



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

### US Army Corps of Engineers

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (206) 764-6883  
ATTN: Mr. Darren Habel,  
Project Manager

### WA Department of Ecology

SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone: (360) 407-6068  
ATTN: SEA Program,  
Federal Permit Coordinator

**Public Notice Date: September 22, 2015**

**Expiration Date: October 22, 2015**

**Reference No.: NWS-2015-290**

**Name: Cosmopolis, City of**

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated April 3, 2015.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** Cosmopolis, City of  
Attention: Mr. Darrin Raines  
P.O. Box 2007  
Cosmopolis, Washington 98537  
Telephone: (360) 533-4280

**AGENT:** HDR Engineering  
Attention: Ms. Lisa Danielski  
500 108<sup>th</sup> Avenue Northeast, Suite 1200  
Bellevue, Washington 98004  
Telephone: (425) 450-6390

**LOCATION:** In Mill Creek at Cosmopolis, Grays Harbor County, Washington.

**WORK:** Excavate and place fill material waterward of the Ordinary High Water Mark and in wetlands to construct a new Mill Creek Dam, replacing the structure that was breached in November 2008. The new dam will be a solid concrete structure with a fish passage component. The new structure will be constructed within the same footprint as the old structure. The work also includes re-grading the water impoundment area and installing native wetland vegetation.

**PURPOSE:** Flood hazard reduction.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service pursuant to Section 7 of the ESA

## **NWS-2015-290, Cosmopolis, City of**

on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

**CULTURAL RESOURCES:** The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

**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.

**EVALUATION – CORPS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal 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, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. 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 activity.

## **NWS-2015-290, Cosmopolis, City of**

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the U.S.

**SOURCE OF FILL MATERIAL:** The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

**EVALUATION – ECOLOGY:** Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

**ADDITIONAL EVALUATION:** Mill Creek is not designated as a Shoreline of the State and thus the City of Cosmopolis is exempted from the requirement of obtaining a Shorelines Substantial Development permit for this project.

**COMMENT AND REVIEW PERIOD:** Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

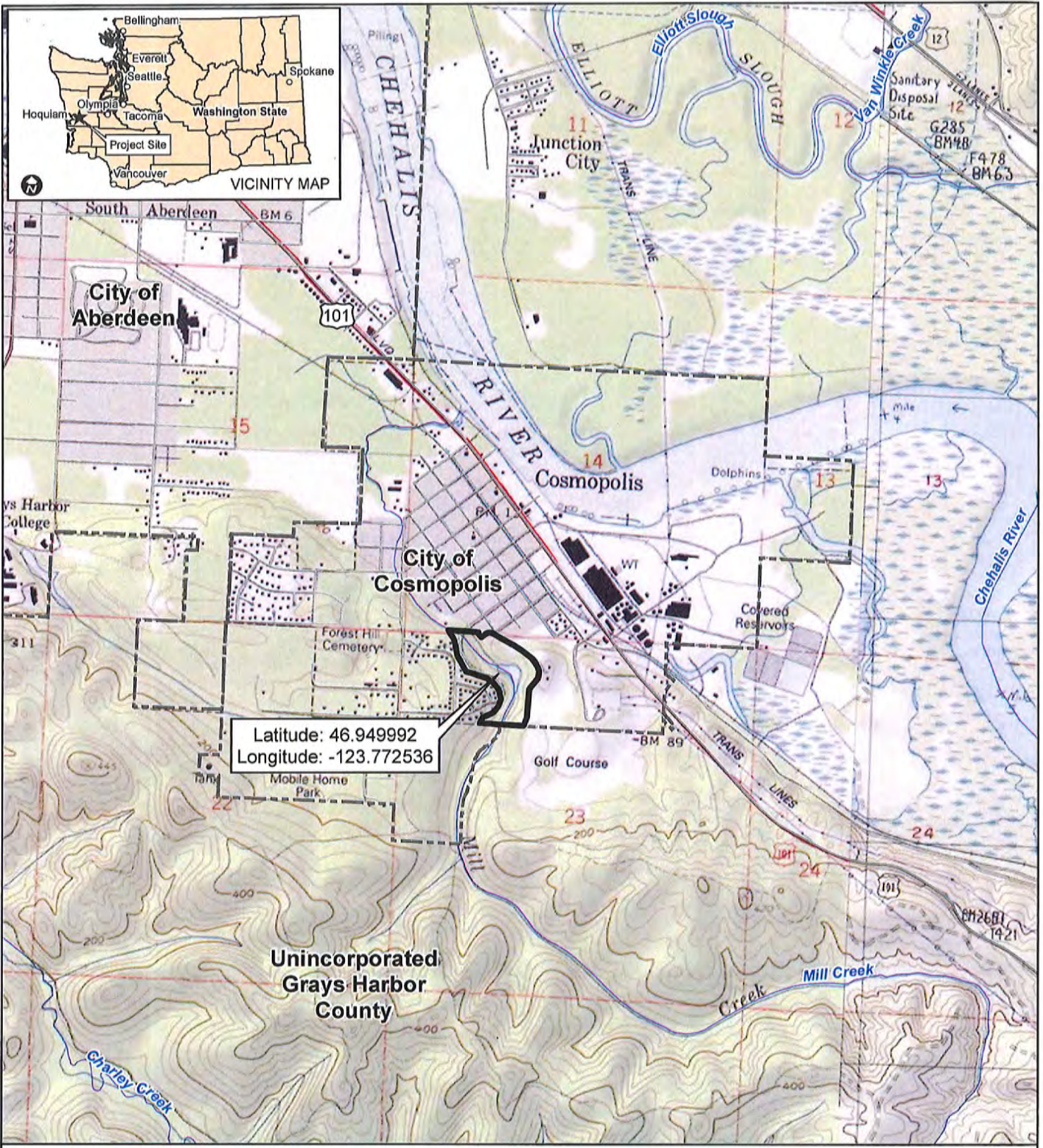
**CORPS COMMENTS:** All e-mail comments should be sent to [darren.habel@usace.army.mil](mailto:darren.habel@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Darren Habel, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

**ECOLOGY COMMENTS:** Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov).

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Cosmopolis, City of, NWS-2015-290

Encl: Figures (12)

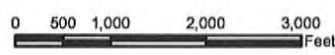




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Longitude: -123.772536



1:24,000



- Legend**
- Project Area
  - Municipal Boundary
  - Stream
  - Highway
  - Road

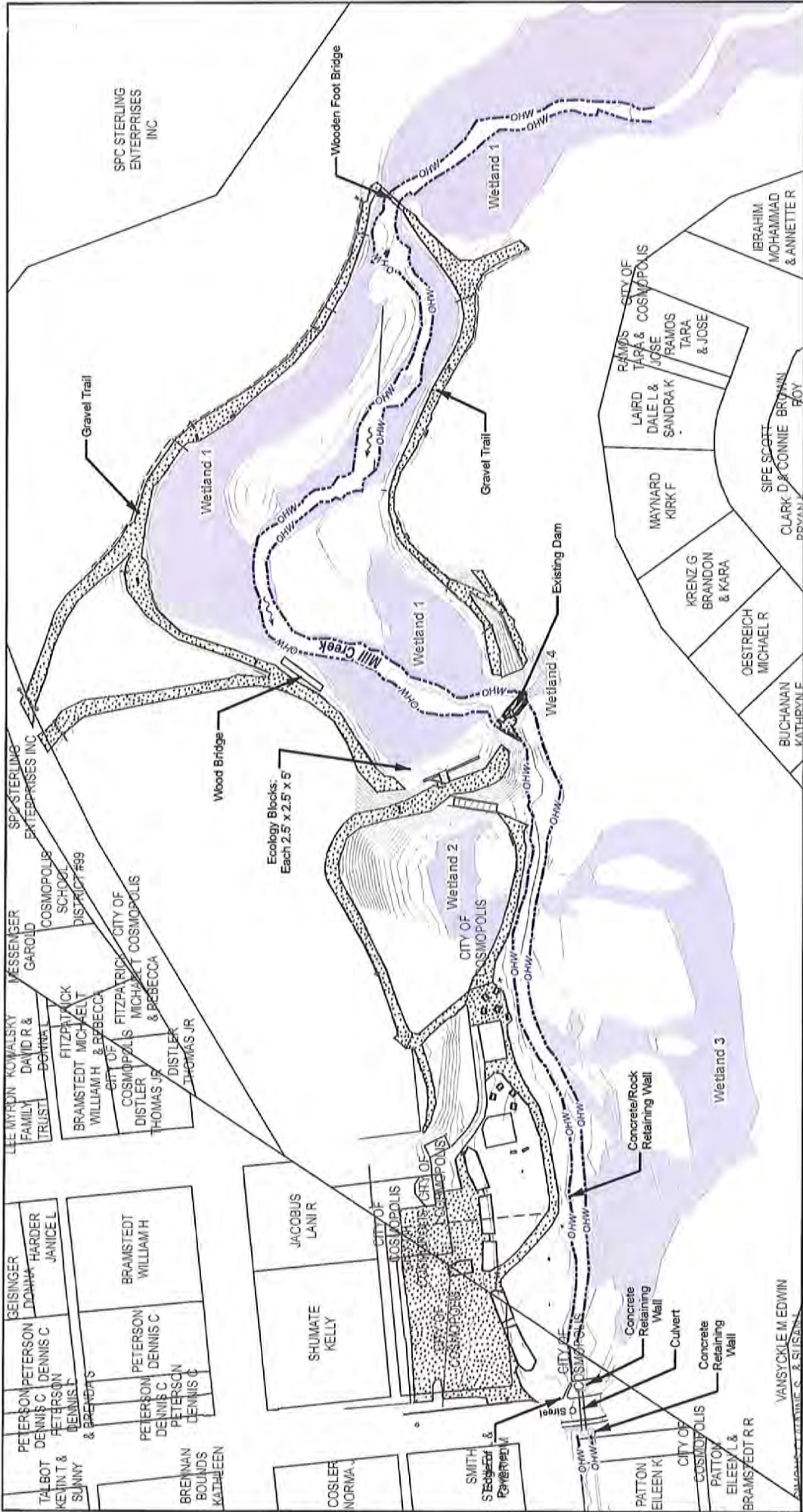
**Project Vicinity**

**PURPOSE:** Flood Hazard Reduction  
**DATUM:** North American Datum 1983  
**ADJACENT PROPERTY OWNERS:**  
See JARPA Attachment C

**Mill Creek Park Dam Improvements**  
**REFERENCE #:** *NWS-2015-240*  
**SITE LOCATION ADDRESS:**  
No Situs Address - Parcel Number 417092321009

**PROPOSED/RETAIN:** Replace Dam, Construct New Fish Passage, and Regrade Pond  
**IN:** T17N/R9W/Sec 23  
**NEAR/AT:** Grays Harbor  
**COUNTY:** Grays Harbor **STATE:** WA  
**SHEET:** 1 of 12  
**DATE:** 4/3/2016





**Legend**

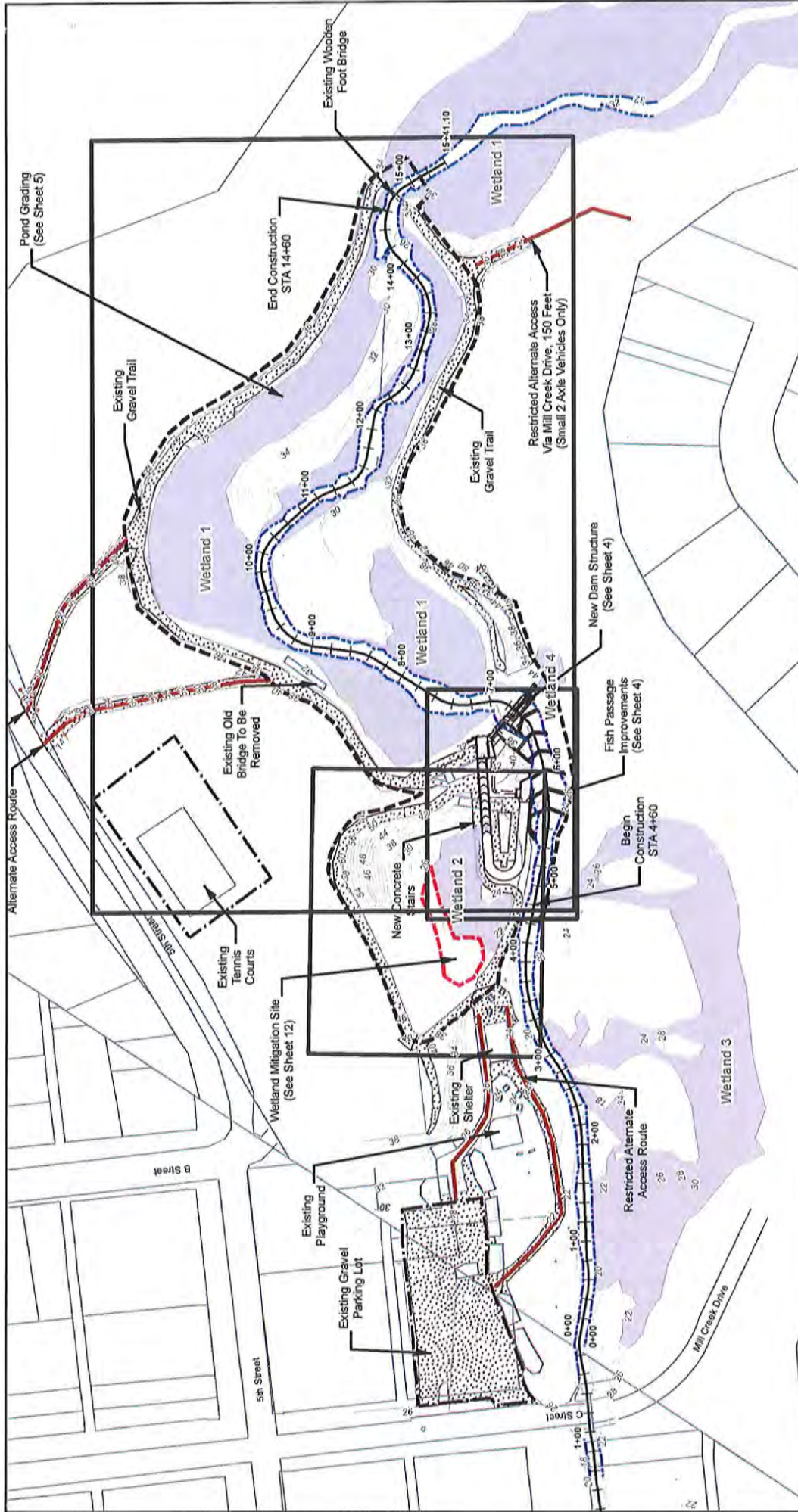
- Ordinary High Water Mark
- Delineated Wetland
- Existing Gravel Area
- Parcel

0 50 100 200 Feet

### Existing Conditions

<p>PURPOSE: Flood Hazard Reduction</p> <p>DATUM: North American Datum 1983</p> <p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p>	<p>Mill Creek Park Dam Improvements</p> <p>REFERENCE: <i>NWS-2015-290</i></p> <p>SITE LOCATION ADDRESS: No Situs Address - Parcel Number 417092321009</p>	<p>PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond</p> <p>IN: T17N/R9W/Sec23</p> <p>NEAR/AT: GRAYS HARBOR</p> <p>COUNTY: GRAYS HARBOR</p> <p>SHEET: 2 of 12</p> <p>DATE: 4/3/2015</p> <p>STATE: WA</p>
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**Legend**

- North Arrow
- 0 50 100 200 Feet
- Limits of Construction
- Staging Area
- Delineated Wetland
- Gravel Area
- Construction Access Route
- Ordinary High Water Mark
- Wetland Mitigation Area
- Parcel

**Overall Site Plan/Key Map**

**PURPOSE:** Flood Hazard Reduction

**DATUM:** North American Datum 1983

**ADJACENT PROPERTY OWNERS:** See JARPA Attachment C

**PROPOSED/RETAIN:** Replace Dam, Construct New Fish Passage, and Regrade Pond

**IN:** T17N/R9W/Sec23

**NEAR/AT:** GRAYS HARBOR

**COUNTY:** GRAYS HARBOR

**STATE:** WA

**SHEET:** 3 of 12

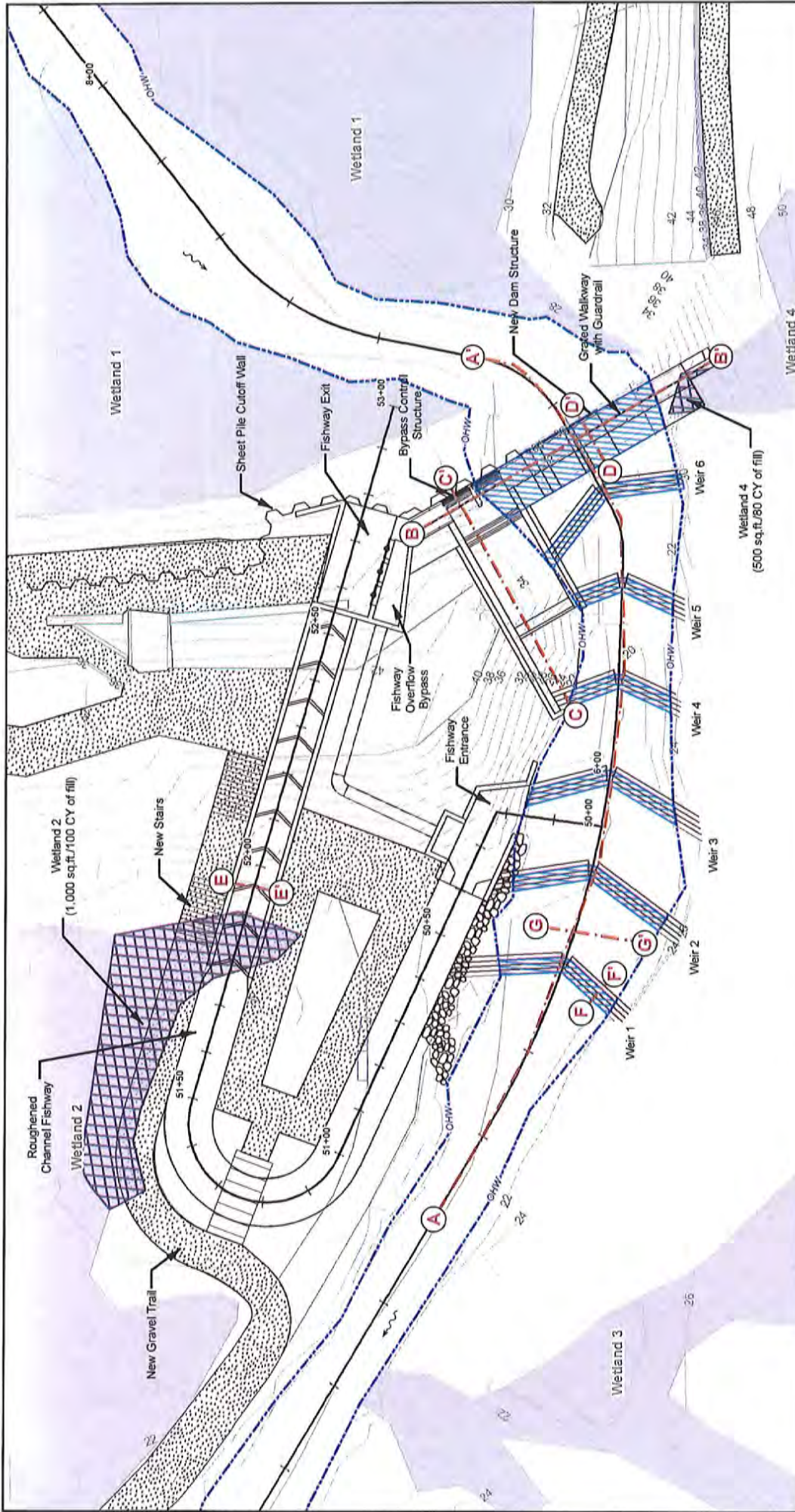
**DATE:** 4/3/2015

**REFERENCE:** NWS-2015-290

**SITE LOCATION ADDRESS:** No Situs Address - Parcel Number 417092321009

**Mill Creek Park Dam Improvements**





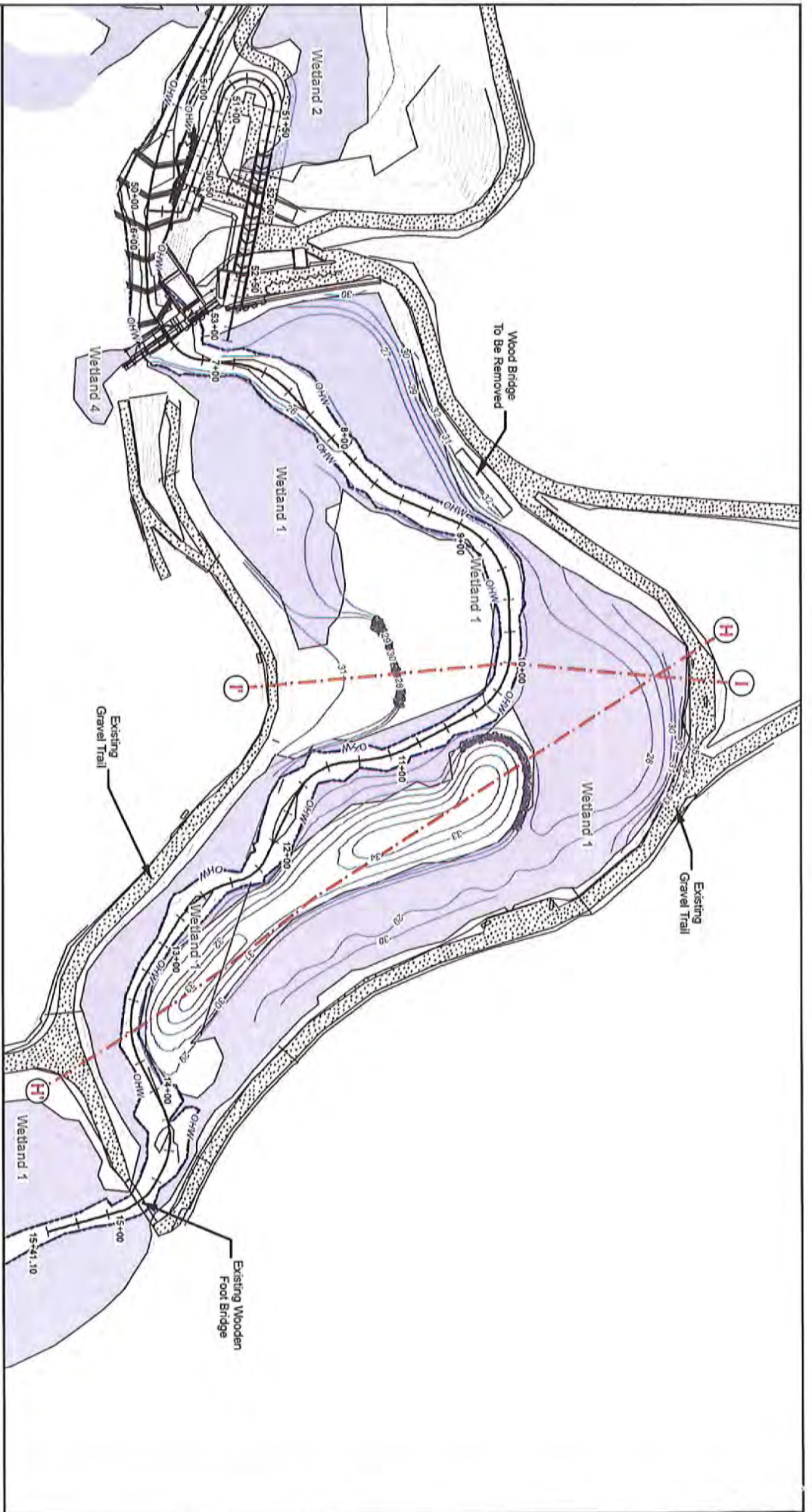
# Dam Replacement/ Fish Passage Plan

- Legend**
- Mill Creek Impact
  - Wetland Impact Area
  - Delineated Wetland
  - Gravel Area
  - Ordinary High Water Mark
  - Cross Section Line



<p>PURPOSE: Flood Hazard Reduction</p> <p>DATUM: North American Datum 1983</p> <p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p>	<p>PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond</p> <p>IN: T17N/R9W/Sec23</p> <p>NEAR/AT: GRAYS HARBOR</p> <p>COUNTY: GRAYS HARBOR</p> <p>STATE: WA</p> <p>SHEET: 4 of 12</p> <p>DATE: 4/3/2015</p>	<p>Mill Creek Park Dam Improvements</p> <p>REFERENCE: <i>NWS-2015-290</i></p> <p>SITE LOCATION ADDRESS: No Situs Address - Parcel Number 417092321009</p>
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- Legend**
- Proposed Contour
  - Ordinary High Water Mark
  - Delineated Wetland
  - Gravel Area
  - Cross Section Line

## Pond Grading Plan

PURPOSE: Flood Hazard Reduction

DATUM: North American Datum 1983

ADJACENT PROPERTY OWNERS:  
See JARPA Attachment C

Mill Creek Park Dam Improvements

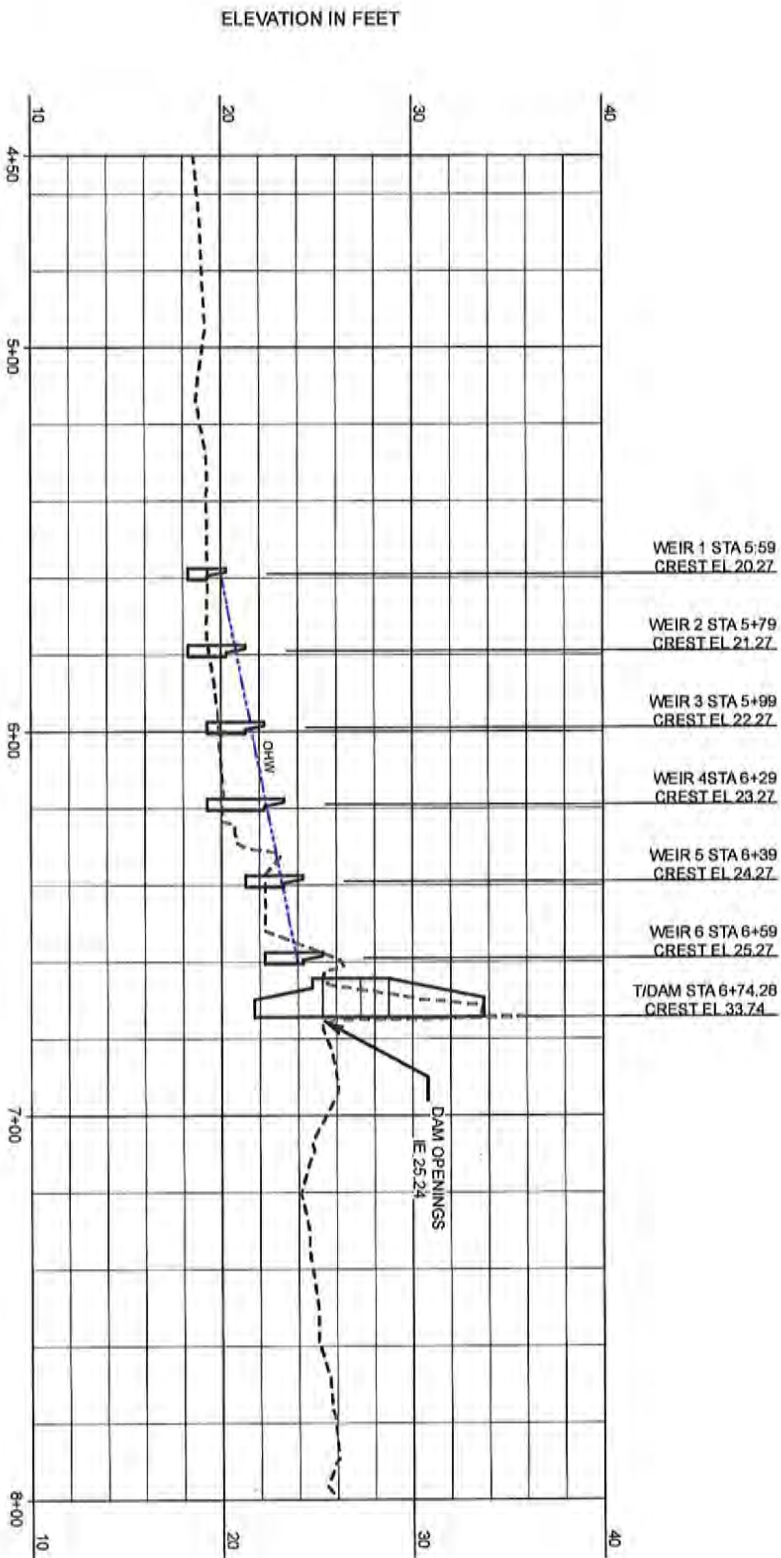
REFERENCE:  
*NWS-2015-240*

SITE LOCATION ADDRESS:  
No Situs Address - Parcel Number 417092321009

PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond

IN: T17N/R9W/Sec23  
NEAR/AT: GRAYS HARBOR  
COUNTY: GRAYS HARBOR STATE: WA  
SHEET: 5 of 12  
DATE: 4/31/2015





**Profile A - A'**

**Mill Creek Profile**

PURPOSE: Flood Hazard Reduction

DATUM: North American Datum 1983

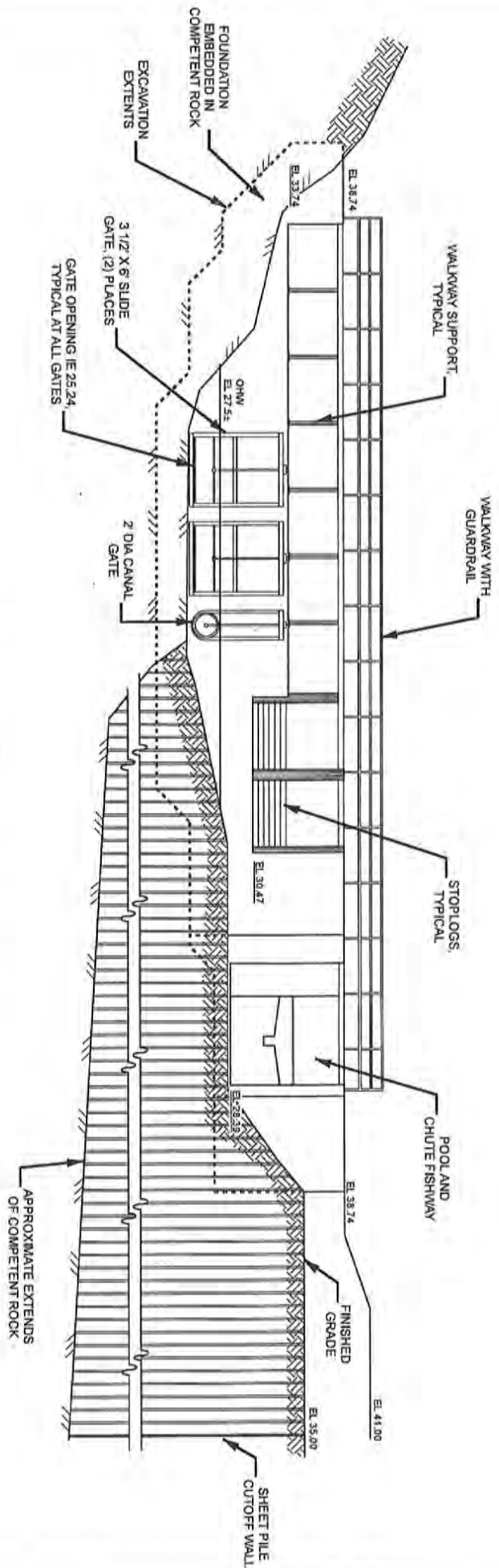
ADJACENT PROPERTY OWNERS:  
See JARPA Attachment C

Mill Creek Park Dam Improvements

REFERENCE:  
*NWS-2015-240*  
SITE LOCATION ADDRESS:  
No Situs Address - Parcel Number 417092321009

PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond

IN: T17N/R9W/Sec23  
NEAR/AT: GRAYS HARBOR  
COUNTY: GRAYS HARBOR STATE: WA  
SHEET: 6 of 12  
DATE: 4/3/2015



**Section B-B:  
Dam Elevation - Looking Downstream**

**Dam Elevation**

PURPOSE: Flood Hazard Reduction

DATUM: North American Datum 1983

ADJACENT PROPERTY OWNERS:  
See JARPA Attachment C

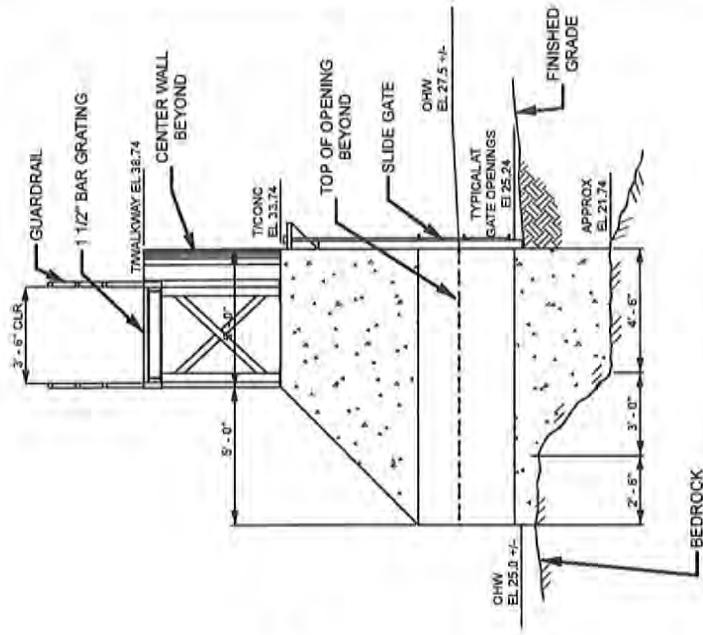
Mill Creek Park Dam Improvements

REFERENCE:  
*NWS-2015-240*  
SITE LOCATION ADDRESS:  
No Situs Address - Parcel Number 417092321009

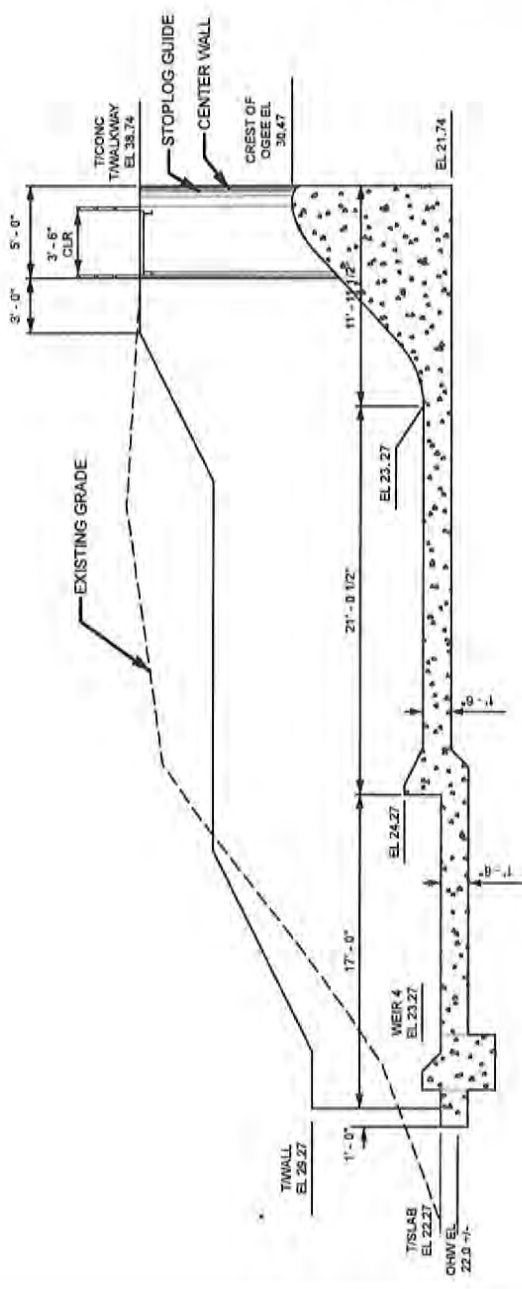
PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond

IN: T17N/R9W/Sec23  
NEAR/AT: GRAY'S HARBOR  
COUNTY: GRAY'S HARBOR STATE: WA  
SHEET: 7 of 12  
DATE: 4/3/2015





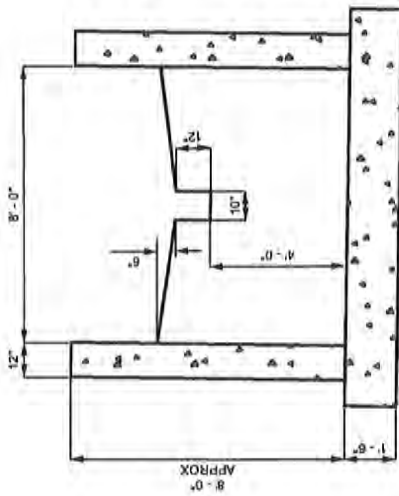
**Section D - D'**



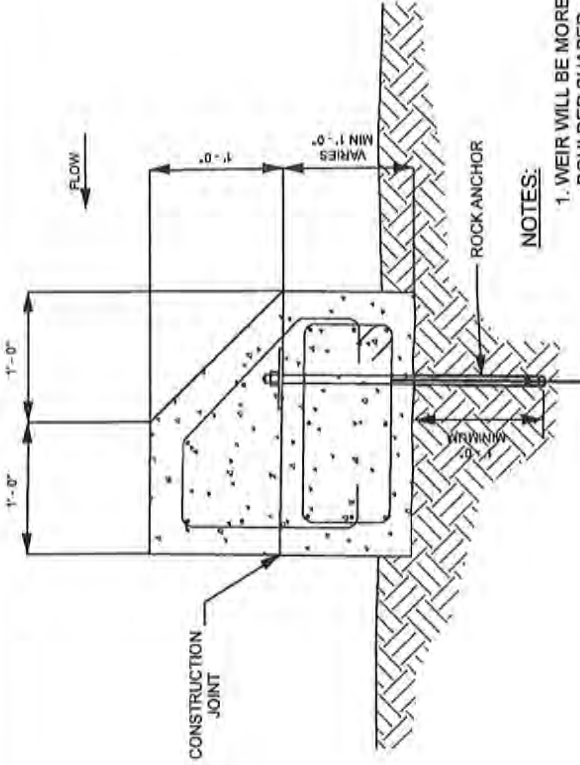
**Section C - C'**

**Dam Cross Sections**

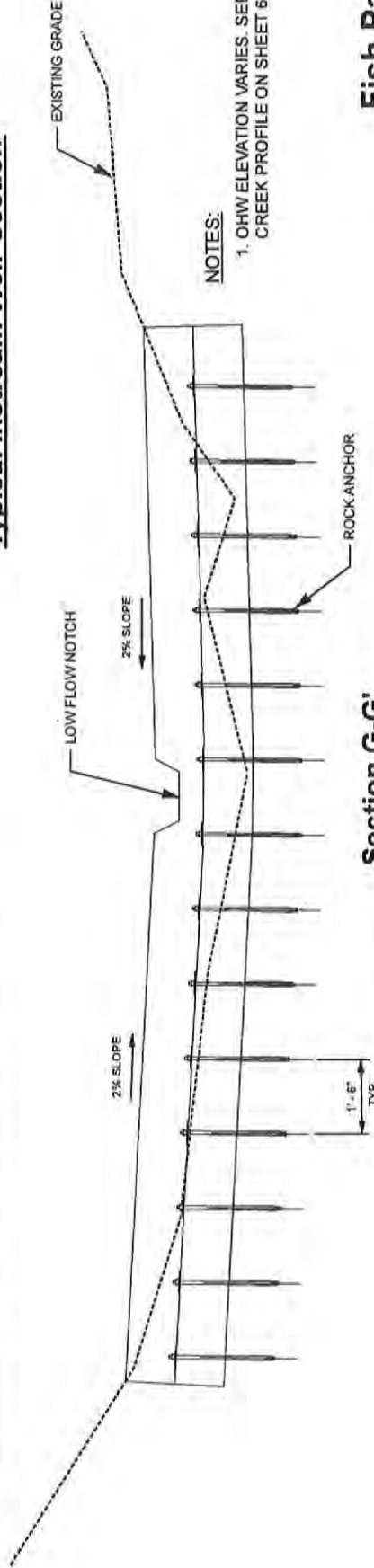
<p>PURPOSE: Flood Hazard Reduction</p>	<p>Mill Creek Park Dam Improvements</p>	<p>PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond</p>
<p>DATUM: North American Datum 1983</p>	<p>REFERENCE: <i>NWS-2015-290</i></p> <p>SITE LOCATION ADDRESS: No Situs Address - Parcel Number 417092321009</p>	<p>IN: T17N/R9W/Sec23</p> <p>NEAR/AT: GRAYS HARBOR</p> <p>COUNTY: GRAYS HARBOR</p> <p>STATE: WA</p> <p>SHEET: 8 of 12</p> <p>DATE: 4/3/2015</p>
<p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p>	<p>Document Path: G:\Projects\Washington\City_of_Cosmopolis_451875\Map_Ck_Dm_Prelim_171201\Map_Decl\JARPA\ARPA_Xsection_Dam.mxd</p>	



**Section E-E'**  
**Typical Pool and Chute Fishway Section**



**Section F-F'**  
**Typical Instream Weir Section**



**Section G-G'**  
**Typical Instream Weir Elevation**

**Fish Passage  
Sections and Details**

PURPOSE: Flood Hazard Reduction

DATUM: North American Datum 1983

ADJACENT PROPERTY OWNERS:  
See JARPA Attachment C

Mill Creek Park Dam Improvements

REFERENCE:  
*NWS-2015-290*  
SITE LOCATION ADDRESS:  
No Situs Address - Parcel Number 417092321009

PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond

IN: T17N/R9W/Sec23

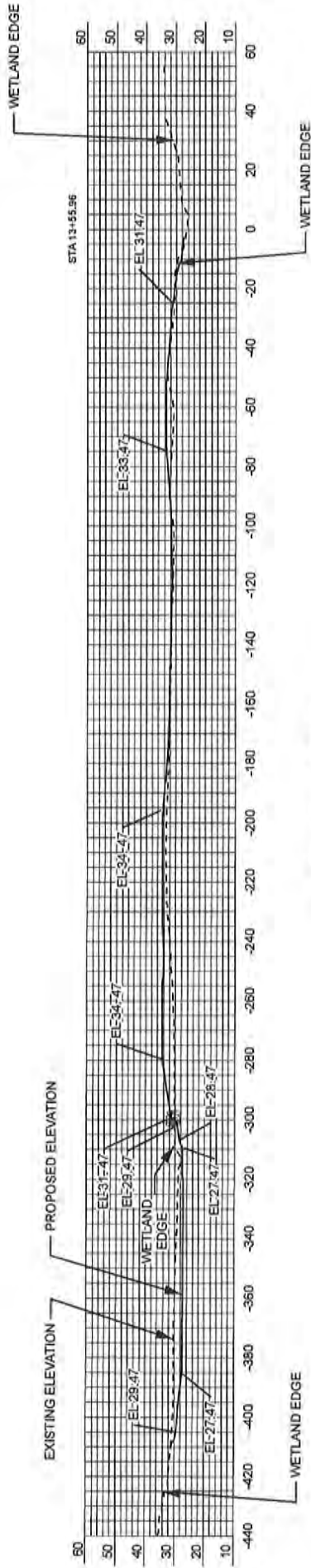
NEAR/AT: GRAYS HARBOR

COUNTY: GRAYS HARBOR STATE: VA

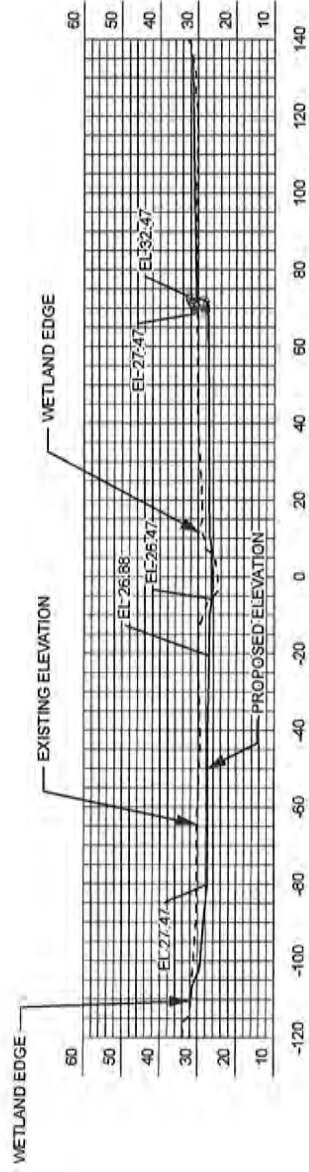
SHEET: 9 of 12

DATE: 4/3/2015





**Section H-H'**



**Section I-I'**

**Pond Cross Sections**

PURPOSE: Flood Hazard Reduction

DATUM: North American Datum 1983

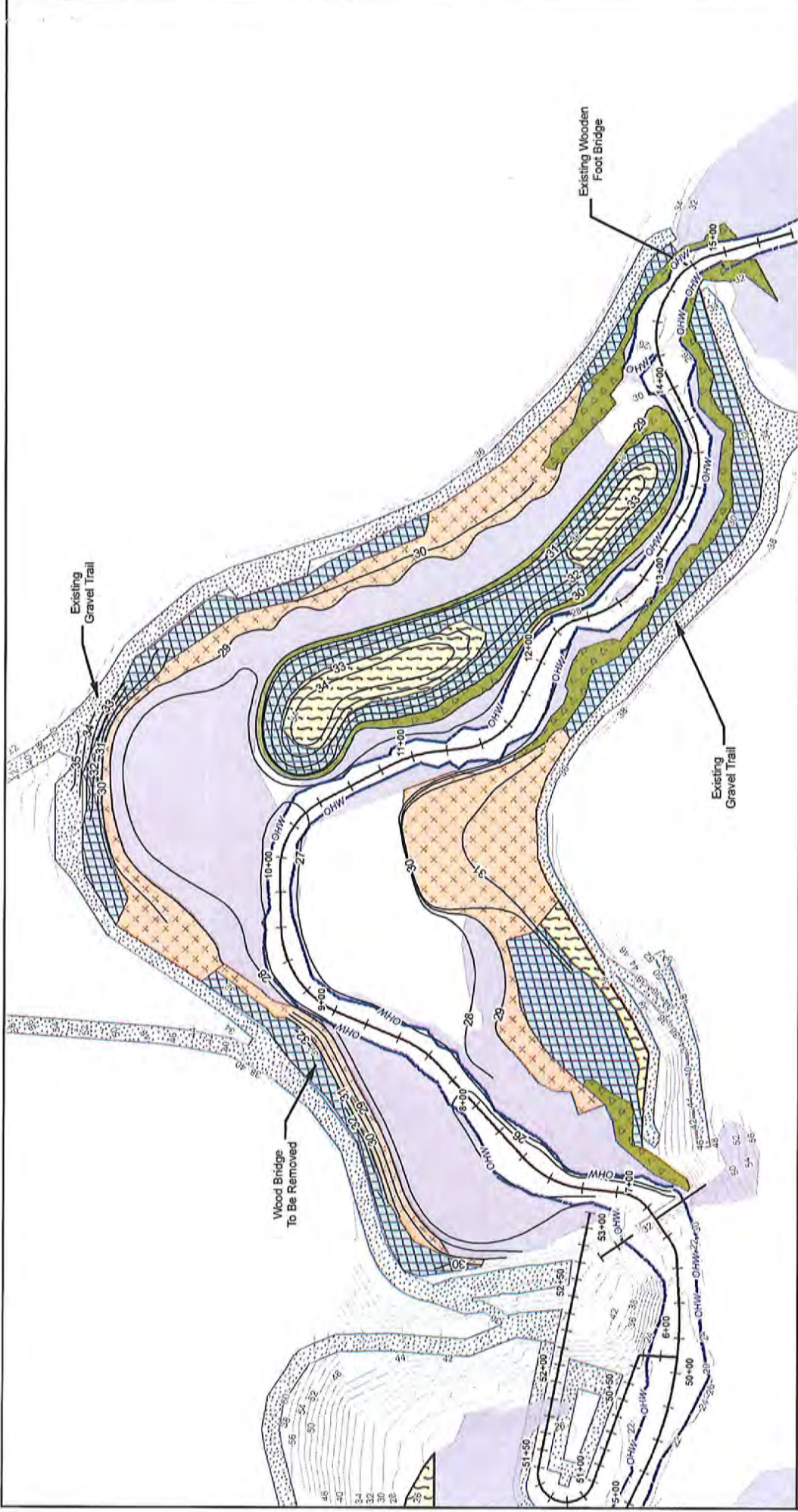
ADJACENT PROPERTY OWNERS:  
See JARPA Attachment C

Mill Creek Park Dam Improvements

REFERENCE:  
*NWS-2015-290*  
SITE LOCATION ADDRESS:  
No Situs Address - Parcel Number 417092321009

PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond

IN: T17N/R9W/Sec23  
NEAR/AT: GRAYS HARBOR  
COUNTY: GRAYS HARBOR STATE: WA  
SHEET: 10 of 12  
DATE: 4/3/2015



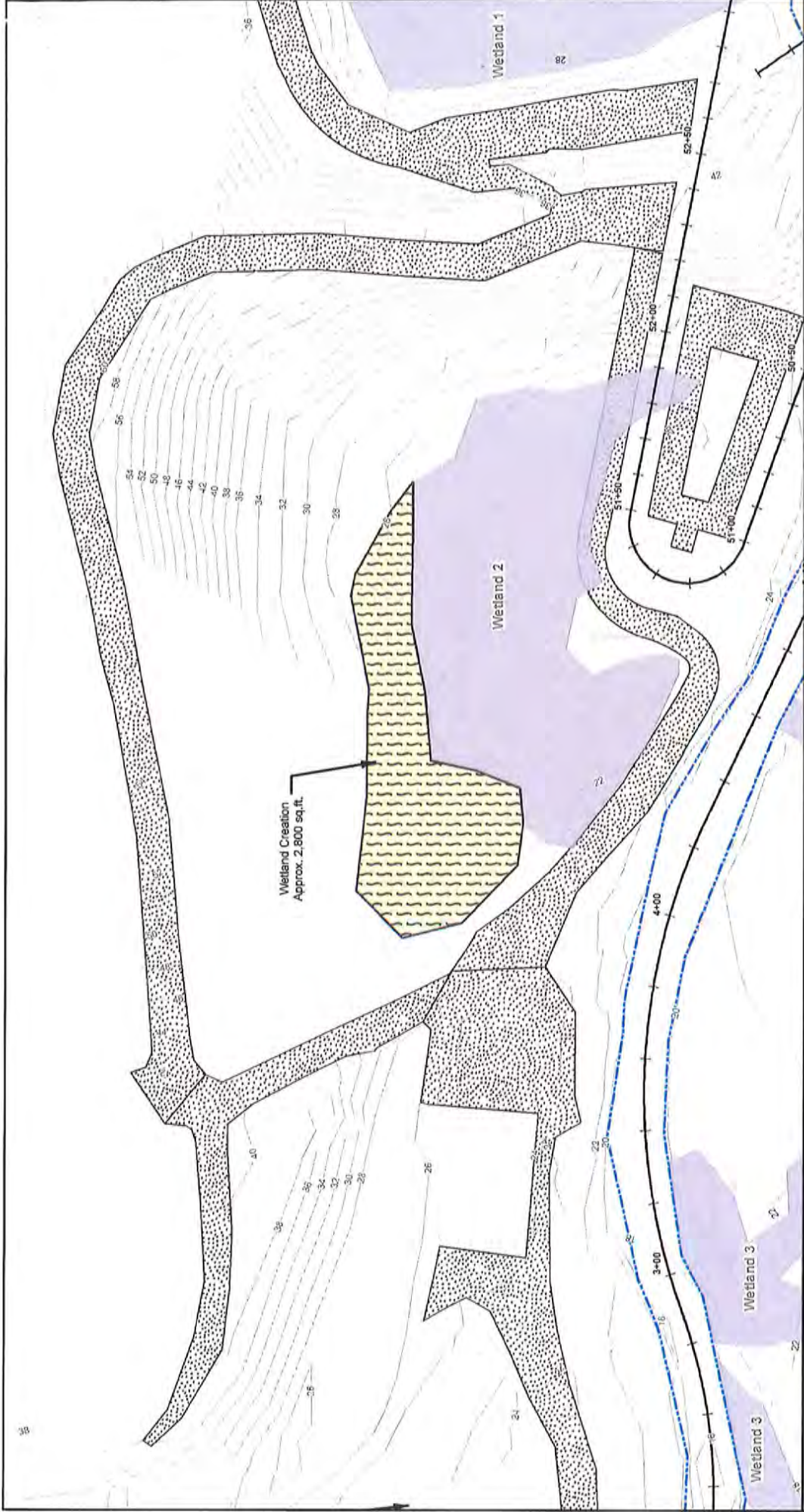
# Pond Planting Plan

- Legend**
- Ordinary High Water Mark
  - ▨ Scrub Shrub Wetland Mix A
  - ▩ Emergent Wetland Mix
  - ▧ Delineated Wetland
  - ▦ Scrub Shrub Wetland Mix B
  - ▨ Stream Bank Planting Mix
  - ▩ Gravel Area



<p>PURPOSE: Flood Hazard Reduction</p>	<p>Mill Creek Park Dam Improvements</p>	<p>PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond</p>
<p>DATUM: North American Datum 1983</p>	<p>REFERENCE: <b>NWS-2015-290</b></p>	<p>IN: T17N/R9W/Sec23 NEAR/AT: GRAYS HARBOR COUNTY: GRAYS HARBOR STATE: WA SHEET: 11 of 12 DATE: 4/3/2015</p>
<p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p>	<p>SITE LOCATION ADDRESS: No Situs Address - Parcel Number 417092321009</p>	





# Wetland Mitigation Plan

- Legend**
- Ordinary High Water Mark
  - Delineated Wetland
  - Wetland Mitigation Area
  - Gravel Area



<p>PURPOSE: Flood Hazard Reduction</p>	<p>Mill Creek Park Dam Improvements</p>	<p>PROPOSED/RETAIN: Replace Dam, Construct New Fish Passage, and Regrade Pond</p>
<p>DATUM: North American Datum 1983</p>	<p>REFERENCE: <i>NWS-2015-290</i> SITE LOCATION ADDRESS: No Situs Address - Parcel Number 417092321009</p>	<p>IN: T17N/R9W/Sec23 NEAR/AT: GRAYS HARBOR COUNTY: GRAYS HARBOR STATE: WA SHEET: 12 of 12 DATE: 4/3/2015</p>
<p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p>		