



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: Oct. 6, 2004

Expiration Date: Nov. 5, 2004

Corps of Engineers Action ID: 200400446

Oregon Department of State Lands Number: 32629-FP

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 (Mr. Mark A. Everett)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Willamette Development, LLC
3841 Fairview Industrial Drive, Suite 100
Salem, Oregon 97302

Location: Wetlands adjacent to Highberger Ditch in Section 30, Township 8 South, Range 1 West, in Aumsville, Marion County, Oregon

Project Description: The applicant proposes to construct a 125-lot residential subdivision (Highberger Meadows) on a 29.79 acre site with associated roads, community greenspace, and stormwater facilities. Total fill within Waters of the U.S. would be approximately 3,500 cubic yards with an area of approximately 0.77 acre. 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 subdivision to meet increased housing demand in the greater Salem vicinity.

Drawings: Seven (7) sheets identified as: Wetland Fill Application for the Highberger Meadows Residential Subdivision Site, Aumsville, Marion County, Oregon

Additional Information: Additional information may be obtained from Mr. Mark A. Everett, Project Manager, U.S. Army Corps of Engineers at (503) 808-4388.

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.

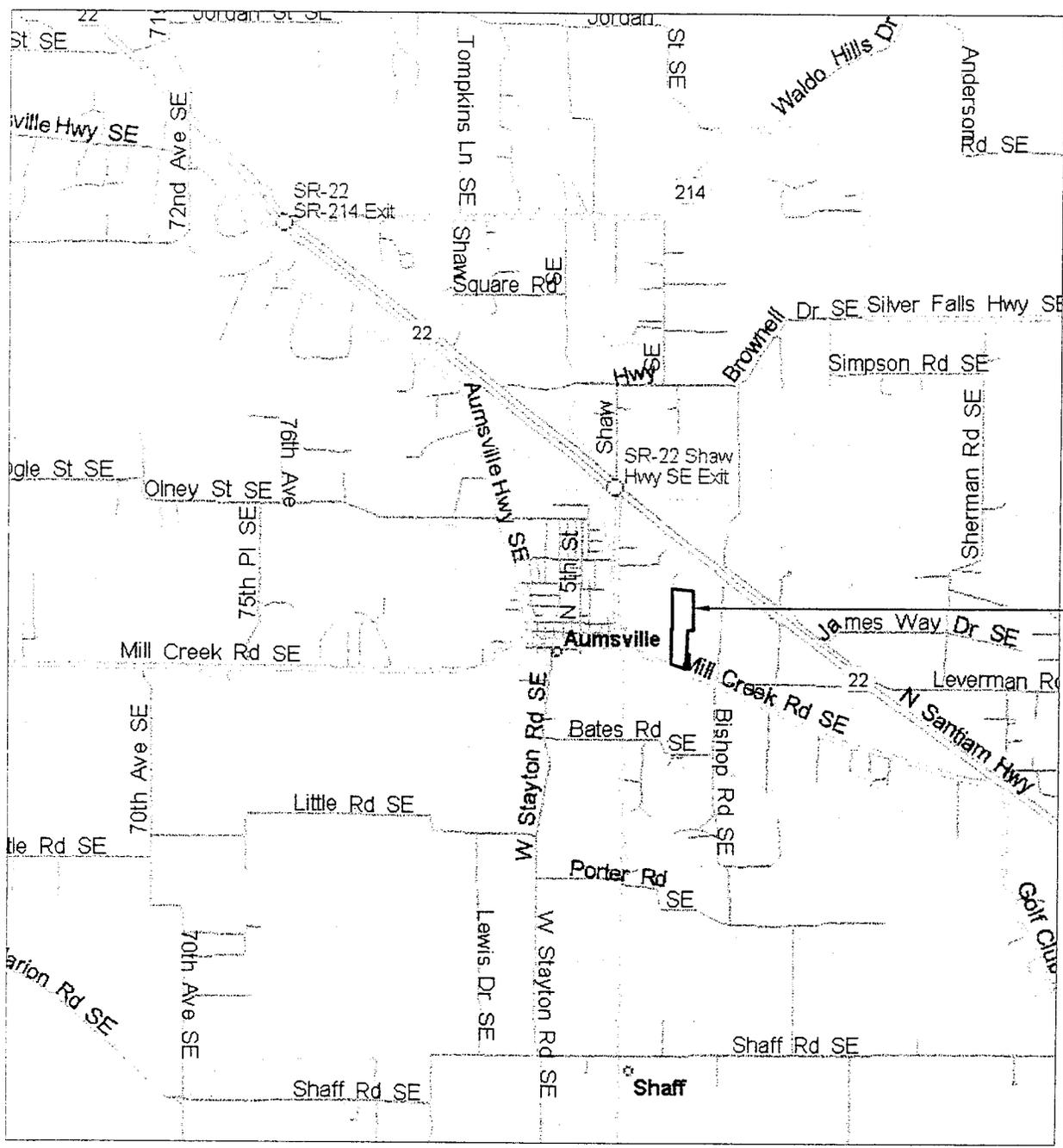
Cultural Resources: The Corps solicits your substantive comments regarding any potential cultural resources, which may occur, within the project area. This notice has been provided to the State Historic Preservation Office, American Indian Tribes, and other interested parties.

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.

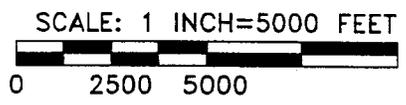


Source: Microsoft Streets & Trips, 2001.

Terra Science, Inc.
Soil, Water, & Wetland Consultants

WETLAND FILL APPLICATION FOR
THE HIGHBERGER MEADOWS
RESIDENTIAL SUBDIVISION SITE
Aumsville, Marion County, Oregon

VICINITY MAP



June 2004

FIGURE 1

Note: Wetland Boundaries Determined By Wetland Delineation by Fernwood Environmental Services (2003) and DSL Concurrence (WD#2003-0670)

Existing Residence and Farm Structures Not Part of Proposed Development

SITE BOUNDARY
(29.79 Acres)

Wetland Depression
(0.03-ac. State and Federal Jurisdiction)

Wetland Ditch
(0.06-ac. State and Federal Jurisdiction)

Alluvial Terrace
(Grazed Pasture)

Open Pasture

Open Pasture

Wetland Depression
(0.11-ac. State and Federal Jurisdiction)

Wetland Depression
(0.63-ac. State and Federal Jurisdiction)

LEGEND

 Existing Structure

 Total Wetlands (2.15-acre)

 Topographic Contour (1 Foot)

 Existing Tree

 Flow Direction of Highberger Ditch

DSL Jurisdictional Wetlands Total 2.15-acres and Federal Jurisdictional Wetlands Totals 1.31-acres Based On Connectivity

Gravel Driveway
Parallels Western
Site Boundary

Highberger Ditch Wetland
(0.48-ac. State and Federal Jurisdiction)

Mobile Home Park

Rural Residences

Isolated Depression
(0.1-ac. State Jurisdiction)

Alluvial Terrace
(Vacant Land)

Isolated Wetland Ditch
(0.06-ac. State Jurisdiction)

Isolated Depression
(0.68-ac. State Jurisdiction)

To Aumsville

Mill Creek Road

Source: Adapted From Westech Engineering, Inc. 2004 Topographic Map and Site Plans.

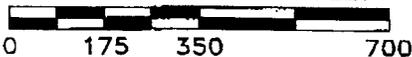
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WETLAND FILL APPLICATION FOR THE HIGHBERGER MEADOWS RESIDENTIAL SUBDIVISION SITE Aumsville, Marlon County, Oregon

EXISTING SITE CONDITIONS AND WETLAND BOUNDARIES

SCALE: 1 INCH=350 FEET



September 2004 (Revised)

FIGURE 2

Note: Wetland Boundaries Determined By Wetland Delineation by Fernwood Environmental Services (2003) and DSL Concurrence WD#2003-0670

SITE BOUNDARY
(29.79 Acres)

Existing Residence and Farm Structures
Not Part of Proposed Development

Open Pasture

Open Pasture



LEGEND

-  Wetland Impacts (1.55-acre)
-  Avoided Wetland (0.6-acre)
-  Proposed Residential Lot (125 Units)
-  Flow Direction of Highberger Ditch
-  Wetland Impact Cross Section (Figures 4A & 4B)

State Jurisdictional Impacts Total 1.55-acre and Federal Jurisdictional Impacts Total 0.77-acre Based On Connectivity

State and Federal Impacted North Wetland Depression (0.03-ac.)

Avoided Wetland Ditch (0.06-ac.)

Road Scheduled For Future Expansion

State and Federal Impacted West Wetland Depression (0.11-ac.)

Community Greenspace Proposed For Highberger Ditch Riparian Corridor

State and Federal Impacted North Wetland Depression (0.63-ac.)

Bridge Footings To Be Placed Outside of Top-of-Bank (No Wetland Impacts)

Avoided Highberger Ditch Wetland (0.48-acre)

Mobile Home Park

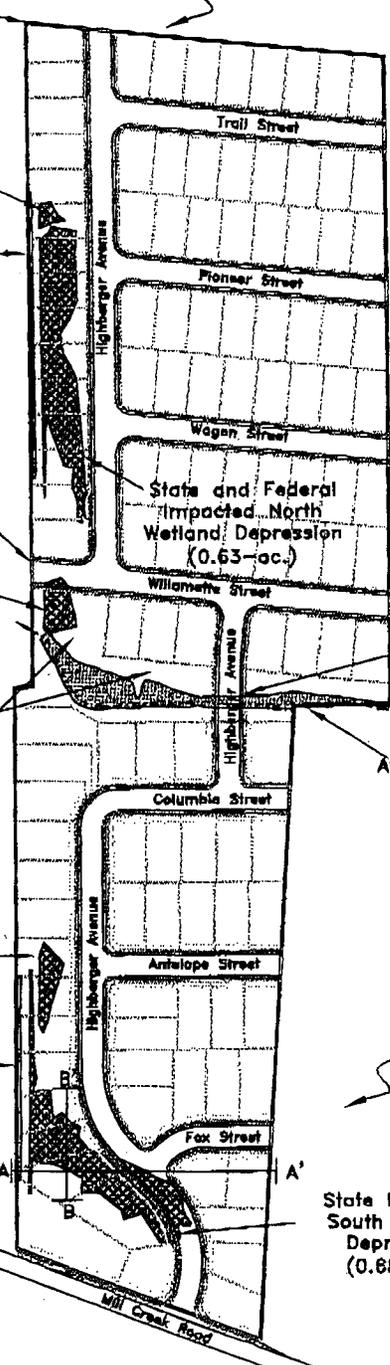
State Impacted Depression (0.1-ac.)

Avoided Wetland Ditch (0.06-ac.)

Rural Residences

State Impacted South Wetland Depression (0.68-ac.)

To Aumsville



Source: Adapted From Westech Engineering, Inc. 2004 Topographic Map and Site Plans.

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WETLAND FILL APPLICATION FOR THE HIGHBERGER MEADOWS RESIDENTIAL SUBDIVISION SITE Aumsville, Marlon County, Oregon

PROPOSED DEVELOPMENT AND WETLAND IMPACTS

SCALE: 1 INCH=350 FEET
0 175 350 700

September 2004 (Revised)

FIGURE 3

WETLAND IMPACT CROSS-SECTION A-A'

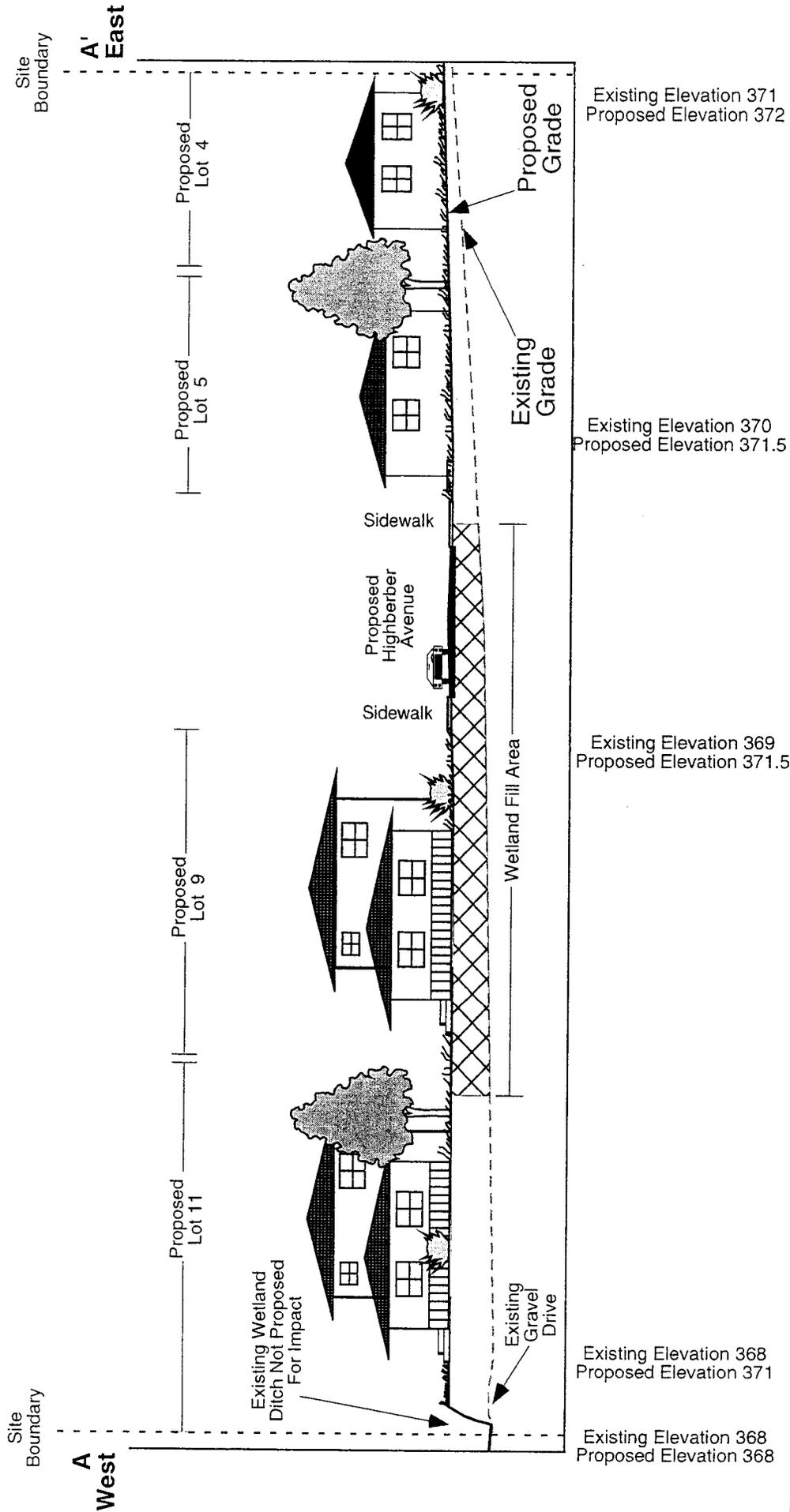


FIGURE 4A

WETLAND IMPACT CROSS-SECTION A-A'

WETLAND FILL APPLICATION FOR THE HIGHBERBER MEADOWS RESIDENTIAL SUBDIVISION SITE Aumsville, Marion County, Oregon

Note: Vertical Scale Exaggerated.

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SCALE: 1 INCH = 50 FEET Horizontal
1 INCH = 10 FEET Vertical



May 2004

WETLAND IMPACT CROSS-SECTION B-B'

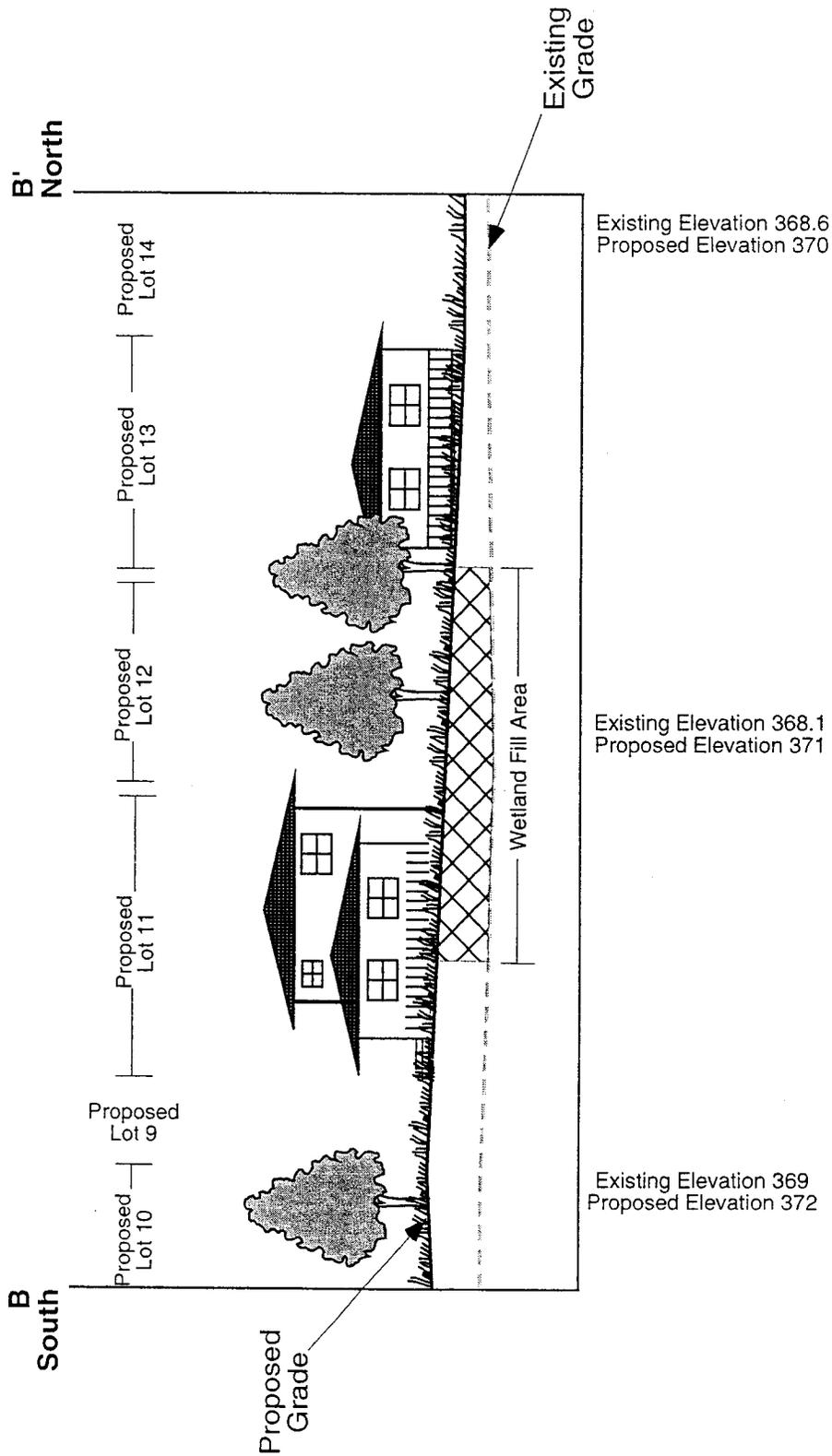


FIGURE 4B

WETLAND IMPACT
CROSS-SECTION B-B'

Note: Vertical Scale
Exaggerated.

WETLAND FILL APPLICATION FOR
THE HIGHBERBER MEADOWS
RESIDENTIAL SUBDIVISION SITE
Aumsville, Marion County, Oregon

TERRA SCIENCE, INC.
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SITE BOUNDARY
(29.79 Acres)

Existing Residence and Farm Structures
Not Part of Proposed Development



LEGEND

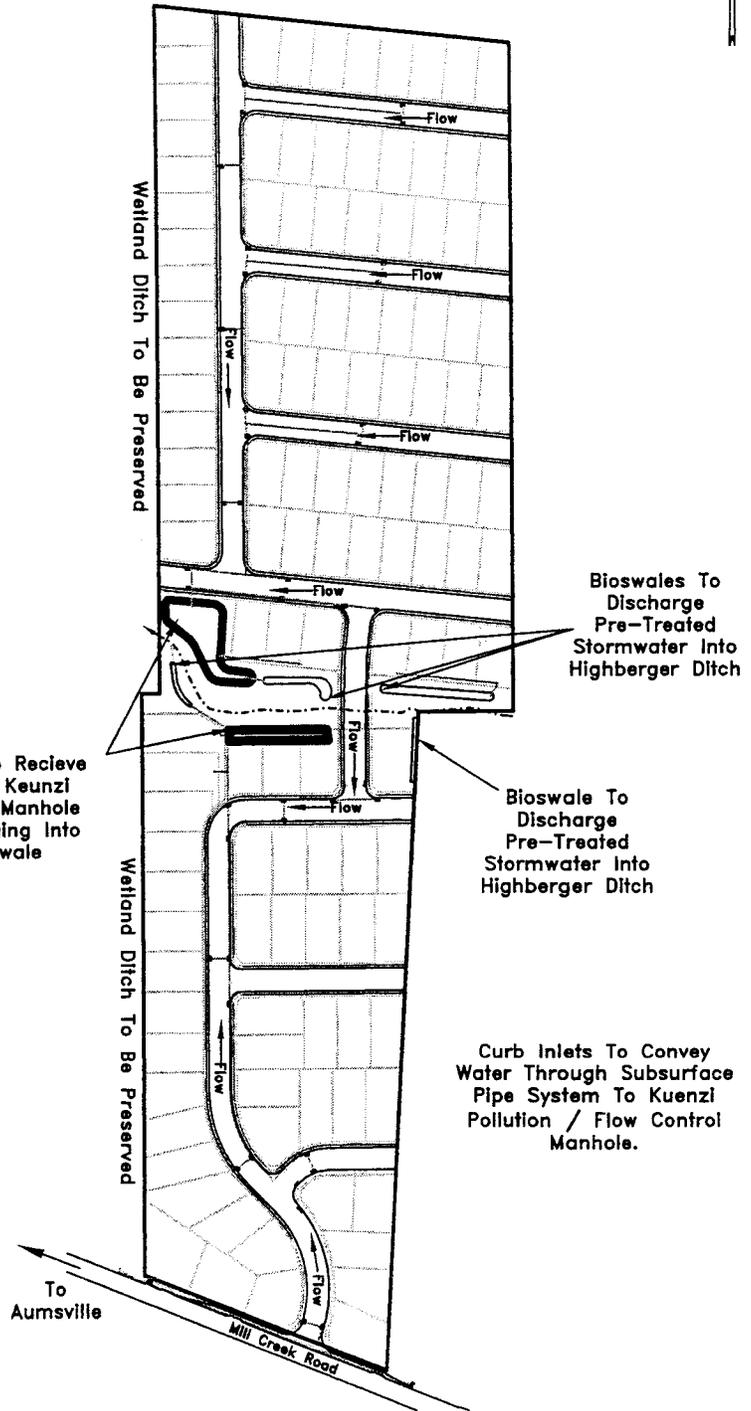
- Proposed Residential Lot (125 Units)
- Flow Direction of Highberger Ditch
- Stormwater Curb Inlets

Note: No Adverse Effects Such As Flooding And Excess Erosion Are Anticipated For Downstream Hydraulic Systems; Stormwater Management Plan Would Discharge Additional Surface Runoff From Subdivision Impervious Surfaces At Pre-Development Rates Using Pollution Control Manholes, Detention Basin, and Biofiltration Swales.

Avoided Highberger Ditch To Be Enhanced For Community Greenspace

Detention Pond To Recieve Discharge From Keunzi Pollution Control Manhole Prior To Discharging Into Biofiltration Swale

Note: Wetland Ditches Along Western Border To Be Preserved.



Source: Adapted From Westech Engineering, Inc. 2004 Topographic Map and Site Plans.

<p>Terra Science, Inc. Soil, Water, & Wetland Consultants</p>	<p>WETLAND FILL APPLICATION FOR THE HIGHBERGER MEADOWS RESIDENTIAL SUBDIVISION SITE Aumsville, Marion County, Oregon</p>	<p>PROPOSED STORM WATER MANAGEMENT PLAN</p>	<p>FIGURE 6</p>
<p>SCALE: 1 INCH=350 FEET</p>	<p>June 2004</p>		

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400446
Oregon Department of State Lands Number: 32629-FP

Notice Issued: October 6, 2004
Written Comments Due: November 5, 2004

WHO IS THE APPLICANT: Willamette Development, LLC

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, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***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. 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.