US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 750-9046
ATTN: Ron Klump, Project Manager

Public Notice Date: January 20, 2005
Expiration Date: February 20, 2005
Reference: 200301125
Name: Gaither & Sons Construction Co.

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 - Mr. Otto L. Gaither
Gaither and Sons Construction Co.
8913 N.E. 151st Circle
Battle Ground, Washington 98604
Telephone: (360) 574-7413

AGENT - MRM Consulting LLC
2210 West Main Street, Suite 107308
Battle Ground, Washington 98604
ATTN: Mr. Scott Morey
Telephone: (360) 723-0589

LOCATION – The proposed project is located in wetlands adjacent to Mill Creek north of NW 4th Street and west of Highway 503 in the SW ¼ of Section 34, Township 4 North, Range 2 East, at Battle Ground, Washington.

WORK – Place fill in 3.87 acres of wetlands.

PURPOSE – The purpose of the work is to construct a residential development.

MITIGATION – The applicant proposes to enhance 1.78 acres of existing forested wetland onsite with additional woody wetland plantings and to create 9 acres of forested wetland offsite by excavating uplands and planting with woody wetland vegetation.

ENDANGERED SPECIES – The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. Bald Eagle (*Haliaeetus leucocephalus*), Water Howellia (*Howellia aquatilis*), and Bradshaw's Desert Parsley (*Lomatium bradshawii*) are listed as threatened in the state of Washington and may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to the Bald Eagle, Water Howellia, and Bradshaw's Desert Parsley.

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 designated EFH for federally-managed fisheries in Washington waters. As such, no further EFH consultation with the NMFS 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:

> There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer 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 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; 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 U.S. Army Corps of Engineers (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.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

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

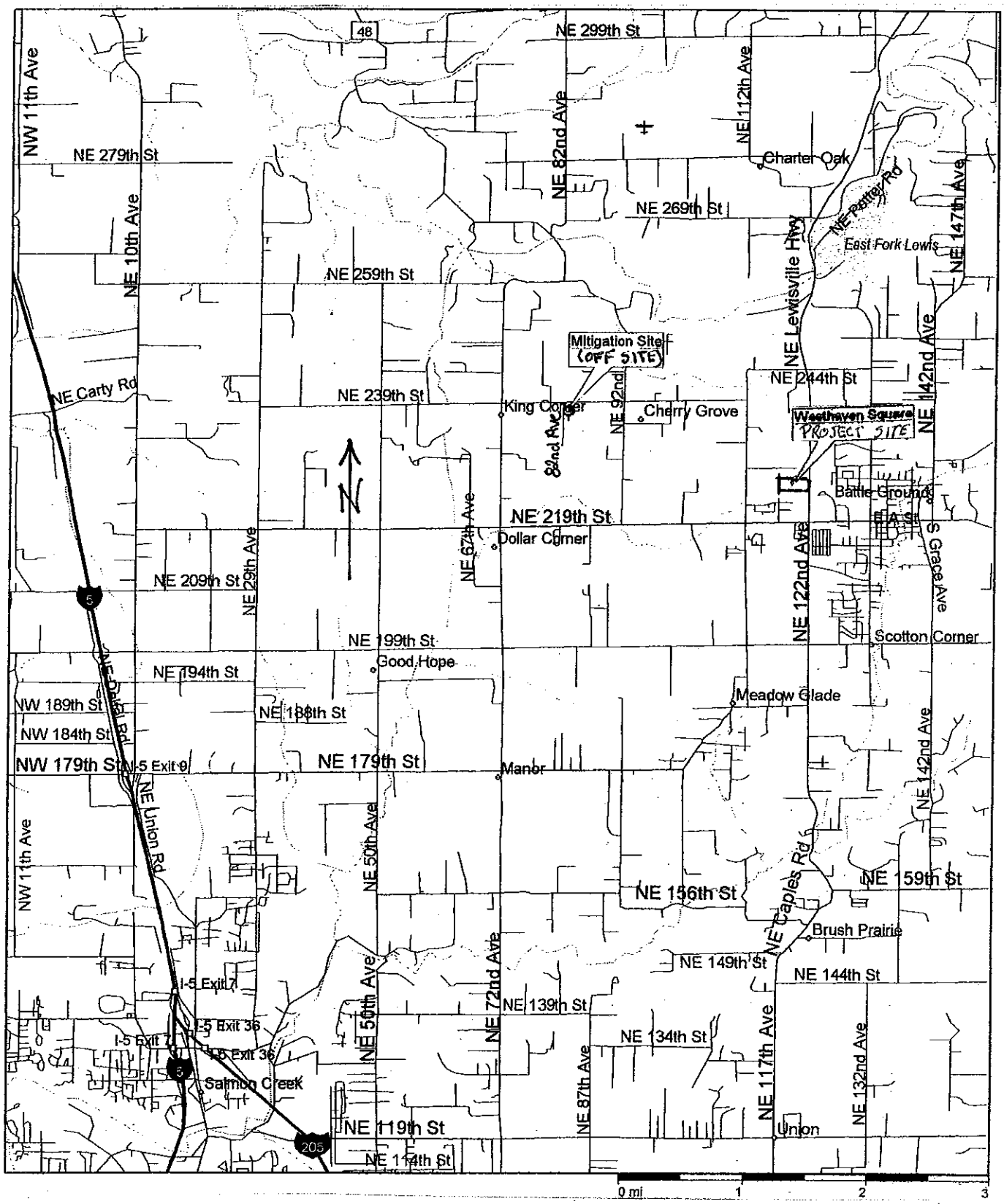
COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be

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 Ron.Klump@NWS02.usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or 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:

Gaither and Sons, 200301125

Encl.

Drawings: (5)



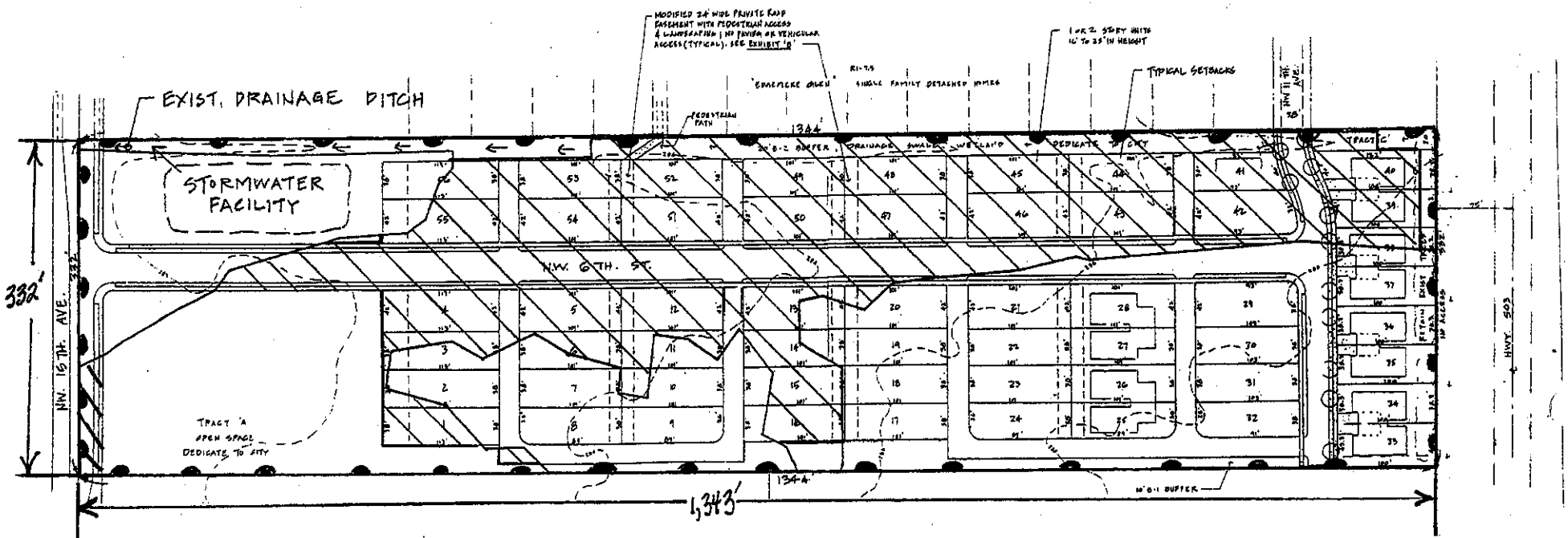
PURPOSE: Residential Development DATUM: NGVD ADJACENT PROPERTY OWNERS: (List available in District file.)	NAME: Gaither and Sons Construction Co. REF: 200301125 **Vicinity Map**	PROPOSED: Place fill in 3.87 acres of wetlands IN: Wetlands adjacent Mill Creek AT: Battle Ground COUNTY: Clark STATE: WA SHEET 1 OF 5 DATE: January 11, 2005

LEGEND

WETLAND BOUNDARY

WETLANDS TO BE IMPACTED:
3.87 ACRES TOTAL

0 100' 200'



Plan View

= PROJECT BOUNDARY

REF: 200301125
NAME: Gaither and Sons Construction Co.
Location: Battle Ground, Washington
Date: January 11, 2005, Sheet 2 of 5

GENERAL NOTES

1) DATE OF SURVEY: FEBRUARY, 2004
2) CONTOUR INTERVAL SHOWN IS 1.0'
3) WETLANDS SHOWN ARE BASED ON FIELD TIES TO WETLAND FLAGS PROVIDED BY MRN CONSULTING.

VERTICAL DATUM

CLARK COUNTY B.M. 3-2-008 A BRASS CAP IN CONCRETE WITH CASE AT INTX. N.E.219th.ST.AND NW 20TH AVE. ELEVATION = 279.08'

SITE DATA

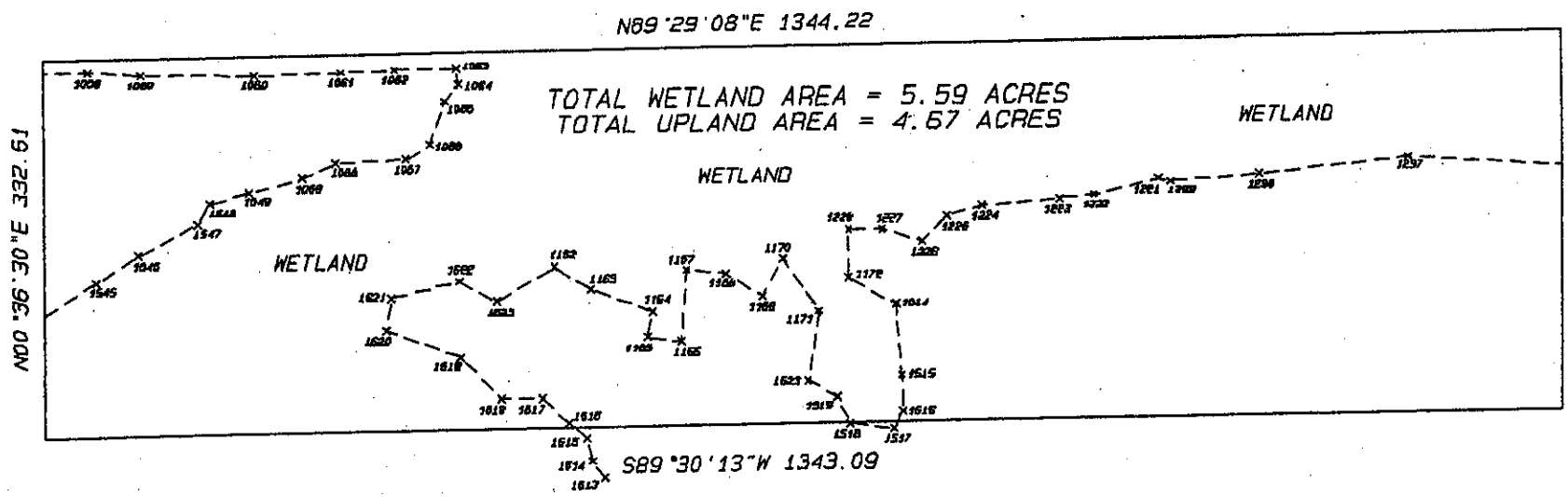
TAX LOT No. 107 - SERIAL No. 91050-142
GROSS AREA: 10.26 ACRES
CURRENT OWNER: GAITHER & SONS CONST. ET AL

LEGEND

WETLAND BOUNDARY WITH SURVEY DATA POINT NUMBER AT WETLAND FLAG

EXISTING CONDITIONS SURVEY
OF PROPOSED
WESTHAVEN SQUARE SUBDIVISION
IN THE SW 1/4 OF
SECTION 34, T4N, R2E, W.M.
CITY OF BATTLE GROUND
CLARK COUNTY WA.

REDUCED SCALE: 1"=150'



Wetland Boundaries

REF: 200301125
NAME: Gaither and Sons Construction Co.
Location: Battle Ground, Washington
Date: January 11, 2005, Sheet 3 of 5

HAGEDORN, INC.
Surveying and Engineering
1924 Broadway, Vancouver, WA 98663
Ph: (360) 696-4428 FAX 694-8934

SCALE: 1"=50'
DATE: 07-01-04
JOB NO.: 03-219
CALC. BY: RLY
DRAWN BY: RLY
CHECKED BY: RDS

Reference: 200301125
Applicant: Gaither and Sons Construction Co.
Location: Battle Ground, Washington
Date: November 30, 2004, Sheet 4 of 5

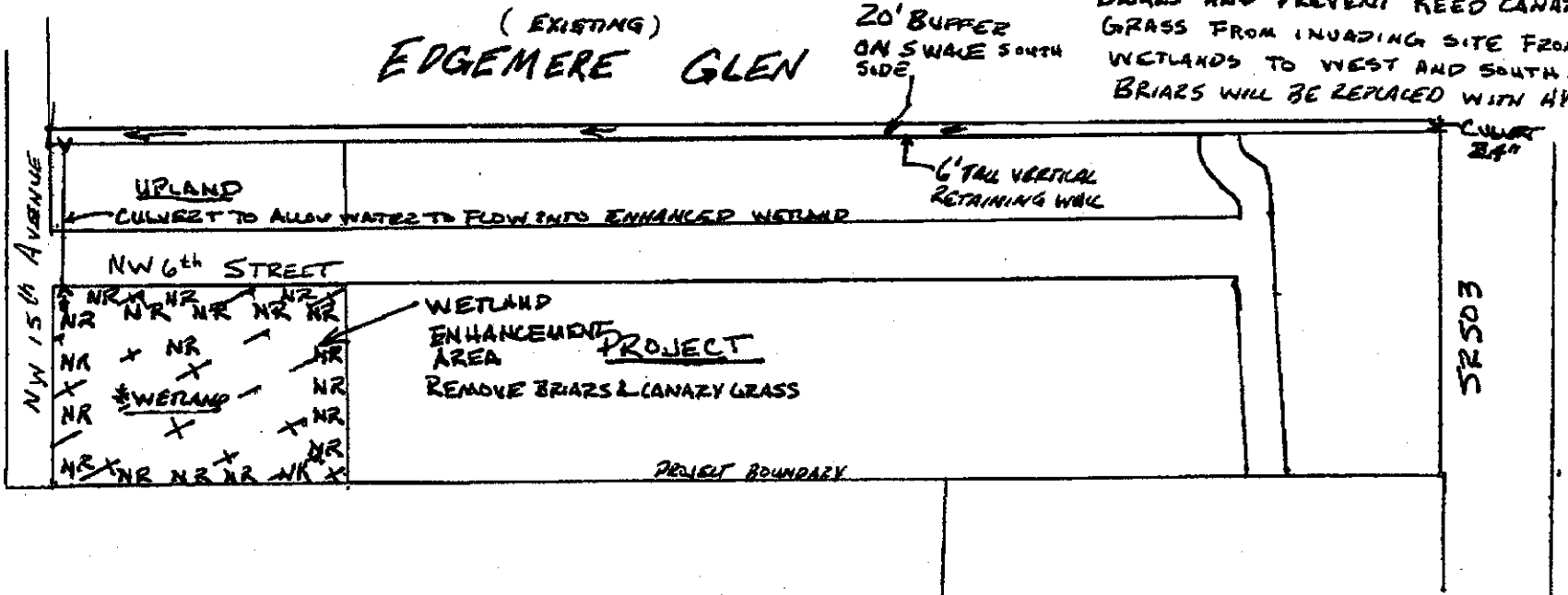
"ENHANCEMENT" ON SITE WETLAND MITIGATION PLAN

PLANT LEGEND
NR = Nootka Rose

N

0 100' 200'
SCALE

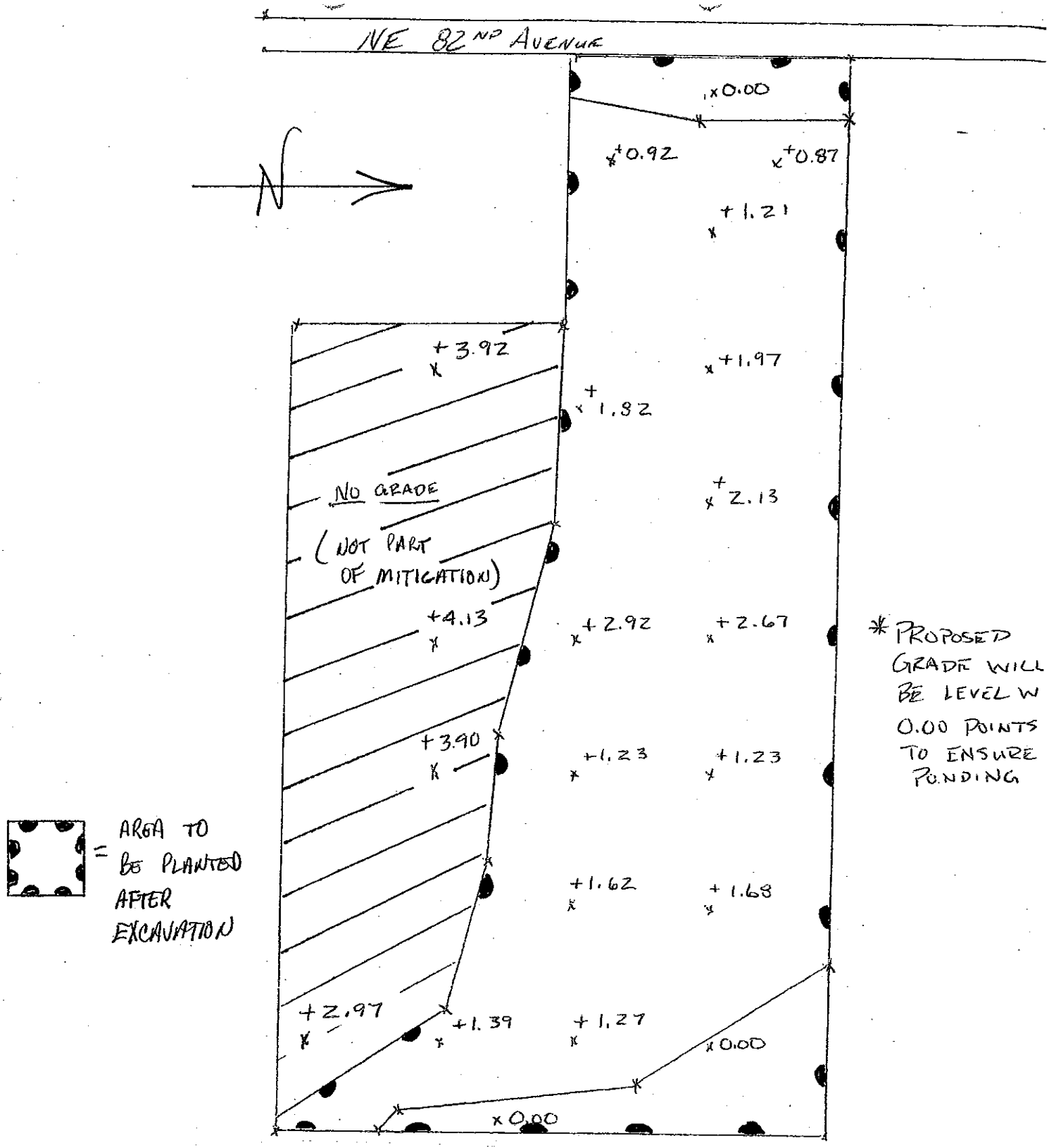
* NOTE
CURRENT WETLAND IS BEING OVERGROWN BY HIMALAYAN BLACKBERRY. ENHANCEMENT PLAN PROPOSES TO REMOVE BRIARS AND PREVENT REED CANARY GRASS FROM INVADING SITE FROM WETLANDS TO WEST AND SOUTH. BRIARS WILL BE REPLACED WITH HYDRIC PLANTS



(EXISTING)
FRED MEYERS

On Site Mitigation

REF: 200301125
NAME: Gaither and Sons Construction Co.
Location: Battle Ground, Washington
Date: January 11, 2005, Sheet 4 of 5



Off Site Mitigation

SCALE
1" = 165'

REF: 200301125
NAME: Gaither and Sons
Construction Co.
Location: Battle Ground, Washington
Date: January 11, 2005, Sheet 5 of 5

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: January 20, 2005

Notice is herby 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. 200301125 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