



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE for PERMIT APPLICATION

Issue Date: March 22, 2004

Expiration Date: April 22, 2004

Corps of Engineers Action ID: 200300753

Oregon Division of State Lands Number: 30354-FP

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Karla G Ellis)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: JT Smith Properties
4386 SW MacAdam Avenue Suite 102
Portland, Oregon 97201

Location: The project is located within Salamo Creek, a tributary to Tanner Creek, and adjacent wetlands in Section 35, Township 2 South, Range 1 East, near West Linn, Clackamas County, Oregon.

Project Description: The proposed project involves re-routing a 275-foot section of Salamo Creek through a 36-inch diameter, 355-foot long HDPE pipe. The work would involve the following:

- a. Excavate a 355-foot-long "L" shaped trench along the property line, removing approximately 500 cubic yards of by backhoe. The excavated material would be side-cast along the trench and used as backfill when the culvert is installed. Approximately 167 cubic yards of excavated material would later be used in site development. The trench would be excavated in an upland area that is not a wetland.
- b. Once the culvert is installed, the creek would be diverted into the culvert by constructing a check dam in the Creek, and using a flexible pipe connection to tie into the new culvert. The check dam and flexible pipe will remain in place until a permanent pipe is installed. Only one check dam will be required for installation.

c. Backfill 275 feet of Salamo Creek and adjacent wetlands with approximately 3,388 cubic yards of mixed soil material. The fill material would be from site development. The fill will result in impacts to approximately 0.07 acre of waters of the United States.

Project Note: As site preparation for the vineyard, the applicant will grade the upland portion of the site. Currently the area includes slopes that range from 8% to 30%. The area will be graded to create slopes at 2% or less, which is needed to develop favorable vineyard conditions.

Mitigation- To offset impacts to 0.07 acre of waters of the United States, the applicant has proposed 0.105 acre of on-site wetland creation, and enhancement of 20 feet of the vegetated corridor around the constructed wetland. The mitigation area is approximately 600 feet to the southeast of the impact area, and is directly adjacent to a small existing wetland and streamside buffer area. The mitigation area will be graded to create an estimated elevation of minus 6 inches. All topsoil will be stockpiled, and when the grading is complete, will be spread to a 6-inch depth over the mitigation area. This area would then be seeded and planted with native vegetation. A 50-foot wetland buffer to the south and a 25-foot buffer to the north will surround the mitigation wetland. Twenty feet of buffer directly adjacent to the created wetland would be planted to a forested community.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation.

Purpose: The purpose of the project is to develop a 12-acre site to allow for farming activities to be conducted on the site. Specifically, the area will be planted to vineyard.

Need: Discharge of fill material on site is needed to allow for access and maneuverability of farming equipment within the entire site for vineyard maintenance. Currently existing wetlands and the creek running through the property limit access to the area proposed for the vineyard. By placing fill and a culvert within a portion of the creek, the applicant would have access to the entire site for conversion to vineyard.

Drawings: Figure 1, Vicinity Map
Figure 2, Project Location
Figure 3-5, Existing Conditions
Figure 6, Wetland Mitigation Grading Plan
Figure 7-10, Cross-Sections

Additional Information: Additional information may be obtained from Ms. Karla G. Ellis, Project Manager, U.S. Army Corps of Engineers at (503) 808-4377.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been

received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

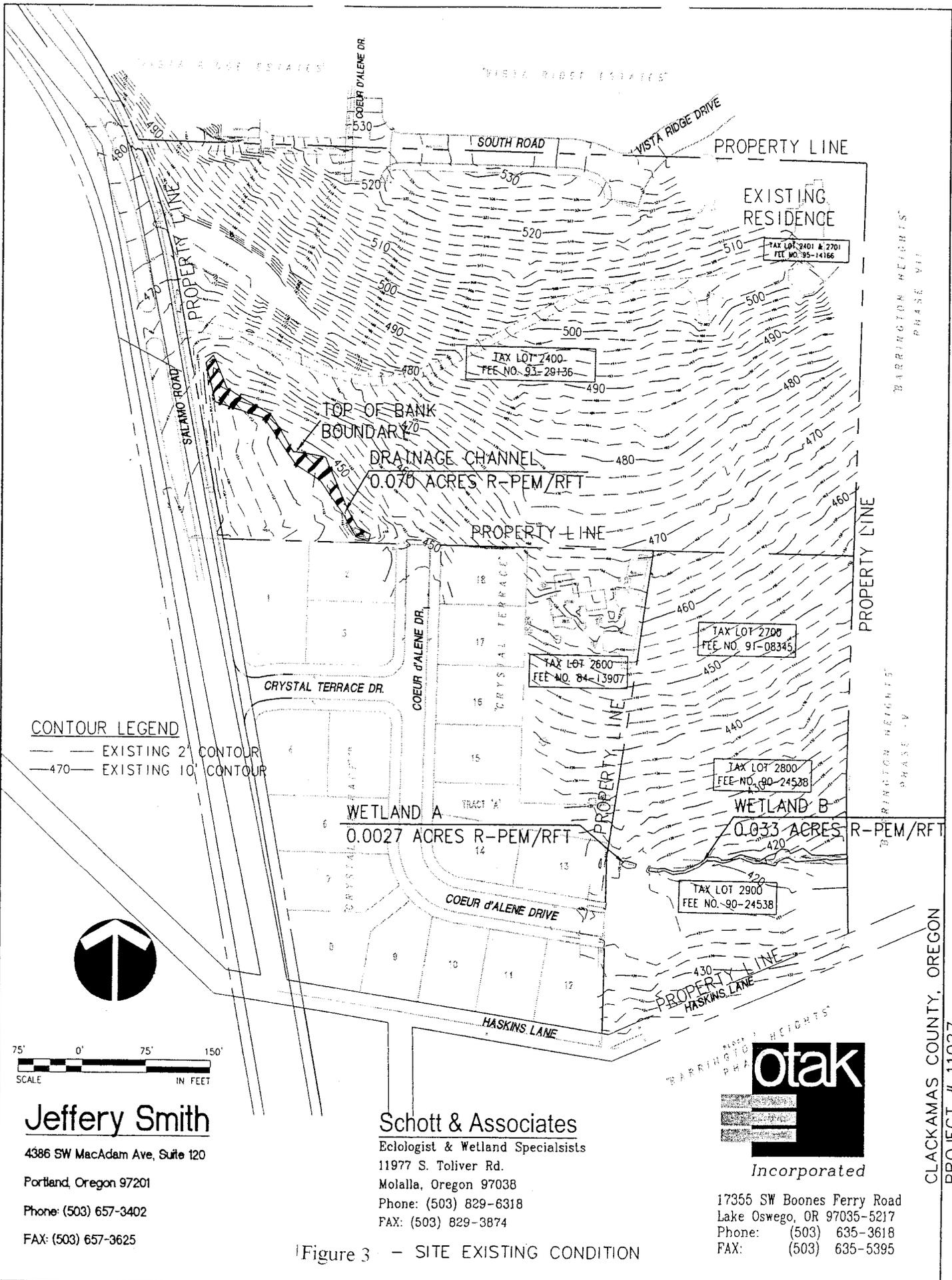
Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

L: SHANNONM 10/20/03 3:37pm --> R: \DWG\0027FIG04.DWG



CONTOUR LEGEND
 ——— EXISTING 2' CONTOUR
 - - - - EXISTING 10' CONTOUR



75' 0' 75' 150'
 SCALE IN FEET

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 FAX: (503) 829-3874



otak Incorporated
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 Phone: (503) 635-3618
 FAX: (503) 635-5395

Figure 3 - SITE EXISTING CONDITION

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

EXISTING STORM CATCH BASIN
RIM EL=467.76
IE OUT=460.75

EXISTING STORM CATCH BASIN
RIM EL=467.55
IE OUT=460.15

EXISTING 18" HDPE PIPE
IE OUT=456.38

EXISTING 36" PIPE
IE OUT=453.14

TOP OF BANK
BOUNDARY

EXISTING
DRAINAGE
AREA OF
PROPOSED FILL

EXISTING 36" PIPE
IE OUT=439.66

EX STORM MANHOLE
RIM EL=449.20
IE OUT=438.35

FINISH FLOOR
ELEVATION
APPROX=460'

2



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Incorporated

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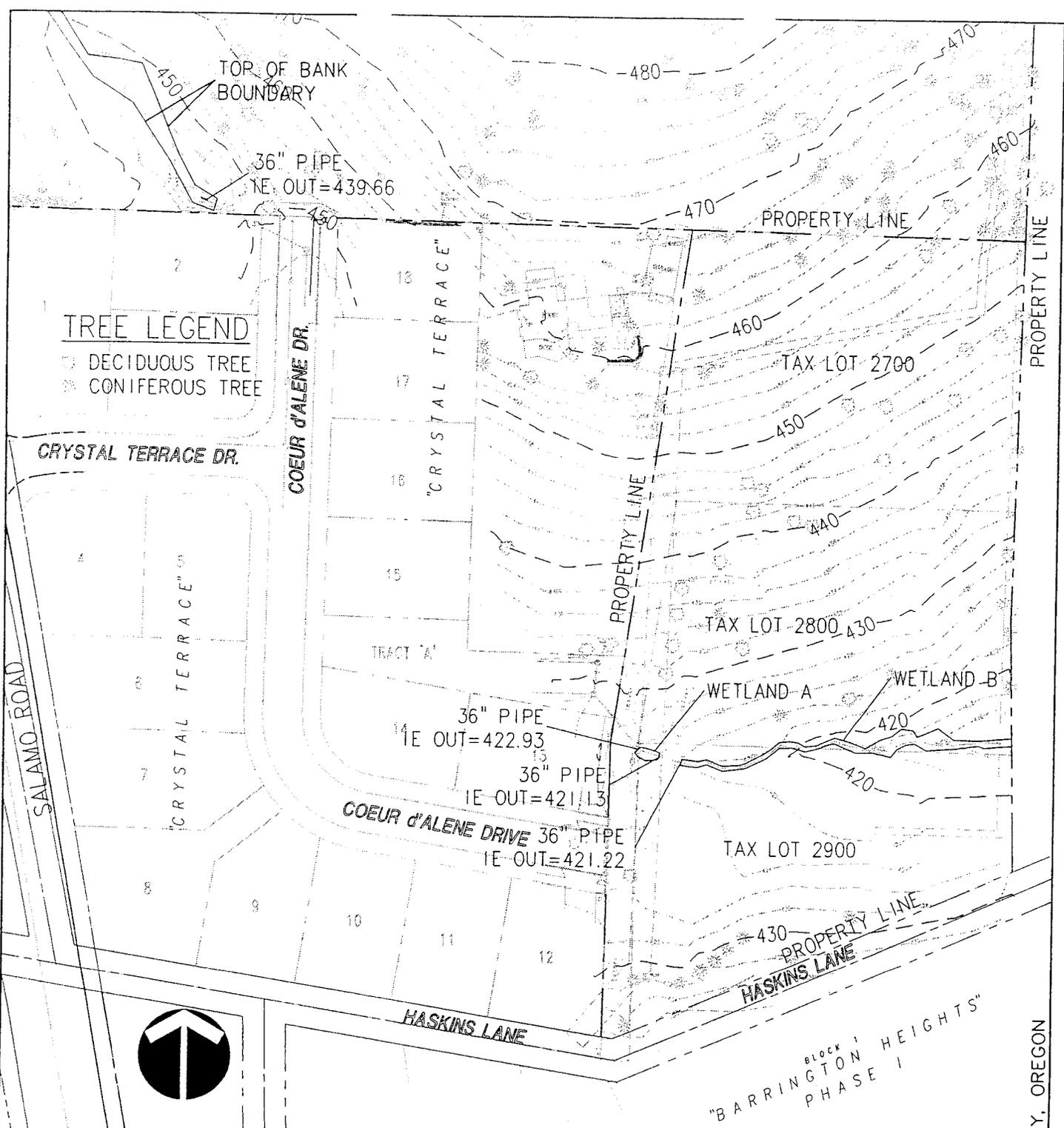
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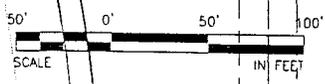
FIGURE 4A - EXISTING CONDITION UPPER WETLAND

CLACKAMAS COUNTY, OREGON
PROJECT # 11027

L: SHANNON 10/20/03 6:32pm --> R: DWG:\027FIG04B.DWG



TREE LEGEND
 ○ DECIDUOUS TREE
 ● CONIFEROUS TREE



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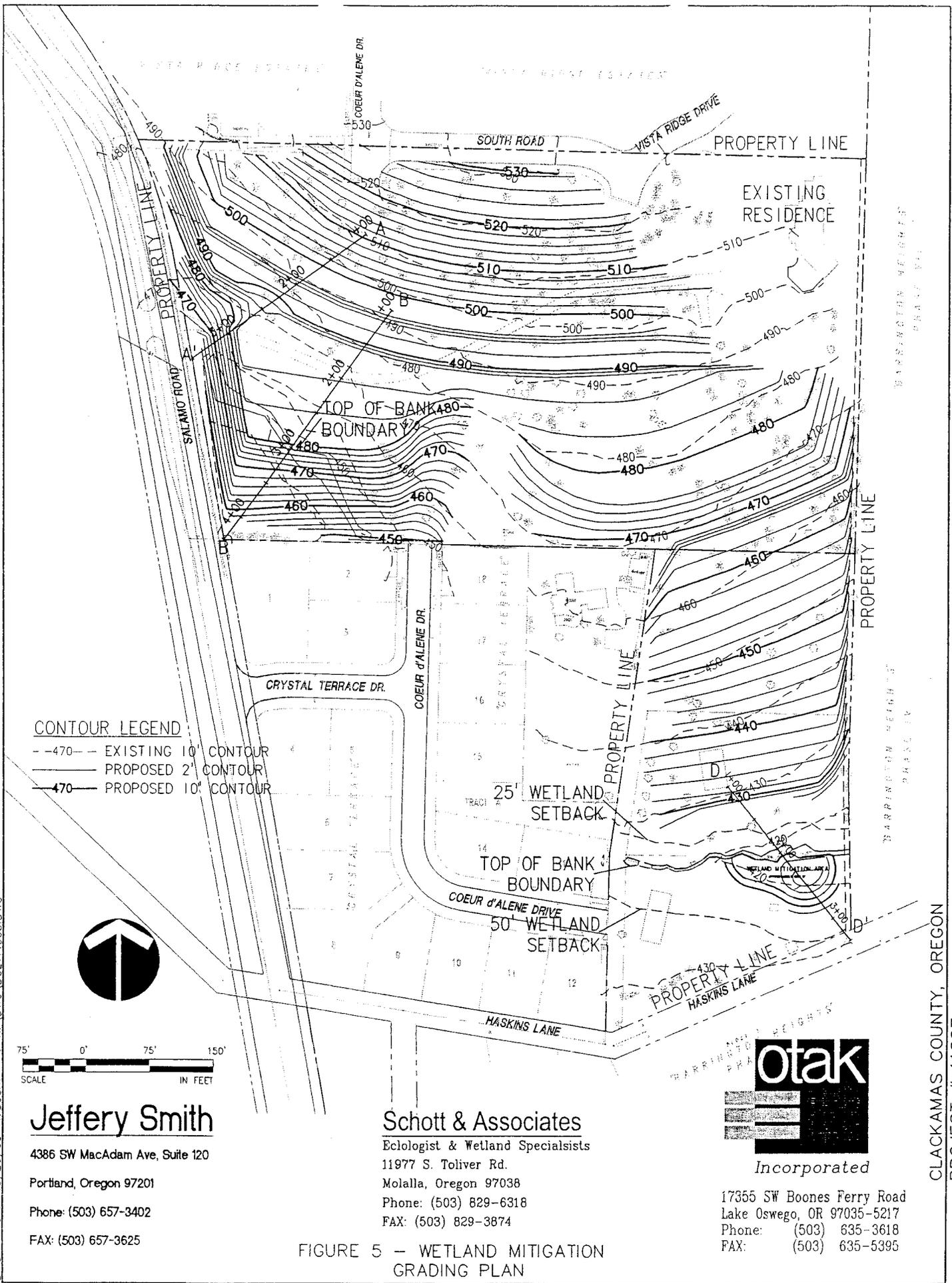
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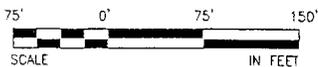
FIGURE 4B - EXISTING CONDITION LOWER WETLAND

CLACKAMAS COUNTY, OREGON
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CONTOUR LEGEND

- 470-- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- 470— PROPOSED 10' CONTOUR



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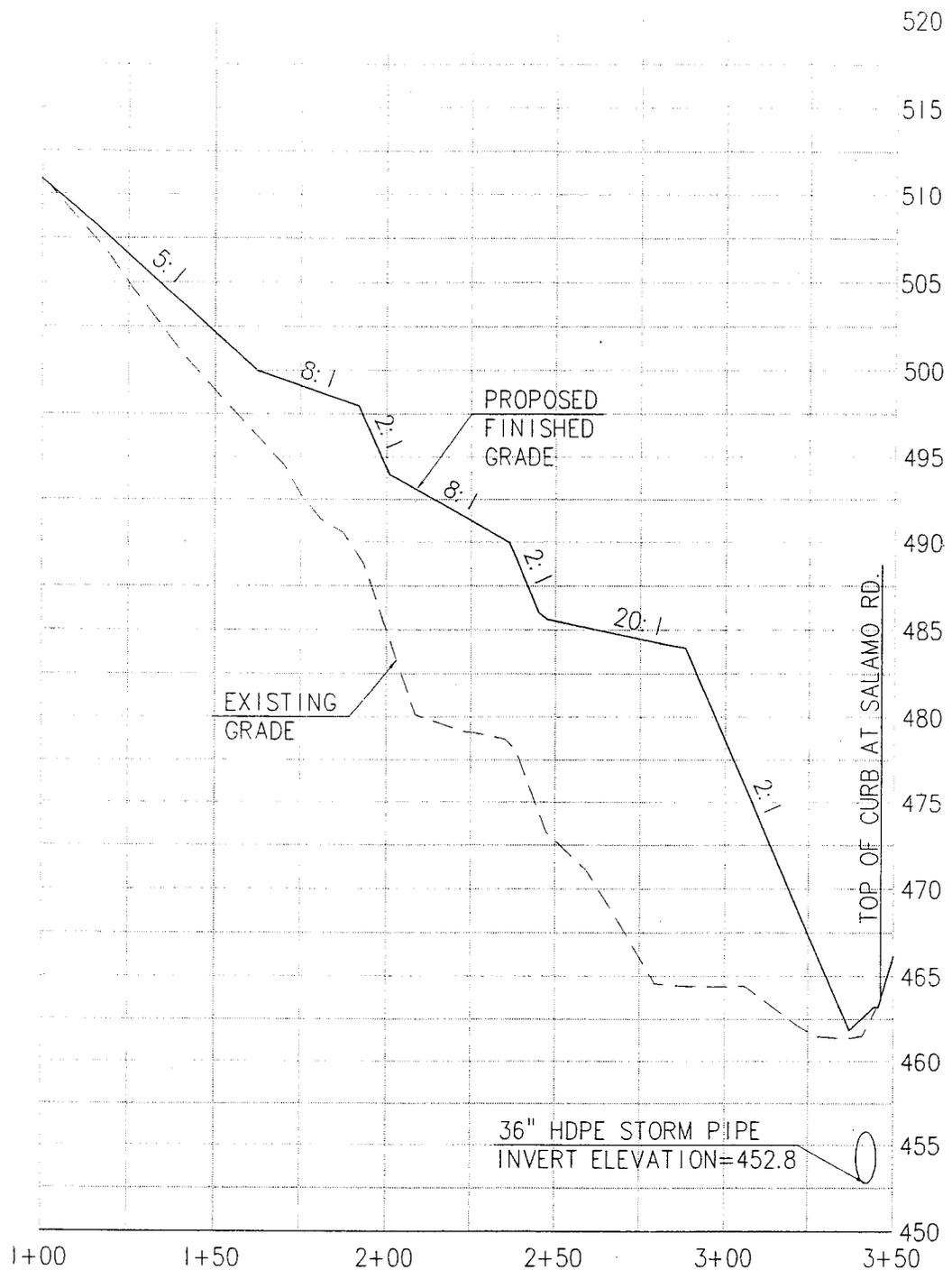


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FIGURE 5 - WETLAND MITIGATION GRADING PLAN

CLACKAMAS COUNTY, OREGON
PROJECT # 11027



CROSS SECTION A-A'
 SCALE: HORIZONTAL 1"=50'
 VERTICAL 1"=10'

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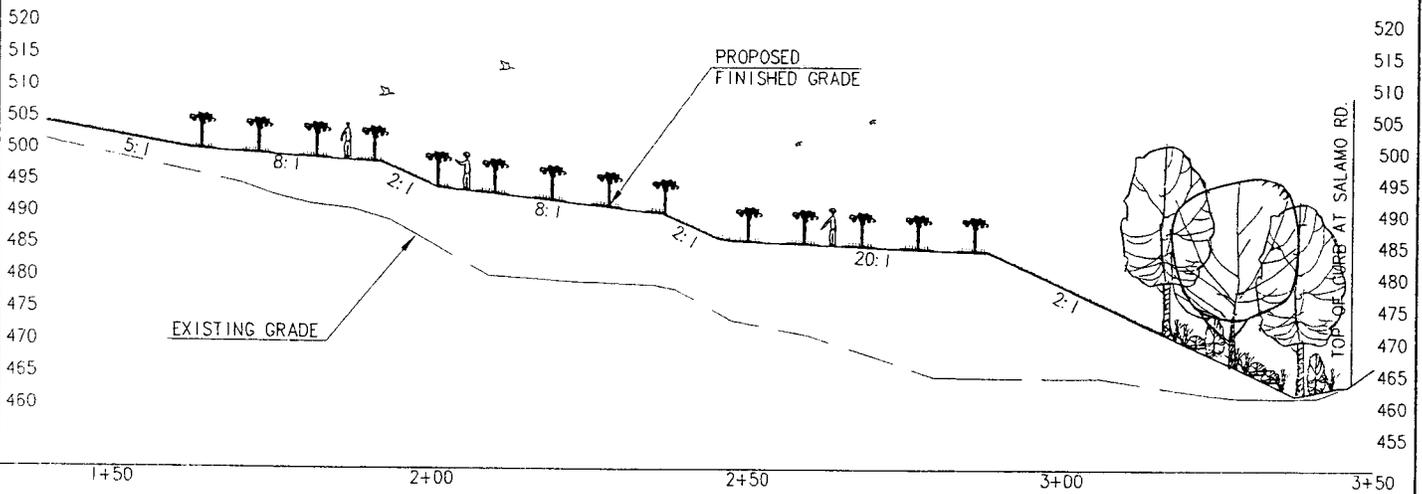


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FIGURE 6A -- CROSS SECTION A-A'

L: SHAIN/ONM 10/20/03 11:55am --v> R: \DWG\0027FIG06A.DWG

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027



CROSS SECTION A-A'
 SCALE: HORIZONTAL 1"=50'
 VERTICAL 1"=50'

L: SHANNONM 10/20/03 4:01pm --> R: DWG\0027FIG06D.DWG

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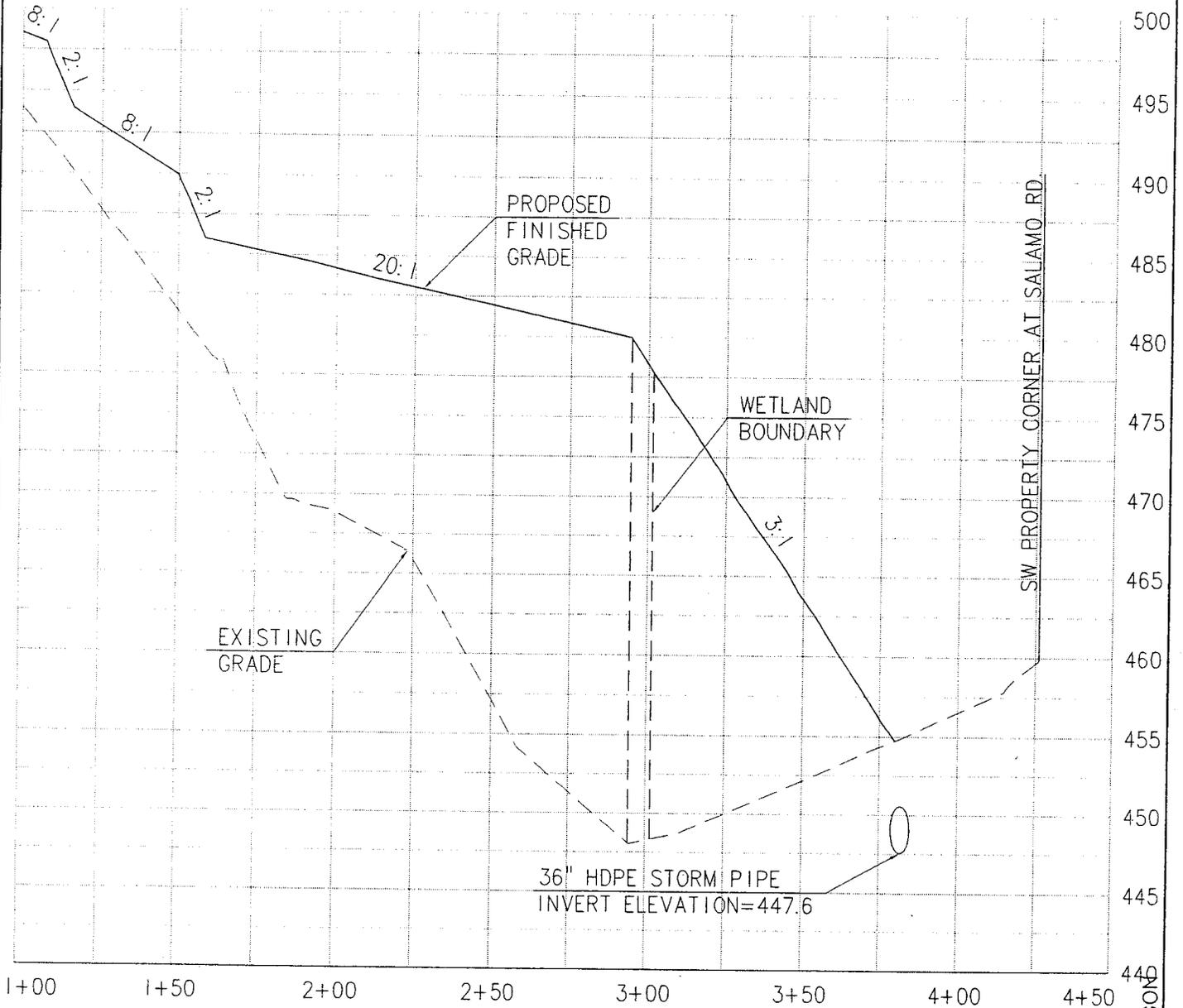
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FIGURE 6B - CROSS SECTION A-A'

CLACKAMAS COUNTY, OREGON
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CROSS SECTION B-B'
 SCALE: HORIZONTAL 1"=50'
 VERTICAL 1"=10'

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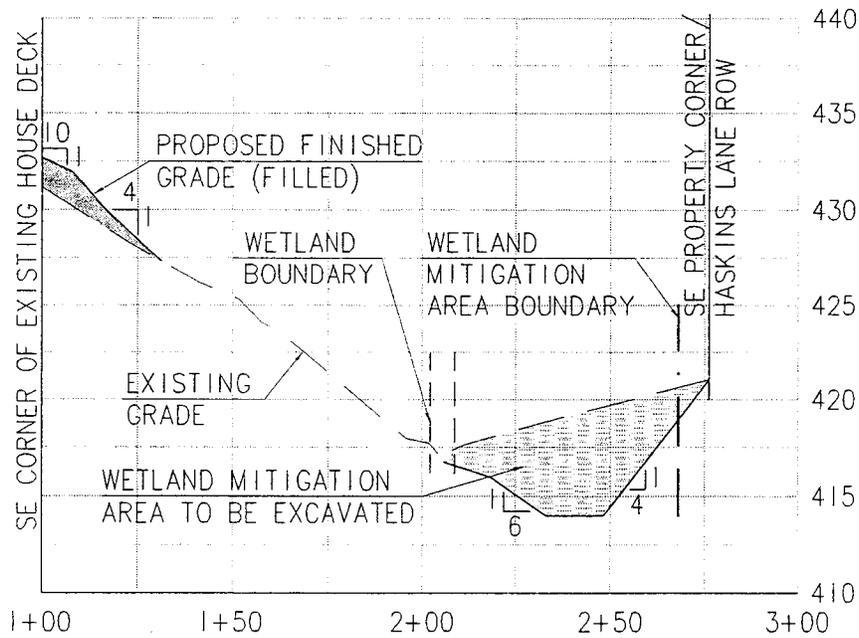
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FIGURE 6C - CROSS SECTION B-B'

L: SHANNONM 10/20/03 4:13pm --> R: \DWC\0027FIG06B.DWG

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

WETLAND CREATION AREA = 4570 SF
 (1.5:1 MITIGATION RATIO)
 CREDIT AREA = 0.105 AC



CROSS SECTION D-D'
 SCALE: HORIZONTAL 1"=50'
 VERTICAL 1"=10'

L: SHANNONM 10/20/03 4:02pm --> R: \DWG\027FIG06C.DWG

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FIGURE 6D - MITIGATED
 CROSS SECTION D-D'



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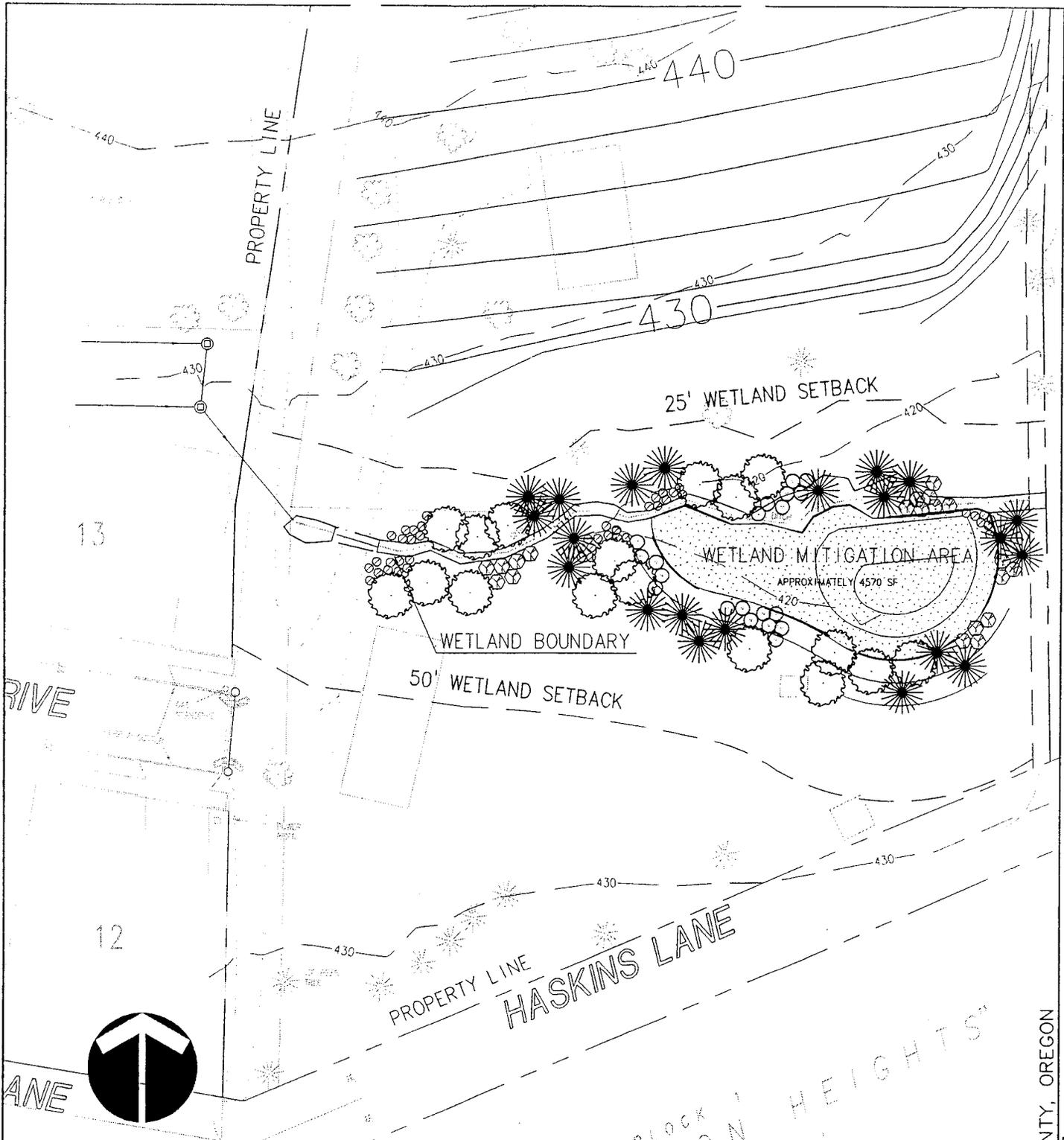
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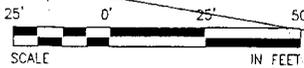
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CLACKAMAS COUNTY, OREGON
 PROJECT # 11027



L: SHAM\ORMM 10/20/03 4:05pm R: \DWG\0027FIG06E.DWG



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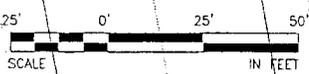
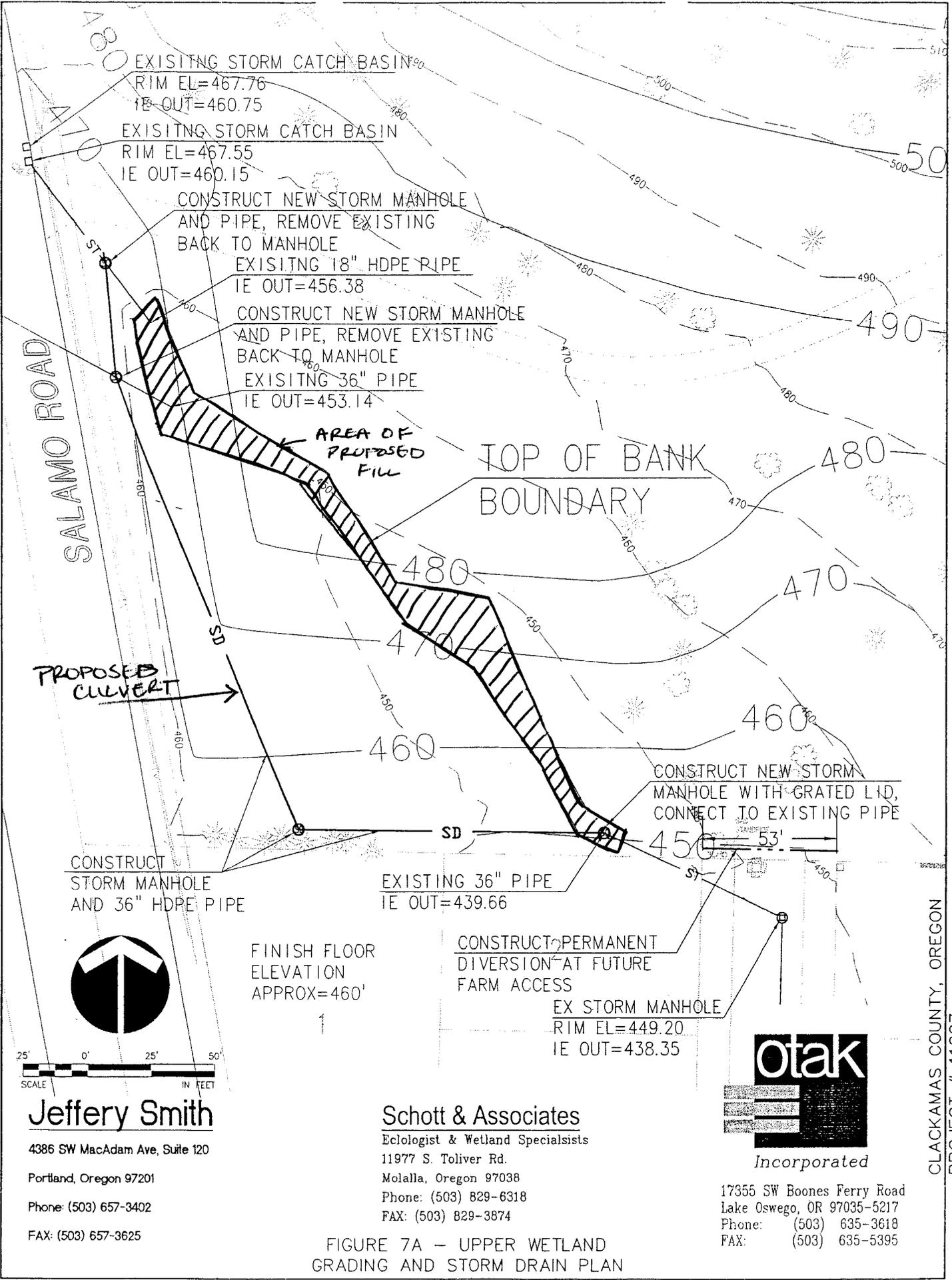
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FIGURE 6E -- LOWER WETLAND GRADING

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

L: SHANNONM 10/20/03 7:04pm --> R:\DWG\0027FIG07A.DWG



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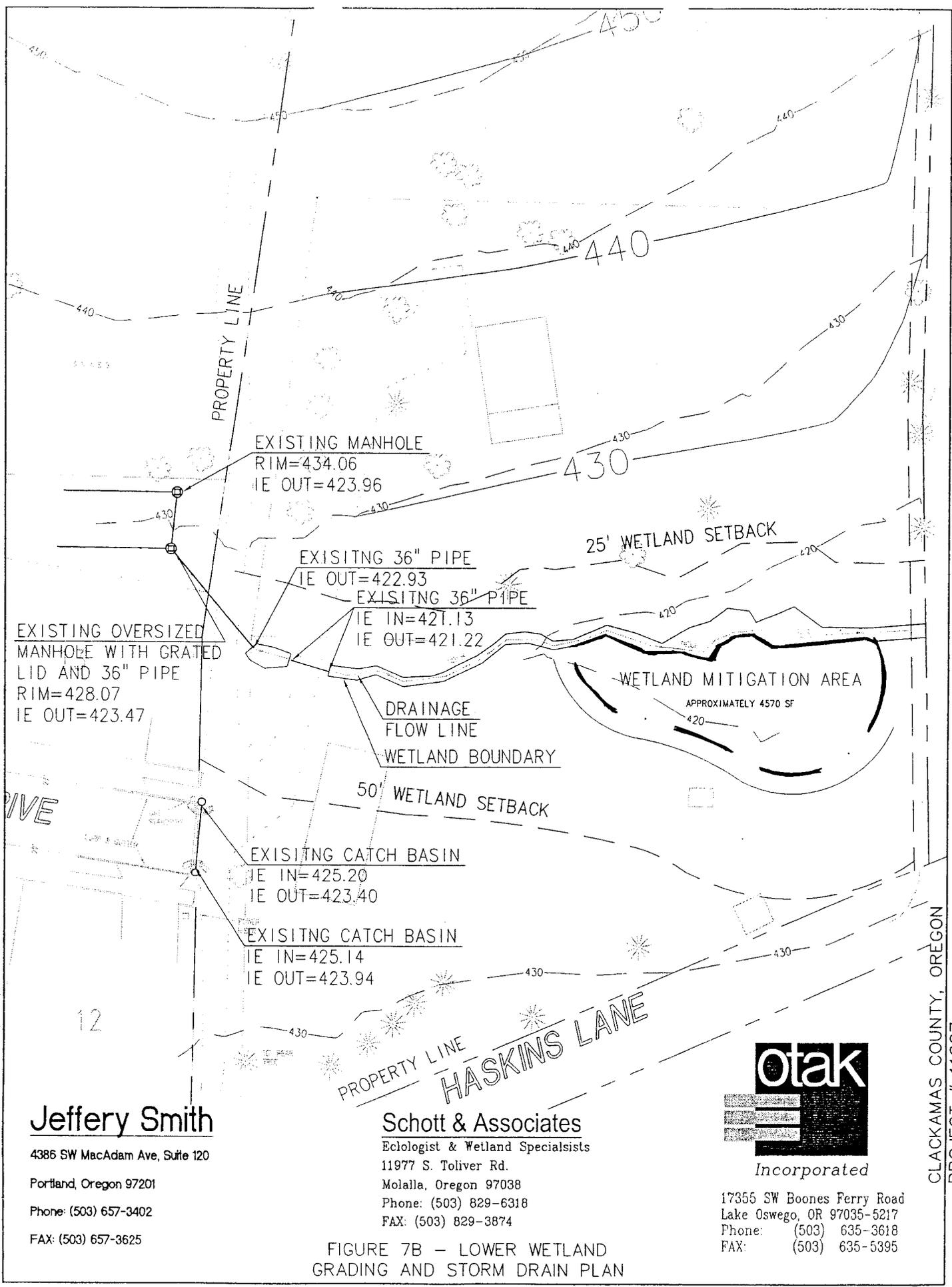
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FIGURE 7A - UPPER WETLAND GRADING AND STORM DRAIN PLAN

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

L: SHANNONM 10/20/03 6:41pm --> R: \DWC\0027FIG07B.DWG



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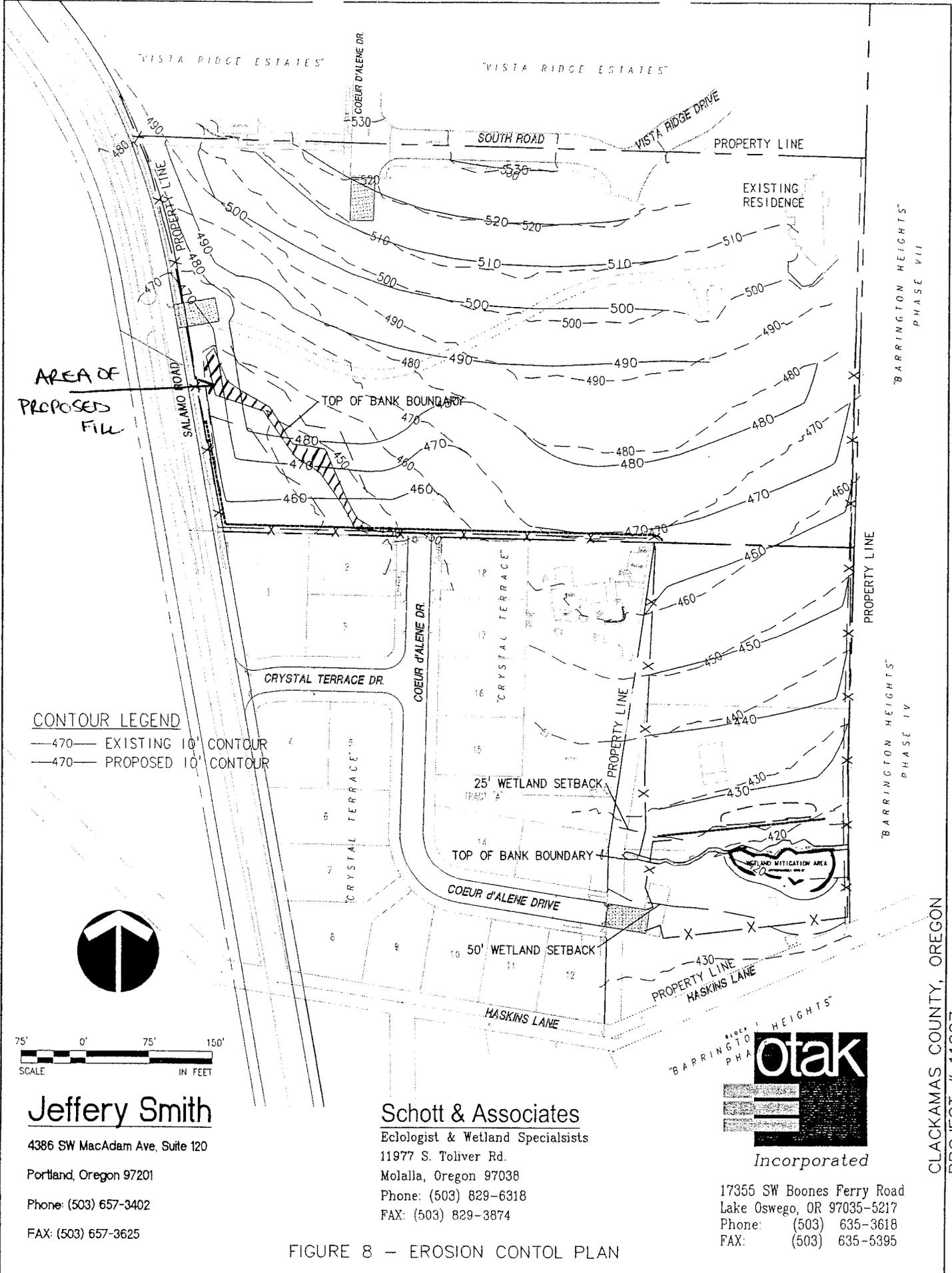
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FIGURE 7B - LOWER WETLAND GRADING AND STORM DRAIN PLAN

CLACKAMAS COUNTY, OREGON
PROJECT # 11027

L:\SHANNONM\10/20/03 6:43pm -> R:\DWG\0027FIG08.DWG



CONTOUR LEGEND

- 470 — EXISTING 10' CONTOUR
- 470 — PROPOSED 10' CONTOUR



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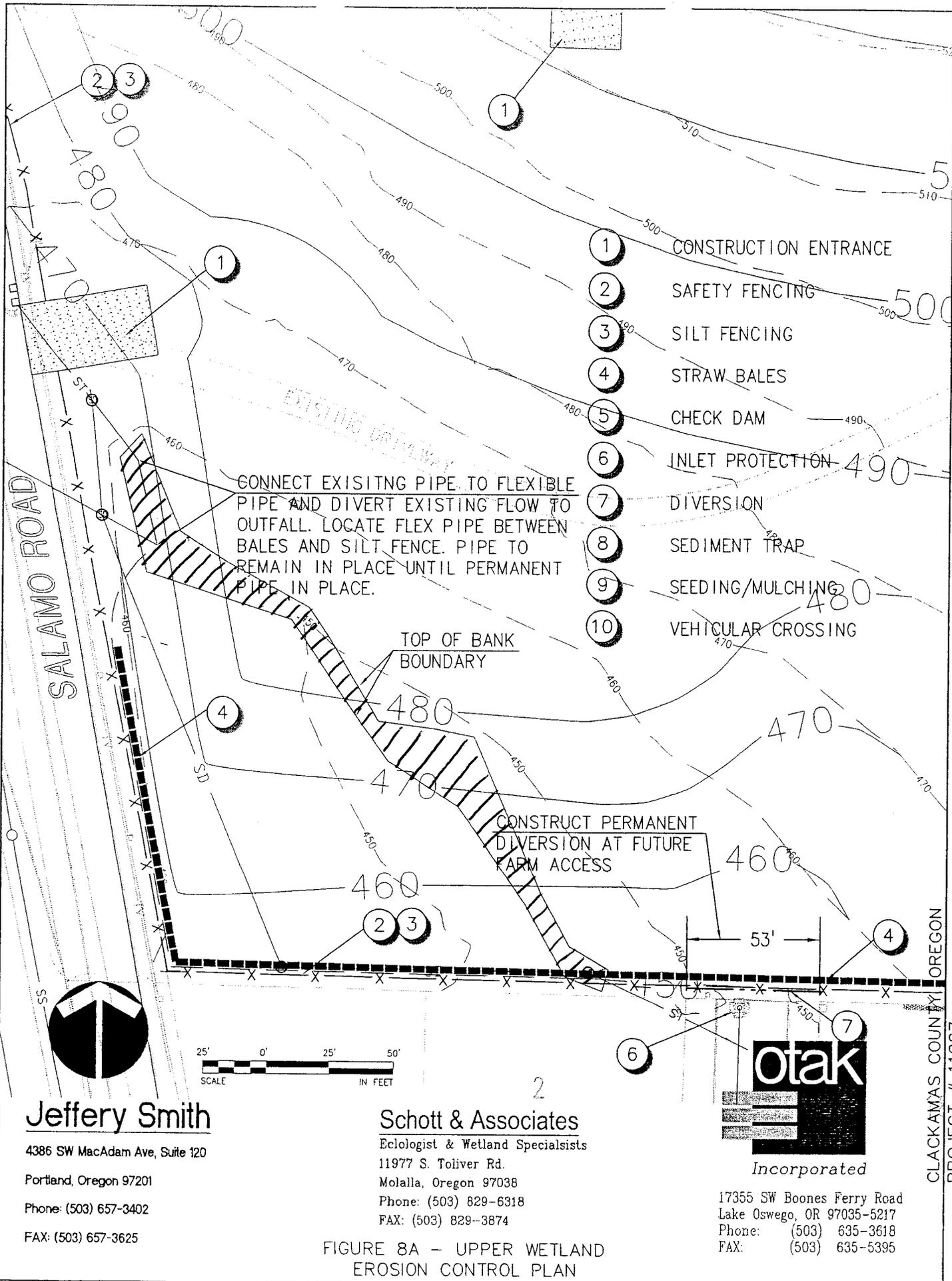
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FIGURE 8 — EROSION CONTROL PLAN

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

L: SHANNONM 10/20/03 6:51pm --> R: \DWG\027FIG08A.DWG



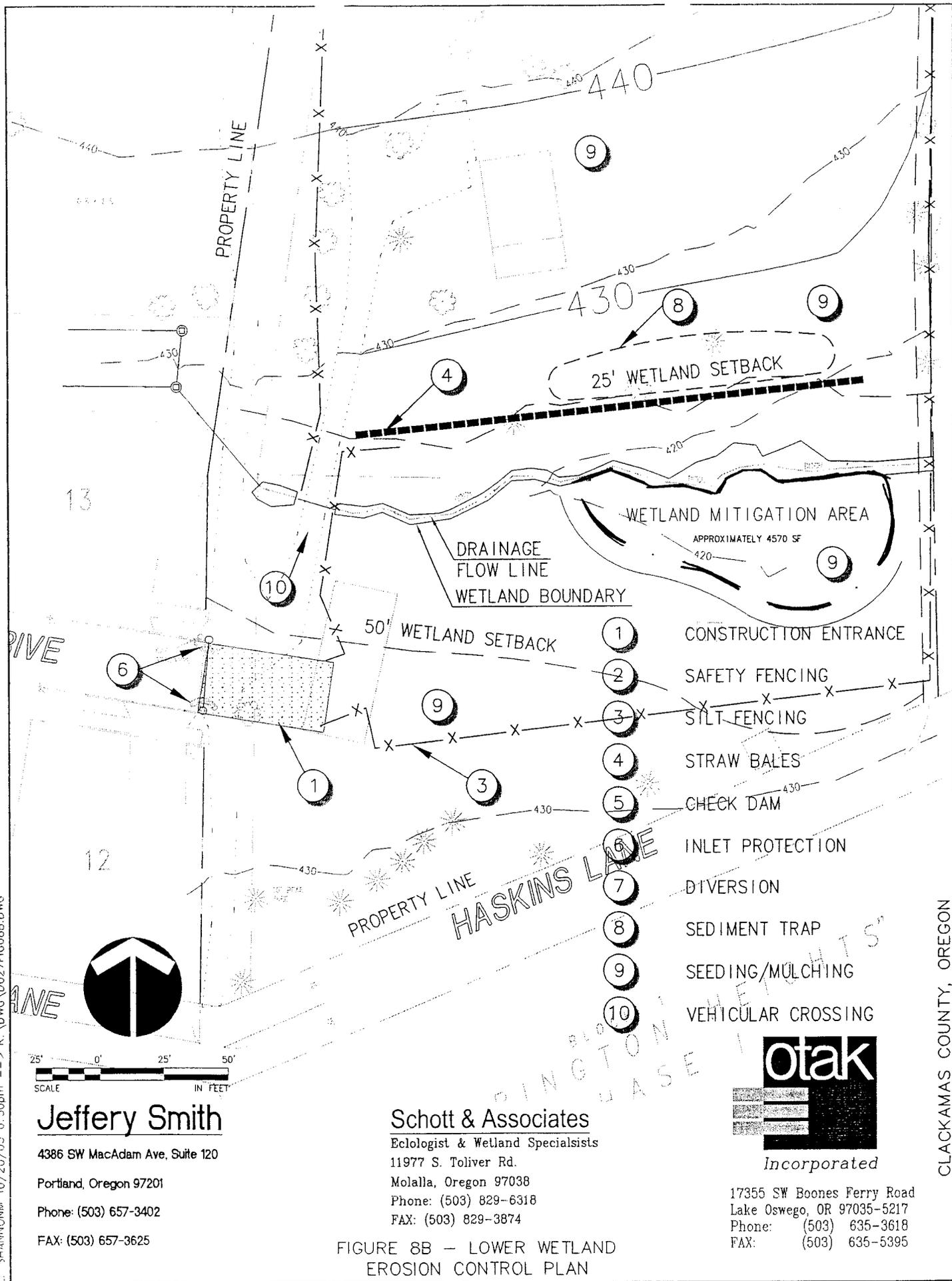
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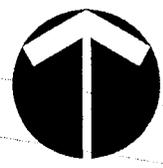
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FIGURE 8A - UPPER WETLAND
 EROSION CONTROL PLAN

L: SHANNONM 10/20/03 6:50pm R: DWG\0027FIG08B.DWG



- 1 CONSTRUCTION ENTRANCE
- 2 SAFETY FENCING
- 3 SILT FENCING
- 4 STRAW BALES
- 5 CHECK DAM
- 6 INLET PROTECTION
- 7 DIVERSION
- 8 SEDIMENT TRAP
- 9 SEEDING/MULCHING
- 10 VEHICULAR CROSSING



SCALE
 25' 0' 25' 50'
 IN FEET

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FIGURE 8B - LOWER WETLAND EROSION CONTROL PLAN

CLACKAMAS COUNTY, OREGON
 PROJECT # 11027

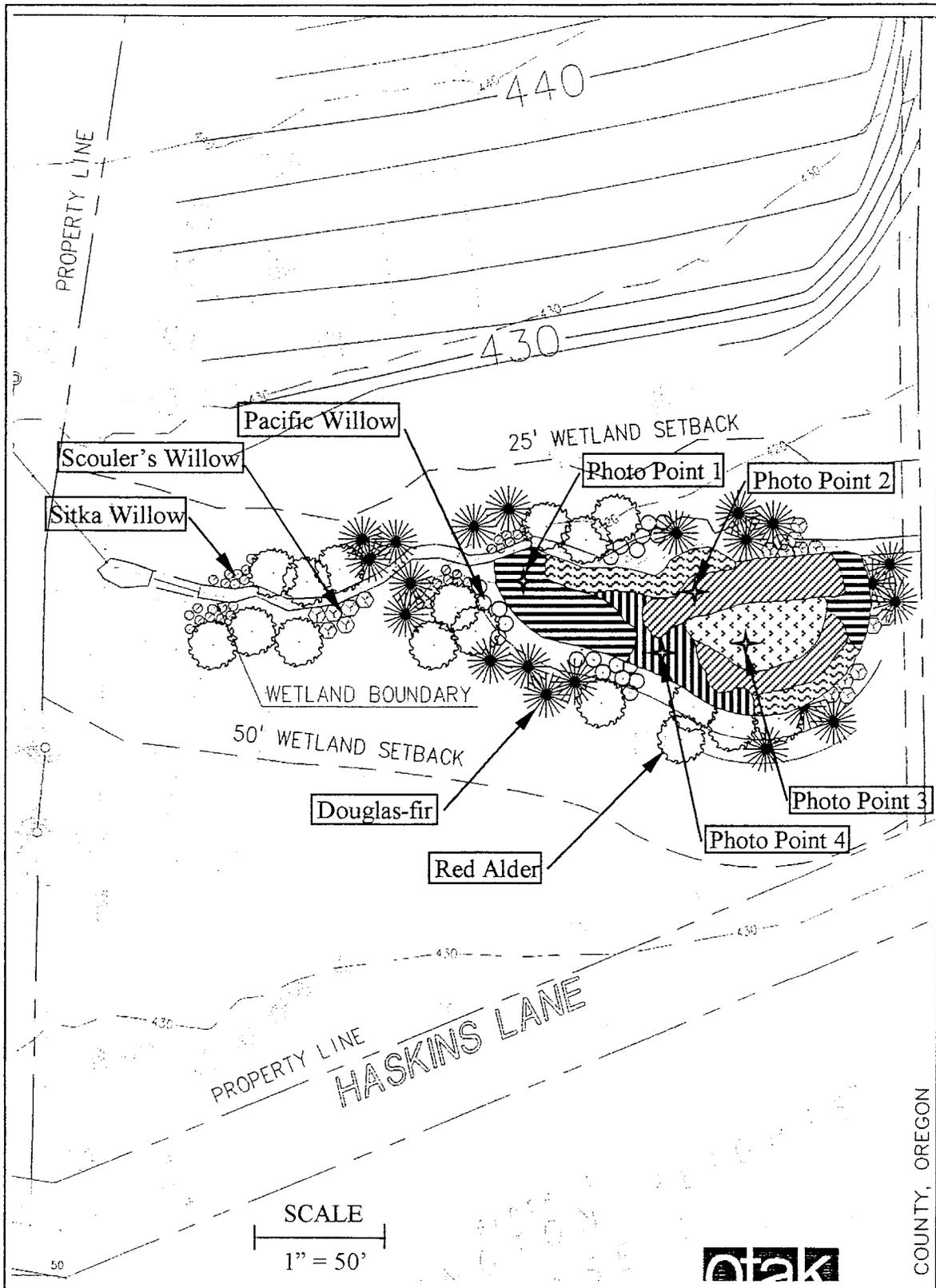


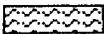
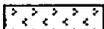
FIGURE 10A: HASKINS LANE VINEYARD
WETLAND AND BUFFER MITIGATION PLAN



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503-829-6318

COUNTY, OREGON

Planting Legend - Wetland Creation and Wetland Buffer Enhancement

	Species	Size	Spacing	Quantity
	<u>Wetland Plants</u>			
	<i>Rosa Nutkana</i>	1 gal.	5' oc	10*
	<i>Carex obnupta</i>	Rhizome	18" oc	420*
	<i>Spirea douglasii</i>	1-2 gal.	2-3' oc	30*
	<i>Cornus stolonifera</i>	1-2 gal.	3-4' oc	24*
	<i>Rosa pisocarpa</i>	1 gal.	5' oc	22*
	<u>Buffer Plants</u>			
Plant Symbols Shown on Mitigation Plan	<i>Pseudotsuga menziesii</i>	1-2'	15' oc	23
	<i>Alnus rubra</i>	1 gal.	10' oc	15
	<i>Salix sitchensis</i>	12" cuttings	5' oc	37*
	<i>Salix lacida</i>	12" cuttings	5' oc	20*
	<i>Salix scouleriana</i>	12" cuttings	5 oc	20*

*Planting Notes: Plants should be placed in same species clumps of 3-4 individuals to encourage plant massing.

Planting Legend - Buffer Enhancement (Wet/Moist Area Seed Mix)

Scientific Name	Common Name	% mixture by PLS*
<i>Carex deweyana</i>	Dewey Sedge	20
<i>Carex obnupta</i>	Slough Sedge	35
<i>Eleocharis palustris</i>	Creeping Spikerush	10
<i>Juncus tenuis</i>	Slender Rush	10
<i>Scripus microcarpus</i>	Small-fruited Bulrush	25

* Pure Live Seed
Hydroseed application rate: 4.5 pounds/acre (32 kilograms/hectare)
Broadcast application rate: 6 pounds/acre (45 kilograms/hectare)

Figure 10B: Haskins Lane Vineyard
Mitigation Plan Plant Legend

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Oregon Department of Environmental Quality Water Quality 401 Certification

Corps of Engineers Action ID Number: 200300753
Oregon Division of State Lands Number: 30354-FP

Notice Issued: March 22, 2004
Written Comments Due: April 22, 2004

WHO IS THE APPLICANT: JT Smith Properties

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

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

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

PUBLIC PARTICIPATION:

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

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to melville.tom@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.