



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) 316-3153
ATTN: Lori C. Lull,
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: August 28, 2015
Expiration Date: September 27, 2015

Reference No.: NWS-2015-521-WRD
Name: Pierce County Road
Operations (McCutcheon Road)

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 June 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: Pierce County Road Operations
Attention: Marlene Ford
4812 196th Street East
Spanaway, Washington 98387
Telephone: (253) 798-6427

LOCATION: In Canyonfalls Creek, in Public Right of Way near 12419 McCutcheon Road East, Sumner, Washington 98391.

WORK: The work includes re-grading the stream to its historic elevation to prevent emergency flooding over the roadway. The stream will be re-graded for a total distance of approximately 275 feet. This includes 195 feet upstream of the culvert, 65 feet within the culvert, and 15 feet downstream of the culvert. The depth of excavation will be up to five feet along the length of the project. A total of up to 539 cubic yards will be removed from Canyonfalls Creek and up to three cubic yards will be placed in the northeast ditch. The project also consists of installing a temporary aboveground bypass system and best management practices for fish exclusion. A total of up to 22 cubic yards will be temporarily placed for the culvert bypass and one cubic yard of rock will be temporarily placed for construction access.

PURPOSE: To maintain the culvert under McCutcheon Road and prevent Canyonfalls Creek from flooding the roadway and private properties.

MITIGATION: No mitigation is proposed.

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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 (USFWS) pursuant to Section 7 of the ESA 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. The project qualifies as a maintenance project under the NMFS 4(d) Limit 10 Biological Opinion. The Corps has made a preliminary determination that the activity does not affect endangered or threatened species or critical habitat under USFWS jurisdiction. The Corps will fully consider comments received from this public notice in our evaluation of 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 qualifies for maintenance under the NMFS 4(d) Limit 10 Biological Opinion. No further EFH consultation is necessary.

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 permit area has been so extensively disturbed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. 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.

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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 United States.

SOURCE OF FILL MATERIAL: Fill material placed in the ditch will be native material removed from onsite. Temporary fill for construction access and the stream bypass will come from an approved facility. The facility will be either Randles Sand and Gravel or Miles Sand and Gravel.

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.

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.

CORPS COMMENTS: All e-mail comments should be sent to lori.c.lull@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Lori C. Lull, 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.

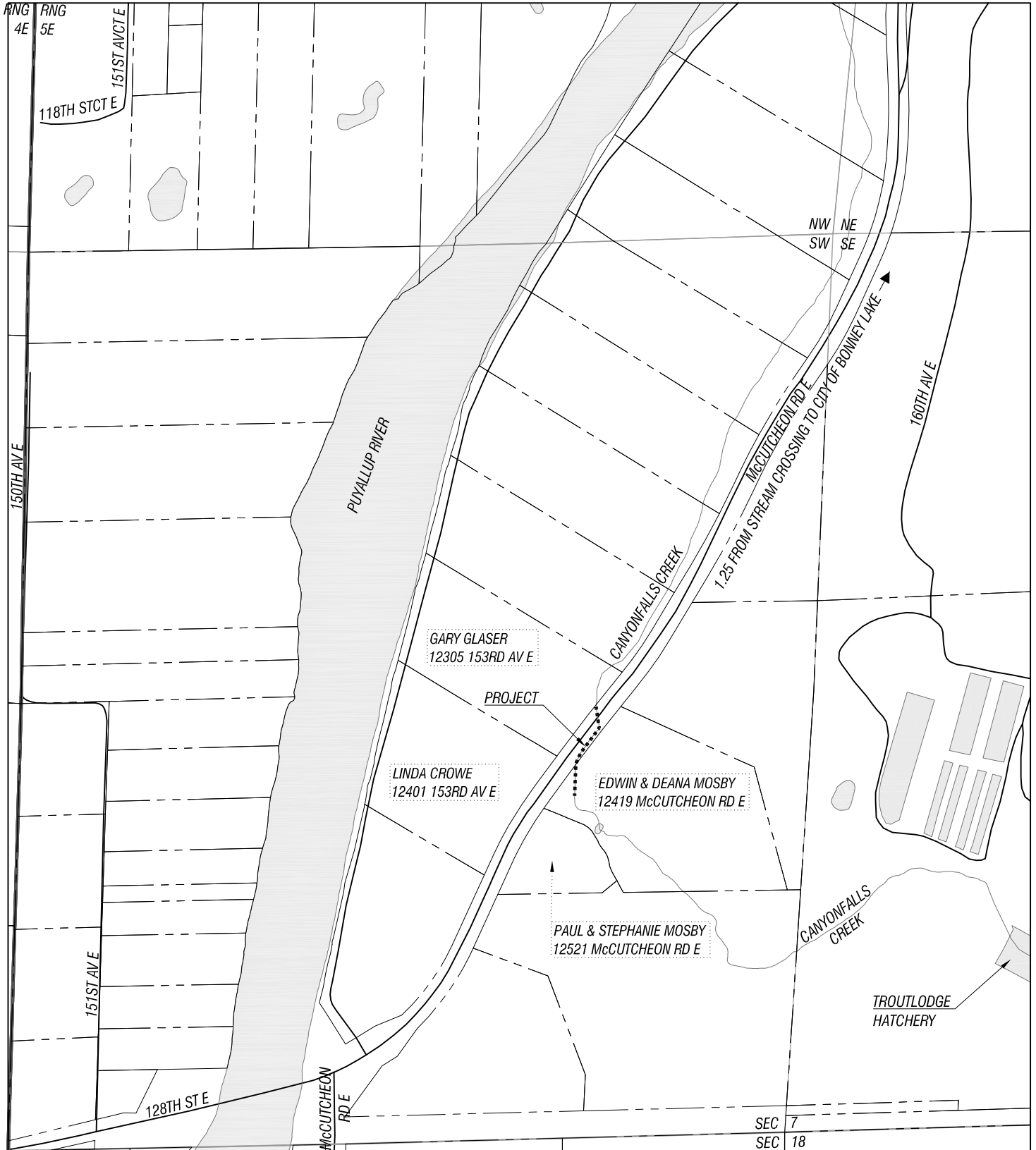
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Pierce County Road Operations; NWS-2015-521

Encl: Figures (3)

McCUTCHEON ROAD EAST - STREAM REGRADE

VICINITY MAP - SW 1/4 OF SECTION 7 TOWNSHIP 19N, RANGE 5E

APPENDIX A



PROPOSED PROJECT:
McCUTCHEON ROAD EAST
STREAM REGRADING

APPLICANT:
PIERCE COUNTY PW&U - ROAD OPERATIONS

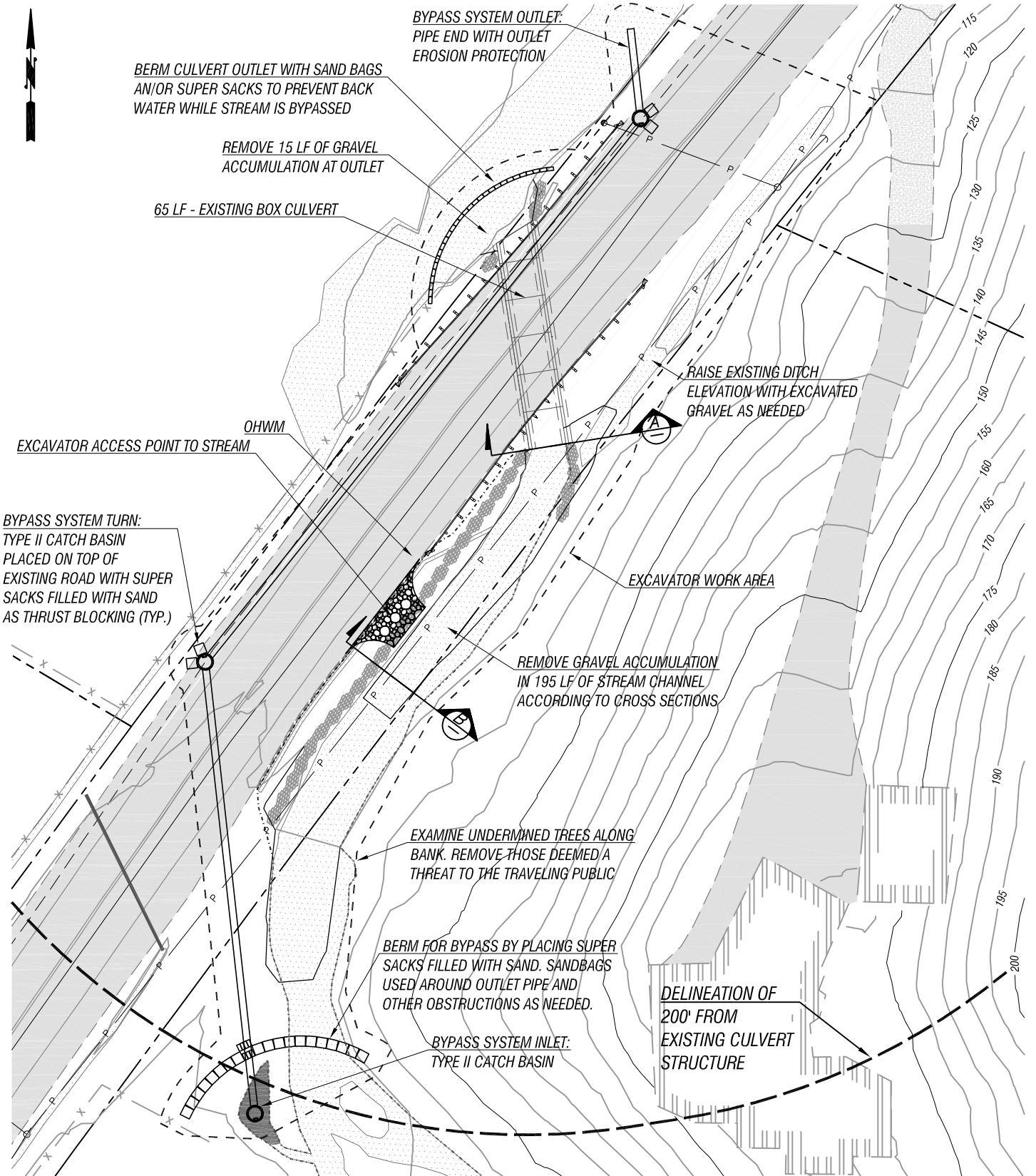
REFERENCE NUMBER:
NWS-2015-521

PROJECT LOCATION (ADDRESS):
ROW ADJACENT TO 12419 McCUTCHEON RD E
LAT/LONG: 47.1432° N, 122.2228° W
DATUM: NONE. ELEVATIONS ARE RELATIVE
IN: CANYONFALLS CREEK
NEAR: BONNEY LAKE, WA
COUNTY: PIERCE **STATE:** WA

ADJACENT PROPERTY OWNERS:
1. GARY GLASER
2. EDWIN & DEANA MOSBY

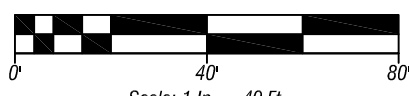
SHEET 1 OF 3

DATE: JUNE 6, 2015

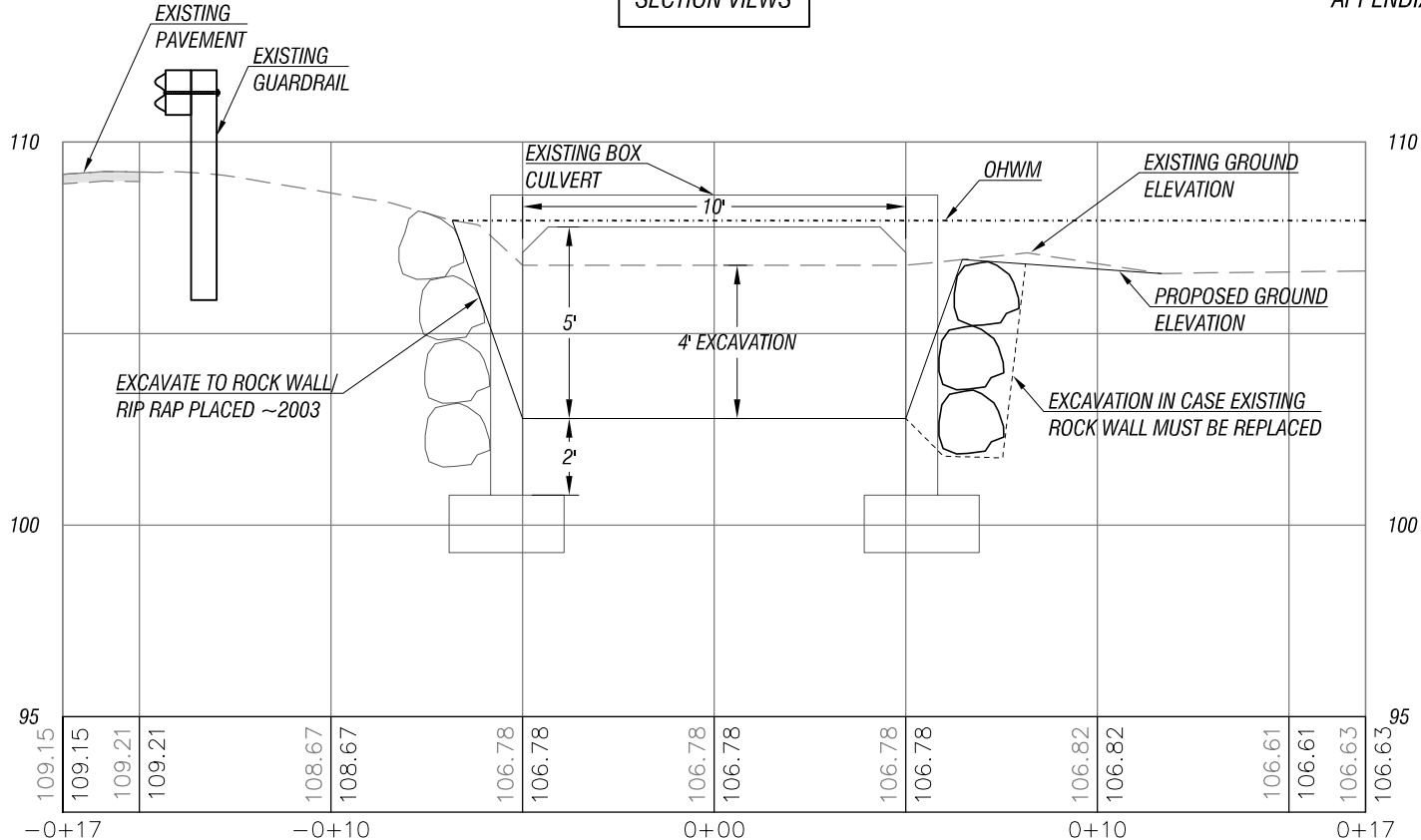


McCUTCHEON ROAD EAST
 STREAM REGADING

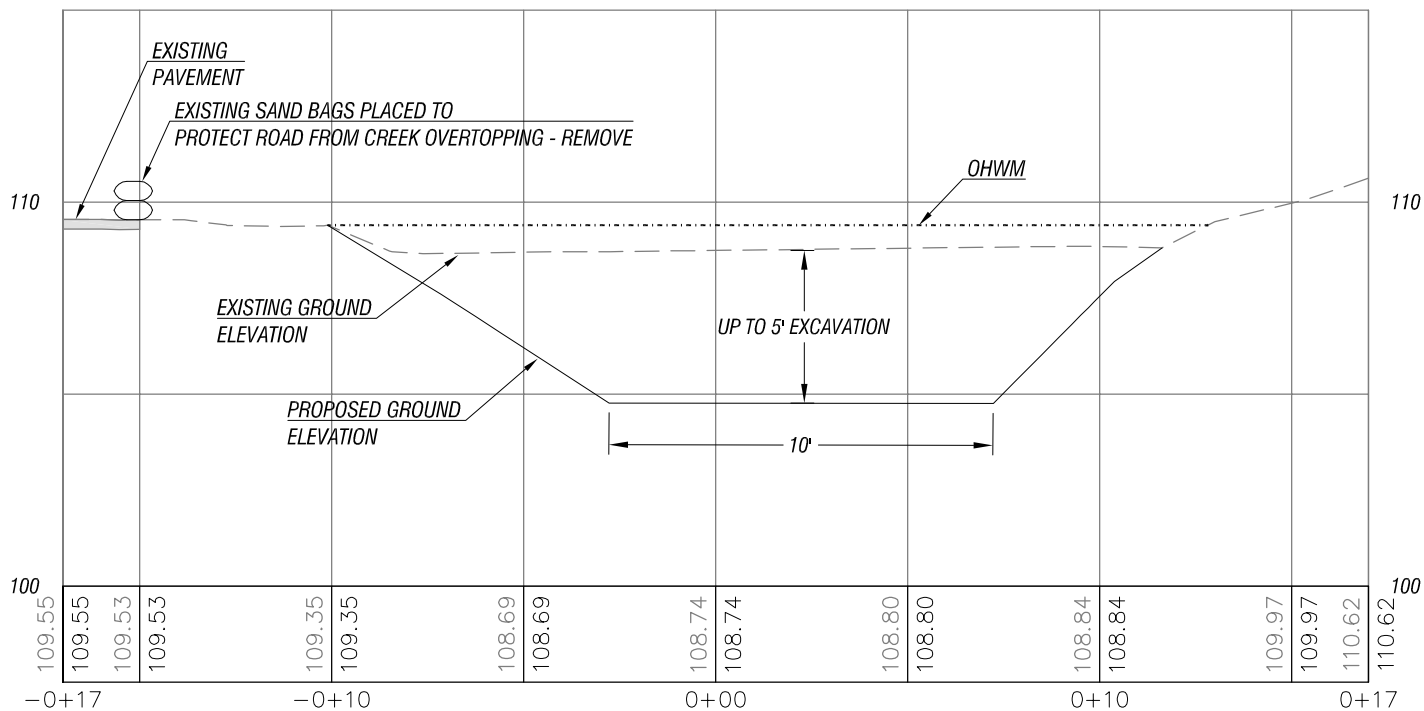
Pierce County Department of Public Works and Utilities
 Road Operations Division
 4812 - 96th Street East
 Spanaway, Washington 98387



Applicant: PIERCE COUNTY PW&U - ROAD OPERATIONS
Reference #: NWS-2015-521
Waterway: CANYONFALLS CREEK
Sec. 7 **T. 19 N** **R. 05 E**
Date: 06-02-2015



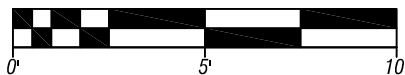
SECTION A-A



SECTION B-B

McCUTCHEON ROAD EAST
STREAM REGRAIDING

Pierce County Department of Public Works and Utilities
Road Operations Division
4812 - 96th Street East
Spanaway, Washington 98387



Scale: 1 in. = 5 Ft.

No. 3 of 3 Sheets

Applicant: PIERCE COUNTY PW&U - ROAD OPERATIONS

Reference #: NWS-2015-521

Waterway: CANYONFALLS CREEK

Sec. 7 T. 19 N R. 05 E

Date: 06-02-2015