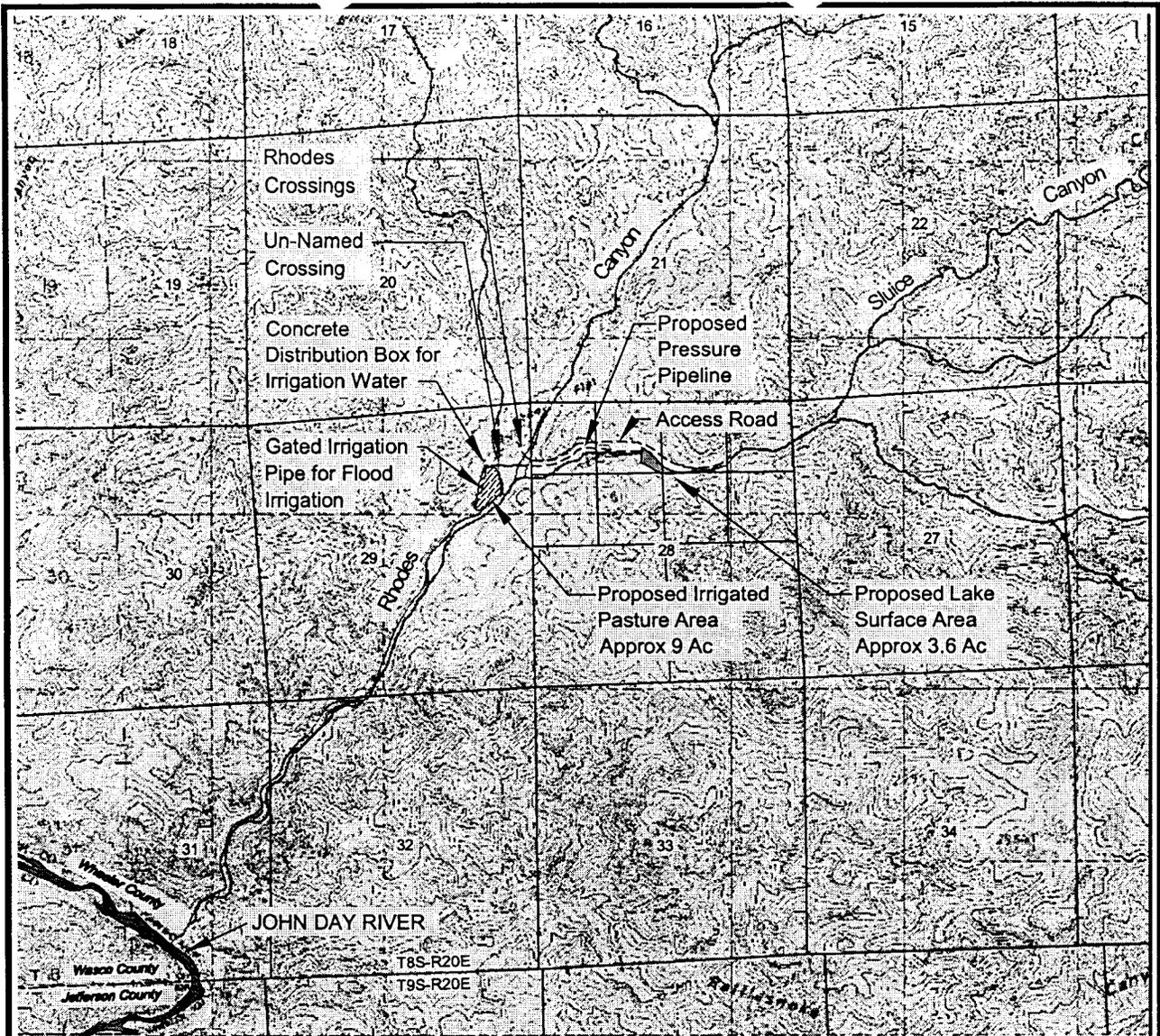
Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required 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, 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.



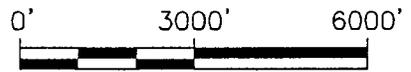
APPROXIMATE LOCATION OF PROPOSED IRRIGATION



GENERAL LOCATION OF PROPOSED WATER SUPPLY PIPELINE FOR IRRIGATION - OUTSIDE THE NORMAL FLOW CHANNEL



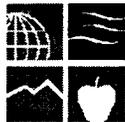
Quadrangle Location
U.S. Geological Survey
Jennies Peak - 44120G3



SCALE: 1" = 3000'

CORPS FILE NO. 200400317

NEWTON
CONSULTANTS INC.
Earth, Water and Rock Specialists
Ph: 602 742-1800 Fax: 602 742-1801



Project Vicinity
Sluice Canyon Dam
John Day Ranch, LLC

DESIGNED BY:
D. Newton

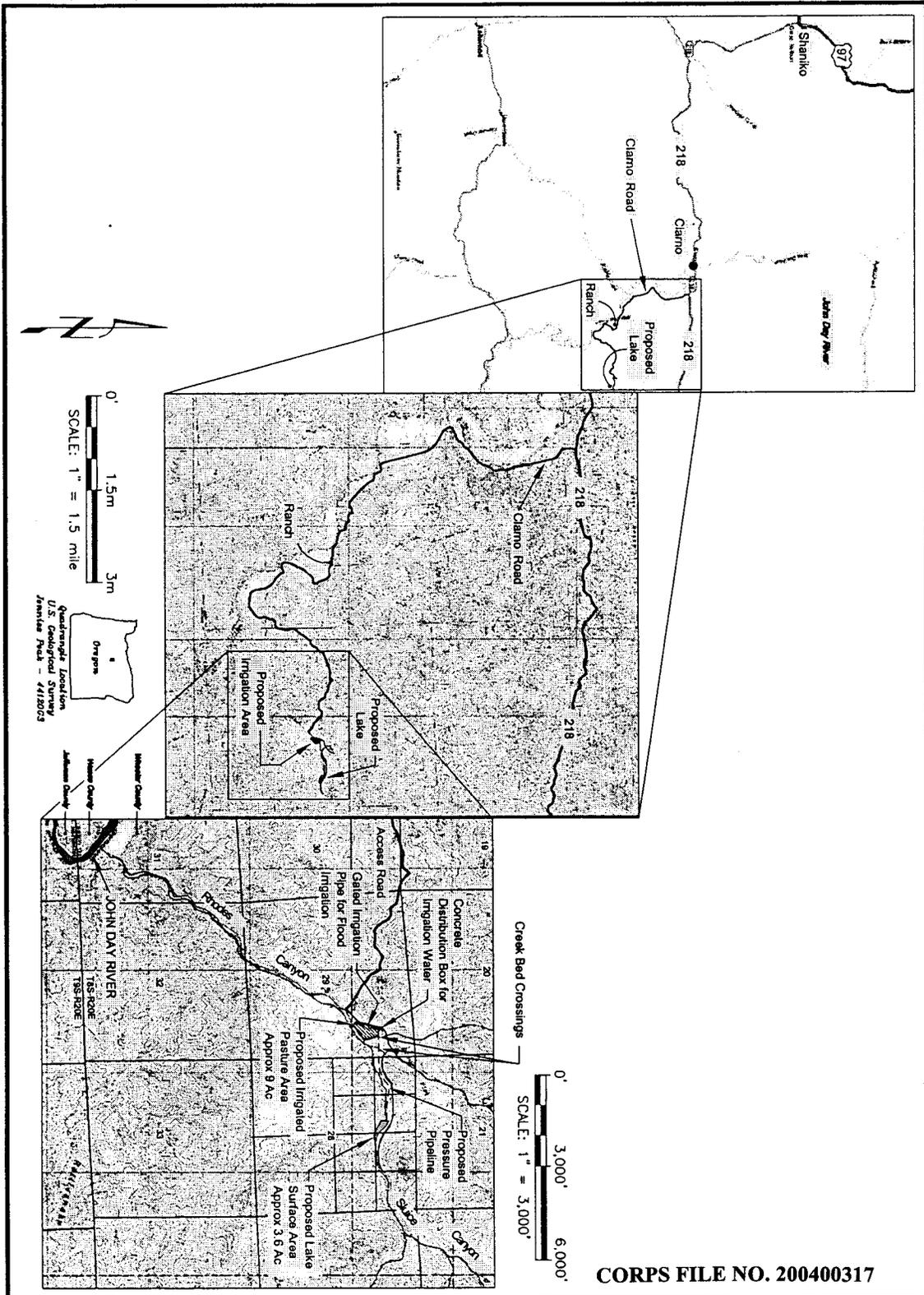
DRAWN BY:
S. Schneck

DATE:
June 2004

PROJECT NO.
950-102

FIGURE 1

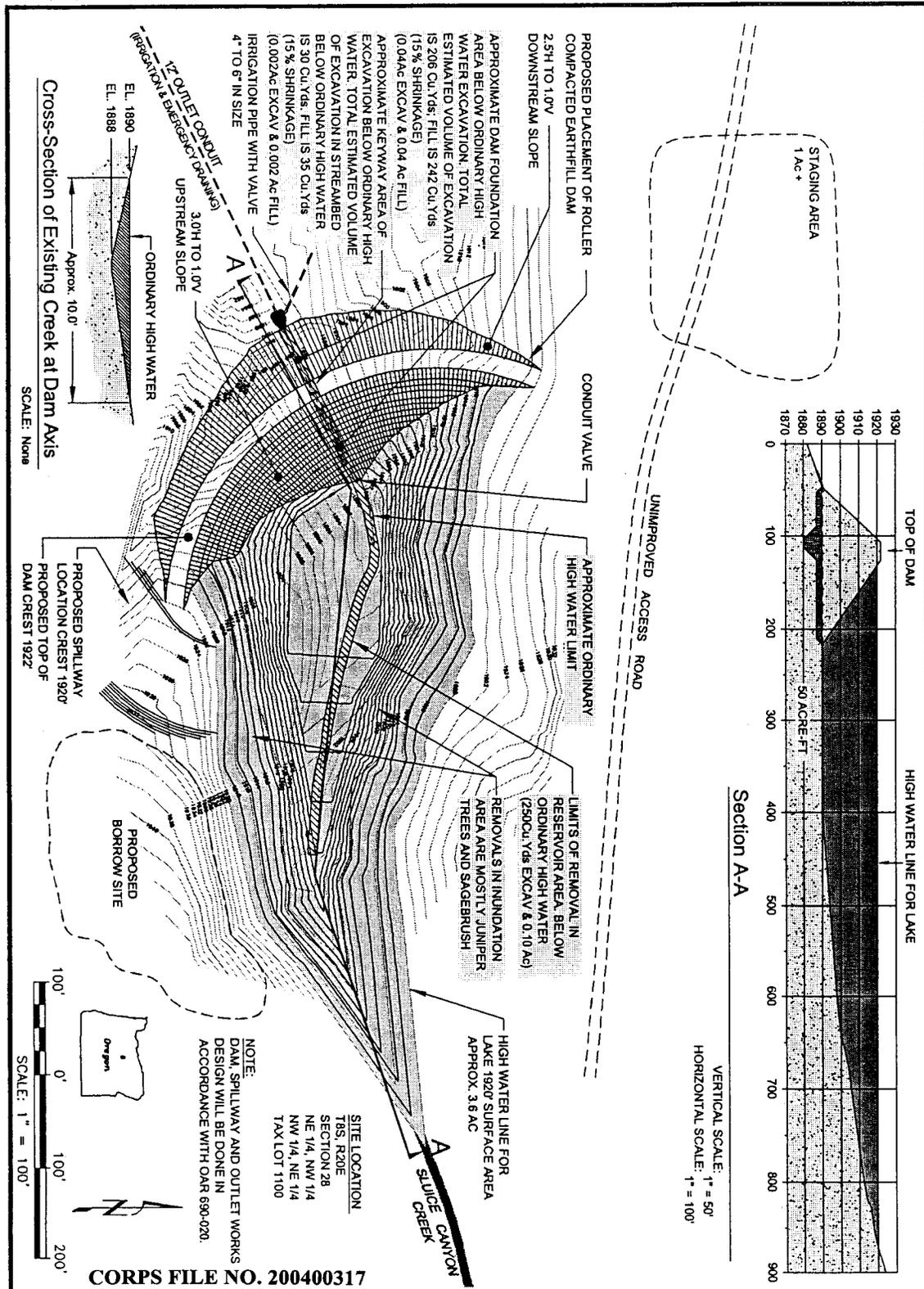
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NEWTON
CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 503-296-7718 Fax: 503-228-7741

Driving Instructions Map
 Sluce Canyon Dam
 John Day Ranch, LLC

DESIGNED BY: D. Newton	DRAWN BY: S. Schenk	DATE: June 2004	PROJECT NO. 950-102	FIGURE 1A
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CORPS FILE NO. 200400317



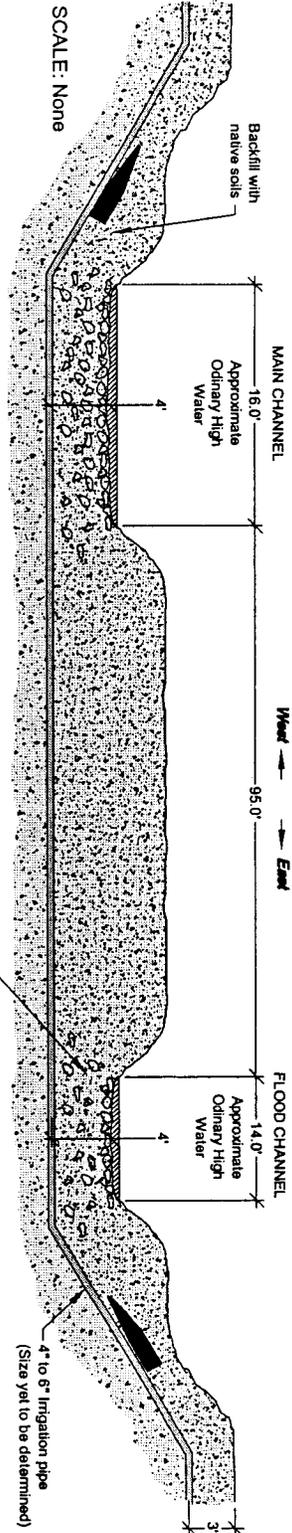
Proposed Dam and Cross-Section
Sluice Canyon Dam
John Day Ranch, LLC

DESIGNED BY: D. Newton	DRAWN BY: S. Schenck	DATE: June 2004	PROJECT NO: 950-102	FIGURE 2
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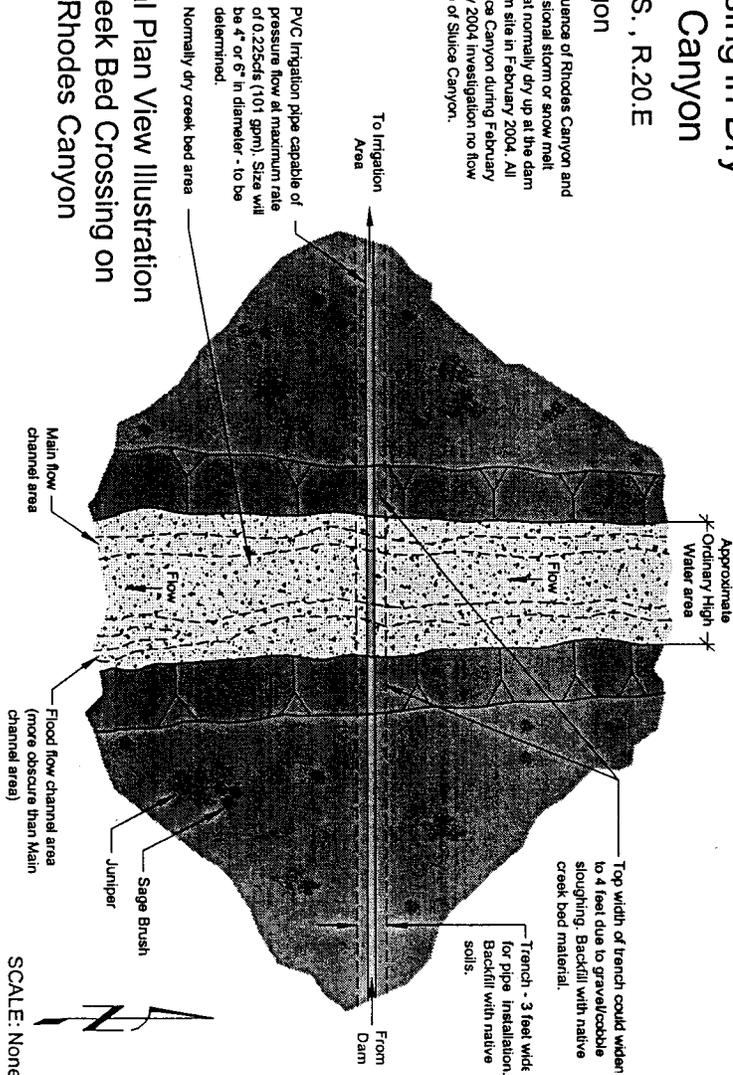
Illustration of Pipe Crossing in Dry Creek Bed at Rhodes Canyon

SE 1/4 NE 1/4 Section 29 T.8.S., R.20.E
Wheeler County, Oregon

The proposed pipe crossing of the dry creek bed is near the confluence of Rhodes Canyon and Sluice Canyon drainages. Both drainages are dry other than occasional storm or snow melt runoff. Minor spring runoff provides flows in the Sluice Canyon that normally dry up at the dam site during June. Flows were estimated at 0.5 to 1.5 cfs at the dam site in February 2004. All flows observed in Rhodes Canyon below the confluence with Sluice Canyon during February 2004 observations were from Sluice Canyon. During the February 2004 investigation no flow was observed in the upper Rhodes Canyon above the confluence of Sluice Canyon.



Typical Plan View Illustration of Creek Bed Crossing on Rhodes Canyon



CORPS FILE NO. 200400317

NEWTON CONSULTANTS INC.
Earth, Water and Rock Specialists
Ph: 503 296-7718 Fax: 503 228-7781

Creek Bed Crossings
Sluice Canyon Dam
John Day Ranch, LLC

DESIGNED BY: D. Newton	DRAWN BY: S. Schenck	DATE: June 2004	PROJECT NO: 950-102	FIGURE 3
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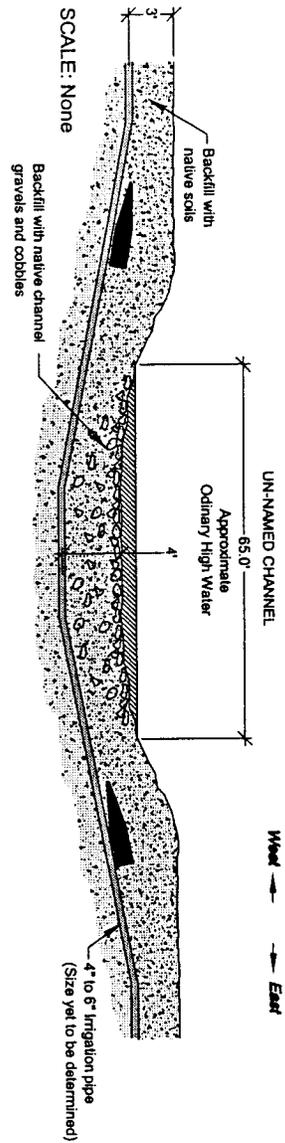
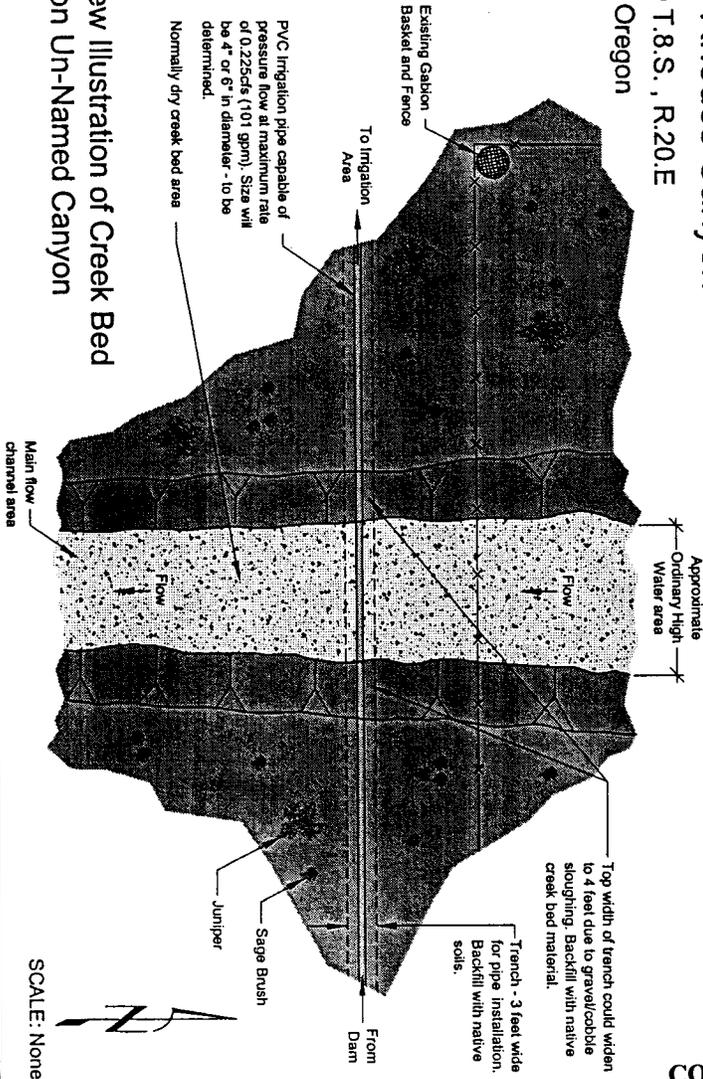


Illustration of Un-Named Canyon Creek Bed Crossing to the West of Rhodes Canyon

SE 1/4 NE 1/4 Section 29 T.8.S., R.20.E
 Wheeler County, Oregon

The proposed pipe crossing is downstream from the confluence of Rhodes Canyon and Sluce Canyon drainages. The drainage is normally dry other than occasional limited storm or snow melt runoff. No flow was observed in the drainage during all winter site investigations.

Typical Plan View Illustration of Creek Bed Crossing on Un-Named Canyon



CORPS FILE NO. 200400317

NEWTON
 CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 503 226-7718 Fax: 503 226-7761



Creek Bed Crossings
 Sluce Canyon Dam
 John Day Ranch, LLC

DESIGNED BY: D. Newton	DRAWN BY: S. Schenk	DATE: June 2004	PROJECT NO. 950-102	FIGURE 4
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PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400317
Oregon Division of State Lands Number: 32296

Notice Issued: July 2, 2004
Written Comments Due: August 1, 2004

WHO IS THE APPLICANT: Bob Keys

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.