



US Army Corps
of Engineers
Seattle District

Public Notice

Proposal to Issue a Regional General Permit

Regulatory Branch
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Telephone (206) 764-3495
ATTN: Tim R. Erkel, Project Manager

Public Notice Date: October 4, 2002
Public Notice Expiration Date: November 5, 2002
Reference: CENWS-OD-RG-RGP-4
Name: Piling, Floats, Ramps, Piers,
Minor Fills and Bank Stabilization in the
Pend Oreille River and Lake Chelan in
the State of Washington

Interested parties are hereby notified that, in accordance with 33 CFR 325.3(b), the Seattle District of the U.S. Army Corps of Engineers (Corps) is proposing to issue a regional general permit (RGP) that would authorize the work described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

PERMIT NUMBER – CENWS-OD-RG-RGP-4

PERMIT TITLE – The proposed RGP is titled, Piling, Floats, Ramps, Piers, Minor Fills, and Bank Stabilization in the Pend Oreille River and Lake Chelan in the State of Washington.

ISSUING OFFICE – U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
Post Office Box 3755
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LOCATION OF AUTHORIZED ACTIVITIES – The proposed RGP would be applicable in the Pend Oreille River and Lake Chelan, within the State of Washington.

WORK – The activities that would be eligible for authorization under the proposed RGP are described in the enclosed draft RGP for Piling, Floats, Ramps, Piers, Minor Fills, and Bank Stabilization in the Pend Oreille River and Lake Chelan in the State of Washington.

PURPOSE – The purpose of this RGP is to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. Use of this RGP would reduce the amount of paperwork and time required to authorize qualifying projects by making available for public use an already issued Department of Army general permit that will likely include a concluded Endangered Species Act Section 7 consultation, and State water quality certification.

The proposed RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that would not comply with the provisions of the RGP would not be authorized by this permit and may require Department of the Army authorization by a standard individual permit. Moreover,

compliance with the provisions of this RGP would not in itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest would not be authorized by this permit.

ENDANGERED SPECIES – The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP may affect federally listed species and, therefore, will consult with the FWS.

CULTURAL RESOURCES – The locations of activities that might be authorized by the proposed RGP are not known and, therefore, the District Engineer cannot determine at this time whether any of the activities that would be authorized by the proposed RGP may affect an historic property listed, or eligible for listing, in the National Register of Historic Places (NRHP). However, if issued, the proposed RGP would not authorize any activity that may affect historic properties listed, or eligible for listing, in the NRHP until the provisions of 33 CFR 325, Appendix C, have been satisfied. A prospective permittee would be required to notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and would not be authorized to conduct the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties with knowledge of, or concerns with, historic properties.

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 the proposed permit will be based on an evaluation of the probable impact, including cumulative impacts of the authorized activities 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 that 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, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposal. Any comments received will be considered by the Corps in determining whether or not to issue the proposed permit. Comments are used to help the Corps assess likely 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 the overall public interest of the activity.

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The evaluation of the likely impact of the proposed 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.

ADDITIONAL EVALUATION – The Washington Department of Ecology (Ecology) will determine, pursuant to Section 401 of the CWA and Chapters 173-225 of the Washington Administrative Code (WAC) and the Environmental Protection Agency pursuant to Section 401 of the CWA will determine, whether the activities that would be authorized by the proposed RGP and for which the agency is responsible will comply with established water quality standards.

COMMENT AND REVIEW PERIOD – Comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to issue the proposed permit. Comments should reach this office, Attn: Regulatory Branch, not later than the expiration date of this public notice to ensure that they can be considered. Please include in your comments the following RGP number:

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