Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Received by City of Salem Comm. Development Dept.
Sept. 7, 2021
21 116825 00 ZO
Date Stamp

U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands	Oregon Department of Environmental Quality
Action ID Number	Number	

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: ☐ Individual ☒ Nationwide No.: 14 ☐ Regional General Permit _____ ☐ Other (specify):

DSL: ☒ Individual ☐ GP Trans ☐ GP Min Wet ☐ GP Maint Dredge ☐ GP Ocean Energy ☐ No Permit ☐ Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) ☑ Consultant ☐ Contractor
Name (Required)	Kelley Hamilton		Eric Henning
Business Name	Devon Property LLC		Zion Natural Resources Consulting
Mailing Address 1	3425 Boone Rd SE		PO Box 545
Mailing Address 2			
City, State, Zip	Salem, OR 97317		Monmouth, OR 97361
Business Phone	503-373-3161		503-881-4171
Cell Phone			
Fax			
Email	Jeld@livebsl.com		Eric@zionconsulting.org

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name	Latitude & Longitude*
Devon Estates – Champion Swale Crossing	44.8598 / -123.0468

Project Address / Location	City (nearest)	County
Lone Oak Road ROW & 6719 Devon Ave SE	Salem	Marion

Township	Range	Section	Quarter / Quarter	Tax Lot
8S	3W	22	CB	Right-of-Way
8S	3W	22	C	300

Brief Directions to the Site:
I-5 south to Exit 248, right on Delaney Rd SE, right onto Sunnyside Rd SE, left onto Rees Hill Rd SE, right onto Devon Ave SE, left onto Sahalee Drive SE, left on Lone Oak Road to the site.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☑ River / Stream ☐ Non-Tidal Wetland ☐ Lake / Reservoir / Pond
☐ Estuary or Tidal Wetland ☐ Other ☐ Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
Champion Swale		McKinney Creek	170900070203

* In decimal format (e.g., 44.9399, -123.0283)
** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)		
☐ Commercial Development	☐ Industrial Development	☑ Residential Development
☐ Institutional Development	☐ Agricultural	☐ Recreational
☐ Transportation	☐ Restoration	☐ Bridge
☐ Dredging	☐ Utility lines	☐ Survey or Sampling
☐ In- or Over-Water Structure	☐ Maintenance	☐ Other:

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.

The design of this proposed project requires removal and fill material within the designated project area to construct a residential street. This will provide a second access and a sewer connection to 89 subdivision lots to the southeast (Devon Estates). This includes permanently impacting 143 linear feet of waters by placing it in a 36-inch diameter 96-foot-long reinforced concrete pipe. The extension of Lone Oak Road SE will consist of an 85-foot-wide residential street with public sidewalks. The base of the road will be stabilized behind a retaining wall to reduce impacts to the remaining creek channel.

B. Describe work within waters and wetlands.

Work within waters will result in 143 linear feet or 1,050 square feet of total impacts. The designated stream impact area will have an approximate fill volume of 667 cubic yards and a removal volume of 23 cubic yards of material (rock, gravel, and topsoil). This impact is for the placement and continutation of Lone Oak Road SE to provide access to the proposed Devon Estates to the southeast.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Fill material will be transferred onsite from the surrounding uplands by means of trucks during the dry season to limit potential impacts to the remaining resources. Access to the site for construction activities will be from Lone Oak Road SE.

Throughout construction, best management practices (BMP) will be used to minimize erosion and siltation associated with site runoff. Practicable erosion control measures may include but are not limited to silt fencing, bio bags, sediment collection basins, and gravel entryways installed prior to the commencement of construction. All BMPs will be properly maintained throughout the duration of the project to keep sediments from entering any wetlands and other waterways in the project vicinity. Following completion of construction, all disturbed areas will be stabilized and re-vegetated with an approved groundcover material. An erosion control plan and stormwater management plan have been prepared as part of the proposed development.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

Fill material will be utilized onsite from the subject property as part of the site grading. Crushed rock will be imported from a local source to complete the development requirements.

E. Construction timeline.

What is the estimated project start date? November 2021

What is the estimated project completion date? November 2022

Is any of the work underway or already complete? If yes, please describe. ☑ **Yes** ☐ **No**

Vegetation clearing has occurred within the Lone Oak Road ROW. The Devon Estates Subdivision to the southeast is currently undergoing site grading.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft.)	Volume (c.y.)		
Champion Swale	143	7		1,050	23	Perm	Topsoil, rock

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters	Length (ft.)	Area (sq. ft / ac.)	Volume (c.y.)
Total Removal to Wetlands			
Total Removal Below Ordinary High Water	143	1,050	23
Total Removal Below Highest Measured Tide			
Total Removal Below High Tide Line			
Total Removal Below Mean High Water Tidal Elevation			

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft.)	Volume (c.y.)		
Champion Swale	143	7		1,050	667	Perm	Topsoil, rock

(4) PROJECT DESCRIPTION (CONTINUED)

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters	Length (ft.)	Area (sq. ft / ac.)	Volume (c.y.)
Total Fill to Wetlands			
Total Fill Below Ordinary High Water	143	1,050	667
Total Fill Below Highest Measured Tide			
Total Fill Below High Tide Line			
Total Fill Below Mean High Water Tidal Elevation			

*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").
**Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.
*** Example: soil, gravel, wood, concrete, pilings, rock etc.

(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The purpose of this project is to provide a secondary access and a sewer connection to affordable single-family residential housing for the market area of Salem. The public need for this removal fill activity is based on the documented need for single family housing in Salem and across the Willamette Valley (ORS 197.303(1)). ORS 197.303(1) defines needed housing as, "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes. Needed housing includes the following housing types: (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy."

The Willamette Valley Multiple Listing Service (WVMLS) indicates that as of July 2020 the current months of inventory is 1.62. This means that at the current rate of sales we would 'run out of homes' in 1.62 months. Compared to this time last year the inventory was at 2.08 months.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

The adjacent Devon Estates Subdivision (tax lot 300) was reviewed by DSL during a site visit on 9/4/2019 and has indicated there are no jurisdictional wetlands or waterways on the property (WD 2019-0472).

Champion Swale OHWM

The study area consists of the proposed location of the extension of the Lone Oak Road SE right of way. Champion Swale is a perennial tributary to Battle Creek which is located 380 feet to the northwest of this site. This creek enters the study area from the southeast and flows to the north. The creek consists of a 7% slope with a solid bedrock substrate. Channel morphology is straight and is dictated by the distinct natural topography. There is no vegetation within the wetted width. Trees and shrubs were recently cleared and consisted of big leaf maple, Douglas fir, red alder, hazelnut, and blue elderberry. Existing herbaceous vegetation along the ordinary high-water mark consisted of sword fern, deer fern, monkey flower, and stinging nettle. There are no adjacent wetlands within the study area.

OHWM descriptors included a significant break in the slope; change in substrate from silt loam with large rock 6"+ to solid bedrock, absent vegetation; minor scouring; and a natural line impressed upon the bank. The OHWM was above the surface of the flowing water at the time of the field visit. According ODFW this stream is not essential salmonid habitat.

Table 1. SFAM assessment for the proposed waters impact site.

SPECIFIC FUNCTIONS	Function Score	Function Rating	Value Score	Value Rating
Surface Water Storage (SWS)	4.00	Moderate	7.08	Higher
Sub/Surface Water Transfer (SST)	1.45	Lower	10.00	Higher
Flow Variation (FV)	4.68	Moderate	5.08	Moderate
Sediment Continuity (SC)	6.67	Moderate	3.93	Moderate
Sediment Mobility (SM)	4.54	Moderate	8.25	Higher
Maintain Biodiversity (MB)	1.84	Lower	4.42	Moderate
Create and Maintain Habitat (CMH)	2.37	Lower	5.20	Moderate
Sustain Trophic Structure (STS)	2.50	Lower	5.25	Moderate
Nutrient Cycling (NC)	1.16	Lower	5.56	Moderate
Chemical Regulation (CR)	1.45	Lower	5.56	Moderate
Thermal Regulation (TR)	0.00	Lower	9.10	Higher

GROUPED FUNCTIONS	REPRESENTATIVE FUNCTION	Function Group Rating	Value Group Rating
Hydrologic Function (SWS, SST, FV)	Surface Water Storage (SWS)	Moderate	Higher
Geomorphic Function (SC, SM)	Sediment Continuity (SC)	Moderate	Moderate
Biologic Function (MB, CMH, STS)	Sustain Trophic Structure (STS)	Lower	Moderate
Water Quality Function (NC, CR, TR)	Chemical Regulation (CR)	Lower	Moderate

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

There are no existing navigation, fishing and recreational use of the wetlands.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

Project specific criteria necessary to achieve the project purpose includes the following:

- Geographic Area – Provide affordable single-family residential housing to meet demand within the market area of Salem (UGB).
- Meet Section D107 of the Oregon Fire Code "*requiring 30 or more one- or two-family residential dwelling units to be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section 104.3*".

Offsite Alternatives

No other sites were considered, as the applicant already owns tax lot 300 (T8S, R3W, Sec. 22C).

Onsite Alternatives

Based on the existing Lone Oak Road SE stub and 8" sewer connection and the absence of any other streets to the west of the proposed Devon Estates subdivision, there are no other onsite alternatives that would provide this connection.

Preferred Site Plan:

This site plan impacts 143 linear feet of Champion Swale. These impacts are largely based on the current position of the creek and the existing alignment of Lone Oak Road SE with planned street connections to two tax lots (200 and 300) located to the southeast. This plan utilizes the existing Lone Oak Road SE stub and will provide two access points to two future subdivisions. According to the City of Salem, Lone Oak Road SE is designated as a collector street in the Salem TSP. In addition, the Devon Estates property is split into two sewage drainage basins, one going towards the west and one towards the east. The nearest adequate connection for the west basin is an existing 8-inch sewer line northwest of the property in Lone Oak Road SE. The east basin may also be able to receive service from the existing sewer main in Lone Oak Road SE.

The preferred site design is considered to be the most practicable alternative based on the project criteria:

- Meets requirements of Section D107 of the Oregon Fire Code requiring two access points into the subdivision. In addition, according to Section D104.3 "*Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between addresses*".

(8) ADDITIONAL INFORMATION

Are there state or federally listed species on the project site?	☐ **Yes**	☒ **No**	☐ **Unknown**
Is the project site within designated or proposed critical habitat?	☐ **Yes**	☒ **No**	☐ **Unknown**
Is the project site within a national Wild and Scenic River ?	☐ **Yes**	☒ **No**	☐ **Unknown**
Is the project site within a State Scenic Waterway?	☐ **Yes**	☒ **No**	☐ **Unknown**
Is the project site within the 100-year floodplain?	☐ **Yes**	☒ **No**	☐ **Unknown**

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.

Is the project site within the Territorial Sea Plan (TSP) Area? **If yes, attach TSP review as a separate document for DSL.**	☐ **Yes**	☒ **No**	☐ **Unknown**
Is the project site within a designated Marine Reserve? **If yes, certain additional DSL restrictions will apply.**	☐ **Yes**	☒ **No**	☐ **Unknown**
Will the overall project involve ground disturbance of one acre or more? **If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).**	☒ **Yes**	☐ **No**	☐ **Unknown**
Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?	☐ **Yes**	☒ **No**	☐ **Unknown**
Has the fill or dredged material been physically and/or chemically tested? **If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).**	☐ **Yes**	☒ **No**	☐ **Unknown**
Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?	☐ **Yes**	☒ **No**	☐ **Unknown**
Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office? **If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.**	☐ **Yes**	☒ **No**	☐ **Unknown**

Is the project part of a DEQ Cleanup Site? No☒ Yes☐ Permit number _____

DEQ contact. _____

Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes ☒ No ☐

If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency	Certificate / approval / denial description	Date Applied

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

☐ Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.

☐ State owned waterway — DSL Waterway Lease #:

☐ Other Corps or DSL Permits — Corps # — DSL #

☐ Violation for Unauthorized Activity — Corps # — DSL #

☑ Wetland and Waters Delineation — Corps # — DSL # 2019-0472

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

The resulting development would directly impact 143 linear feet of Champion Swale while proposing onsite mitigation consisting of a 20' wide vegetative buffer planting north and south of the proposed impacts.

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

No temporary impacts proposed.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

☐ Permittee-responsible Onsite Mitigation	☐ Permittee-responsible Offsite mitigation	☑ Mitigation Bank or In-Lieu Fee Program	☐ Payment to Provide (not approved for use with Corps permits)

D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Onsite plantings are proposed to compensate for direct impacts to 1,050 square feet of waters will be through plantings as shown on the site plans. Onsite plantings are proposed because there are no riverine credits available at Mud Slough and onsite plantings will provide an improvement to the functions and value of Champion Swale after project construction. The plantings will be installed in a 20' buffer along Champion Swale north and south of the proposed street crossing. Plantings will include trees and shrubs native to western Oregon and suitable for riparian areas.

The following table lists the species and quantities of native vegetation that will be planted.

Table 2. Riparian and Upland Buffer planting specifications for the onsite mitigation area (Slope/Flats – PEMC) (rz = rhizome, sd = seed, br = bare root, pl = plug).

Stream Creation Plant Species	Facultative Status	Size	Quantity
Trees:			2,000 live native woody plants per acre
Oregon Ash (Fraxinus latifolia)	FACW	br	
Black Cottonwood (Populus balsimifera)	FAC	br	
Beaked Hazelnut (Corylus cornuta)	FACU	br	
Big Leaf Maple (Acer macrophyllum)	FACU	br	
Shrubs:			
Hard Hack (Spiraea douglasii)	FACW	br	
Douglas hawthorn (Crataegus douglasii)	FAC	br	
Red osier dogwood (Cornus stolonifera)	FACW	br	
Nootka rose (Rosa nutkana)	FAC	br	
Pacific ninebark (Physocarpus capitatus)	FACW	br	
Willow species (Salix spp.)	FACW	br	
Emergents:			
Columbian brome (Bromus vulgaris)	FACU	sd	1 lb/ac
Slender wild rye (Elymus trachycaulus)	FAC	sd	1 lb/ac

Note: Species are dependent upon availability at time of planting. If unavailable, a suitable wetland native replacement will be substituted.

The applicant proposes to utilize the Department's routine performance standards for the proposed mitigation plan.

Herbaceous Cover:
Native species cover at least 80% and/or the cover of invasive species no more than 20% and/or bare substrate represents no more than 20% cover by year 5.

Woody Vegetation:
Cover of native species are at least 80% and the cover of invasive species are no more than 20%. After the site has matured to the stage when desirable canopy species reach 50% cover, the cover of invasive species may increase but not exceed 30%. Density of woody vegetation of at least 2,000 native plants (shrubs) and/or 2,000 live stems (trees) per acre (native species volunteering on the site may be counted, dead plants not included). This standard should be met for 3 consecutive years without irrigation.

Planting native woody vegetation will increase the functions and values of this stream. The following stream functional assessment discusses how the proposed mitigation will improve the overall functions of Champion Swale.

Hydrologic
Riparian plants will increase the riparian reserve, allow sediments to settle out, and filter out excess nutrients for surrounding land uses.

Geomorphic
Planting additional trees and shrubs long the bank will increase the geomorphic functions of this creek. This includes shade and the transport of woody debris downstream. Woody debris will provide structure and stability to the creek over time.

Biological
This segment of Champion Swale is quite linear with very little diversity in bed forms or pool riffle dynamics. Existing vegetation to the north and south of the proposed crossing lacks a mature canopy of trees. With the addition of native trees and shrubs this will assist in enhancing habitats for amphibian and reptiles, aquatic invertebrates, songbird and raptors, mammals, and pollinators. In addition, the plantings will assist in water cooling and increase native plant diversity.

Chemical and Nutrient
The proposed buffer will assist in chemical and nutrient functions in the form of temperature regulation and organic nutrient export.

Per OAR141-085-0765 (4) DSL will require administrative protection of the site and financial assurance for the completion of the mitigation. Protection of the site will be in the form of a deed restriction. The deed restriction will be submitted with the as-built drawings. The applicant is requesting that the financial security instrument be in the form of a surety bond to be released over a five-year period or until the proposed mitigation successfully meets the specified performance standards. The amount of the surety bond would be $5,078.53 as determined using the DSL Payment-In-Lieu/In-Lieu Fee calculator.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project:

Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

☐ Yes. Submit the plan with this application and complete the remainder of this section.

☐ No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #

County	City	Latitude & Longitude (in DD.DDDD format)	
Township	Range	Section	Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE		
YORK LT YORK, NICOLE S 6504 LONE OAK RD SE SALEM, OR 97306	TEXTRUM LT & TEXTRUM, R BRUCE TRE & TEXTRUM,CAROL A TRE 522 SAHALEE DR SE SALEM, OR 97306	BENNETT,JEDEDIAH & TAYLOR-BENNETT,TIMME 6256 SKYLINE RD S SALEM, OR 97306
OAK RIDGE ESTATES LLC 6480 CHESSINGTON LN GLADSTONE, OR 97027	TRAUTMAN, JEFFREY A & TRAUTMAN, MCKENZIE PO BOX 549 SALEM, OR 97306	CITY OF SALEM 340 COMMERCIAL ST NE SALEM, OR 97301
GATTUCCIO, JOHN C & GATTUCCIO, NANCY J 6581 DEVON ST SE SALEM, OR 97306	ELKINS,JAMES D TRE & KAREN M ELKINS TR 928 ELKINS WY SE SALEM, OR 97306	MICHAEL & JOANNE BREWER LT 6710 DEVON AV SE SALEM, OR 97306
CUELLAR, ERASMO & CUELLAR, RISE G 6720 DEVON AV SE SALEM, OR 97306	WILLIAMS, ROBERT L (LE) & WILLIAMS, MARILYN B (LE) C/O CAD PROPERTIES LLC 928 ELKINS WY SE SALEM, OR 97306	GANCHENKO, NATALYA N 653 REES HILL RD SE SALEM, OR 97306

(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT (TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations
- ☐ This project is consistent with the comprehensive plan and land use regulations
- ☐ This project is consistent with the comprehensive plan and land use regulations with the following:
  - ☐ Conditional Use Approval
  - ☒ Development Permit
  - ☐ Other Permit (explain in comment section below)
- ☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
  - ☐ Plan Amendment
  - ☐ Zone Change
  - ☐ Other Approval or Review (explain in comment section below)

An application or variance request has ☐ has not ☒ been filed for the approvals required above.

Local planning official name (print)	Title	City / County
Brandon Pike	Planner I	City of Salem

Signature	Date
	Sept. 17, 2021

Comments:

Project received tentative approval through subdivision case no. SUB21-01 in March of 2021.

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click here.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Applicant Signature	**Date**

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance.

To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	$1,011

Applicant Signature (required) must match the name in Block 2	
Print Name	Title
Signature	Date
Authorized Agent Signature	
Print Name Eric Henning	Title Managing Member, ZNR
Signature	Date

Landowner Signature(s)*	
Landowner of the Project Site (if different from applicant)	
Print Name	Title
Signature	Date
Landowner of the Mitigation Site (if different from applicant)	
Print Name	Title
Signature	Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
Signature	Date

* Not required by the Corps.

(14) ATTACHMENTS

- ☒ Drawings
  - ☒ Location map with roads identified
  - ☒ U.S.G.S topographic map
  - ☒ Tax lot map
  - ☒ Site plan(s)
  - ☒ Plan view and cross section drawing(s)
  - ☒ Recent aerial photo
  - ☐ Project photos
  - ☐ Erosion and Pollution Control Plan(s), if applicable
  - ☒ DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- ☐ Pre-printed labels for adjacent property owners (Required if more than 30)
- ☒ Incumbency Certificate if applicant is a partnership or corporation
- ☐ Restoration plan or rehabilitation plan for temporary impacts
- ☐ Mitigation plan
- ☐ Wetland functional assessments, if applicable
  - ☐ Cover Page
  - ☐ Score Sheets
  - ☐ ORWAP OR, F, T, & S forms
  - ☐ ORWAP Reports
  - ☐ Assessment Maps
  - ☐ ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- ☒ Stream Functional Assessments, if applicable
  - ☒ Cover Page
  - ☒ Score Sheets
  - ☒ SFAM PA, PAA, & EAA forms
  - ☒ SFAM Report
  - ☒ Assessment Maps
    - ☒ Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- ☒ Compensatory Mitigation (CM) Eligibility & Accounting Worksheet
  - ☐ Matching Quickguide sheet(s)
  - ☐ CM Eligibility & Accounting sheet
- ☐ Alternatives analysis
- ☐ Biological assessment (if requested by the Corps project manager during pre-application coordination)
- ☐ Stormwater management plan (may be required by the Corps or DEQ)
- ☐ Other
  - ☐ Please describe:

For U.S. Army Corps of Engineers send application to:

USACE Portland District
ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373
portlandpermits@usace.army.mil

Counties:
Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

U.S. Army Corps of Engineers
ATTN: CENWP-ODG-E
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868
portlandpermits@usace.army.mil

Counties:
Coos, Crook, Curry, Deschutes, Douglas, Jackson, Josephine, Harney, Klamath, Lake, Lane

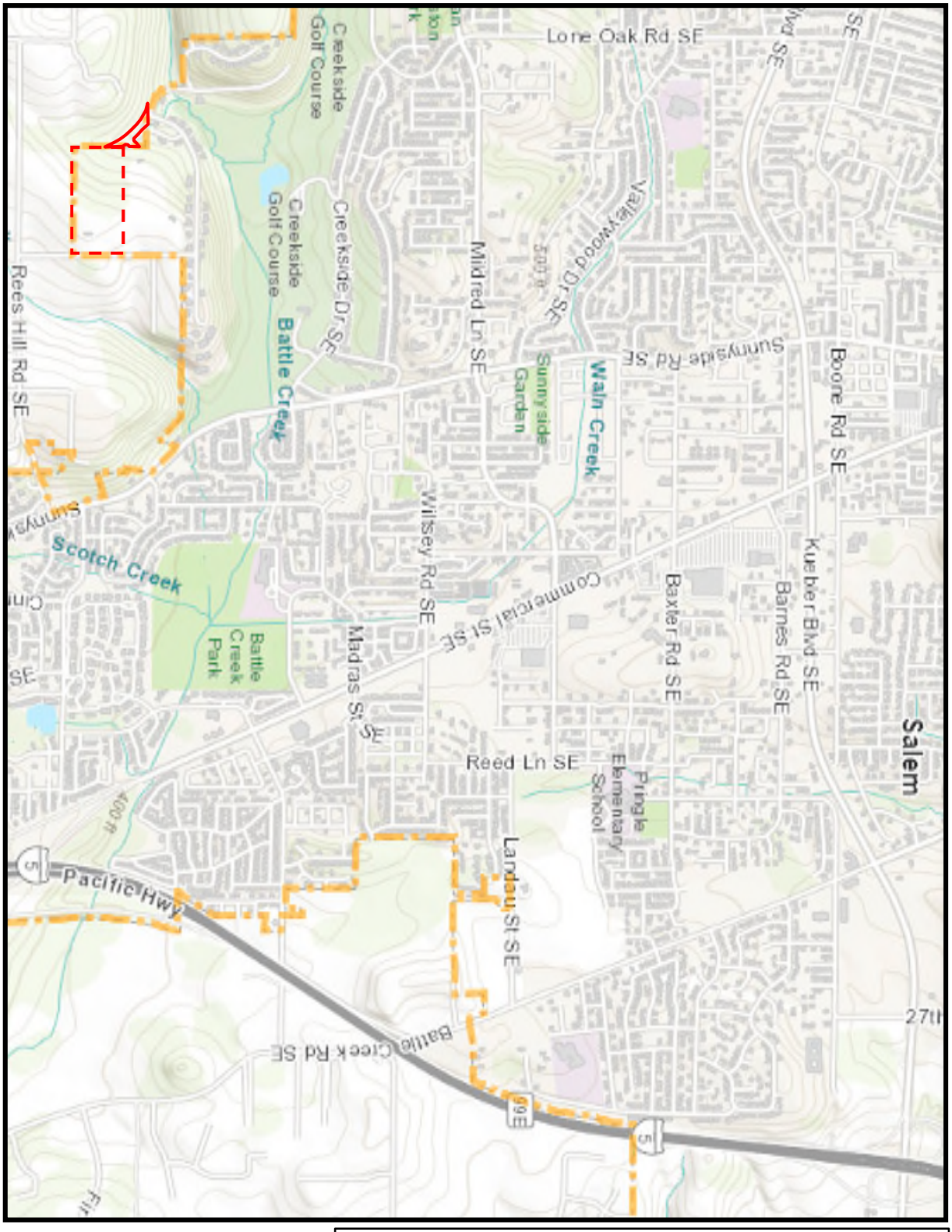
For Department of State Lands send application to:

West of the Cascades:
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200

East of the Cascades:
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
Phone: 541-388-6112

For Department of Environmental Quality e-mail application to:

ATTN: DEQ 401 Certification Program
Water Quality
700 NE Multnomah St, Suite 600
Portland, OR 97232
401applications@deq.state.or.us



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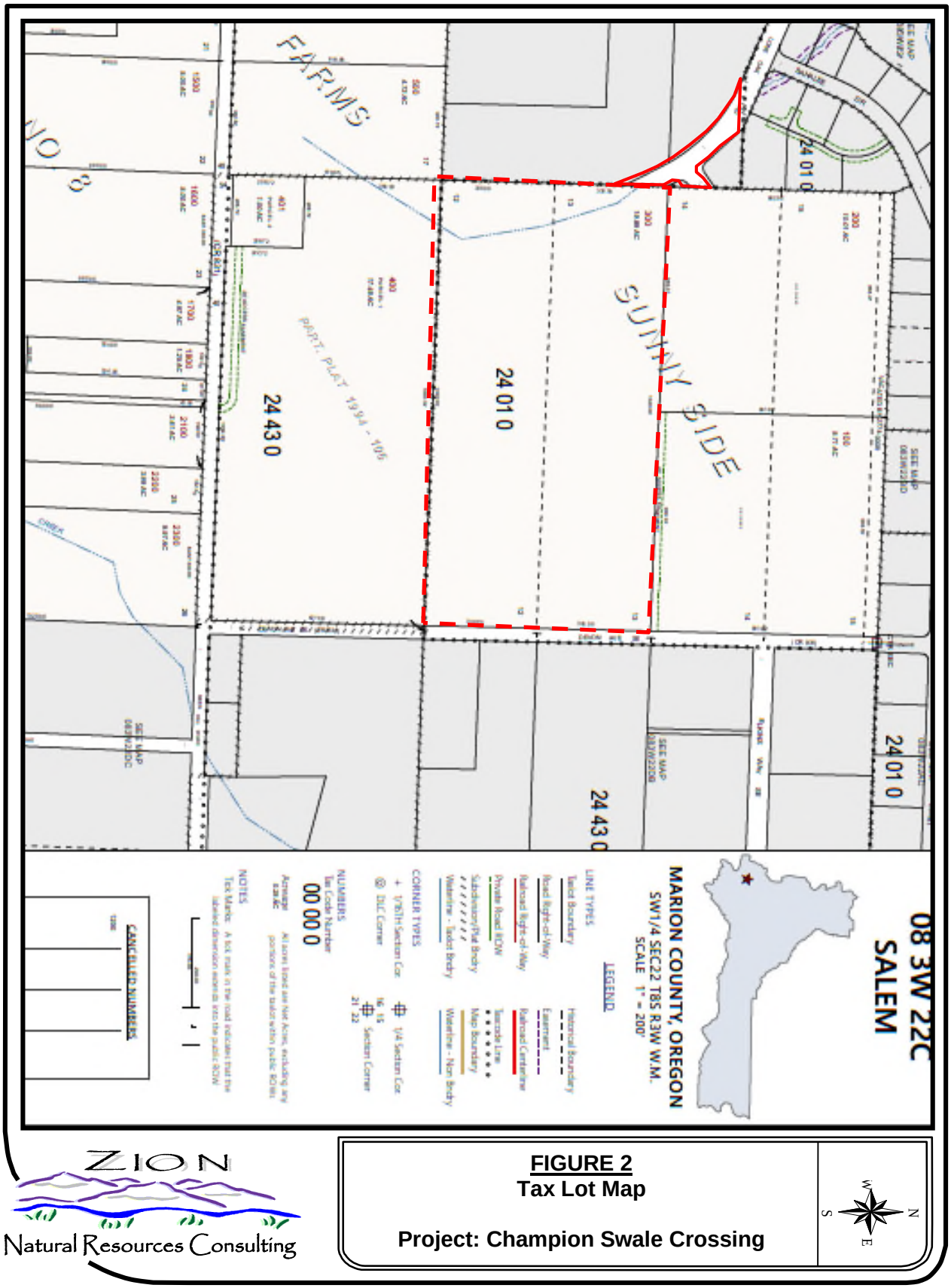
Natural Resources Consulting

FIGURE 1
Vicinity Map

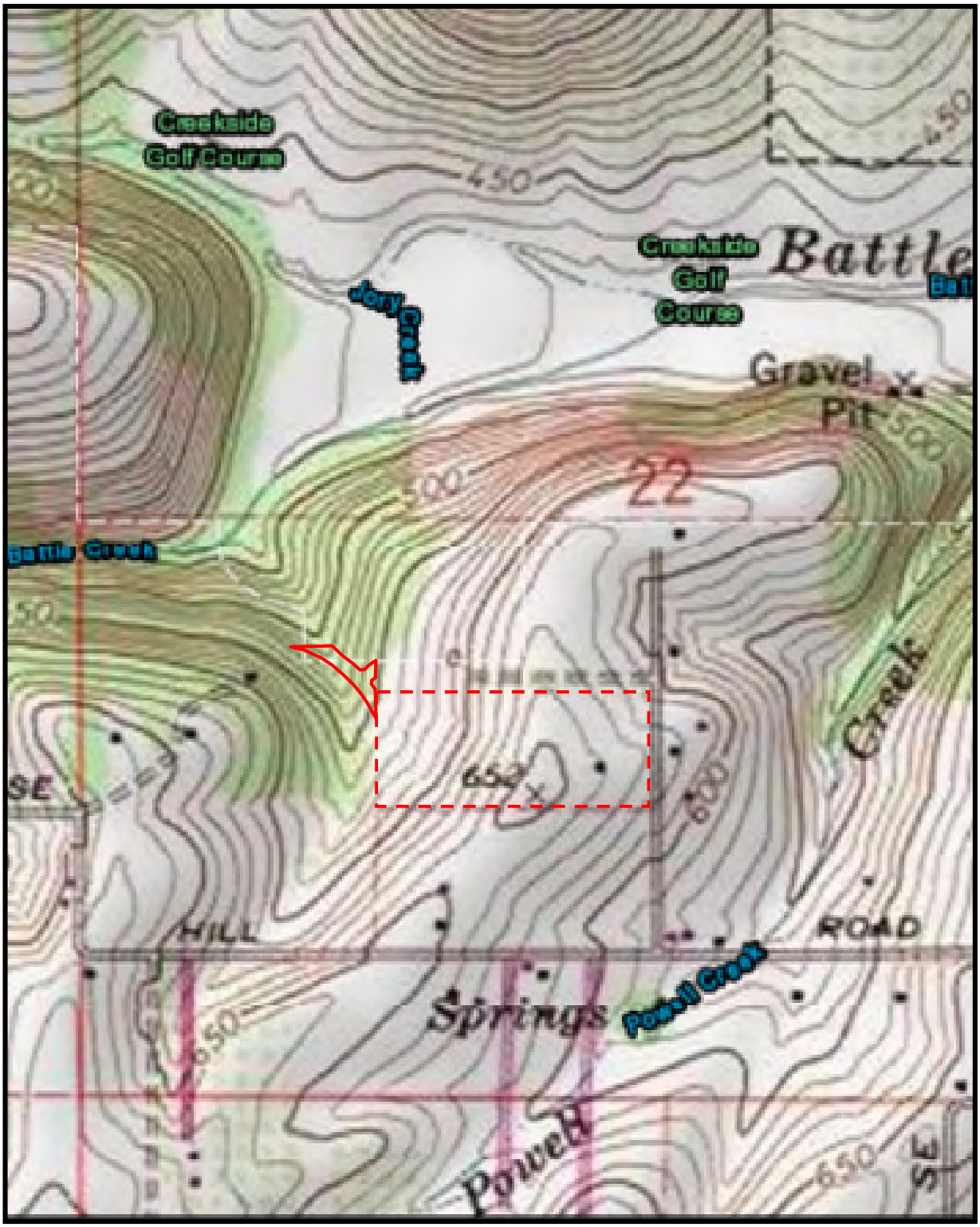
Project: Champion Swale Crossing



ZION
Natural Resources Consulting

FIGURE 2
Tax Lot Map

Project: Champion Swale Crossing



ZION
Natural Resources Consulting

FIGURE 3
USGS Topo

Project: Champion Swale Crossing

N
W E
S

ZION
Natural Resources Consulting

FIGURE 4
Aerial Photo – City of Salem 2021

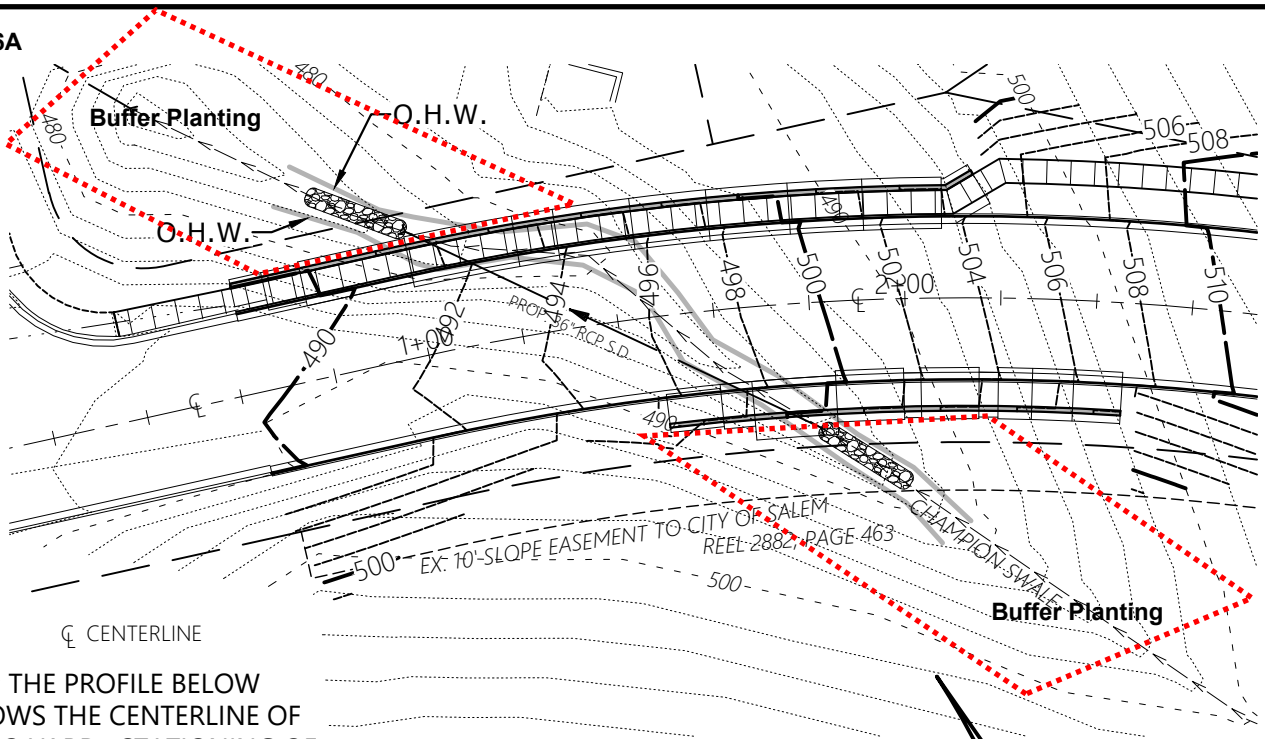
Project: Champion Swale Crossing

Figure 5

P201	JOB # 6502 DWNRS: 06-30-2021	6502b20 P201SP Design: M.D.G. Drawn: P.H.S. Checked: M.D.G. Date: NOV. 2017 Scale: AS SHOWN As-Built:	NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.	**DEVON ESTATES**	**PRELIMINARY SITE PLAN**

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

Figure 6A



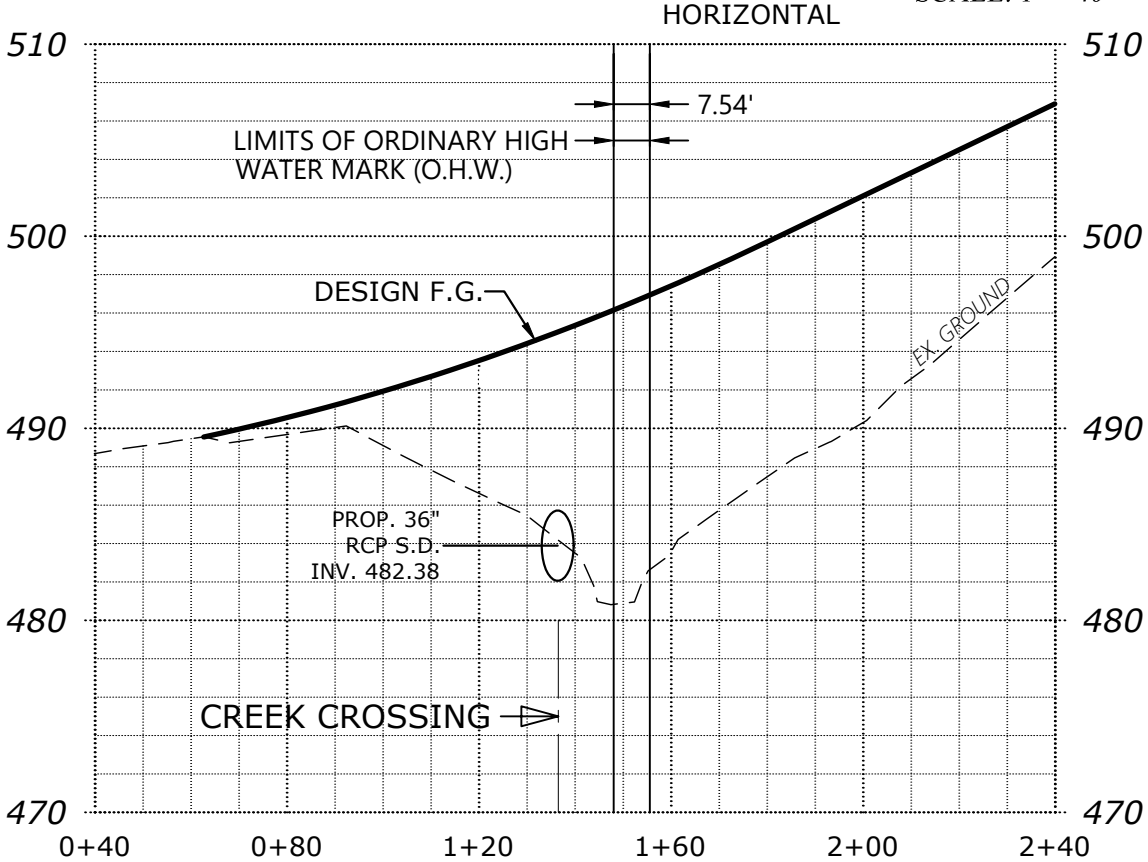
NOTE: THE PROFILE BELOW FOLLOWS THE CENTERLINE OF LONE OAK RD. STATIONING OF THE CENTERLINE OF LONE OAK RD. IS THE SAME AS THE PROFILE.

STATISTICS			
IMPACTED LENGTH	IMPACTED AREA	CUT CU.YD.	FILL CU YD.
143 L.F.	1050 S.F.	22.9	666.7

PROFILE SCALE
VERTICAL 1" = 10'
HORIZONTAL 1" = 40'

N W E S

0' 40'
1 INCH
SCALE: 1" = 40'

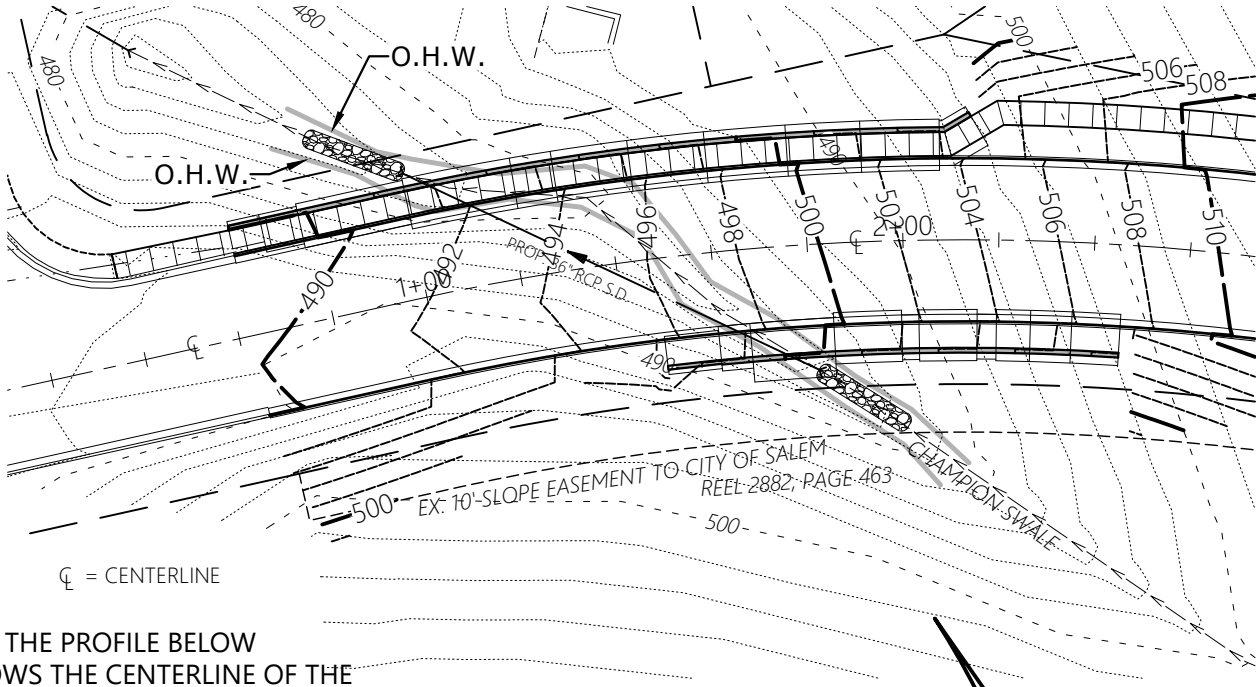


LONE OAK ROAD C.L. AT CREEK CROSSING

J:\6500-6599\6502-DevonAvenueSubdivision\Dwg20\6502base.dwg/DSL401

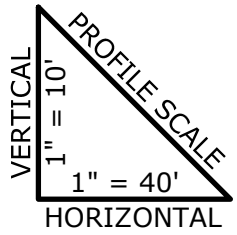
MULTI/TECH ENG. INC.

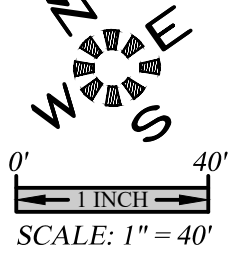
Figure 6B

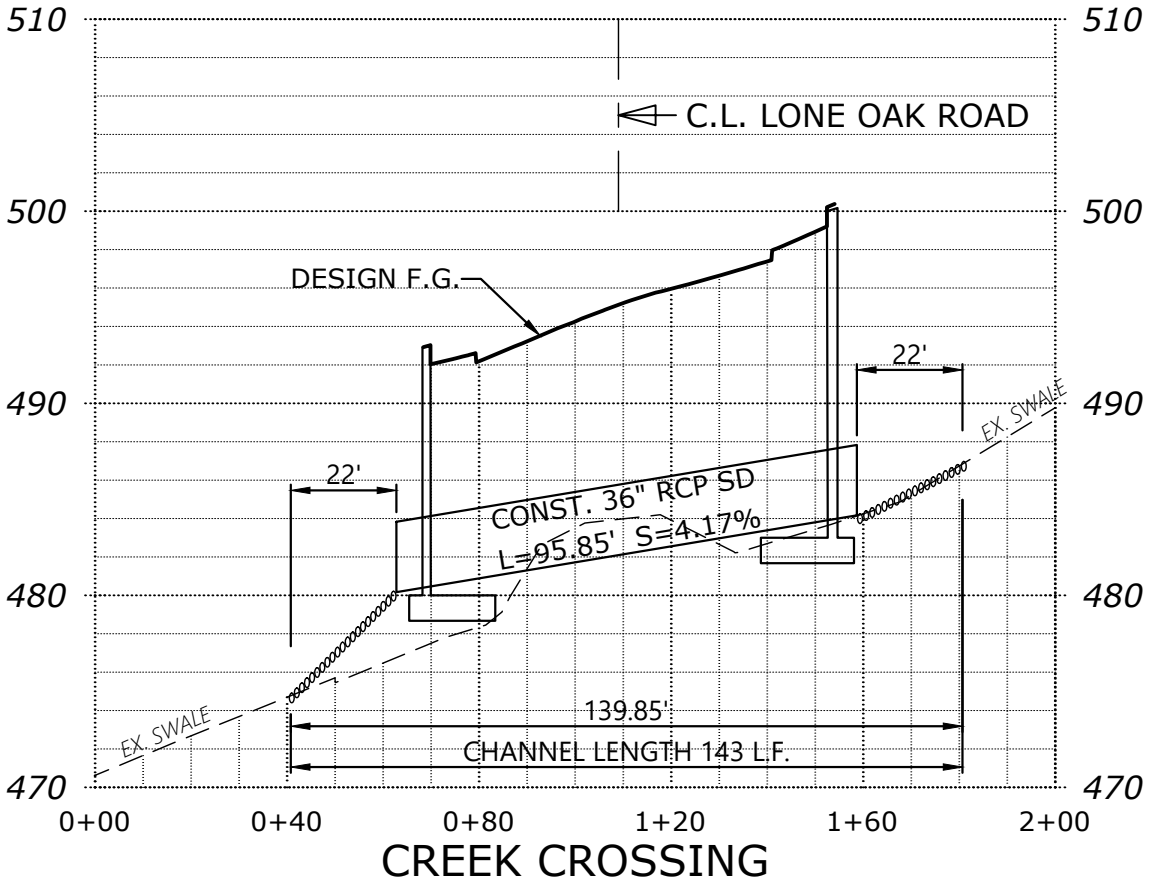


NOTE: THE PROFILE BELOW FOLLOWS THE CENTERLINE OF THE PROPOSED 36" STORM DRAIN PIPE AND EXISTING CHAMPION SWALE

STATISTICS			
IMPACTED LENGTH	IMPACTED AREA	CUT CU.YD.	FILL CU YD.
143 L.F.	1050 S.F.	22.9	666.7







CREEK CROSSING

Draft Compensatory Mitigation Eligibility and Accounting Determination Form
STEP 1. ELIGIBILITY

INSTRUCTIONS: This eligibility worksheet is used to determine whether a proposed compensatory mitigation site is ecologically appropriate to offset proposed impacts. Final eligibility is determined by the agency. The expectation is that compensatory mitigation sites provide an ecological match (i.e. class, function, and value) to the impact site. In some circumstances, an exception to ecological match may be allowed if the permittee demonstrates that the proposed compensatory mitigation site addresses local or watershed needs or priorities. Enter data in red boxes only. Yellow boxes will populate automatically.

Criteria		RESPONSE	RESULT	COMMENTS
Expectation for providing ecological match for wetlands impacts	Does the mitigation site replace all of the following:			Aquatic Resources of Special Concern must be replaced in-kind and may not otherwise meet all criteria.
	a) HGM class(es) and subclass(es)? ▪ *Select yes or no from drop-down list.*	No	NOT MET	
	b) Cowardin system(s) and class(es)? ▪ *Select yes or no from drop-down list.*	No	NOT MET	
	c) Group-level functions and values? ▪ *Compare ORWAP ratings between the impact site and the mitigation site (predicted scores) to determine this. Select yes or no from drop-down list.*	Not applicable	MET	This criterion does not apply when purchasing Legacy Credits, ILF credits not associated with a DSL-approved project, or PIL. Does not apply to non-tidal wetland impacts ≤0.2 acres purchasing credits.
Expectation for providing ecological match for stream impacts	ORKSHEET Does the mitigation site replace all of the following:			Aquatic Resources of Special Concern must be replaced in-kind and may not otherwise meet all criteria.
	a) Flow permanance (intermittent or perennial)? ▪ *Select yes or no from drop-down list.*	Yes	MET	
	b) Stream size class (small, medium, or large)? ▪ *Select yes or no from drop-down list.*	Yes	MET	Stream size class as set forth by Oregon Department of Forestry in OAR 629-635-0200 Sections (13) and (14). Mitigation Planning Map Viewer
	c) Essential Indigenous Anadromous Salmonid Habitat (ESH) designation, if the impact is to an ESH stream? ▪ *Select yes, no, or Impact site is not ESH from the drop-down list.*	Impact Site is not ESH	MET	
	d) Group-level functions and values? ▪ *Compare SFAM ratings between the impact site and the mitigation site (predicted scores) to determine this. Select yes or no from drop-down list.*	Yes	MET	This criterion does not apply when purchasing Legacy Credits, ILF credits not associated with a DSL approved project, or PIL

If any criterion above are not met, determine whether the mitigation site might qualify for an exception (as a watershed priority) by answering the following two questions. If all criteria above were met, skip the next two questions and move to Step 2: Accounting.

Aquatic Resources of Special Concern are not eligible for an exception and must be replaced in-kind

Possible exception to ecological match	Does the mitigation site:		
	a) Address a watershed priority, as identified in a planning or assessment document, report, or other data? ▪ *Must be fully described in the permit application. Select yes or no from the drop-down list.*		
	b) Provide a high level of the functions and values that are relevant to the targeted priority (either currently or post-construction)? ▪ *Must be fully described in the permit application. Select yes or no from the drop-down list.*		

STEP 2. ACCOUNTING

INSTRUCTIONS: This accounting worksheet is used to estimate a permittee's wetland mitigation requirements, specific to a particular impact and proposed mitigation site. There are no minimum requirements defined for streams. Final requirements will be determined by the agency. Requirements are based on (1) the mitigation method, (2) the function/value replacement achieved, (3) function temporal loss factors, (4) level of function replacement, and (5) stewardship and site protection plans. Enter data in red boxes only. Yellow boxes will populate automatically. A separate column must be used for each mitigation method used (e.g. if a mitigation site includes both restoration and enhancement, the mitigation method for those distinct areas must be calculated in separate columns). A separate column may also be used to allow different function temporal loss factors to be applied to different acreages, even if the mitigation method being used on that acreage is the same.

Factor		Method 1	Method 2	Method 3	Notes
Mitigation method	What method(s) of mitigation is proposed? ▪ *Select an option from drop-down list.*	Restoration			If purchasing credits, ILF or PIL, select "credit purchase." Minimum requirements for preservation and non-wetland waters are case-by-case, as determined by the Department.
	MINIMUM MITIGATION REQUIREMENT (acres of mitigation required per acre of impact)	1.00			

Note: Adjustments do not apply to non-tidal wetland impacts ≤0.2 acres purchasing credits as mitigation; select "Not applicable" for each factor.

Specific function and value replacement *(increase factor)*	How many specific functions and values from the impact site are replaced at the mitigation site? ▪ *Compare ORWAP ratings between the impact site and the mitigation site (predicted scores) to determine this. Select an option from drop-down list.*	Not applicable			Select "Not applicable" if the mitigation site is approved/seeking approval as an exception to in-kind replacement under a watershed priority approach, or best professional judgement was used to assess functions and values.
		+ 0%			
Function temporal loss *(increase factor)*	Which factor, if any, will cause the greatest temporal loss of function? ORKSHEET ▪ *Select **first** applicable option from drop-down list.*	Not applicable			Soil adjustment factors are not applicable to credit purchases or removal of historic fill. Vegetation and soil adjustments may not apply when the mitigation method is preservation.
		+ 0%			
High level of function replacement *(decrease factor)*	Does the CM site exceed at least 80% of the specific functions being lost at the impact site? ▪ *Compare ORWAP function ratings between the impact site and the mitigation site (predicted scores) to determine this. Select an option from drop-down list.*	Not applicable			"Exceed" means replaced beyond an overlapping rating break proximity. Select "Not applicable" if the mitigation site is approved/seeking approval as an exception to in-kind replacement under a watershed priority approach, or best professional judgement was used to assess functions and values.
		- 0%			
Mitigation site protection & stewardship *(decrease factor)*	What level of site protection and stewardship is proposed for the mitigation site? ▪ *Select an option from the drop-down list.*	Enhanced stewardship			Mitigation banks and ILFs typically have enhanced stewardship.
		- 20%			
	Total adjustment (percent increase)	0%			
	ADJUSTED MITIGATION REQUIREMENT (acres of mitigation required per acre of impact)	1.00			

	Method 1	Method 2	Method 3	Notes
Acreage of impact	0.02			Insert the area of unavoidable permanent impact
MITIGATION ACREAGE REQUIRED (adjusted mitigation requirement * impacted acreage)	0.02			

TOTAL MITIGATION REQUIRED WITHOUT BUFFERS	0.02	**This is the mitigation acreage required if a buffer is not required by DSL**

This section is only used if DSL requires a buffer at the compensatory mitigation project					
Factor		**Method 1**	**Method 2**	**Method 3**	**Notes**
Credit for DSL Required Buffers	Buffer acreage				Use multiple methods only if more than one ratio will be applied to the buffer.
	Buffer credit ratio				DSL will determine the credit ratio for required buffers. Enter the acres of buffer required per credit (e.g. for 10:1, enter 10).
	Buffer Credit				
	Total Buffer Credit	0			
	TOTAL MITIGATION REQUIRED WITH BUFFER CREDITS APPLIED		**This is the mitigation acreage required if buffers are required by DSL**		

WORKSHEET

Payment Calculator for DSL-provided Wetland Mitigation and for Estimating Financial Securities for Permittee-Responsible Mitigation
Effective June 1, 2021

Step 1: Check your impact site location on the Mitigation Banks Map. If there is a mitigation provider with appropriate wetland credits serving your area please contact the provider to determine eligibility, credit availability, price, and terms.

Step 2: If there is no mitigation provider with appropriate wetland credits for your project location, proceed with the payment calculator below. Fill in impact area, land value, and zoning for the development site per the instructions below to determine the payment for mitigation credits. The payment calculator may also be used to estimate financial securities for permittee-responsible mitigation. Please be aware payment in lieu does not satisfy mitigation requirements for the US Army Corps of Engineers.

Instructions: Insert the requested information in yellow highlighted cells.
Payment required is calculated in the green highlighted cell.

Enter the DSL Application Number:		***Enter the DSL-assigned application number, if known (APP0000000)***
Area to be mitigated (acres)	0.02	***Insert the acreage of the wetland loss that must be mitigated.*** *Enter to the nearest 0.01-acre for impacts greater than 0.01 of an acre or to the nearest 0.001-acre for impacts les than 0.01 of an acre.*
Tax lot acreage (impact site)	20	***Insert the total acreage of the tax lot where impact is located***
Real market land value of tax lot	$ 922,240.00	***Insert the real market land value for the tax lot; do not include the value of structures or improvements.*** *Refer to the most recent property tax statement from the county assessor* or from a recent land appraisal. The proportional cost of the area to be mitigated is used in the payment calculation.*
Zoning Adjustment Factor	0.8	***Insert the correct adjustment from table 1 based on the zoning of the tax lot being impacted***
Restoration cost (per acre)	$ 24,886.00	***Insert the restoration cost from table 2 for the basin where the impact is located***
PAYMENT REQUIRED:	$ 5,078.53	Payment = (RMV + R + LT + A)*mm **or** calculated to not exceed maximum cost per acre. See information below.

Table 1: Zoning Adjustment Factor

Description of Zoning	**Proportion of RMV to be included**
Residential zoned properties with improvements such as utilities and subdivision infrastructure	0.5
Properties zoned commercial, industrial, or zoned residential without improvements	0.8
Properties zoned for agriculture, forestry, conservation use, and public reserve	1

Table 2: Restoration Cost by Basin

Basin (6 digit hydrologic unit code)*	**Wetlands (per acre)**
Black Rock Desert (160402)	$27,996
Deschutes River Basin (170703)	$39,832
John Day River Basin (170702)	$27,996
Klamath River Basin (180102)	$35,899
Lower Columbia (170800)	$28,796
Lower Snake (170601)	$30,754
Middle Columbia River Basin (170701)	$39,524
Middle Snake-Boise (170501)	$27,996
Middle Snake-Powder (170502)	$27,996
Northern Oregon Coastal (171002)	$24,670
Oregon Closed Basins (171200)	$27,996
Southern Oregon Coastal (171003)	$20,979
Upper Sacramento (180200)	$27,996
Willamette River Basin (170900)	$24,886