



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: Jim Green, Project Manager

Public Notice Date: April 5, 2004

Expiration Date: May 5, 2004

Reference: 199802125

Name: South Beach Construction

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Interested parties are hereby notified that an 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.

APPLICANT - South Beach Construction  
Mr. C. Dean Lyons and Mr. Richard Heikkila  
55 Atlantic  
Aberdeen, Washington 98520  
Telephone: (360) 268-2515

AGENT - Otterby Development  
Mr. Mark Otterby  
Post Office Box 2310  
Westport, Washington 98595  
Telephone: (360) 268-5050

LOCATION - In wetlands adjacent to South Bay, Grays Harbor near Westport, Grays Harbor County, Washington.

WORK - Place fill material into 1.07 acres of adjacent wetlands for expansion of an existing construction company/yard, see attached drawings.

PURPOSE - To provide adequate space for construction materials and equipment.

MITIGATION - Mitigation for wetland impacts consist of minimizing the amount of fill necessary to provide adequate space for construction materials and equipment; installing hay bales to reduce siltation and disturbance of remaining wetlands; constructing a transitional area for natural vegetative regrowth from the wetland to the upland areas; and providing a 'conservation easement', prohibiting further development on the remainder of the parcel, see sheet 3 of attached drawings.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The Bald eagle (*Haliaeetus leucocephalus*) and the Marbled murrelet (*Brachyramphus marmoratus*), listed as threatened in the state of Washington, occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to the bald eagle and marbled murrelet.

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). EFH for Pacific salmon occurs in the project area. The proposed action would impact approximately 1.07 acres of EFH for Pacific salmon. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES - The District Engineer (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The DE 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.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

199802125

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.

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 *James.D.Green@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:

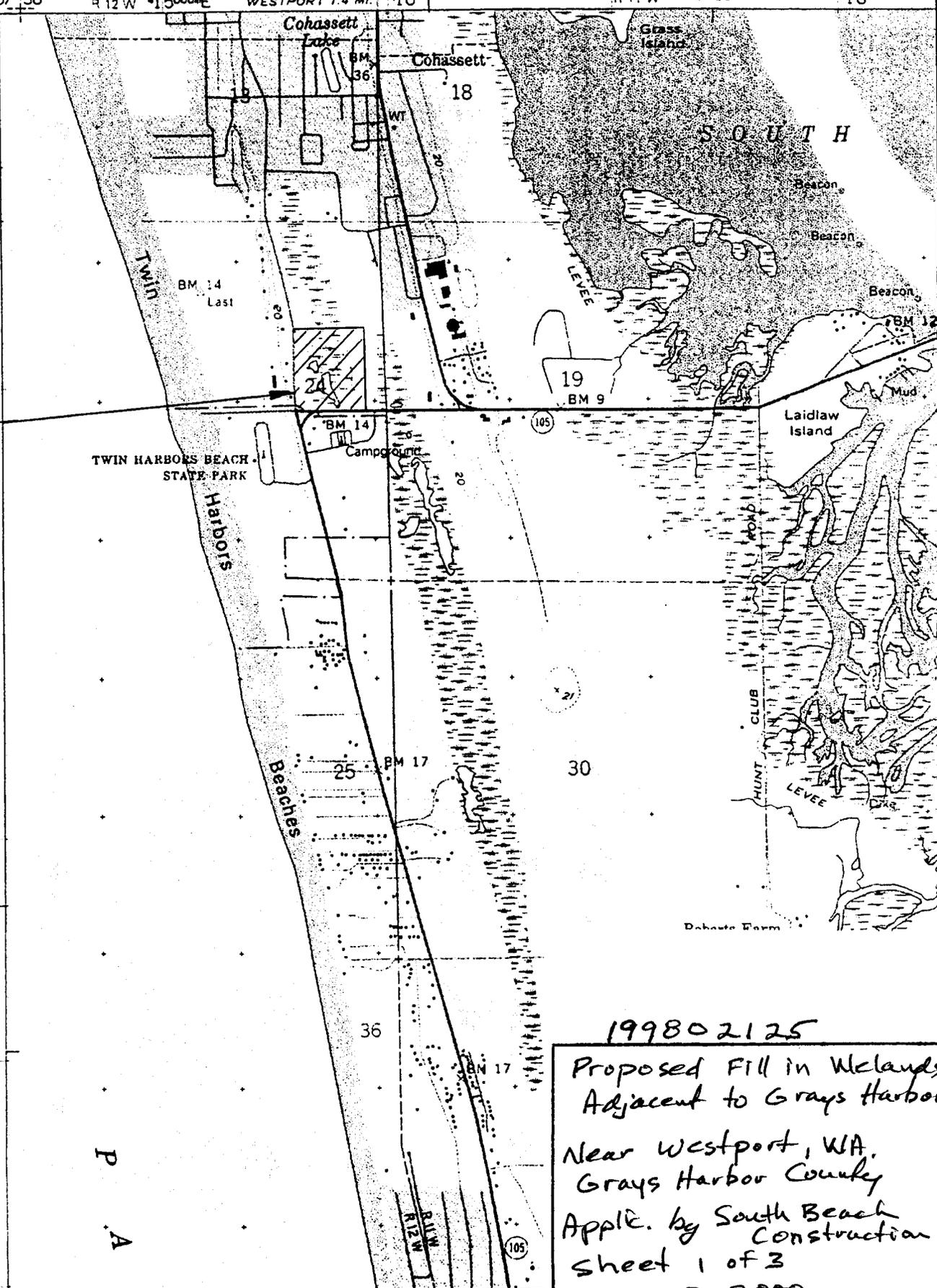
South Beach Construction, 199802125

Encl  
Drawings (3 sheets)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

124° 07' 30" R 12 W 415000mE WESTPORT 1.4 MI. 416 R 11 W 5' 00" 418  
46° 52' 30" 5190

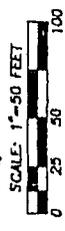
Project  
Site  
46° 51' 37" N  
124° 06' 26" W



199802125  
Proposed Fill in Melands  
Adjacent to Grays Harbor  
Near Westport, WA,  
Grays Harbor County  
Appl. by South Beach  
Construction  
Sheet 1 of 3  
Jan 5, 2000



**MERIDIAN: W.S.D.O.T.**  
 BASIS OF BEARING IS THE MONUMENTED  
 CENTERLINE OF SR 105 FROM EAST LINE  
 OF SECTION 24, T19 N, R 11 W, N.W. 1/4  
 SECTION 10 OF SR 105 SPUR  
 (N 87°28'17" W)



**DESCRIPTION:**  
 THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTH 70 FEET OF THE  
 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 24, TOWNSHIP 19  
 NORTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, GRANT HARBOR COUNTY,  
 WASHINGTON, EXCEPT THE EASTERLY 680 FEET THEREOF, ALSO EXCEPT THE  
 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL AND EXCEPT THAT  
 PORTION WITHIN THE BOUNDS OF A 20' WIDE STATE-MAINTAINED ROAD AND  
 THE 7' OF SAID ROAD, SITUATE IN THE COUNTY OF GRANT HARBOR, STATE OF  
 WASHINGTON.

- LEGEND**
- CALCULATED QUARTER SECTION CORNER
  - FOUND CASED STREET MONUMENT
  - FOUND FLAGS
  - x FOUND FLAGS

**PROPOSED FILLING**  
 1.07 acres

SCALE 1" = 100'

*Proposed Wetland Filling*  
 (1.07 acres)

**PROPOSED CONSERVATION AREA**  
 7.95 ACRES

NET AREA  
 = 2.0000 AC  
 OR 807.00 SQ FT

NET AREA  
 = 21.0418 AC  
 OR 837.41 ACRES

NET AREA  
 = 2.0000 AC  
 OR 807.00 SQ FT

SR 105 (SPUR) FOREST STREET

SR 106

N. FOREST ST. 106

199802125  
 South Beach Construction  
 Sheet 2 of 3  
 Jan 5, 2000

## ***Proposed Wetland Mitigation Plan***

**98-4-02125  
South Beach Construction, Westport  
Shop Property**

### **Avoiding and Minimizing Impacts**

The proposed area of fill to wetlands has been reduced as a result of the Wetland Delineation and will closely follow the existing elevation contour to avoid the higher value wetland areas. No fill will be allowed within 50 feet of any of the open ponded areas.

### **Preservation**

1. Staking a double row of alfalfa bales along the toe of the proposed fill to protect the wetland from siltation and physical disturbance during construction. After construction, bales will be left in place to decay by normal process.
2. The requirement for the slope of the edge of the fill adjacent to wetlands will be no greater than a 1:2 ratio. Natural wetland vegetation and soil from disturbed areas from the site will be used in these areas. This will help restore a transitional area for natural vegetative regrowth from the wetland to the upland areas.

### **Compensation**

The applicant shall provide a Conservation Easement in perpetuity prohibiting any further development on the remainder of this 11.44 acre parcel. The total acreage of this dedication is 7.95 acres.

199802125  
South Beach Construction  
Sheet 3 of 3  
Jan 5, 2000



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: 04/05/04

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. 199802125 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