

**US Army Corps  
of Engineers**  
Portland District

# PUBLIC NOTICE for PERMIT APPLICATION

**30- Day Notice**

**Issue Date:** June 15, 2004  
**Expiration Date:** July 14, 2004

**Corps of Engineers Action ID:** 200400414

**Oregon Department of State Lands Number:** 32532-RF

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Interested parties are hereby notified that an amended 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 (Ms. Merina Christoffersen)  
1600 Executive Parkway, Suite 210  
Eugene, Oregon 97401-2156

**Applicant:** Avery Construction

**Location:** Wetland swales and intermittent drainages adjacent to and tributaries of Cooper Creek, at the Forest Heights Subdivision. The site is south of the intersection of Waite Street and Southside Road in Section 21, Township 25 South, and Range 5 West, in Sutherlin, Douglas County, Oregon.

**Project Description:** Develop 25.69-acre lot for construction of 61 single-family residences and associated streets and utilities. There is a total of 5.1 acres of wetlands on the site, and development as proposed would require filling of 0.76 acres of palustrine emergent wetland (PEM). The subdivision would also include the installation of a stormwater treatment system comprised of catch basins and biofiltration swales.

**Mitigation:** To compensate for project impacts, the applicant has proposed the following: Enhancement of 3.39-acres of PEM, creation of 0.08-acre of PEM, and 0.86-acre of PEM and associated riparian buffer. 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:** Construct a 61-lot subdivision to provide housing in the Sutherlin area.

**Drawings:** Thirteen (13) drawings labeled COE #200400414 (Forest Heights – Residential Development).

**Additional Information:** Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U.S. Army Corps of Engineers at (541) 465-6882 or at [merina.e.christoffersen@nwp01.usace.army.mil](mailto:merina.e.christoffersen@nwp01.usace.army.mil).

**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 (EPA) 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.

**Essential Fish Habitat:** Preliminary determinations indicate that the proposed activity will not affect Essential Fish Habitat for coho salmon and chinook salmon. Consultation under Section 305 of the Magnuson-Stevens Fishery Conservation and Management 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.

# PUBLIC NOTICE

## Oregon Department of Environmental Quality (DEQ)

### Water Quality 401 Certification

**Corps of Engineers Action ID Number:** 200400414

**Notice Issued:** June 15, 2004

**Oregon Department of State Lands Number:** 32532-RF    **Written Comments Due:** July 14, 2004

**WHO IS THE APPLICANT:** Avery Construction

**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, (503) 229-5845 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

#### **PUBLIC PARTICIPATION:**

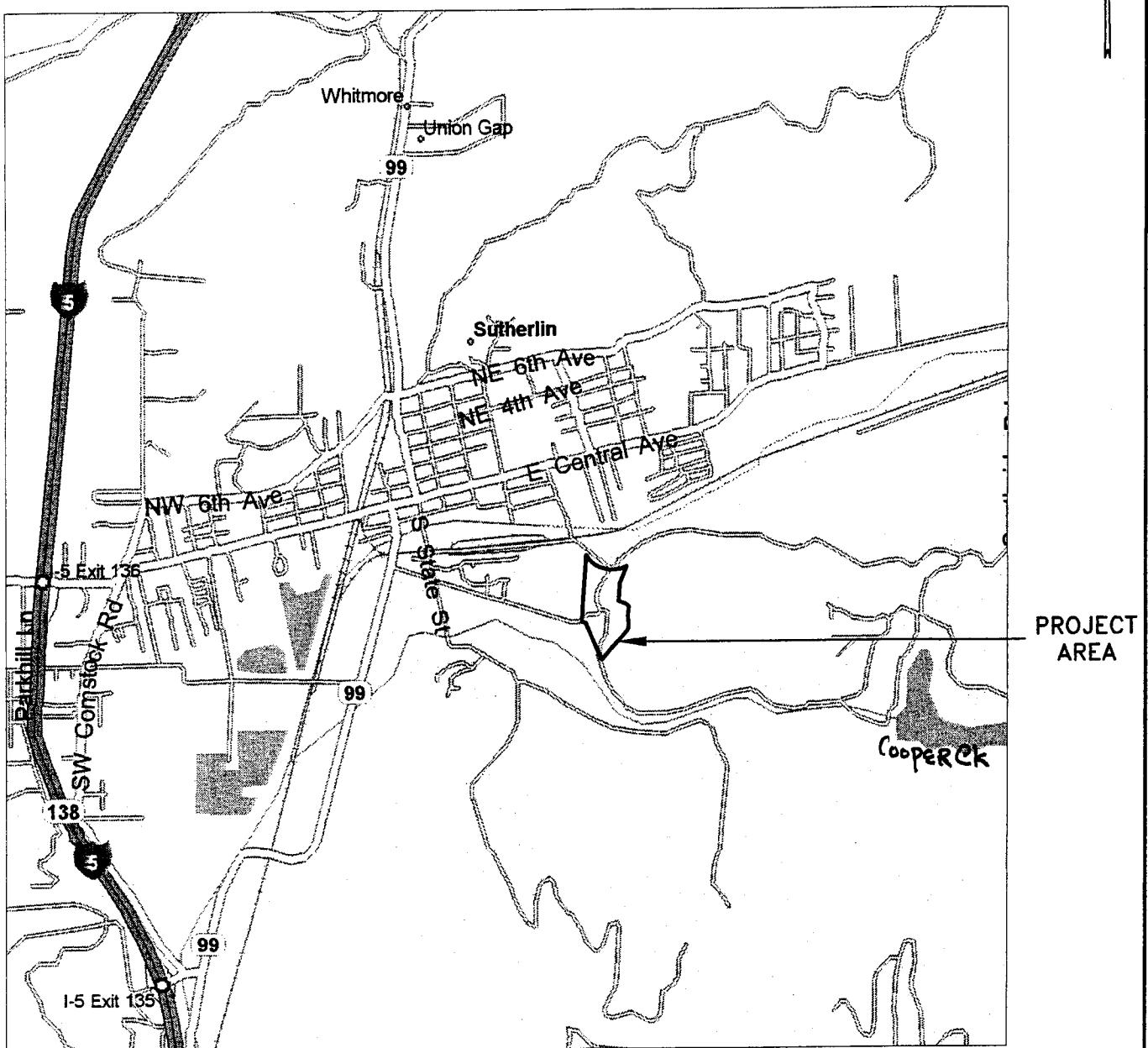
**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. 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 **July 14, 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 at [401publiccomments@deq.state.or.us](mailto: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 Public Affairs at (503) 229-5766 or toll free within Oregon at (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.



Source: Microsoft Streets & Trips, 2001.

<b>Terra Science, Inc.</b> Soil, Water, & Wetland Consultants	<b>WETLAND FILL APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE FOREST HEIGHTS SUBDIVISION Sutherlin, Douglas County, Oregon</b>	<b>VICINITY MAP</b>	<b>FIGURE 1</b>
SCALE: 1 INCH=3000 FEET  0 1500 3000 6000 COE #200400414	May 2004 of 13	Forest Heights-Residential Development	

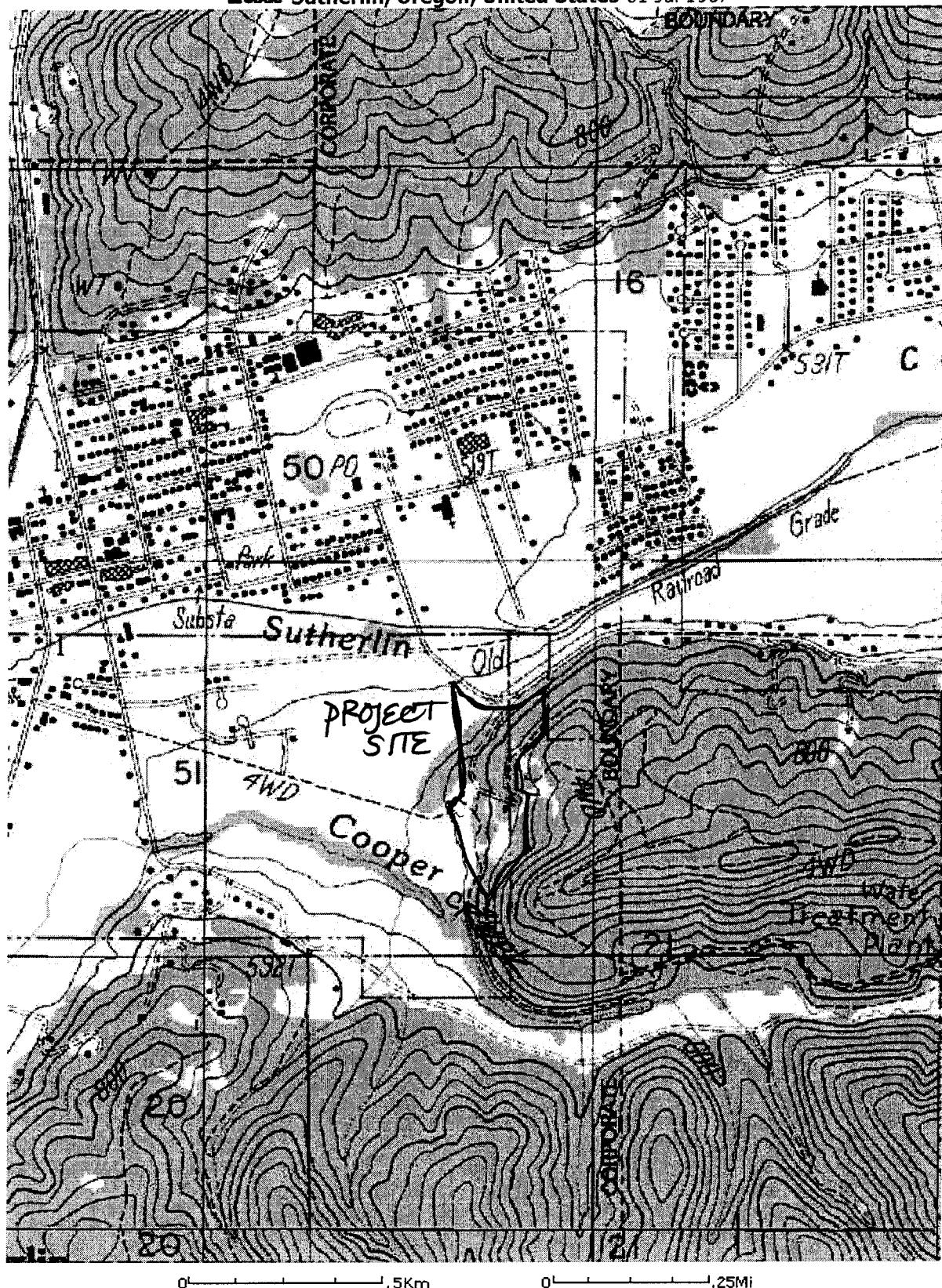
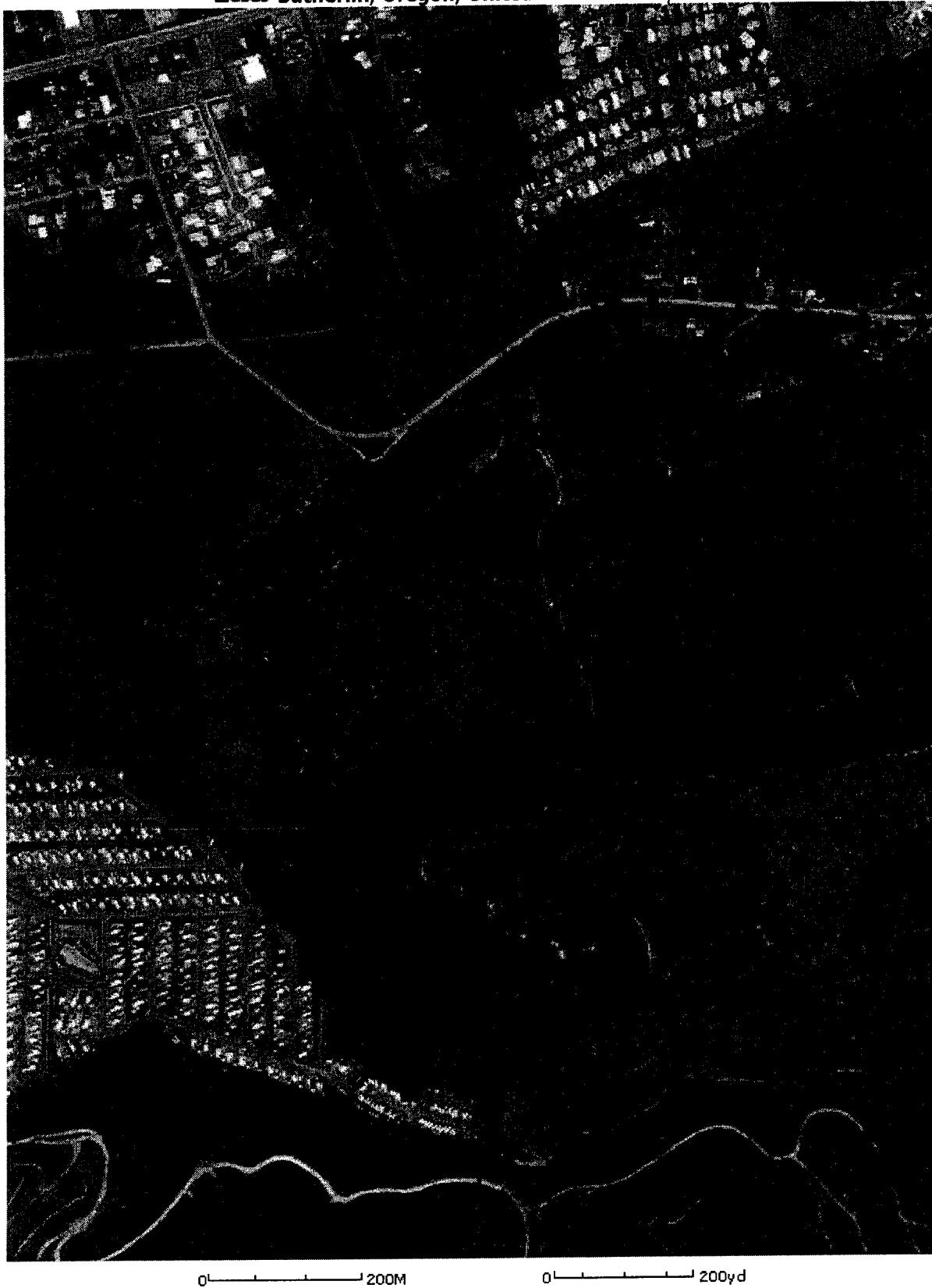
[Send To Printer](#)[Back To TerraServer](#)[Change to 11x17 Print Size](#)[Show Grid Lines](#)[Change to Landscape](#)**USGS Sutherlin, Oregon, United States 01 Jul 1987**

Image courtesy of the U.S. Geological Survey

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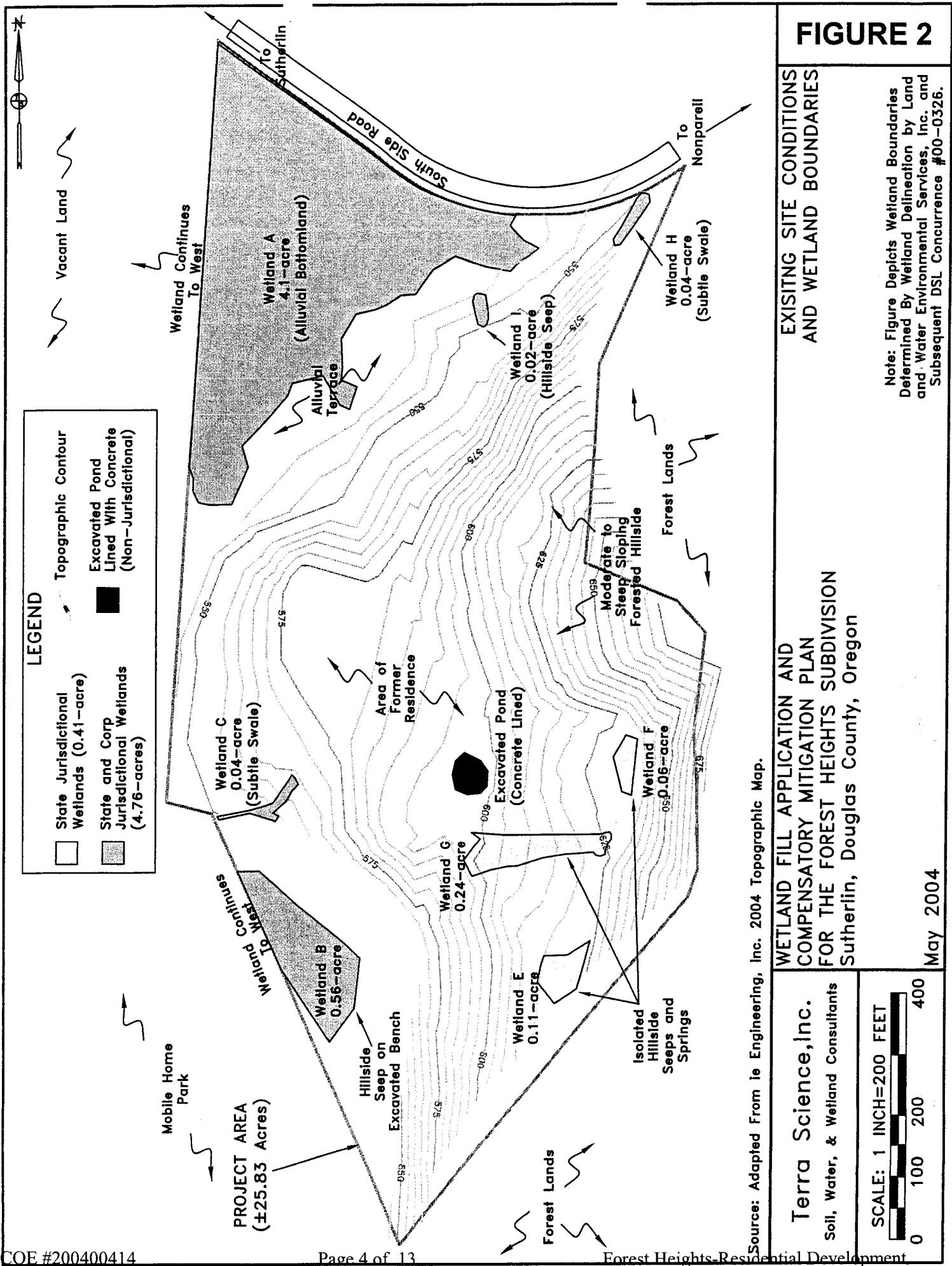
[Send To Printer](#)[Back To TerraServer](#)[Change to 11x17 Print Size](#)[Show Grid Lines](#)[Change to Landscape](#)**USGS Sutherlin, Oregon, United States 07 May 1994**

0 1 200M

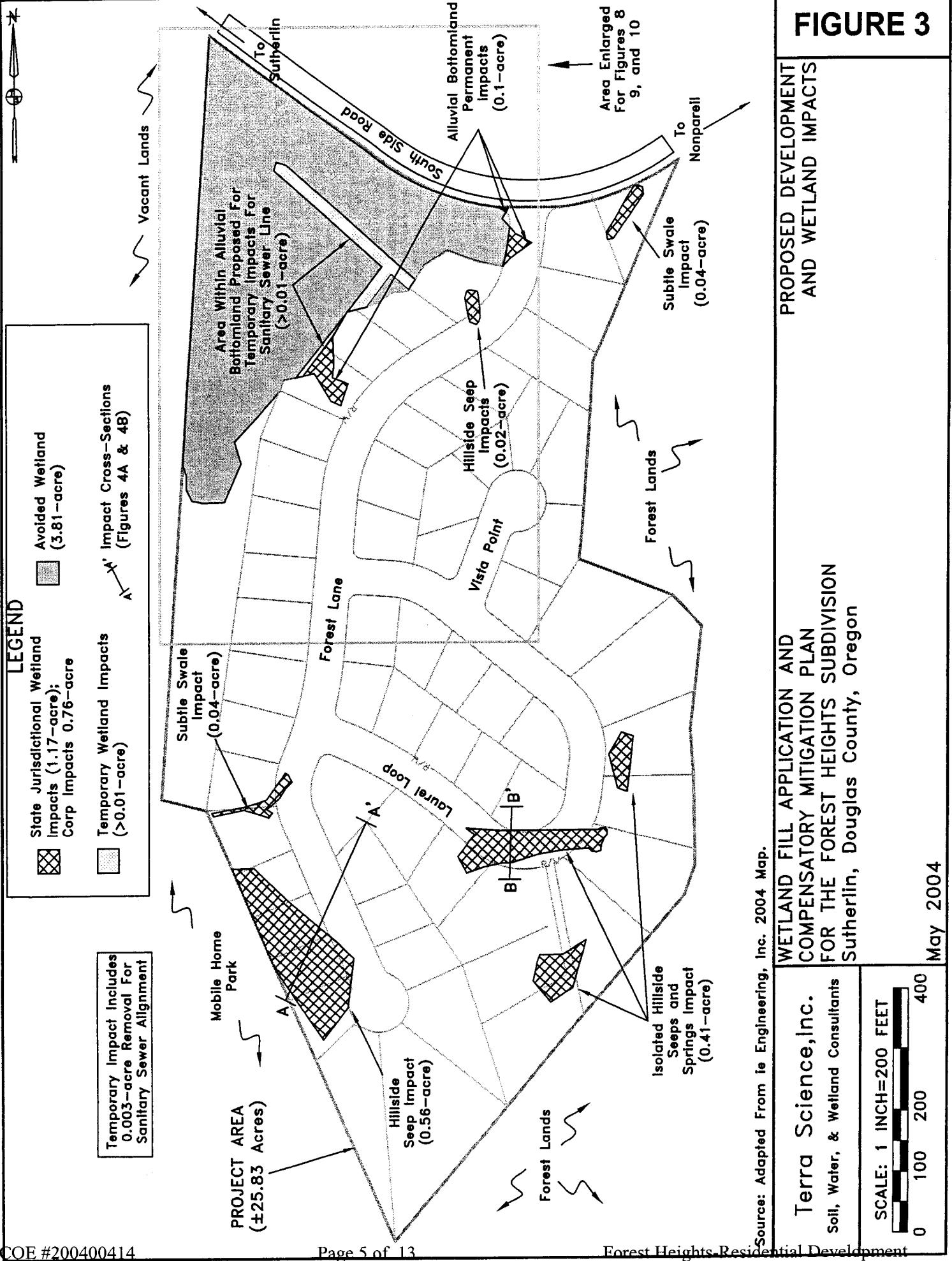
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Image courtesy of the U.S. Geological Survey  
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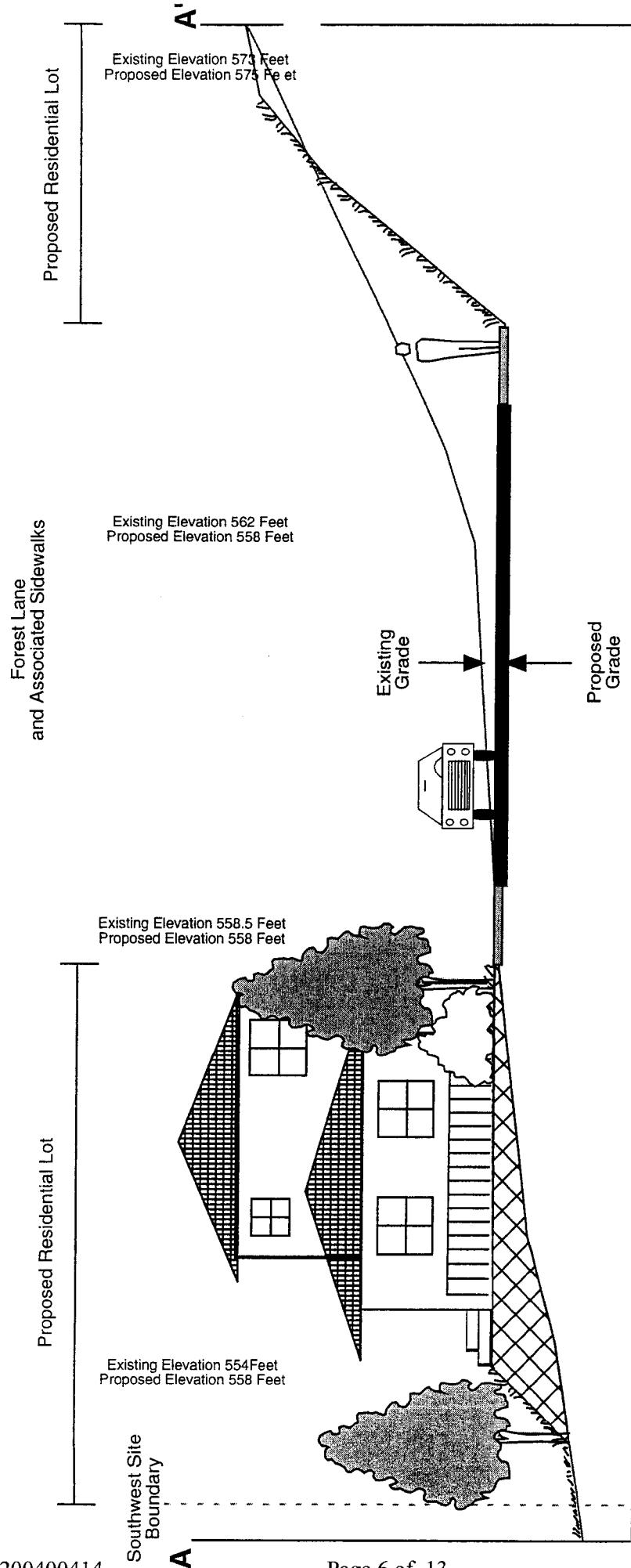
# FIGURE 2



# FIGURE 3



## WETLAND IMPACT CROSS-SECTION A-A'



**FIGURE 4A**

Figure Depicts Wetland Impacts Associated With Southwest Hillside Seep.



Source: Adapted From ie Engineering, Inc. 2004 Topographic Map.

**WETLAND FILL APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE FOREST HEIGHTS SUBDIVISION**  
Sutherlin, Douglas County, Oregon

**TERRA SCIENCE, INC.**  
Soil, Water & Wetland Consultants

SCALE: 1 INCH = 20 FEET (Horizontal)  
1 INCH = 10 FEET (Vertical)



Not For Construction

## WETLAND IMPACT CROSS-SECTION B-B'

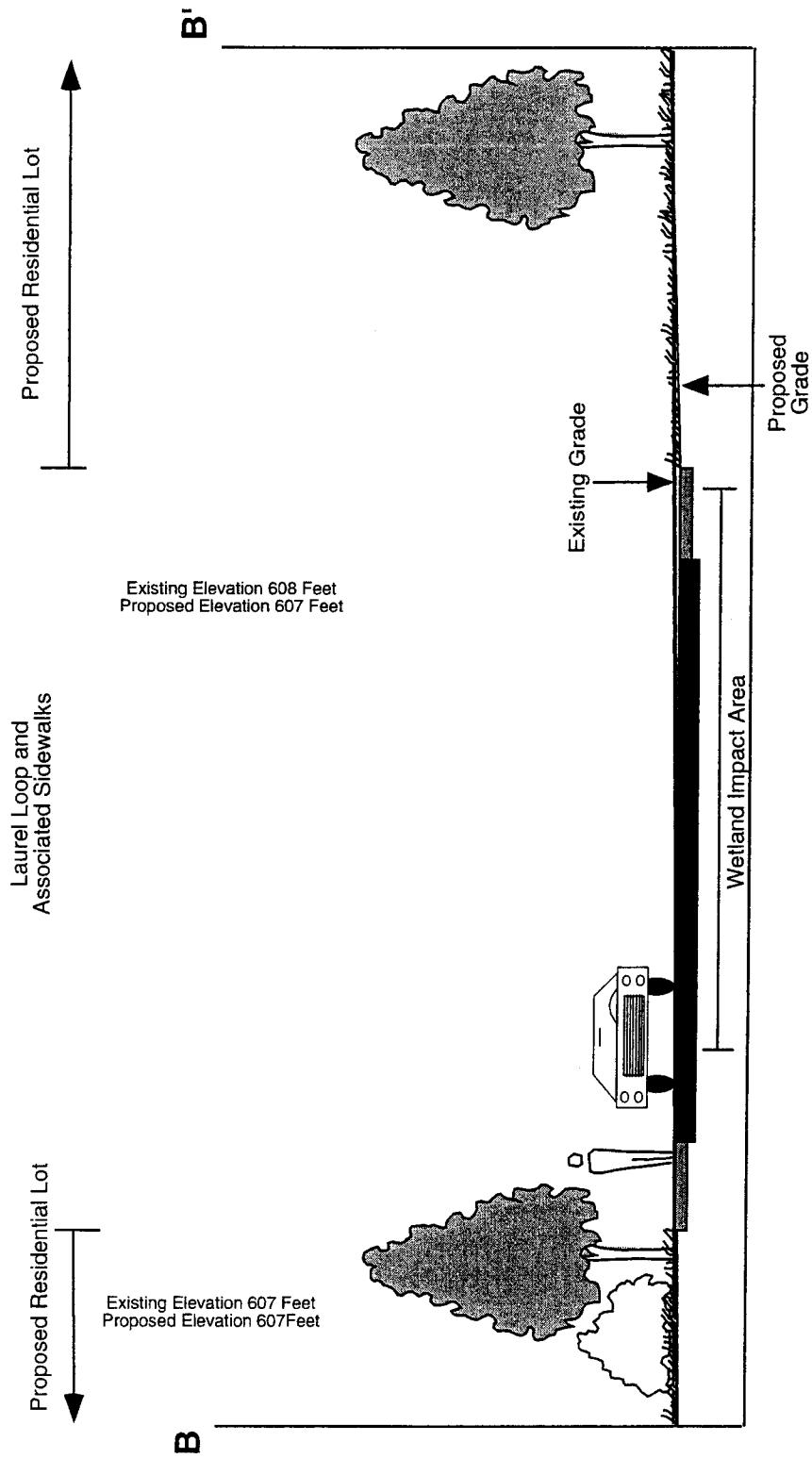


Figure Depicts Wetland Impacts Associated With Hillside Swale (Fill and Removal).

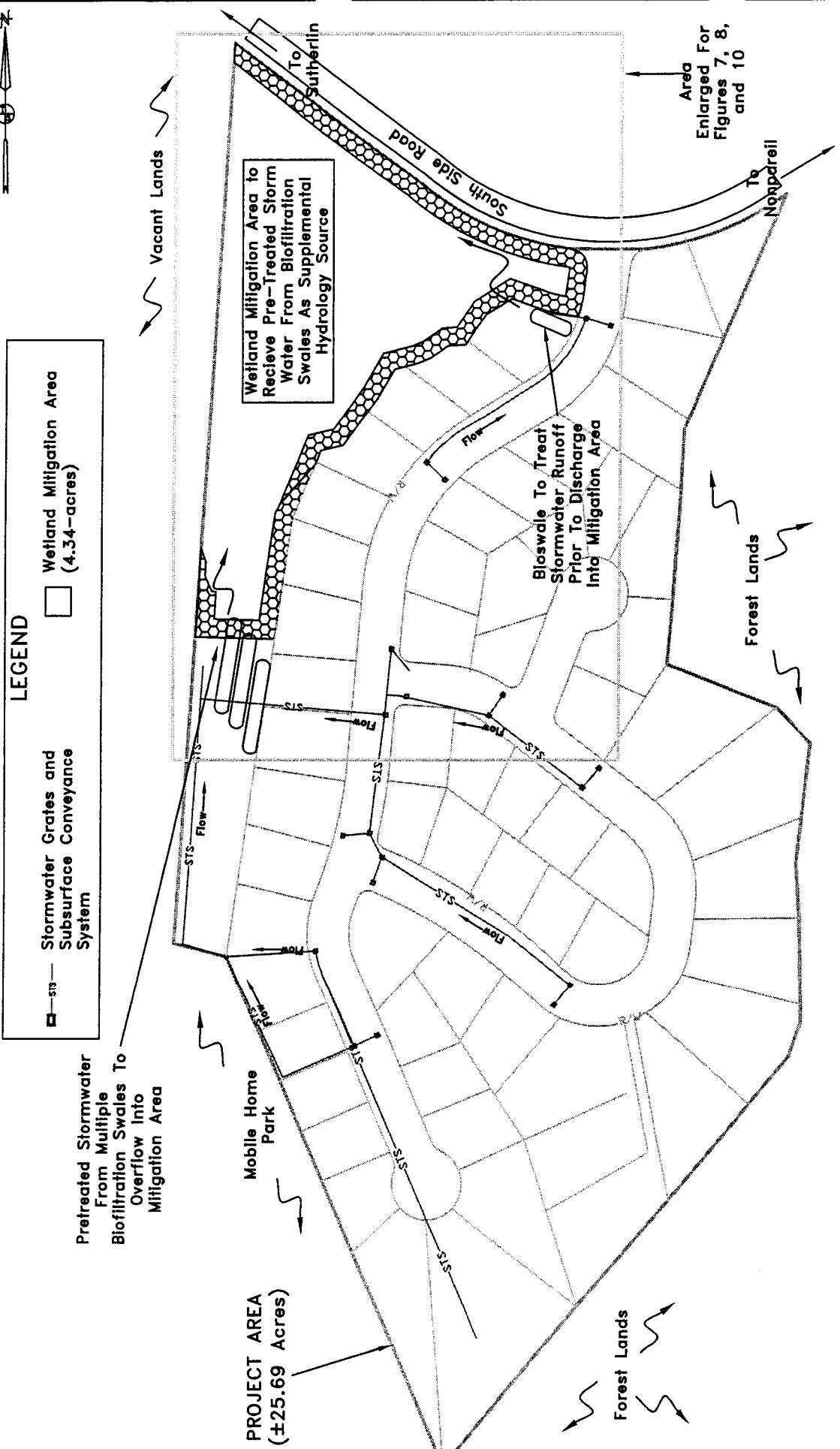
Source: Adapted From ie Engineering, Inc. 2004 Topographic Map.

**TERRA SCIENCE, INC.**  
Soil, Water & Wetland Consultants  
FOR THE FOREST HEIGHTS SUBDIVISION  
Sutherlin, Douglas County, Oregon

SCALE: 1 INCH = 20 FEET (Horizontal)  
1 INCH = 10 FEET (Vertical)

**FIGURE 4B**  
**WETLAND IMPACT**  
**CROSS-SECTION B-B'**

Not For Construction:

**FIGURE 6**

Source: Adapted From le Engineering, Inc. 2004 Map.

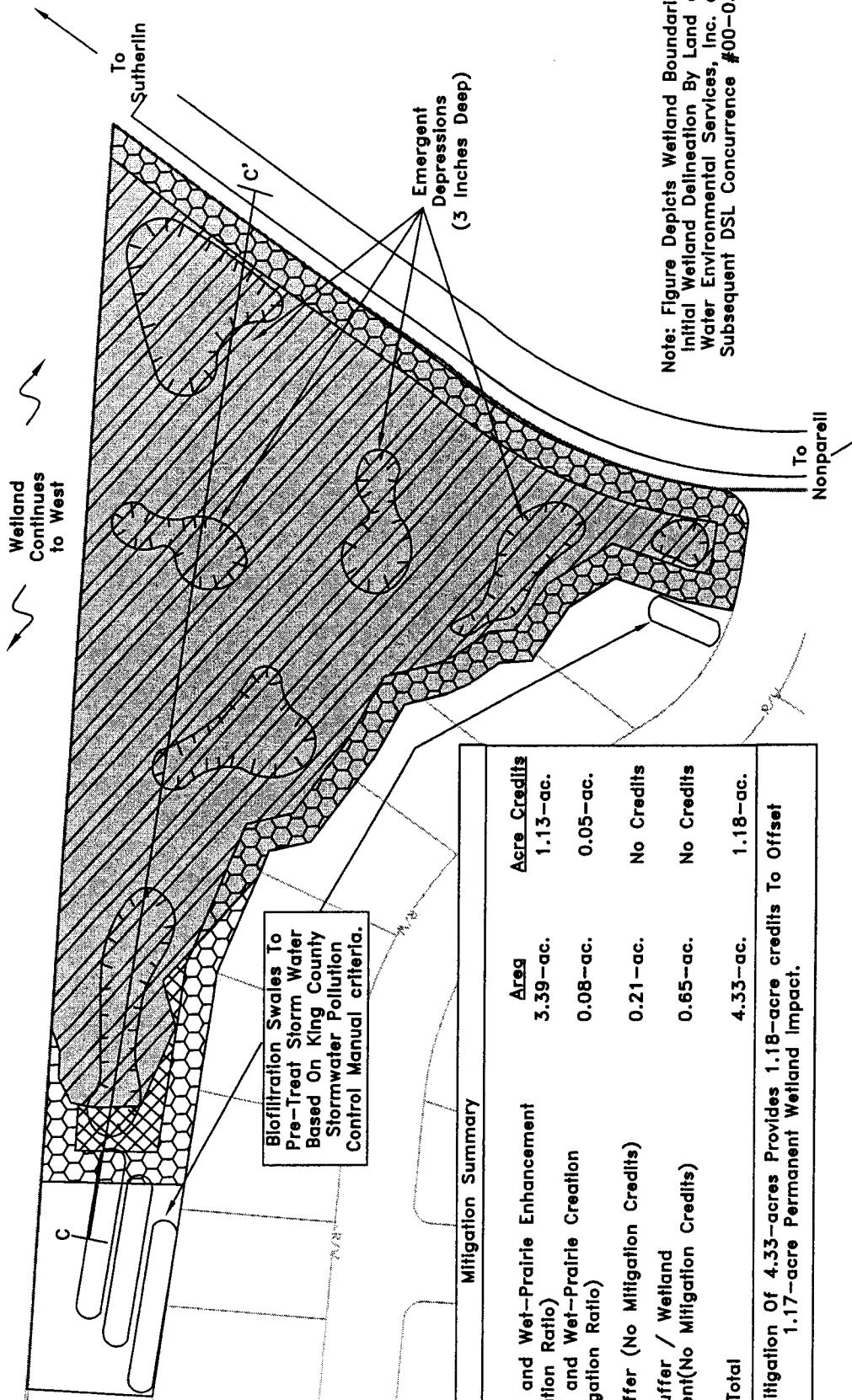
**Terra Science, Inc.**  
Soil, Water, & Wetland Consultants

SCALE: 1 INCH=200 FEET  
0 100 200 400 May 2004

**STORM WATER MANAGEMENT PLAN**

Note: All Stormwater Treatment Features To Be Based On King County Stormwater Pollution Control Manual.

**FIGURE 7**



Note: Figure Depicts Wetland Boundaries By Initial Wetland Delineation By Land and Water Environmental Services, Inc. and Subsequent DSL Concurrence #00-0326.

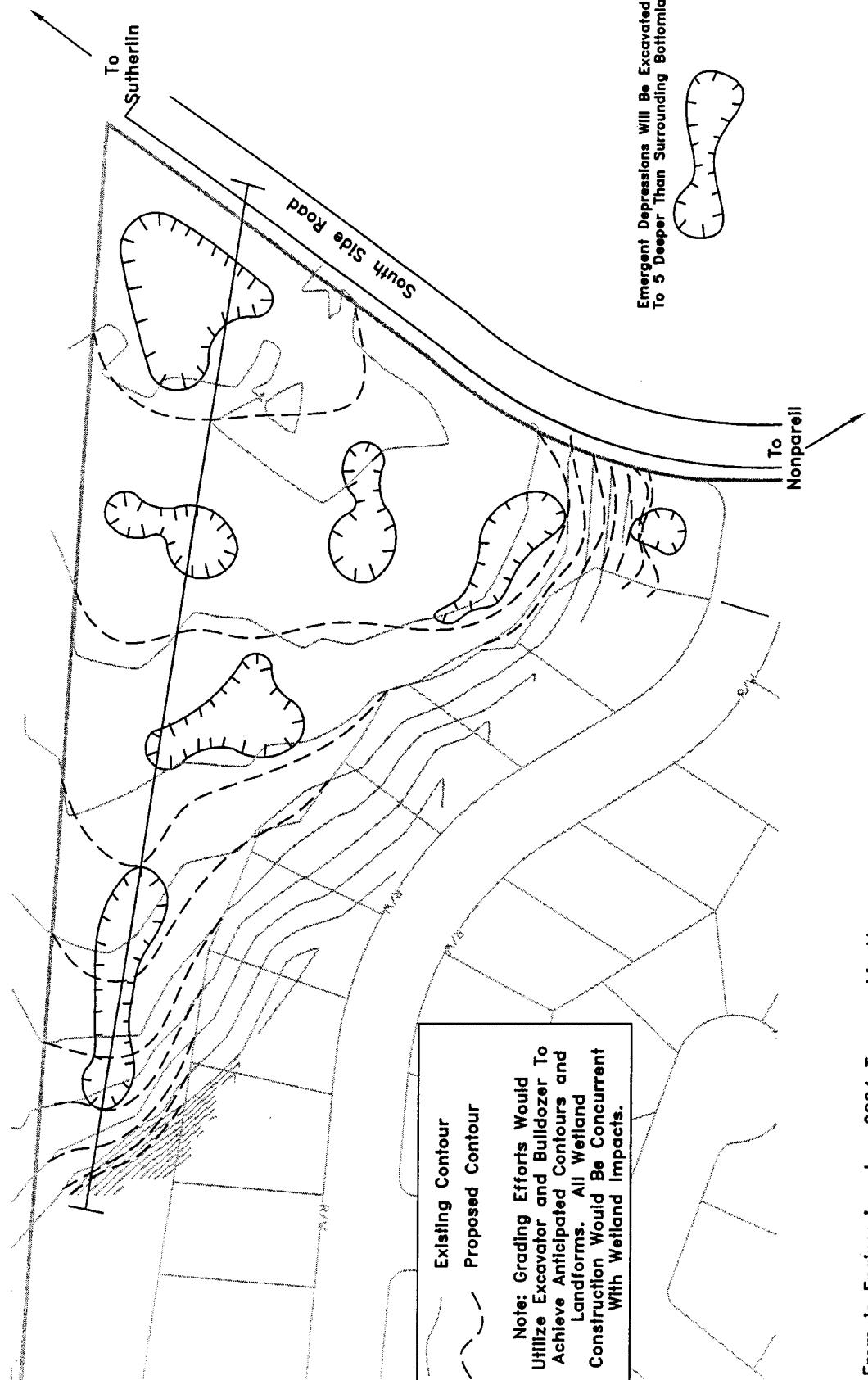
Source: Adapted From le Engineering, Inc. 2004 Topographic Map.

**PROPOSED  
MITIGATION  
CONCEPT**

WETLAND FILL APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE FOREST HEIGHTS SUBDIVISION Sutherlin, Douglas County, Oregon

SCALE: 1 INCH=125 FEET  
0 125 250 May 2004

**FIGURE 8**



Source: Adapted From Ile Engineering, Inc. 2004 Topographic Map.

Terra Science, Inc.  
Soil, Water, & Wetland Consultants

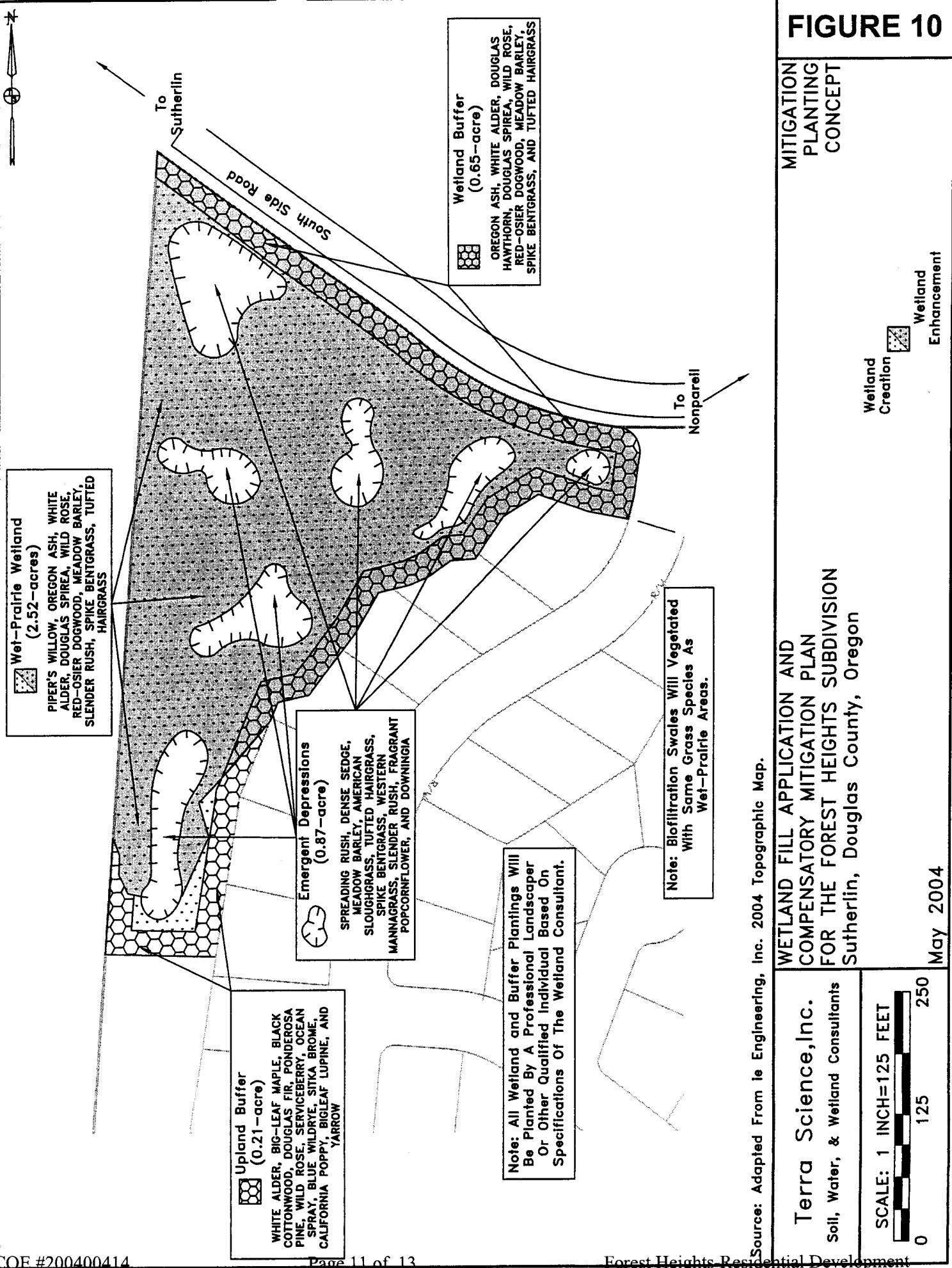
WETLAND FILL APPLICATION AND  
COMPENSATORY MITIGATION  
FOR THE FOREST HEIGHTS SUBDIVISION  
Sutherlin, Douglas County, Oregon

SCALE: 1 INCH=125 FEET

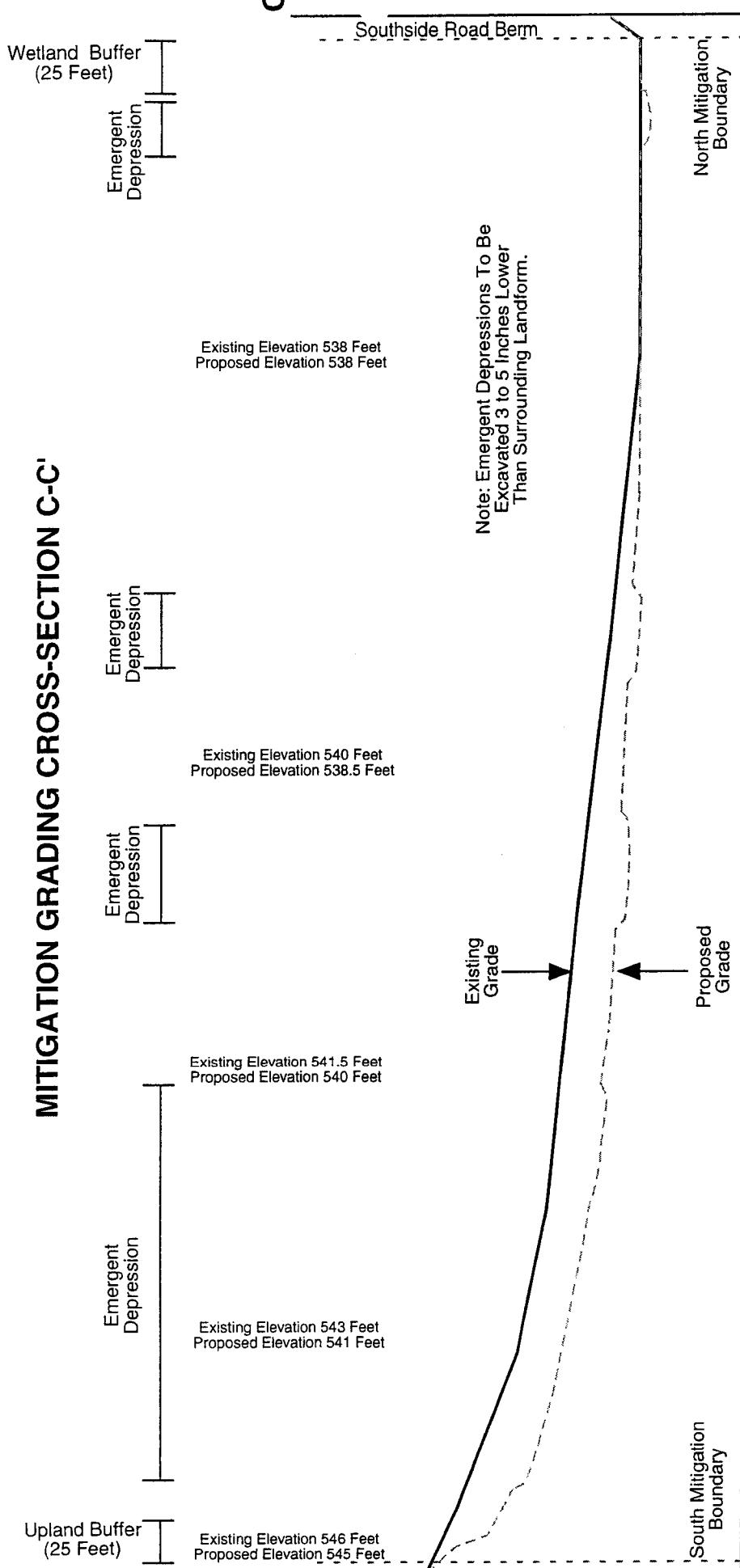
0 125 250 May 2004

MITIGATION  
GRADING  
CONCEPT

**FIGURE 10**



## MITIGATION GRADING CROSS-SECTION C-C'



Note: Construction To Utilize Excavators and Bulldozers To Attain Proposed Grades and Landforms; Grading Efforts To Coincide With Wetland Impacts.

**FIGURE 9**

WETLAND MITIGATION  
GRAVING CROSS-  
SECTION C-C'

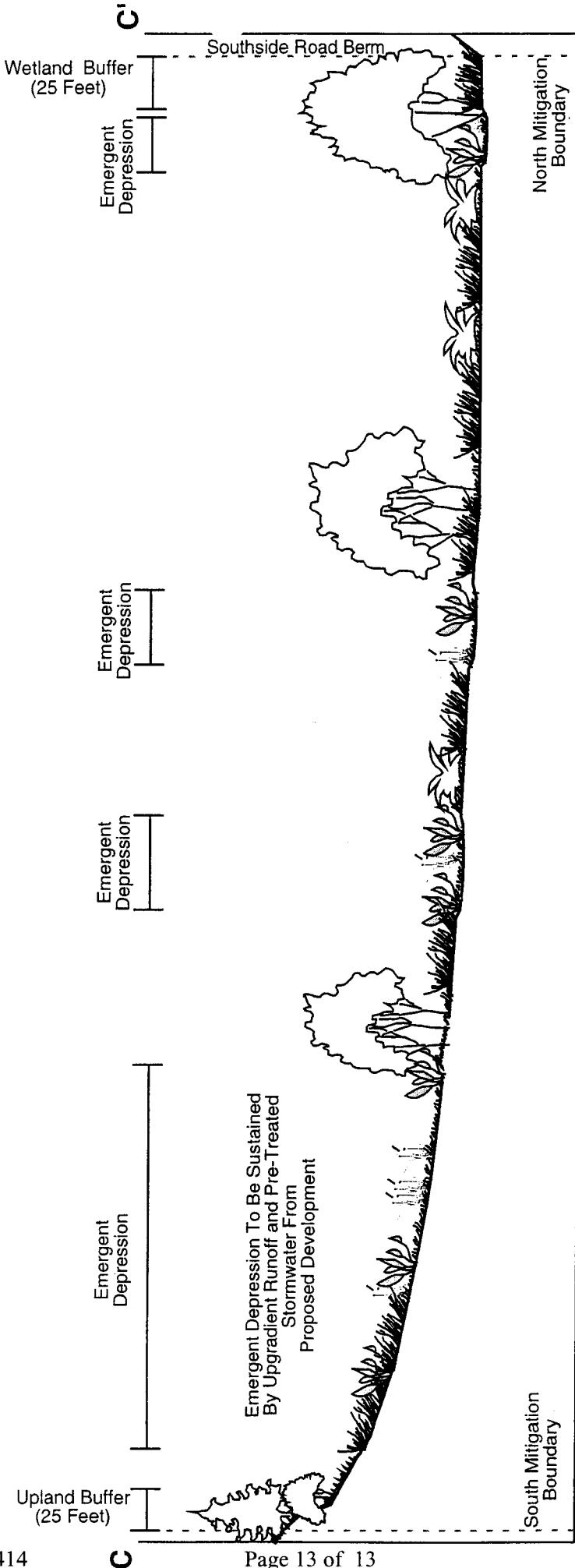
Source: Adapted From ie Engineering, Inc. 2004 Topographic Map.

WETLAND FILL APPLICATION AND  
COMPENSATORY MITIGATION PLAN  
FOR THE FOREST HEIGHTS SUBDIVISION  
Sutherlin, Douglas County, Oregon

TERRA SCIENCE, INC.  
Soil, Water & Wetland Consultants

SCALE: 1 INCH = 80 FEET (Horizontal)  
1 INCH = 5 FEET (Vertical)

## MITIGATION PLANTING CROSS-SECTION C-C'



**FIGURE 11**

WETLAND MITIGATION  
PLANTING CROSS-  
SECTION C-C'

WETLAND FILL APPLICATION AND  
COMPENSATORY MITIGATION PLAN  
FOR THE FOREST HEIGHTS SUBDIVISION  
Sutherlin, Douglas County, Oregon

Source: Adapted From ie Engineering, Inc. 2004 Topographic Map.

**TERRA SCIENCE, INC.**  
*Soil, Water & Wetland Consultants*

SCALE: 1 INCH = 80 FEET (Horizontal)  
Vertical Scale Exaggerated