



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: April 8, 2003

Expiration Date: May 8, 2003

Corps of Engineers Action ID: 200200175

Oregon Division of State Lands Number: 25189-GA

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Karla G Ellis)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Metro Regional Parks and Greenspaces
600 NE Grand Avenue
Portland Oregon 97232-2736

Location: Smith and Bybee Lakes Wildlife Area at the southeast corner of Bybee Lake and the east end of North Slough, a tributary of Columbia Slough, in Section 36, Township 2 North, Range 1 West, and Section 31, Township 2 North, Range 1 East, Portland, Multnomah County, Oregon.

Project Description: The project includes the removal of an existing dam and tidegate involving the removal of 1,068 cubic yards of material, including pipe, and the installation of 4 box culverts requiring 889 cubic yards of fill material (including compacted fill). Material removed from the channel will be disposed of in uplands onsite (with the exception of 191 cubic yards of that will be used in the installation of the box culverts). The total project will impact approximately 0.06 acre of waters of the United States. The box culverts will be designed to include stop-log channels to facilitate adaptive wetland management during spring months. One of the box culverts will be a 5-foot-wide, pool-chute style fishway to provide fish passage during periods of water management.

The U.S. Fish and Wildlife Service (USFWS) is the lead Federal agency for this project and has initiated Endangered Species Act consultation with the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries). The applicant is also working with NOAA

Fisheries on the project design and may propose minor changes to the final design based on recommendations by NOAA Fisheries.

The project has received funding from a North American Wetlands Conservation Act Grant to the Columbia Land Trust, an Oregon Watershed Enhancement Grant and a U.S. Forest Service Grant to Ducks Unlimited, Inc., and contributions from Ducks Unlimited, Inc., and Metro.

Purpose: The purpose of the project is to enhance the historic functions and values of Smith and Bybee Lakes, and provide fish access to, and passage from, these valuable rearing habitats. The existing dam converted nearly 2000 acres of seasonal emergent and forested wetlands into permanent lakes and isolated Smith and Bybee Lakes from the North Columbia Slough.

Drawings: Six drawings labeled Metro, COE#200200175.

Additional Information: Additional information may be obtained from Ms. Karla G Ellis, Project Manager, U.S. Army Corps of Engineers at (503) 808-4377.

Authority: This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

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 (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

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.

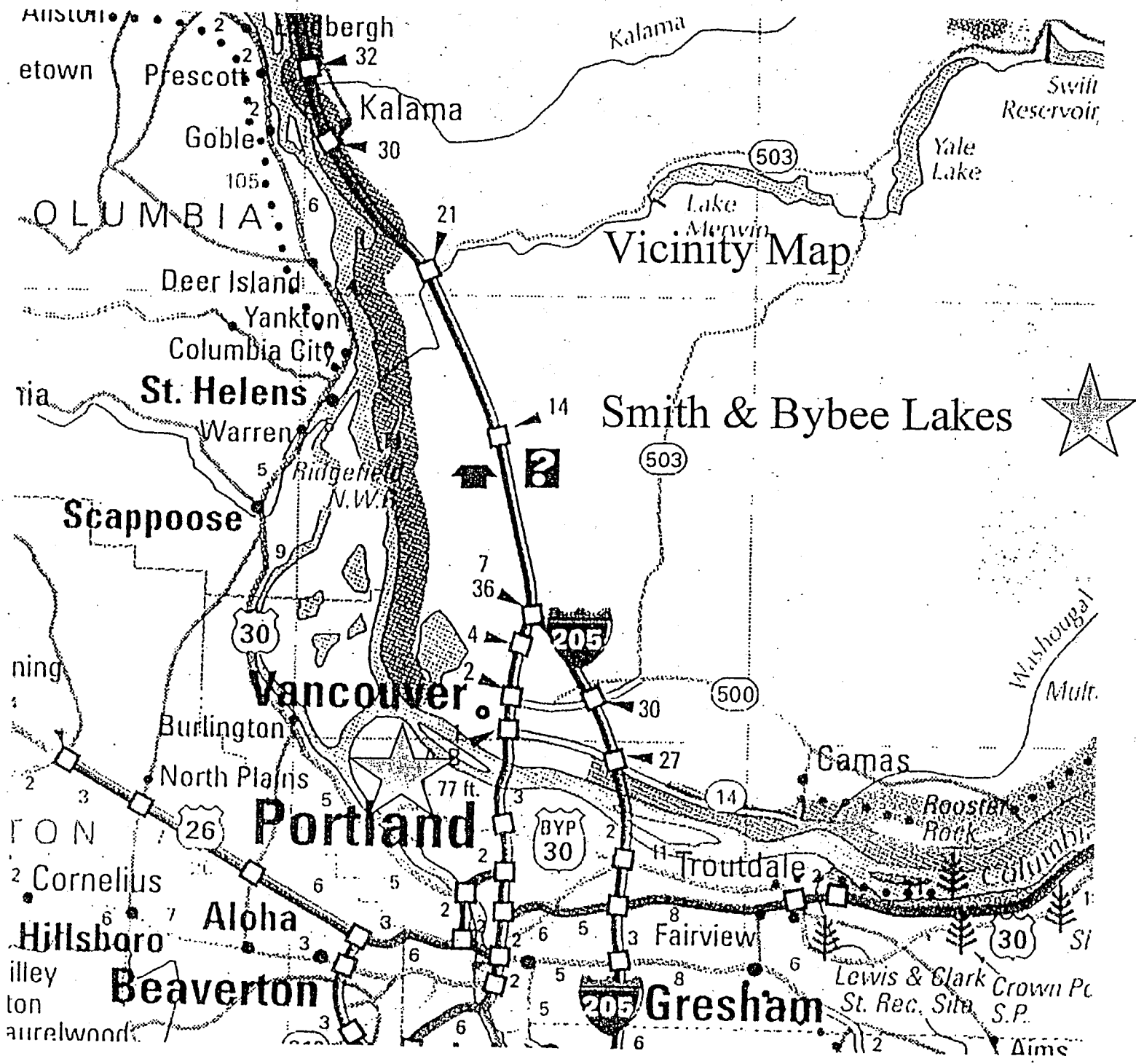
Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) has been initiated by the USFWS. A final permit decision for the proposed activity will not be made until the consultation process is completed.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided 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 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 proposed activity.

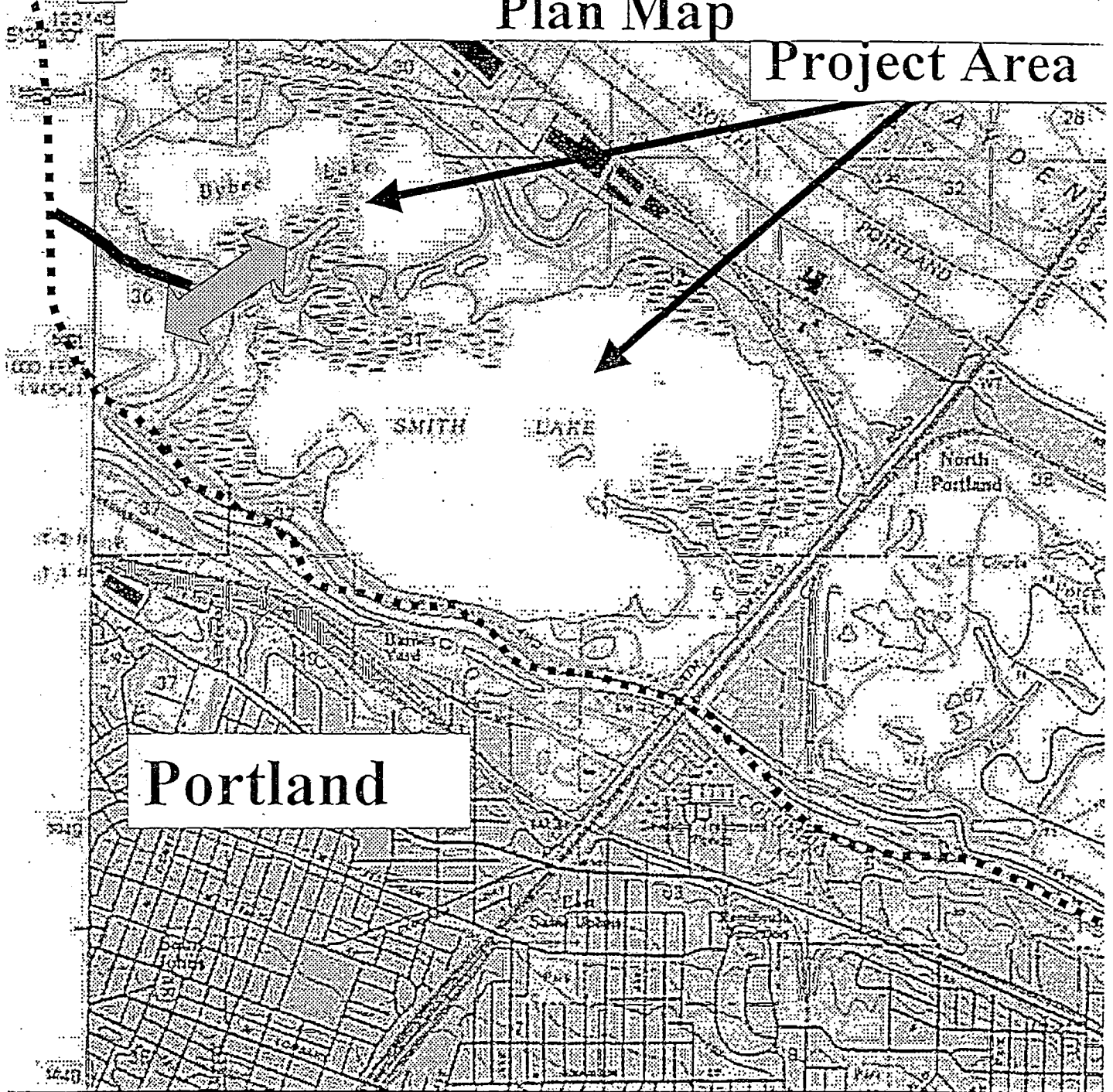
Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory 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.



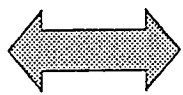
METRO
 COE# 200200175

Smith and Bybee Lakes Restoration Plan Map

Project Area



Portland



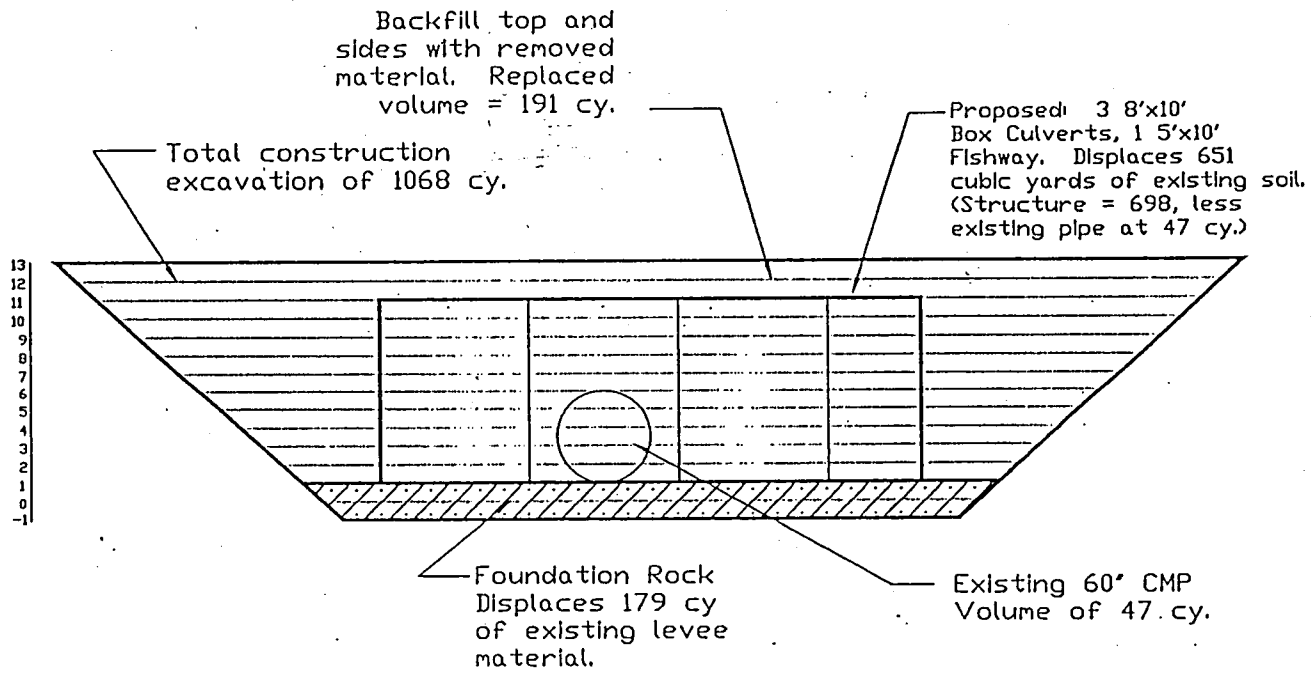
New Water Control Structure/Connection
to North Slough and Columbia Slough



Columbia Slough



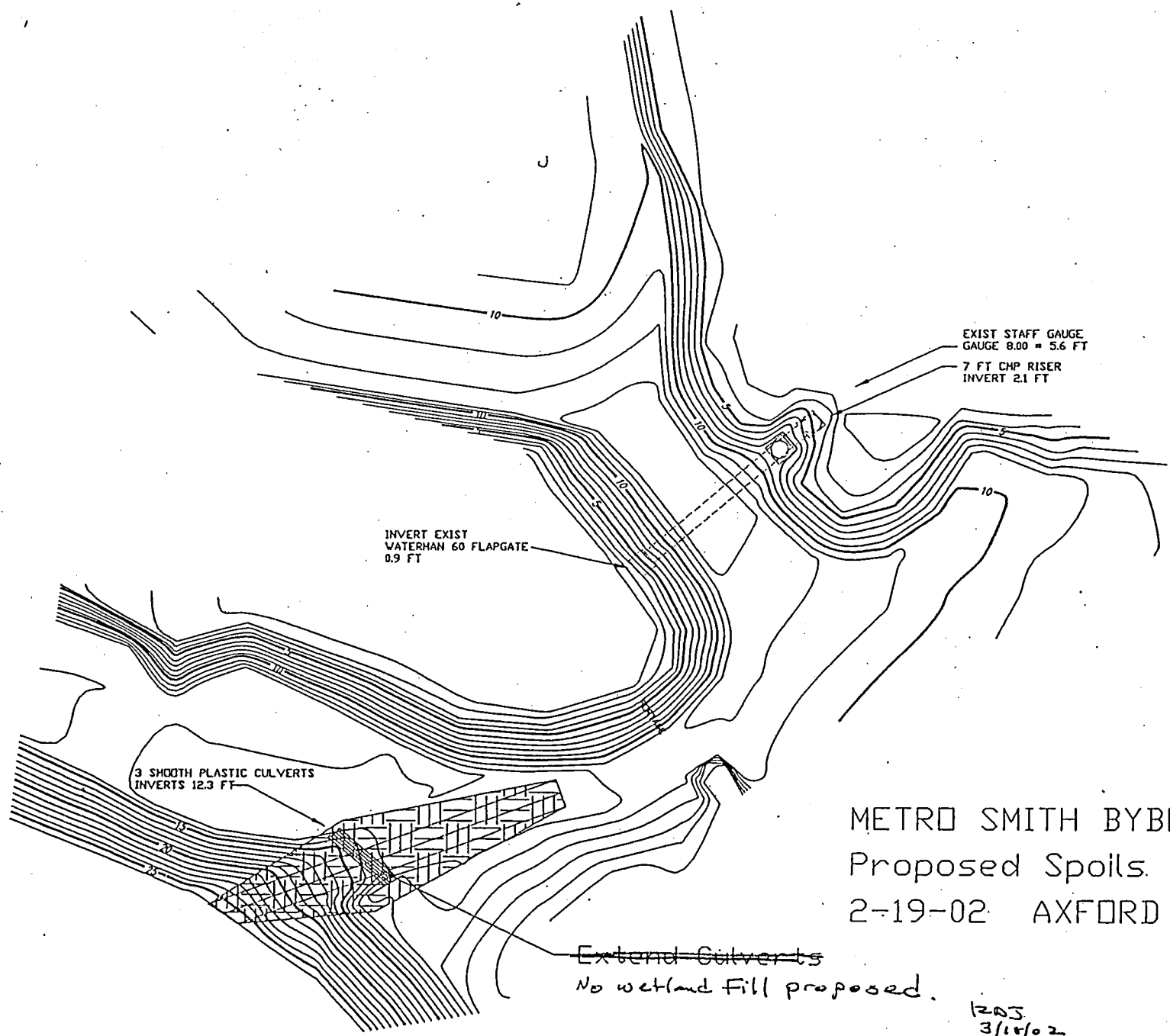
North Slough



Material Balance:
 Total excavation: 1115 cy - 47 cy (ex. pipe) = 1068 cy
 Backfill: 1068 - 698 (structure) - 179 (rock) = 191 cy
 877 cy balance as spoil

Smith Bybee Structure Replacement
 Estimated Volumes
 2-19-02 Axford

MSTDA C/F# 2000017E



METRO SMITH BYBEE LAKES
 Proposed Spoils Area
 2-19-02 AXFORD

~~Extend Culverts~~
 No wetland fill proposed.

1203
 3/14/02

CO-# METRO

(3) 8'x10' PRECAST
CONCRETE BOX
CULVERTS.

LOW
WATER

STOP LOG ASSEMBLY
MOUNTED TO THE
INLET OF THE BOX
CULVERTS. TOP
ELEVATION 11.0 FEET MSL

HIGH
WATER

NATIVE MATERIALS

CROSS SECTION A-A

(1) 8'x5' PRECAST
CONCRETE BOX
CULVERT. INSTALL
FISH LADDER.

LOW
WATER

NOTE
EXISTING STRUCTURE
TO BE REMOVED.

HIGH
WATER

NATIVE MATERIALS

CROSS SECTION B-B

NOTE
EXISTING STRUCTURE
TO BE REMOVED.

(3) 8'x10' PRECAST
CONCRETE BOX
CULVERTS

STOP LOG ASSEMBLY
MOUNTED TO THE
INLET OF THE BOX
CULVERTS.

(1) 8'x5' PRECAST
CONCRETE BOX
CULVERT
WITH FISH LADDER

10'

5'

HIGH
WATER

LOW
WATER

END SECTION C-C



PROJECT NO. OR-032-001
OWEB Proposal
Smith/Bybee

ME 120 COE#1200

INSTALL LOOSE RIP RAP FOR EROSION PROTECTION, TYPICAL.

(1) 8'x5' PRECAST CONCRETE BOX CULVERT. INSTALL FISH LADDER.

APPROX.

CAST-IN-PLACE CONCRETE WING WALL

STOP LOG ASSEMBLY MOUNTED TO THE INLET OF THE BOX CULVERTS. TOP ELEVATION 11.0 FEET MSL

(3) 8'x10' PRECAST CONCRETE BOX CULVERTS TO PROVIDE 30 FOOT CLEAR OPENING

REMOVE EXISTING WATER CONTROL STRUCTURE, 60 INCH CMP AND OUTLET STRUCTURE

39'

50'

EXISTING TOE

EXISTING TOP OF BANK

B

5'

10'

A

OL

B

A

C

C



DUCKS UNLIMITED INC.
PRO - PHY FIELD OFFICE

PROJECT NO. OR-032-001
OWEB Proposal
Smith/Bybee Lakes

DATE 01/29/02 | SHEET NO. 1 of 2 | APPROVED BY: | CHECKED BY: | DESIGNED BY: |

MENLO
CDE#-200700175

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200200175
Oregon Division of State Lands Number: 25189-GA

Notice Issued: April 8, 2003
Written Comments Due: May 8, 2003

WHO IS THE APPLICANT: Metro, Smith and Bybee Lakes Wildlife Area

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

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 attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 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 Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 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 wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) 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 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.