



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: August 24, 2004

Expiration Date: September 23, 2004

Corps of Engineers Action ID: 200400519

Oregon Division of State Lands Number: 32863

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. John L Ferrise)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: John Batzer, LLC
PO Box 4460
Medford, Oregon 97501

Location: Section 5, 12 South, 5 West, Benton County, Oregon

Project Description: The proposed project involves placing approximately 3,774 cubic yards of fill material in 0.80 acres of wetlands adjacent to Squaw Creek to construct a pharmacy, retail center, parking lot and associated utilities. Except for the parking lot access to 53rd Street, which will be bridged, no fill material will be placed within 25 feet of the top of the bank of Squaw Creek.

Mitigation: The application proposes to compensate for the loss of 0.8. acres of forested wetlands by purchasing an equal amount of credits for the construction of forested wetlands in the Frazier Creek Wetland Mitigation Bank.

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 pharmacy and associated retail center that provides a drive-up pharmacy in the southwest Corvallis area.

Drawing(s): Three drawings (3 sheets) labeled Pharmacy Retail Center, Corps File No. 200400519.

Additional Information: Additional information may be obtained from Mr. John L Ferrise, 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.

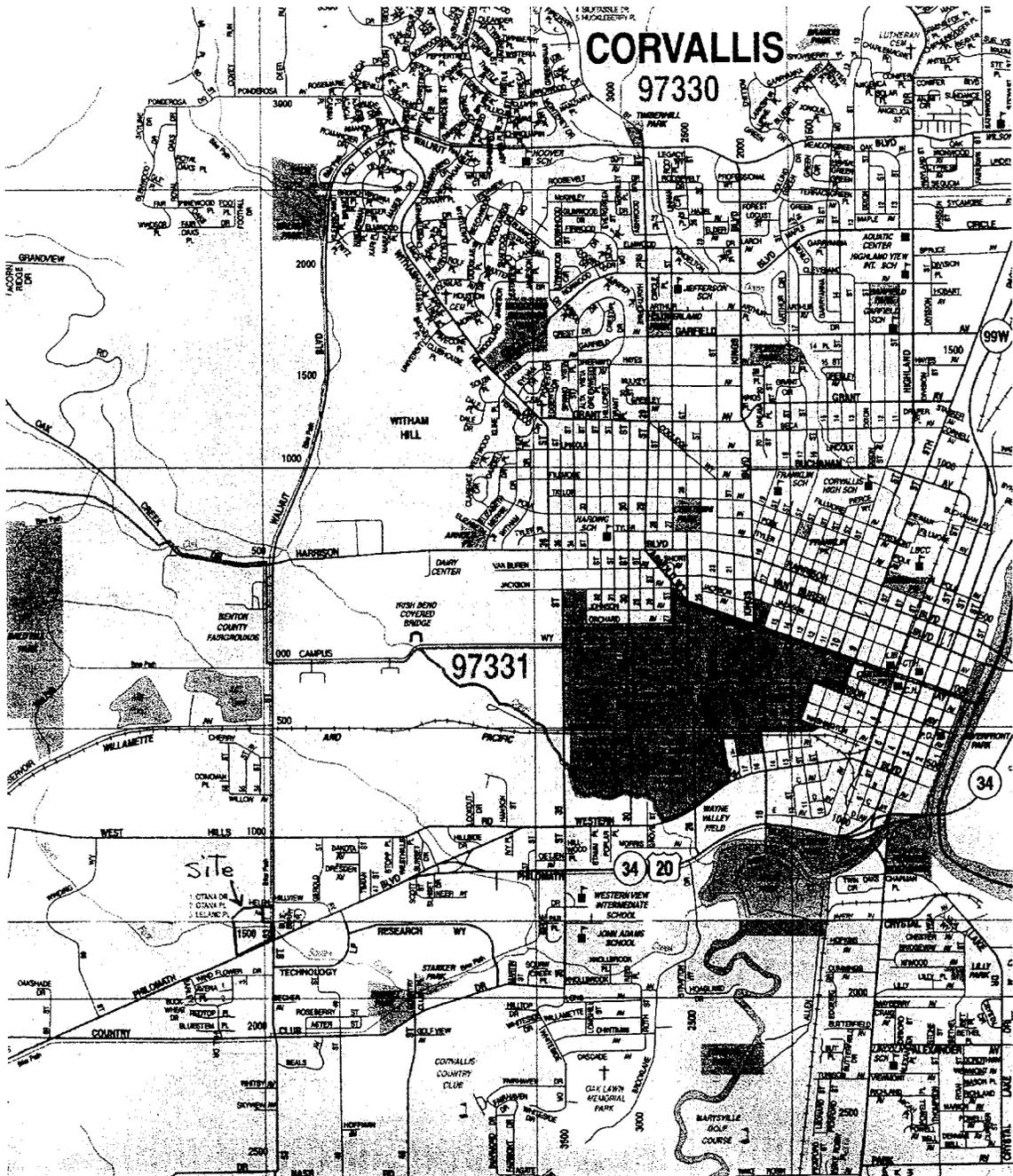
Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

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.



COE File No. 200400519

Applicant: John Batzer, LLC

Project: Pharmacy Retail Center

Waterway: Squaw Creek

Location: At Corvallis, Oregon

Date: August 2004

Sheet 1 of 3

WETLANDS JOINT PERMIT

SITE PLAN

LOCATED IN

TAX LOT 400 AND 500
 ASSESSORS MAP 12-5-5DD
 CITY OF CORVALLIS
 BENTON COUNTY, OREGON

APPLICANT: JOHN BATZER, LLC
 APPLICANTS REPRESENTATIVE: BRETT FOX,
 JOINT VENTURE PARTNER W/ JOHN BATZER, LLC

JUNE 15, 2004

LEGEND:

-  NON-IMPACTED JURISDICTIONAL WETLANDS
159,230 sf.
-  JURISDICTIONAL WETLANDS IMPACTED BY DEVELOPMENT
34,648 sf.
0.80 acres



TOTAL LOT AREA: 6.56 acres
 TOTAL JURISDICTIONAL WETLAND AREA: 4.46 acres
 TOTAL WETLANDS AREA: 2.10 acres
 TOTAL AREA: 6.56 acres

NOTES:

- 1) JURISDICTIONAL WETLANDS PER CONCURRENCE LETTER WDP# 04-0169 DATED JUNE 3, 2004

COE File No. 200400519

Applicant: John Batzer, LLC

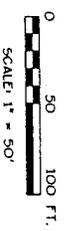
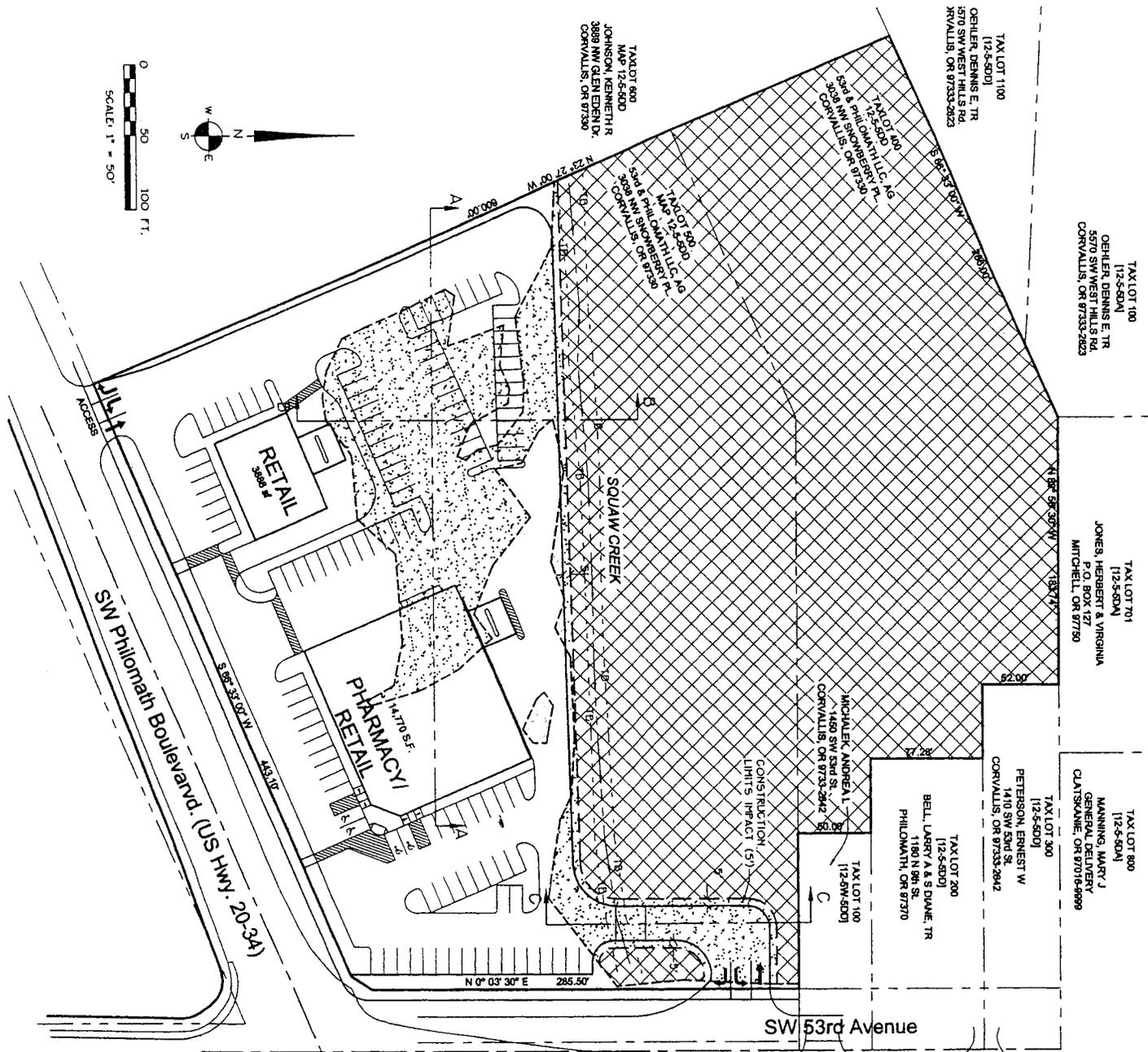
Project: Pharmacy Retail Center

Waterway: Squaw Creek

Location: At Corvallis, Oregon

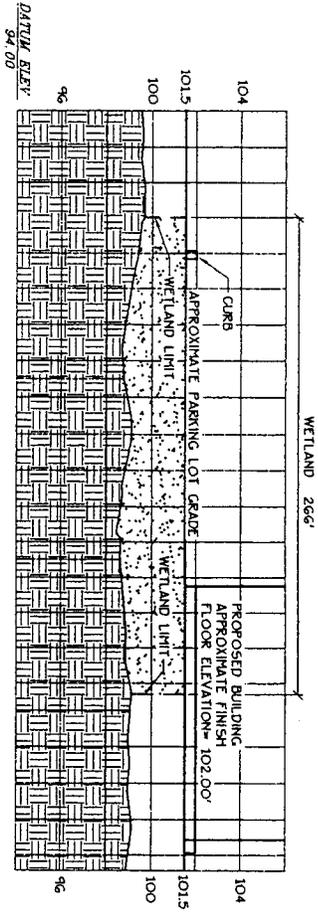
Date: August 2004

Sheet 2 of 3

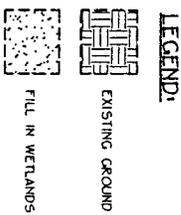
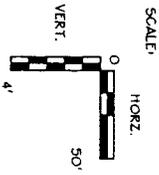


CROSS-SECTIONS
WETLAND IMPACT AREA
 LOCATED IN
 TAX LOT 400 AND 500
 ASSESSORS MAP 12-5-5DD
 CITY OF CORVALLIS
 BENTON COUNTY, OREGON

JUNE 15, 2004

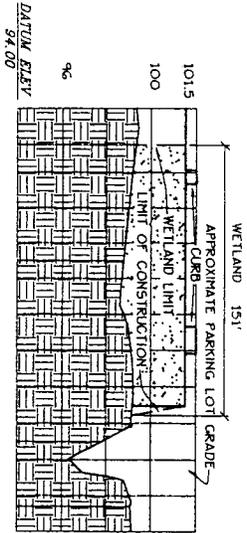


CROSS-SECTION A-A
 WETLAND AREA= 700 s'f
 AVERAGE FILL DEPTH= 2.6'

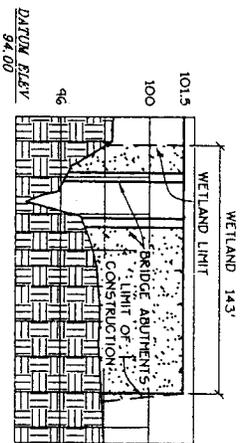


NOTES:

- 1) BASED ON CROSS-SECTIONS, THE AVERAGE DEPTH OF FILL IN THE WETLANDS IS 2.9'
- 2) THE AREA OF IMPACTED WETLANDS IS 0.90 ACRES (34,848 s'f.)
- 3) VOLUME OF FILL: 2.9' x 34,848 s'f. = 3744 cu. yd.



CROSS-SECTION B-B
 WETLAND AREA= 421.54 s'f
 AVERAGE FILL DEPTH= 2.8'



CROSS-SECTION C-C
 WETLAND AREA= 482.05 s'f
 AVERAGE FILL DEPTH= 3.4'

COE File No. 200400519

Applicant: John Batzer, LLC
Project: Pharmacy Retail Center
Waterway: Squaw Creek
Location: At Corvallis, Oregon
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Sheet 3 of 3

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400519
Oregon Division of State Lands Number: 32863

Notice Issued: August 24, 2004
Written Comments Due: September 23, 2004

WHO IS THE APPLICANT: John Batzer, 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.