



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for PERMIT APPLICATION**

Issue Date: October 29, 2008

Expiration Date: November 28, 2008

Corps of Engineers Action ID: NWP-2007-727

Oregon Department of State Lands Number: 39000

**30 Day Notice**

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Debra Henry)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Mr. Howard Brandwein, M.D.; 945 Waterbury Lane, Ventura, CA 93001

**Location:** The project is located at 9801 NE 13<sup>th</sup> Avenue, Portland, Multnomah County, Oregon (Section 2, Township 1 North, Range 1 East).

**Project Description:** The development project will excavate 34,328 cubic yards (cy) of material within the site. Approximately 47,781 cy of fill will be placed in the Wetland B and C. Approximately 13,453 cy of material will be imported as needed as structural fill. The proposed project would impact 1.68 acres of wetlands B and C to construct a residential development. A section of Wetland A (1.5 acres) will be graded down two feet to and be temporarily impacted for enhancement and restoration as compensatory mitigation. Excavated areas will be planted with native plants. The project will provide ongoing monitoring and management of the mitigation site, in perpetuity. Total permanent impacts to waters of the U.S. are 1.68 acres.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** To construct a residential development.

**Drawing(s):** Ten drawings labeled Corps ID NWP-2007-727

**Additional Information:** Additional information may be obtained from Ms. Debra Henry, Project Manager, U.S. Army Corps of Engineers at (503) 808-4391.

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**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.

**Endangered Species:** Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

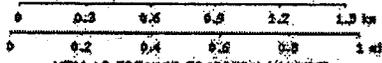
**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. 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 proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



UTM 10 527146E 5048872N (NAD27)  
 USGS Portland (OR, WA) Quadrangle  
 Projection is UTM Zone 10 NAD83 Datum

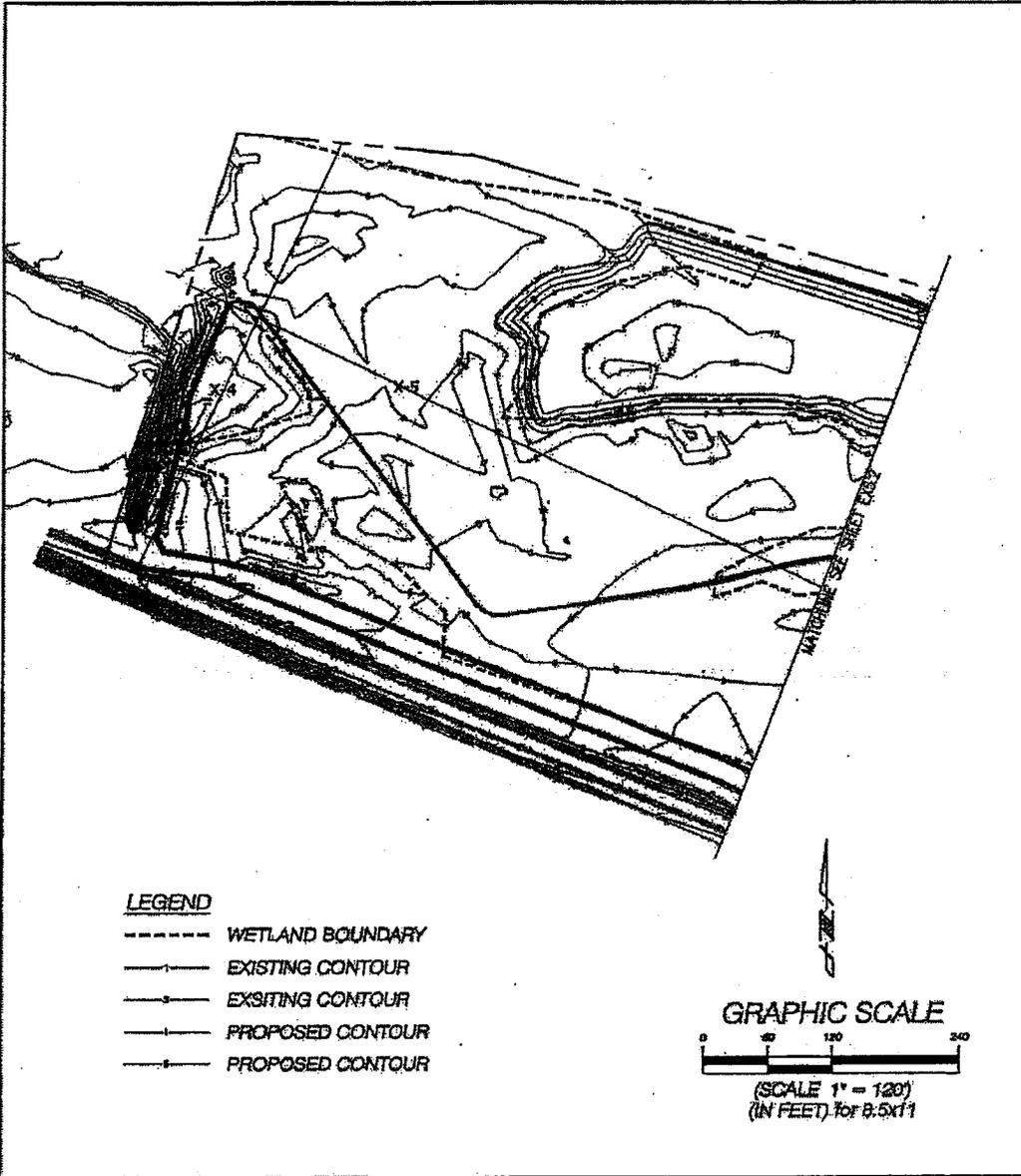
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<p>ESA Adolfsen          ESA Adolfsen          333 SW Park Avenue, Suite 600, Portland OR 97204          (503) 226-8018 - Fax: (503) 226-0450</p>	<p><b>BRANDWEIN MEADOWS</b></p> <p>DATE: 6 FEBRUARY 2008</p> <p>SCALE: 1 IN. = 2,000 FT.</p>	<p><b>EX1.0</b>          LOCATION MAP</p>
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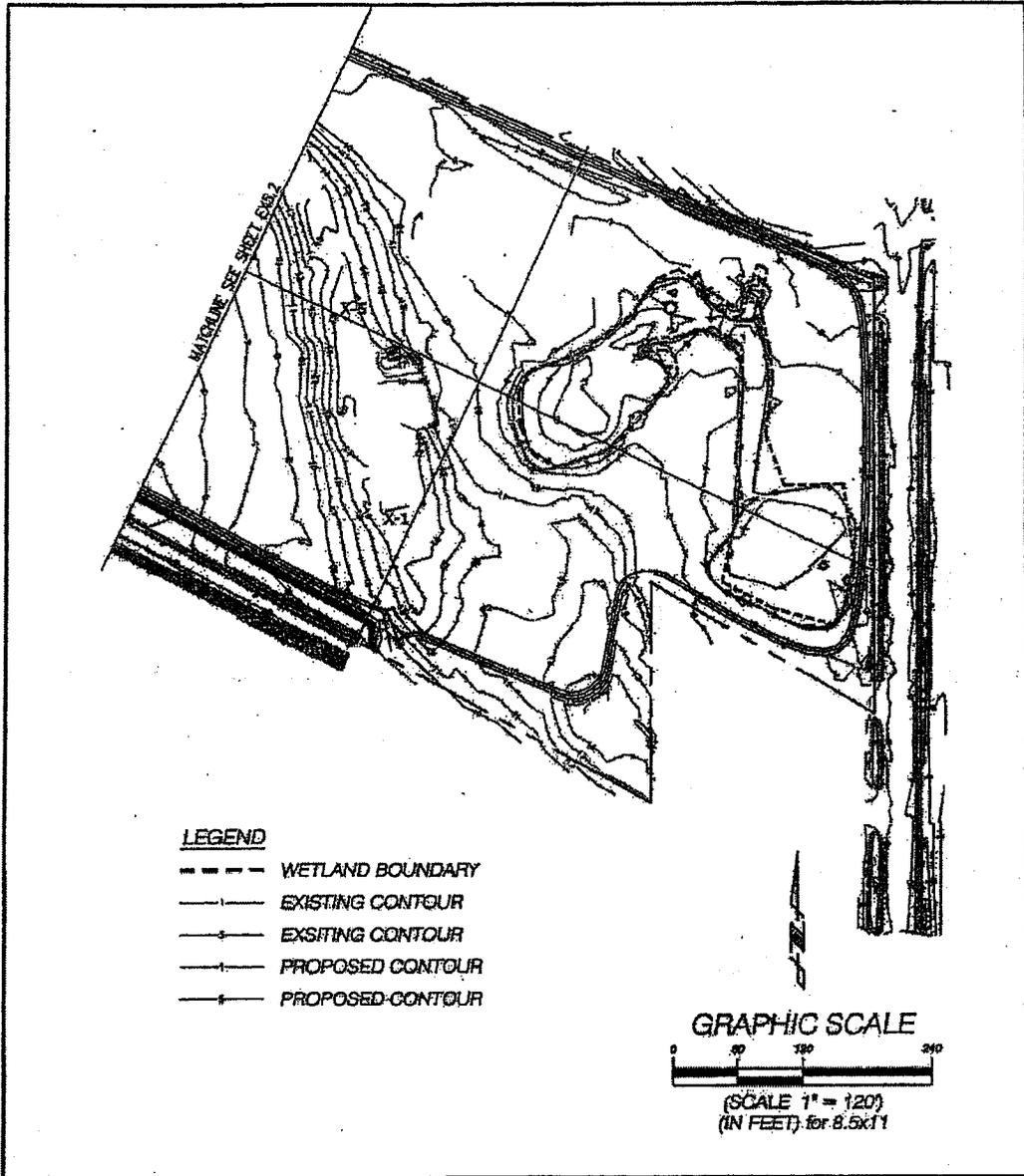
NWP-2007-727





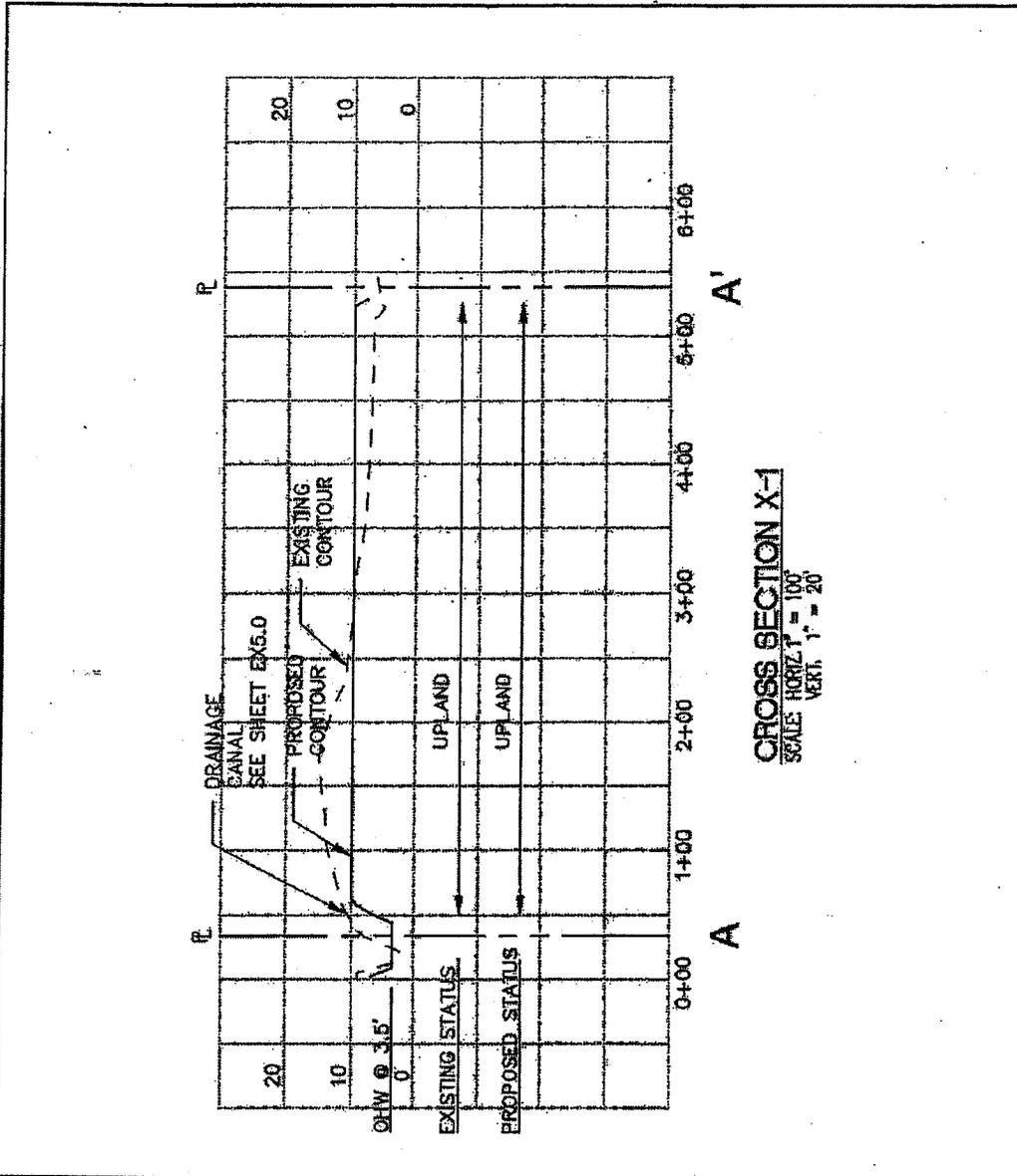
 Don Cushing Associates Civil Engineers 6650 SW Redwood Lane, Suite 235, Portland OR 97224 (503) 620-7884 • Fax: (503) 620-2771	<b>BRANDWEIN MEADOWS</b>		<b>EX4.1</b>
	JOB #: 05-031 DATE: 12/08/07	DRAWN BY: AKS, TLS, JEG SCALE: 1"=120'	<b>GRADING PLAN</b>
			OF 19

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 Don Cushing Associates Civil Engineers 6650 SW Redwood Lane, Suite 235, Portland OR 97224 (503) 620-7884 • Fax: (503) 620-2771	<b>BRANDWEIN MEADOWS</b>	<b>EX4.3</b>
	JOB #: 05-031      DRAWN BY: AKS, TLS, JEG	<b>GRADING PLAN</b>
DATE: 12/08/07      SCALE: 1"=120'	OF 19	

NUP-2007-727



**CROSS SECTION X-1**  
 SCALE HORIZ. = 100'  
 VERT. 1" = 20'



**Dan Cushing Associates**  
 Civil Engineers  
 6650 SW Redwood Lane, Suite 235, Portland OR 97224  
 (503) 620-7888 • Fax: (503) 620-2771

**BRANDWEIN MEADOWS**

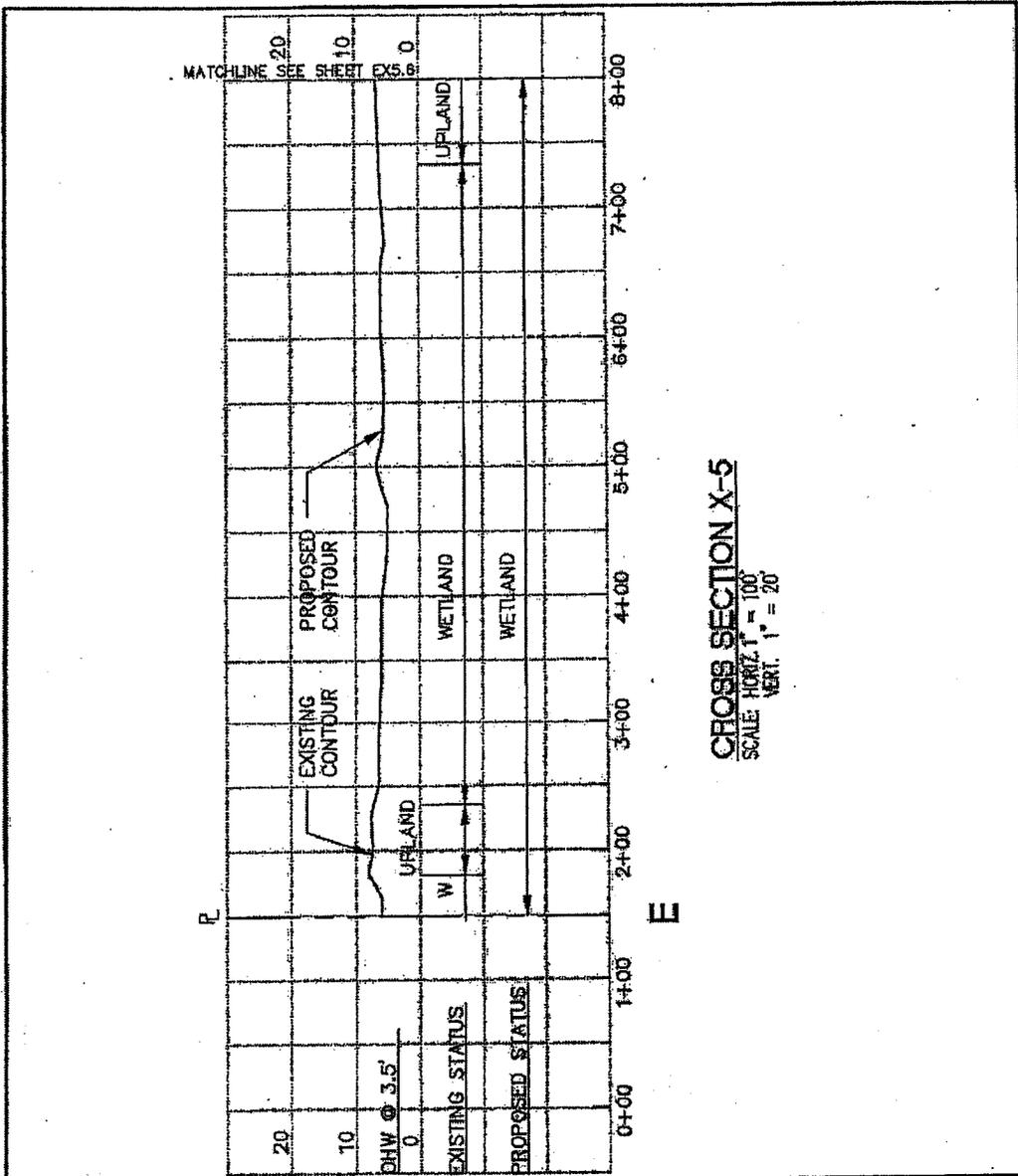
JOB #: 05-031      DRAWN BY: AKS, T.L.S, JEG  
 DATE: 12/06/07      SCALE: AS SHOWN

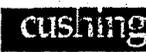
**EX5.1**  
**CROSS SECTION X-1**

OF 19

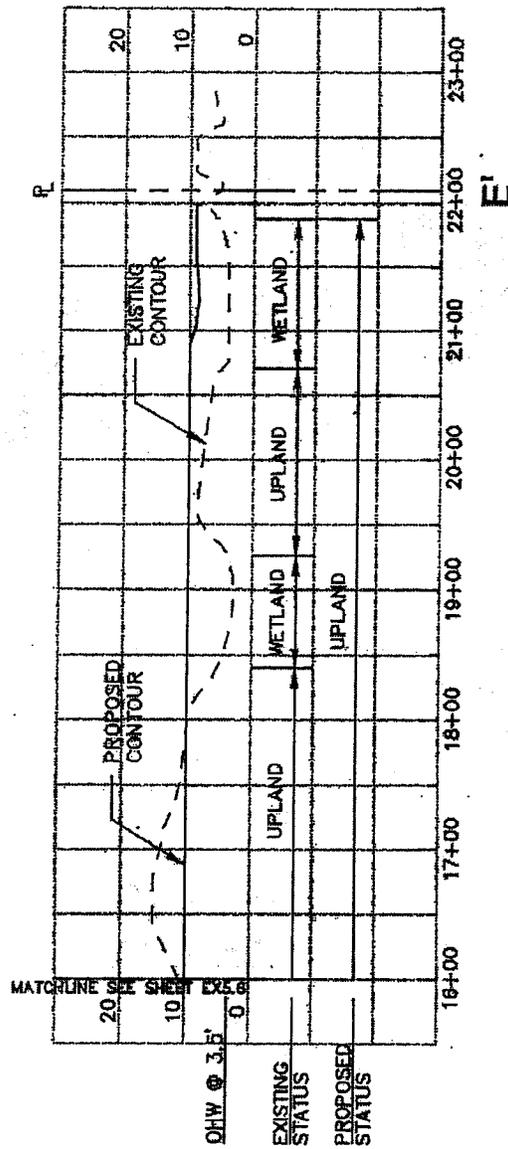
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 Don Cushing Associates Civil Engineers 6650 SW Redwood Lane, Suite 235, Portland, OR 97224 (503) 620-7884 • Fax: (503) 620-2771	BRANDWEIN MEADOWS		EX5.5
	JOB #: 05-031 DATE: 12/06/07	DRAWN BY: AKS, T.LS, JEG SCALE: AS SHOWN	CROSS SECTION X-5 OF 19

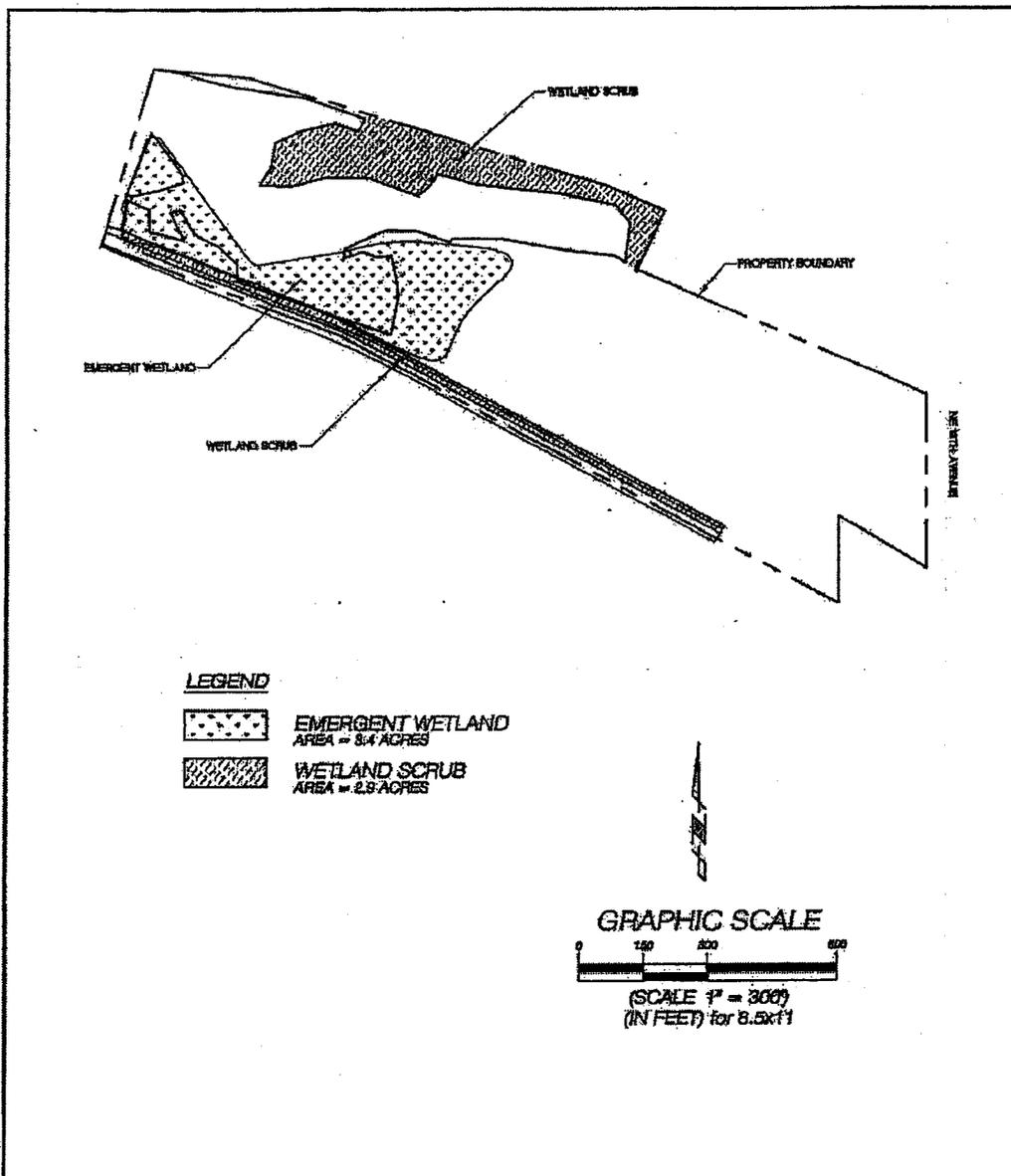
NWP-2007-927



**CROSS SECTION X-5**  
 SCALE HORIZ. 1" = 100'  
 VERT. 1" = 20'

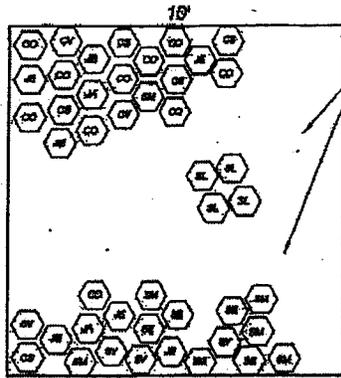
 Ken Custing Associates Civil Engineers 6650 SW Redwood Lane, Suite 235, Portland OR 97224 (503) 620-7804 • Fax: (503) 620-4771	<b>BRANDWEIN MEADOWS</b>		<b>EX5.7</b> <b>CROSS</b>
	JOB #: 05-031 DATE: 12/06/07	DRAWN BY: AKS, TJS, JEG SCALE: AS SHOWN	<b>SECTION X-5</b> OF 19

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 Don Cushing Associates Civil Engineers 6630 SW Redwood Lane, Suite 233, Portland, OR 97224 (503) 620-7884 • Fax: (503) 620-2771	<b>BRANDWEIN MEADOWS</b>		<b>EX7.0 PLANTING PLAN</b>  OF 19
	JOB #: 05-031	DRAWN BY: AKS, TJS, JEG	
	DATE: 12/08/07	SCALE: 1"=300'	

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OVER-SEED ENTIRE AREA WITH EMERGENT SEED MIX

**NOTE 1:**  
ALL EMERGENT PLUGS SHALL BE FULLY ROOTED, 5-C.I. OR LARGER, AND GROWN FROM NORTHERN WILLAMETTE VALLEY SEE SOURCES.

**NOTE 2:**  
ENTIRE EMERGENT PLANTING AREA SHALL BE OVER SEEDDED AT A RATE OF 40 LBS. PER ACRE. ALL SEED SHALL MEET 90% (PURE LIVE SEED) OR GREATER WITH NO NOXIOUS WEED CONTENT. SEED SHALL BE FROM WILLAMETTE VALLEY NATIVE GENETIC SOURCES.

**NOTE 3:**  
ENTIRE EMERGENT AREA SHALL BE GRADED TO APPROX. 4' ELEVATION. MINOR GRADING VARIATIONS WILL OCCUR. SPECIES WILL BE FIELD FIT BASED ON HYDROLOGIC TOLERANCES OF PLANTS AS SHOWN IN EMERGENT PLUG TABLE.

<u>LABEL</u>	<u>EMERGENT PLUGS/BULBS</u>	<u>RELATIVE PLANTING ELEVATION</u>	<u>NO/AC</u>	<u>TOTAL</u>
CO	10 CAREX OBNUPTA	0	4000	13600
CV	5 CAREX STIPATA	+	2000	6800
CR	2 CAREX VESICARIA	0	1000	3400
JN	7 JUNCUS ENSIFOLIUS	0	3000	10200
JN	2 JUNCUS ACUMINATUS	0	1000	3400
SA	4 SAGITTARIA LATIFOLIA (BULBS)	-	2000	6800
SC	7 SCIRPUS MICROCARPUS	0	3000	10200
SC	4 SCIRPUS VALEDUS	-	2000	6800
SP	4 SPARGANIUM EMERSUM	-	2000	6800
			<u>20,000</u>	<u>68000</u>

<u>EMERGENT SEED</u>	<u>LBS/AC</u>	<u>TOTAL</u>
ALISMA PLANTAGO-AQUATICA	15	51
BECKMANNIA SYZYGACHNE	15	51
CAREX STIPATA	2	7
CAREX OBNUPTA	2	7
ELEOCHARIS OVATA	2	7
AGROSTIS EXARATA	4	14
	<u>40</u>	<u>137</u>

**Cushing**  
Dix Cushing Associates  
Civil Engineers  
6650 SW Redwood Lane, Suite 235, Portland OR 97224  
(503) 620-7224 • Fax: (503) 620-2771

**BRANDWEIN MEADOWS**  
JOB #: 05-031      DRAWN BY: AKS, TLS, JEG  
DATE: 12/06/07      SCALE: 1"=120'

**EX7.2**  
**EMERGENT**  
**DETAIL**  
OF 19

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**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: NWP-2007-727  
Oregon Department of State Lands Number: 39000

Notice Issued: October 29, 2008  
Written Comments Due: November 28, 2008

**WHO IS THE APPLICANT:** Howard Brandwein, M.D.

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that " The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on November 28, 2008. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.