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: Ron Klump, Project Manager

Public Notice Date: October 29, 2004
Expiration Date: November 29, 2004
Reference: 200400928
Name: Rose Manor Properties, Inc.

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 - Rose Manor Properties, Inc.
10804 Northeast Highway 99
Vancouver, Washington 98666
ATTN: Mr. C. David Callahan
Telephone: (360) 574-5088

AGENT - BDK Environmental Services
22303 Northeast 72nd Avenue
Battle Ground, Washington 98604
ATTN: Ms. Beverly Becker
Telephone: (360) 904-8189

LOCATION – The proposed project is located in wetlands adjacent to an unnamed tributary to Mill Creek, on the southwest corner of State Routes 502 and 503. The proposed work site is located in Section 3, Township 3 North, Range 2 East, at Battle Ground, Washington.

WORK – Rose Manor Properties, Inc. proposes to fill 10.42 acres of wetlands for building pads, parking lots, and sidewalks. Approximately 16,000 cubic yards of sand and pit borrow material will be placed by track hoe and excavator to a depth of 4 feet across the entire site. Stormwater will be treated in underground cells located beneath the parking lot.

PURPOSE – The purpose of the work is for a retail and commercial center.

MITIGATION – The mitigation site is located approximately 11 miles northwest of the project area at the south end of 256th Avenue near Amboy, Clark County, Washington. The applicant proposes to create 10 acres of wetland by excavating 50,000 cubic yards of material and placing a series of check dams throughout the site. The 10-acre wetland creation site would be planted to trees and shrubs.

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.

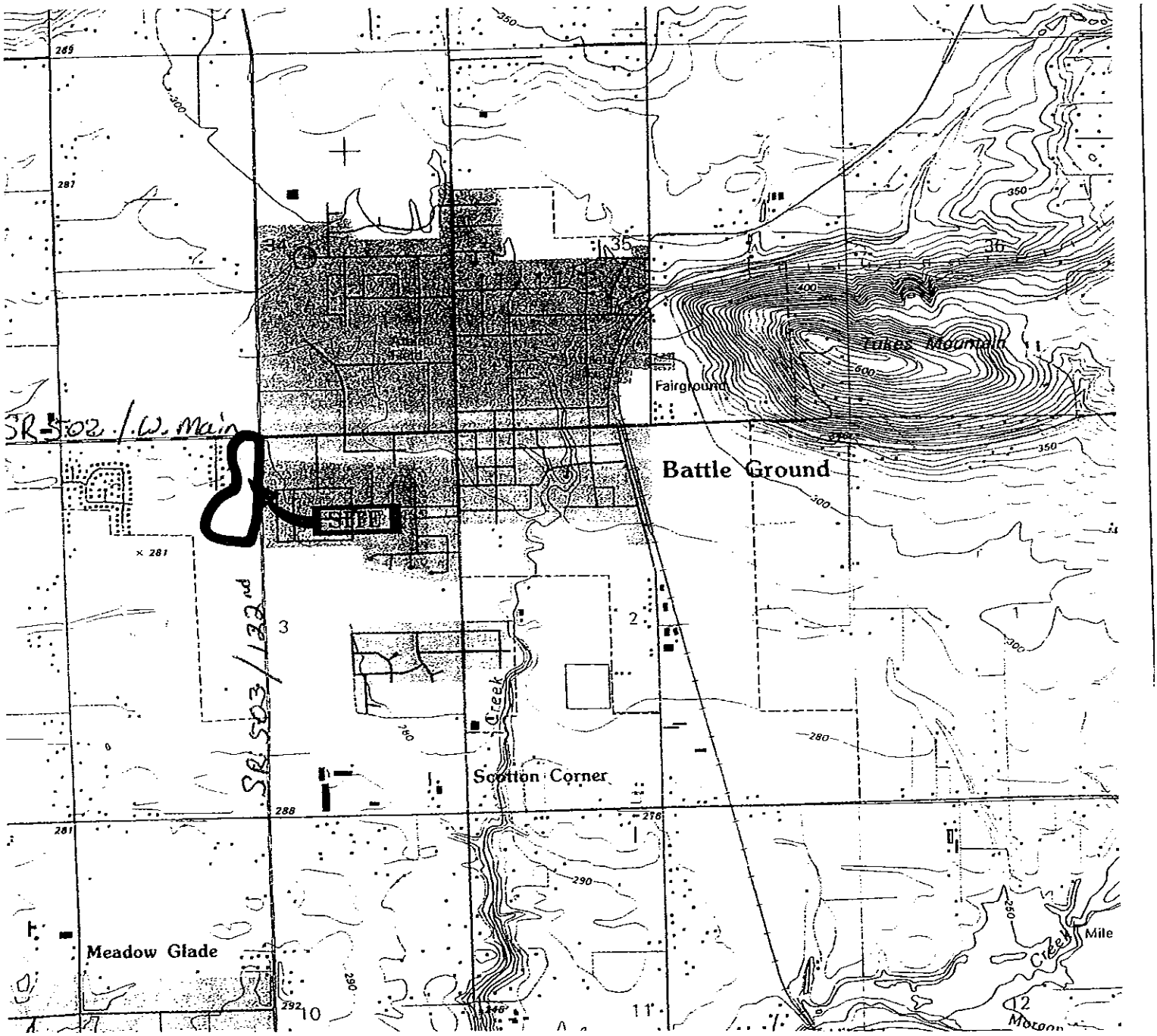
ADDITIONAL EVALUATION - The Environmental Protection Agency is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the Clean Water Act.

COMMENT AND REVIEW PERIOD – Conventional mail or email 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, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and reference number as shown below. All email comments should be sent to Ron.Klump@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or email 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 email 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:

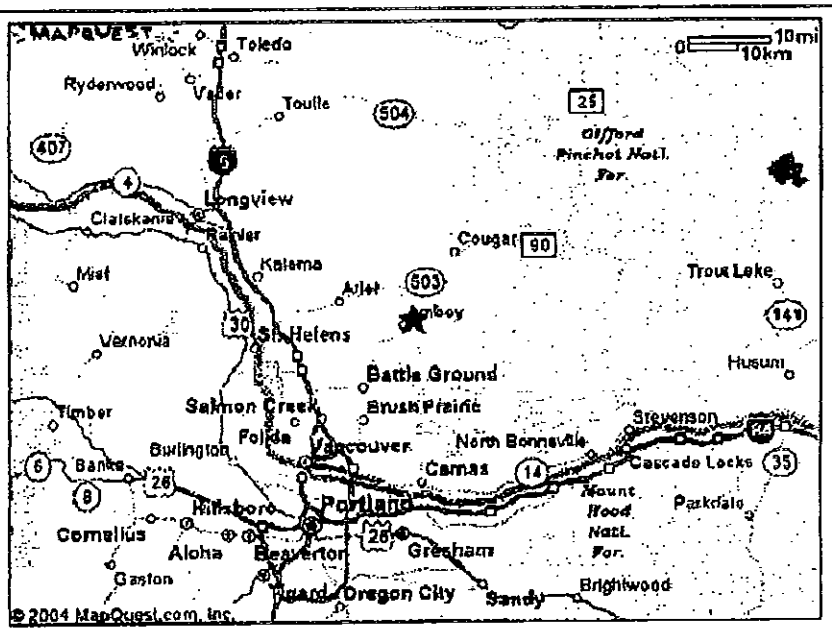
Rose Manor Properties, Inc., 20000928

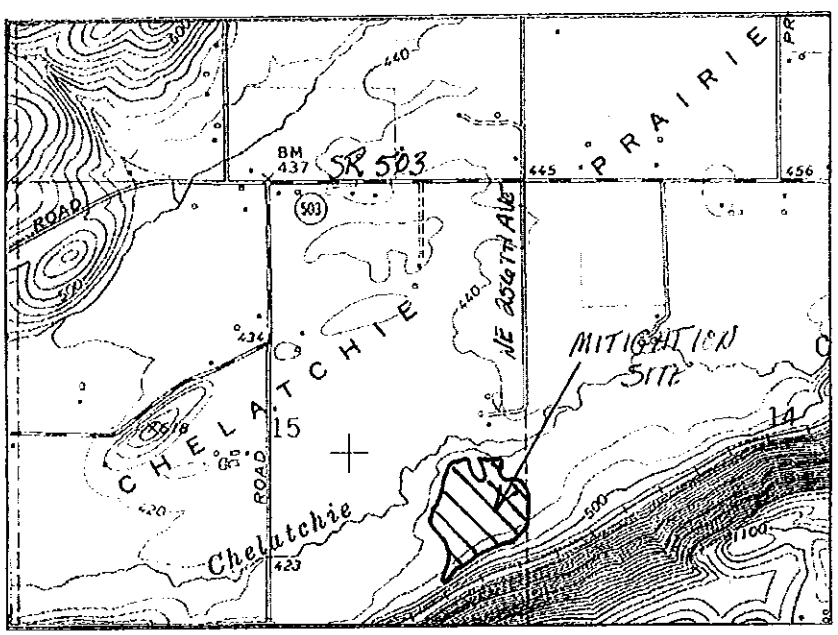
Encl.

Drawings: (4)



Purpose:	Applicant Reference:	Proposed:
Wetland fill for development	Rose Manor Properties No location address SW corner of SR 502/503 **VICINITY MAP** 200400928	In Battle Ground, Clark County, WA SHEET 1 OF 4 DATE: October 18, 2004





VICINITY AND SITE MAP FOR WETLAND MITIGATION SITE

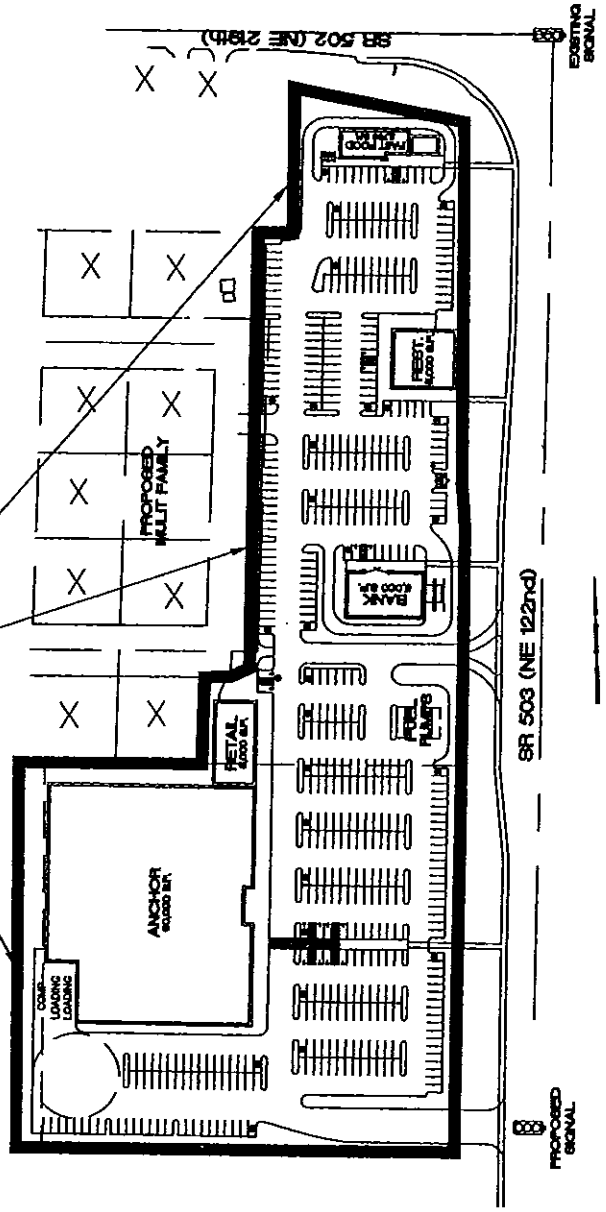
Purpose:	Applicant Reference: 200400928	Proposed:
Wetland fill for development	Rose Manor Properties No location address SW corner of SR 502/503	In Battle Ground, Clark County, WA

SHEET 2 OF 4
DATE: October 18, 2004

SITE DATA:
SITE AREA: 10.42 ACRES 426,884 SF

ANCHOR:	60,000 SF
RETAIL:	5,000 SF
BANK:	5,000 SF
RESTAURANT:	5,000 SF
FAST FOOD:	2,700 SF
TOTAL BUILDING AREA (NET):	77,700 SF
SITE COVERAGE:	18.20%

PARKING	REQUIRED		PROVIDED
ANCHOR:	(1/200)	300	350
RETAIL:	(1/200)	300	30
BANK:	(1/200)	300	32
RESTAURANT:	(1/200)	300	45
FAST FOOD:	(1/200)	300	50
TOTAL BUILDING (NET)		368	507



PROJECT BOUNDARY

THE PROJECT AREA CURRENTLY HAS NO STRUCTURES.

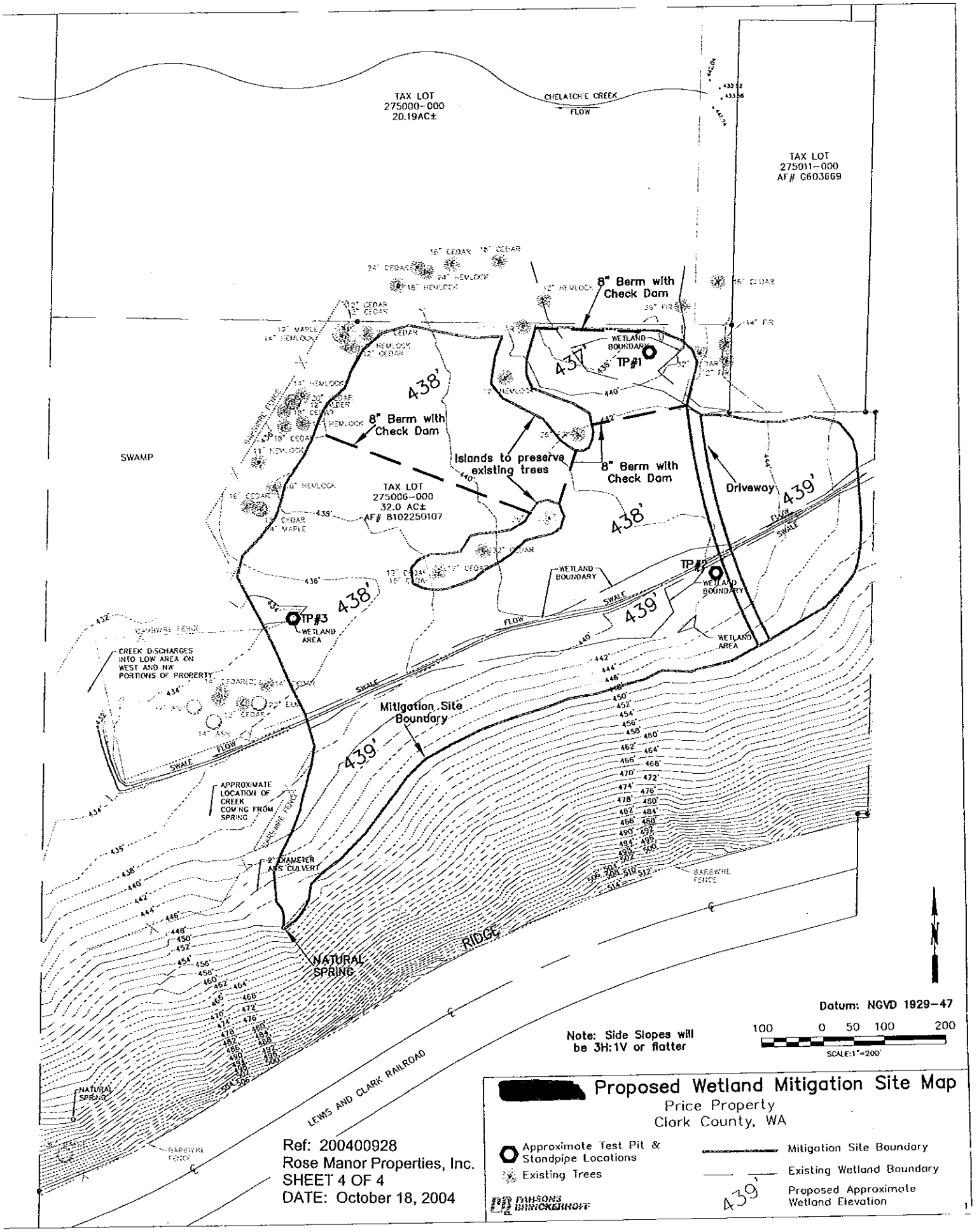
ALL LOTS SHOWN HAVE OLDER HOMES ON THEM (MARKED X).

FILL WILL BE PLACED OVER THE ENTIRE PROJECT TO REACH FOUR FEET DEPTH (APPROXIMATELY 55,000 CUBIC YARDS).

ENTIRE SITE HAS BEEN DETERMINED TO BE WETLAND IMPACT AREA (10.42 ACRES).

PLAN VIEW OF PROPOSED DEVELOPMENT

Purpose:	Applicant Reference:	Proposed:
Wetland fill for development	Rose Manor Properties No location address SW corner of SR 502/503 200400928	In Battle Ground, Clark County, WA SHEET 3 OF 4 DATE: October 18, 2004


TAX LOT
275000-000
20.19AC±
CHELATCHE CREEK
FLOW
TAX LOT
275011-000
AF# 6603669
8" Berm with
Check Dam
WETLAND
BOUNDARY
TP#1
437'
438'
8" Berm with
Check Dam
Islands to preserve
existing trees
8" Berm with
Check Dam
Driveway
439'
SWAMP
TAX LOT
275006-000
32.0 AC±
AF# 8102250107
438'
SWALE
TP#2
WETLAND
BOUNDARY
WETLAND
BOUNDARY
SWALE
439'
FLOW
TP#3
WETLAND
AREA
438'
WETLAND
AREA
CREEK DISCHARGES
INTO LOW AREA ON
WEST AND NW
PORTIONS OF PROPERTY
SWALE
FLOW
Mitigation Site
Boundary
439'
APPROXIMATE
LOCATION OF
CREEK
COMING FROM
SPRING
2' DIAMETER
ABS CULVERT
BARBWIRE
FENCE
RIDGE
NATURAL
SPRING
LEWIS AND CLARK RAILROAD
NATURAL
SPRING
BARBWIRE
FENCE
N
Datum: NGVD 1929-47
Note: Side Slopes will
be 3H:1V or flatter
100 0 50 100 200
SCALE:1"=200'
Proposed Wetland Mitigation Site Map
Price Property
Clark County, WA
Approximate Test Pit &
Standpipe Locations
Existing Trees
Mitigation Site Boundary
Existing Wetland Boundary
439'
Proposed Approximate
Wetland Elevation
PARSONS
BRINCKERHOFF
Ref: 200400928
Rose Manor Properties, Inc.
SHEET 4 OF 4
DATE: October 18, 2004

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: October 29, 2004

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. 200400928 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