



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

FOR PERMIT APPLICATION

Issue Date: May 24, 1999

Expiration Date: June 23, 1999

Corps of Engineers Number: 99-296

Oregon Division of State Lands Number: RF-16895

Oregon Parks and Recreation Department Numbers: BA-463-99

SP-9080

30 Day Notice

The District Engineer, Portland District, Corps of Engineers (Corps), the Oregon Division of State Lands (DSL) and the Oregon Parks and Recreation Department (OPRD) are evaluating a permit application from the City of Newport. The purpose of this notice is to inform interested parties of a proposed work activity and to solicit comments. Participation is encouraged so that both agencies are better able to complete a more thorough public interest review. Comments assist us to make a reasonable decision based on public interest factors. The District Engineer and DSL are particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects, and endangered species. Comments must be received on or before the expiration date (located above) to be considered in subsequent actions on this application. The proposed project is described below and shown on the attached drawings. This notice may also be viewed at the Corps web site at: http://www.nwp.usace.army.mil/co/g/regs/Pub_bull.htm.

Submitting Comments: Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

US Army Corps of Engineers
ATTN: CENWP-CO-GP (Gebhart)
P O Box 2946
Portland, Oregon 97208-2946
Email: richard.a.gebhart@usace.army.mil

Oregon Division of State Lands
Permit Coordinator (Steve Moser)
775 Summer Street NE
Salem, Oregon 97310-1337

Oregon Parks and Recreation Department
Coastal Land Use Coordinator (Steve Williams)
South Beach State Park
5580 South Coast Highway
South Beach, Oregon 97366-9601

Applicant: City of Newport, 810 SW Alder, Newport, Oregon 97365

Location: Along the beach from Nye Beach to Yaquina Bay (north jetty), under the bay, south to the new wastewater treatment facility, in South Newport in Sections 5, 7, 17, 18, & 20, Township 11 South, Range 11 West, Lincoln County, Oregon.

Project Description: The City of Newport is proposing to complete a major wastewater treatment facility upgrade. The project includes laying a new primary pipeline from Nye Beach south to and under Yaquina Bay and continuing south to the new wastewater treatment facility in South Newport. The new pipeline will be part of the new wastewater conveyance system to and from the new wastewater treatment facility. Two high-density polyethylene (HDPE) pipes (walls are approximately 1½" thick) will convey wastewater: a 22" pipe will transport wastewater to the treatment plant and a 28" pipe will transport treated sewage for offshore disposal through the existing outfall near Nye Beach, the system that is presently used. Additionally, a new force main 12" HDPE pipeline will be constructed near the OSU / Marine Science Center to convey sewage from the existing 8" pipeline that crosses the bay. The 12"

pipeline will connect to the new main along Highway 101. This minor pipeline adjunct will be constructed primarily within an existing utility trench or within existing streets. No alterations are proposed for the 8" pipeline.

The new pipelines from Nye Beach to the north jetty will be trenched into bedrock and encased in concrete under the sandy beach, near the base of the bluff. Access to the beach will be from the Nye Beach ramp and the north jetty access road. The access closest to the current construction activity will be used, but some of the construction may require using both access points to provide a smoother construction operation. All work along the beach will be scheduled around tides and storms that may interfere with the work site. The construction activity along the beach will entail excavating a trench to lay the pipeline and concrete encasing. Construction activity will require excavating in the (relatively) "soft" sedimentary rock (mudstone bedrock) that is overlain with sand. Before the pipe and concrete encasement is placed, the trench will be "cleaned" with a pressure hose from piped seawater. Pipe lengths will be laid on the beach prior to being placed in the excavated trench. The lengths of HDPE pipe will be heat-fused with specialized equipment and then laid in the trench and then encased in concrete. Within a few hours after the concrete is placed, the excavated sand will be pushed over the completed portion of the pipeline. All excess material, particularly the excavated rock which will be crushed *in situ*, will be left on the beach to be reintegrated in the beach geologic system. The pipeline will be laid relatively close to the bluff, generally from 50 -100 feet from the base of the bluff.

The Yaquina Bay crossing will be accomplished by horizontal directional drilling; the work area entrance and exit points (staging areas) will be on the north side of the north jetty and south side of the south jetty. The drilled hole will provide an area for the assembled (heat joined pipe sections) to be pulled in place, under the bay. No in-water work will occur. It is estimated that the under-the-bay portion of the project will take about six weeks.

The pipeline south of the bay will traverse land where the only regulatory issue is wetland crossings. Soils involved are either sand or other native soils. Basically, a trench will be excavated, the pipe laid in the trench, and backfilled with the *in situ* material. In those areas where wetlands are involved, the top soil will be removed, stockpiled, and redeposited as the topmost backfill material. The construction swath thru the wetland areas will be kept as narrow as practical. The pipeline will traverse land managed by the Oregon Parks and Recreation Department (South Beach State Park), then parallel Highway 101 for a distance before crossing the highway, approximately 1200 feet north of South Beach State Park main entrance. On the east side of Highway 101, more wetland impacts from the pipeline will occur. Additionally, a lift station will be constructed that will also impact a wetland. Excess excavated material will be hauled off-site. The pipeline thru the south portion of the project will not be encased in concrete. The pipeline will continue up to the hill to the new wastewater treatment facility.

It is estimated that there will be about 2.6 acres of temporary impact to the beach. Throughout the construction, public access will continue to be as safe and available as possible, given the construction constraints. Site restoration is expected to preclude permanent functional and recreational impacts. The total wetland acreage impacts from the pipeline are about 1.3 acres of mostly shrub and forested wetlands dispersed amongst 16 wetland areas. These impacts are temporary construction impacts; the construction area of disturbance will be restored to original condition. The lift station will permanently fill 0.39 acres of mostly low quality, disturbed wetland. This impact will be mitigated by restoring 0.13 areas of wetland from a prior, pre-regulatory fill, *i.e.*, on-site mitigation. Mitigation for the remaining 0.25 acres of wetland fill will be an *in lieu* payment for native oyster restoration in Yaquina Bay.

Effluent disposal will be by gravity flow, therefore the potential for lift or pump station overflows of treated effluent is minimized. The Nye Beach connection to the existing ocean disposal discharge pipe will cause minimal disturbance.

The attached maps and drawings provide additional project details. There have been numerous public meetings and special elections to discuss this project and its alternatives. More project details may be obtained from the project proponent (City of Newport) or their consultants: Jim Fuller or Tom Morris, Fuller and Morris Engineering @541-745-1006 or Dana Seigfried, David Evans and Associates @503-223-6663.

Purpose and Need: The purpose is to replace an aged and outdated treatment plant and pipelines with a new treatment facility and a new sewage conveyance pipeline. There is a need to update the system because sewage treatment capacity is becoming insufficient and the existing system does not comply with state and federal wastewater treatment mandates. The proposal is expected to accommodate Newport's growth thru 2020.

Note: The Corps of Engineers is regulating the whole pipeline project. The Oregon Parks and Recreation Department is regulating the beach portion of the project, and the Oregon Division of State Lands is regulating the rest of the pipeline, from the south jetty to the new wastewater treatment facility.

Additional Information: Additional information may be obtained from Sam Sasaki, at 541-265-4291 in Newport or by calling Richard Gebhart, Project Manager, Corps of Engineers at 503-808-4383 in Portland or Steve Moser, Permit Coordinator, Oregon Division of State Lands at 378-3805 X245 in Salem or Steve Williams, Oregon Parks and Recreation Department at 541-867-7451 in South Beach.

Authority: This proposal is being evaluated under Section 10, Rivers and Harbors Act 1899, for work in or affecting navigable waters of the United States and Section 404, Clean Water Act, for excavation and / or discharge of dredged or fill material into waters of the United States and Oregon's Ocean Shore Improvement and the Removal-Fill Law.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act, has been granted or is waived from the Oregon Department of Environmental Quality (DEQ). Waiver will be deemed to occur if the state fails or refuses to act on the request for certification within 60 days. Attached is the DEQ's notice advertising their request for certification.

Section 404(b)(1) Evaluation: The activity's impact on the public interest will include application of the 404 (b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency.

Coastal Zone Management Act Certification: A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3) requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

Public Hearing: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a

public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

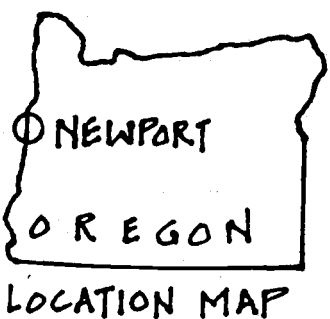
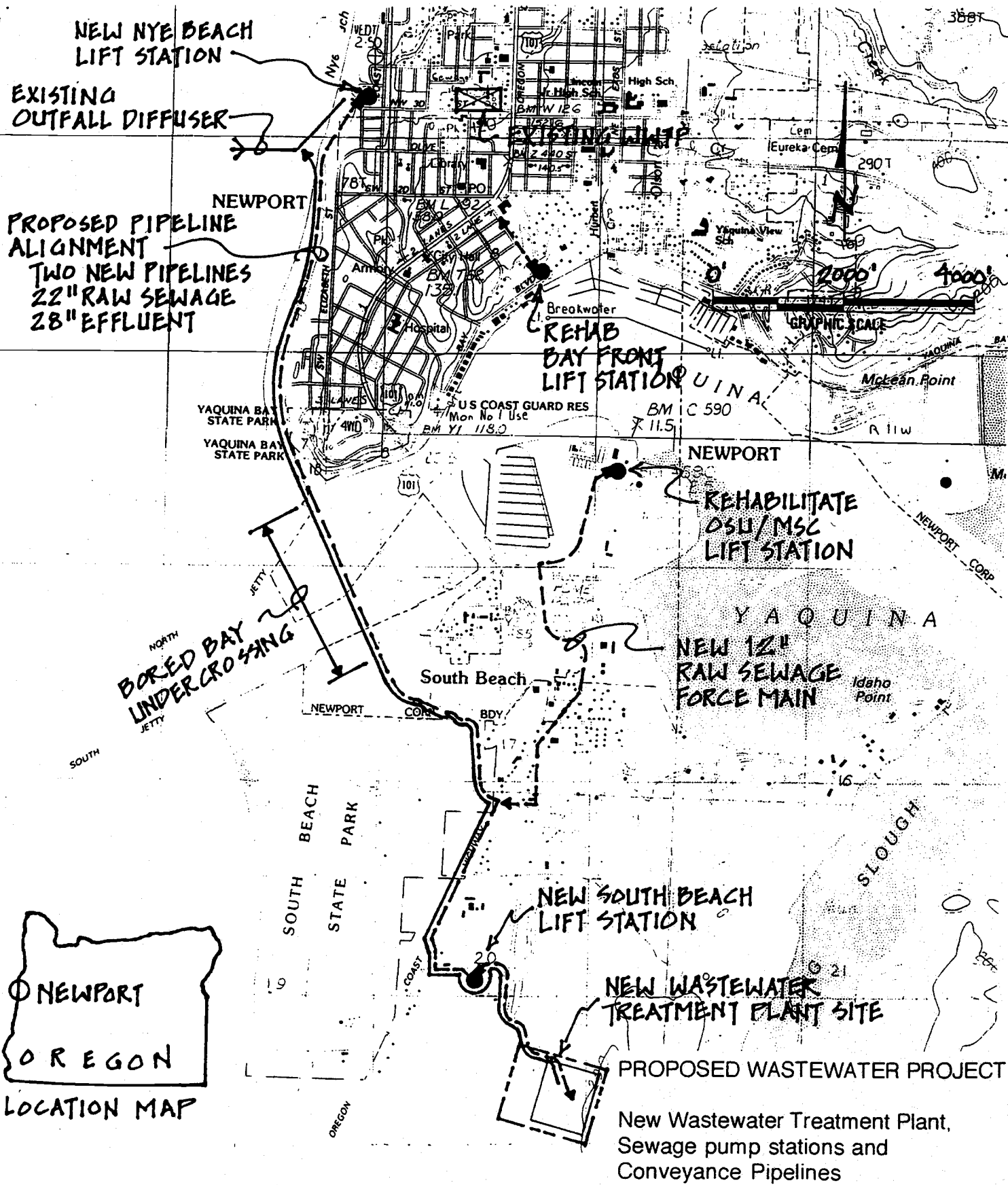
Endangered Species: Preliminary review, under the Endangered Species Act of 1973 (87 Stat. 844), indicates that the described activity will not affect listed endangered species or their critical habitat. Formal consultation under Section 7 of the Act is not required for the described activity.

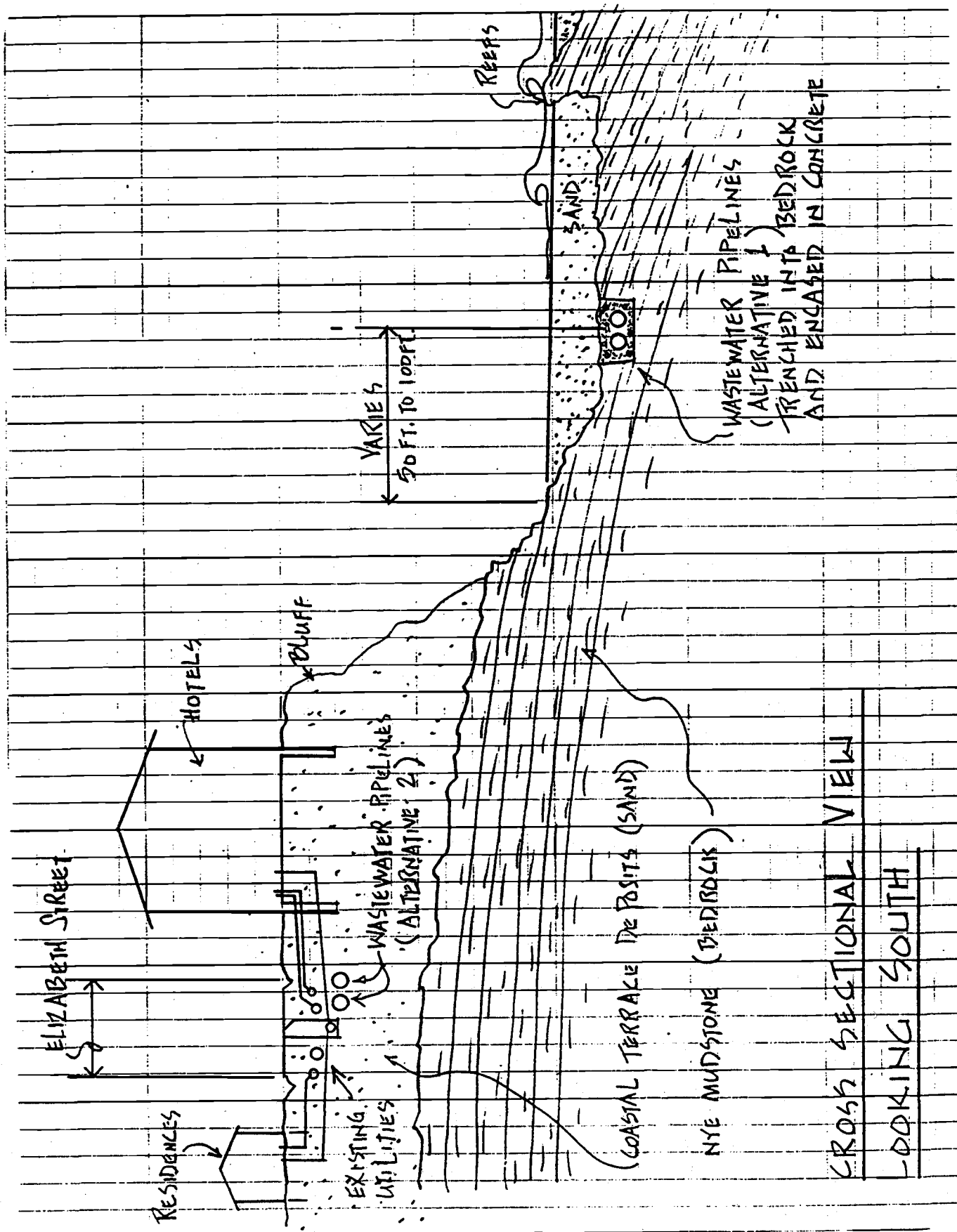
Cultural Resources: In accordance with Section 106 of the National Historic Preservation Act, initial review of cultural resources information available in the *National Register of Historic Places* and its current supplements indicates that no historic properties would be affected by the proposed activity. This notice was sent to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers 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 proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and 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 proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These state requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable statutory authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

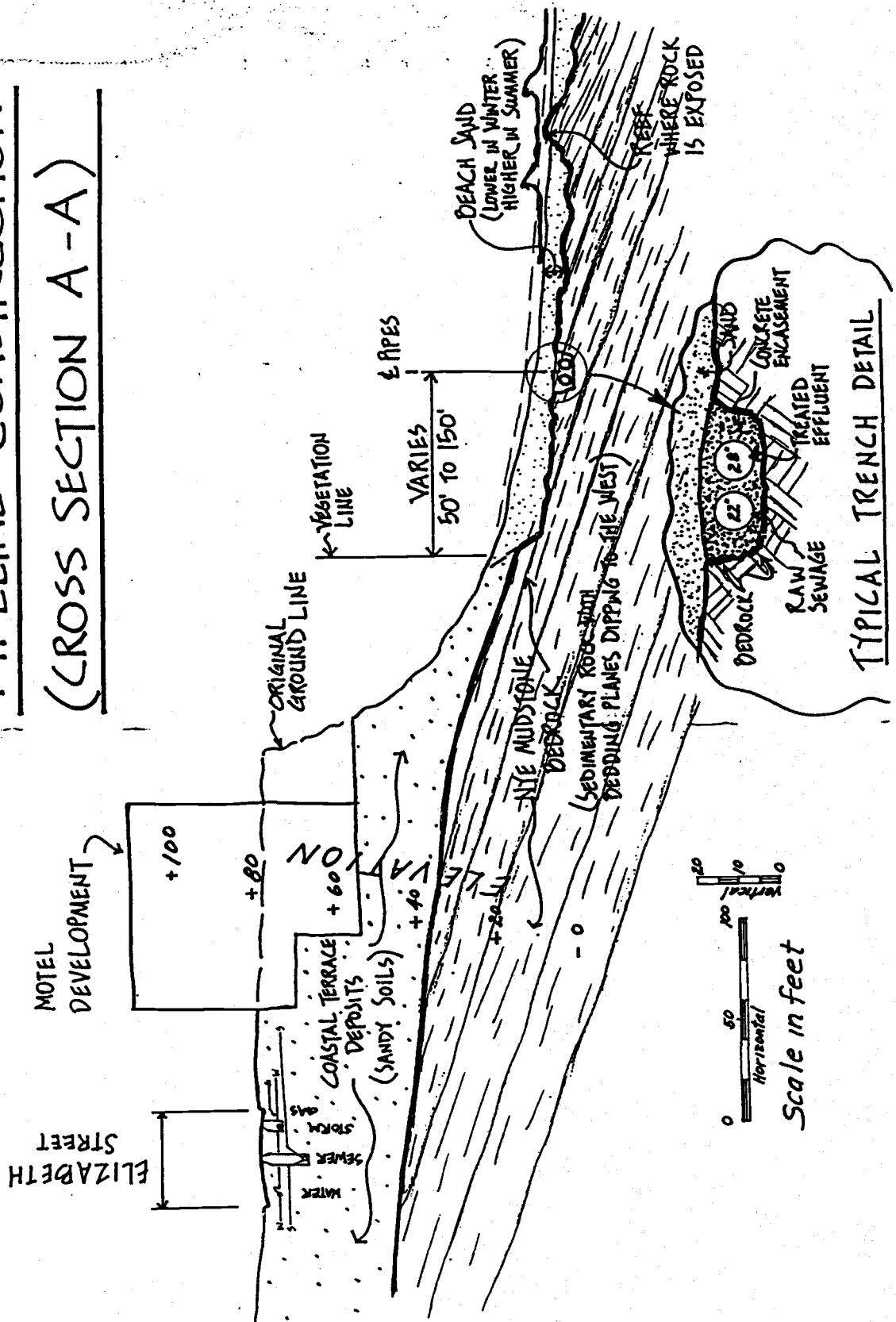


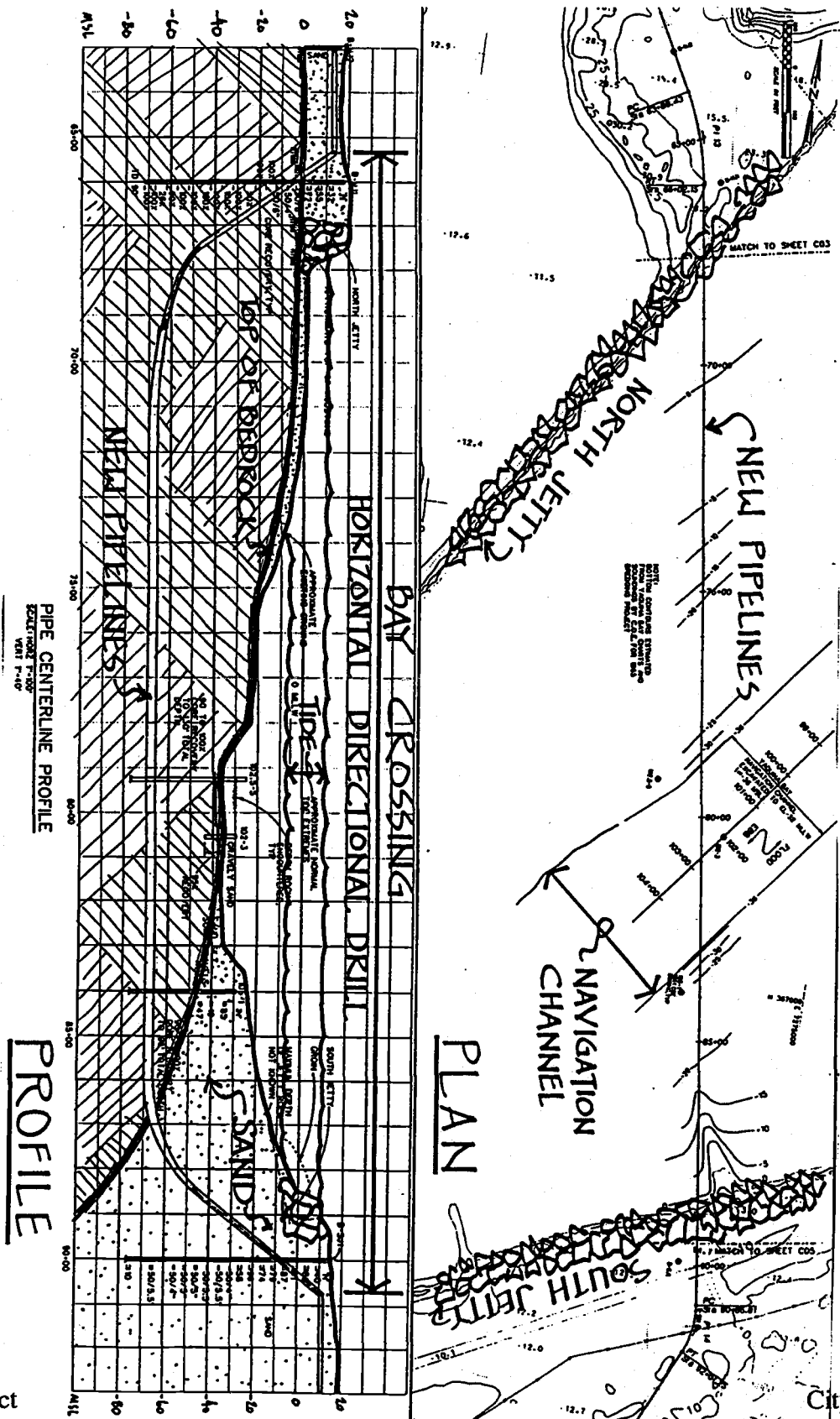


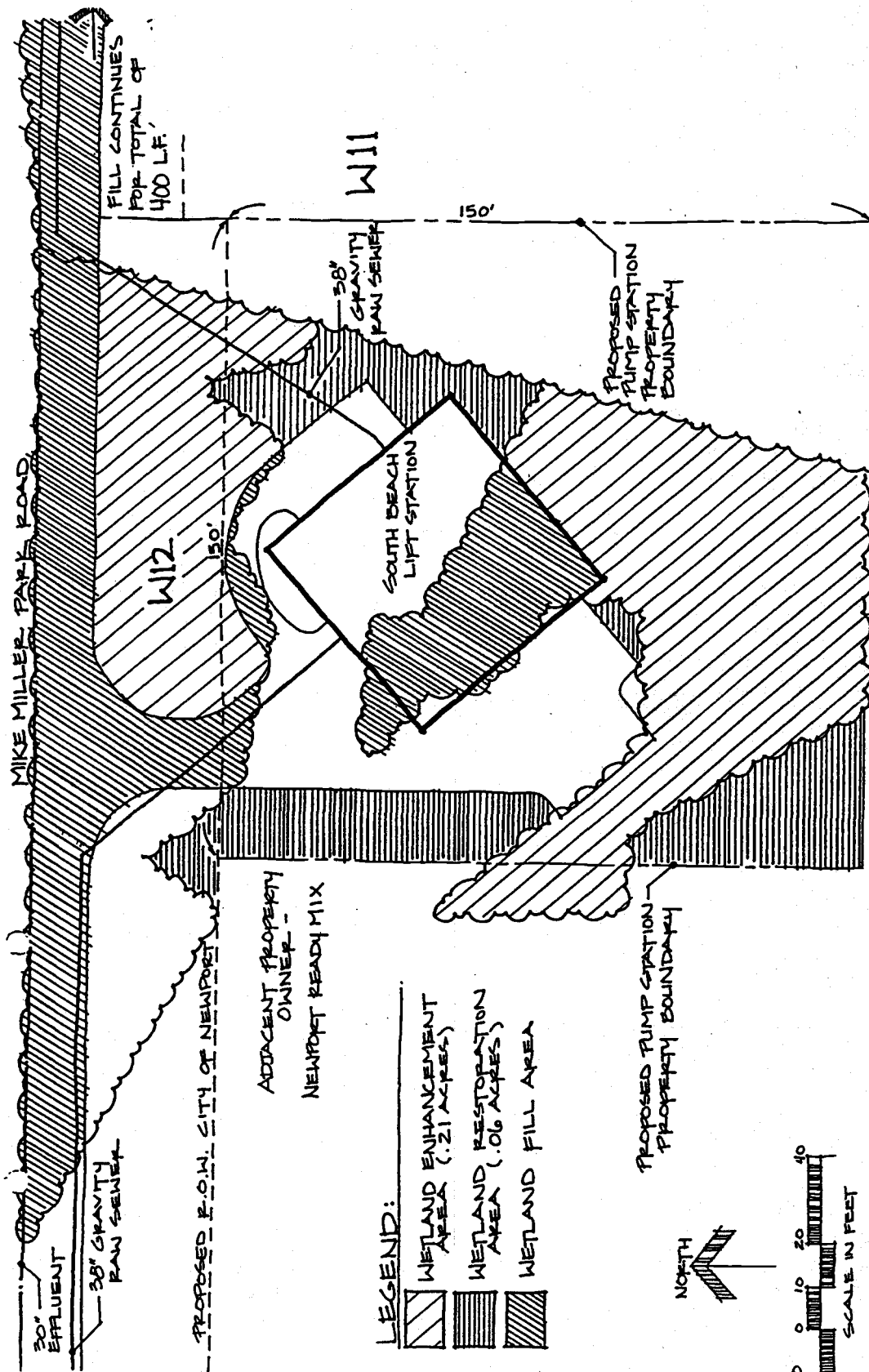
BEACH ALIGNMENT

PIPELINE CONSTRUCTION




(CROSS SECTION A-A)

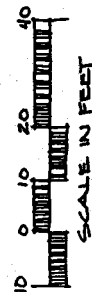






LEGEND:

-  WETLAND ENHANCEMENT AREA (.21 ACRES)
-  WETLAND RESTORATION AREA (.06 ACRES)
-  WETLAND FILL AREA



PUBLIC NOTICE

WATER QUALITY 401 CERTIFICATION

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Notice Issue: May 24, 1999

Written Comment Due: June 23, 1999

Corps of Engineers Permit Number: 99-295

Oregon Division of State Lands Number : RF-16895

Who is the Applicant: See the attached Corps of Engineers (Corps) public notice.

Location of Certification Activity: See attached Corps of Engineers public notice.

What is Proposed: See the attached Corps public notice.

Need for Certification: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

Description of Discharges: See the attached Corps public notice.

Where to Find Documents: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 SW 6th Avenue, Portland, Oregon 97204. While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Donna Kelly at 503-229-6962. Any questions on the proposed certification may be addressed to Tom Rosetta, 503-229-5845 or toll free within Oregon at 800-452-4011. People with hearing impairments may call DEQ's TTY at 503-229-6993.

PUBLIC PARTICIPATION:

Public hearing: DEQ will provide opportunity for a public hearing for interested people to appear and submit written or oral comments if:

- the submitted comments indicate significant public interest, or
- written requests from 10 or more persons are received, or
- an organization representing at least 10 persons requests a public hearing.

Written comments: Written comments on the proposed certification must be received at DEQ by 5 PM on the above date. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: Tom Rosetta, 811 SW 6th Avenue, Portland, Oregon 97204. *People wishing to send written comments via e-mail should be aware that, if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People sending comments via e-mail should format them in Microsoft Word, WordPerfect, or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

What Happens Next: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

Accessibility Information: This publication is available in alternate format, e.g., large print, Braille, upon request. Please contact DEQ Public Affairs at 503-229-5766 or toll free within Oregon at 800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at 503-229-6993.



811 SW Sixth Avenue
Portland, OR 97204-1390
503-229-5696
TDD 503-229-6993

Public Notice

OREGON COASTAL MANAGEMENT PROGRAM CONSISTENCY CERTIFICATION

DEPT. OF LAND
CONSERVATION
AND
DEVELOPMENT

Issue Date: May 24, 1999
Expiration Date: June 23, 1999

Corps of Engineers Action ID Number: 99-295
Oregon Division of State Lands Number : RF-16895

NOTIFICATION

Notice is hereby given that a certification has been filed with the Department of Land Conservation and Development (DLCD), as provided in Section 307(c) of the Coastal Zone Management Act, that the permit described in the attached Corps of Engineers public notice will comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. The certification and supporting information area available for inspection at the DLCD office in Salem.

DLCD is hereby beginning its federal consistency review of the proposed activities and the required federal permit. DLCD is soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, ATTN: Consistency Review Specialist, 1175 Court Street NE, Salem OR 97310-0590. Any comments must be received by the DLCD on or before the expiration date listed on the federal public notice.

REVIEW CRITERIA

Comments should address consistency with the applicable elements of Oregon's Coastal Management Program. These include:

- Acknowledge Local Comprehensive Plan
- Statewide Planning Goals
- State Laws, e.g., Fill-Removal Law and Water Quality standards

INCONSISTENT?

If you believe this permit is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the permit could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.



1175 Court Street NE
Salem, OR 97310-0590
503-373-0500
FAX 503-362-6705