



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 316-3047
ATTN: Steve Manlow,
Project Manager

Public Notice Date: May 5, 2015
Expiration Date: June 4, 2015

Reference No.: NWS-2008-1555
Name: Scotton Landing 1, LLC

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received a revised application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated March 12, 2015. The work previously authorized at the project site was described in Public Notice Reference Number NWS-2008-1555 dated May 20, 2011. The revision, as shown on sheet 2 of the drawings, consists of constructing a mixed-use residential and commercial development instead of the originally authorized commercial shopping center. The Corps will review the revised proposal in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT: Scotton Landing 1, LLC
P.O. Box 87335
Vancouver, Washington 98687
ATTN: T.J. Fontenette
Telephone: (360) 834-1060

AGENT: Ecological Land Services, Inc.
1157 3rd Avenue, Suite 220
Longview, Washington 98632
ATTN: Francis Naglich and Rachel Allison
Telephone: (360) 578-1371

LOCATION: Southwest of the intersection of State Route 503 and Scotton Way at 1614 Southwest 10th Avenue in Battle Ground, Washington.

WORK: Construct a mixed-use residential and commercial development on 4.34 acres of previously filled wetlands located on a 17-acre parcel. The wetlands were originally filled to construct a 170,000-square-foot commercial shopping center, but the project was not constructed. The revised project is to construct 128 apartment units, 44 live/work units, and 70,000 square feet of commercial retail buildings on the filled site. No additional wetland fill is proposed, and mitigation has already been constructed.

PURPOSE (per applicant): To meet the demand for mixed-use high density housing and commercial retail services within the Battle Ground market area.

MITIGATION: Mitigation for this project has already been constructed and includes 1.13 acres of wetland preservation, 8.19 acres of wetland rehabilitation, and 0.12 acres of wetland reestablishment.

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 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. The Corps has determined that the revised activity will not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is therefore not required.

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 Corps has determined that the revised action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: Prior to issuance of the original permit, the project area was surveyed for archaeological resources. A precontact archaeological site of undetermined National Register of Historic Places (NRHP) eligibility was located in the project area. The Corps required archaeological monitoring during site clearing. Based on results of archaeological monitoring, the site was determined to be ineligible for listing in the NRHP. Based on the archaeological work and construction that have already occurred at the project area, no historic properties exist within the permit area. The Corps has therefore determined that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The Corps invites responses to this public notice from Native American Tribes 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 re-evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes 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 existing wetland fill will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA, in light of the proposed change in project design and use. These guidelines require evaluation of a revised alternatives analysis for the original discharge of fill material into waters of the United States, in light of the proposed change in use.

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.

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.

CORPS COMMENTS: All e-mail comments should be sent to steven.w.manlow@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Steve Manlow, P.O. Box 3755, Seattle, Washington 98124-3755. 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.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Scotton Landing 1, LLC; NWS-2008-1555.

Encl: Figures (6)

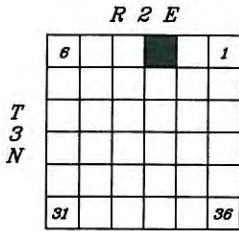
WASHINGTON



45° 46' 22.43" N Latitude
122° 33' 12.08" W Longitude

LOCATION MAP

Latitude: 45.76901
Longitude: -122.55031



NOTE:
1990 USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

PROJECT VICINITY MAP



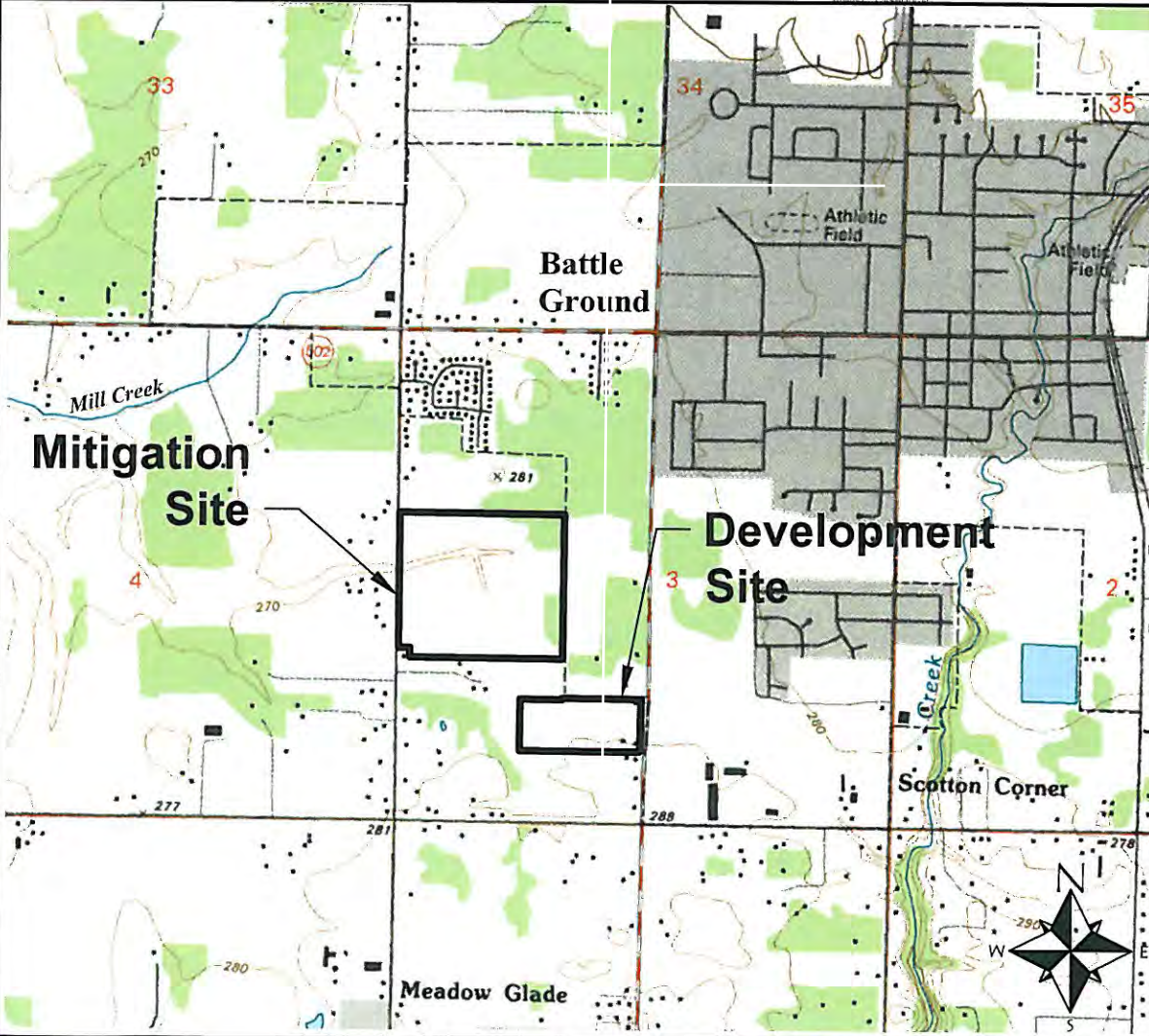
SITE

PROPOSED:
Change use to mixed commercial/residential and retain 4.34 acres of fill

IN: Wetlands
NEAR: Battle Ground
COUNTY: Clark
STATE: WA
Sheet 1 of 6
Date: 3/12/15

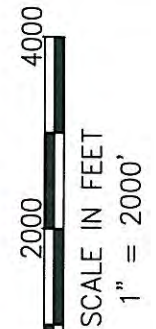
VICINITY MAP

APPLICANT: Scotton Landing 1, LLC
PROJECT NAME: Scotton Landing
REFERENCE #: NWS-2008-1555
SITE LOCATION ADDRESS:
1614 SW 10th Ave
Battle Ground, Washington 98604



PURPOSE: Mixed Use Development

DATUM: NGVD 29
ADJACENT PROPERTY OWNERS:
See JARPA






Scotton

LANDING

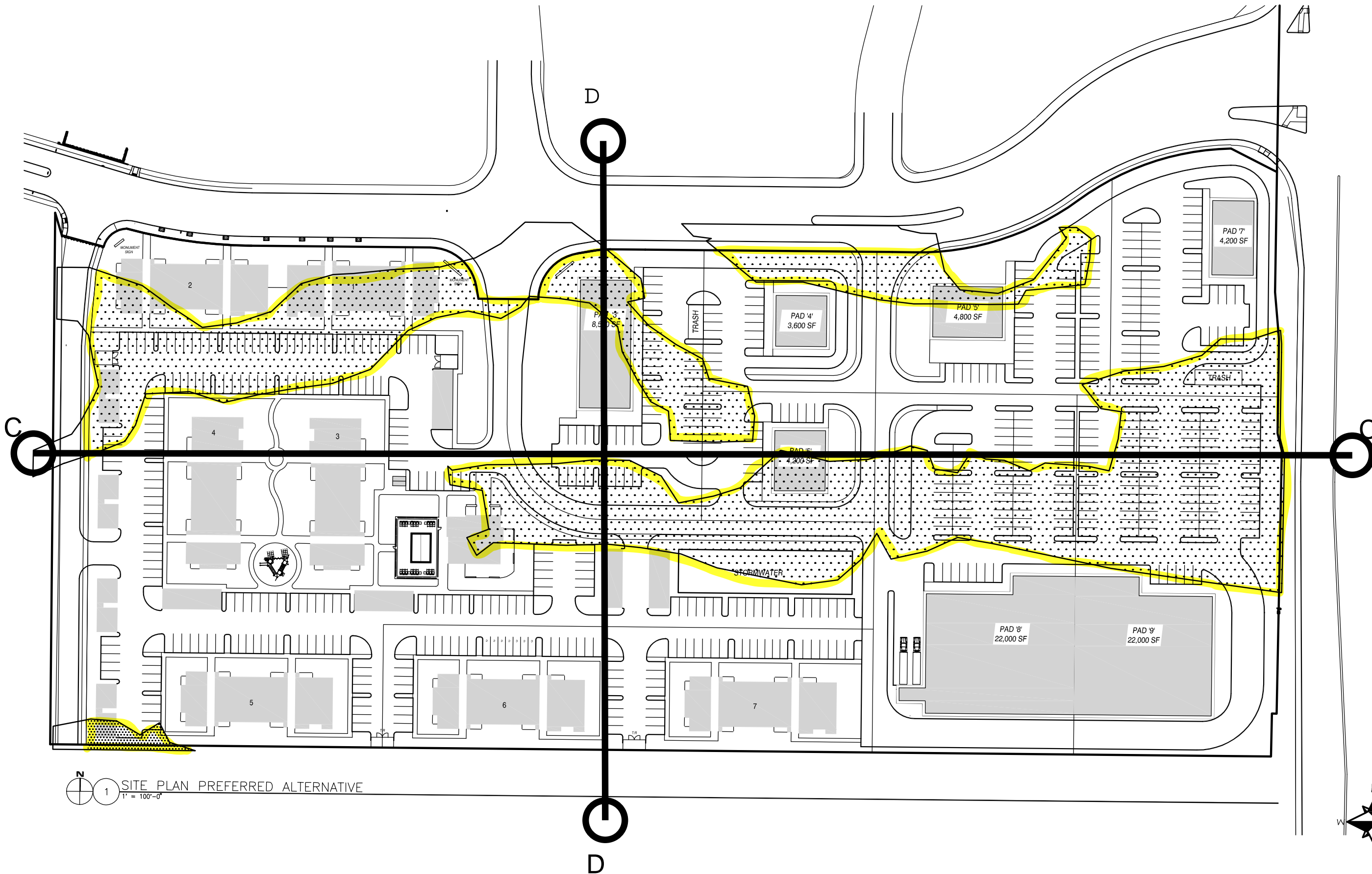
BATTLEGROUND WASHINGTON

NOTE(S):

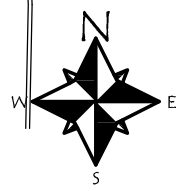
1. Master plan drawing provided by Johnson Economics, LLC.

<p>NOT TO SCALE</p>	<p>PURPOSE: Mixed-Use Development</p> <p>DATUM: N/A</p> <p>ADJACENT PROPERTY OWNERS:</p>	<p style="text-align: center;">MASTER SITE PLAN</p> <p>APPLICANT: Scotton Landing 1, LLC</p> <p>PROJECT NAME: Scotton Landing Alt. Analysis</p> <p>REFERENCE #: NWS-2008-1555</p> <p>SITE LOCATION ADDRESS:</p>	<p>PROPOSED: Change use to mixed commercial/residential and retain 4.34 acres of fill</p> <p>IN Wetland</p> <p>NEAR: Battle Ground</p> <p>COUNTY: Clark STATE: WA</p> <div style="border: 1px solid red; padding: 2px;"> <p>Sheet 2 of 6 Date: 3/12/15</p> </div>
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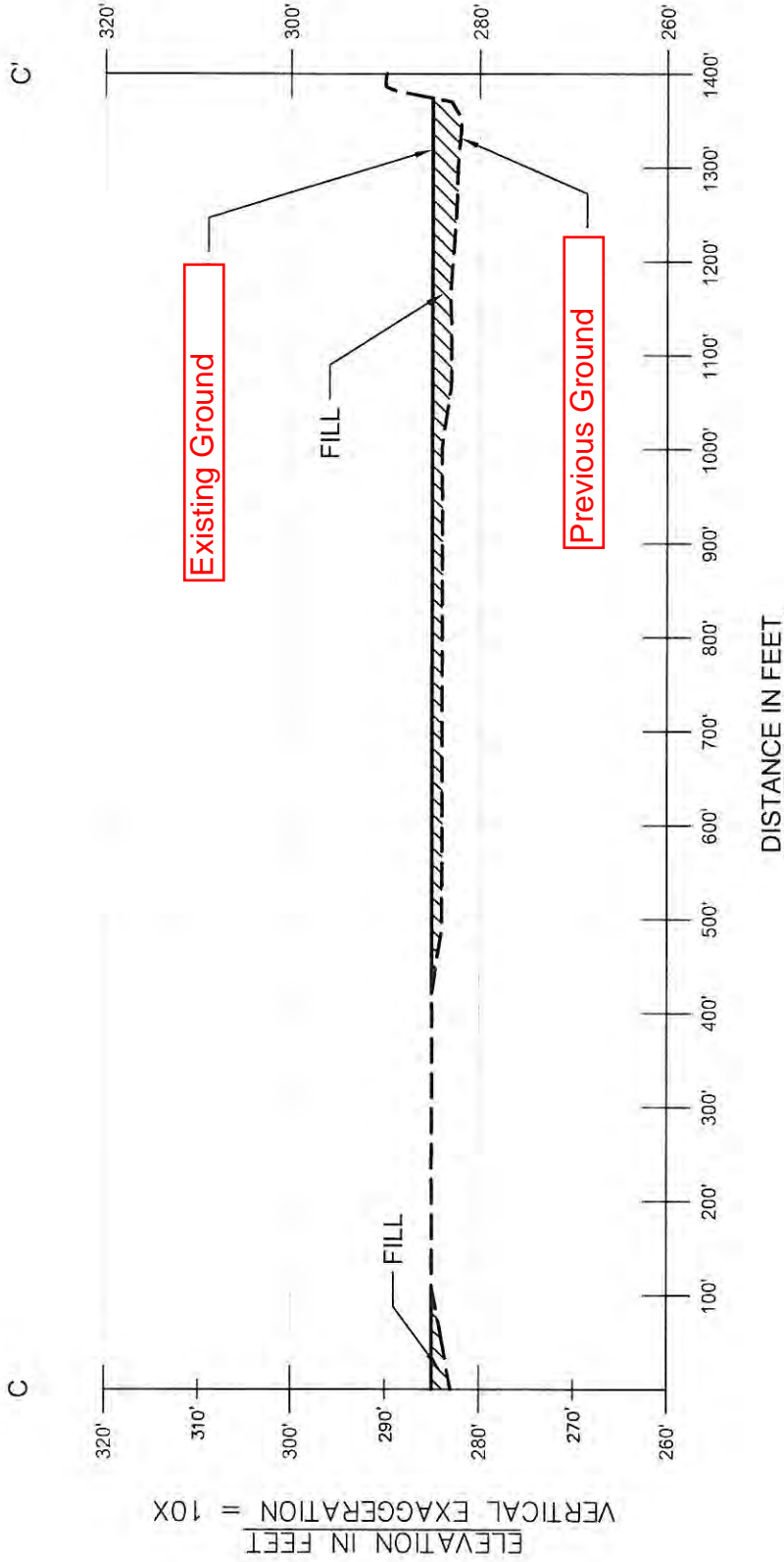
Preferred Alternative Site Plan



1 SITE PLAN PREFERRED ALTERNATIVE
1" = 100'-0"



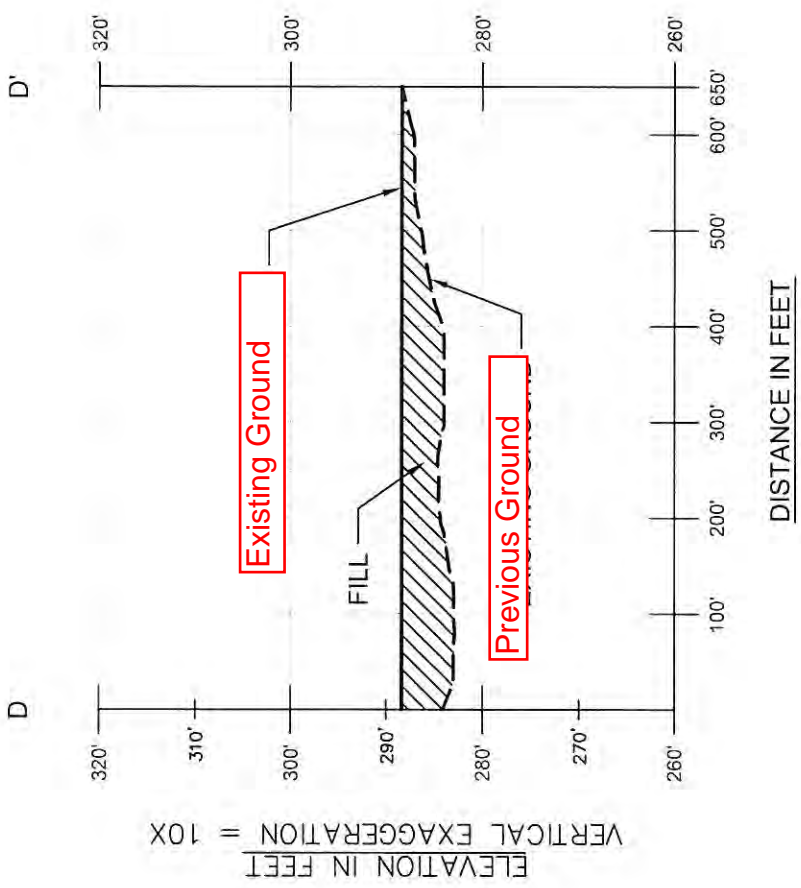
<p>PURPOSE: Mixed-Use Development</p> <p>DATUM: NAD 83</p> <p>ADJACENT PROPERTY OWNERS:</p>	<p>Preferred Alternative Site Plan</p> <p>APPLICANT: Scotton Landing 1, LLC</p> <p>PROJECT NAME: Scotton Landing Alt. Analysis</p> <p>REFERENCE #: NWS-2008-1555</p> <p>SITE LOCATION ADDRESS:</p>	<p>PROPOSED: Change use to mixed commercial/residential and retain 4.34 acres of fill</p> <p>IN Wetland</p> <p>NEAR: Battle Ground</p> <p>COUNTY: Clark</p> <p>STATE: WA</p> <p>Sheet 3 of 6 Date: 3/12/15</p>
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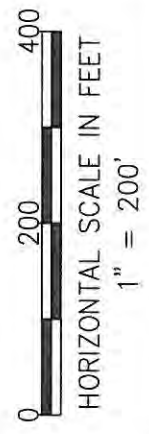
NOTE: See Sheet 2 for cross section locations.

<p>PURPOSE: Mixed Use Development</p> <p>DATUM: N/A</p> <p>ADJACENT PROPERTY OWNERS: See JARPA</p>	<p>CROSS SECTION C-C' - DEVELOPMENT SITE</p> <p>APPLICANT: Scotton Landing 1, LLC</p> <p>PROJECT NAME: Scotton Landing</p> <p>REFERENCE #: NWS-2008-1555</p> <p>SITE LOCATION ADDRESS: 1614 SW 10th Ave Battle Ground, Washington 98604</p>	<p>PROPOSED: IN Wetland</p> <p>NEAR: Battle Ground</p> <p>COUNTY: Clark STATE: WA</p> <p>Sheet 4 of 6 Date: 3/12/15</p>
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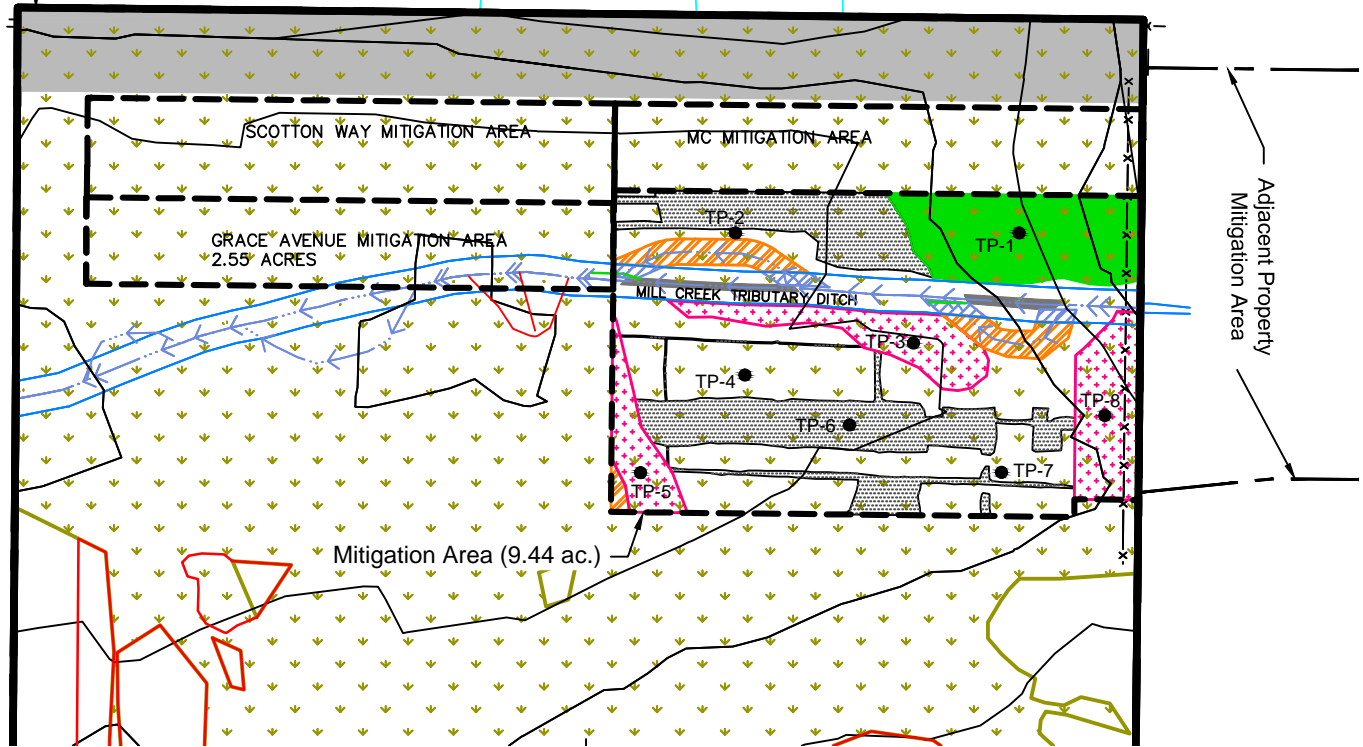
Change use to mixed commercial/residential and retain 4.34 acres of fill



NOTE: See Sheet 2 for cross section locations.



<p>PURPOSE: Mixed Use Development</p> <p>DATUM: N/A</p> <p>ADJACENT PROPERTY OWNERS: See JARPA</p>	<p>CROSS SECTION D-D' - DEVELOPMENT SITE</p> <p>APPLICANT: Scotton Landing 1, LLC</p> <p>PROJECT NAME: Scotton Landing</p> <p>REFERENCE #: NWS-2008-1555</p> <p>SITE LOCATION ADDRESS: 1614 SW 10th Ave Battle Ground, Washington 98604</p>	<p>PROPOSED: IN Wetland</p> <p>NEAR: Battle Ground</p> <p>COUNTY: Clark STATE: WA</p> <p>Sheet 5 of 6 Date: 3/12/15</p> <p>Change use to mixed commercial/residential and retain 4.34 acres of fill</p>
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EXISTING

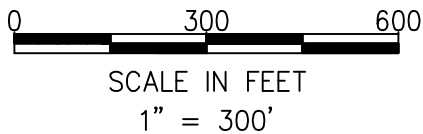
- Existing Wetland
- ROW Areas, No Mitigation
- Mill Creek Tributary
- Existing Berm Along Mill Creek Tributary Ditch
- Existing Fence
- TP-1 ● Test Plot Location

PROPOSED

- Wetland Re-establishment/Creation; Berm Removal Areas (0.12 ac.)
- Wetland Rehabilitation, with Excavation; and/or Proposed Stream Channel; Deeper Emergent Plant Community (0.43 ac.)
- Wetland Rehabilitation; Forested Wetland Plant Community (1.50 ac.)
- Wetland Rehabilitation; Shrub Mix Vegetation Community (4.25 ac.)
- Wetland Rehabilitation; Shallow Emergent Plant Community (2.01 ac.)
- Forested Wetland Preservation (1.13 ac.)
- Proposed Re-alignment of Mill Creek Tributary Ditch
- Ditch Fill for Stream Remeandering

NOTE(S):

1. Base map provided by Hagedorn, Inc.



Wetland Preservation = 1.13 acres
Wetland Rehabilitation = 8.19 acres
Wetland Re-establishment/Creation = 0.12 acres

PURPOSE: Mixed Use Development
DATUM: N/A
ADJACENT PROPERTY OWNERS:
 See JARPA

CONCEPTUAL MITIGATION
APPLICANT: Scotton Landing 1, LLC
PROJECT NAME: Scotton Landing
REFERENCE #: NWS-2008-1555
SITE LOCATION ADDRESS:
 1614 SW 10th Ave
 Battle Ground, Washington 98604

PROPOSED: Change use to mixed commercial/residential and retain 4.34 acres of fill
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NEAR: Battle Ground
COUNTY: Clark **STATE:** WA
Sheet 6 of 6
Date: 3/12/15