



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch

Post Office Box 3755

Seattle, Washington 98124-3755

Telephone (206) 764-3495

ATTN: Jonathan Smith, Project Manager

Public Notice Date: May 13, 2004

Expiration Date: June 13, 2004

Reference: 199801686-R

Name: Bayview Redi-Mix, Inc.

25-YEAR PERMIT

Interested parties are hereby notified that a revised application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings. The work was previously advertised in Public Notice No. 1998-4-01686, dated April 2, 1999.

APPLICANT – Bayview Redi-Mix, Inc.

Post Office Box 165

Aberdeen, Washington 98520-0044

Telephone: (360) 533-7372

AGENT – Pacific International Engineering

606 Columbia Street Northwest, Suite 103

Olympia, Washington 98501

Mr. Michael Daniels

Telephone: (360) 352-2232

LOCATION – About 1.75 miles southwest of the city of Elma, 3,000 feet west of junction of Schouweiller County Road and U.S. Highway 12, Grays Harbor County, Washington (SE¼, Section 32, T.18N., R.6W., and NW¼ of Section 4, and NE¼ of Section 5, T.17N., R.6W.). The project is located about 1 mile north of the Chehalis River, entirely within its 100-year floodplain.

WORK – Phase I Area: Place up to 75,000 cubic yards of backfill, regrade gravel pit shoreline, and place topsoil to reclaim shoreline area for fish and wildlife habitat use. Reclamation required by Grays Harbor County and the Washington State Department of Natural Resources would create 4.1 acres of emergent and shrub-scrub-forested wetland, and 15.7 acres of open water habitat in the approximately 29-acre Phase I gravel mine. About 5 acres of the open water habitat were created from uplands.

Phase II Area: Clear vegetation mechanically and excavate sand and gravel on 23.4 acres using dragline bucket, bulldozer, front loader, dump trucks, and portable conveyor system. Of the 23.4 acres, 18.1 acres are waters of the United States (U.S.) including 15.4 acres of scrub-shrub-forested wetland, and 2.7 acres of open water. Phase II work also includes mining to join the separate ponds created during Phase I and Phase II mining. Mining is estimated to occur over a 10- to 15-year period. Reclamation of the Phase II area would be completed concurrently with earlier stages of Phase III mining.

Phase III Area: Mining would occur entirely in upland over a 10- to 15-year period after completion of Phase II mining.

PURPOSE – Provide fine and course mineral aggregate for concrete and other construction purposes primarily in Grays Harbor and Pacific Counties.

ADDITIONAL INFORMATION – Mining began in the Phase I area in the 1960's before Department of Army (DA) permits for clearing wetlands were required starting in 1985. By 1994, about 21 acres had been cleared, and mined or filled. In 1994, the U.S. Army Corps of Engineers (Corps) notified the previous Bayview owner of the need for a DA permit when the rules regarding excavation and mining in wetlands were clarified nationally as a result of a lawsuit settlement agreement in *North Carolina Wildlife Federation, et al v. Tulloch (1992)*. Between 1994 and 1999, about 4 more acres of wetland were cleared and mined. In 1999, the present owner applied for a DA permit, for which the Corps issued a public notice in April 1999. In June 1999, the Corps decided not to initiate an enforcement action for work already performed without a DA permit in the Phase I area due to the fact that most of the land clearing and mining in wetlands was done before a DA permit was clearly required. After 1999, mining continued, but only within the approximately 29-acre Phase I area. Of the 29 Phase I acres, up to an estimated 24 acres were originally wetlands. The presently proposed project involves filling 19 fewer acres of wetland and open water compared to the project proposed in 1999.

MITIGATION – Phase II: At the conclusion of Phase II mining, create an 8.0-acre fringe of emergent-scrub-shrub-forested wetland habitat surrounding three sides of 15.4 acres of open water habitat. About 5.3 acres of existing Phase II upland also would be converted to aquatic habitat. In addition, mitigation includes creating a 4.6-acre fringe of emergent-scrub-shrub-forested wetland habitat surrounding 4.2 acres of existing open water habitat located in a former sand extraction pit excavated in uplands southeast of the existing Bayview rock crusher and batch plant. This portion of the mitigation will be completed in the early stages of Phase II mining.

Phase III: Create 3.5 acres of emergent-scrub-shrub-forested wetland habitat surrounding three sides of 9.1 acres of open water habitat. All 12.6 acres of aquatic habitat would be created from existing uplands. At the conclusion of Phase III mitigation work, the applicant will deed about 74 acres of former mine site to the Washington Department of Fish & Wildlife which already owns adjoining properties on the south and west.

ENDANGERED SPECIES – The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The Coastal/Puget Sound bull trout (*Salvelinus confluentus*), threatened; Bald eagle (*Haliaeetus leucocephalus*) threatened; Marbled murrelet (*Brachyramphus marmoratus*), threatened; Marsh sandwort (*Arenaria paludicola*), endangered; and Northern spotted owl (*Strix occidentalis*), threatened in the State of Washington, may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to these listed species.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (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 approximately 18 acres of EFH for Pacific salmon. 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 District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

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 - The decision whether to issue a permit will be based on an evaluation of the probable impact, 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; 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. 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.

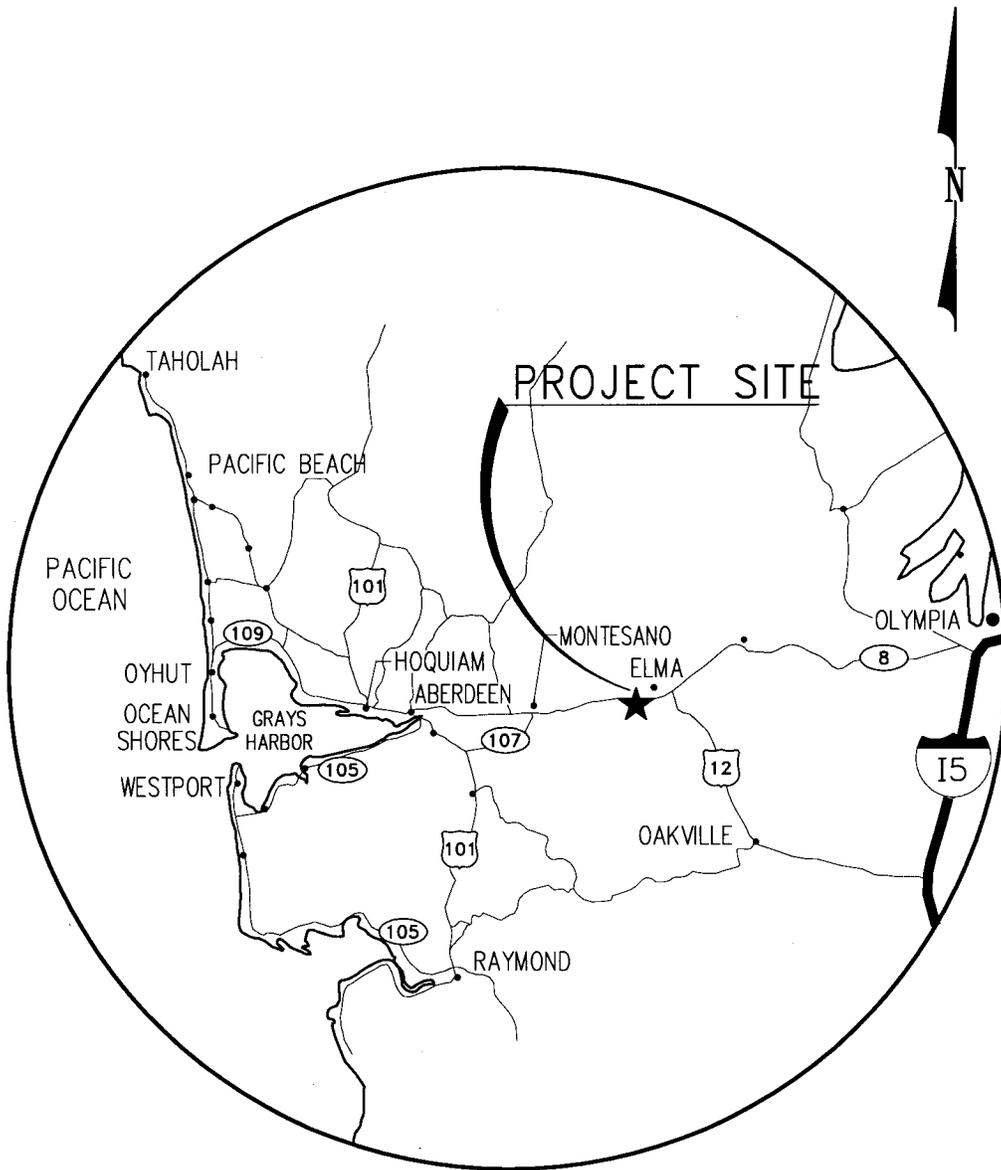
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development/Conditional Use Permit No. 2003-SW-02308, issued by Grays Harbor County, and approved by the Washington State Department of Ecology on December 10, 2003.

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 it would be in the public interest to authorize this proposal. 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. All e-mail comments should be sent to Jonathan.Smith@nws02.usace.army.mil . Conventional mail comments should be sent ATTN: Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor'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. Please include the following name and reference number:

Bayview Redi-Mix, Inc.
199801686

Encl
Drawings (13)



VICINITY MAP

NTS

**PURPOSE:
GRAVEL MINING & PROCESSING**

VERTICAL DATUM: NGVD '29

**LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.**

LAT.: 46°59' 45" LONG.: 123°27'10"

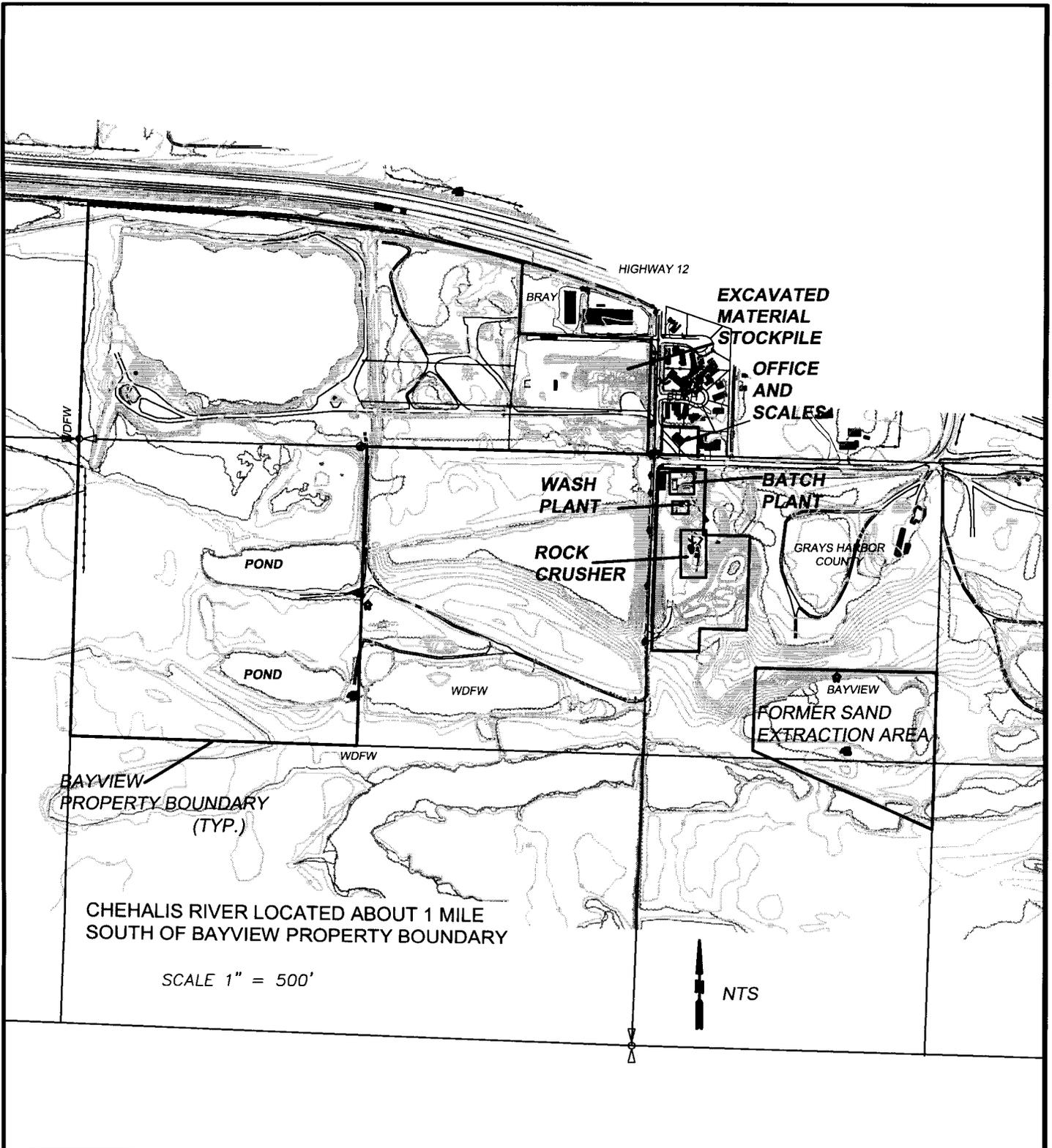
VICINITY MAP

**APPLICANT:
BAYVIEW REDI-MIX
91 SCHOUWEILER RD.
ELMA, WA 98541**

REFERENCE NO. 1998-01686

**PROPOSED:
EXPAND MINING OPERATION**

**IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
AT: ELMA, WASHINGTON
COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW REDI-MIX
JANUARY 19, 2004
SHEET 1 OF 13**



PURPOSE:
GRAVEL MINING &
PROCESSING

VERTICAL DATUM: NGVD '29
LEGAL DESCRIPTION: SECTION 32,
T18N
SECTIONS 4&5, T17 N RANGE
6W W.M.
LAT.: 46°59'45"
LONG.: 123°27'10"

**EXISTING
SITE PLAN**

APPLICANT:
BAYVIEW REDI-MIX

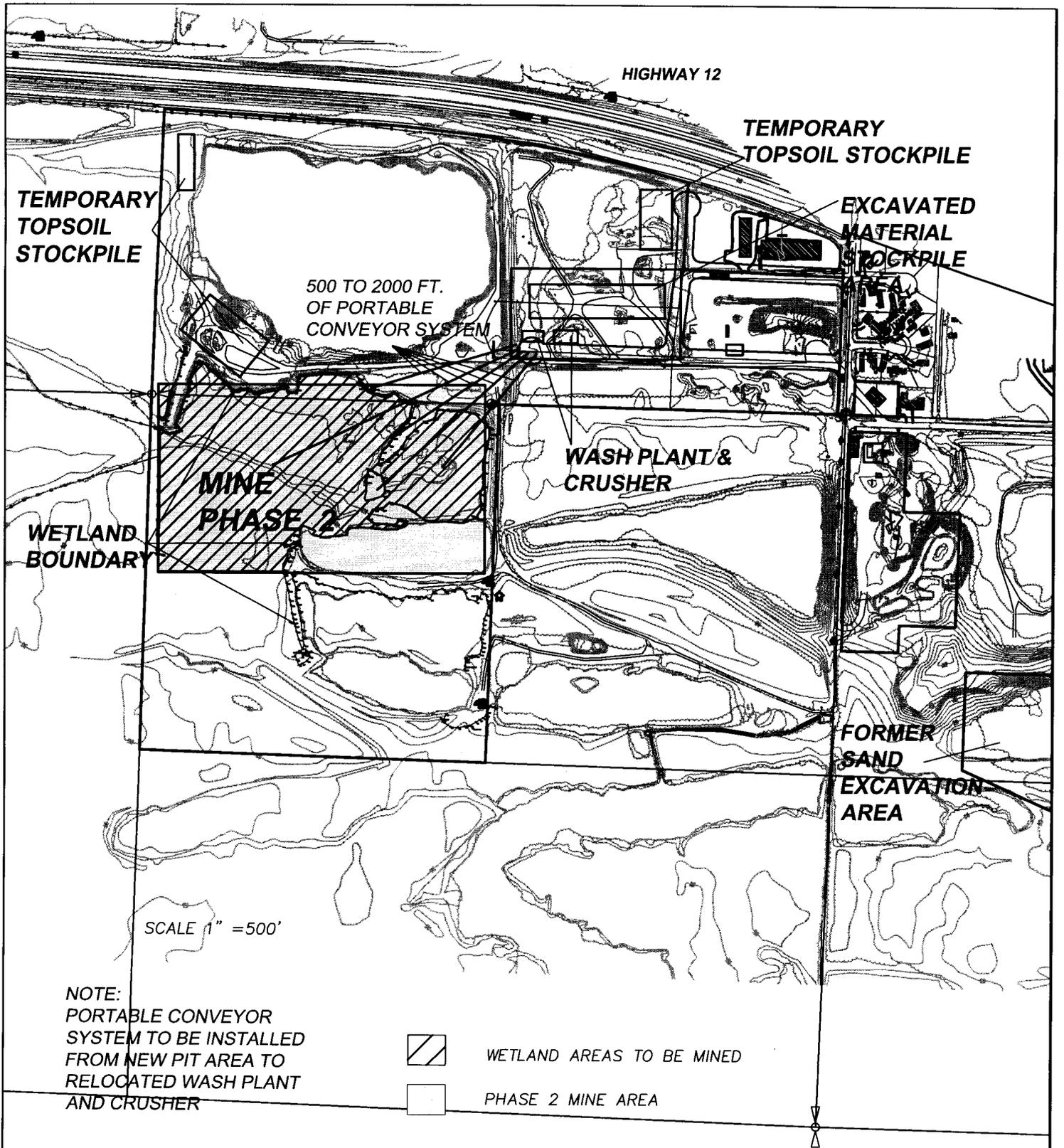
91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

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OPERATION**

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100-YR. FLOODPLAIN
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COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004
SHEET 2 OF 13



PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"

PROPOSED
SITE PLAN
MINE PHASE 2

APPLICANT:
BAYVIEW REDI-MIX

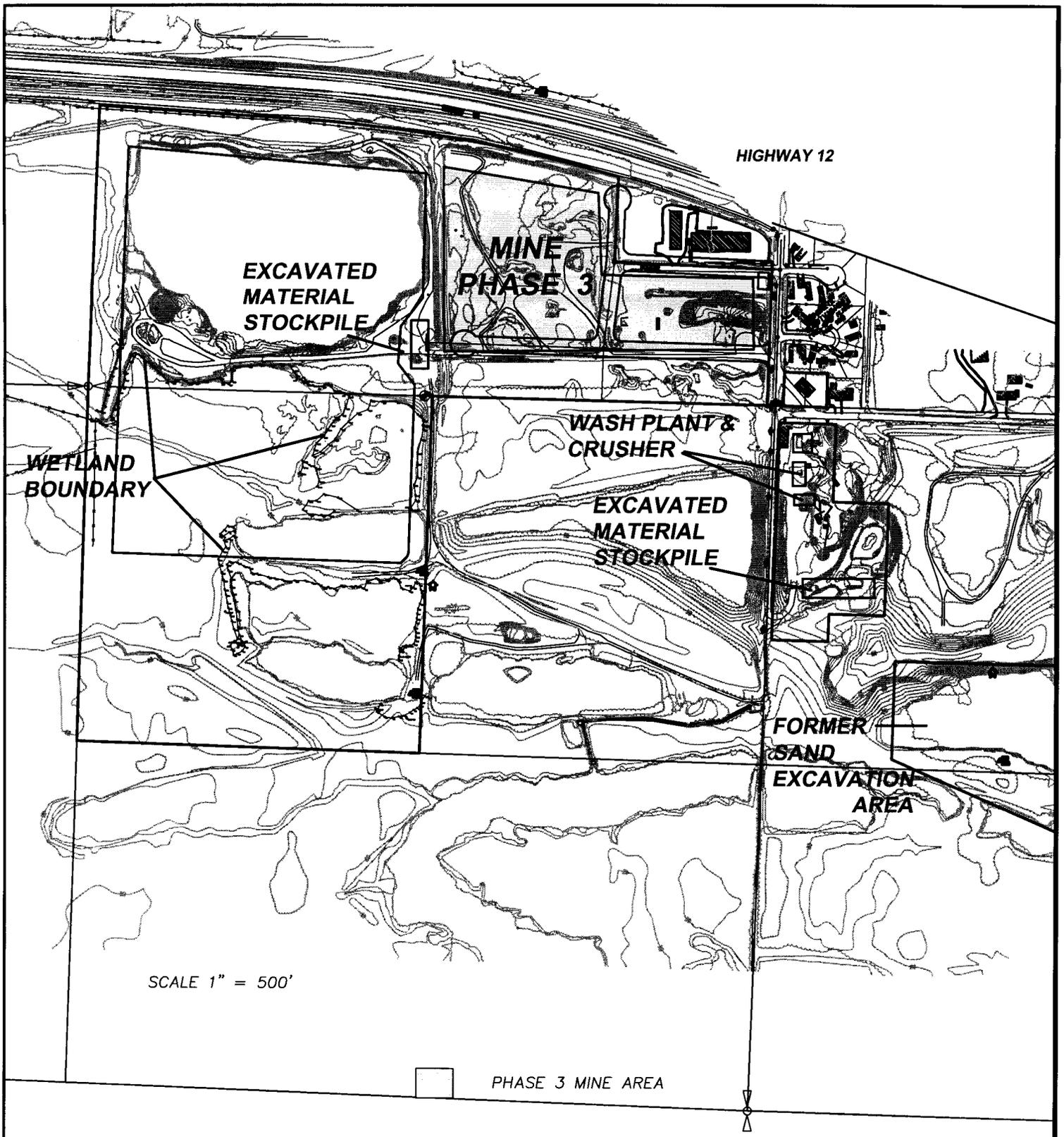
91 SCHOUWEILER RD.
ELMA WA 98541

REFERENCE NO. 1998-01686

PROPOSED:
EXPAND MINING
OPERATION

IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
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APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004
SHEET 4 OF 13



PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"

**PROPOSED
SITE PLAN
MINE PHASE 3**

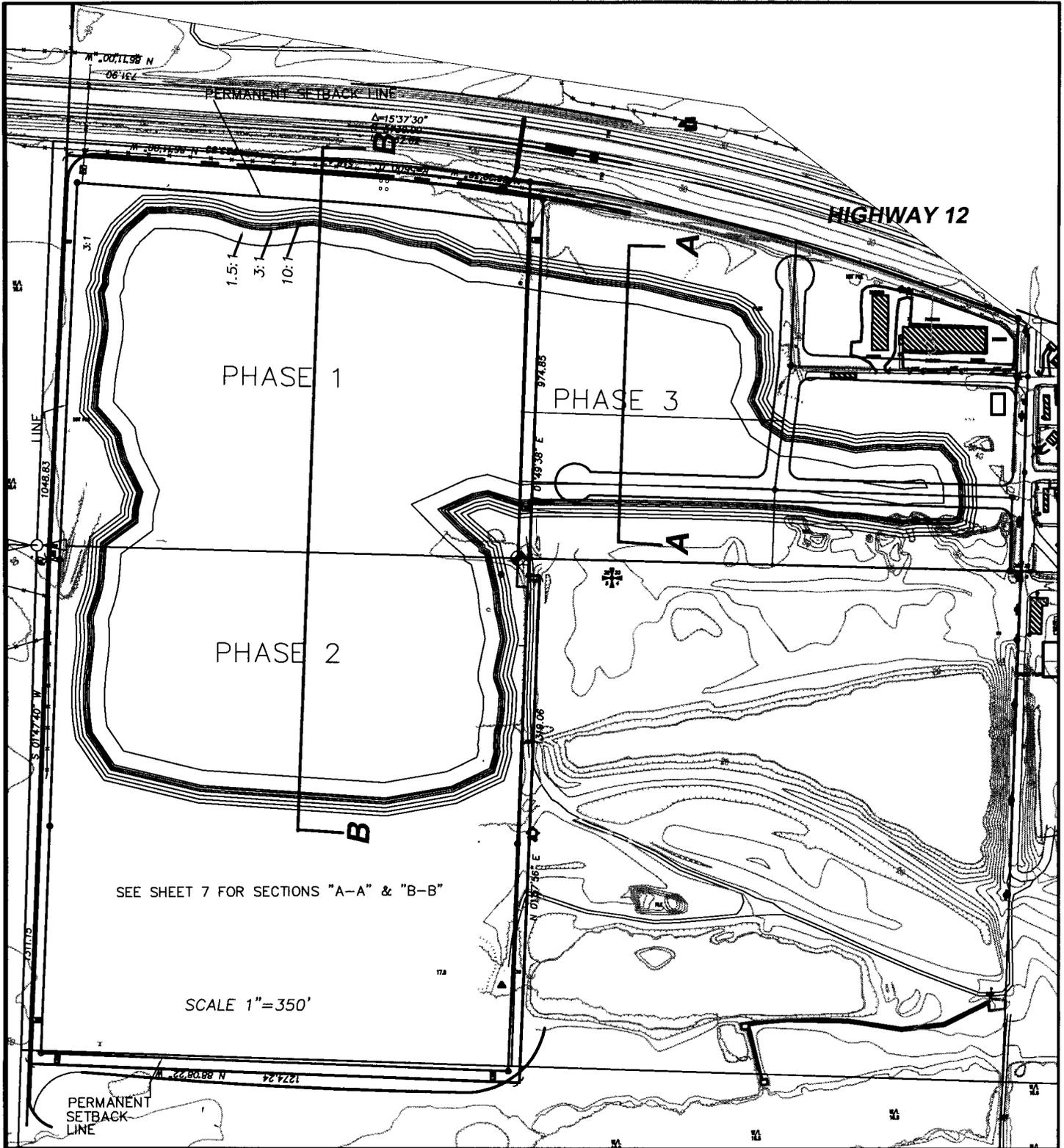
APPLICANT:
BAYVIEW REDI-MIX
91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

**PROPOSED:
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JANUARY 19, 2004
SHEET 5 OF 13



PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"

**PROPOSED
SITE PLAN
RECLAMATION PLAN**

**APPLICANT:
BAYVIEW REDI-MIX**

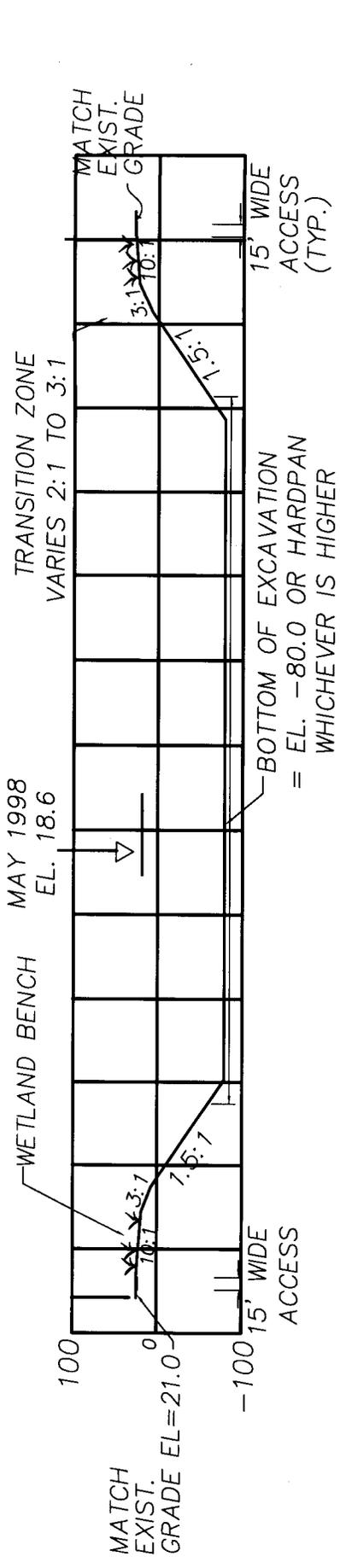
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REFERENCE NO. 1998-01686

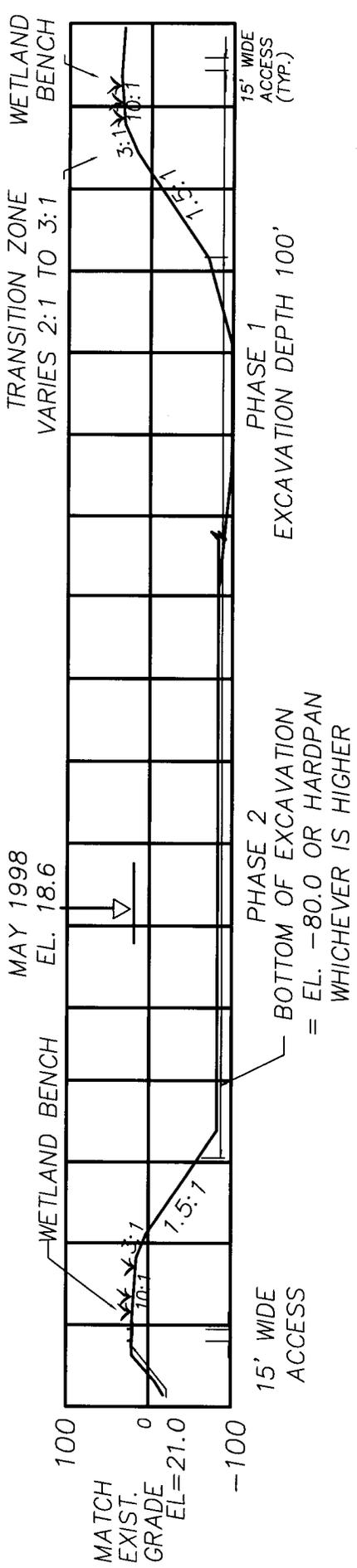
**PROPOSED:
EXPAND MINING
OPERATION**

IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
AT: ELMA, WASHINGTON
COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004
SHEET 6 OF 13



SECTION A-A



SECTION B-B

SCALE 1" = 200'

PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"

**PROPOSED SITE PLAN
RECLAMATION PLAN
POND CROSS SECTIONS**

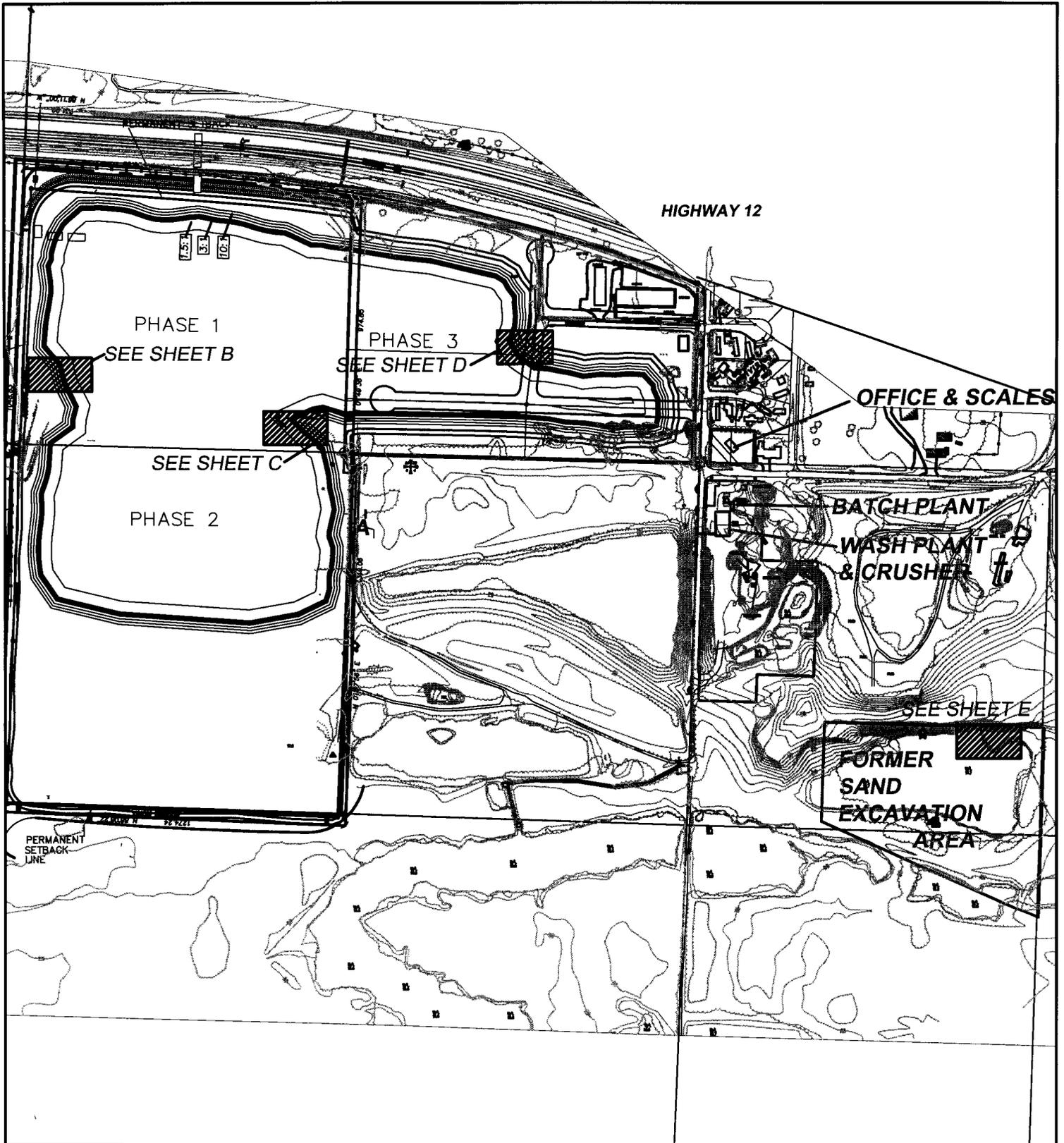
APPLICANT: BAYVIEW REDI-MIX
91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

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JANUARY 19, 2004
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PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"

**TYPICAL
PLANTING PLAN
LOCATION KEY**

APPLICANT:
BAYVIEW REDI-MIX

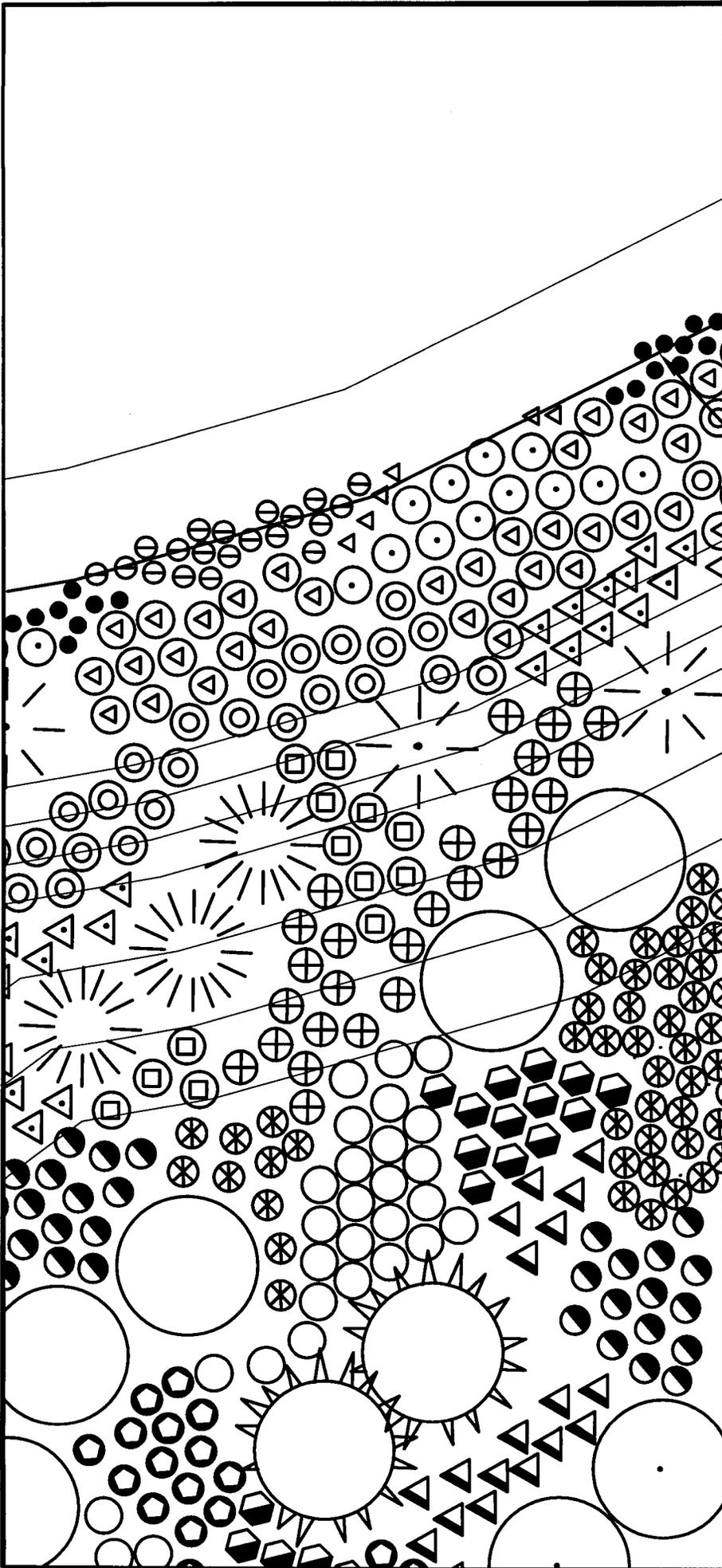
91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

PROPOSED:
EXPAND MINING
OPERATION

IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
AT: ELMA, WASHINGTON
COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004
SHEET A OF E 8 of 13



10:1

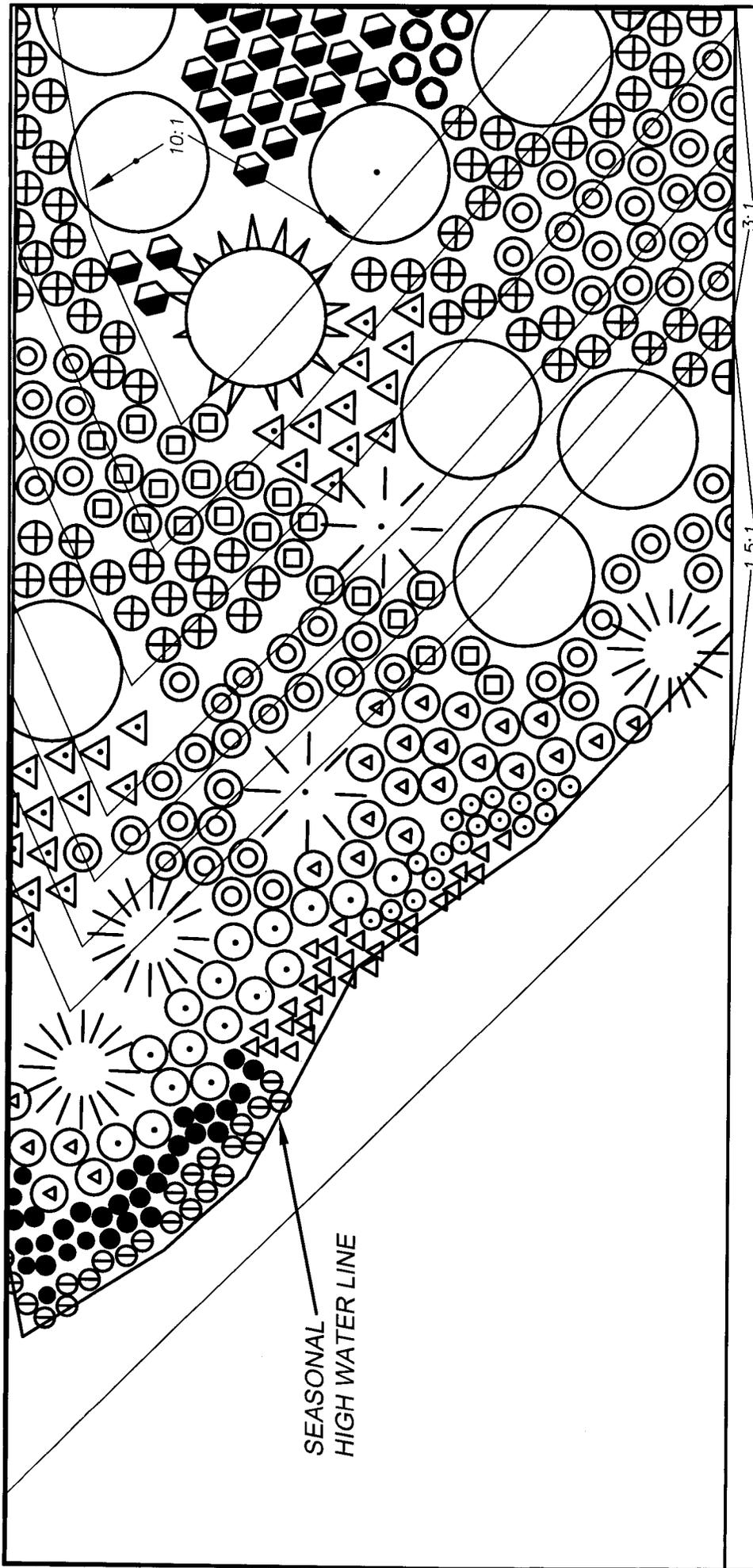
3:1

1.5:1

SEASONAL
HIGH WATER LINE

SCALE 1" = 20'

<p>PURPOSE: GRAVEL MINING & PROCESSING</p> <p>VERTICAL DATUM: NGVD '29</p> <p>LEGAL DESCRIPTION: SECTION 32, T18N SECTIONS 4&5, T17 N RANGE 6W W.M.</p> <p>LAT.: 46°59'45" LONG.: 123°27'10"</p>	<p>TYPICAL PLANTING PLAN PHASE 1</p> <p>APPLICANT: BAYVIEW REDI-MIX</p> <p>91 SCHOUWEILER RD. ELMA, WA 98541</p> <p>REFERENCE NO. 1998 - 01686</p>	<p>PROPOSED: EXPAND MINING OPERATION</p> <p>IN: CHEHALIS RIVER 100-YR. FLOODPLAIN AT: ELMA, WASHINGTON COUNTY OF: GRAYS HARBOR APPLICATION BY: BAYVIEW REDI-MIX</p> <p>JANUARY 19, 2004 SHEET B OF E 9 of 13</p>
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SCALE 1" = 20'

PROPOSED:
EXPAND MINING
OPERATION

IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
AT: ELMA, WASHINGTON
COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004
SHEET C OF E 10 of 13

TYPICAL
PLANTING PLAN
PHASE 2

APPLICANT: BAYVIEW REDI-MIX

91 SCHOUWEILER RD.
ELMA, WA 98541

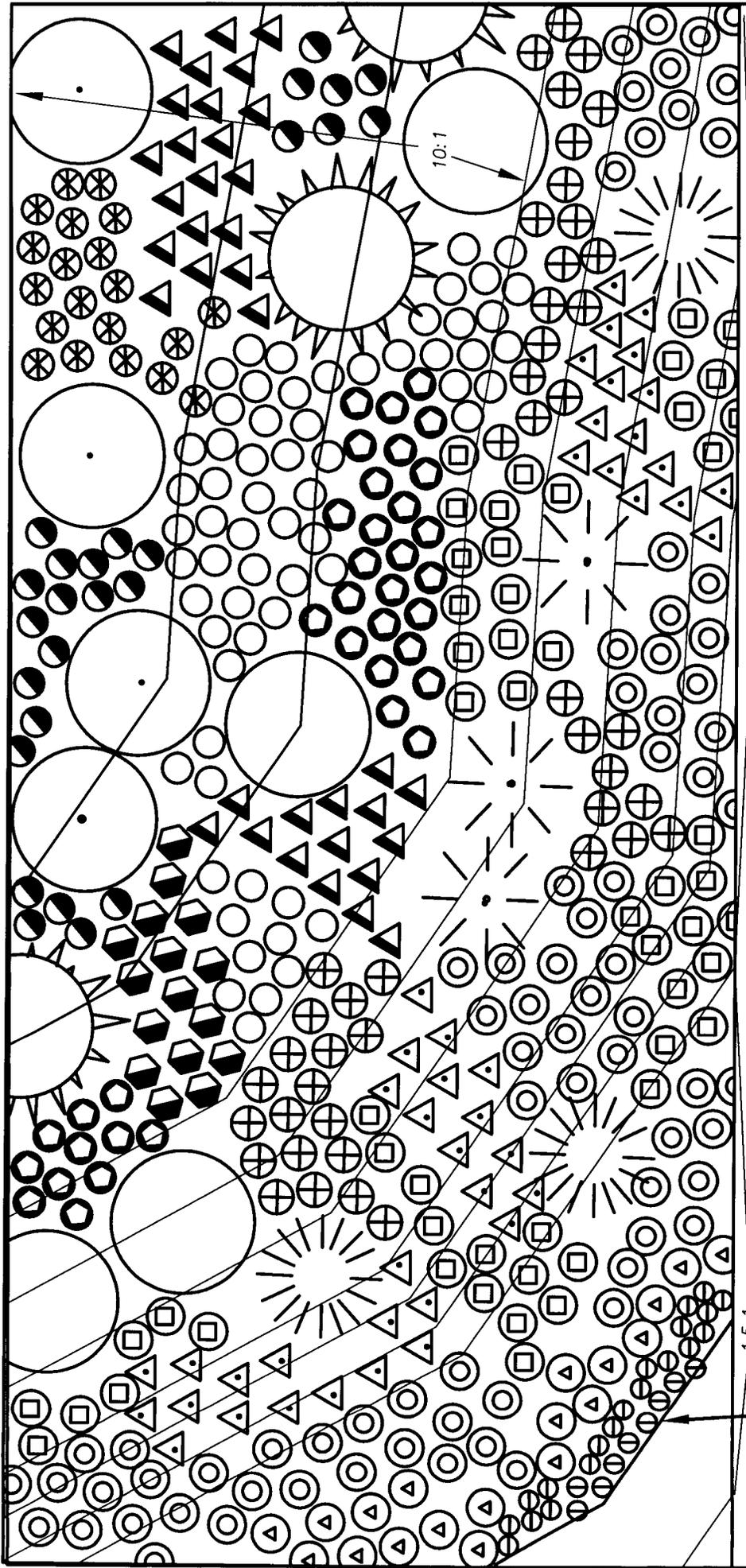
REFERENCE NO. 1998-01686

PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.

LAT.: 46°59'45" LONG.: 123°27'10"



3:1

1.5:1

SEASONAL
HIGH WATER LINE

SCALE 1" = 20'

PROPOSED:
EXPAND MINING
OPERATION
IN: CHEHALIS RIVER
100-YR. FLOODPLAIN
AT: ELMA, WASHINGTON
COUNTY OF: GRAYS HARBOR
APPLICATION BY: BAYVIEW
REDI-MIX
JANUARY 19, 2004
SHEET D OF E 11 of 13

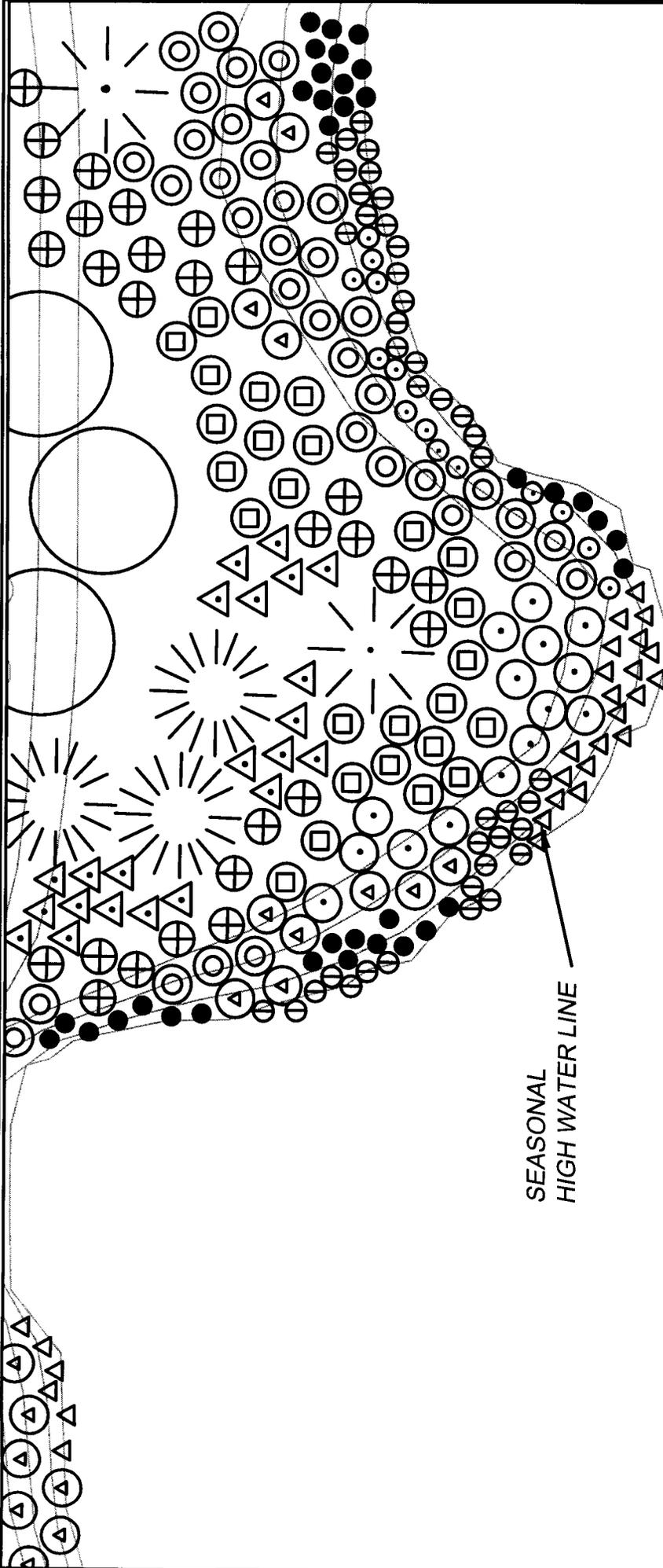
**TYPICAL
PLANTING PLAN
PHASE 3**

APPLICANT: BAYVIEW REDI-MIX
91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29
LEGAL DESCRIPTION: SECTION 32, T18N
SECTIONS 4&5, T17 N RANGE 6W W.M.
LAT.: 46°59'45" LONG.: 123°27'10"



SEASONAL
HIGH WATER LINE

SCALE 1" = 20'

PURPOSE:
GRAVEL MINING & PROCESSING

VERTICAL DATUM: NGVD '29

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LAT.: 46°59'45" LONG.: 123°27'10"

**TYPICAL
PLANTING PLAN
FORMER SAND EXTRACTION AREA**

APPLICANT: BAYVIEW REDI-MIX
91 SCHOUWEILER RD.
ELMA, WA 98541

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EXPAND MINING
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REFERENCE NO. 1998-01686

JANUARY 19, 2004
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PLANT LEGEND

EMERGENT ZONE PLANTS

Common Name	Scientific Name	Plant Symbol
Slough sedge	<i>Carex obnupta</i>	●
Small-fruited bulrush	<i>Scirpus microcarpus</i>	△
Soft Rush	<i>Juncus effusus</i>	⊙
Pacific water-parsley	<i>Oenanthe sarmentosa</i>	⊖
Hard-stemmed bulrush	<i>Scirpus acutus</i>	⓪

SCRUB-SHRUB ZONE PLANTS

Common Name	Scientific Name	Plant Symbol
Red alder	<i>Alnus rubra</i>	⊕
Red-osier dogwood	<i>Cornus stolonifera</i>	⊙
Pacific ninebark	<i>Physocarpus capitatus</i>	⊙
Black cottonwood	<i>Populus trichocarpa</i>	○
Nootka rose	<i>Rosa nutkana</i>	△
Salmonberry	<i>Rubus spectabilis</i>	⊠
Hooker's willow	<i>Salix hookeriana</i>	⊠
Western red cedar	<i>Thuja plicata</i>	☼
Shore pine	<i>Pinus contorta</i>	☼

RIPARIAN ZONE PLANTS

Common Name	Scientific Name	Plant Symbol
Serviceberry	<i>Amelanchier alnifolia</i>	◐
Oceanspray	<i>Holodiscus discolor</i>	▲
Indian-plum	<i>Oemleria cerasiformis</i>	◑
Mock orange	<i>Philadelphus lewisii</i>	⊙
Red-flowering currant	<i>Ribes sanguineum</i>	⊗
Red elderberry	<i>Sambucus racemosa</i>	○
Black cottonwood	<i>Populus trichocarpa</i>	○
Western hemlock	<i>Tsuga heterophylla</i>	◐
Sitka spruce	<i>Picea sitchensis</i>	☼

PURPOSE:
GRAVEL MINING & PROCESSING

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SECTIONS 4&5, T17 N RANGE 6W W.M.
LAT.: 46°59'45" LONG.: 123°27'10"

**PLANTING PLAN
LEGEND**
APPLICANT:
BAYVIEW REDI-MIX

91 SCHOUWEILER RD.
ELMA, WA 98541

REFERENCE NO. 1998-01686

PROPOSED:
EXPAND MINING OPERATION
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APPLICATION BY: BAYVIEW
REDI-MIX

JANUARY 19, 2004

LEGEND SHEET A-E 13 of 13



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: May 13, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 199801686-R will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600