Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

RECEIVED
MAR 13 2025
DEPARTMENT OF STATE LANDS
DATE STAMP

U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands	Oregon Department of Environmental Quality
Action ID Number **NWP-2024-411**	DSL Number **65339 - Revised**	

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

Corps: ☒ Individual ☐ Nationwide No.: ☐ Regional General ☐ 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) Business Name Mailing Address 1 Mailing Address 2 City, State, Zip	TC Pursuit Services, Inc Attn: Thomas (Tom) Nieswander 1300 SW 5th Ave #3050 Portland, OR 97201	Multiple Owners **See Block 10 for additional information**	John van Staveren, SPWS Pacific Habitat Services 9450 SW Commerce Circle, Suite 180 Wilsonville, OR 97070
Business Phone Cell Phone Fax Email	503-946-4971 TNieswander@trammellcrow.com		(503) 570-0800 jvs@pacifichabitat.com

(3) PROJECT INFORMATION

A. Provide the project location

Project Name			Latitude & Longitude*
Clear Lake E-Commerce			44.124447° & -123.196953°
Project Address / Location		**City (nearest)**	**County**
South of Awbrey Lane, between Highway 99 and Green Hill Road		Eugene	Lane
Township	**Range**	**Section**	**Quarter/Quarter**	**Tax Lot**
17 S	4 W	5		400; portion of 500; Highway 99W ROW

Brief Directions to the Site:

From I-5 southbound, take Exit 195 to Highway 569 west; turn right (north) on Highway 99; turn left (west) on Awbrey Lane. The site is on the left (south).

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*)
Wetland B, C, E, F, and G	n/a	Amazon Creek	170900030108

* 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 applicant proposes to construct a light industrial building in the City of Eugene [(Figures 1-5), all Figures are in Attachment 1 and listed in Table 1 below]. The Clear Lake E-Commerce development includes one building with associated infrastructure and utilities, semi-trailer parking, and stormwater treatment. The proposed development is user driven and is associated with an e-commerce company with economic interest in the area. The project also includes three access roads to the site, two from Green Hill Road and one from Awbrey Lane. The project will also connect a sanitary sewer force main, a water line, and a fire protection line to an existing force main located offsite, within the Highway 99W right-of-way.

Stormwater will be treated through a series of stormwater detention and treatment facilities that include rain gardens and grassy swales (Figure 6). Stormwater will be treated to SLOPES V standards, as well as the City of Eugene's standards (for additional information see the Stormwater Report, Attachment 2*).

The applicant will notify FAA and ODAV prior to the start of construction and will adhere to any requirements by FAA and ODAV.

Table 1. Figures and Attachments

Attachment 1 – Figures			
Figure	**Description**	**Figure**	**Description**
1	Location Maps (USGS and Road)	7	Grading Plan
2	Tax Lot Maps	7A-7C	Wetland Impact Cross Sections A-G
3	Recent Aerial Photo	8	Erosion and Sediment Control Plan
4	Existing Conditions	9	Alternative sites
5	Proposed Site Plan	10	Alternative site plan
6	Proposed Stormwater Plan		
Attachment 2 – Stormwater Report (Corps and DEQ)			
Attachment 3 – Removal and Fill Tables for Section 4F through 4I			
Attachment 4 – ORWAP Assessment (Impact Sites Wetlands B, C, E, F, and G)			
Attachment 5 – Mitigation Accountability and Eligibility Worksheet			
Attachment 6 – Power of Attorneys from Owners			
Attachment 7 – Parcel Maps for Adjoining Property Owners			

B. Describe work within waters and wetlands

Construction of the proposed project will result in the placement of permanent fill within Wetlands B, C, E, F, G, and Ditch 3 for a total permanent impact of 8.99 acres and temporary impacts of 0.99 acres (Figures 7 and Figure 8). Impacts to the wetlands and ditch are for building construction and parking, access roads, stormwater utilities, and related erosion control measures. The following summary table outlines permanent and temporary project related removal and fill. Please see the RF Tables (Sections 4F – 4I) in Attachment 3 for full details of removal and fill.

* Is only being provided to Corps of Engineers and Department of Environmental Quality, as the Department of State Lands neither requires it nor wants it.

Table 2. Wetland Impacts:

Resource Name	Removal			Fill		
	Square Feet	Cubic Yards		Square Feet	Cubic Yards	
		Permanent	Temporary		Permanent	Temporary
Wetland B	19,314	1,786		330,461	45,437	
	6,776		376	6,776		376
Wetland C	13,211	1,292		14,473	1,395	
	2,152		120	10,189		233
Wetland E	0	0	0	1,090	92	
Wetland F	528	96		3,479	371	
	142		8	3,032		44
Wetland G	57	1		4,589	440	
	170		9	170		9
Ditch 3	728	54		3472	431	
	108		6	438		10
Totals	**43,186 (0.99 acre)**	**3,229**	**519**	**378,169 (8.68 acres)**	**48,166**	**672**

	Removal Totals		Fill Totals	
	Permanent	Temporary	Permanent	Temporary
Area	**33,838 (0.78 acres)**	**9,348 (0.21 acres)**	**357,564 (8.21 acres)**	**20,605 (0.47 acres)**
Total Cubic Yards	**3,748**		**48,838**	

Removal onsite will consist of native soils; fills onsite will consist of clean imported and/or native (onsite) soil, concrete culverts, and pipe for the sanitary sewer force main.

Improvements to Awbrey Lane or Green Hill Road that would impact wetlands are not proposed. Impacts to wetlands within the ODOT right-of-way are not proposed.

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

Construction Access:

Construction access to the site will be from two locations along Green Hill Road and one from Awbrey Lane (Figure 8). The construction entrances will be installed at the beginning of construction and maintained for the duration of the project. Staging areas, as well as temporary stockpile areas will be located in the southeastern portion of the development area. Although the staging area is in wetland (Figure 8), this area will also be permanently impacted by the proposed development, and impacts are included in the permanent impact totals on the RF tables.

Construction will include all site grading, utility infrastructure, underdrains, storm sewers, curbs and gutters, paving, and work necessary to build the on-site facilities. Typical equipment used for construction will include an excavator, backhoe, loader, dump truck, bulldozer, grader, or compactor.

Site construction will commence with the implementation of the erosion control plan (Figure 8) followed by site clearing and grubbing. The next steps will be to cut, fill, rough grade, and establish final grades for the newly constructed roads, industrial building, and stormwater facilities. During final grading, the below ground utilities will be installed, as will the underground stormwater pipes. Following site grading and installation of utilities, the roadways, parking areas, buildings, and stormwater facilities will be constructed. The final construction step will be to install landscaping.

Erosion and Sediment Control: The Erosion and Sediment Control Plan (Figure 8) illustrates some of the measures that will be used to ensure that impacts to wetlands and waterways are minimized to the maximum extent practicable. Erosion controls on site will consist of sediment fencing, inlet protection, compost berms, temporary seeding, and straw wattles for any adjacent slopes exceeding 10%, as determined by the contractor. The following components of the erosion control plan and project design will protect against erosion and prevent the transport of sediments to downstream receiving waters and ensure that impacts are minimized.

- All base erosion and sediment control measures including inlet protection, perimeter sediment control, gravel construction entrances, etc., must be in place, functional, and approved in an initial inspection prior to commencement of construction activities.
- All sediment barriers shall be installed immediately following establishment of finished grade.
- The stormwater facilities shall be constructed and landscaped prior to the stormwater system functioning and site paving.
- Approved inlet protection measures shall be in place immediately following paving activities and are to be regularly inspected and maintained as needed.
- BMP's such as sediment fence, compost berms, straw wattles, and inlet protection will be used to prevent run-off from reaching discharge points.
- Temporary stabilization measures will be employed on slopes, inactive areas, and areas subject to wind erosion.
- Areas to be vegetated will be permanently stabilized as they are brought to final grade.
- Additional measures including tire washes, street sweeping, and vacuuming may be required to ensure that all paved areas are kept clean during active construction.

Proposed Stormwater Ditches:

Two ditches will outfall from the stormwater treatment area rain gardens into the public ditch (Ditch 3) (owned by ODOT) east of the proposed development. Each ditch will be lined with an impermeable material, with a thin (6 to 8-inch) growing media section on top of 6 to 8 inches of drainage rock and be planted with grasses. The outfalls will be located at the eastern end of each ditch, above the public ditch.

Trenching:

The proposed sanitary sewer line requires trenching through portions of Wetland C and Wetland F. A three-foot wide corridor will be trenched for the placement of a four-inch force main. Once the force main is in place, this area will be back filled to pre-existing grades. Native material removed for trenching will be temporarily placed on a mat; once the sanitary force main is installed, the native material will be back-filled to pre-existing grades.

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

Material generated through site grading will be used as wetland fill material (if needed). No contaminants are known to exist on site. If required, disposal will be in an approved upland location at an off-site facility. No disposal will occur within wetlands or waterways.

E. Construction timeline.

What is the estimated project start date? Spring 2025

What is the estimate project completion date? Spring 2027

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

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.)		
See Attached Summary Table (Attachment 3)							

G. Total Removal Volumes and Dimensions

Total Removal to Wetland and Other Waters	Length (ft)	Area (sq. ft))	Volume (c.y.)
Total Removal to Wetlands	6,439	43,186 (0.99 acres)	3,748
Total Removal Below Ordinary High Water	0	0	0
Total Removal Below Highest Measured Tide	0	0	0
Total Removal Below High Tide Line	0	0	0
Total Removal Below Mean High Water Tidal Elevation	0	0	0

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 (acres)	Volume (c.y.)		
See Attached Summary Table (Attachment 3)							

I. Total Fill Volumes and Dimensions

Total Fill to Wetland and Other Waters	Length (ft)	Area (sq. ft.)	Volume (c.y.)
Total Fill to Wetlands	10,703	378,169 (8.68 acres)	48,838
Total Fill Below Ordinary High Water	0	0	0
Total Fill Below Highest Measured Tide	0	0	0
Total Fill Below High Tide Line	0	0	0
Total Fill Below Mean High Water Tidal Elevation	0	0	0

* 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.

Purpose: The purpose of the project is to construct a light industrial building within the City of Eugene's industrial area. The proposed development will provide much needed light industrial space within the City's Urban Growth Boundary (UGB). As with many cities in Oregon, Eugene is steadily growing, and the City is challenged with meeting the employment and service requirements of its growing population. The proposed development will not only result in increased tax revenue, but it will also provide additional job opportunities for residents of the City of Eugene, and those looking to move to the area.

Need: The public need for the proposed wetland impacts is to ensure the property can be developed to provide necessary employment opportunities supporting Eugene's *Envision Eugene Comprehensive Plan (EECP)*. This need, which is supported by City, County, and State studies and policies, cannot be fulfilled unless an industrial building, which will support the EECP is built on this parcel.

The City's Employment Land Supply Study, adopted as an appendix to the Envision Eugene Comprehensive Plan, establishes the need to expand the UGB to add more industrial land. Part I of the Employment Land Supply Study identifies the supply of employment land within the UGB in 2012. Part II of that Study is the City's Economic Opportunities Analysis ("EOA"), which concludes the City will need additional commercial and industrial employment land to meet the needs of the growing population through 2032. The EOA identifies the number of additional sites that are needed, and the characteristics those sites will need. Considering the additional land need that results from public and semi-public uses that occur on employment land (addressed in Part III of the Employment Land Supply Study), and the measures the City has taken since 2012 to increase the supply of employment land within the UGB (addressed in Part V of the Employment Land Supply Study), the City is still deficient in employment land as follows:

- 2 industrial sites of 75 acres or larger;
- 3 industrial sites of between 50 and 75 acres;
- 2 industrial sites of between 20 and 50 acres; and
- 4 industrial sites of between 10 and 20 acres.

This deficit must be addressed through an expansion of the City's UGB. The City needs industrial lands; they have expanded the UGB to include this site for industrial development, and it is proposed to be developed as an industrial parcel for this project. As stated in the LUCs signed by the City of Eugene, "this proposal will be permitted on the subject property as of November 6, 2024, upon which the annexation and automatic rezone for the subject property will be effective, per City Resolution 5423. Per Eugene Code 9.8760".

As stated in the *Envision Eugene Comprehensive Plan* "The UGB Expansion Analysis for Employment Land sets out the standards and process by which the City of Eugene has identified the land to be added to Eugene's UGB for future industrial use. The additional urbanizable industrial land will complete the City's buildable land inventory (BLI) to provide employment opportunities for Eugene's growing population through 2032."

The project as proposed fulfills the City's need for industrial development with employment opportunities for Eugene and the surrounding areas.

(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.

Table 3, below, outlines the wetlands on the site. Please see the wetland delineation report entitled "*Wetland Delineation Awbrey Lane, Eugene, Oregon*" prepared by Pacific Habitat Services for additional information that was submitted separately to both the Department of State Lands (WD2024-0478) and Corps of Engineers. Wetlands B, C, F, and G will be partially impacted by the proposed development; Wetland E will be wholly impacted by the proposed development. Wetlands B, C, D, E, F, and G are similar in vegetation structure, soils, and hydrology, and are located in an agriculture field.

Table 3. Summary of Wetlands within the Clear Lake E-Commerce Development Area

Wetland	Acreage	Cowardin Class*	Hydrogeomorphic (HGM) Class	Dominant Vegetation
B	37.57	PEM	Flats	Tall-false ryegrass (*Schedonorus arundinaceus*)
C	14.84	PEM	Flats	Tall-false ryegrass
E	0.02	PEM	Flats	Tall-false ryegrass
F	0.22	PEM	Flats	Tall-false ryegrass
G	0.38	PEM	Flats	Tall-false ryegrass
Total	**53.03**			

*PEM = Palustrine emergent

Functional Assessment:

The Oregon Rapid Wetland Assessment Protocol (ORWAP) version 3.2 was used to assess wetland functions and values for wetland to be impacted by the proposed project. Wetlands B and C were evaluated as a single ORWAP since these wetlands have the same predominant hydrology source; they are agriculture wetlands that are regularly disturbed; they outfall to roadside ditches; and they have the same abutting land uses. Wetlands E, F, and G were evaluated as a separate ORWAP because these wetlands are small and isolated, with no outlet.

The results of these assessments (Cover page, Score sheet, Figures, and ORWAP report) are included in Attachment 4; the Excel tables will be emailed to the DSL permit coordinator when the application is submitted for review.

Table 4 summarizes the ORWAP Functions and Values for Wetlands B and C; Table 5 summarizes the ORWAP Functions and Values for Wetlands E, F, and G.

Table 4. Summary of ORWAP Function and Value Scores for the Impact Site (Wetlands B and C)

Specific Functions or Values:	Function Score	Function Rating	Rating Break Proximity	Values Score	Values Rating	Rating Break Proximity
Water Storage & Delay (WS)	8.13	Higher	MH	0.00	Lower	
Sediment Retention & Stabilization (SR)	6.18	Moderate	MH	5.44	Moderate	MH
Phosphorus Retention (PR)	0.64	Lower		3.17	Moderate	LM
Nitrate Removal & Retention (NR)	4.13	Moderate	LM	10.00	Higher	
Anadromous Fish Habitat (FA)	0.00	Lower		0.00	Lower	
Resident Fish Habitat (FR)	0.00	Lower		0.00	Lower	
Amphibian & Reptile Habitat (AM)	6.33	Moderate	MH	6.67	Moderate	MH
Waterbird Nesting Habitat (WBN)	8.43	Higher		3.11	Moderate	
Waterbird Feeding Habitat (WBF)	7.45	Higher		4.17	Moderate	
Aquatic Invertebrate Habitat (INV)	1.19	Lower		2.44	Lower	
Songbird, Raptor, Mammal Habitat (SBM)	4.97	Moderate		4.00	Moderate	
Water Cooling (WC)	2.22	Lower	LM	0.00	Lower	
Native Plant Diversity (PD)	5.72	Moderate	MH	6.67	Moderate	MH
Pollinator Habitat (POL)	5.43	Moderate		4.23	Moderate	
Organic Nutrient Export (OE)	4.42	Moderate				
Carbon Sequestration (CS)	2.82	Lower				
Public Use & Recognition (PU)	8.13	Higher	MH	0.00	Lower	

Other Attributes:	Score	Rating	Rating Break Proximity
Wetland Sensitivity (SEN)	1.84	Lower	LM
Wetland Ecological Condition (EC)	1.59	Lower	
Wetland Stressors (STR)	4.60	Moderate	

GROUPS	Selected Function	Function Rating	Rating Break Proximity	Values Rating	Rating Break Proximity
Hydrologic Function (WS)	Water Storage & Delay (WS)	Higher	MH	Lower	
Water Quality Support (SR, PR, or NR)	Sediment Retention & Stabilization (SR)	Moderate	LM	Higher	
Fish Habitat (FA or FR)	Anadromous Fish Habitat (FA)	Lower		Lower	
Aquatic Habitat (AM, WBF, or WBN)	Waterbird Nesting Habitat (WBN)	Higher		Moderate	
Ecosystem Support (WC, INV, PD, POL, SBM, or OE)	Songbird, Raptor, Mammal Habitat (SBM)	Moderate		Moderate	

Table 5. Summary of ORWAP Function and Value Scores for the Impact Site (Wetlands E, F, and G)

Specific Functions or Values:	Function Score	Function Rating	Rating Break Proximity	Values Score	Values Rating	Rating Break Proximity
Water Storage & Delay (WS)	10.00	Higher		0.00	Lower	
Sediment Retention & Stabilization (SR)	5.30	Moderate		5.16	Moderate	
Phosphorus Retention (PR)	10.00	Higher		3.47	Moderate	LM
Nitrate Removal & Retention (NR)	10.00	Higher		10.00	Higher	
Anadromous Fish Habitat (FA)	0.00	Lower		0.00	Lower	
Resident Fish Habitat (FR)	0.00	Lower		0.00	Lower	
Amphibian & Reptile Habitat (AM)	7.02	Higher	MH	6.67	Moderate	MH
Waterbird Nesting Habitat (WBN)	8.87	Higher		2.56	Moderate	
Waterbird Feeding Habitat (WBF)	7.80	Higher		3.33	Moderate	
Aquatic Invertebrate Habitat (INV)	2.59	Lower		2.50	Lower	
Songbird, Raptor, Mammal Habitat (SBM)	5.21	Moderate		3.33	Lower	
Water Cooling (WC)	2.22	Lower	LM	0.00	Lower	
Native Plant Diversity (PD)	6.61	Higher	MH	6.67	Moderate	MH
Pollinator Habitat (POL)	5.56	Moderate		3.61	Moderate	
Organic Nutrient Export (OE)	0.00	Lower				
Carbon Sequestration (CS)	3.74	Lower	LM			
Public Use & Recognition (PU)				3.21	Lower	

Other Attributes:	Score	Rating	Rating Break Proximity
Wetland Sensitivity (SEN)	1.74	Lower	LM
Wetland Ecological Condition (EC)	1.59	Lower	
Wetland Stressors (STR)	3.07	Moderate	LM

GROUPS	Selected Function	Function Rating	Rating Break Proximity	Values Rating	Rating Break Proximity
Hydrologic Function (WS)	Water Storage & Delay (WS)	Higher		Lower	
Water Quality Support (SR, PR, or NR)	Sediment Retention & Stabilization (SR)	Higher		Higher	
Fish Habitat (FA or FR)	Anadromous Fish Habitat (FA)	Lower		Lower	
Aquatic Habitat (AM, WBF, or WBN)	Waterbird Nesting Habitat (WBN)	Higher	MH	Moderate	MH
Ecosystem Support (WC, INV, PD, POL, SBM, or OE)	Native Plant Diversity (PD)	Higher	MH	Moderate	MH

Fish and Wildlife Species Habitat Use and Endangered Species Act (ESA): There are no listed species within the project site. An ORWAP report of the project vicinity does not identify any element or occurrence of rare species within one mile of the site. Wetlands B, C, E, F, and G lack permanent water. No critical habitat[†] or Essential Salmonid Habitat (ESH)[‡] is mapped within the project area.

Wetlands B, C, E, F, and G are agriculture wetlands that are regularly disturbed by agricultural equipment, planting, and yearly harvesting. These wetlands may provide some seasonal habitat for small mammals and birds, however, the quality of the habitat is lower, as these wetlands are ephemeral, saturated only wetlands, dominated by a near monoculture of non-native grass.

Cultural Resources: No archeological survey has been conducted within the property; however, if artifacts are observed, all work will cease immediately, and the State Historic Preservation Office will be notified.

100-Year Floodplain: Non-wetland waters are not present within or adjacent to the proposed development area; as such, Wetlands B, C, E, F, and G are located outside of the 100-year floodplain.

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

The property is privately owned; therefore, no navigation, fishing, or recreational opportunities are provided by on-site wetlands or waters.

(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.*

The proposed project is to construct an industrial building within an established industrial area within the City of Eugene. There are certain criteria that were reviewed to achieve this project need. The Clear Lake E-Commerce development location must be in an appropriate area where zoning and existing utilities and other infrastructure can provide required support. As stated in the planners comments in Section 11, this project will be "permitted on the subject property as of November 6, 2024, upon which the annexation and automatic rezone for the subject property will be effective, per City Resolution 5423. Per Eugene Code 9.8760". The following criteria were part of the review for potential sites within the Eugene UGB.

[†] United State Fish & Wildlife Service (USFWS). Critical Habitat for Threatened & Endangered Species [USFWS]. Vector digital data, 2015. Site accessed: February 21, 2022. Internet: http://services.arcgis.com/QVENGdaPbd4LUkLV/arcgis/rest/services/USFWS_Critical_Habitat/FeatureServer

[‡] Rempel, M., P. Adamus, and J. Kagan. 2021. Oregon Explorer - Oregon Rapid Wetland Assessment Protocol (ORWAP) Map Viewer: an internet tool for ORWAP wetland assessment support and data archiving. Oregon State University Library and Institute for Natural Resources, Oregon State University, Corvallis, OR. Internet: http://tools.oregonexplorer.info/oe_map_viewer_2_0/Viewer.html?Viewer=orwap

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

Project Criteria

1. Availability: An available site was one that could be reasonably obtained, utilized, or developed, and managed to meet the project purpose.
2. Geographic area: The acceptable site will be within the greater Eugene/Springfield area.
3. Utility Access and Street Connectivity: Provide efficient utility access (electricity, gas, sewer, and water) and street circulation sufficient and appropriate for ingress and egress of large trucks onto the parcel.
4. Developable area of approximately 80 acres: This size allows for construction of a building of sufficient size, shape and orientation to maximize the applicant's proposed development.
5. Topography: Relatively flat (i.e., slopes less than 15%) with stable soils.
6. Zoning: Site must be zoned, or capable of being rezoned, to meet the industrial needs of the project.
7. Easy access to I-5.
8. Shovel-ready within 12 months (no longer).

Alternative Development Sites

In addition to the proposed development site, the applicant reviewed several other parcels in the area prior to selecting the proposed site shown on Figure 1. Figure 9 identifies seven additional sites that were investigated for feasibility. A brief description of each site and why development was not pursued is included below in Table 6.

Table 6. Alternative Properties Considered for the Clear Lake E-Commerce Project

Property	STR/ Tax Lot	Acreage	Reason not Selected
Industrial Development Property	17S 4W 4 TL 803	57.23	• LWI mapped wetlands. • Water needs to be extended on Awbrey Lane 2,300 feet from east of the property to the western property line. • Estimated timeline to shovel ready 12-18 months. • Site is too small for applicant to construct a building that meets current market need
West 11th Industrial Land	17S 4W 33 40 TL 301	47.76	• LWI mapped wetlands. • Multiple zonings make up total acreage, City very unlikely to re-zone entire lot. • Broker will not provide guidance on pricing; potentially unwilling seller. • Site is too small for applicant to construct a building that meets current market need
Sprague Road	17S 3W 10 TL 2101	37.51	• Not zoned industrial • Access challenging for large trucks • Access to I-5 is challenging • Site is too small for applicant to construct a building that meets current market need
W 11th Ave & Ed Cone Blvd	17S 4W 32 TL 606	33.41	• NWI mapped wetlands along edges of property • Development timeline is 18-24 months. • Site is too small for applicant to construct a building that meets current market needs

Property	STR/ Tax Lot	Acreage	Reason not Selected
29711 East Enid Road	17S 4W 4 TL 902	54.73	• LWI mapped wetlands. • Access from site is challenging for large trucks. • Proximity to rail problematic • Site is too small for applicant to construct a building that meets current market needs
800 48th Street	17S 2W 28 TLs 903 & 904	40.57	• Wetland identified on site • Known contamination of groundwater and soils (pentachlorophenol (PCP) detected in monitoring wells on-site in 1994 • Site is too small for applicant to construct a building that meets current market needs
Stratacashe Site	18S 4W 04 20 TLs 400 & 500	100	• LWI mapped wetlands • Development timeline 24-30 months

In addition to looking at sites to facilitate future development, the applicant searched for potential redevelopment properties in the greater Eugene Metro area, as there can be advantages over greenfield development; however, there are no developed properties in Eugene that are for sale, and large enough to support this type of industrial development. Additionally, even if a sufficiently sized parcel were available, and could facilitate the site layout proposed in this application, the type of project may not be approvable; the City of Eugene has several different industrial zoning types where the allowed uses of industrial services can vary and would not support the proposed development.

The current assessment is that there are no redevelopment properties available for sale in the target market that meet the same characteristics as the proposed development site for Class A industrial development within an industrial zone. The applicant does not anticipate any redevelopment sites becoming available in the near to midterm time horizon (i.e. longer than a year).

Preferred and Alternative Site Designs:

The applicant examined multiple site design alternatives before selecting the proposed site plan. The proposed plan includes one large industrial building and an access road within tax lot 400, as well as two access roads across tax lot 500.

The project engineers investigated whether the project could be designed to avoid or lessen the wetland impact. The southern portion of Wetland B and all of Wetland G was initially avoided (Figure 10); however, this layout results in a proposed development that does not have enough parking for vans and semi-trucks, which are an integral part of the proposed development.

The development plan was designed to minimize wetland impacts to the greatest extent practicable. The design review considered the required access from Green Hill Road and Awbrey Lane, stormwater treatment, as well as building layout, vehicular circulation and parking around the perimeter and the interior of the site. Unfortunately, the locations of Wetlands B, C, F, and G within the central and eastern portions of the site prevents the site from being developed without partially impacting these wetlands and wholly impacting Wetland E.

The need for wetland impact to accomplish the project purpose at this site is defined by constraints imposed by both cost and logistics. Industrial lands generally require larger tracts of land than other land uses, such as residential or commercial, where building size, orientation or layout can be modified somewhat to match irregularities created by property lines, adjoining land use, or natural resources. Most industrial uses require

large buildings, additional space for truck maneuverability and parking and trailer storage, employee parking, as well as direct connectivity for easy access to existing infrastructure, including roadways and utilities. Industrial buildings don't provide adequate functionality when buildings are not more or less rectangular in shape and built to allow for the 'subdivision' of space within the buildings themselves; unconventionally shaped buildings are likely to require more space in which to perform the same function. This is why industrial buildings are generally rectangular in shape, and why the proposed building has not been designed to 'wrap' around the wetlands at this site.

An associated issue is the shortage of land to meet future land use and employment needs, as previously noted in Section 5. There is an overall deficit in the supply of industrial land in the Eugene area, and existing industrial lands within the UGB are, overall, constricted by adjoining land use, lack of functional access, and/or natural resources, as evidenced by the discussion of alternative development sites reviewed for this project. The emphasis of development in industrial areas is not currently on the utilization of properties where conflicts can be avoided, but rather on infill development, and the maximization of practical use areas where site development is no longer straightforward.

Parking Requirements:

The number of parking spaces proposed meets local requirements and is designed to meet current market demand. The building is proposed as an industrial building that will accommodate the e-commerce company's use of the building, with an accessory office. The site is designed to accommodate a range of parking, but not provide an excess of auto stalls that could go un-used.

The objective of the State's Climate Friendly and Equitable Communities rules is stated on the DLCD website as "*The Climate-Friendly and Equitable Communities program aims to reduce climate pollution, provide more transportation and housing choices, and promote equitable land use planning outcomes.*"

The proposed parking design and counts support these objectives by providing a best estimate of auto parking stalls to meet the applicant's needs and meet the local code.

In addition to the parking spaces considerations of the DLCD objectives, the proposed project supports the State Climate Friendly and Equitable Communities rules by allowing additional industrial employment land density that utilizes the existing and planned infrastructure inside the Eugene UGB. Similar to how higher density residential development promotes reduced trips and shared infrastructure, the same benefits can be seen with increasing the development density of industrial sites within planned industrial zones. Development at this location meets the goal to maximize development within the UGB.

The proximity of the proposed development to existing businesses and other infrastructure will result in fewer auto trips. The location of this industrial development is near the existing housing supply within the City of Eugene, which promotes shorter commutes for employees at the proposed development.

***On-site Alternative #1 – No Build*:** If the industrial building is not constructed, the site will continue to persist as it currently stands, which is agricultural use. The property is within the Eugene UGB and will be zoned I-2 Light-Medium Industrial in November 2024. Wetlands B, C, D, E, F and G will not be impacted. The existing use does not represent the highest and best use of this soon to be industrial zoned land. For this reason, and due to the limited space available in suitable land use areas, this alternative was rejected.

***On-site Alternative #2 – Minimum Build (Figure 10)*:** The minimum build option is realized when impacts to Wetland B are reduced. Alternative 2 shifts the southern parking area to the east and includes only one entrance to the site off of Awbrey Lane. This reduces impacts to Wetland B; however, a reduction in the number of parking spaces means that there is not enough capacity for the applicant to use the development in an efficient manner.

As stated above, the number of parking spaces has been designed to accommodate a range of parking, but not provide an excess of auto stalls that could go un-used. The project would not meet the applicant's requirements for the number of spaces, and maneuverability within the parking area.

Also, having only one entrance from Awbrey Lane (or from Green Hill Road) means that small automobiles and 53-foot semi-trucks would share lanes. The applicant cannot access the site from Highway 99W because ODOT will only allow one access point from the Highway. Semi-trucks and small vehicles sharing a roadway is a safety issue for the applicant, as large trucks need more space for safe maneuverability. Limited sight lines for large trucks and a lack of visibility of smaller vehicles are also safety issues.

The applicant, therefore, requires two access roads off of Green Hill Road and one access off of Awbrey Lane to alleviate safety issues resulting from semi-trucks and small vehicles sharing one roadway. Fire access will be via the three site access drives for ingress and egress. Code requires a minimum width for fire access, as well as a minimum radius for truck turnaround.

The applicant requires a minimum building size of approximately 318,000 square feet with a minimum building width of 408 feet and a building interior clear height of 32 feet. Smaller building sizes and building features are undesirable for the applicant to be able to use the proposed development effectively. To avoid Wetlands B, C, E, F, and G the size of the building and parking areas would need to be reduced such that the proposed project would not meet the needs of the applicant.

To further avoid Wetland C, grading for the proposed stormwater outlet ditches would not occur. The stormwater outlet ditches cannot be reduced in size due to SLOPES requirements.

Reductions from the proposed buildings size would be especially problematic because the development is proposing one large building to meet a specific market need for the applicant; many of the existing industrial parcels within the City have a smaller acreage than that proposed by this project. The no-impact alternative does not fully realize the opportunity to maximize site development potential and the growing demand within the industrial services and jobs in the Eugene area. A minimum build alternative was not deemed feasible for this project, as the applicant requires three entrances to the site, as well as adequate parking.

Maximizing the site development coverage is important because of its location within the Eugene UGB and the need to best utilize the industrial employment land within this area. The success and efficiency of this development relies on past and planned infrastructure investment within the City, and the close proximity of the nearby residential communities. Land utilization amplifies the community investment in this industrial development.

High density industrial development benefits many stakeholders in the area beyond the applicant, local employees, and the City. Other stakeholders such as ODOT, Lane County and City transportation infrastructure, City and County utilities, as well as local businesses including grocery stores and commercial businesses. These groups benefit from having high quality industrial development in close proximity to their operations. These benefits include reduced or shortened transit trips between businesses, nearby amenities, and residential communities. Densification of the built landscape within the UGB is a fundamental principal of Oregon land use laws to reduce urban sprawl, reduce transportation trips and maximize urban infrastructure.

Preferred Site Plan

The preferred site plan (Figure 5) proposes permanent impacts to portions of Wetlands B, C, F, and G, and wholly impacts Wetland E. The preferred site design strikes a balance between on-site natural resource preservation and development and is the most practicable alternative in terms of providing needed industrial land and associated employment.

Measures of Avoidance and Minimization

The preferred site plan constructs the building and parking areas in the central portion of the site, in the large area between Wetlands B and C. Although wetlands cannot be entirely avoided, the site design has utilized the upland areas for the majority of the development area.

Due to the already minimized extent of proposed wetland impacts, development opportunities that further avoid or minimize wetland impacts were not examined.

Due to the need for a large building, parking, and two truck access drives, as well as stormwater treatment, the size of the proposed development cannot be reduced, and impacts to Wetlands B, C, E, F, and G are necessary.

(8) ADDITIONAL INFORMATION

Are there any 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
If yes to any of the above, explain in Block 6 and describe measures to minimize adverse effects to these 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? ☐ Yes ☒ No 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 to DEQ's 401 WQC program for review and approval, see http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidelines.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
ODEQ	401 Water Quality Certification	Concurrent with application
City of Eugene	Planning approval	Concurrent with application

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 project.

☐ State Owned Waterway DSL Waterway Lease #

☐ Other Corps or DSL Permits Corps # DSL #

☐ Violation for Unauthorized Activity Corps # DSL #

☒ Wetland and Waters Delineation Corps # NWP-2024-411 DSL # WD2024-0478

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, COMPENSATORY MITIGATION

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

As described above, portions of Wetlands B, C, F, and G, and all of Wetland E, totaling 8.99 acres will be permanently impacted with 3,748 cubic yards of removal and 48,838 cubic yards of fill. These impacts will be addressed through the purchase of wetland mitigation credits. The loss of onsite habitats will not negatively affect the quality of adjoining agricultural habitats to the south, east, and west. The quality of the habitat is low to moderate (though some functions rate as high) as the wetlands within the project area and adjoining lands have been subject to decades of agricultural activities.

Analysis of hydrologic changes

The grading for the proposed building, access roads, stormwater treatment, and sanitary sewer will impact 8.99 acres within Wetlands B, C, E, F, G, and Ditch 3. Hydrology within the wetland areas proposed for impact is primarily seasonally high groundwater, precipitation, and some overland flow. Although portions of each wetland will be impacted, wetland hydrology is expected to persist within the remaining wetlands (due to the continuing presence of groundwater, precipitation, and overland flow), once development of the site is complete.

In addition to the wetlands having a seasonally high groundwater table and receiving precipitation, the following elements will take place in Wetlands B and C to preserve hydrologic connectivity:

Wetland B: Corrugated metal pipe (CMP) culverts will be placed underneath the access roads to maintain a hydrologic connection between the wetlands, ensuring that hydrology is maintained on either side of the roads.

Wetland C: Two ditches will convey stormwater from the treatment ponds to Ditch 3, located off site to the east, along Highway 99W. The ditches will be lined with impervious material to prevent water from entering the ditches and draining the adjacent wetlands.

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.

The temporary placement of erosion control/sediment fencing ensures that material does not leave the site during construction activities. Impacts will occur to the limits of proposed grading (fill) but not beyond. The need for restoration within Wetlands B, C, F, and G is not anticipated, as soil and vegetation disturbance due to the placement and removal of these materials is expected to be minimal.

Trenching within portions of Wetlands C and F is necessary for the placement of the sanitary sewer force main, water pipe and fire protection pipe. Once the pipes are placed, the trenches will be back-filled and returned to pre-existing grades. This area will be seeded with a native grass seed mix.

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 mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Onsite mitigation is not practical due to the inability to provide additional hydrology on the site for wetland creation. As such, mitigation for impacts to wetland will be achieved through the purchase of wetland mitigation credits at either the Mary's River or Mid-Valley Wetland Mitigation Banks (8.99-acre PEM wetland) for the adverse effects of this project on Wetlands B, and C, E, F and G, and Ditch 3. Attachment 5 contains the Accounting Eligibility Worksheet for the project.

The Compensatory Mitigation Eligibility Accounting Worksheet states that the applicant is required to purchase 8.99 acre of total credit. The purchase of 8.99 acre of wetland credit from a wetland mitigation bank meets DSL's Principal Objectives, as outlined in OAR 141-085-0680(2):

(A) Replace functions and values lost at the removal-fill site

The purchase of 8.99 acres of PEM wetland credits at a mitigation bank will more than replace the functions and values lost at the impact site. The impacted wetlands are palustrine emergent, with an HGM of flats, and the mitigation bank(s) proposed to be used have emergent as well as flats class credits available for purchase.

The DSL mitigation bank approval process ensures that the wetland bank's functions and values are such that removal and fill activities within the bank's service area will offset any functions and values lost through the permitting process. Although the functions and/or values lost at the development site will not be replaced through on-site mitigation, they will be replaced through the purchase of credits at a mitigation bank that has been approved by the Department of State Lands and is located within the same watershed.

As the mitigation bank will have emergent credits for purchase, it is understood that those portions of the mitigation bank should provide and likely out-perform the overall functions and values of the wetlands to be impacted.

(B) Provide local replacement for locally important functions and values, where appropriate

The wetlands on site contribute some functions and values as outlined in the ORWAP results (Tables 4 and 5, above, Attachment 4). As shown in Tables 4 and 5, the wetlands generally maintain low to moderate functionality, though several functions do have a functional rating of higher; both a high function and a high value rating exists for Nitrate Removal & Retention in Wetlands E, F and G.

Water Storage & Delay: Wetlands B, C, E, F, and G score a Higher function rating and a Lower value rating for Water Storage & Delay. Hydrology is predominantly from groundwater, although precipitation, as well as some overland flow also contributes to these wetlands' hydrologic regime. The higher function score is attributable in large part to the large size of Wetlands B and C, and a lack of an outlet for Wetland E, F, and G; however, these wetlands in fact, have little opportunity to perform this function as they are groundwater and precipitation fed wetlands with small, undeveloped contributing areas. In addition, the wetlands are shallow (i.e., topography is not significantly different than the surrounding uplands) and therefore, there is little opportunity for Wetlands B, C, E, F, or G to intercept runoff and perform this function. It is appropriate, given the lack of opportunity on site, that a mitigation bank be utilized to mitigate this function.

Phosphorus Retention: Wetlands E, F, and G score a Higher function rating and a Moderate value rating for Phosphorus Retention, with a low-moderate rating break proximity. As these wetlands are vegetated, and do not have an outlet, any phosphorus that enters these wetlands is retained; however, as stated above, these wetlands are located in flat terrain, and the adjacent upland areas are undeveloped. As such, because runoff is not a major source of hydrology, there is little opportunity for phosphorus to enter Wetlands E, F, and G. It is appropriate, given the lack of opportunity on site, that a mitigation bank be utilized to mitigate this function.

Nitrate Removal & Retention: Wetlands E, F, and G score a Higher function rating and a Higher value rating for Nitrate Removal & Retention, with a low-medium rating break proximity. As these wetlands are vegetated, and do not have an outlet, any nitrate that enters this wetland is retained. As stated above, however, these wetlands are located in flat terrain, and the adjacent upland areas are undeveloped. As such, because runoff is not a source of hydrology, there is little opportunity for nitrate to enter Wetlands E, F, and G. It is appropriate, given the lack of opportunity on site, that a mitigation bank be utilized to mitigate this function.

Wetland B and C score a Higher value for Nitrate Removal & Retention. Similar to Wetlands E, F, and G, Wetlands B and C are located in flat terrain, and the adjacent upland areas are undeveloped. As such, because runoff is not a source of hydrology, there is little opportunity for nitrate to enter Wetlands B and C. It is appropriate, given the lack of opportunity on site, that a mitigation bank be utilized to mitigate this function.

Amphibian & Reptile Habitat: Wetlands E, F, and G score a Higher function rating and a Moderate value rating, as well as a Moderate-High rating break proximity for Amphibian & Reptile Habitat. Wetlands E, F, and G are small wetlands located within an agriculture field that is regularly disturbed (at least yearly) by harvesting equipment. The wetlands are "saturated only" and do not have standing water for long periods of time. As such, Wetlands E, F, and G likely do not provide Amphibian & Reptile Habitat.

Waterbird Nesting Habitat: Wetlands B, C, E, F, and G score a Higher function, and Moderate value for Waterbird Nesting Habitat. The proposed development will affect these wetlands' ability to provide waterbird Nesting Habitat; however, as these wetlands lack larger, prolonged periods of standing water, this function rating appears to be artificially high. Wetlands, B, C, E, F, and G are "saturated-only" wetlands, and any water that enters these wetlands appears to infiltrate relatively quickly (i.e., after a few days). It is understood that those portions of the mitigation bank that provide this function should provide and likely out-perform the overall functions and values of the wetlands to be impacted, as these wetlands are larger and more complex. In addition, any waterbirds currently supported by Wetlands B, C, E, F, and G will find suitable habitat nearby for feeding, as large wetlands are located directly south of the development site, and agricultural fields are located to the east and west. In addition, large areas of Wetlands B and C will continue to exist.

Waterbird Feeding Habitat: Wetlands B, C, E, F, and G score a Higher function and Moderate value for Waterbird Feeding Habitat. The proposed development will affect the onsite portion of these wetlands ability to provide waterbird feeding habitat; however, as the wetlands lack prolonged periods of standing water and do not support aquatic macroinvertebrates, this function rating appears to be artificially high. It is understood that those portions of the mitigation bank that provide this function should provide and likely out-perform the overall functions and values of the wetlands to be impacted, as these wetlands are larger and more complex.

In addition, any waterbirds currently supported by Wetlands B, C, E, F, and G will likely find suitable habitat nearby for feeding, as large wetlands are located directly south of the development site, and agricultural fields are located to the east and west. In addition, large areas of Wetlands B and C will continue to exist.

Native Plant Diversity: Wetlands E, F, and G score a Higher value for Native Plant Diversity. These wetlands' proximity to perennial vegetation, other wetlands (i.e. Wetlands B and C), and the lack of regular disturbance (yearly or less) are likely the reasons why this value scores Higher; however, these wetlands are planted in agricultural monocrops with grasses that are not native; as such, this value may be considered artificially high.

Other functions and/or values only provide low or moderate functions or values. The functions and values lost at the development site will be replaced by the purchase of wetland credits at the wetland mitigation bank, which will ensure that the functions are replaced from a regional perspective. Providing local replacement values from a mitigation bank will include the replacement of higher functions and values on site.

The applicant has chosen to provide mitigation through the purchase of mitigation bank credits, rather than onsite, because there is a lack of hydrology at the development site for wetland creation, and because the wetlands are not locally important. As defined in OAR 141-085-0510 (55) *"Locally Important" means having a high level of both function and value, as determined by the function and value assessment method being applied, or as a result of the Department's review of public comments or the Department's investigations*. Although Nitrate Removal & Retention does have both a high function and a high value, this appears to be artificially high because, as stated above, this wetland is a "saturated-only" wetland that is regularly disturbed by agricultural activities.

As stated above, mitigation for impacts to wetland will be achieved through the purchase of wetland mitigation credits at either the Mary's River or Mid-Valley Mitigation Banks, (8.99 acre wetland) for the adverse effects of this project on Wetlands B, C, E, F, and G, and Ditch 3. Both banks are located within same the HUC 6 (170900030108) watershed as the proposed impacts.

(C) Enhance, restore, create or preserve wetlands or tidal areas that are self-sustaining and minimize long-term maintenance needs

A mitigation bank is designed to be self-sustaining and should require very little long-term maintenance. Through DSL's mitigation bank approval process, DSL ensures that all mitigation banks are self-sustaining, and that long-term maintenance is minimized.

(D) Ensure the siting of CWM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the wetland types, functions, and values sought; connectivity to other habitats and protected resources; and the absence of contaminants or conflicting adjacent land uses that would compromise wetland functions

Through DSL's mitigation bank approval process, the applicant presumes that the siting of the Mary's River or Mid-Valley Mitigation Banks, and the determination of their service areas ensures that the banks are in ecologically suitable locations. The applicant also presumes that the approved mitigation banks' plans follow all of the principal objectives, are suitable for the location of the site and there are no conflicting land uses.

(E) Minimize temporal loss of wetlands and tidal waters and their functions and values

The purchase of 8.99 acres of PEM wetland credit at an approved mitigation bank prior to the issuance of DSL's permit ensures that there will be no temporal loss of wetlands, waters, or their functions and values.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: Mary's River or Mid-Valley

Type of credits to be purchased: PEM, Flats

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

Township	Range	Section	Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE*

☐ **Pre-printed mailing labels of adjacent property owners attached**

PROPERTY OWNERS

The following are the property owners of 17040500 TL 400; however, they have given Power of Attorney (POA) to Brent McLean to represent them in this matter, and all correspondence for this application should go to him See Attachment 6, for the signed POAs.

17040500 TL 400
Brent McLean, CCIM - Principal Broker
Eugene Commercial Real Estate
PO Box 41913
Eugene, OR 97404
Phone: 541-913-1031 – brentmcleancre@gmail.com
Licensed in the State of Oregon #780303861

Lydia Lane Kulus Intervivos
Revocable TR
PO Box 1029
Sisters, OR 97759

Stanton Ivy C
2321 Manada Trail
Leander, TX 78641

West Jill Jennings
PO Box 83
Prospect Harbor, ME 04669

Saltz Richard B Jr
PO Box 653
Ehrenberg, AZ 85334

17040500 TL 500
City of Eugene
Finance Department
100 W 10th Avenue Suite 400
Eugene, OR 97401

ADJACENT PROPERTY OWNERS

Parcel maps with the parcels numbered to correspond to the list of adjoining property owners below are in Attachment 7.

17040500 TL 500; 160433200 TL 600
CITY OF EUGENE
1 FINANCE DEPARTMENT
100 W 10TH AVENUE SUITE 400
EUGENE OR 97401

17040500 TL 300
JFO PROPERTIES LLC
2 2165 ELKHORN DRIVE
EUGENE OR 97408

17040500 TLs 3100, 3200
BLACHLY LANE
3 COUNTY ELECTRIC
90680 HWY 99 N
EUGENE OR 97402

17040500 TL 900
RICHARD C WILLIAMS
4 REV LIVING TRUST
PO BOX 2266
EUGENE OR 97402

17040500 TL 03000
LRJ PROPERTIES LLC
5 696 COUNTRY CLUB RD
EUGENE OR 97401

1604320000 TL 202
METROPOLITAN WASTEWATER
6 MGMT COMMISSION
225 5TH ST STE 101
SPRINGFIELD OR 97477

(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 (see comment section)

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

Local planning official name (print)	Title	City / County
JEFF GEPPER	Senior Planner	City of Eugene

Signature	Date
	9/27/2024

Comments: This proposal is permitted on the subject property as of November 6, 2024, upon which the annexation and automatic rezone for the subject property will be effective, per City Resolution 5423.Per Eugene Code 9.8760, a Traffic Impact Analysis must be approved (Type II Application Process) prior to the development of the site. Additionally, any necessary site development permits and building permits must be approved prior to development in accordance with the City's development standards, including, but not limited to, floodplain development standards. It is also noted that any wetlands located on the subject property are not locally protected under Eugene Code.

(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	$

Applicant Signature (required) Must match name in Block 2

Print Name	Title
Tom Nieswander	Authorized Representative
Signature: Nieswander, Tom @ Portland — Digitally signed by Nieswander, Tom @ Portland DN: CN="Nieswander, Tom @ Portland" Date: 2024.10.01 17:54:57-07'00'	Date: October 1, 2024

Authorized Agent Signature

Print Name	Title
John van Staveren	Senior Professional Wetland Scientist
Signature: John van Staveren — Digitally signed by John van Staveren DN: CN=John van Staveren, C=US, O=Pacific Habitat Services, E=jvs@pacifichabitat.com Reason: I am the author of this document Location: your signing location here Date: 2024.10.03 13:33:35-07'00' Foxit PDF Editor Version: 11.2.10	Date: October 3, 2024

Landowner Signature(s)*

Landowner of the Project Site (if different from applicant)

Print Name	Title
Brent McLean	Kulus Trust, Salt 31 POA Stanton + West
Signature	Date: 10-8-2024

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 (Attachment 1)**
  - ☒ Location map with roads identified
  - ☒ U.S.G.S. topographic map
  - ☒ Tax lot map
  - ☒ Site plan(s)
  - ☒ 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 5)
- ☒ Incumbency certificate if applicant is a partnership or corporation
- ☐ Restoration plan or rehabilitation plan for temporary impacts
- ☐ Mitigation plan
- ☒ Wetland functional assessment, if applicable **(Attachment 4)**
  - ☒ Cover Page
  - ☒ Score Sheets
  - ☒ ORWAP OR , F, T, & S forms
  - ☒ ORWAP Reports
  - ☒ Assessment Maps
  - ☒ ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- ☐ Stream Functional Assessment, 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 **(Attachment 5)**
- ☐ Alternatives analysis
- ☐ Biological assessment (if requested by Corps project manager during pre-application coordination)
- ☒ Stormwater management plan (may be required by the Corps or DEQ) **(Attachment 2)**
- ☒ Other: Please Describe:
  - ☒ **Attachment 3 – Removal and Fill Tables for Section 4F through 4I**
  - ☒ **Attachment 6 – Power of Attorney Documents for Landowners**
  - ☒ **Attachment 7 – Parcel Maps with Adjoining Property Owners numbered**

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

USACE Portland District
ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
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. Seventh Ave., Suite 105
Eugene, OR 97401-2722
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
503-986-5200

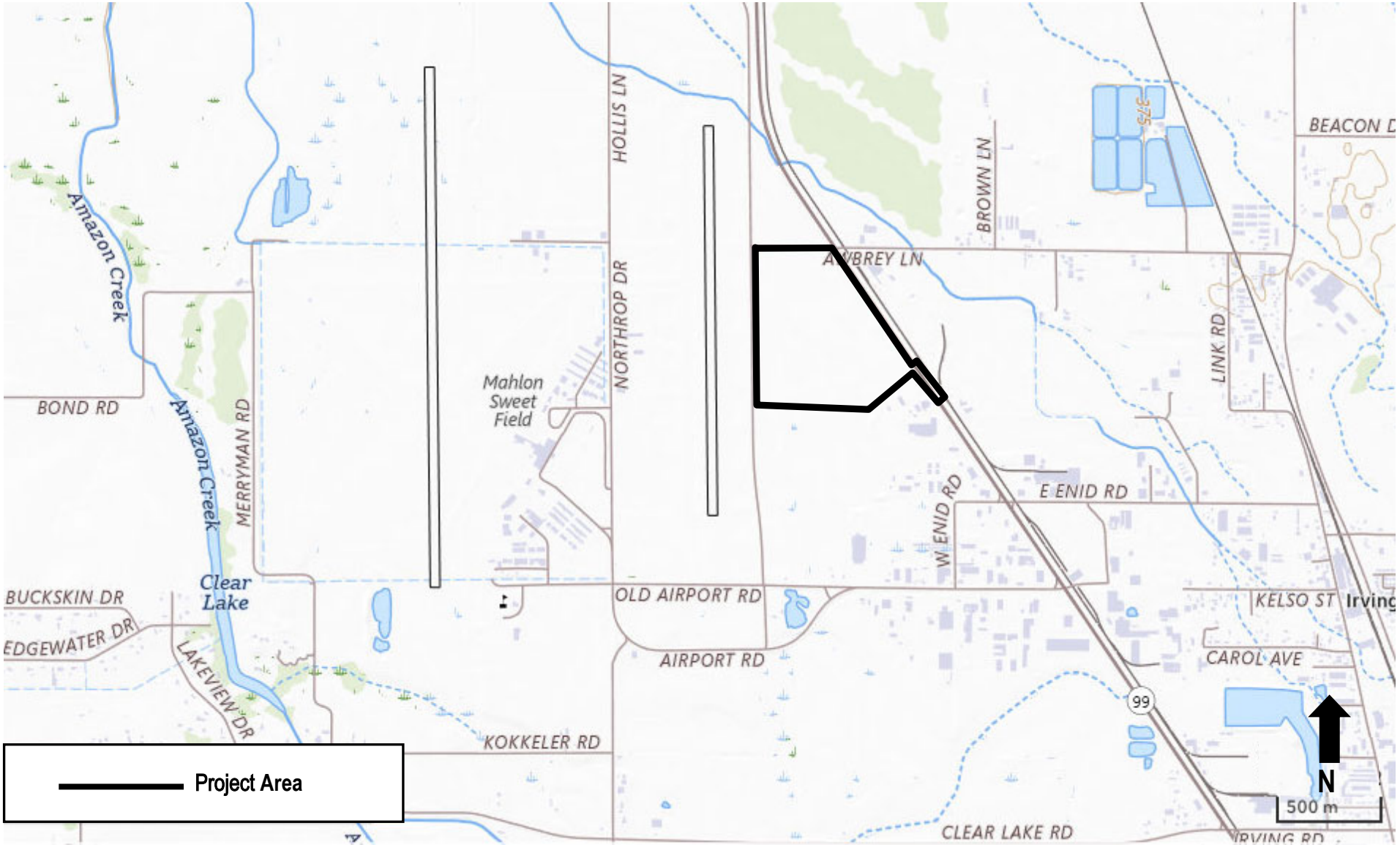
East of the Cascades:
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
541-388-6112

For Department of Environmental Quality email application to:

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

Attachment 1

Figures

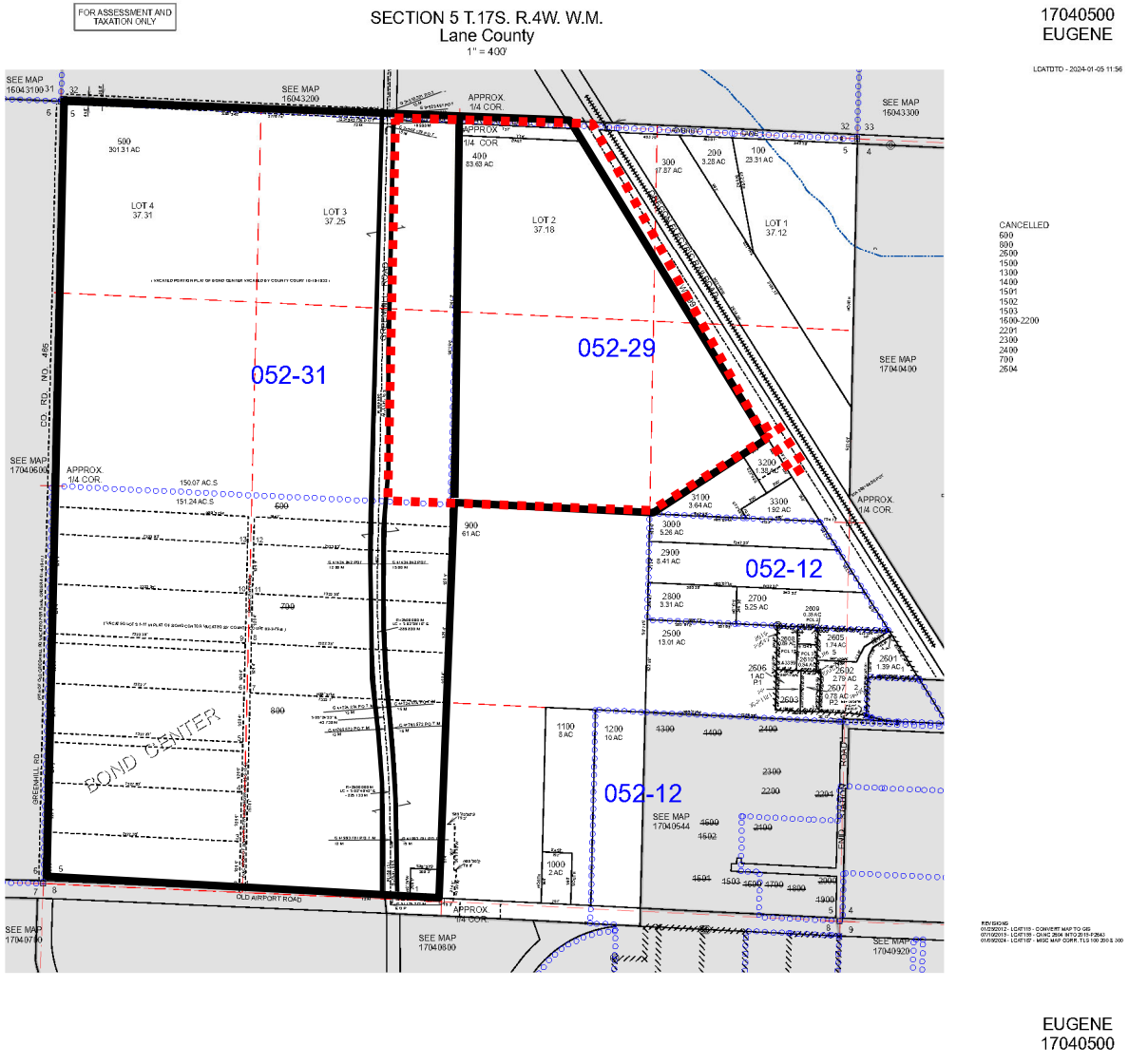


Project #7922
9/6/24

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

General Location and Topography
Clear Lake E-Commerce - Eugene, Oregon
United States Geological Survey (USGS) Eugene West and Junction City, Oregon 7.5 quadrangles, 2024
(apps.nationalmap.gov/downloader/)

FIGURE
1



Project #7922
9/6/2024

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Tax Lot Map
Clear Lake E-Commerce - Eugene, Oregon
The Oregon Map (ormap.net)

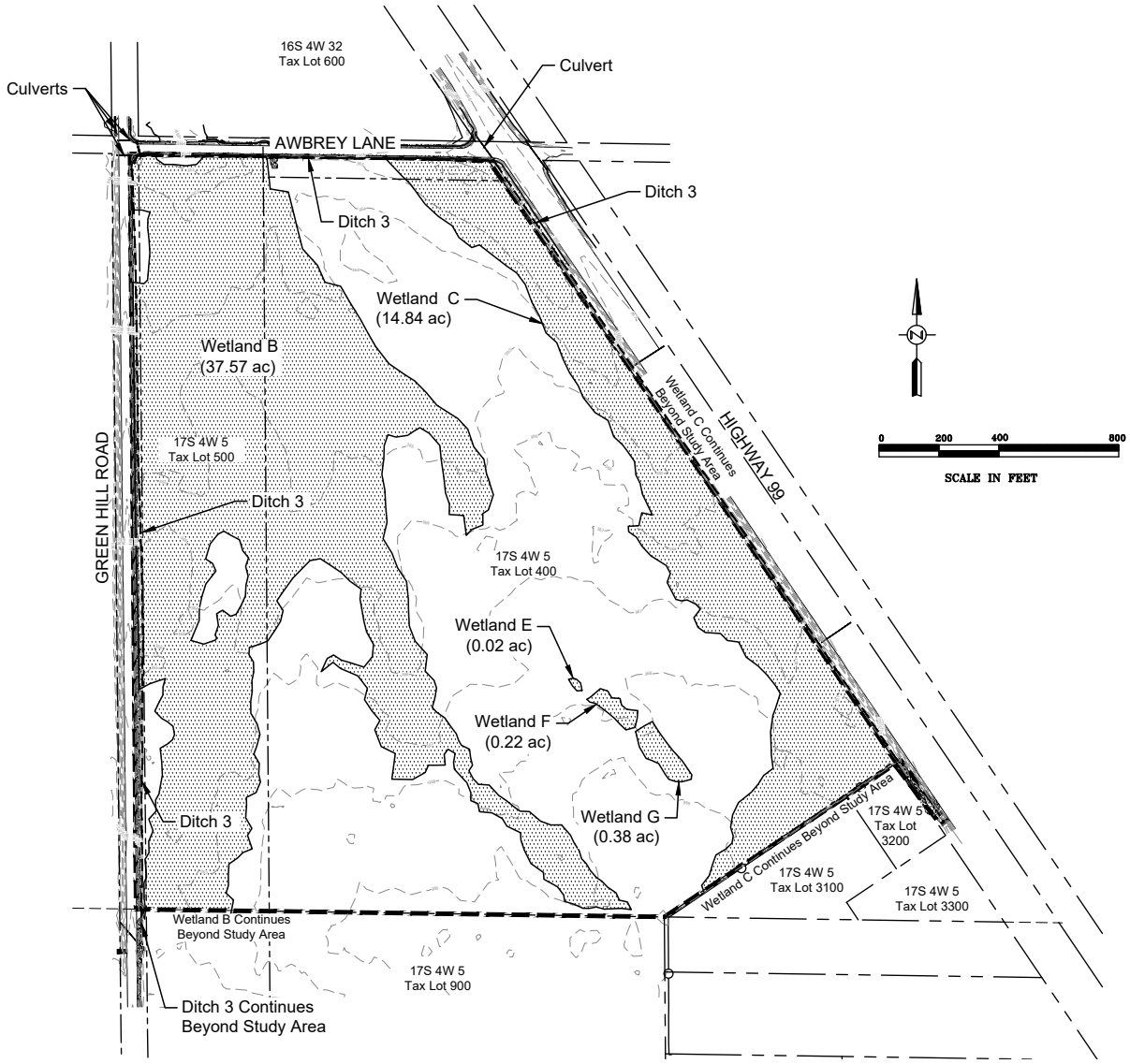
FIGURE
2

Project #7922
9/6/2024

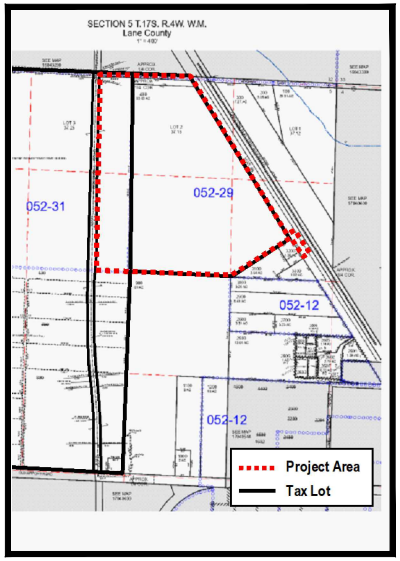
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Aerial Photo (April, 2024)
Clear Lake E-Commerce - Eugene, Oregon
GoogleEarth, 2024

FIGURE
3



Survey provided by KPFF



Tax Lot Context Map

LEGEND

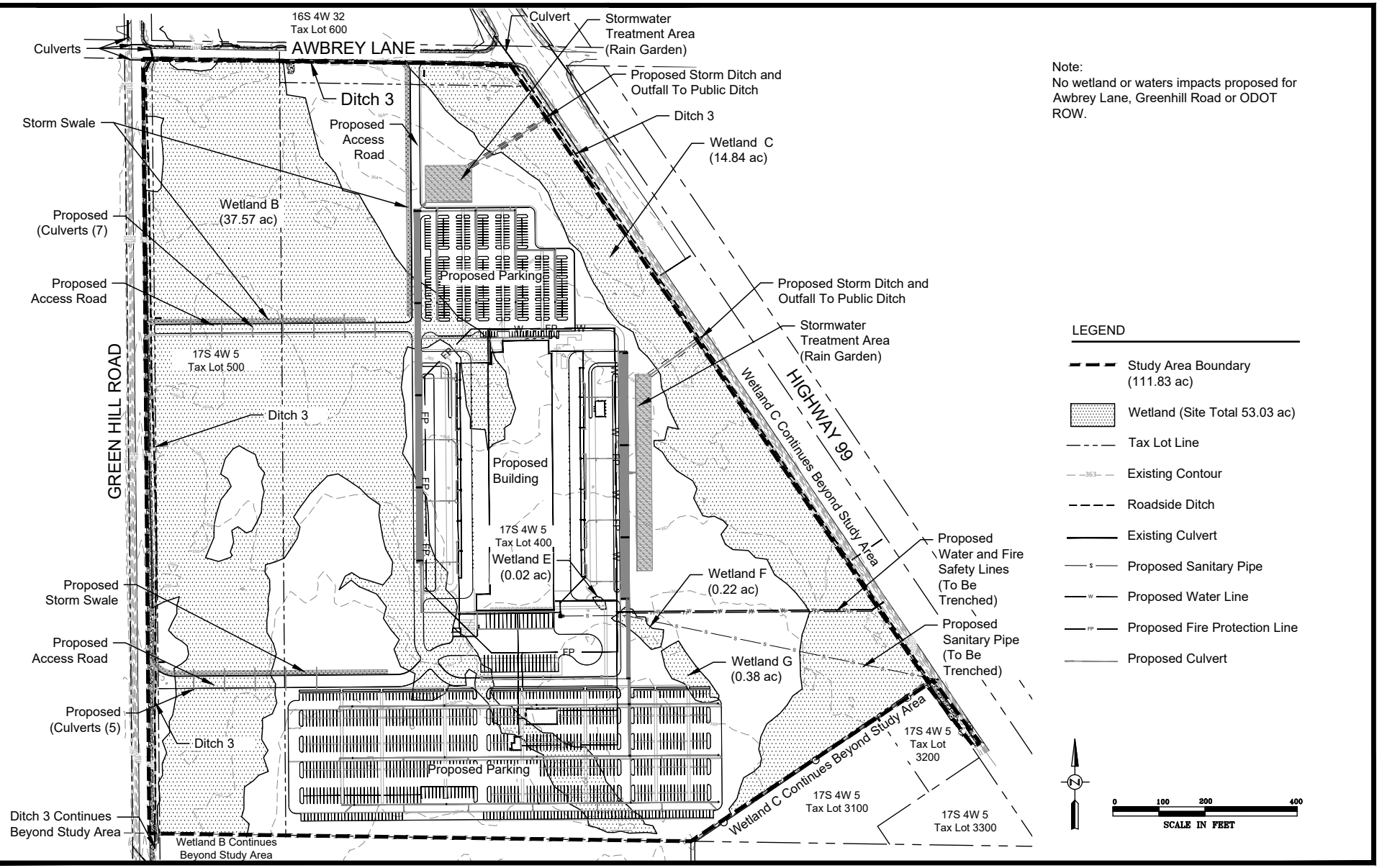
- Study Area Boundary (111.83 ac)
- Wetland (Site Total 53.03 ac)
- Tax Lot Line
- Existing Contour
- Roadside Ditch
- Existing Culvert

PHS
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Existing Conditions
Clear Lake E-Commerce - Eugene, Oregon

FIGURE
4

1-10-2025



Survey provided by KPFF

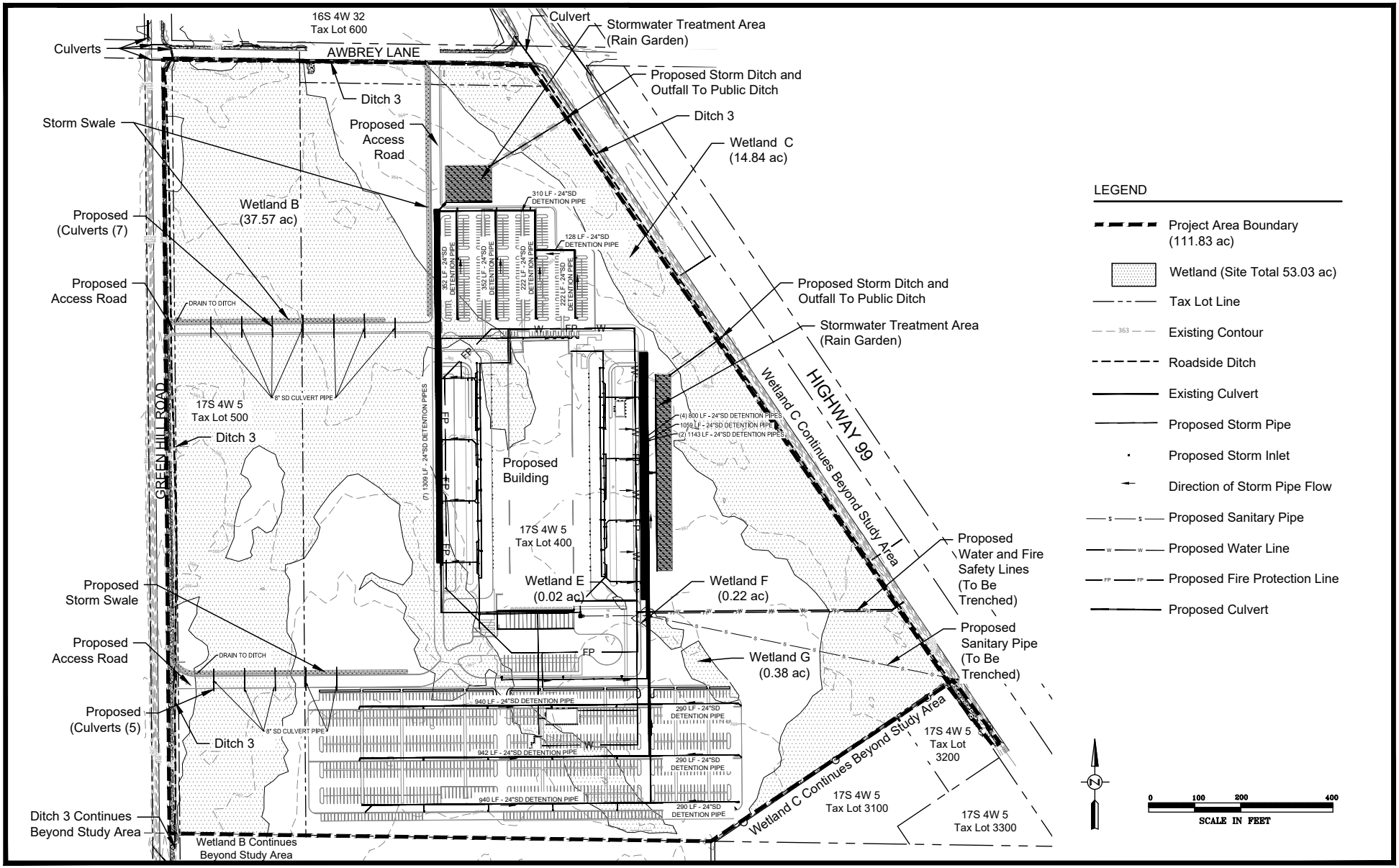
PHS
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Proposed Site Plan

Clear Lake E-Commerce - Eugene, Oregon

FIGURE
5

3-3-2025



Plan Provided by KPFF

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

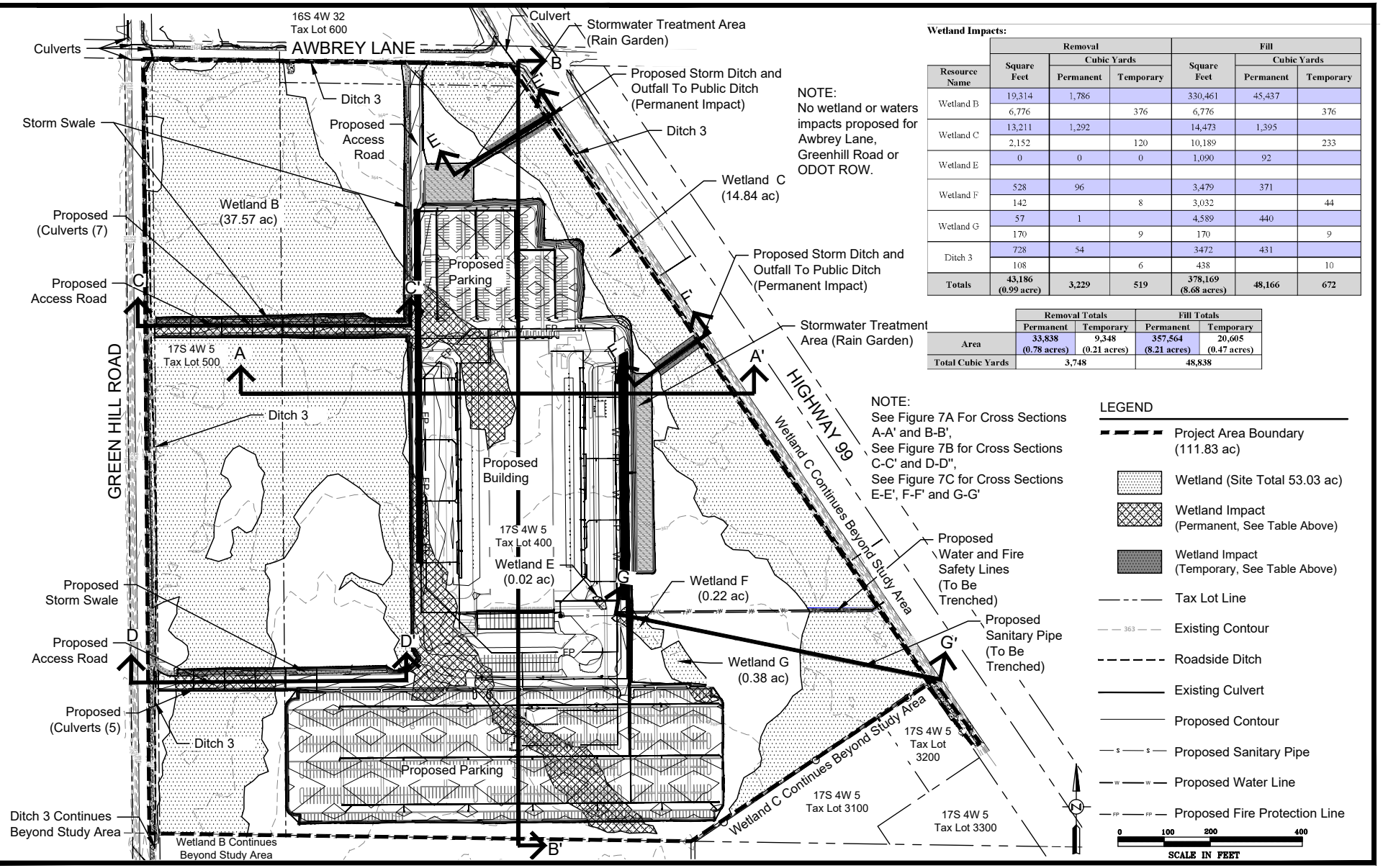
Storm Plan

Clear Lake E-Commerce - Eugene, Oregon

FIGURE 6

3-3-2025

X:\Project Directories\7900\7922 Awbrey Lane, Eugene\AutoCAD\Plot Dwg\JPA Figures\Fig6 StormPlan.dwg, 3/3/2025 10:05:01 AM, AutoCAD PDF (High Quality Print).pc3



NOTE:
No wetland or waters impacts proposed for Awbrey Lane, Greenhill Road or ODOT ROW.

Wetland Impacts:

Resource Name	Removal			Fill		
	Square Feet	Cubic Yards		Square Feet	Cubic Yards	
		Permanent	Temporary		Permanent	Temporary
Wetland B	19,314	1,786		330,461	45,437	
	6,776		376	6,776		376
Wetland C	13,211	1,292		14,473	1,395	
	2,152		120	10,189		233
Wetland E	0	0	0	1,090	92	
Wetland F	528	96		3,479	371	
	142		8	3,032		44
Wetland G	57	1		4,589	440	
	170		9	170		9
Ditch 3	728	54		3472	431	
	108		6	438		10
Totals	**43,186 (0.99 acre)**	**3,229**	**519**	**378,169 (8.68 acres)**	**48,166**	**672**

	Removal Totals		Fill Totals	
	Permanent	Temporary	Permanent	Temporary
Area	33,838 (0.78 acres)	9,348 (0.21 acres)	357,564 (8.21 acres)	20,605 (0.47 acres)
Total Cubic Yards	3,748		48,838	

Plan provided by KPFF

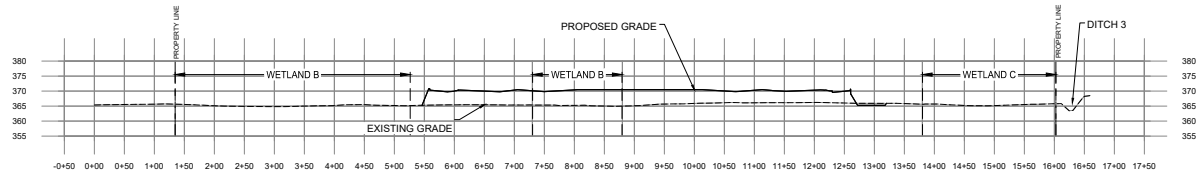
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Proposed Grading Plan, Wetland Impacts and Cross Section Locations
Clear Lake E-Commerce - Eugene, Oregon

FIGURE 7

3-3-2025

X:\Project Directories\7900\7922 Awbrey Lane, Eugene\AutoCAD\Plot Dwg\JPA Figures\Fig7 GradingPlan.dwg, 3/3/2025 10:34:06 AM, AutoCAD PDF (High Quality Print).pc3

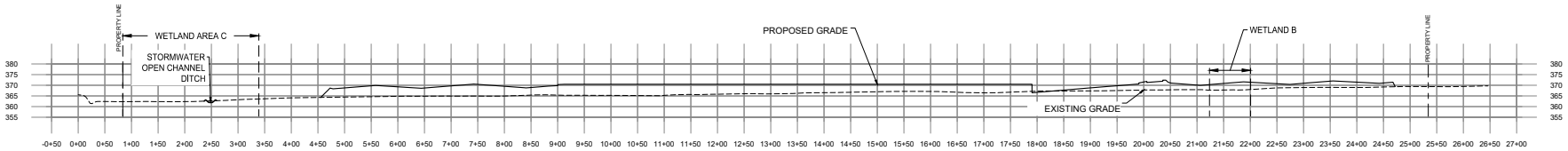


SECTION A-A' PROFILE

SCALE: HORIZ: 1" = 320'
VERT: 1" = 64'

0 160 320 640

SCALE IN FEET



SECTION B-B' PROFILE

SCALE: HORIZ: 1" = 320'
VERT: 1" = 64'

0 160 320 640

SCALE IN FEET

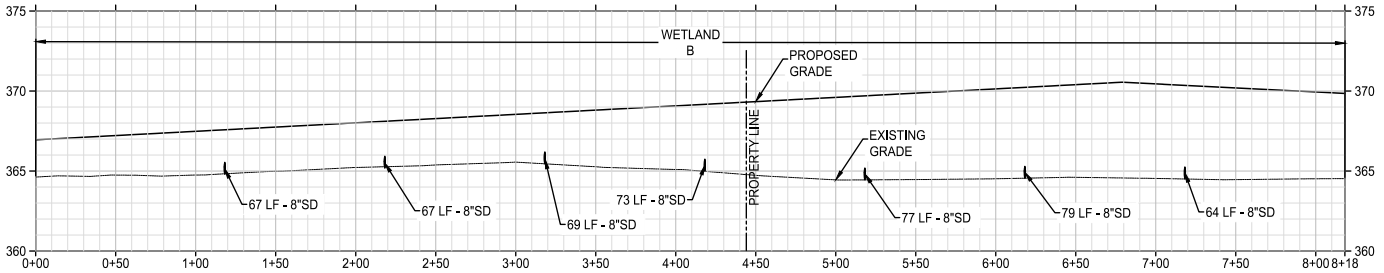
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Sections Provided by KPFF

Wetland Impact Cross Sections A-A' and B-B'
Clear Lake E-Commerce - Eugene, Oregon

FIGURE
7A

3-3-2025

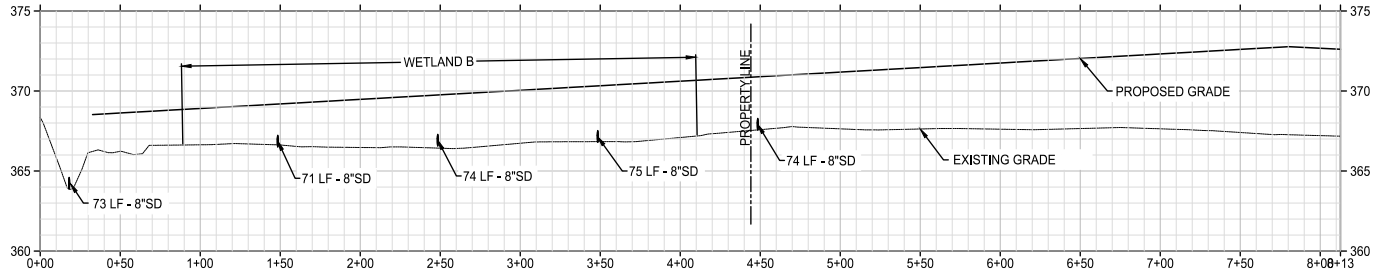


SECTION C-C' PROFILE

SCALE: HORIZ: 1" = 120'
VERT: 1" = 12'

0 60 120 240

SCALE IN FEET



SECTION D-D' PROFILE

SCALE: HORIZ: 1" = 120'
VERT: 1" = 12'

0 60 120 240

SCALE IN FEET

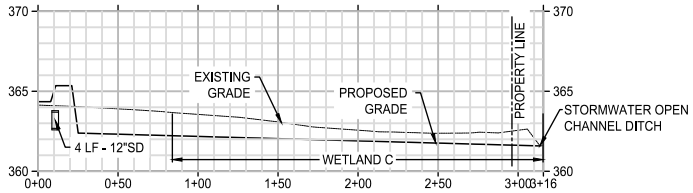
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Sections Provided by KPFF

Wetland Impact Cross Sections C-C' and D-D'
Clear Lake E-Commerce - Eugene, Oregon

FIGURE
7B

2-11-2025



SECTION E-E' PROFILE

SCALE: HORIZ: 1" = 120'
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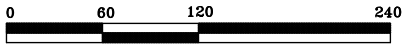
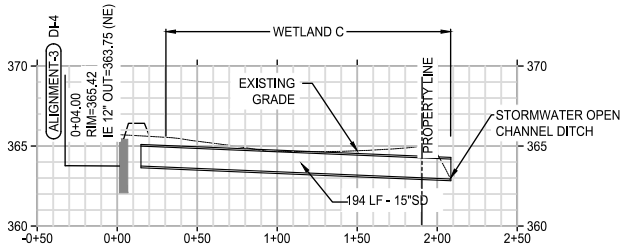
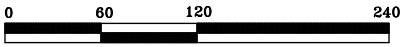


SCALE IN FEET



SECTION F-F' PROFILE

SCALE: HORIZ: 1" = 120'
VERT: 1" = 12'



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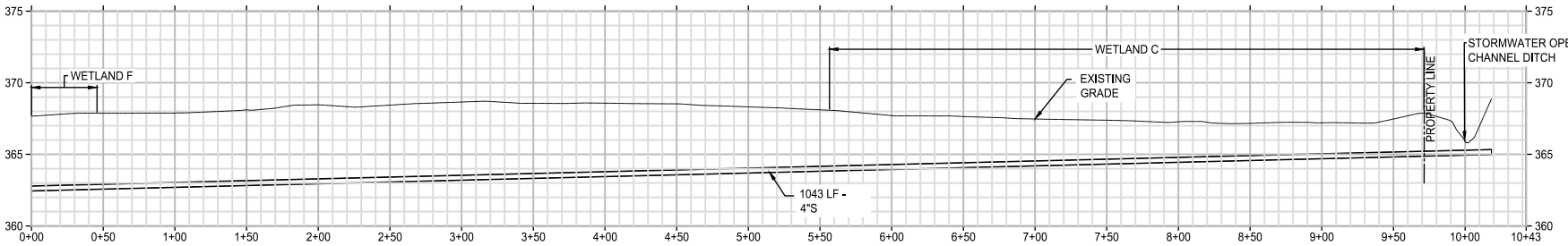

SECTION G-G' PROFILE

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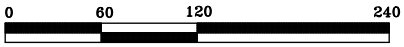


SCALE IN FEET

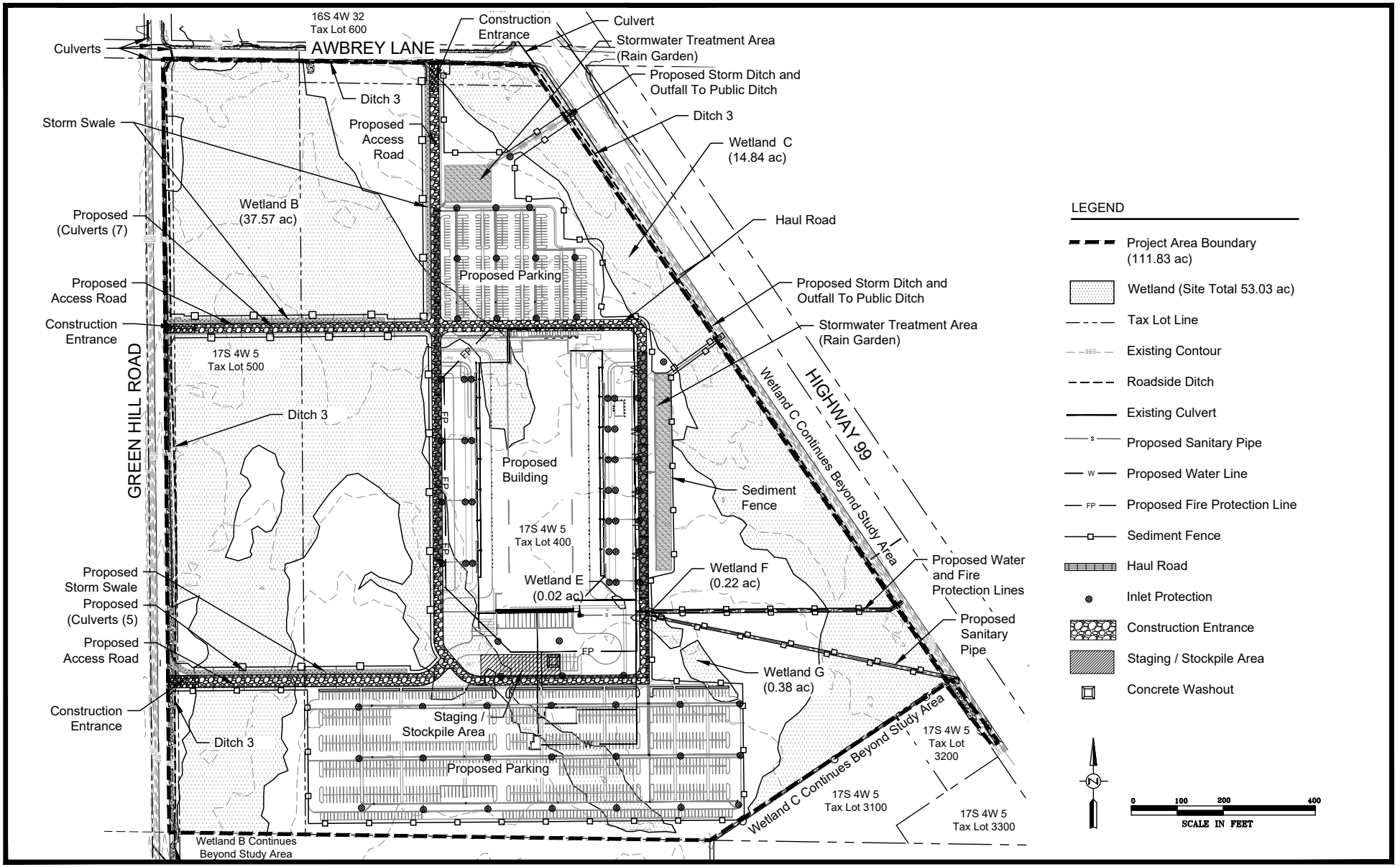
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Sections Provided by KPFF

Wetland Impact Cross Sections E-E', F-F' and G-G'
Clear Lake E-Commerce - Eugene, Oregon

FIGURE
7C

3-3-2025



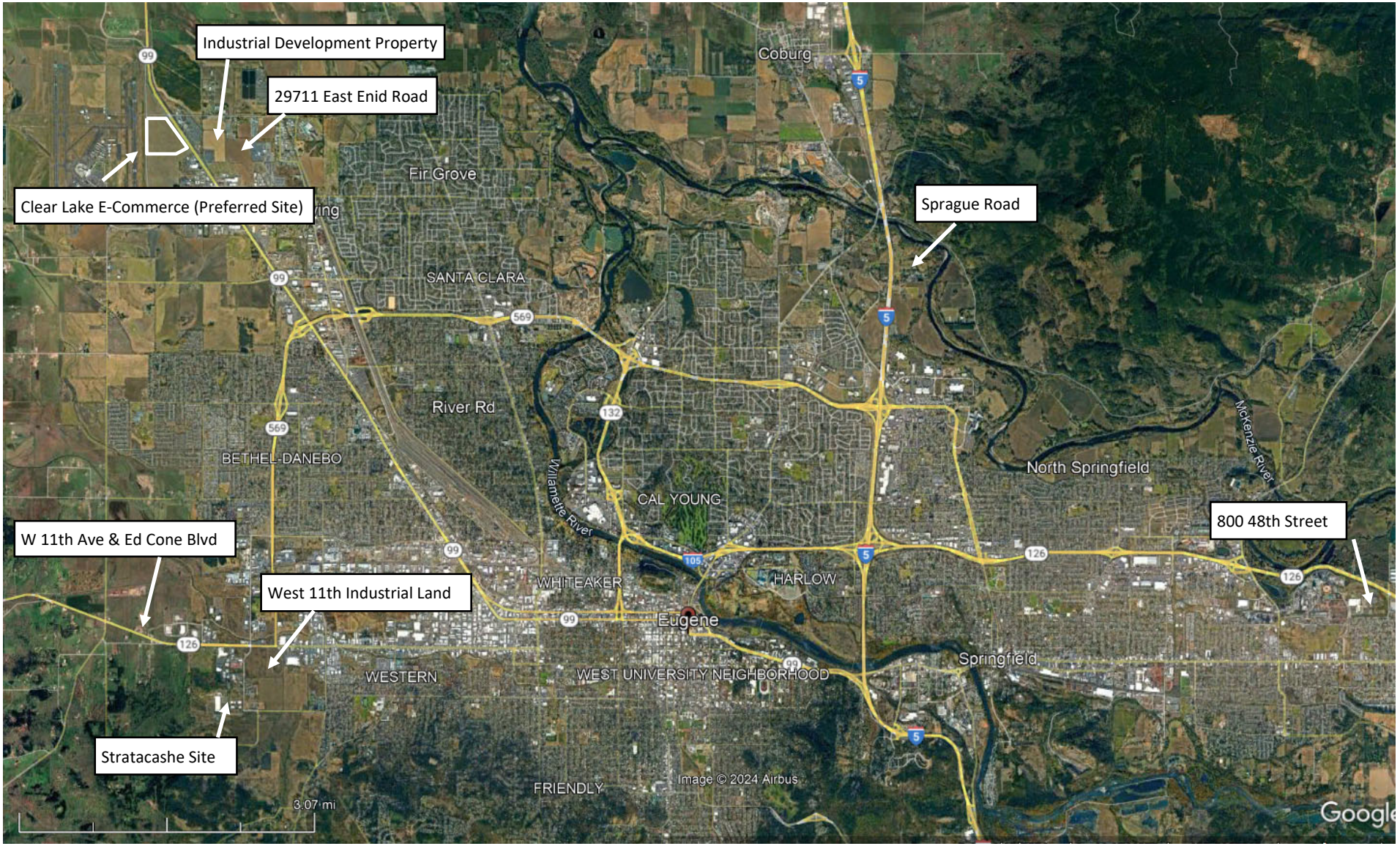
Plan Provided by KPFF

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Erosion and Sediment Control Plan
Clear Lake E-Commerce - Eugene, Oregon

FIGURE 8

3-3-2025

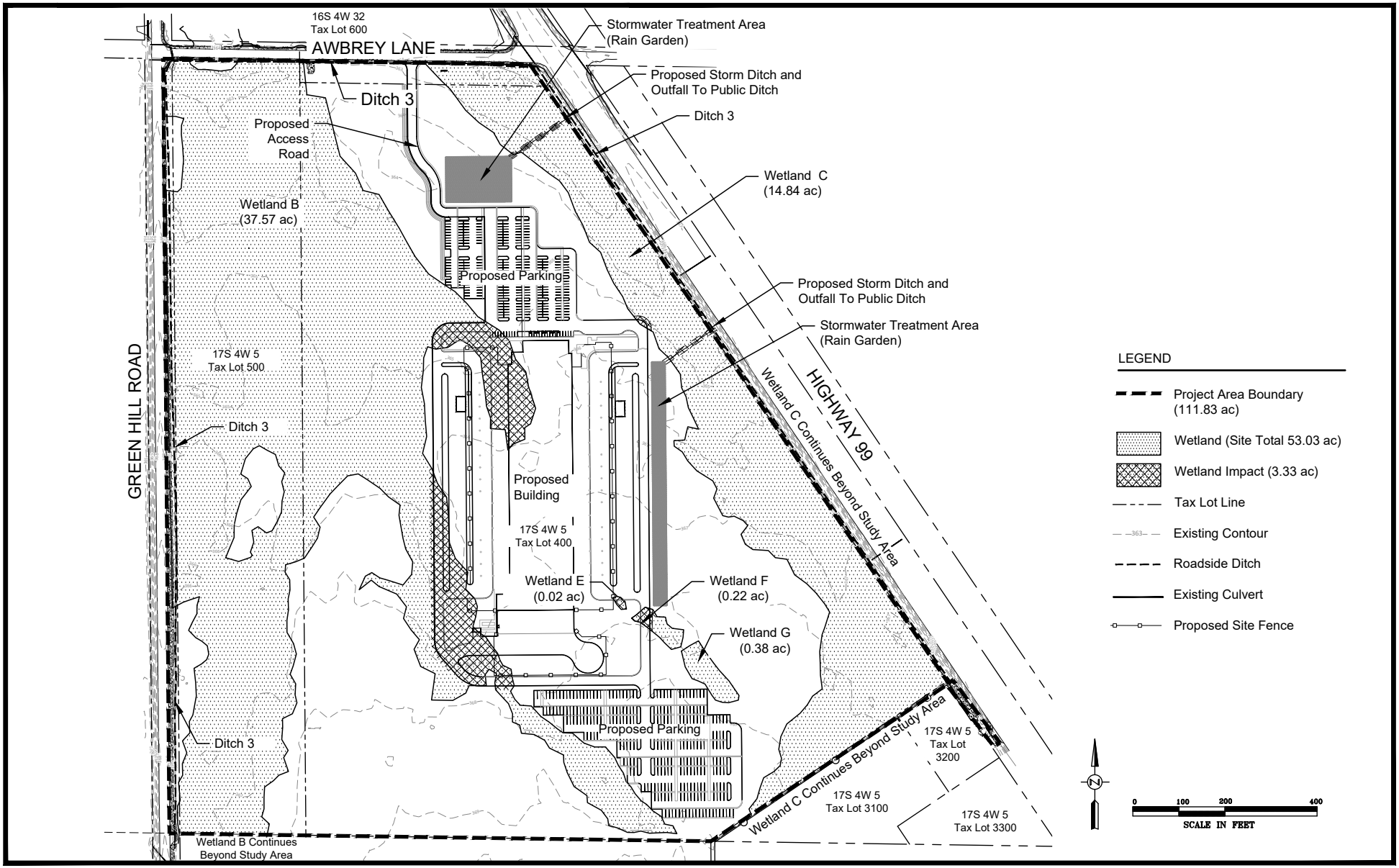


Project #7922
9/23/24

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Alternative Site Locations
Clear Lake E-Commerce - Eugene, OR
Google Earth, 9/23/24

FIGURE
9



Plan Provided by KPFF

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Alternative Site Plan

Clear Lake E-Commerce - Eugene, Oregon

FIGURE
10

10-4-2024

Attachment 2

Stormwater Plan
(Corps and DEQ Only)

Attachment 3

Removal/ Fill Tables
for Section 4F – 4I

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.) (varies)	**Width (ft.) (varies)**	**Depth (ft) (avg)**	**Area (sq. ft.)**	**Volume (c.y.)**		
Wetland B							
Grading for building, parking, drive aisle, and staging/stockpile area	43	0.41	0.03	18	0.02	Permanent	Native clay soil
Culverts (7 North access)	496	32.69	2.5	16,214	1,501	Permanent	Native clay soil
Culverts (5 south access, 3 in wetland)	220	14.01	2.5	3,082	285	Permanent	Native clay soil
Construction fencing/Sediment fencing/other temporary EC measures	3,388	2	1.5	6,776	376	Temporary	Native clay soil
Wetland C							
Grading for building, parking, and stormwater facilities	32	0.53	0.016	17	0.01	Permanent	Native clay soil
Storm Ditches & Outfalls	211	30	1.87	6,330	438	Permanent	Native clay soil
Trenching for SS line	415	10	3.60	4,150	553	Permanent	Native clay soil
Trenching for W/FP line	226	12	3	2,714	301	Permanent	Native clay soil
Construction fencing/Sediment fencing/other temporary EC measures	1,076	2	1.5	2,152	120	Temporary	Native clay soil
Wetland F							
Trenching for SS line	45.5	10	5.24	455	88	Permanent	Native clay soil
Trenching for W/FP line	6.5	11.25	3	73	8	Permanent	Native clay soil
Construction fencing/Sediment fencing/other temporary EC measures	71	2	1.5	142	8	Temporary	Native clay soil
Wetland G							
Grading for building/drive isle	20	2.86	0.25	57	1	Permanent	Native clay soil
Construction fencing/Sediment fencing/other temporary EC measures	85	2	1.50	170	9	Temporary	Native clay soil

F. Removal Volumes and Dimensions (continued)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to Remain**	Material***
	Length (ft.) (varies)	Width (ft.) (varies)	Depth (ft) (avg)	Area (sq. ft)	Volume (c.y.)		
Ditch 3 (Along Awbrey Lane, Greenhill Road, and Highway 99W)							
Storm Ditch & Outfalls along Highway 99W	28	18	2	504	37	Permanent	Native clay soil
Trenching for SS line	22	10.20	2	224	17	Permanent	Native clay soil
Construction fencing/Sediment fencing/other temporary EC measures	54	2	1.5	108	6	Temporary	Native clay soil

G. Total Removal Volumes and Dimensions

Total Removal to Wetland and Other Waters		Length (ft)	Area (sq. ft.)	Volume (c.y.)
Total Removal to Wetlands		6,439	43,186 (0.99 acres)	3,748
Total Removal Below Ordinary High Water		0	0	0
Total Removal Below Highest Measured Tide		0	0	0
Total Removal Below High Tide Line		0	0	0
Total Removal Below Mean High Water Tidal Elevation		0	0	0

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.) (varies)	**Width (ft.) (varies)**	**Depth (ft) (avg)**	**Area (sq. ft.)**	**Volume (c.y.)**		
Wetland B							
Grading for building and parking areas	1,725	131.82	3.975	227,383	33,476	Permanent	¾ Inch Minus Engineered Fill
Grading for 2 access roads (from Green Hill Road)	1,143	73.3	3.279	83,782	10,175	Permanent	¾ Inch Minus Engineered Fill
Culverts (7 North access)	496	32.69	2.5	16,214	1,501	Permanent	¾ Inch Minus Engineered Fill CMP
Culverts (5 south access)	220	14.01	2.5	3,082	285	Permanent	¾ Inch Minus Engineered Fill CMP
Construction fencing/Sediment fencing/other temporary EC measures	3,388	2	1.5	6,776	376	Temporary	Native clay soil
Wetland C							
Grading for building and parking areas	82.12	33	1.295	2,710	130	Permanent	¾ Inch Minus Engineered Fill
Grading for access Roads (Awbrey Lane)	27.5	26.6	1.66	732	45	Permanent	¾ Inch Minus Engineered Fill
Storm Ditches & Outfalls	208.35	20	2.365	4,167	365	Permanent	¾ Inch Minus Engineered Fill
Trenching for SS line	415	10	3.6	4,150	553	Permanent	¾ Inch Minus Trench Fill PVC
Trenching for W/FP line	226.16	12	3	2,714	302	Permanent	¾ Inch Minus Trench Fill DI
Side cast/matting for SS line (Temporary Impacts)	415	10	0.333	4,150	51	Temporary	Jute Matting
Side cast/matting for W/FP line (Temporary Impacts)	226	12	0.333	2,712	33	Temporary	Jute Matting
Construction Entrance for 1 access road (Temporary Impacts)	83.93	14	0.67	1,175	29	Temporary	3” Inch Minus Aggregate Base
Construction fencing/Sediment fencing/other temporary EC measures	1,076	2	1.5	2,152	120	Temporary	Native clay soil

H. Fill Volumes and Dimensions (continued)

Wetland / Waterbody Name *	Fill Dimensions					Time Fill is to Remain**	Material***
	Length (ft.) (varies)	Width (ft.) (varies)	Depth (ft) (avg)	Area (sq. ft.)	Volume (c.y.)		
Wetland E							
Grading for building/drive isle (Presume no temporary impacts for this wetland)	48	22.7	2.27	1,090	92	Permanent	¾ Inch Minus Engineered Fill
Wetland F							
Grading for building/drive isle	60	49.18	2.516	2,951	275	Permanent	¾ Inch Minus Engineered Fill
Trenching for SS line	45.5	10	5.24	455	88	Permanent	¾ Inch Minus Trench Fill PVC
Trenching for W/FP line	6.5	11.25	3	73	8	Permanent	¾ Inch Minus Trench Fill DI
Side cast/matting for SS line (Temporary Impacts)	223	10	0.333	2,230	28	Temporary	Jute Matting
Side cast/matting for W/FP line (Temporary Impacts)	55	12	0.333	660	8	Temporary	Jute Matting
Construction fencing/Sediment fencing/other temporary EC measures	71	2	1.5	142	8	Temporary	Native clay soil
Wetland G							
Grading for building/drive isle	70	65.55	2.59	4,589	440	Permanent	¾ Inch Minus Engineered Fill
Construction fencing/sediment fencing/other temporary EC measures	85	2	1.5	170	9	Temporary	Native clay soil
Ditch 3 (Along Awbrey Lane, Greenhill Road, and Highway 99W)							
Access Road crossing/culvert at Awbrey Lane	91	8	2	871	54	Permanent	¾ Inch Minus Engineered Fill
Two Access Roads crossing/culvert at Green Hill Road	79	19	4	1,873	222	Permanent	¾ Inch Minus Engineered Fill
Storm Ditch & Outfalls along Highway 99W	28	18	7.41	504	138	Permanent	¾ Inch Minus Engineered Fill
Trenching for SS line	22	10.2	2	224	17	Permanent	¾ Inch Minus Trench Fill PVC

H. Fill Volumes and Dimensions (continued)

Wetland / Waterbody Name *	Fill Dimensions					Time Fill is to Remain**	Material***
	Length (ft.) (varies)	Width (ft.) (varies)	Depth (ft) (avg)	Area (sq. ft.)	Volume (c.y.)		
Ditch 3 (Along Awbrey Lane, Greenhill Road, and Highway 99W) (Continued)							
Side cast/matting for SS line (Temporary Impacts)	33	10	0.33	330	4	Temporary	Jute Matting
Construction fencing/Sediment fencing/other temporary EC measures	54	2	1.5	108	6	Temporary	Native clay soil

I. Total Fill Volumes and Dimensions

Total Fill to Wetland and Other Waters		Length (ft)	Area (sq. ft.)	Volume (c.y.)
Total Fill to Wetlands		10,703	378,169 (8.68 acres)	48,838
Total Fill Below Ordinary High Water		0	0	0
Total Fill Below Highest Measured Tide		0	0	0
Total Fill Below High Tide Line		0	0	0
Total Fill Below Mean High Water Tidal Elevation		0	0	0

* 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.)

Attachment 4

Wetland Functional Assessment (ORWAP)

Oregon Rapid Wetland Assessment (ORWAP) V.3.2.*	Cover Page: Basic Description of Assessment
Site Name:	Clear Lake E-Commerce - Wetlands B and C
Investigator Name:	**Shawn Eisner; Miranda Geller;Amy Hawkins; Carlee Michelson; Alex Sherman**
Date of Field Assessment:	May 20 - 21, 2024
County:	Lane
Nearest Town:	Eugene
Latitude (decimal degrees):	44.124447°
Longitude (decimal degrees):	-123.196953°
TRS, quarter/quarter section and tax lot(s):	17S 4W SEC5 TLs 400; portion of 500
Approximate size of the Assessment Area (AA, in acres):	52 acres
AA as percent of entire wetland (approx.). Attach sketch map if AA is smaller than the entire contiguous wetland.	80%
If delineated, DSL file number (WD #) if known:	WD2024-0478
Cowardin Systems & Classes (indicate all present, based on field visit and/or aerial imagery): Systems: Palustrine =P, Riverine =R, Lacustrine =L, Estuarine =E Classes: Emergent =EM, Scrub-Shrub =SS, Forested =FO, Aquatic Bed (incl. SAV) =AB, Open Water =OW, Unconsolidated Bottom =UB, Unconsolidated Shore =US	PEM
Predominant HGM Class: Estuarine=E, Lacustrine=L, Riverine=R, S= Slope, F= Flats, D= Depressional	Flats
Soil Unit Mapped in Most of the AA:	Awbrig silty clay loam
If tidal, the tidal phase during most of visit:	n/a
What percent (approximate) of the **wetland** were you able to visit?	80
What percent (approximate) of the **AA** were you able to visit?	100
Have you attended an ORWAP training session? If so, indicate approximate month & year.	August 5-7, 2009
How many wetlands have you assessed previously using ORWAP (approximate)?	100+
Comments about the site or this ORWAP assessment (attach extra page if desired):	Two large agriculture wetlands fed predominently by groundwater and precipitation. Wetlands drain to roadside ditches.

ORWAP V.3.2 Site Name:	**Clear Lake E-Commerce - Wetlands B and C**
Investigator Name:	**Shawn Eisner; Miranda Geller;Amy Hawkins; Carlee Michelson; Alex Sherman**
Date of Field Assessment:	**May 20 - 21, 2024**

Scores will appear below after data are entered in worksheets OF, F, T, and S. See Manual for definitions and descriptions of how scores were computed and ratings assigned.

Normalized Scores & Ratings for this Assessment Area (AA):

Specific Functions or Values:	**Function** Score	Function Rating	Rating Break Proximity	**Values** Score	Values Rating	Rating Break Proximity	Function Score (raw)	Values Score (raw)
Water Storage & Delay (WS)	8.13	Higher	MH	0.00	Lower		8.13	0.00
Sediment Retention & Stabilization (SR)	6.18	Moderate	MH	5.44	Moderate	MH	6.35	4.14
Phosphorus Retention (PR)	0.64	Lower		3.17	Moderate	LM	1.01	2.64
Nitrate Removal & Retention (NR)	4.13	Moderate	LM	10.00	Higher		5.26	10.00
Anadromous Fish Habitat (FA)	0.00	Lower		0.00	Lower		0.00	0.00
Resident Fish Habitat (FR)	0.00	Lower		0.00	Lower		0.00	0.00
Amphibian & Reptile Habitat (AM)	6.33	Moderate	MH	6.67	Moderate	MH	5.73	6.67
Waterbird Nesting Habitat (WBN)	8.43	Higher		3.11	Moderate		6.99	3.11
Waterbird Feeding Habitat (WBF)	7.45	Higher		4.17	Moderate		6.72	4.17
Aquatic Invertebrate Habitat (INV)	1.19	Lower		2.44	Lower		3.64	2.94
Songbird, Raptor, Mammal Habitat (SBM)	4.97	Moderate		4.00	Moderate		6.29	4.00
Water Cooling (WC)	2.22	Lower	LM	0.00	Lower		1.94	0.00
Native Plant Diversity (PD)	5.72	Moderate	MH	6.67	Moderate	MH	5.13	6.67
Pollinator Habitat (POL)	5.43	Moderate		4.23	Moderate		4.74	3.42
Organic Nutrient Export (OE)	4.42	Moderate					3.91	
Carbon Sequestration (CS)	2.82	Lower					3.12	
Public Use & Recognition (PU)				3.55	Lower	LM		4.14

Other Attributes:	Score	Rating	Rating Break Proximity		
Wetland Sensitivity (SEN)	1.84	Lower	LM		4.19
Wetland Ecological Condition (EC)	1.59	Lower			3.33
Wetland Stressors (STR)	4.60	Moderate			4.24

GROUPS	Selected Function	Function Rating	Rating Break Proximity	Values Rating	Rating Break Proximity
Hydrologic Function (WS)	Water Storage & Delay (WS)	Higher	MH	Lower	
Water Quality Support (SR, PR, or NR)	Nitrate Removal & Retention (NR)	Moderate	LM	Higher	
Fish Habitat (FA or FR)	Anadromous Fish Habitat (FA)	Lower		Lower	
Aquatic Habitat (AM, WBF, or WBN)	Waterbird Nesting Habitat (WBN)	Higher		Moderate	
Ecosystem Support (WC, INV, PD, POL, SBM, or OE)	Songbird, Raptor, Mammal Habitat (SBM)	Moderate		Moderate	

NOTE: A score of 0 does not always mean the function or value is absent from the wetland. It usually means that this wetland has equal or less capacity than the lowest-scoring one, for that function or value, from among the 200 calibration wetlands that were assessed previously by Oregon Department of State Lands.

Oregon Rapid Wetland Assessment (ORWAP) V.3.2.*	Cover Page: Basic Description of Assessment
Site Name:	Clear Lake E-Commerce - Wetlands E, F, and G
Investigator Name:	**Shawn Eisner; Miranda Geller;Amy Hawkins; Carlee Michelson; Alex Sherman**
Date of Field Assessment:	May 20 - 21, 2024
County:	Lane
Nearest Town:	Eugene
Latitude (decimal degrees):	44.124447°
Longitude (decimal degrees):	-123.196953°
TRS, quarter/quarter section and tax lot(s):	17S 4W SEC5 TLs 400; portion of 500
Approximate size of the Assessment Area (AA, in acres):	0.62 acres
AA as percent of entire wetland (approx.). Attach sketch map if AA is smaller than the entire contiguous wetland.	100%
If delineated, DSL file number (WD #) if known:	WD2024-0478
Cowardin Systems & Classes (indicate all present, based on field visit and/or aerial imagery): Systems: Palustrine =P, Riverine =R, Lacustrine =L, Estuarine =E Classes: Emergent =EM, Scrub-Shrub =SS, Forested =FO, Aquatic Bed (incl. SAV) =AB, Open Water =OW, Unconsolidated Bottom =UB, Unconsolidated Shore =US	PEM
Predominant HGM Class: Estuarine=E, Lacustrine=L, Riverine=R, S= Slope, F= Flats, D= Depressional	Flats
Soil Unit Mapped in Most of the AA:	Awbrig silty clay loam
If tidal, the tidal phase during most of visit:	n/a
What percent (approximate) of the **wetland** were you able to visit?	100
What percent (approximate) of the **AA** were you able to visit?	100
Have you attended an ORWAP training session? If so, indicate approximate month & year.	August 5-7, 2009
How many wetlands have you assessed previously using ORWAP (approximate)?	100+
Comments about the site or this ORWAP assessment (attach extra page if desired):	3 small, isolated, agriculture wetlands have been grouped together.

ORWAP V.3.2 Site Name:	**Clear Lake E-Commerce - Wetlands E, F, and G**
Investigator Name:	**Shawn Eisner; Miranda Geller;Amy Hawkins; Carlee Michelson; Alex Sherman**
Date of Field Assessment:	**May 20 - 21, 2024**

Scores will appear below after data are entered in worksheets OF, F, T, and S. See Manual for definitions and descriptions of how scores were computed and ratings assigned.

Normalized Scores & Ratings for this Assessment Area (AA):

Specific Functions or Values:	**Function** Score	Function Rating	Rating Break Proximity	**Values** Score	Values Rating	Rating Break Proximity	Function Score (raw)	Values Score (raw)
Water Storage & Delay (WS)	10.00	Higher		0.00	Lower		10.00	0.00
Sediment Retention & Stabilization (SR)	5.30	Moderate		5.16	Moderate		5.52	3.93
Phosphorus Retention (PR)	10.00	Higher		3.47	Moderate	LM	10.00	2.88
Nitrate Removal & Retention (NR)	10.00	Higher		10.00	Higher		10.00	10.00
Anadromous Fish Habitat (FA)	0.00	Lower		0.00	Lower		0.00	0.00
Resident Fish Habitat (FR)	0.00	Lower		0.00	Lower		0.00	0.00
Amphibian & Reptile Habitat (AM)	7.02	Higher	MH	6.67	Moderate	MH	6.36	6.67
Waterbird Nesting Habitat (WBN)	8.87	Higher		2.56	Moderate		7.36	2.56
Waterbird Feeding Habitat (WBF)	7.80	Higher		3.33	Moderate		7.03	3.33
Aquatic Invertebrate Habitat (INV)	2.59	Lower		2.50	Lower		4.51	2.99
Songbird, Raptor, Mammal Habitat (SBM)	5.21	Moderate		3.33	Lower		6.46	3.33
Water Cooling (WC)	2.22	Lower	LM	0.00	Lower		1.94	0.00
Native Plant Diversity (PD)	6.61	Higher	MH	6.67	Moderate	MH	5.93	6.67
Pollinator Habitat (POL)	5.56	Moderate		3.61	Moderate		4.85	2.92
Organic Nutrient Export (OE)	0.00	Lower					0.00	
Carbon Sequestration (CS)	3.74	Lower	LM				3.74	
Public Use & Recognition (PU)				3.21	Lower			3.85

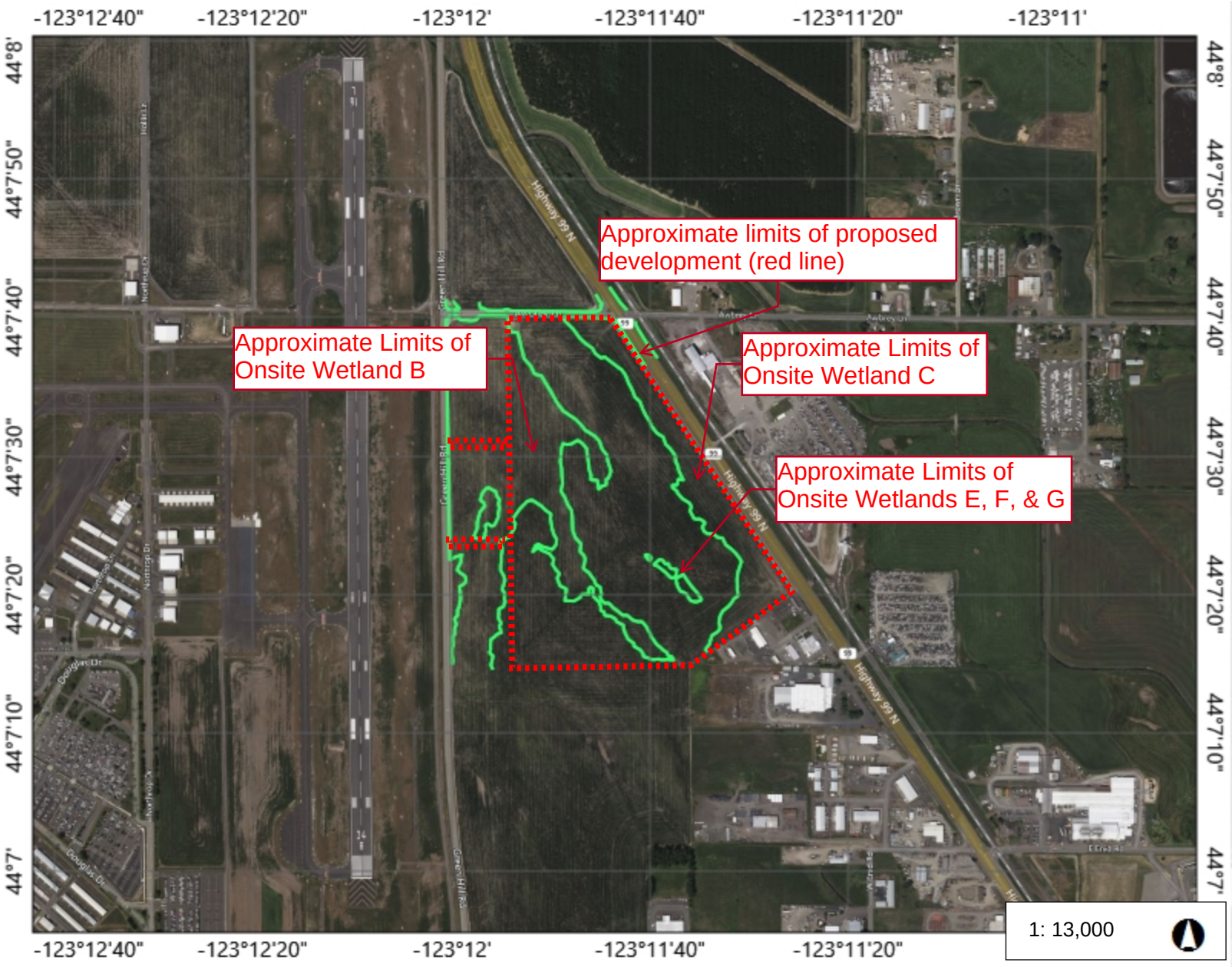
Other Attributes:	Score	Rating	Rating Break Proximity		
Wetland Sensitivity (SEN)	1.74	Lower	LM		4.12
Wetland Ecological Condition (EC)	1.59	Lower			3.33
Wetland Stressors (STR)	3.07	Moderate	LM		2.82

GROUPS	Selected Function	Function Rating	Rating Break Proximity	Values Rating	Rating Break Proximity
Hydrologic Function (WS)	Water Storage & Delay (WS)	Higher		Lower	
Water Quality Support (SR, PR, or NR)	Nitrate Removal & Retention (NR)	Higher		Higher	
Fish Habitat (FA or FR)	Anadromous Fish Habitat (FA)	Lower		Lower	
Aquatic Habitat (AM, WBF, or WBN)	Amphibian & Reptile Habitat (AM)	Higher	MH	Moderate	MH
Ecosystem Support (WC, INV, PD, POL, SBM, or OE)	Native Plant Diversity (PD)	Higher	MH	Moderate	MH

NOTE: A score of 0 does not always mean the function or value is absent from the wetland. It usually means that this wetland has equal or less capacity than the lowest-scoring one, for that function or value, from among the 200 calibration wetlands that were assessed previously by Oregon Department of State Lands.

OREGON EXPLORER

Clear Lake E-Commerce



Legend

States & Provinces

- Other States and Provinces
- Oregon

1: 13,000

Figure A - Aerial Photo

0.4 0 0.21 0.4 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

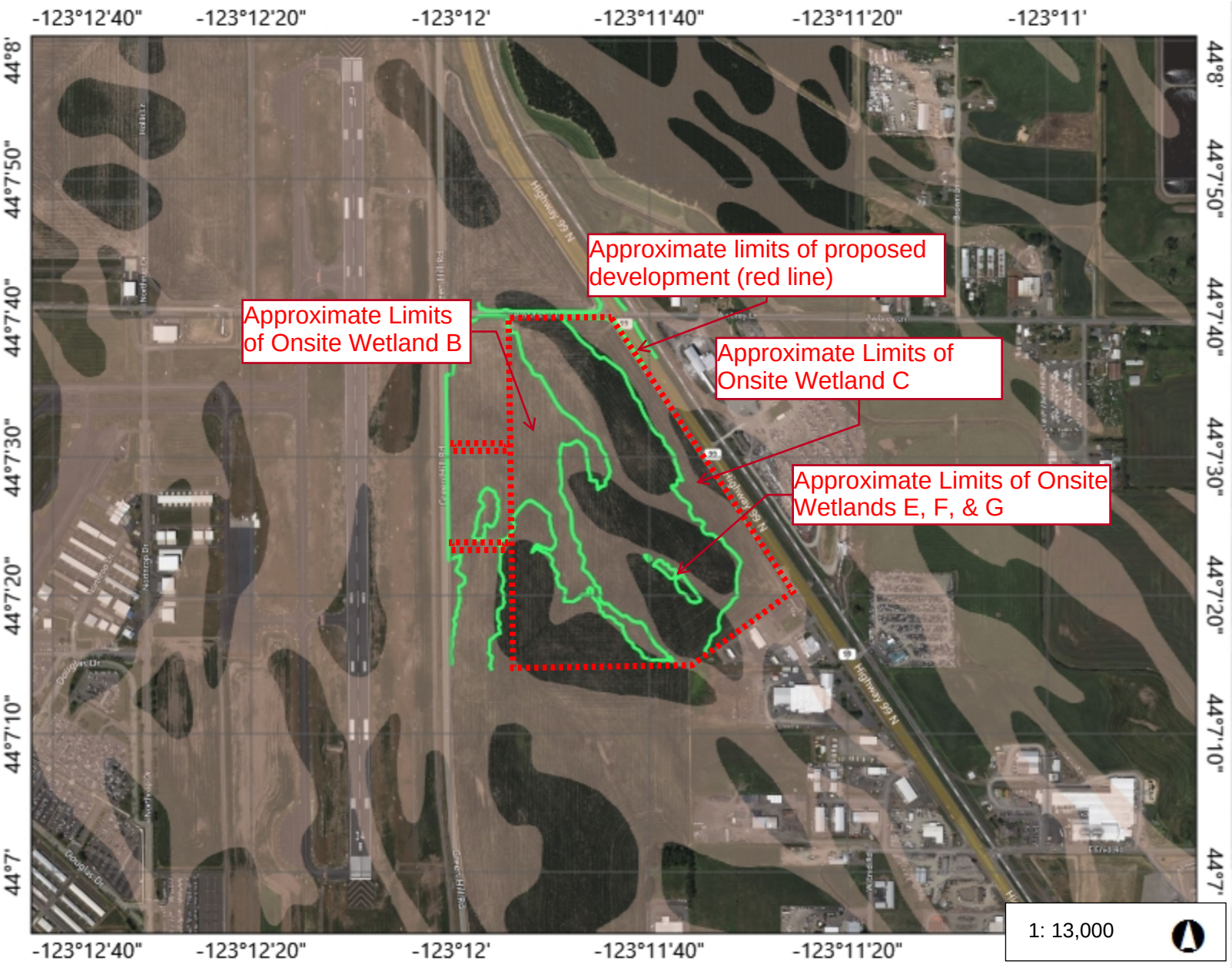
This map is a user generated static output for reference only from: ORWAP and SFAM Map Viewer

Data layers that appear on this map may or may not be accurate, current, or reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

OREGON EXPLORER

Clear Lake E-Commerce



Legend

States & Provinces

- Other States and Provinces
- Oregon

Predominantly Hydric Soil Map Units

1: 13,000

Figure B - Soils

0.4 0 0.21 0.4 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

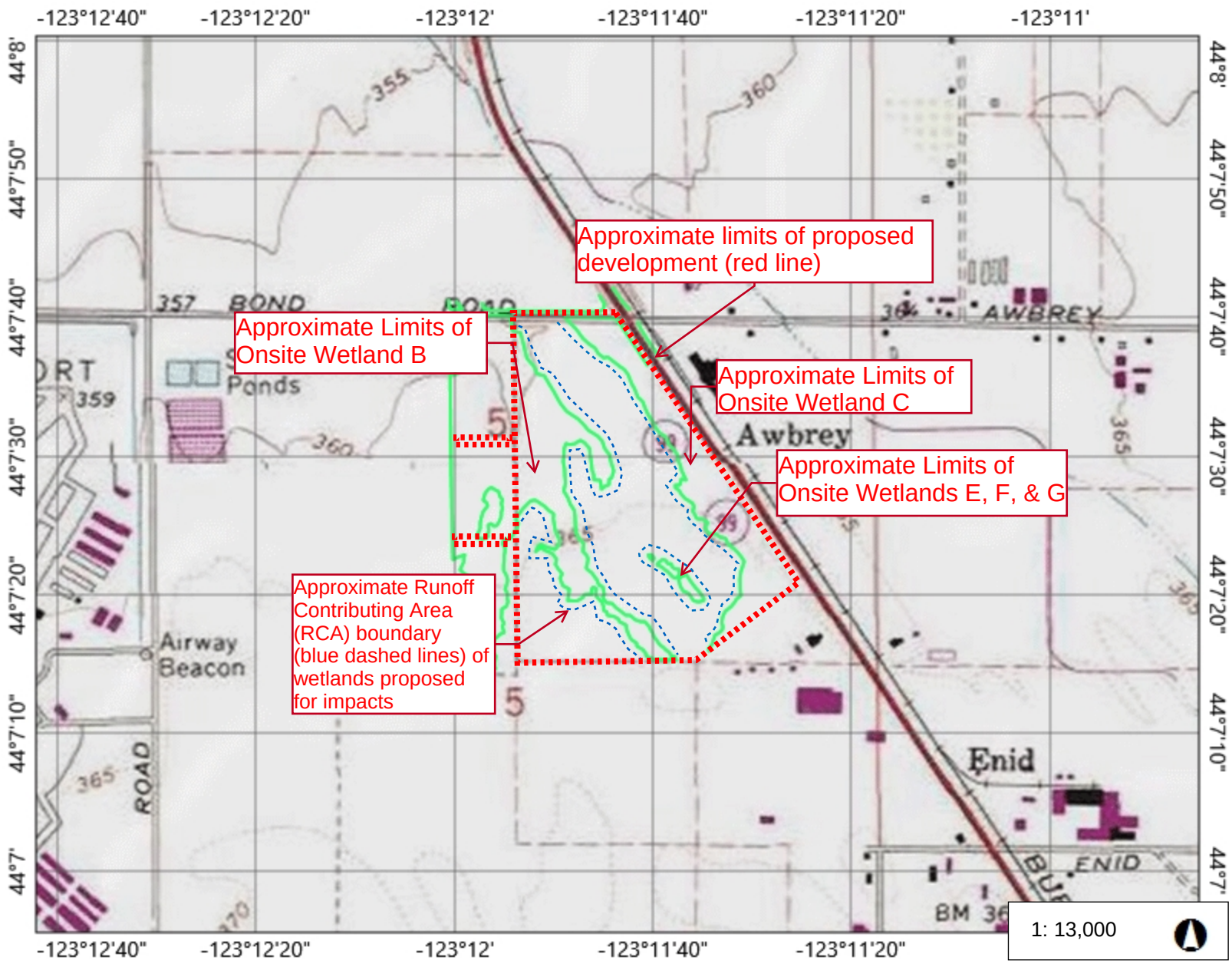
This map is a user generated static output for reference only from: ORWAP and SFAM Map Viewer

Data layers that appear on this map may or may not be accurate, current, or reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

OREGON EXPLORER

Clear Lake E-Commerce



Legend

States & Provinces

- Other States and Provinces
- Oregon

1: 13,000

0.4 0 0.21 0.4 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output for reference only from: ORWAP and SFAM Map Viewer

Data layers that appear on this map may or may not be accurate, current, or reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

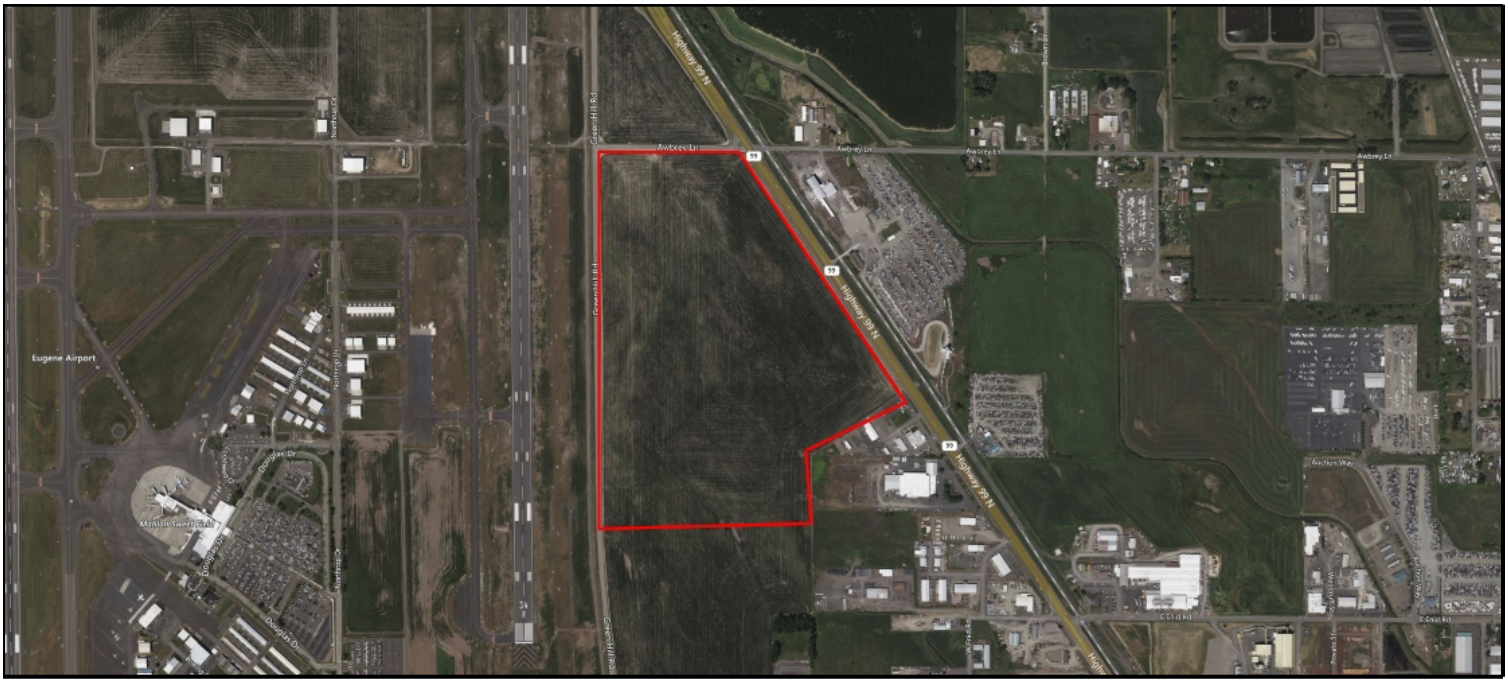
Figure C- Topographic Map

Oregon Rapid Wetland Assessment Protocol (ORWAP) Report

Report Generated: July 16, 2024 02:49 PM

Assessment Area: 135 Acres

Location Map



Location Information

Latitude	44.1232496272953	Longitude	-123.196362110837
Elevation	365 ft	Annual precipitation	42 in
Watershed (HUC12)		Amazon Creek (170900030108)	
Presettlement Vegetation Class		Roemer fescue	
Rare Wetland Type(s)		None	
Hydrologic Landscape Class		Wet	
In Special Protected Area?		No	

View Salinity Maps (pdf)

Soil Information

Soil Name	Awbrig silty clay loam
Soil Symbol	5
Hydric Rating	Yes
Hydric Percent	97
Percent Area	66%
Erosion Hazard	Slight

This report was generated using the ORWAP Map Viewer, a tool of the Oregon Explorer (http://oregonexplorer.info).

Dom. Cond. Non-irrigated Capability Class	Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Soil Name	Coburg silty clay loam
Soil Symbol	31
Hydric Rating	No
Hydric Percent	4
Percent Area	13.1%
Erosion Hazard	Slight
Dom. Cond. Non-irrigated Capability Class	Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Soil Name	Coburg silty clay loam
Soil Symbol	31
Hydric Rating	No
Hydric Percent	4
Percent Area	7.4%
Erosion Hazard	Slight
Dom. Cond. Non-irrigated Capability Class	Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Soil Name	Coburg silty clay loam
Soil Symbol	31
Hydric Rating	No
Hydric Percent	4
Percent Area	7%
Erosion Hazard	Slight
Dom. Cond. Non-irrigated Capability Class	Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Soil Name	Coburg silty clay loam
Soil Symbol	31
Hydric Rating	No

Hydric Percent	4
Percent Area	5%
Erosion Hazard	Slight
Dom. Cond. Non-irrigated Capability Class	Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Soil Name	Coburg silty clay loam
Soil Symbol	31
Hydric Rating	No
Hydric Percent	4
Percent Area	1.6%
Erosion Hazard	Slight
Dom. Cond. Non-irrigated Capability Class	Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Watershed Information

HUC Best

HUC Code	HUC Name	Is HUC Best?	Greatest Criteria met	FW, s/f, lg (Acres)	FW, em, lg (Acres)	EST, em, lg (Acres)	EST, s/f, lg (Acres)
HUC8: 17090003	Upper Willamette	Yes	density	358.5	1123.7	0	0
HUC10: 1709000301	Long Tom River	Yes	type diversity	162.2	1123.7	0	0
HUC12: 170900030108	Amazon Creek	No	n/a	21.5	55.6	0	0

[abbreviations: FW- freshwater (wetland); em- Emergent; lg- largest; s/f- Shrub/Forested; EST- Estuarine (wetland)

HUC 12 Functional Deficit

HUC Code	HUC Name	WS	SR	NT	WC	INV	AM	FH	WB
HUC12: 170900030108	Amazon Creek								WB

[abbreviations: WS= Water Storage, SR= Sediment Retention, NT= Nutrient Retention (PR or NR), WC= Water Cooling (Thermoregulation), INV= Invertebrate Habitat, AM= Amphibian Habitat, FH= Fish Habitat (FA or FR), WB= Waterbird Habitat (WBF or WBN)]

Rare Species Scores

Rare Species Type	Maximum score	Sum Score	Rating
Non-anadromous Fish Species	0.22	0.22	Low
Amphibian & Reptile Species	0.24	0.24	Intermediate
Feeding Waterbirds	0	0	None
Nesting Waterbirds	0	0	None
Songbirds, Raptors, and Mammals	0	0	None
Invertebrate Species	0	0	None
Plant Species	0.55	1.59	Intermediate

Scores have taken into account several factors for each rare species record contained in the official database of the Oregon Biodiversity Information Center (ORBIC): (a) the regional rarity of the species, (b) their proximity to the point of interest, and (c) the "certainty" that ORBIC assigns to each of those records.

Element of Occurrence (Rare Species)

View wildlife list for Amazon Creek (170900030108)

Within Assessment Area	No EO Records
Within 1 mile	No EO Records
In HUC12 watershed	14 EO Records

Element of Occurrence Record(s) in HUC12

1 Western pond turtle
[8 occurences]
Actinemys marmorata
ORBIC State Status: S2
ORBIC Global Status: G2
ODFW Strategy Species: Yes

2 Racemose pyrrocoma
[1 occurences]
Pyrrocoma racemosa var. racemosa
ORBIC State Status: S1
ORBIC Global Status: G5T3T4
ODFW Strategy Species: No

3 Oregon chub
[1 occurences]
Oregonichthys crameri
ORBIC State Status: S3
ORBIC Global Status: G3
ODFW Strategy Species: No

4 Emerald dewdrops
[2 occurences]
Ephemerum crassinervium
ORBIC State Status: S1
ORBIC Global Status: G4
ODFW Strategy Species: No

5 Serrated earth moss
[1 occurences]
Ephemerum serratum

ORBIC State Status: S1

ORBIC Global Status: G4
ODFW Strategy Species: No

6 Bradshaw's lomatium
[1 occurences]
Lomatium bradshawii

ORBIC State Status: S2

ORBIC Global Status: G2
ODFW Strategy Species: No

• *HUC Best: Oregon watersheds (HUC8, HUC10, HUC12) with greatest type diversity, proportional area, or density of wetlands according to available National Wetland Inventory maps.*

"Type diversity" is the number of unique NWI codes in the watershed (e.g., PEMA, PEMC, PEMCx) and excluded types that have no vegetation component (e.g., PUBH, R3US2).

"Density" is the number of vegetated NWI polygons divided by the acreage of the watershed; many of these polygons may be contiguous with each other, forming a single wetland.

"Proportional Area" is the proportion of the watershed's total area occupied by vegetated wetlands as mapped by NWI.

• *The digital maps used to determine this do not show many wetlands or cover the entire state. Data were compiled only from watersheds that have been at least 90% mapped by NWI (see worksheets for HUC8, 10, and 12). Data were received in November 2008 from ORBIC.*

• *METHODS: The above 3 metrics can be strongly correlated with watershed size and with each other. To minimize that bias, the rankings of the residuals from a regression analysis were used, rather than simply the top-ranking watersheds, to identify the most "important" watersheds for each metric at each scale. That is, the watersheds were identified that were in the top 5% in terms of variety of mapped wetland types for watersheds of that size, the largest area of mapped wetlands as a proportion of the watershed area for watersheds of that size, and/or the greatest number of mapped wetland polygons for watersheds with that much wetland area.*

• *Global rank. ORBIC participates in an international system for ranking rare, threatened and endangered species throughout the world. The system was developed by The Nature Conservancy and is now maintained by NatureServe in cooperation with Heritage Programs or Conservation Data Centers (CDCs) in all 50 states, in 4 Canadian provinces, and in 13 Latin American countries. The ranking is a 1-5 scale, primarily based on the number of known occurrences, but also including threats, sensitivity, area occupied, and other biological factors. In this book, the ranks occupy two lines. The top line is the Global Rank and begins with a "G". If the taxon has a trinomial (a subspecies, variety or recognized race), this is followed by a "T" rank indicator. A "Q" at the end of this line indicates the taxon has taxonomic questions. The second line is the State Rank and begins with the letter "S". The ranks are summarized as follows: 1 = Critically imperiled because of extreme rarity or because it is somehow especially vulnerable to extinction or extirpation, typically with 5 or fewer occurrences; 2 = Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (extirpation), typically with 6-20 occurrences; 3 = Rare, uncommon or threatened, but not immediately imperiled, typically with 21-100 occurrences; 4 = Not rare and apparently secure, but with cause for long-term concern, usually with more than 100 occurrences; 5 = Demonstrably widespread, abundant, and secure; H = Historical Occurrence, formerly part of the native biota with the implied expectation that it may be rediscovered; X = Presumed extirpated or extinct; U = Unknown rank; ? = Not yet ranked, or assigned rank is uncertain.*

• *This report contains both centroid-based and polygon-based data. The Location Information and Watershed Information sections of the report contain centroid based data (determined by the center point of the polygon), while the remaining sections are polygon-based (determined from the entire polygon).*

• *The rare species results in this report are based on a subset of the ORBIC rare species dataset. The ORWAP tool only reports on rare species that meet the following criteria: wetland habitat species that are tracked by ORBIC, excluding historical or extirpated sites or those with low mapping accuracy. More information about specific sites and additional species can be obtained from ORBIC through data requests, see* https://inr.oregonstate.edu/orbic/data-requests *for details.*

Attachment 5

CM Eligibility & Accounting Sheet

COMPENSATORY MITIGATION - ROUTINE ELIGIBILITY ACCOUNTING WORKSHEET

CLEAR LAKE E-COMMERCE, EUGENE, OREGON - DSL #65339

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.*	Yes	MET	
	b) Cowardin system(s) and class(es)? ▪ *Select yes or no from drop-down list.*	Yes	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 - see Comments	FALSE	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	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.*			
	b) Stream size class (small, medium, or large)? ▪ *Select yes or no from drop-down list.*			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.*			
	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.*			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.*			

COMPENSATORY MITIGATION - ROUTINE ELIGIBILITY ACCOUNTING WORKSHEET

CLEAR LAKE E-COMMERCE, EUGENE, OREGON - DSL #65339

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.*	Credit purchase			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, if purchasing legacy credits, 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? ▪ *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, if purchasing legacy credits, 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. Minimum mitigation requirement is 1 acre credit to 1 acre of impact.
		- 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* (*enter the acreage associated with each method)	8.99			Insert the area of unavoidable permanent impact
MITIGATION ACREAGE REQUIRED (adjusted mitigation requirement * impacted acreage)	8.99			

TOTAL MITIGATION REQUIRED WITHOUT BUFFERS	8.99	**This is the mitigation acreage required if a buffer is not required by DSL**

COMPENSATORY MITIGATION - ROUTINE ELIGIBILITY ACCOUNTING WORKSHEET

CLEAR LAKE E-COMMERCE, EUGENE, OREGON - DSL #65339

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**		

Attachment 6

Power of Attorneys (POAs) from Owners

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Lydia Lane Kulus, Trustee of the Lydia Lane Kulus Intervivos Revocable Trust dated November 3, 1997,** have made, constituted and appointed, and by these presents do hereby make, constitute and appoint, **Brent N. McLean, PO Box 42111, Eugene, Oregon 97404**, my true and lawful attorney for me, and to act in my name as Trustee of the above referenced trust, in its place and stead, and for its use and benefit to do the following:

Make application or submittal to all applicable government agencies, including but not limited to, the City of Eugene, the County of Lane, the State of Oregon, or any other government agency, for: (i) consents, permits, or any other land use planning requests; and/or (ii) obtaining any information which I am otherwise entitled to, pertaining to that certain real property consisting of approximately 84.57 acres located in Lane County, Oregon, generally described as Lane County Tax Lot 17-04-05-00-00400 and more particularly described in Exhibit "A" attached hereto and incorporated by reference, of which the above referenced trust is the owner of an undivided 25% interest;

Execute, on my behalf, all documents which the trust, as an owner of, or any purchaser of, the above described real property may reasonably require, related in any manner to the performance of due diligence in any respect, specifically including the ownership, condition, and/or development thereof.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done with respect to said real property, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural.

Dated: June 7th **, 2024.**

THE LYDIA LANE KULUS INTERVIVOS REVOCABLE TRUST dated November 3, 1997

By: Lydia Lane Kulus, Trustee
LYDIA LANE KULUS, Trustee

State of Oregon)
) ss.
County of Deschutes)

On June 7th, 2024, before me, Jacklynn Janiece Bradley, a Notary Public, personally appeared **Lydia Lane Kulus, as Trustee of the Lydia Lane Kulus Intervivos Revocable Trust dated November 3, 1997,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(seal)

OFFICIAL STAMP
JACKLYNN JANIECE BRADLEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 1040030
MY COMMISSION EXPIRES AUGUST 21, 2027

Jacklynn Janiece Bradley
Notary Public for Oregon

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Jill Jennings West, PO Box 83, Prospect Harbor, Maine 04669**, have made, constituted and appointed, and by these presents do hereby make, constitute and appoint, **Brent N. McLean, PO Box 42111, Eugene, Oregon 97404**, my true and lawful attorney for me, and to act in my name, place and stead, and for my use and benefit to do the following:

Make application or submittal to all applicable government agencies, including but not limited to, the City of Eugene, the County of Lane, the State of Oregon, or any other government agency, for: (i) consents, permits, or any other land use planning requests; and/or (ii) obtaining any information which I am otherwise entitled to, pertaining to that certain real property consisting of approximately 84.57 acres located in Lane County, Oregon, generally described as Lane County Tax Lot 17-04-05-00-00400 and more particularly described in Exhibit "A" attached hereto and incorporated by reference of which I am the owner of an undivided 25% interest; and

Execute, on my behalf, all documents which I, as an owner of, or any purchaser of, the above described real property may reasonably require, related in any manner to the performance of due diligence in any respect, specifically including the ownership, condition, and/or development thereof.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done with respect to said real property, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural.

Dated: May 28, **2024.**

JILL JENNINGS WEST

State of Maine)

) ss.

County of Hancock)

On May 28, 2024, before me, Brianna L Mitchell, a Notary Public, personally appeared **JILL JENNINGS WEST**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public for Maine

(seal)

BRIANNA L. MITCHELL
Notary Public - Maine
My Commission Expires
May 29, 2025

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Richard B. Saltz Jr., PO Box 653, Ehrenberg, Arizona 85334,** have made, constituted and appointed, and by these presents do hereby make, constitute and appoint, **Brent N. McLean, PO Box 42111, Eugene, Oregon 97404,** my true and lawful attorney for me, and to act in my name, place and stead, and for my use and benefit to do the following:

Make application or submittal to all applicable government agencies, including but not limited to, the City of Eugene, the County of Lane, the State of Oregon, or any other government agency, for: (i) consents, permits, or any other land use planning requests; and/or (ii) obtaining any information which I am otherwise entitled to, pertaining to that certain real property consisting of approximately 84.57 acres located in Lane County, Oregon, generally described as Lane County Tax Lot 17-04-05-00-00400 and more particularly described in Exhibit "A" attached hereto and incorporated by reference of which I am the owner of an undivided 25% interest.

Execute, on my behalf, all documents which I, as an owner of, or any purchaser of, the above described real property may reasonably require, related in any manner to the performance of due diligence in any respect, specifically including the ownership, condition, and/or development thereof.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done with respect to said real property, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural.

Dated: May 24, **2024.**

Richard B. Saltz JR

RICHARD B. SALTZ JR.

State of Arizona)
) ss.
County of La Paz)

On May 24, 2024, before me, Robin Marie Woodruff, a Notary Public, personally appeared **RICHARD B. SALTZ JR.,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(seal)

ROBIN M WOODRUFF
Notary Public, State of Arizona
La Paz County
Commission # 638667
My Commission Expires
October 26, 2026

Notary Public for _____

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Ivy C. Stanton, of 2321 Manada Trail, Leander, Texas 78641**, have made, constituted and appointed, and by these presents do hereby make, constitute and appoint, **Brent N. McLean, PO Box 42111, Eugene, Oregon 97404**, my true and lawful attorney for me, and to act in my name, place and stead, and for my use and benefit to do the following:

Make application or submittal to all applicable government agencies, including but not limited to, the City of Eugene, the County of Lane, the State of Oregon, or any other government agency, for: (i) consents, permits, or any other land use planning requests; and/or (ii) obtaining any information which I am otherwise entitled to, pertaining to that certain real property consisting of approximately 84.57 acres located in Lane County, Oregon, generally described as Lane County Tax Lot 17-04-05-00-00400 and more particularly described in Exhibit "A" attached hereto and incorporated by reference of which I am the owner of an undivided 25% interest; and

Execute, on my behalf, all documents which I, as an owner of, or any purchaser of, the above described real property may reasonably require, related in any manner to the performance of due diligence in any respect, specifically including the ownership, condition, and/or development thereof.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done with respect to said real property, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural.

Dated: May 26, **2024.**

IVY C. STANTON

State of Texas)

) ss.

County of Williamson)

On 5/26, 2024, before me, Kim Correa, a Notary Public, personally appeared **IVY C. STANTON**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public for Texas

(seal)

KIMBERLY ANN CORREA
Notary Public
State of Texas
ID # 3949491
Comm. Expires 09-08-2024

EXHIBIT A

LEGAL DESCRIPTION

All that part of the Northeast quarter of Section 5, Township 17 South, Range 4 West of the Willamette Meridian,
that lies West of the Westerly right of way line of Highway No. 99, in Lane County, Oregon.

EXCEPT the North 100 feet thereof.

ALSO EXCEPT: Beginning at a point on the Westerly right of way line of Highway No. 99, North 88°54' West 192.0 feet from the quarter section corner on the East line of Section 5 of said Township and Range; running thence North 88°54' West 489.0 feet; thence North 33°59' West 69.05 feet; thence North 56°01' East 200 feet; thence North 33°59' West 300.0 feet; thence North 56°01' East 200.0 feet to the Westerly right of way line of said highway; thence South 33°59' East 650.0 feet to the point of beginning, all in Lane County, Oregon.

ALSO EXCEPTING THEREFROM the following: Beginning at the brass cap marking the East one-quarter corner of Section 5, Township 17 South, Range 4 West of the Willamette Meridian; thence North 88°54' West 193.59 feet to a point on the West right of way line of U.S. Highway 99; thence North 33°59' West 650.00 feet, along said right of way line, to a reinforcing rod; thence South 56°01' West 200.00 feet to a reinforcing rod, marking the true point of beginning; thence South 56°01' West 730.56 feet to reinforcing rod set on the East-West one-quarter line through said Section 5; thence South 89°01'38" East 647.35 feet, along said one-quarter line, to a reinforcing rod set on a line parallel with and 400.00 feet Westerly of said right of way line; thence North 33°59' West 70.90 feet, along said parallel line, to a reinforcing rod bearing North 88°54' West 193.59 feet, North 33°59' West 350.00 feet, and South 56°01' West 400.00 feet from said East one-quarter corner; thence North 56°01' East 200.00 feet to a point (being referenced on the ground by a 1-1/4 inch iron pipe bearing North 33°59' West 0.08 feet and South 56°01' West 0.33 feet); thence North 33°59' West 300.00 feet to the true point of beginning, in Lane County, Oregon.

Tax Map ID(s): 17-04-05-00-00400

Attachment 7

Parcel Maps for Adjoining Property Owners

FOR ASSESSMENT AND TAXATION ONLY

SECTION 5 T.17S. R.4W. W.M.
Lane County
1" = 400'

17040500
EUGENE

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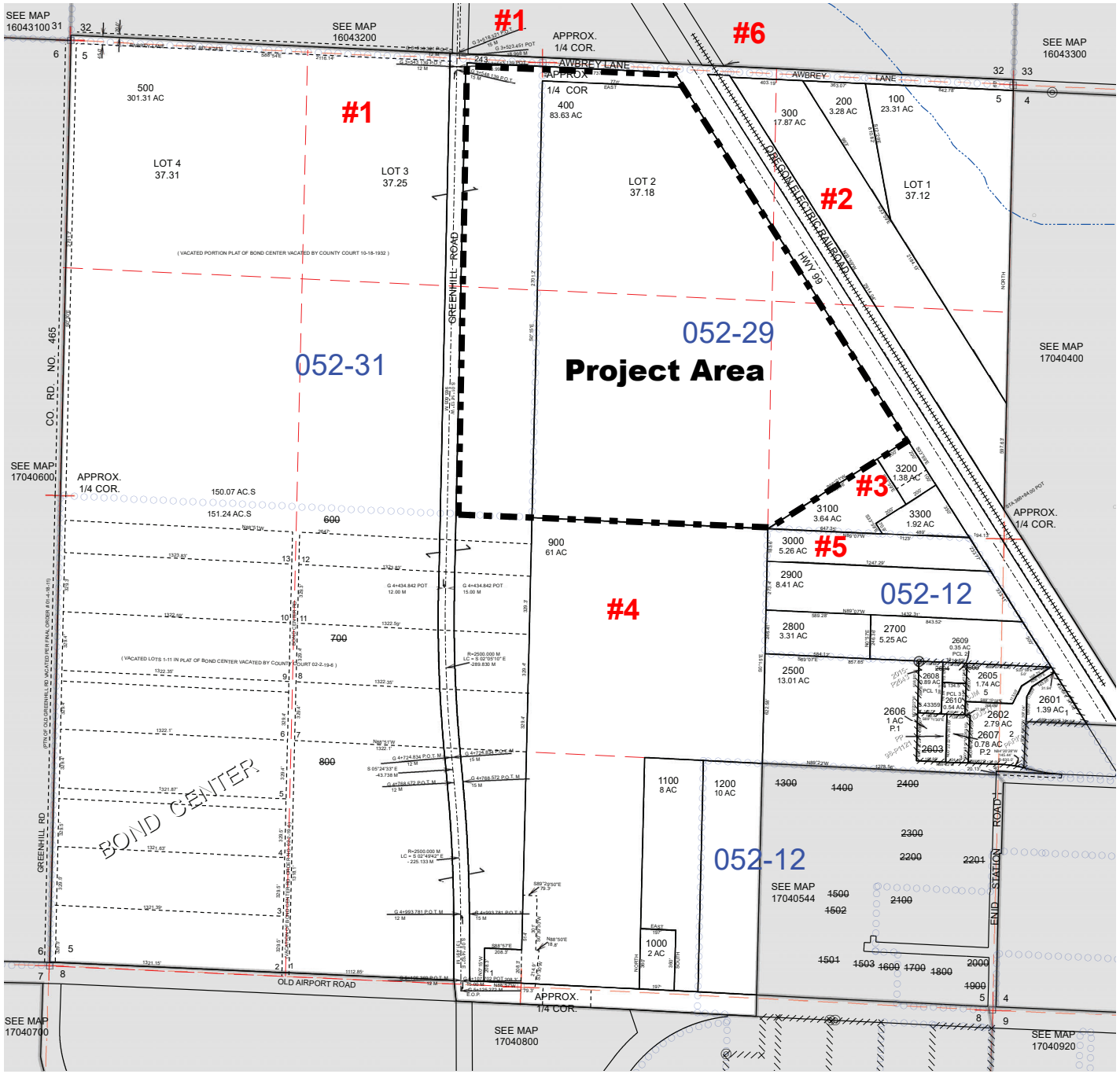

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800
2600
1500
1300
1400
1501
1502
1503
1600-2200
2201
2300
2400
700
2604

REVISIONS
01/25/2012 - LCAT115 - CONVERT MAP TO GIS
07/10/2015 - LCAT155 - CANC 2604 INTO 2015-P2643
01/05/2024 - LCAT187 - MISC MAP CORR. TLS 100 200 & 300

EUGENE
17040500

FOR ASSESSMENT AND TAXATION ONLY

SECTION 32 T.16S. R.4W. W.M.
Lane County
1" = 400'

16043200

GIS DATA
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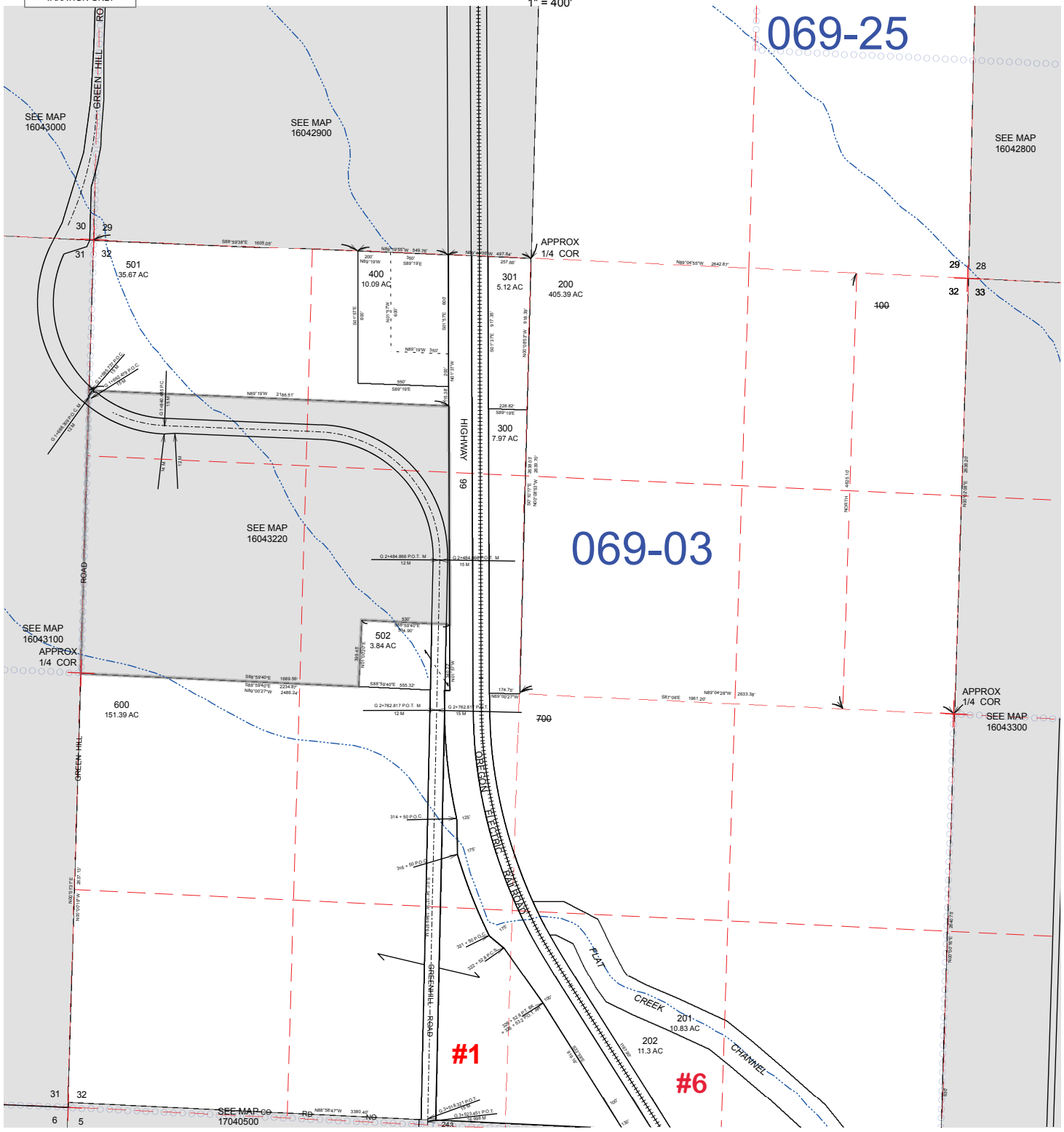
500
700



REVISIONS:
3/10/2008 - LCAT155 - CONVERT MAP TO GIS

16043200