



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: Shawn Zinszer, Project Manager

Public Notice Date: March 15, 2004
Expiration Date: April 15, 2004
Reference: 200400050
Name: Kariah Enterprises, LLC

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 - Kariah Enterprises, LLC
14300 NE 20th Ave D-102-193
Vancouver, Washington 98686
ATTN: Mr. Mason Wolfe
Telephone: (360)-887-3938

AGENT - MRM Consulting
2210 W. Main Street
Battle Ground, Washington 98604
ATTN: Mr. Scott Morey
Telephone: (360) 723-0591

LOCATION – The Iron Horse Park Project is located east of Battle Ground on the south side of NE 219th Street south of Tukes Mountain Estates. The site is situated within the Salmon Creek drainage within Section 2, Township 4 North, Range 2 East, Clark County, Washington.

WORK – The applicant proposes to fill approximately 4.52 acres of waters of the United States, including wetlands to construct the Iron Horse Park project (see enclosed sheets 1 – 6 of 6). The proposed 42-lot subdivision is approximately 15 acres in size. The site currently has a total of 7.06 acres of wetlands (3.90 acres of emergent wetlands and 3.16 acres of shrub/scrub and forested wetlands). The 4.52 acres of wetlands to be filled are located on the northern 11.8 acres of the project site. These wetlands are substantially degraded due to past land clearing and drainage ditches associated with agricultural practices. These wetlands were assessed using the Washington State Department of Transportation (WSDOT) publication titled "Wetland Function Characterization Tool for Linear Projects".

PURPOSE – To provide housing to residents within the Battle Ground area.

ADDITIONAL INFORMATION – None

MITIGATION – The applicant proposes to compensate for the project's adverse impacts on the aquatic environment by enhancing a 13.88-acre site located adjacent to Salmon Creek approximately 1.7 miles south of the proposed Iron Horse Park project (see page 2). The proposed mitigation site is currently an open field

that has been recently used for agriculture production. In the past this site was manipulated and drained to allow for agricultural production. Historically this site probably had more wetlands present than it currently does. Currently the site does not retain surface water, due in large part to a series of ditches that rapidly drains water offsite. According to the applicant, the current depth to groundwater averages 18" below ground surface throughout the growing season. The site lacks riparian vegetation and woody debris along the creek bank. The applicant proposes to enhance the wetland hydrology on this 13.88-acre parcel. The plan is to create and restore an ash-dominated forest that will improve habitat in and adjacent to Salmon Creek. This would involve plugging the large drainage ditch and constructing low berms laterally from the main ditch to increase the hydro-period. (These berms will not be located in the flood plain or affect the flow of water across the floodplain). In addition the applicant would construct an upland buffer adjacent to the avoided wetlands (approximately 3.16 acres) located on the 15-acre project site. Both the 3.16 acres of avoided wetlands and the 13.88-acre mitigation area will be permanently protected by a conservation easement or deed restriction, or a combination of the two.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*), which is listed as threatened in the state of Washington may occur in the project area. The nearest confirmed bald eagle nest is 3.5 miles east of the site. No critical habitat has been designated for this species. Completion of this project will not require any in-channel work either at the project site or the mitigation area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will determine the likely impacts of the action on ESA listed species at these locations.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (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 proposed action will not adversely affect EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

a. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the 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 impact, 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;

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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; 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. 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.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for compliance with applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

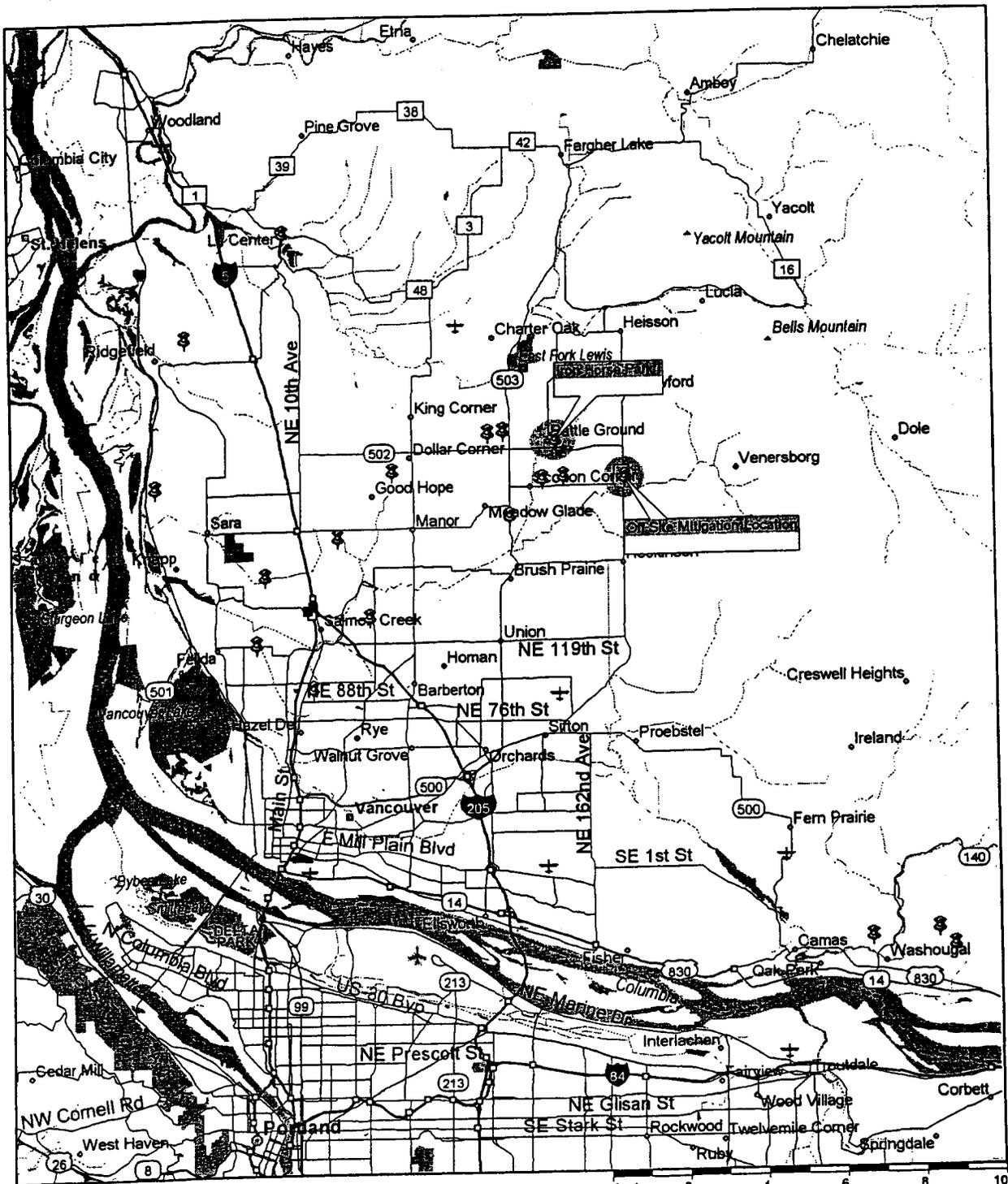
COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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 shawn.h.zinszer@usace.army.mil. Conventional mail comments should be sent ATTN: Regulatory Branch. Both conventional mail and 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 with your comments:

Kariah Enterprises LLC,
200400050

Encl
Drawings (6)

Iron Horse Park I

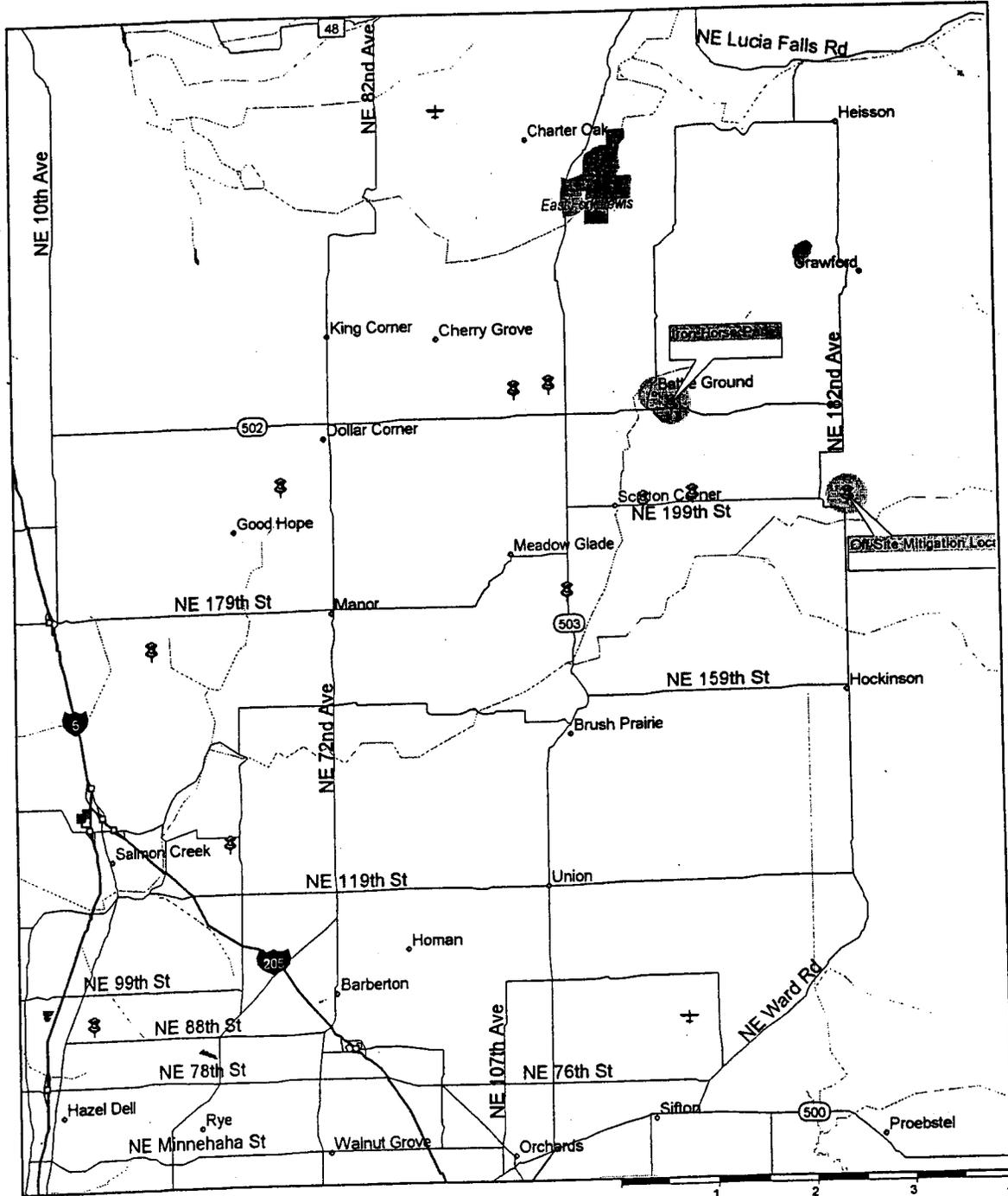
Battle Ground, WA



Sheet #1 Regional Vicinity Map
 Kariah Ent (NWP 39 App)
 Iron Horse Park I Project
 USACE #
 2-JAN-04

USACE Ref No. 200301244
 Sheet 1 of 6

Iron Horse Park I Battle Ground, WA

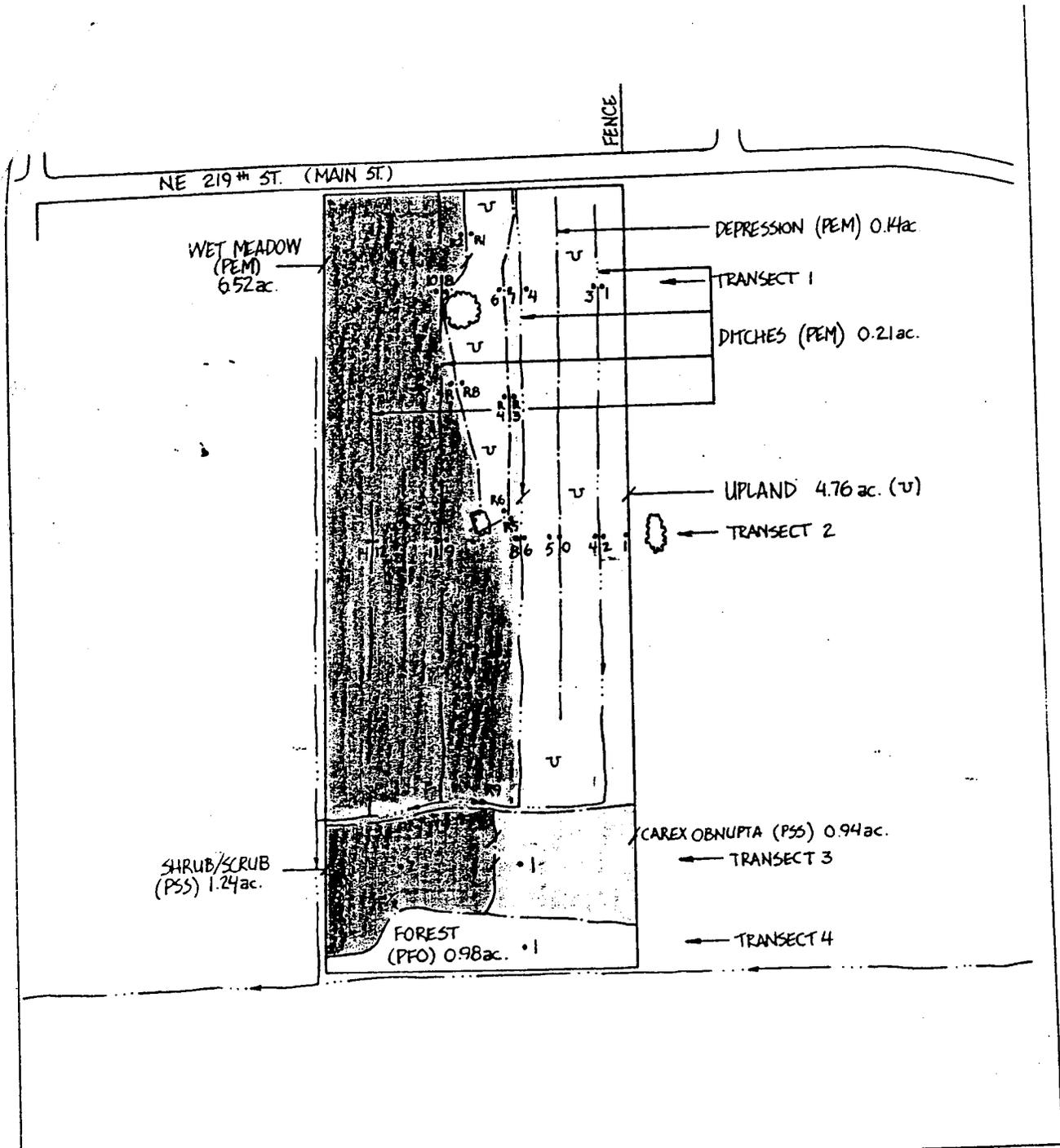


Sheet #2 Local Vicinity Map
Kariah Ent (NWP 39 App)
Iron Horse Park I Project
USACE #
2-JAN-04

USACE RefNo. 200301244
Sheet 2 of 6

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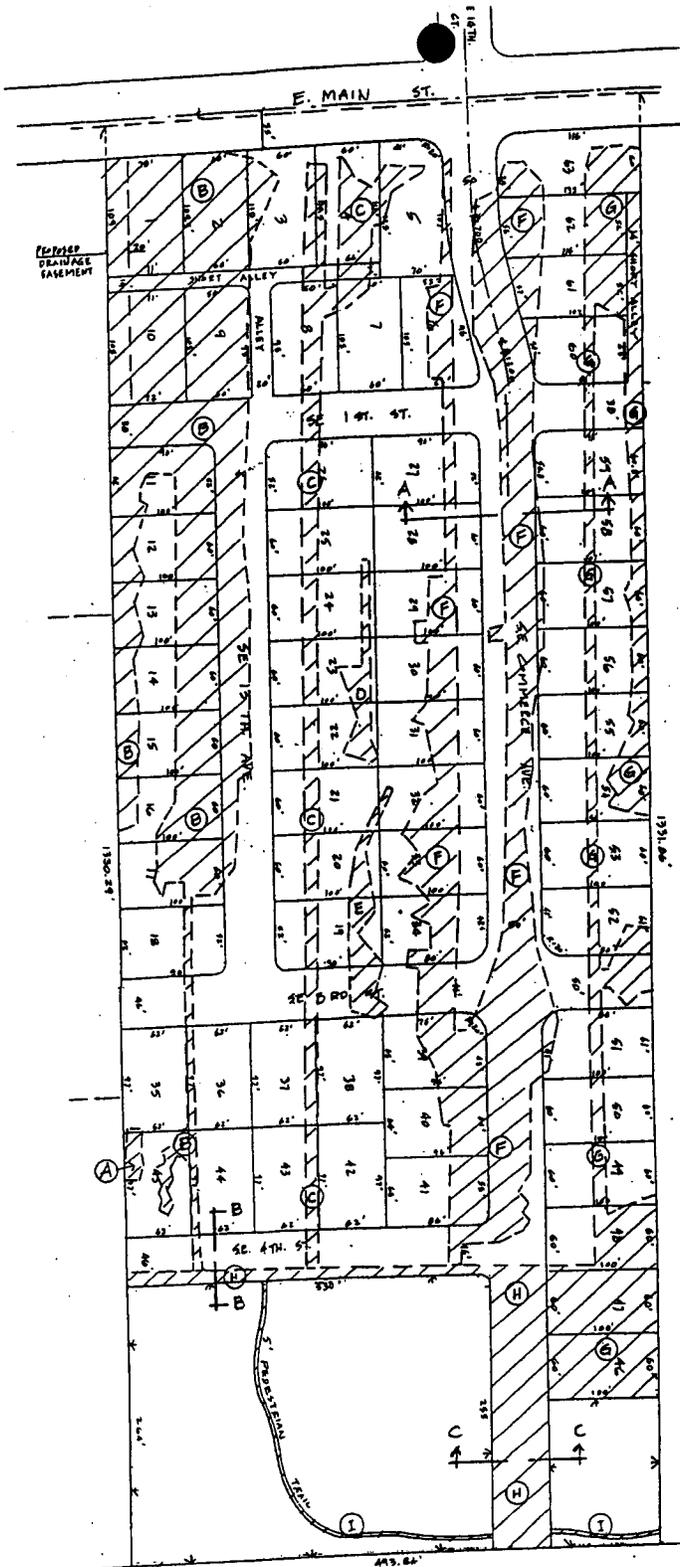


SCALE: 1" = 217'

EK PROPERTY WETLAND DELINEATION MAP

Applied Technology
Wetlands & Forestry Consultants
38863 Scrael Hill Road NE Phone/Fax (541) 327-3427
Albany, Oregon 97321 Mobile (503) 580-9206
U.S.A. appliedtech@proaxis.com

USACE Ref No. 200301244
Sheet 3 of 6



NOTES

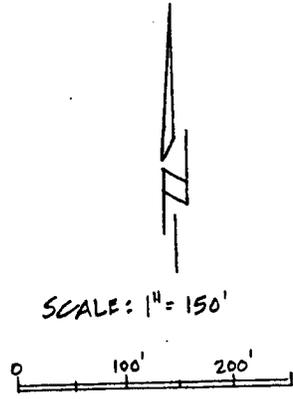
1. The site presently flows off site in a ditch shown hereon. When developed, the site drainage will be piped to a stormwater facility to the south. Preserved wetlands will not be drained. Shorelines do not exist.
2. No structures exist on the site.
3. Wetland preservation area is approximately 290 elevation.
4. Wetland fill will consist of approximately 2300 cu. Yds.

LEGEND

- Wetlands to be preserved
- Wetlands to be filled
- (A) etc. Fill area

FILL AREAS

Letter	Acres of Fill
A	0.02
B	1.57
C	0.33
D	0.04
E	0.05
F	1.33
G	0.75
H	0.38
I	0.05
Total	4.52



PLAN VIEW

Sheet #9 PROPOSED PROJECT SITE PLAN
 Kariah Ent (NWP 39 App)
 Iron Horse Park I Project
 USACE # 2-JAN-04
 USACE Ref No. 200301244
 Sheet 4 of 6

Sheet #10 CURRENT MITIGATION SITE CONDITIONS

Kariiah Ent (NWP 39 App)
Iron Horse Park I Project
USACE #
2-JAN-04

IN THE NW 1/4 OF
SECTION 7, T3N, R3E, W.M.
CLARK COUNTY, WA.

RISTO ROAD

OLD COUNTY ROAD

N.E. 182nd AVENUE

CLARK COUNTY
WETLAND
TRACT

VEGETATION
EDGE

Existing
Cottonwood
Stand

Existing
Cedar
Stand

SALMON CREEK

OLD
COUNTY
R/W

30'

30'



SCALE 1"=120'

SCALE: 1"=120' JOB NO.: 02-017 DRAWN BY: CC
DATE: 4/12/02 CALC. BY: CEW DWG# 02-0475

13.88 ACRES TOTAL
 - 8.2 ACRES OF RESTORATION
 5.68 ACRES OF CREATION

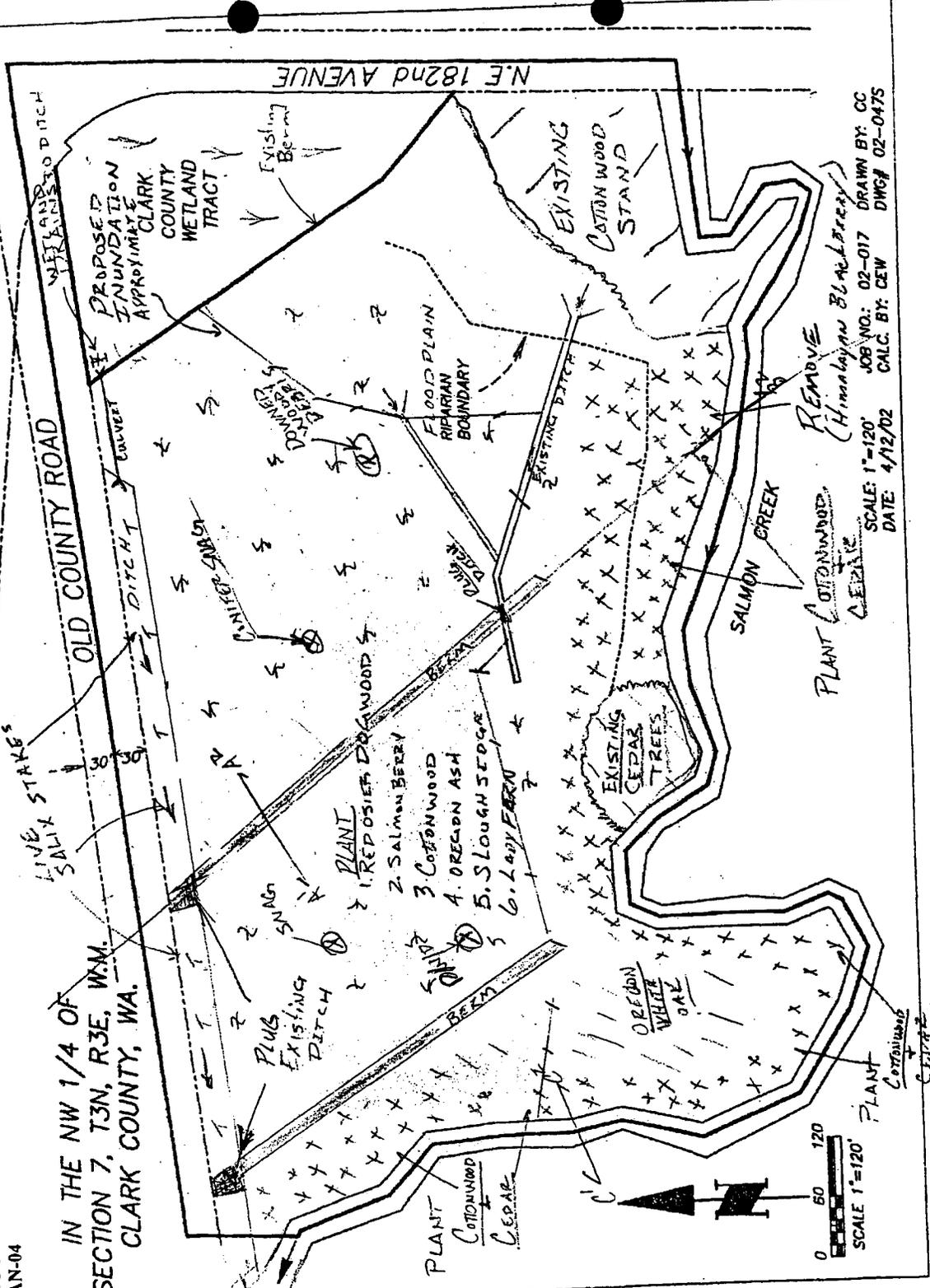
Sheet #11 PROPOSED MITIGATION SITE
 & PLANT PLAN
 Kariyah Ent (NWP 39 App)
 Iron Horse Park I Project
 USACE #
 2-JAN-04

IN THE NW 1/4 OF
 SECTION 7, T3N, R3E, W.M.
 CLARK COUNTY, WA.

RISTO ROAD

OLD COUNTY ROAD

N.E. 182nd AVENUE



SCALE 1"=120'
 DATE 4/12/02
 JOB NO: 02-017
 DRAWN BY: CC
 CALC BY: CEW
 DWG# 02-0475



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification

Date: March 15, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200301244 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Any person desiring to present views on the project pertaining to compliance with water pollution control laws may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600