



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit

APPLICATION NO: NWW-2008-340-B01

APPLICANT: Barber Station, Inc

PUBLIC NOTICE DATE: July 7, 2008

21-Day Notice

COMMENTS DUE DATE: July 28, 2008

Interested parties are hereby notified 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 drawings.

APPLICANT – Barber Station, Inc. 12601 West Explorer, Suite 300, Boise, Idaho 83713, telephone 208-378-4000, contact Mr. Mike Wardle at 208-378-4000 or mwardle@brightoncorp.com. For information from the Corps of Engineers, contact Mr. Greg Martinez at 208-345-2154 or greg.j.martinez@usace.army.mil.

LOCATION – Boise River and adjacent wetlands, Sec. 19 & 30, T. 3 North., R. 3 East, Boise Meridian, South Boise USGS Quadrangle, approximately 5 miles east of Boise, in Ada County, Idaho.

WORK – Discharge 9,854 cubic yards of clean gravel fill material into 1.02 acres of wetlands adjacent to the Boise River. Location and description of the work are shown on the enclosed drawing Sheets 1 through 5.

CONSTRUCTION PERIOD - Applicant proposes to start construction in the fall of 2008 and complete the development of the site in two years. The permit would authorize construction for a period of 3 years.

PURPOSE –Develop the 43-acre site for a mixed retail and commercial development.

ADDITIONAL INFORMATION – To compensate for the loss of 1.02 acres of emergent (0.37 acre) and shrub wetlands (0.65 acre,) the applicant proposes to lower the elevation of approximately 3000 linear feet along the north bank of the Boise River. This bank is relatively high and does not over bank flood at normal high water (6500 CFS). The mitigation proposal would lower the bank so over bank flooding would begin to occur at 4500 cfs and be fully inundated at 6500 cfs. The mitigation area would vary from 20 feet wide to 200 feet wide and would be located on the Marianna Williams Park which is owned and managed by the Boise Parks and Recreation Department. The site would be planted with cottonwood and various willows. A total of 2.35 acres of forested and shrub wetlands would be created but only 1.67 acres would be used to compensate for project impacts. The remaining 0.68 acre would serve as mitigation for another project. A conceptual mitigation plan is available upon request by calling

Mr. Martinez at the above number. The applicant would prepare a final mitigation plan prior to a permit decision for this project.

AREA DESCRIPTION - The north side of the Boise River at the project site is a highly disturbed, relatively open upland pasture. A single row of cottonwood trees grow along the river bank along the full length of the project area, some 3000 linear feet, although it must be noted the project area does not extend to the river bank. The project is separated from the river by a strip of land that is part of a new park known as the Marianna Williams Park. There is a larger gallery of cottonwood trees immediately downstream and a larger gallery of cottonwood forest about ½ mile upstream of the project area. Within the project impact area, portions of five man-made ponds are located immediately adjacent the river bank. These ponds were used in the past as log ponds when a lumber mill operated on the site. The applicant proposes to fill portions of the ponds. Several other small wetlands located along the south side of the Walling Ditch are also proposed to be filled for this project. The remainder of the property between the river and Warm Springs Avenue is open, disturbed upland pasture land. Walling Ditch, an altered high flow channel of the Boise River, exists along the north side of the project area near Warm Springs Avenue. This high flow channel is densely vegetated with cattail, giant bulrush, willow and some cottonwood. Except for the minor wetland strips that extend into the project area, the Walling Ditch is not within the project area and is part of the Marianna Williams Park.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT – Work as proposed would fill 1.02 acres of wetlands adjacent the Boise River. Mitigation efforts would grade down roughly 3,000 linear feet of the north bank Boise River to create a total of 2.35 acres of forested and shrub wetlands of which 1.67 acres would be used to compensate for project losses.

OTHER AUTHORIZATIONS - Other authorization obtained or requested include a flood plain construction permit from the City of Boise and a Stream Alteration Permit from the Idaho Department of Water Resources.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the IDEQ Quality, certification will be considered waived. Additionally, within 30 days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401 certification decision. Comments concerning certification for this project should be mailed to Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard, Boise, Idaho 83706.

CULTURAL RESOURCES - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

ENDANGERED SPECIES - Coordination is currently being conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act .

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. This 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 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, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS - 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.

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 proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

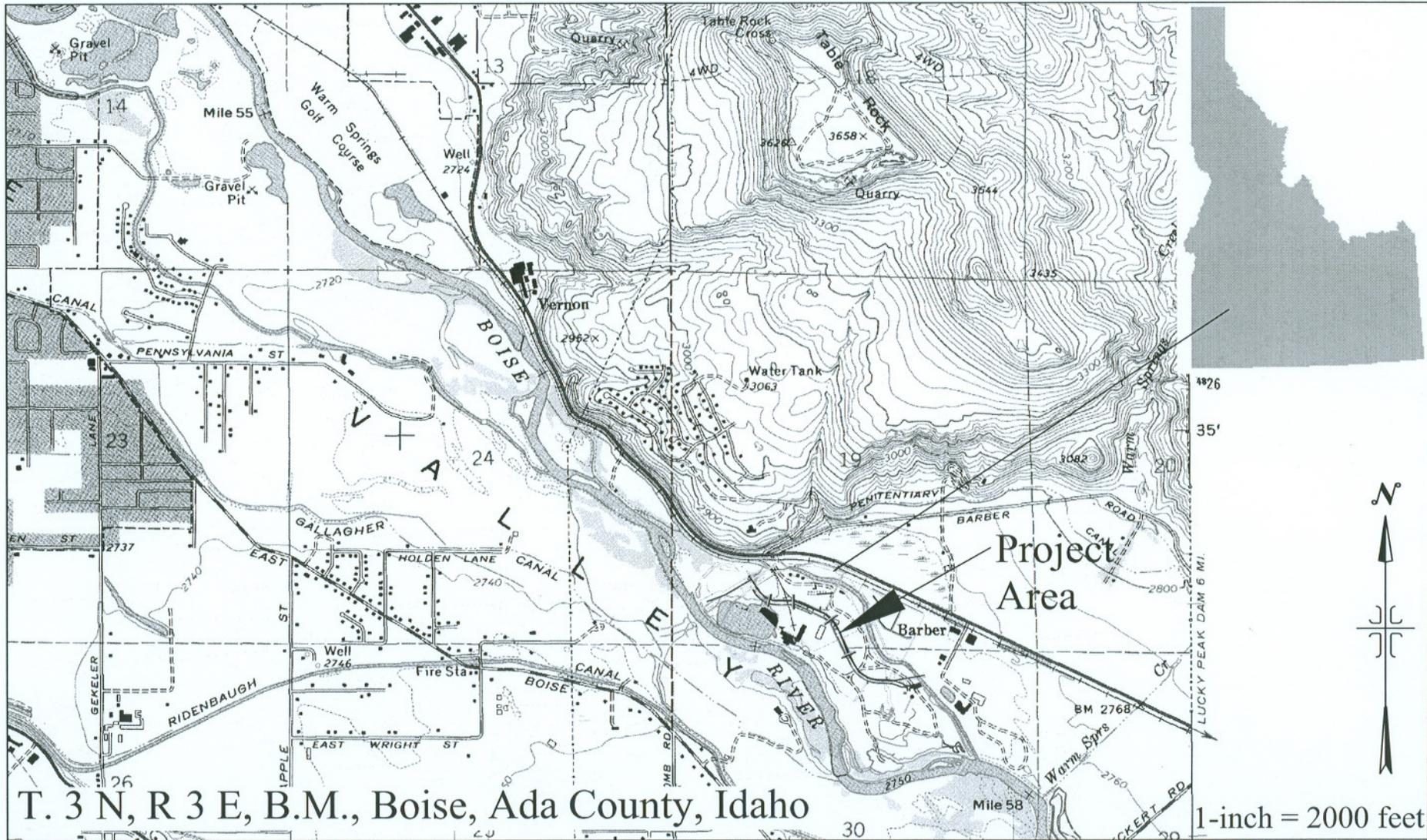
COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision.

Comments should be mailed to:

**Corps of Engineers
Boise Regulatory Field Office
10095 West Emerald
Boise, Idaho 83704**

Comments should be received not later than the comments due date of this notice to receive consideration.

//signed//
A. Bradley Daly
Chief, Regulatory Division

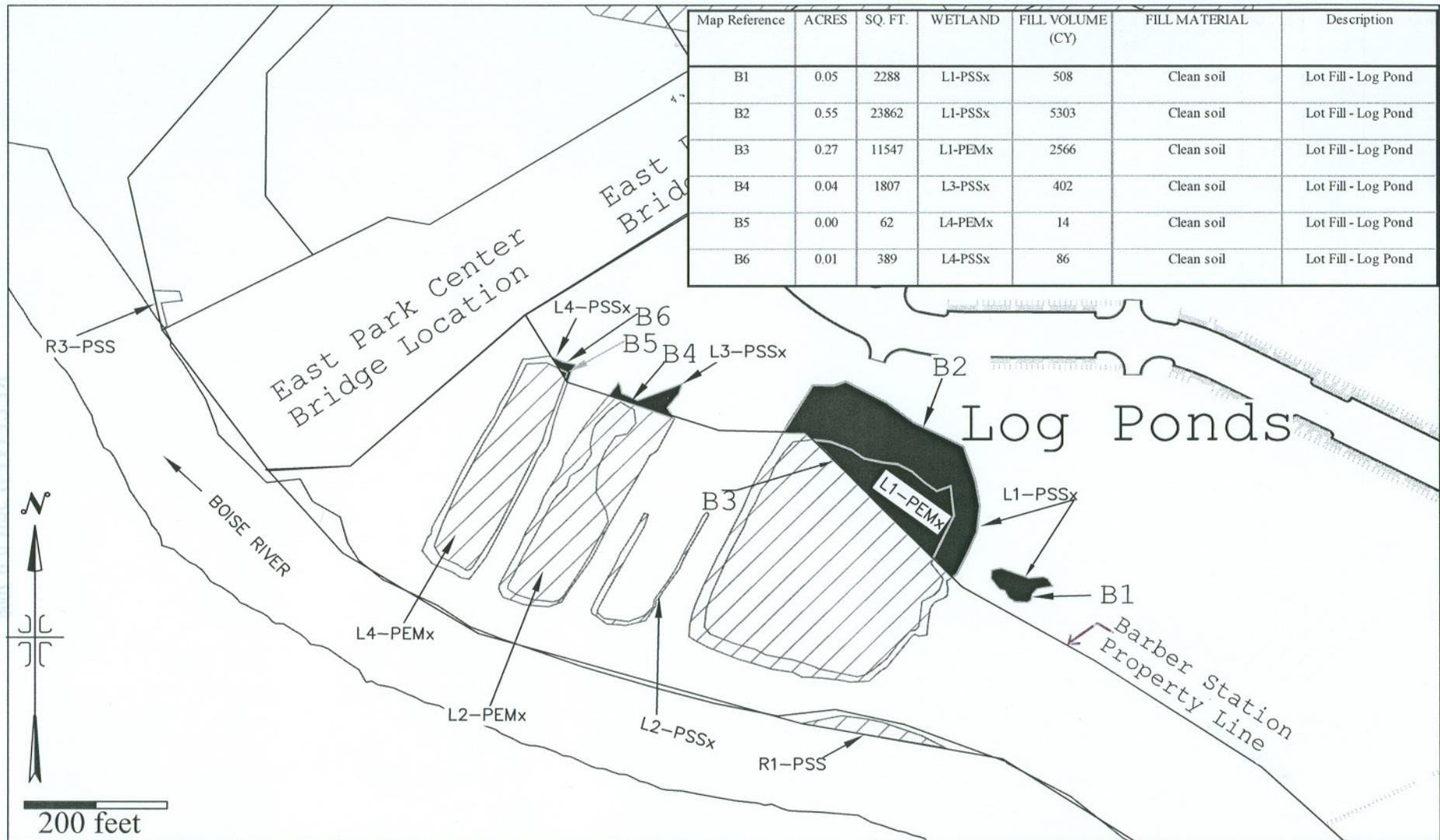


Barber Station

Vicinity Map

NWW No. 2008-340-BO1
 Barber Station Inc.
 Boise River
 Ada County, Idaho
 April 14, 2008
 Sheet 1 of 5

Map Reference	ACRES	SQ. FT.	WETLAND	FILL VOLUME (CY)	FILL MATERIAL	Description
B1	0.05	2288	L1-PSSx	508	Clean soil	Lot Fill - Log Pond
B2	0.55	23862	L1-PSSx	5303	Clean soil	Lot Fill - Log Pond
B3	0.27	11547	L1-PEMx	2566	Clean soil	Lot Fill - Log Pond
B4	0.04	1807	L3-PSSx	402	Clean soil	Lot Fill - Log Pond
B5	0.00	62	L4-PEMx	14	Clean soil	Lot Fill - Log Pond
B6	0.01	389	L4-PSSx	86	Clean soil	Lot Fill - Log Pond

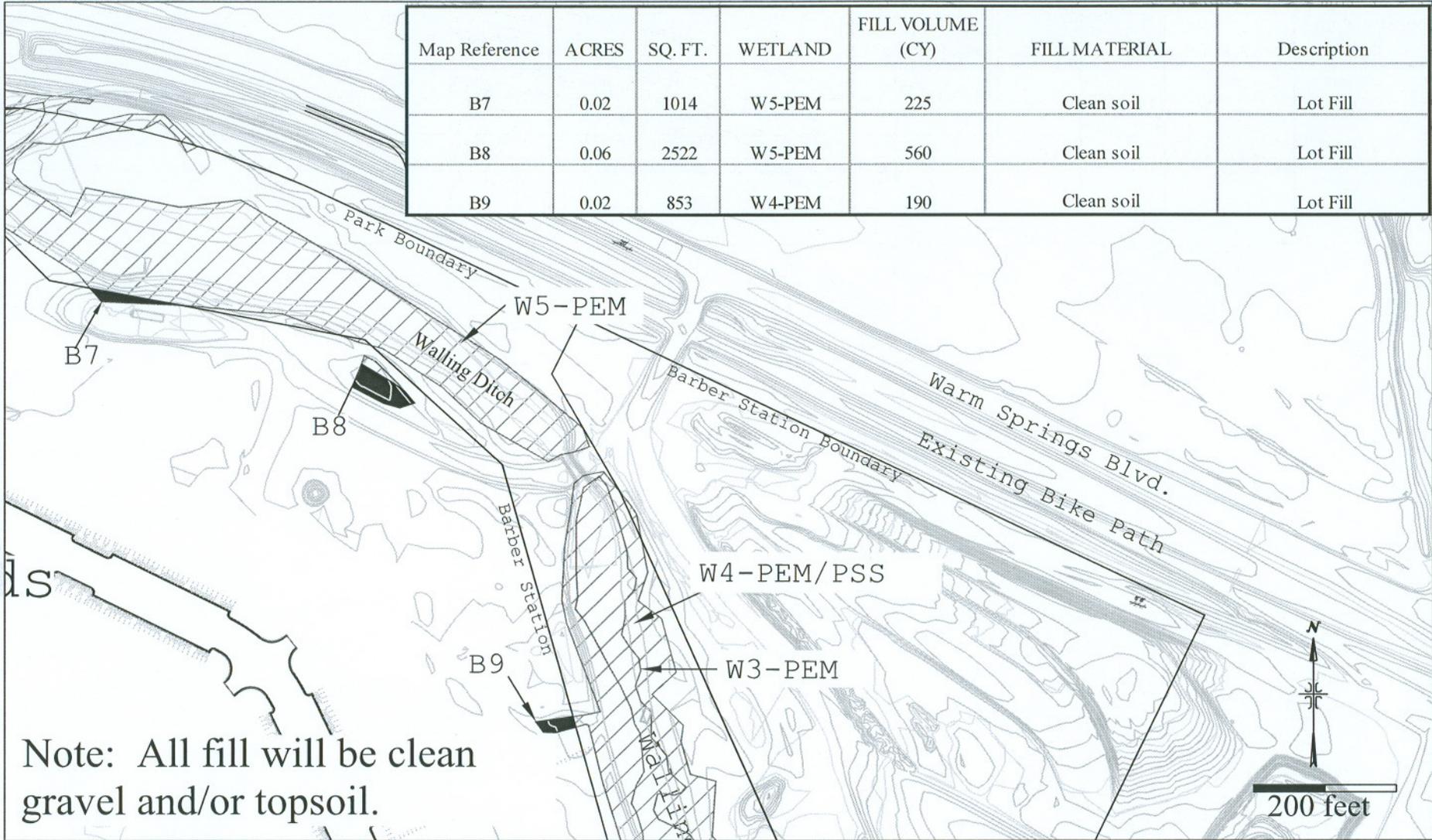


**Barber Station
Section 404 Permit
Proposed Fill**

 L2-PSSx Jurisdictional wetland
  B1 Wetlands proposed to be filled

NWW No. 2008-340-BO1
 Barber Station Inc.
 Boise River
 Ada County, Idaho
 April 14, 2008
 Sheet 3 of 5

Map Reference	ACRES	SQ. FT.	WETLAND	FILL VOLUME (CY)	FILL MATERIAL	Description
B7	0.02	1014	W5-PEM	225	Clean soil	Lot Fill
B8	0.06	2522	W5-PEM	560	Clean soil	Lot Fill
B9	0.02	853	W4-PEM	190	Clean soil	Lot Fill



Note: All fill will be clean gravel and/or topsoil.

Barber Station
Section 404 Permit
Proposed Fill



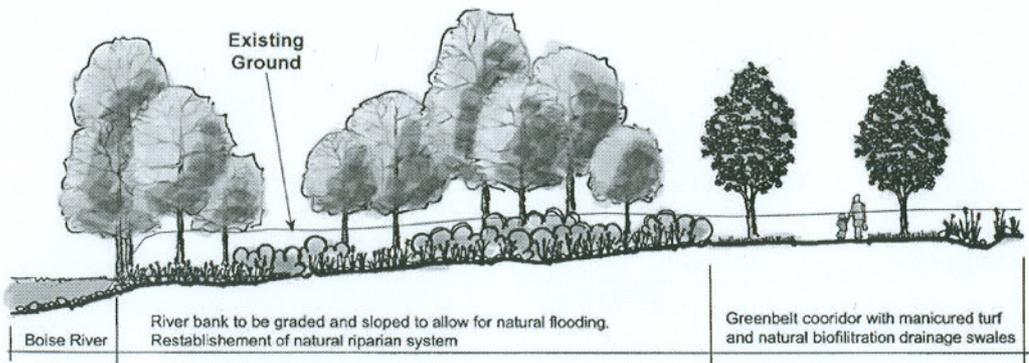
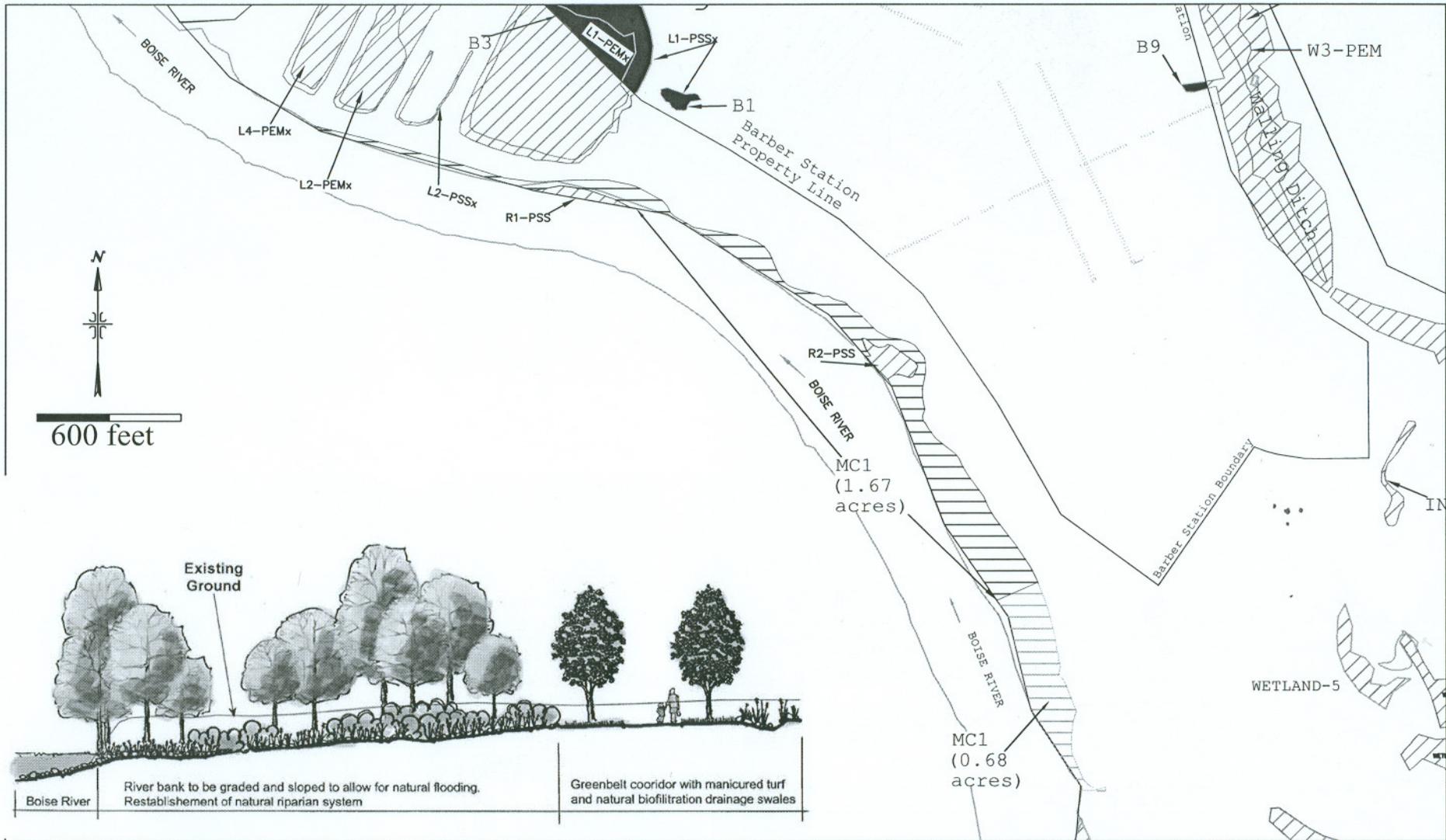
Jurisdictional wetland



Wetlands proposed to be filled

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Barber Station Inc.
Boise River
Ada County, Idaho
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Sheet 4 of 5

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**Barber Station
Section 404 Permit
Proposed Mitigation**

	MC1- Bank restoration		B9 Wetlands proposed to be filled
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 Barber Station Inc.
 Boise River
 Ada County, Idaho
 April 14, 2008
 Sheet 5 of 5