



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Decision

US Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S, Bldg
1202 Seattle, WA 98134-2388
Telephone: (360) 305-5891
ATTN: Owen Weller,
Project Manager

WA Department of Ecology
SEA Program
ecyrefedpermits@ecy.wa.gov
Telephone: (360) 407-6076
ATTN: SEA Program,
Federal Permit
Coordinator

Public Notice Date: June 24, 2025
Expiration Date: July 24, 2025
Reference No.: NWS-2025-285
Name: 41st Ave, LLC (Pilot Gas
Station)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated June 10, 2025.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws.

APPLICANT:

Attention: Mr. Pat Jeffries
41st Avenue, LLC
18518 NW 41st Avenue
Ridgefield, WA 98642

AGENT:

Attention: Ms. Natalie Denson
Ecological Land Services, Inc.
1157 3rd Avenue, Ste 220 A
Longview, WA 98632

LOCATION: The proposed projects occur within Wetland B at Woodland, Cowlitz County Washington 98674. Lat. 45.926394, Long. -122.750768.

WORK: The applicant proposes to discharge up to 2,388 cubic yards of fill within 0.74 acre of Wetland B, a Category III depressional emergent wetland, to construct a gas station and parking lot. Additionally, the project would include depositing 45 cubic yards of fill in 680 square feet of Ditch 1 for the installation of a 4-foot by 170-foot culvert with inlet and outlet armoring, and completely filling 2,355 square feet of Ditch 2 with 174 cubic yards of fill. The increased runoff

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would be directed to the existing stormwater pond onsite. Treated stormwater would then be discharged through an outfall into Wetland B's buffer to allow for infiltration.

PURPOSE: To construct a gas station.

ADDITIONAL INFORMATION: Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

The wetland boundaries and/or location of the ordinary high-water mark shown on the project drawings have not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the wetland/waters are substantially inaccurate, a new public notice may be published.

MITIGATION: The applicant proposes to mitigate wetland impacts through the purchase of 1.045 credits at the Coweeman River Joint Wetland and Conservation Bank.

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 the 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.

After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

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).

If the U.S. Army Corps of Engineers (Corps) determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. No known historic properties occur in the vicinity of the proposed project. However, the property is relatively undisturbed. Because of its location on the landscape there is a potential that unknown historic properties

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occur in the project area. An historic properties investigation may be required during the permit application review. The Corps invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Nations in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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 – CORPS: 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 Corps 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 described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

SOURCE OF FILL MATERIAL: The applicant has stated that the fill material would be obtained from an approved clean source or taken from onsite soils excavated from adjacent uplands. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

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EVALUATION – ECOLOGY: Ecology 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. Ecology will be considering all comments to determine whether to certify or deny a Section 401 Water Quality Certification or issue a Coastal Zone Management federal consistency decision for the proposed project.

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 authorizing the work would not be contrary to the public interest. 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. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter'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.

CORPS COMMENTS: All e-mail comments can be sent to owen.weller@usace.army.mil. You may also now submit project specific comments to the Corps through the new Regulatory Request System (RRS) through this link: <https://rrs.usace.army.mil/rrs>; Click Public Notices and filter to Washington State to see all current Seattle District Public Notices, including this notice. You may submit your comments directly through this portal.

Conventional mail comments should be sent to:
U.S. Army Corps of Engineers, Regulatory Branch,
Attention: Owen Weller, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388.
All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: NWS-2025-285; 41st Avenue, LLC (Pilot Gas Station)

Encl: Figures (7)