



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: December 8, 2008

Expiration Date: January 6, 2009

Corps of Engineers No: NWP-2008-693

Oregon Department of State Lands No: 41648-RF

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 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
Michele E. Hanson
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Mr. Phillip Smith
CMP Properties, Inc. (CMP)
P.O. Box 4225
Medford, Oregon 97501-0158

Location: The project is located south of Jacksonville Highway (Hwy. 238) between Oak Grove Road and Clover Lane, in Medford, Jackson County, Oregon (Section 26, Township 37 South, Range 2 West).

Waterway: Wetland abutting an unnamed tributary to Griffin Creek.

Project Description: CMP proposes to discharge fill into up to 0.9-acre of palustrine emergent wetland and approximately 2,400 linear feet of a channelized drainage for residential housing and associated infrastructure. Infrastructure would include streets, utility lines, and stormwater conveyances. Heavy equipment would grade and level the site to prepare the area for development. Staging and temporary stockpile areas would be located in the northern portion of the site.

CMP proposes to entirely fill onsite aquatic features. No measures were described in the permit application to avoid or minimize aquatic impacts.

Mitigation: The applicant has provided a proposed compensatory wetland mitigation plan to replace unavoidable aquatic impacts. Approximately one acre of the permittee-responsible mitigation would be located offsite along Gore Creek (near Bear Creek). CMP proposes to enhance 4,938 square feet of the channelized segment of Gore Creek and create adjacent wetland to compensate for 0.7-acre of impact. CMP has proposed to utilize the Oregon Department of State Lands' payment-to-provide program for the remaining 0.2-acre of aquatic impacts.

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: The overall project purpose is to provide housing to meet the identified need within the City of Medford.

Drawing(s): Eight (8) drawings are attached and labeled Corps No. NWP-2008-693.

Additional Information: Additional information may be obtained from Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or email michele.e.hanson@usace.army.mil

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 may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

Cultural Resources: An initial evaluation of the proposed project area indicates to the best of our knowledge, 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. At this time the Corps is unaware of any cultural resource surveys of the project area.

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 effects.

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.

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

Corps of Engineers No: NWP-2008-693
Oregon Department of State Lands No: 41648-RF

Notice Issued: December 8, 2008
Written Comments Due: January 6, 2009

WHO IS THE APPLICANT: Mr. Phillip Smith dba CMP Properties, Inc.

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, Northwest Region, 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987.

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

Any questions on the proposed certification may be addressed to the 401 Water Quality Certification Coordinator, (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) 340-48-0020 (6) 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 **January 6, 2009**. Written comments should be mailed to Oregon Department of Environmental Quality, Northwest Region, Attn: 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987 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, emails should be aware that if there is a delay between servers or if a server is not functioning properly, emails 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. 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 Public Affairs at (503) 229-5766 or toll free within Oregon at (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.

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USGS Medford, Oregon, United States 01 Jul 1983

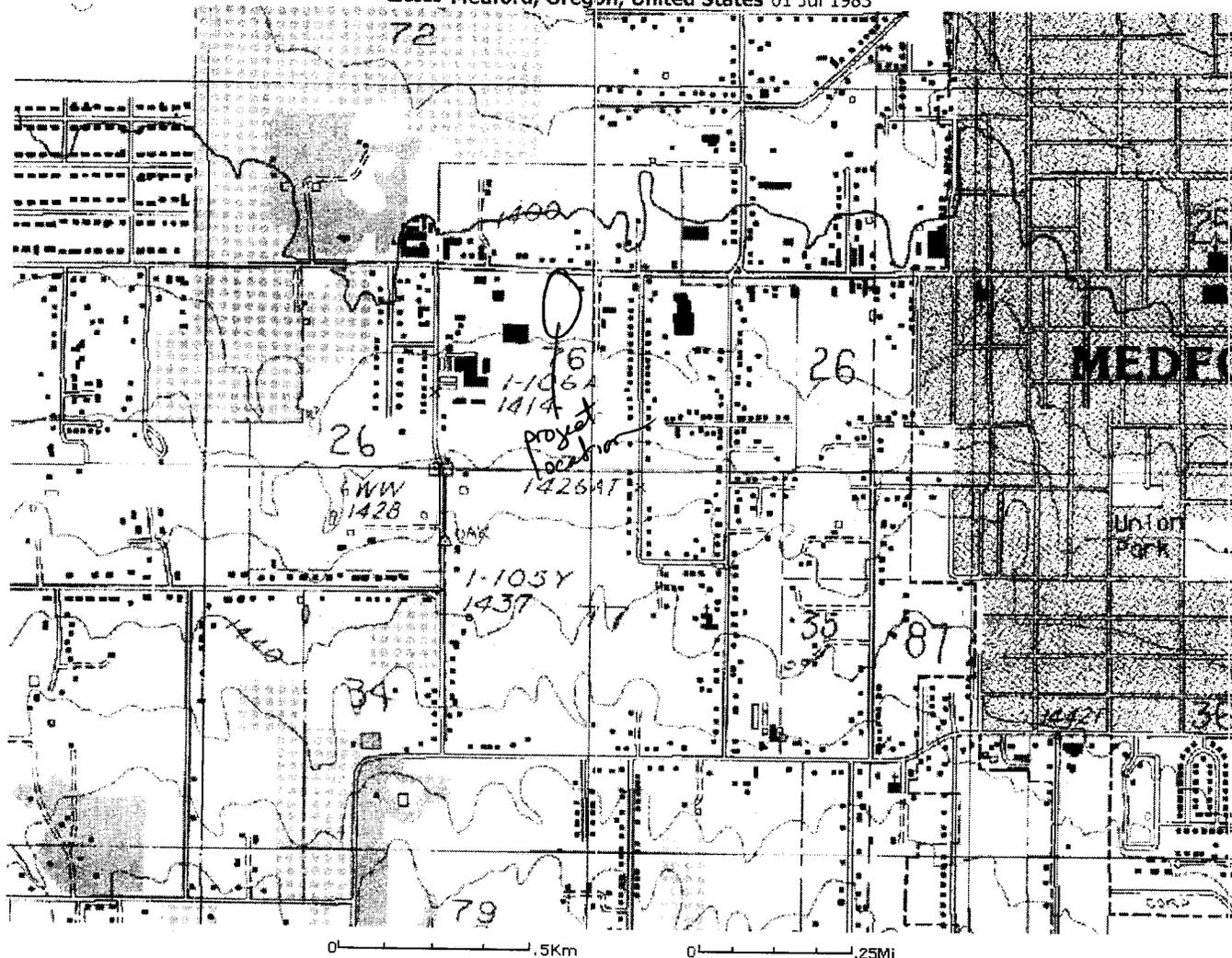
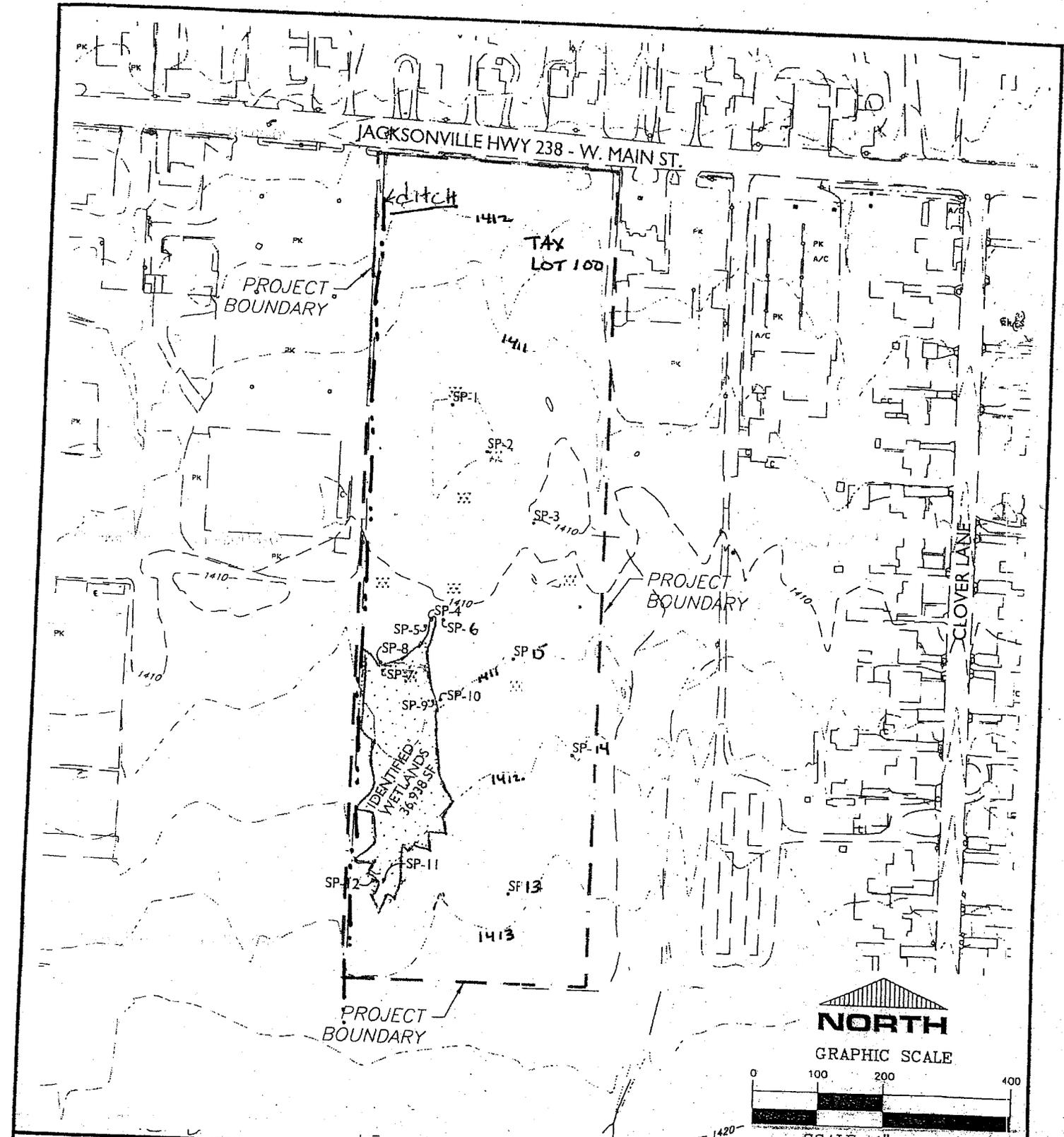


Image courtesy of the U.S. Geological Survey

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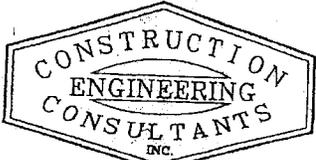


NORTH

GRAPHIC SCALE



SCALE: 1" = 200'



P.O. BOX 1724 • MEDFORD, OREGON 97501
PH. (541) 778-5288 • FAX (541) 779-3139

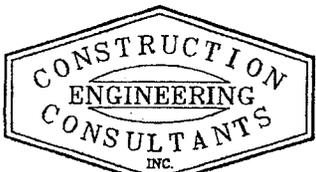
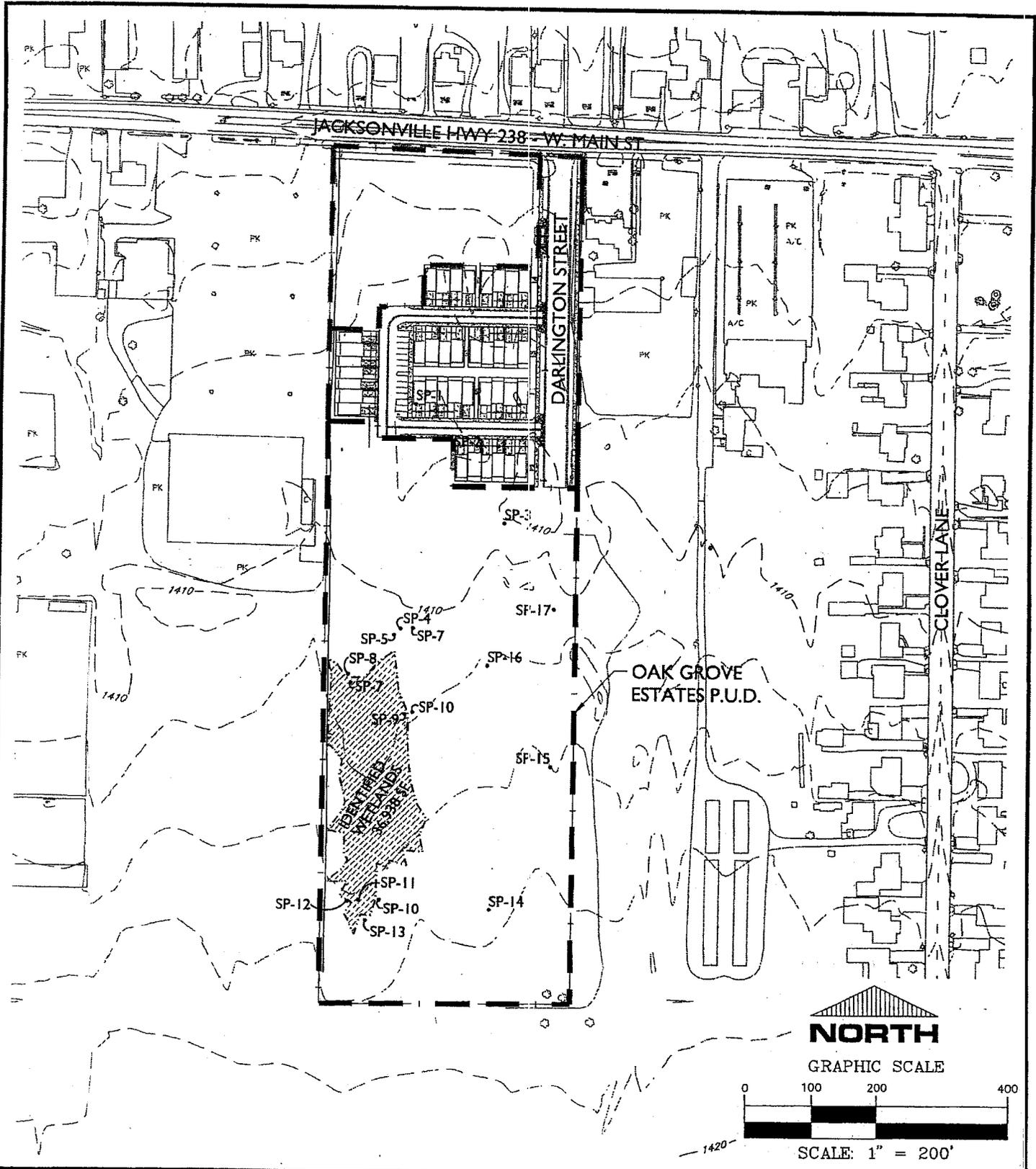
SCHOTT AND ASSOCIATES

21018 NE HWY 99E
AURORA, OR 97002
MARTIN SCHOTT
PH (503) 678-6007

JACKSON COUNTY

OAK GROVE ESTATES PUD
EXISTING CONDITIONS MAP

EXHIBIT "B"



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Corps No. NWP-2008-69

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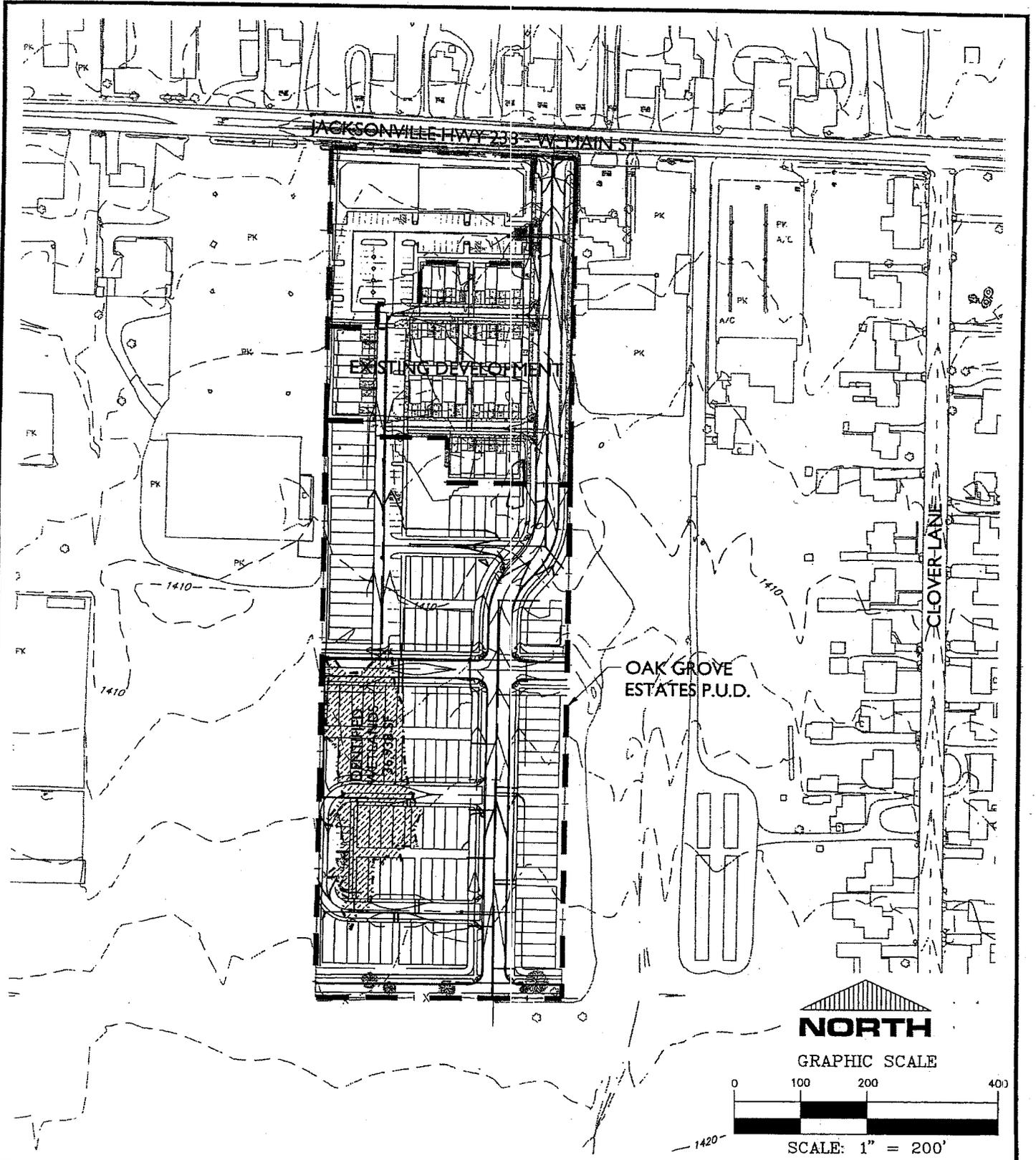
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AURORA, OR 97002
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JACKSON COUNTY

**OAK GROVE ESTATES PUD
EXISTING CONDITIONS MAP**

EXHIBIT "B"

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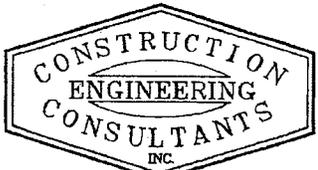


NORTH

GRAPHIC SCALE



SCALE: 1" = 200'



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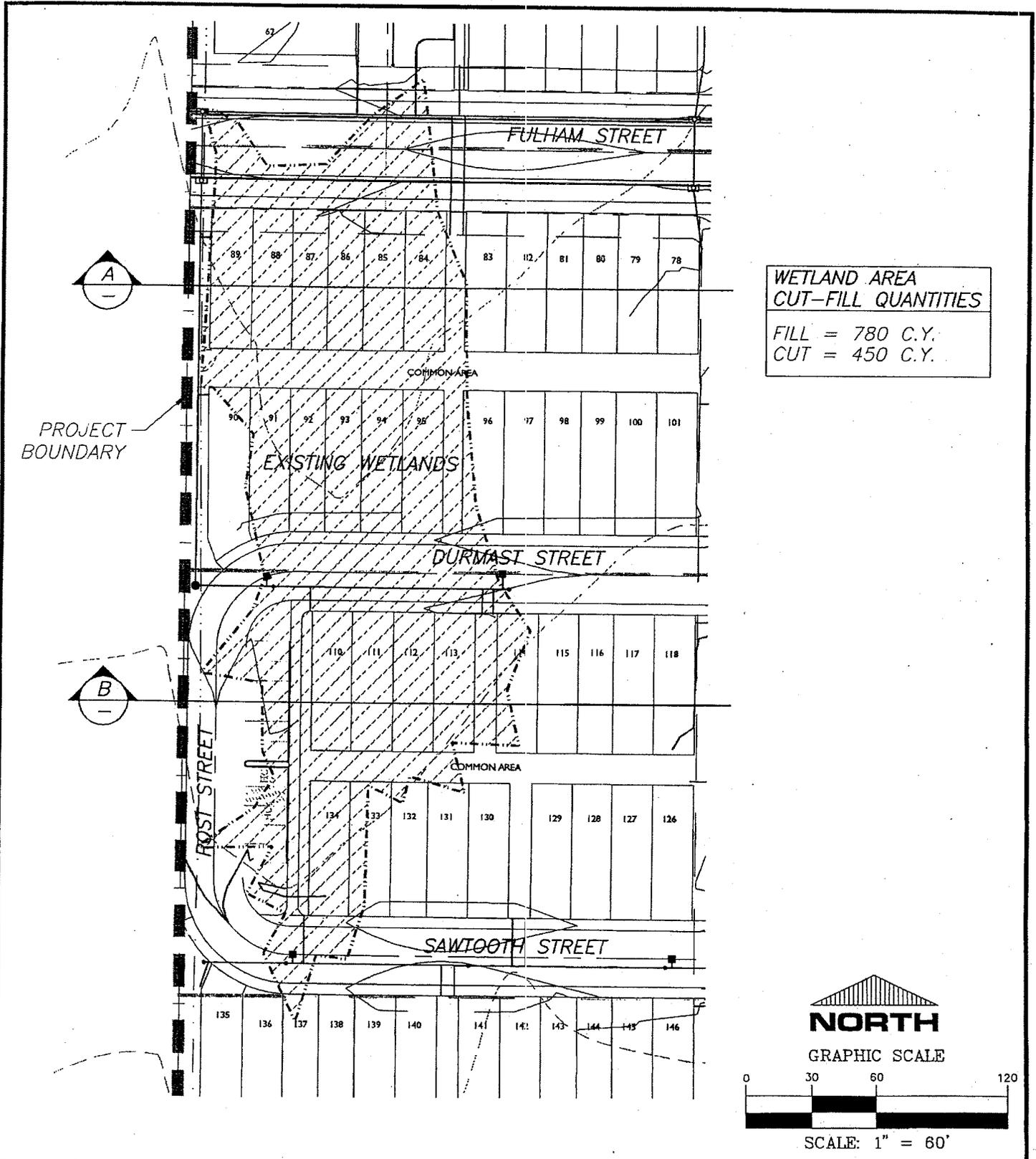
SCHOTT AND ASSOCIATES

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**OAK GROVE ESTATES PUD
 PROPOSED CONDITIONS MAP**

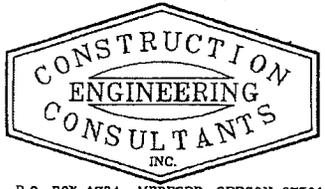
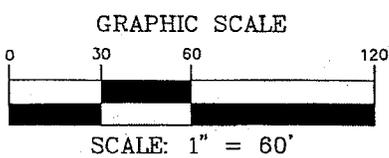
EXHIBIT "C"
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**WETLAND AREA
CUT-FILL QUANTITIES**

FILL = 780 C.Y.
CUT = 450 C.Y.

NORTH



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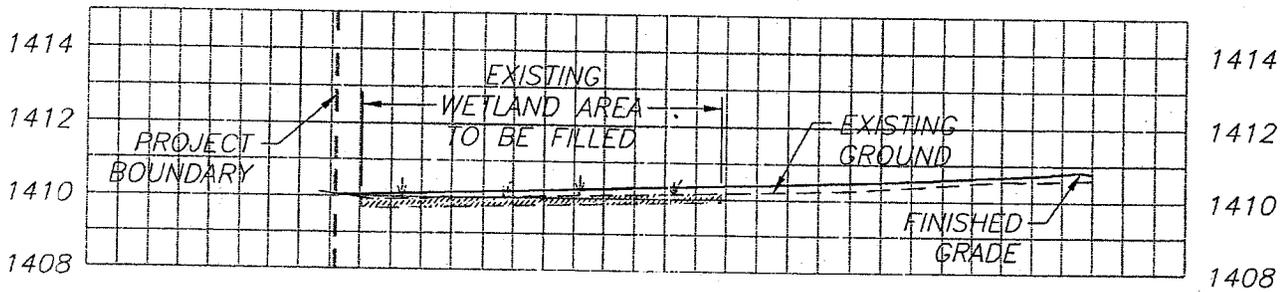
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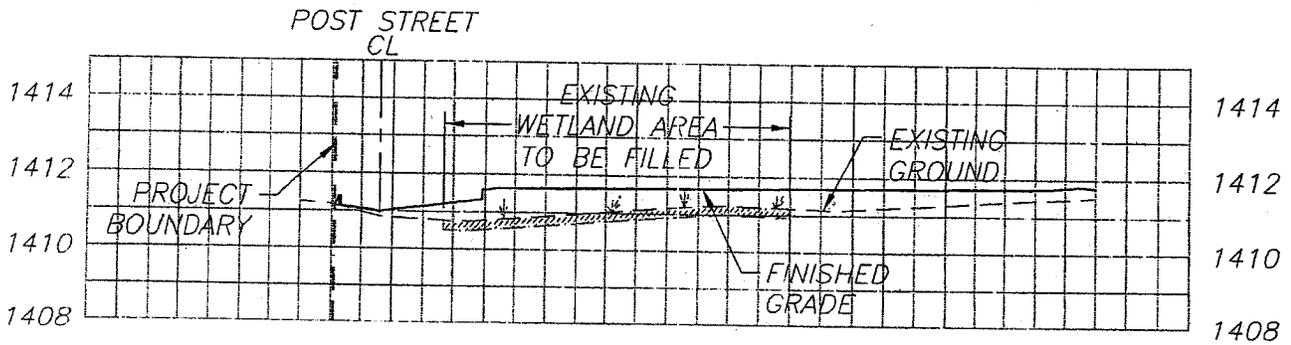
**OAK GROVE ESTATES PUD
EXISTING WETLAND PLAN VIEW**

EXHIBIT "D-1"
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WETLANDS SECTION 



WETLANDS SECTION 

PROFILE SCALES:
 HORIZ.: 1" = 60'
 VERT.: 1" = 10'



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 MARTIN SCHOTT
 PH (503) 678-6007

JACKSON COUNTY
 OAK GROVE ESTATES PUD
 EXISTING WETLAND CROSS SECTIONS

EXHIBIT "D-2"

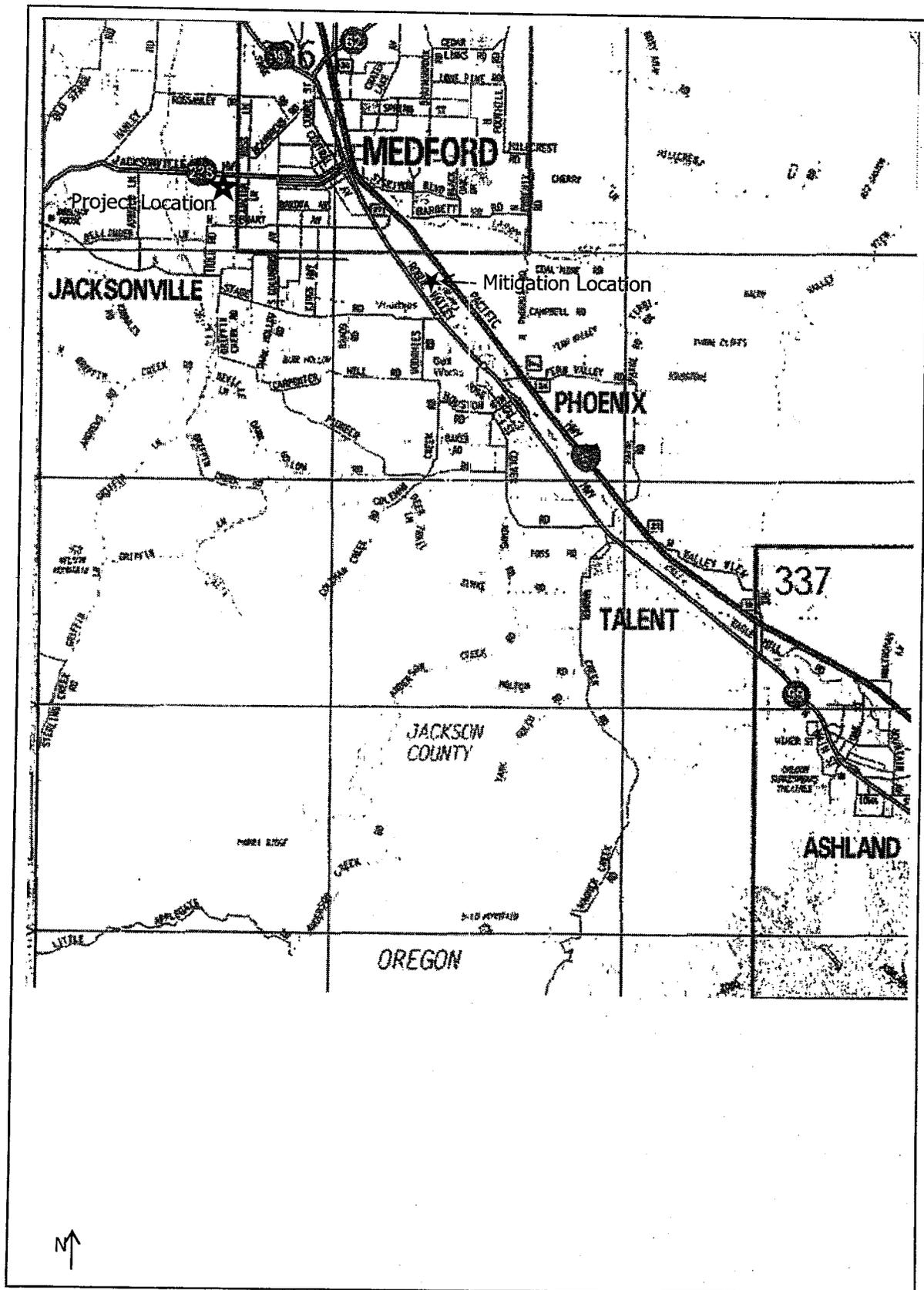
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NAME: OakGrove-D.dwg

PROJ.: 06-35

PLOT DATE: 09/24/08



Mitigation Site Location
 S&A#1911
 Oak Grove Estates

Schott & Associates
 P.O. Box 589
 Aurora, OR. 97002
 503.678.6007