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: Jessica Winkler, Project Manager

Public Notice Date: March 4, 2005
Expiration Date: April 4, 2005
Reference: 200401262
Name: USDI (Fish and Wildlife Service)

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: Makah National Fish Hatchery
U.S. Fish and Wildlife Service
897 Hatchery Road
Neah Bay, Washington 98357
ATTN: Al Jensen, Hatchery Manager
Telephone: (360) 645-2521

AGENT: RMCAT Environmental Services, Inc.
12823 Northeast Airport Way
Portland, Oregon 97230
ATTN: Bob Janak
Telephone: (877) 803-4591

LOCATION: At the Makah National Fish Hatchery in wetlands adjacent to the Sooes River near Neah Bay, in Clallam County, Washington.

WORK: Up to 1,150 lineal feet of perimeter dike will be reconstructed with up to 4,428 cubic yards of 6-inch minus rock, 2-inch rock, and soil mix to reestablish a crest elevation of 20.5 feet and create a 10 foot wide driving surface. The entire perimeter dike is a jurisdictional wetland and the dike reconstruction will result in the loss of up to 1 acre of wetland area. Up to 2.77 acres of an existing intake pond and a pollution control pond will be dredged using a hydraulic dredge with an auger to agitate accumulated sediment. Up to 3,373 cy (design elevation of 10 ft) and 1,890 cy (design elevation of 9 ft) will be removed from the intake and pollution control ponds respectively. The dredged material will be disposed of in upland locations. An existing culvert between the hatchery and the Sooes River will be replaced with a 45 linear foot 24-inch diameter pipe with a slide gate. The culvert replacement will result in temporary impacts to 135 square feet of wetland area and 0.6 cy of riprap will be placed at the inlet.

PURPOSE: To maintain an existing fish hatchery to improve fish health.

ADDITIONAL INFORMATION: Additional maintenance activities are proposed, including the construction of an emergency flood barrier and an overflow pipe, but will not result in impacts to a water of the U.S.

MITIGATION: The primary goal of the conceptual mitigation plan is to compensate for the flood storage and hydrologic control functions that would be impacted by the proposed work. The exact location of the mitigation site has not yet been determined. However, the plan will target 1 to 1.5 acres of wetland creation and restoration. Up to 0.1 acre of temporary wetland impacts may result from grading activities to connect created wetland areas to restored wetland areas. In the event that sufficient acreage of wetland creation/restoration area cannot be located within the watershed, the plan would include up to 1 additional acre of wetland enhancement area. Up to 0.25 acre of temporary wetland impacts could result from the enhancement activities.

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 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 Bald eagle (*Haliaeetus leucocephalus*) threatened, Marbled murrelet (*Brachyramphus marmoratus*), threatened, Northern spotted owl (*Strix occidentalis*), threatened, and Coastal/Puget Sound bull trout (*Salvelinus confluentus*), threatened in the state of Washington, may occur in the proposed project area. For marbled murrelet and spotted owl, critical habitat has been designated. The U.S. Fish and Wildlife Service, as the lead agency for ESA consultation, will consult with the NMFS and/or the USFWS as required under Section 7 of the ESA.

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 approximately 1,150 lineal feet of EFH for Pacific salmon in the project area. The U.S. Fish and Wildlife Service, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

CULTURAL RESOURCES: The U.S. Fish and Wildlife Service, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a] [3]), with any Tribe that has information or concerns with historic properties in the proposed permit 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 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 U.S. Army Corps of Engineers 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.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b) (1) of the Clean Water Act. These guidelines require an alternative analysis for any proposed discharge of dredged or fill material into waters of the United States.

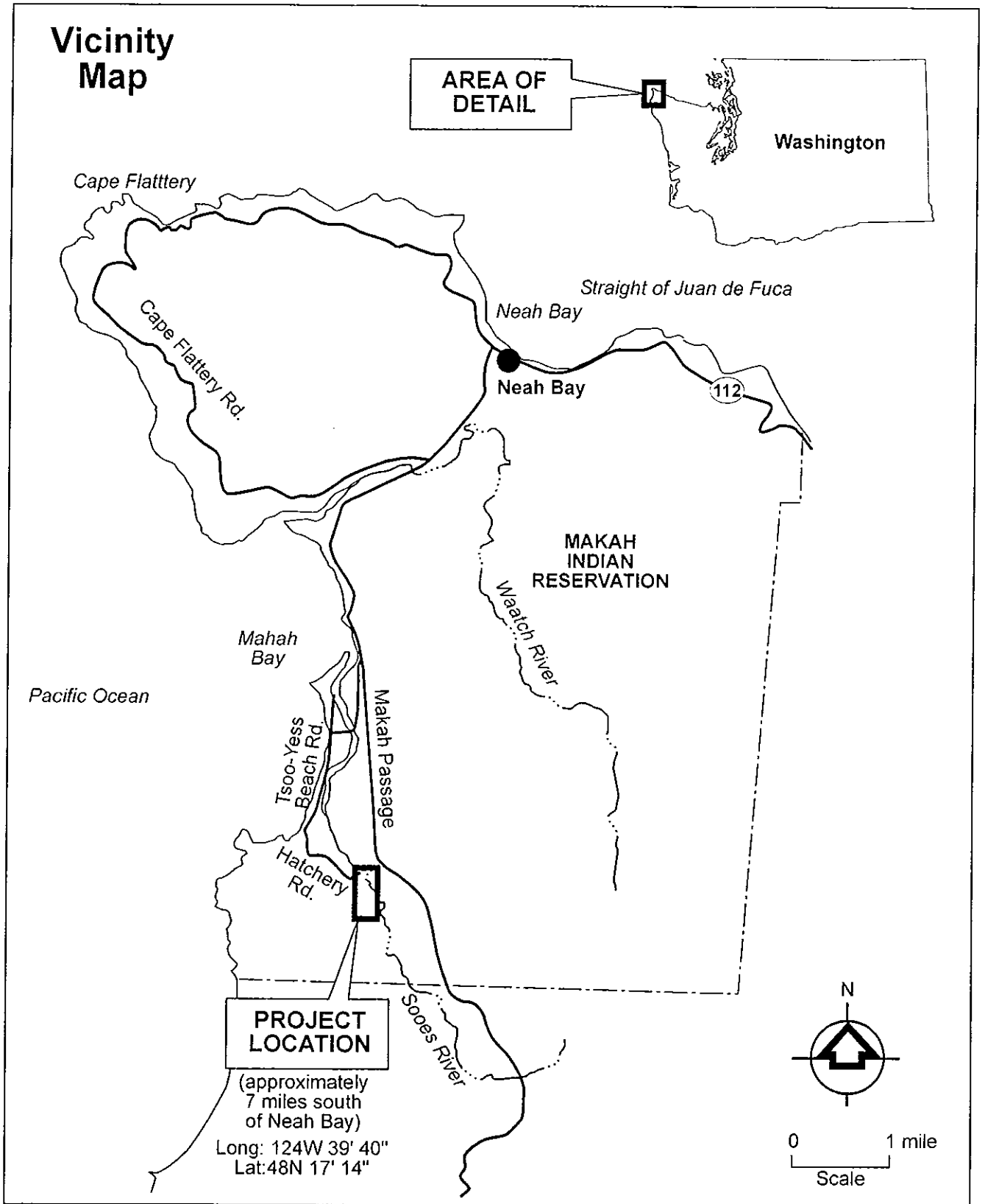
ADDITIONAL EVALUATION: The Environmental Protection Agency is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the Clean Water Act.

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 Jessica.G.Winkler@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. 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:

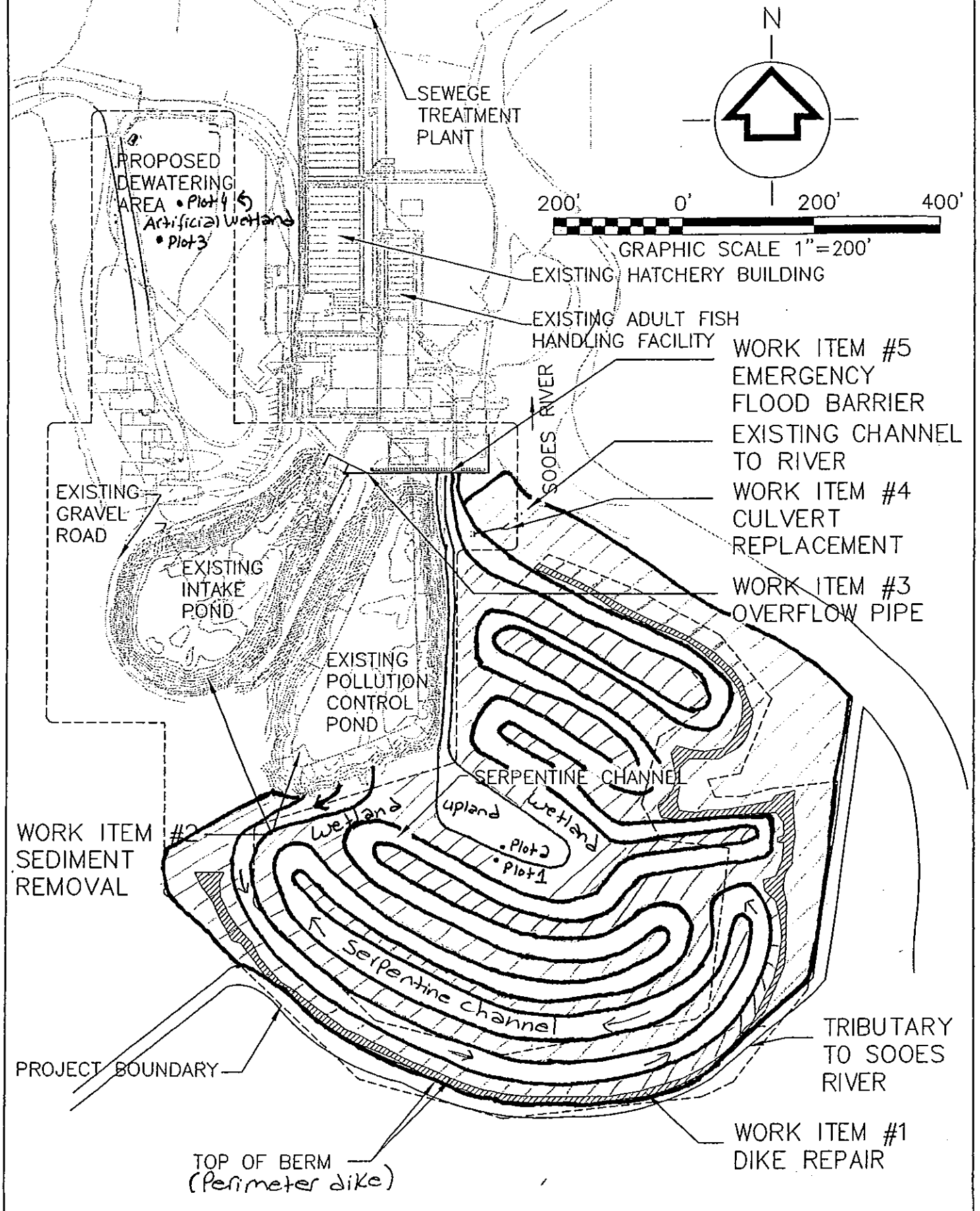
USDI (Fish and Wildlife Service), 200401262

Encl
Drawings (18)

Vicinity Map



PURPOSE: Hatchery maintenance activities including dike repair and sediment removal	**APPLICANT:** USFWS Makah National Fish Hatchery	**PROPOSED:** 1.0 acre fill (dike repair) and 2.77 acres sediment removal (ponds)
DATUM: OHW elevation data from Makah Hatchery	T32N, R15W, Section 8	**IN:** Wetlands adjacent to Sooes River near River Mile 3
ADJACENT PROPERTY OWNERS: Makah Tribal Council	**SITE LOCATION ADDRESS:** 897Hatchery Road Neah Bay WA 98357	**NEAR:** Neah Bay **STATE:** WA
200401262		**COUNTY:** Clallam **SHEET** 1 of 18
		DATE: October 2004



Legend

Wetland

REFERENCE: - 200401262
APPLICANT: USFWS MAKAH NATIONAL FISH HATCHERY
PROPOSED: 1.0 ACRE FILL (DIKE REPAIR) & 2.77 ACRES SEDIMENT REMOVAL (PONDS)
NEAR: WETLANDS & WATERS ADJACENT TO SOOES RIVER
SHEET: 2 OF 18 DATE: OCTOBER 2004

SITE PLAN

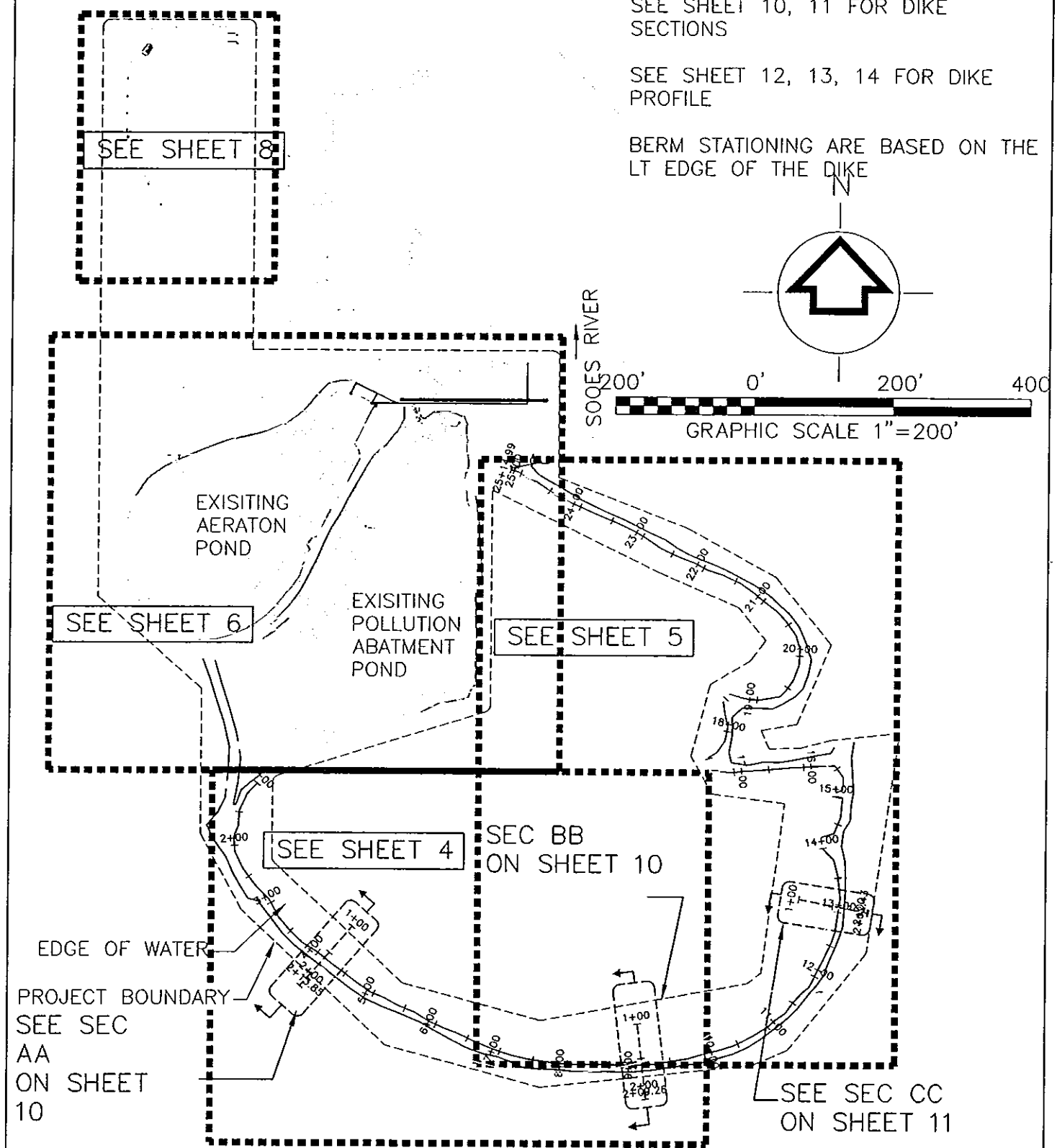
NOTES

SEE SHEET 9 FOR UTILITY PLAN

SEE SHEET 10, 11 FOR DIKE SECTIONS

SEE SHEET 12, 13, 14 FOR DIKE PROFILE

BERM STATIONING ARE BASED ON THE LT EDGE OF THE DIKE



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SHEET: 3 OF 18 DATE: OCTOBER 2004

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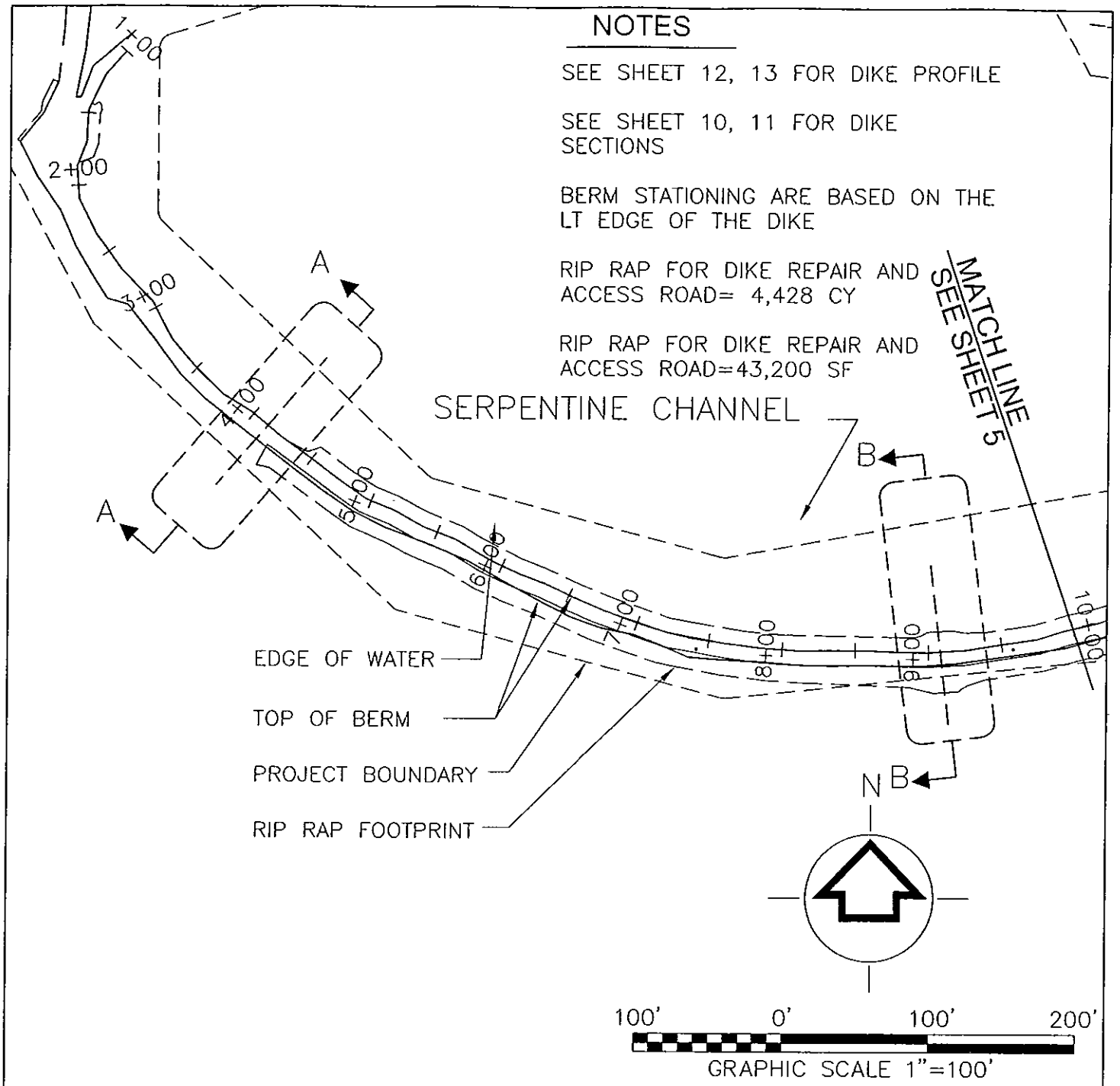

DIKE REPAIR PLAN SOUTH

REFERENCE: – 200401262
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PROPOSED: 1.0 ACRE FILL (DIKE REPAIR) & 2.77 ACRES SEDIMENT REMOVAL (PONDS)
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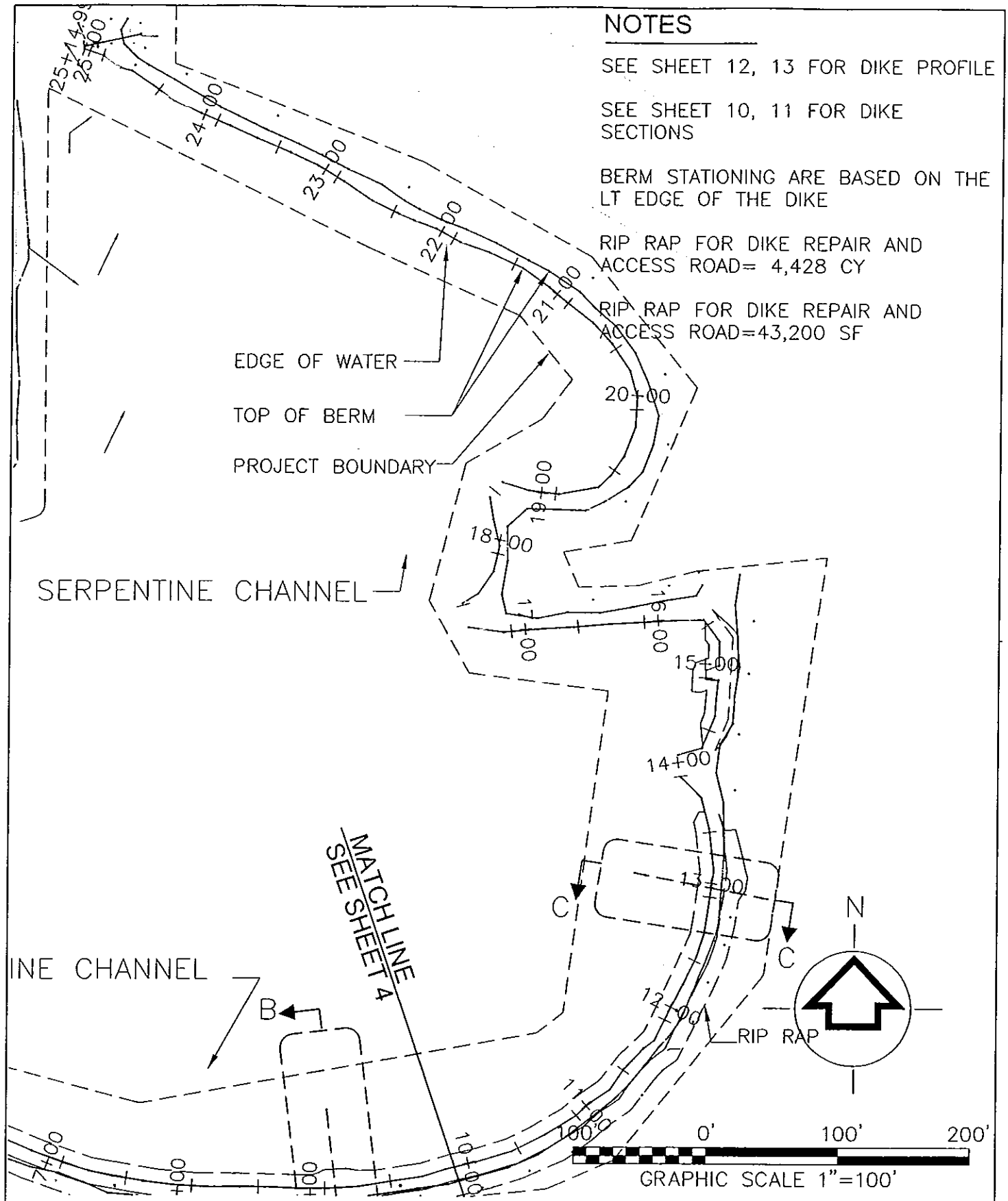

DIKE REPAIR PLAN

NORTH

REFERENCE: -2004012662
APPLICANT: USFWS MAKAH NATIONAL FISH HATCHERY
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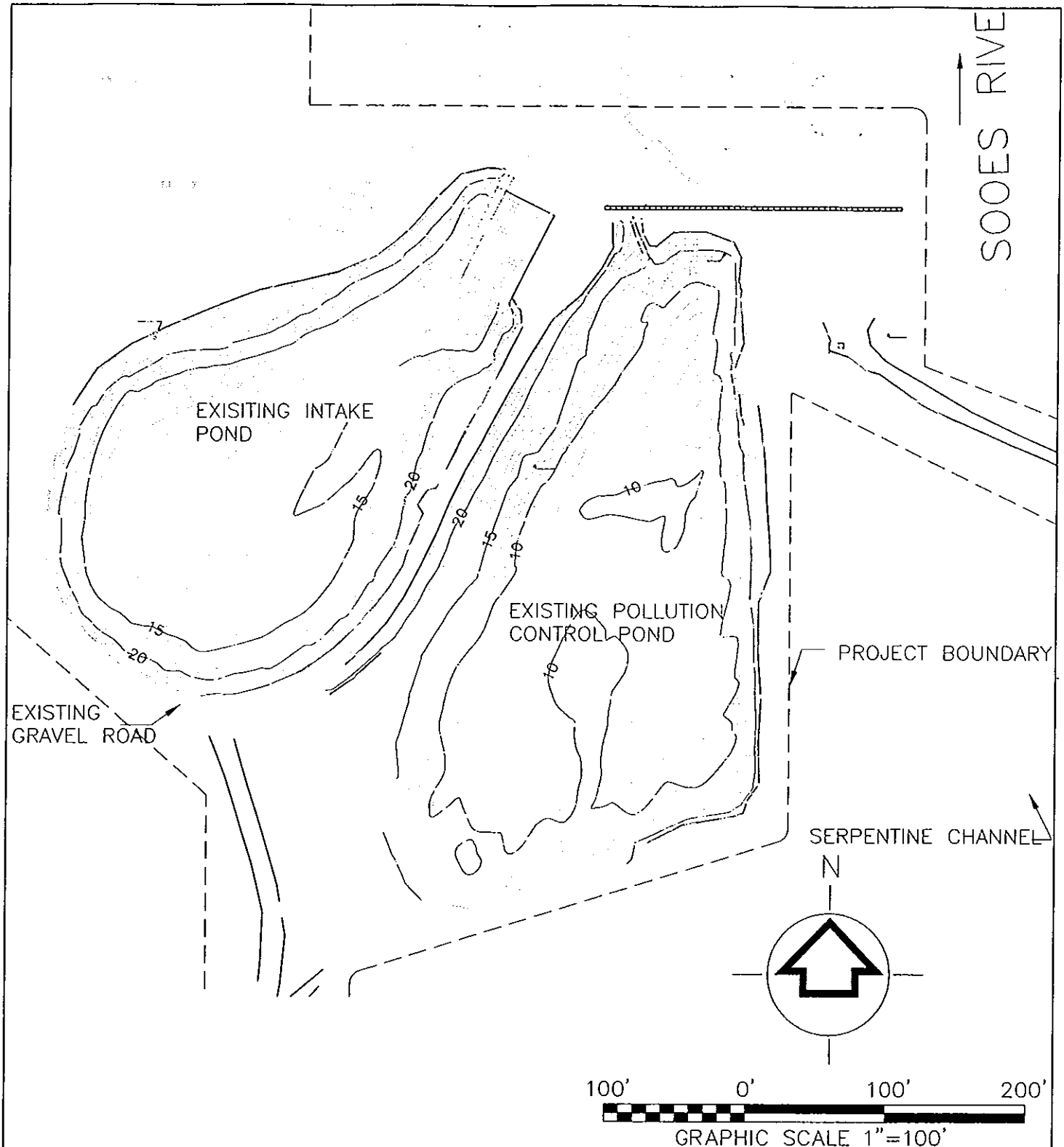

SEDIMENT REMOVAL
EXISTING CONTOURS
GRADING PLAN

REFERENCE: – 200401262
APPLICANT: USFWS MAKAH NATIONAL FISH HATCHERY
PROPOSED: 1.0 ACRE FILL (DIKE REPAIR) & 2.77 ACRES SEDIMENT REMOVAL (PONDS)
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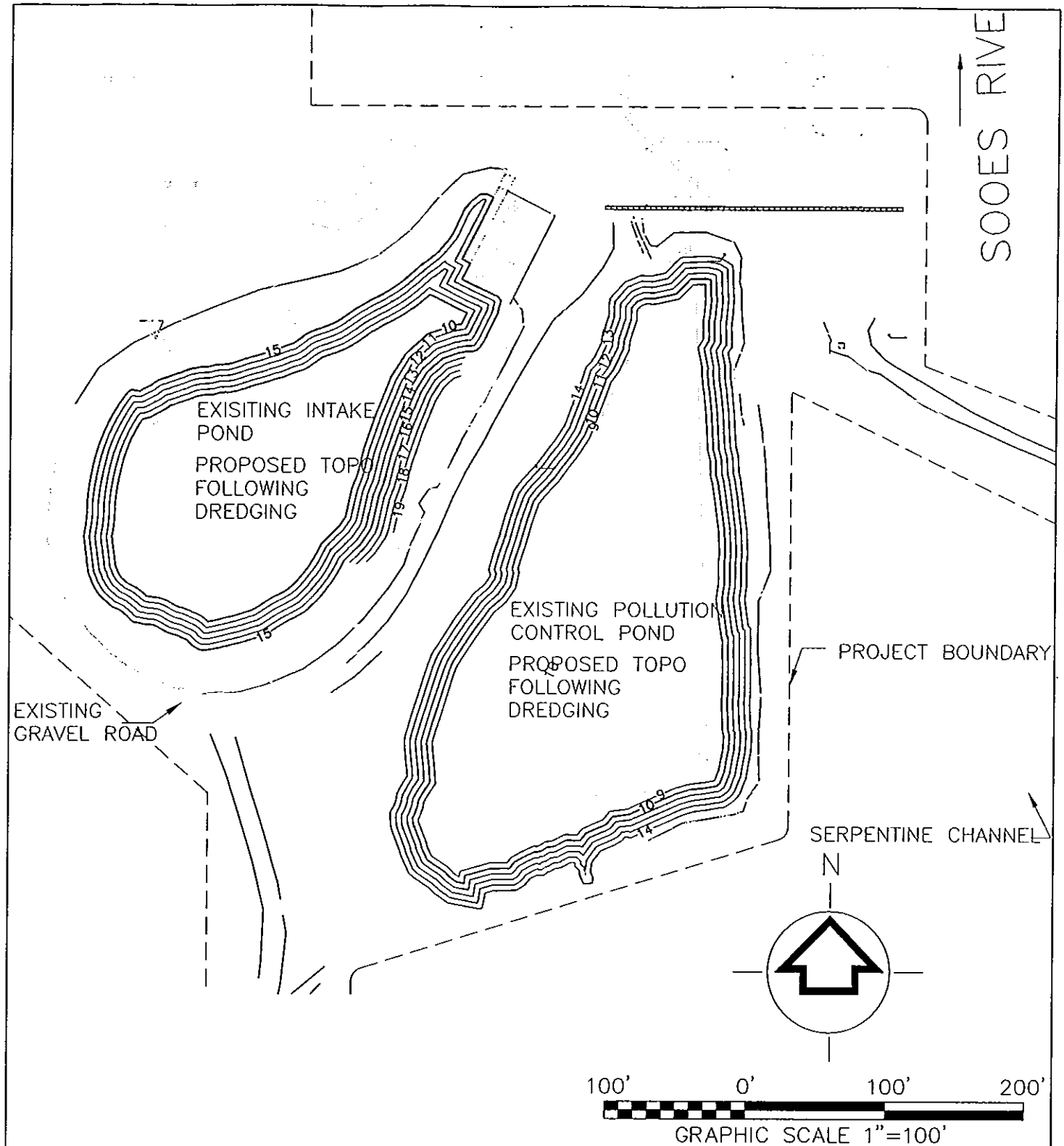

SEDIMENT REMOVAL
PROPOSED CONTOURS
GRADING PLAN

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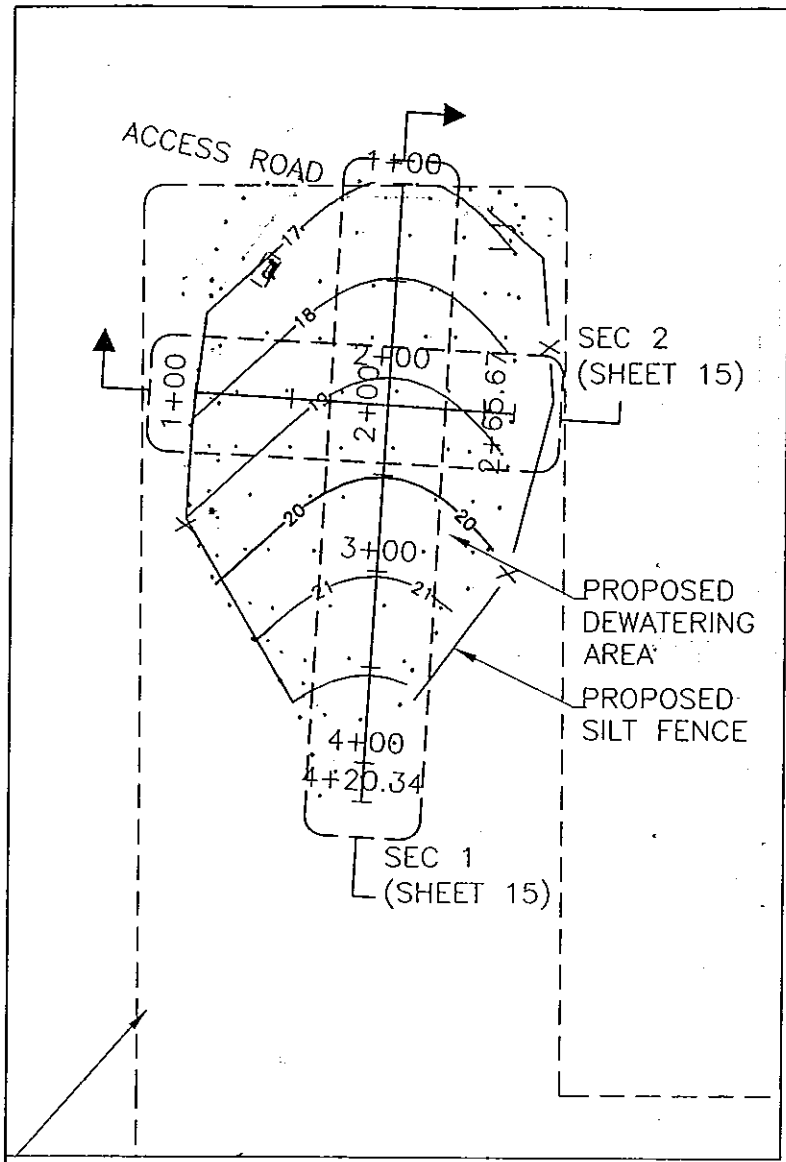
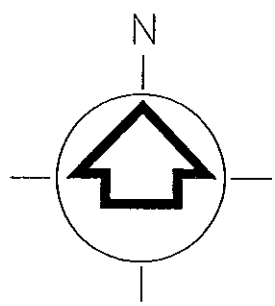


NOTES

STATIONING ARE BASED ON THE CL OF SEC 1, AND SEC 2

SEE SHEET 15 FOR CROSS SECTION



GRAPHIC SCALE 1"=100'

SEDIMENT REMOVAL GRADING PLAN

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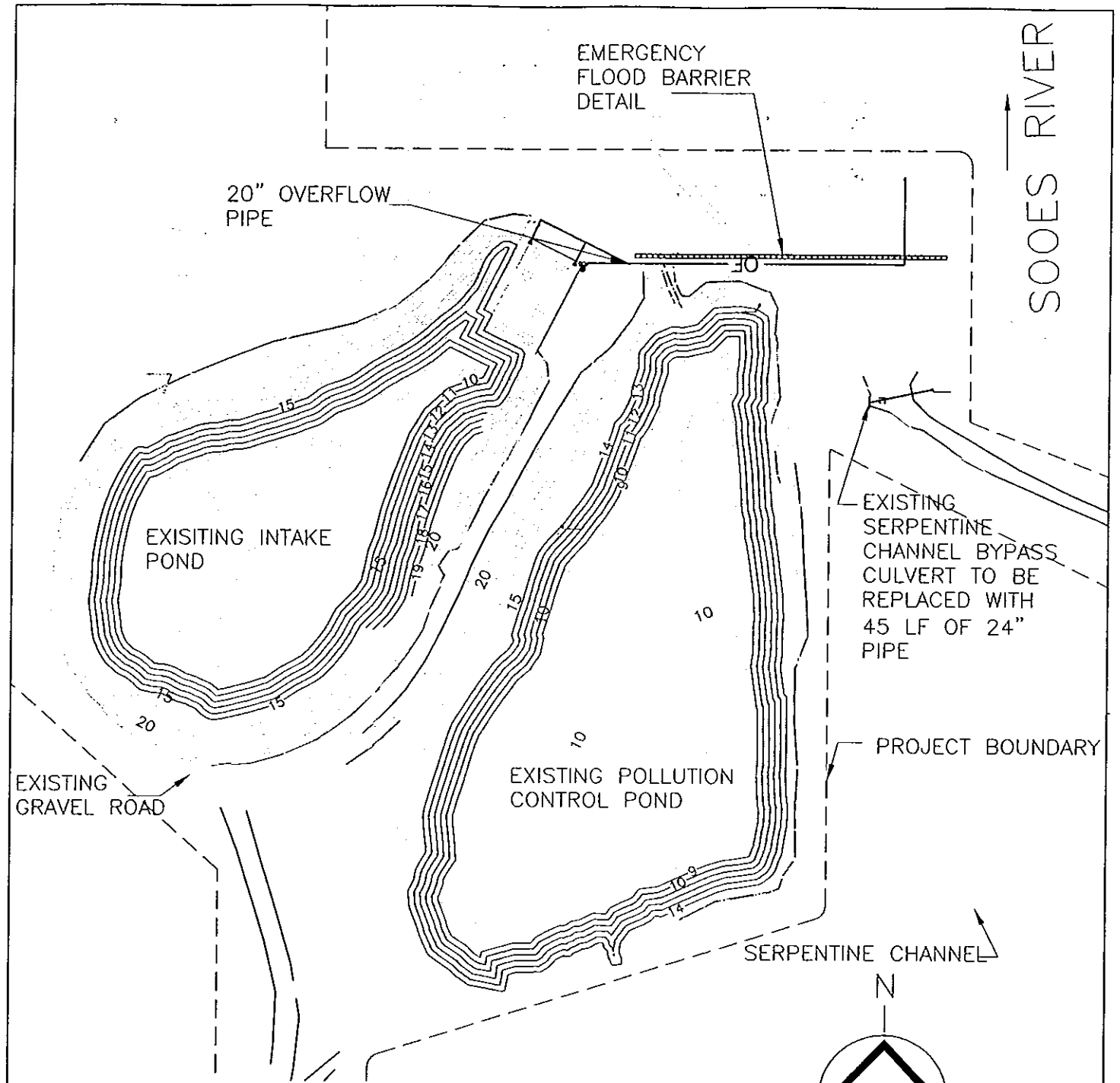

NOTES

SEE SHEET 18 FOR BYPASS CULVERT DETAIL, AND CROSS SECTION THROUGH OVERFLOW PIPE AND EMERGENCY FLOOD BARRIER DETAIL

UTILITY PLAN

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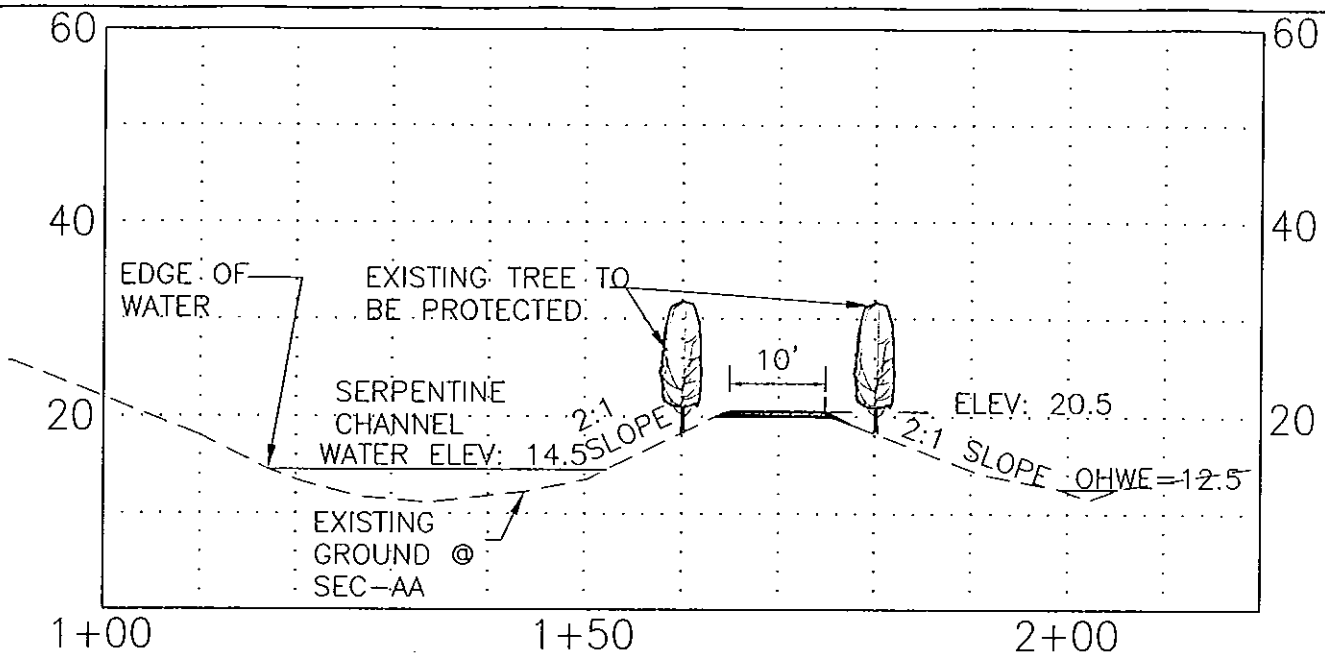
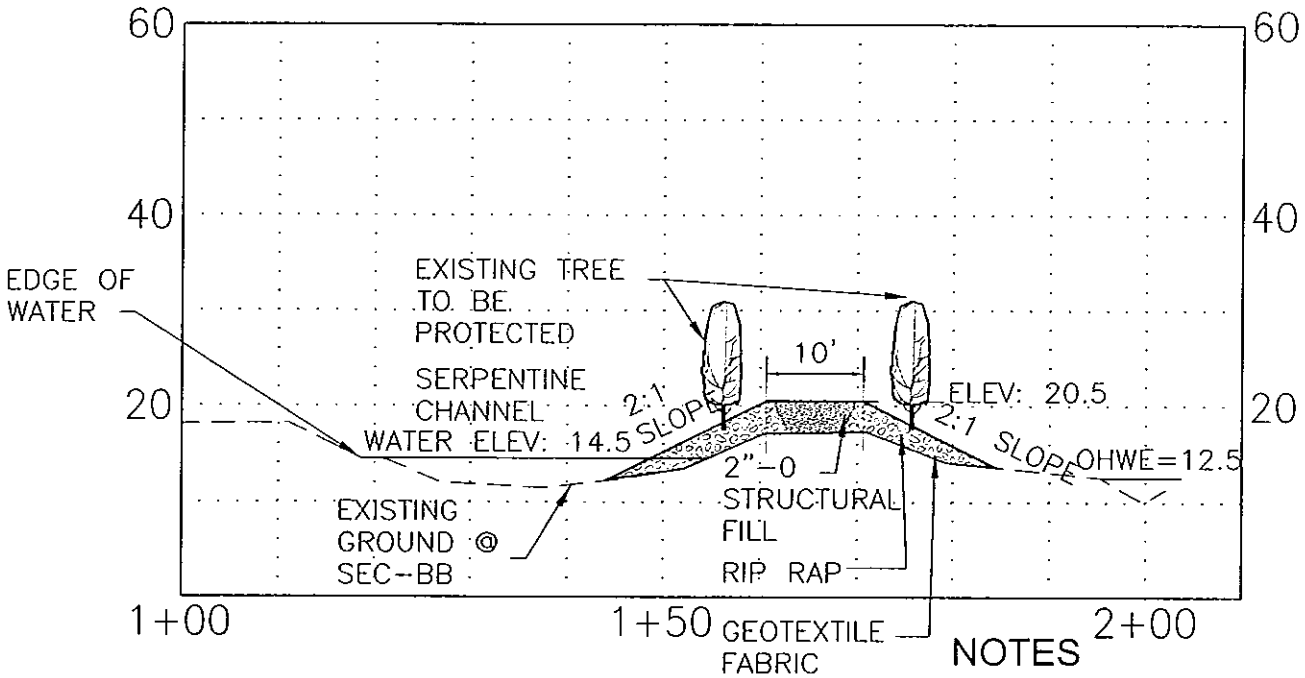


ROCK FILL ALTERNATE 4A SEC AA

SCALE: HORZ 1"=20', VERT 1"=20'



ROCK FILL ALTERNATE 4A SEC BB

SCALE: HORZ 1"=20', VERT 1"=20'

NOTES

WATER ELEVATIONS ARE BASED ON EDGE OF WATER DURING APRIL 2004
ORDINARY HIGH WATER ELEVATION=12.5
THIS ELEVATION BASED ON DATA FOR THE PERIOD FROM 1981-1990, THAT WAS PROVIDED BY THE HATCHERY

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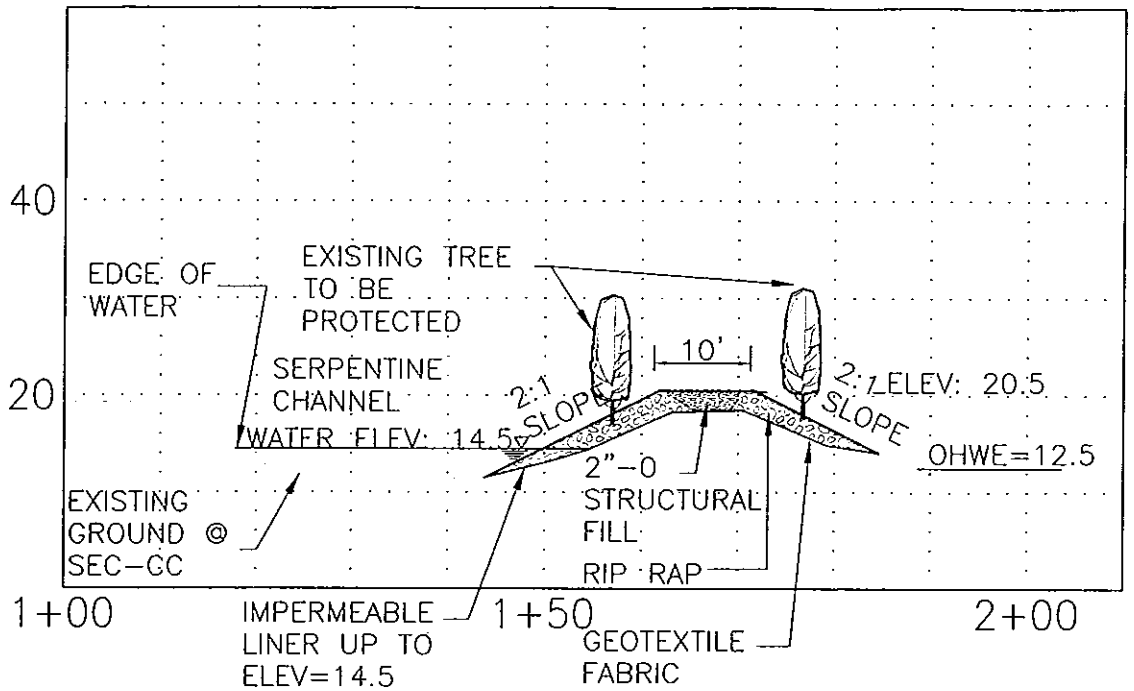
SHEET: 10 OF 18 DATE: OCTOBER 2004

SECTIONS



ROCK FILL ALTERNATE 4A
SEC CC

SCALE: HORZ 1"=20', VERT 1"=20'

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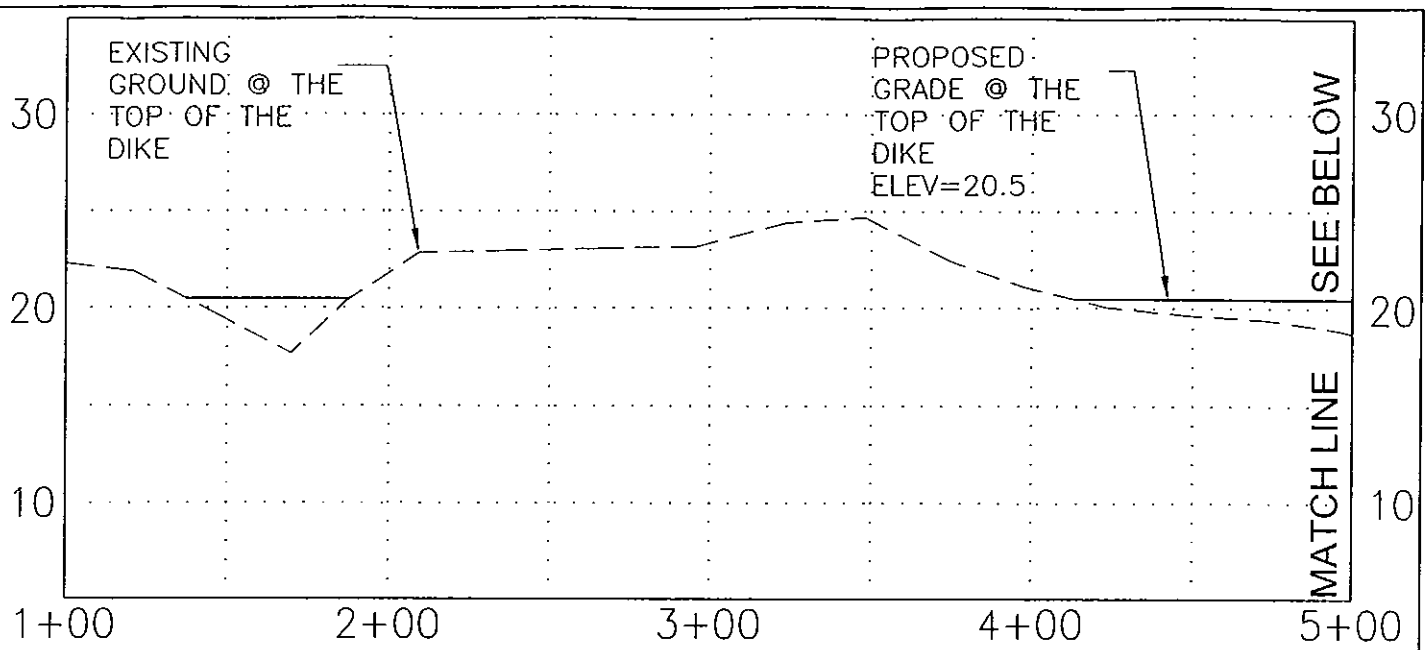
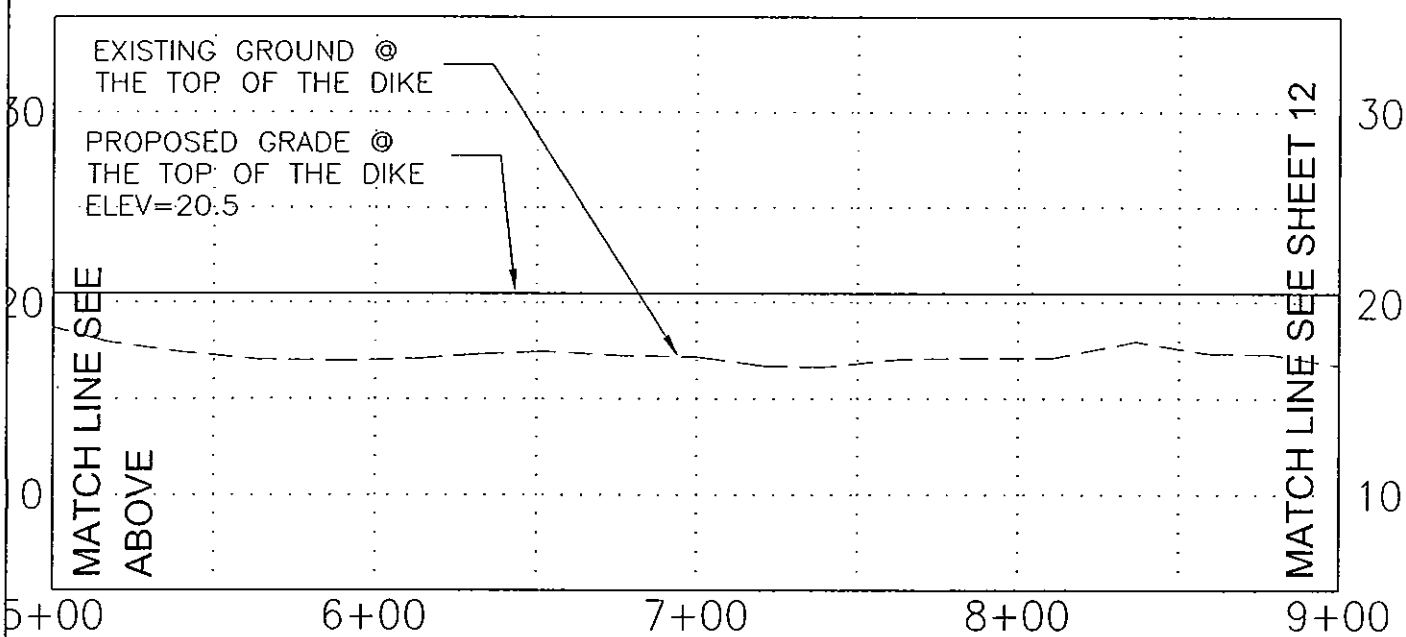
SHEET: 11 OF 18 DATE: OCTOBER 2004

SECTION



DIKE PROFILE

SCALE: HORZ 1"=60', VERT 1"=10'



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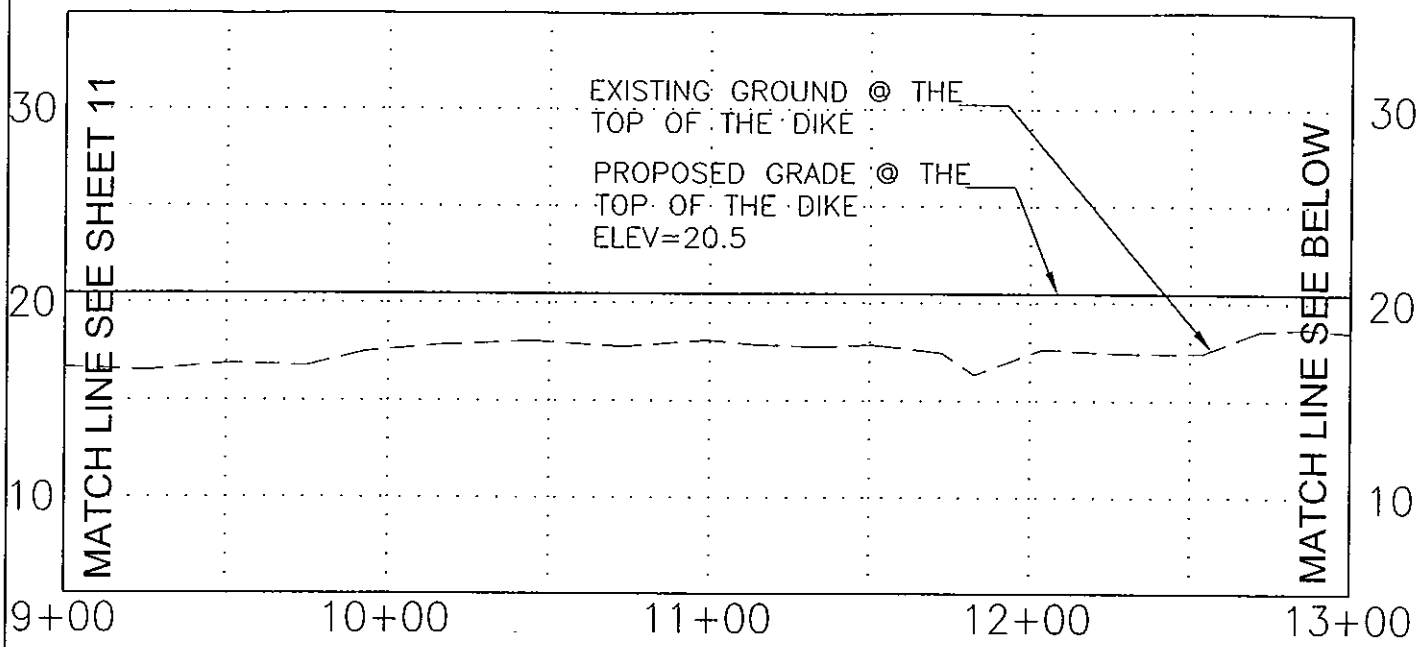
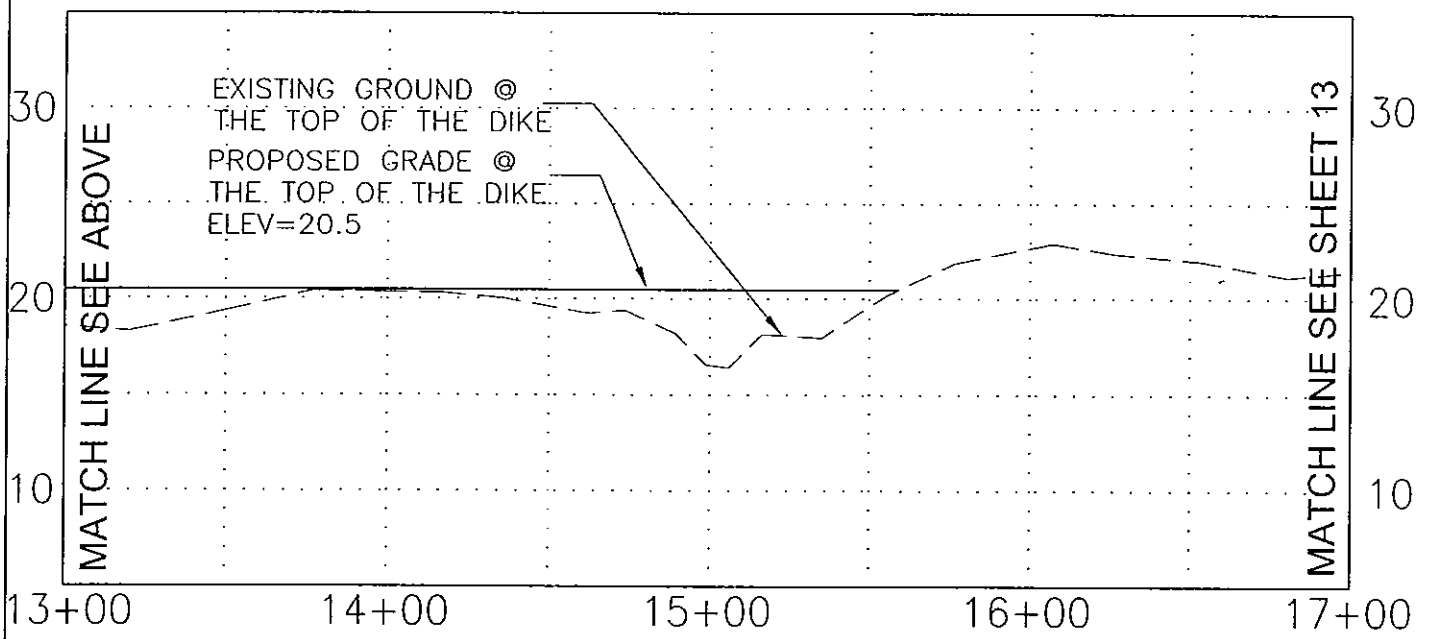
SHEET: 12 OF 18 DATE: OCTOBER 2004

DIKE PROFILE



DIKE PROFILE

SCALE: HORZ 1"=60', VERT 1"=10'



DIKE

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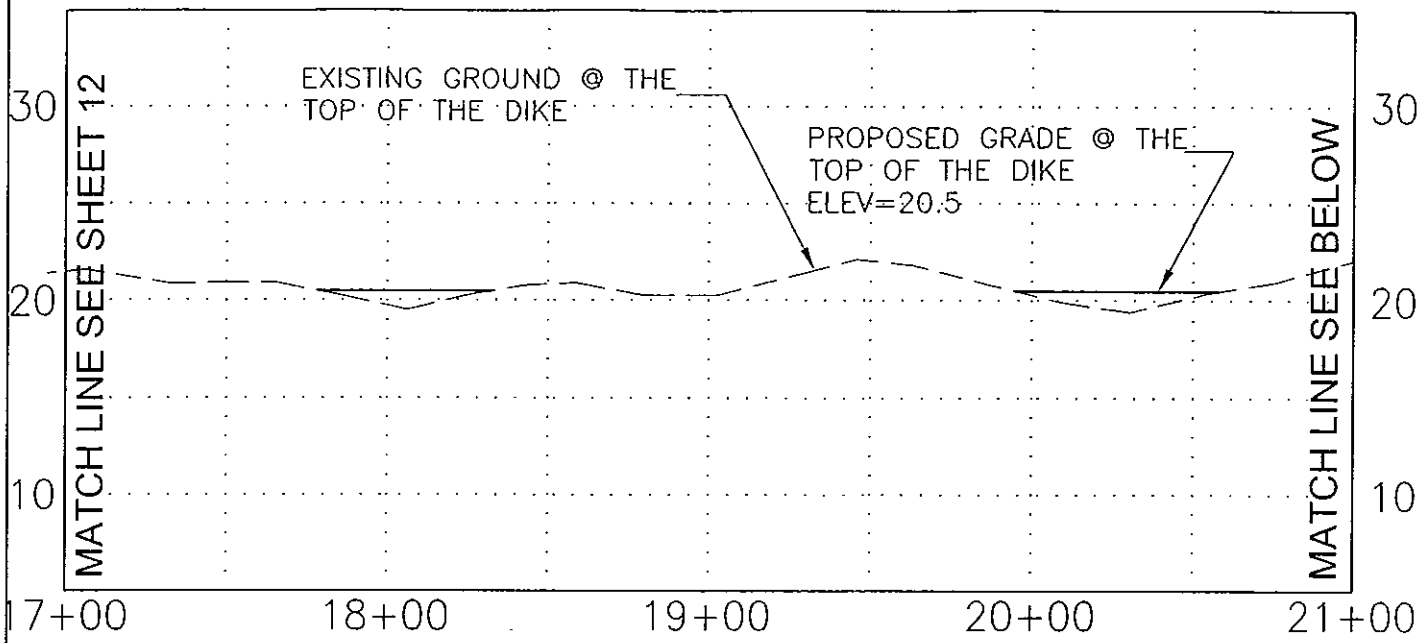
SHEET: 13 OF 18 DATE: OCTOBER 2004

DIKE PROFILE



DIKE PROFILE

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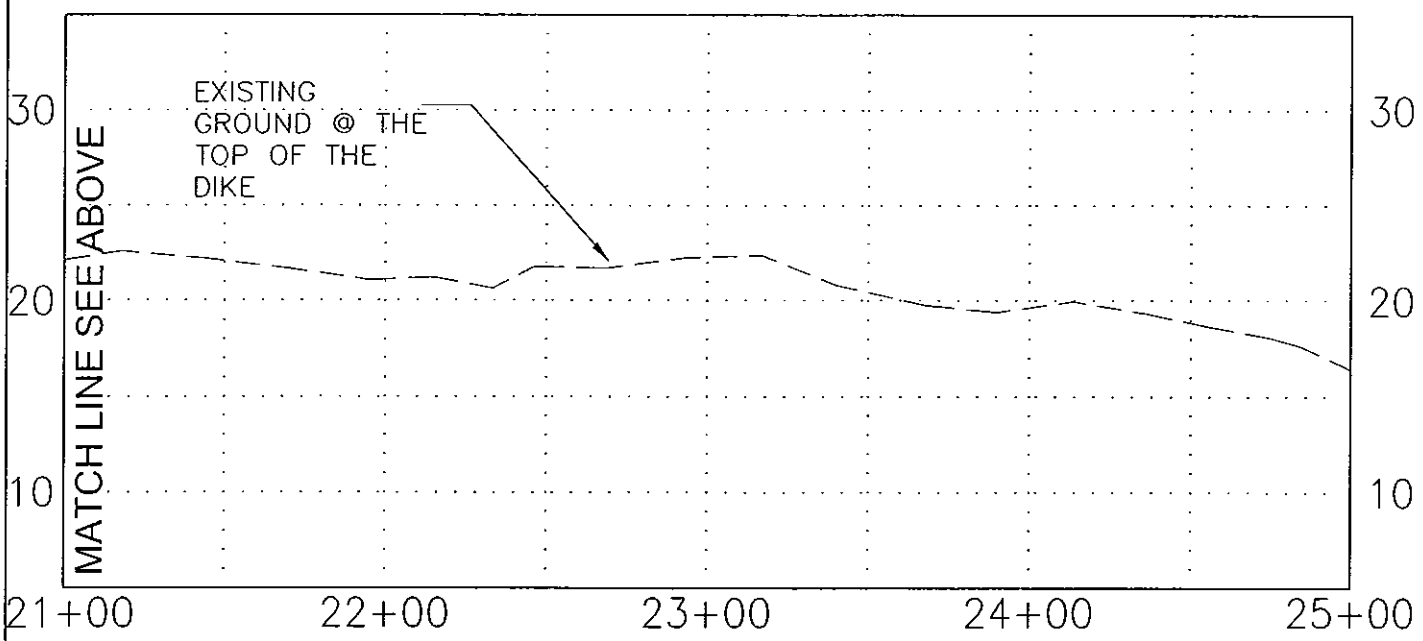

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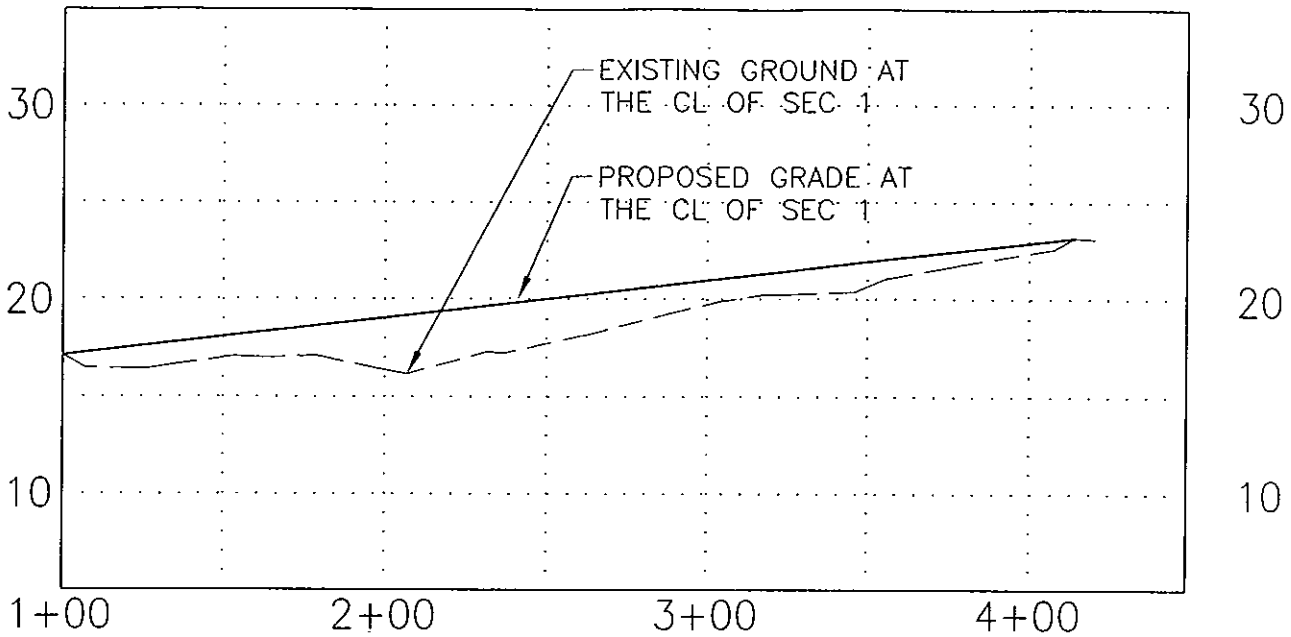
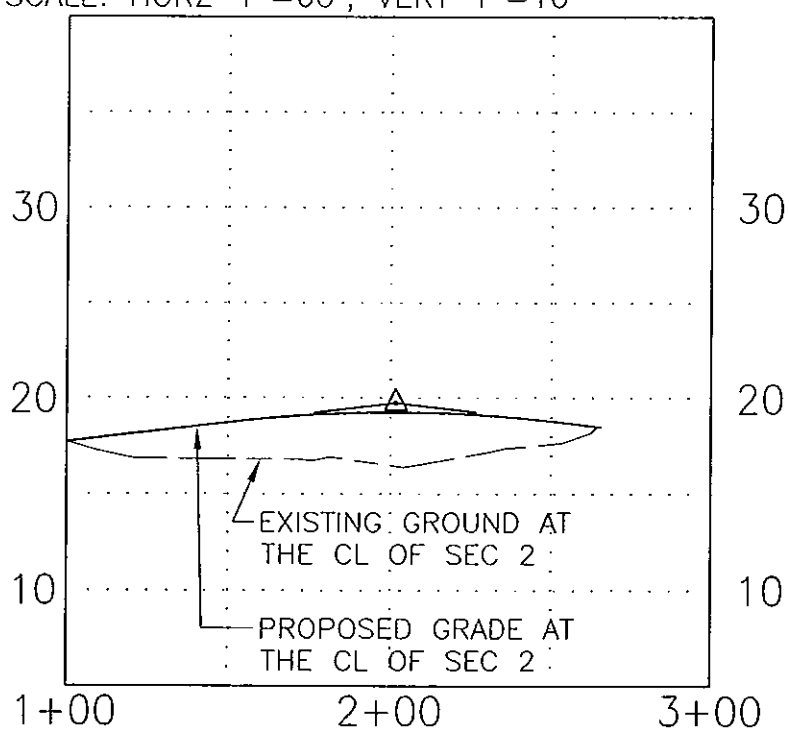
SHEET: 14 OF 18 DATE: OCTOBER 2004

DIKE PROFILE



SEC 1 THROUGH THE DEWATERING AREA

SCALE: HORZ 1"=60', VERT 1"=10'



SEC 2 THROUGH THE DEWATERING AREA

SCALE: HORZ 1"=60', VERT 1"=10'

NOTES

SEE SHEET 8 FOR PLAN VIEW FOR THE DEWATERING AREA

DEWATER CROSS SECTIONS

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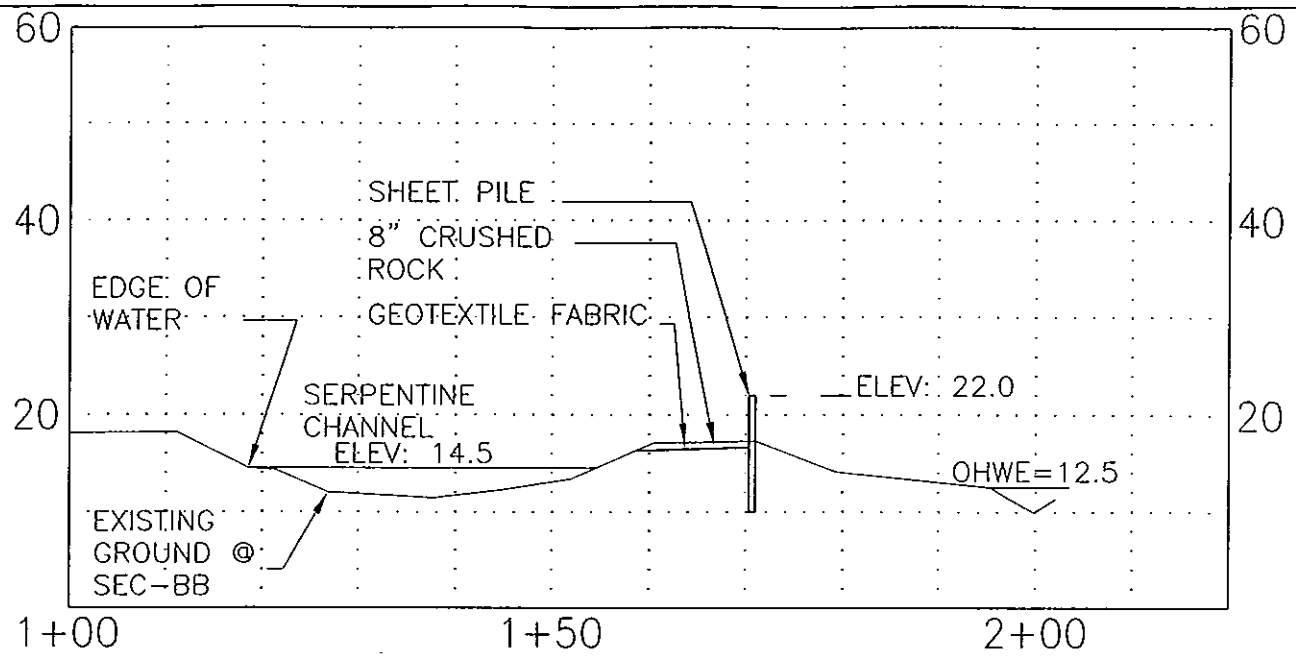
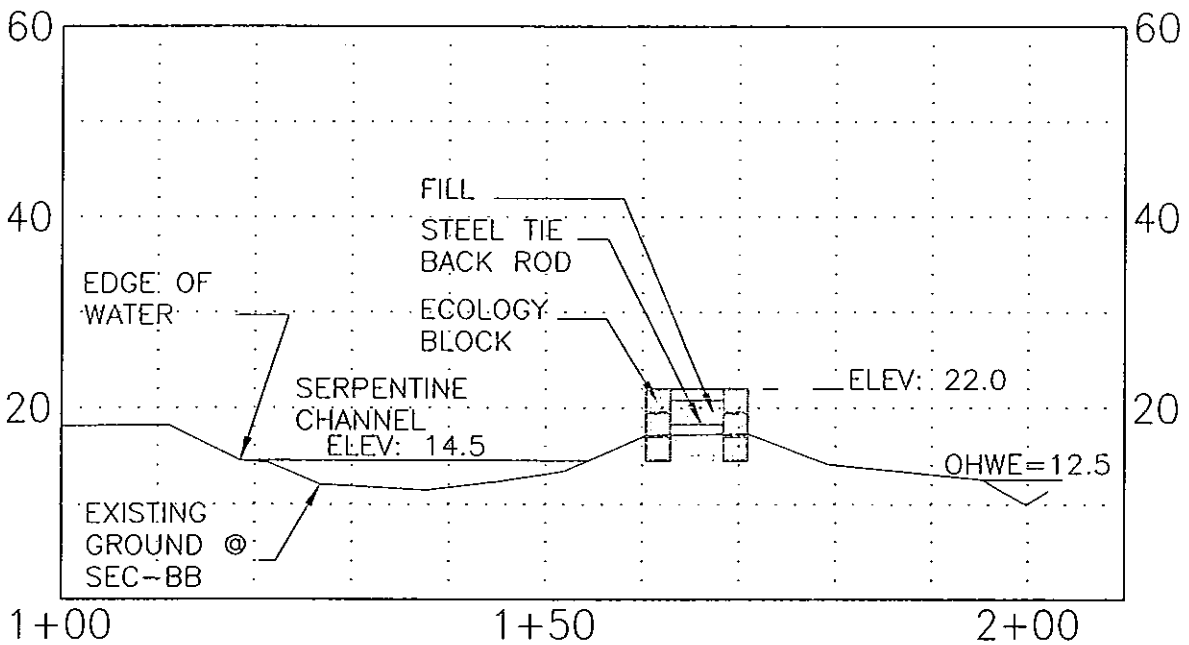


ALTERNATIVE-1
SEC "BB"

SCALE: HORZ 1"=20', VERT 1"=20'



ALTERNATIVE-2
SEC BB

SCALE: HORZ 1"=20', VERT 1"=20'

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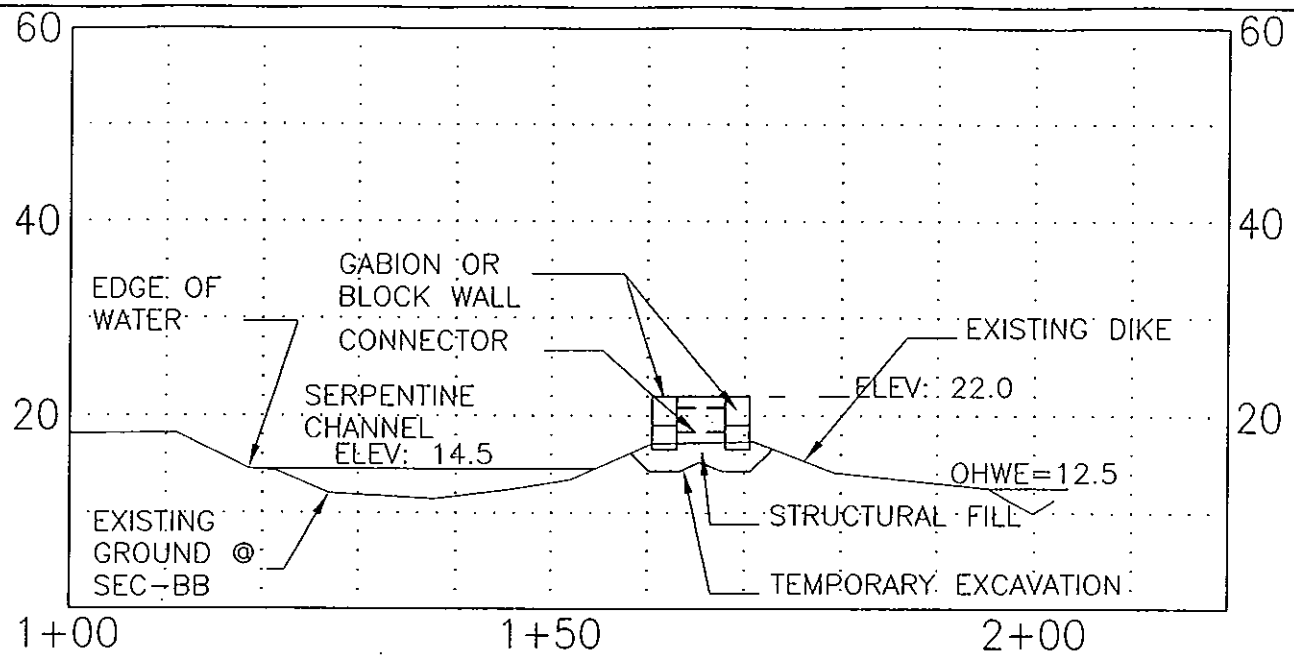
NEAR: WETLANDS & WATERS ADJACENT TO SOOES RIVER
SHEET: 16 OF 18 DATE: OCTOBER 2004

ALTERNATIVES ANALYSIS



ALTERNATIVE-3
SEC "BB"

SCALE: HORZ 1"=20', VERT 1"=20'

ALTERNATIVES ANALYSIS

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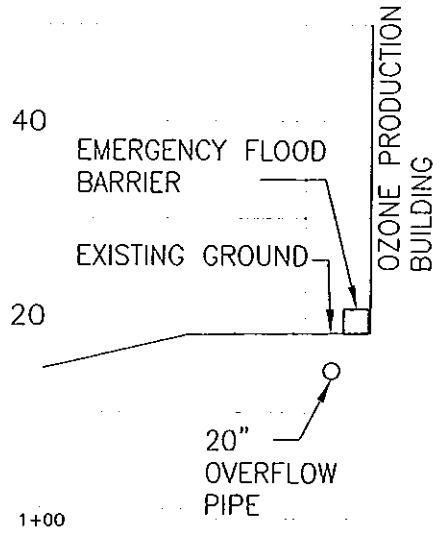
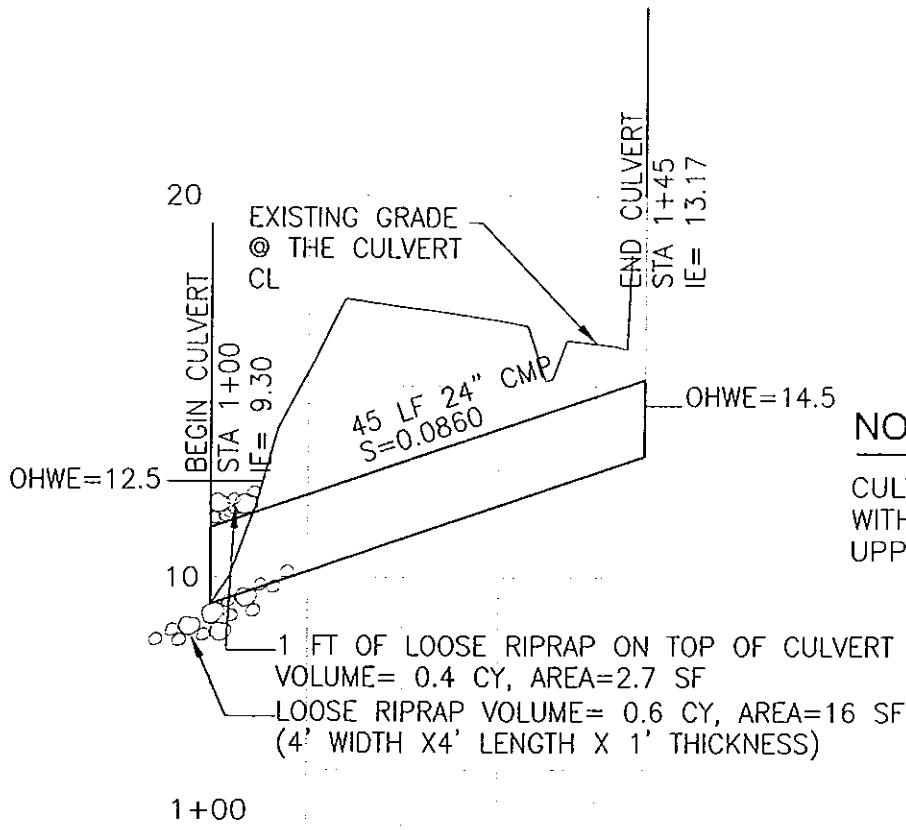


CROSS SECT. THROUGH EMERGENCY FLOOD BARRIER AND 20" OVER FLOW PIPE

SCALE: HORZ 1"=20', VERT 1"=20'



NOTES

CULVERT TO BE FITTED WITH SLIDE GATE @ UPPER STREAM END.

REPLACING BYPASS CULVERT

SCALE: HORZ 1"=20', VERT 1"=5'

DETAILS

REFERENCE: – 200401262
APPLICANT: USFWS MAKAH NATIONAL FISH HATCHERY
PROPOSED: 1.0 ACRE FILL (DIKE REPAIR) & 2.77 ACRES SEDIMENT REMOVAL (PONDS)
NEAR: WETLANDS & WATERS ADJACENT TO SOOES RIVER
SHEET: 18 OF 18 DATE: OCTOBER 2004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply to
Attn of: ECO-083

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Notice of Request for
Water Quality Certification

Notice is hereby given that a request has been filed with the U.S. Environmental Protection Agency to certify, pursuant to Section 401 of the Federal Clean Water Act of 1977, PL 95-217, that there is reasonable assurance the project described in the Corps of Engineers Public Notice No. 200401262 will not violate applicable water quality standards. Comments regarding possible water quality effects of the proposed project should be sent within 30 days to the U.S. Environmental Protection Agency, ECO-083, 1200 Sixth Avenue, Seattle, WA 98101.

Michelle Pirzadeh, Acting Director
Office of Ecosystems and Communities

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