US Army Corps
Of Engineers (Portland District)

Joint Permit Application Form

DATE STAMP

AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number

Oregon Department of State Lands No

SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY

US Army Corps of Engineers:
District Engineer
ATTN: CENWP-OD-GPPO
Box 2946
Portland, OR 97208-2946
503-808-4373

AND

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

OR

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

AND

Send DSL Application Fees to:
State of Oregon
Department of State Lands
PO Box 4395, Unit 18
Portland, OR 97208-4395
(Attach a copy of the first page of the application)

(1) APPLICANT INFORMATION

Applicant Name and Address	City of Lake Oswego Kim Gilmer, Parks and Recreation; P.O. Box 369 Lake Oswego, OR 97034	Business Phone # Home Phone # Fax # Email	503-675-2545 503-687-6579 kgilmer@ci.oswego.or.us
Authorized Agent Name and Address Check one Consultant ☒ Contractor ☐	Sarah Hartung ESA Adolfson 522 SW Fifth Ave. Suite 820 Portland, OR 97204	Business Phone # Home Phone # Fax # Email	503-226-8018 503-226-8017 shartung@esassoc.com
Property Owner Name and Address If different from above[1]	Same as above	Business Phone # Home Phone # Fax # Email	

(2) PROJECT LOCATION

Street, Road or Other Descriptive Location		Legal Description (attach *tax lot map**)			
North side of Rosemont Road, east of Luscher Farms.		Township	Range	Section	Quarter/Quarter
		2S	1E	15	NA
In or near (City or Town)	County	Tax Map #		Tax Lot #[2]	
Lake Oswego	Clackamas	2 1e 15c		700, 300, and Rosemont Rd ROW	
Wetland/Waterway (pick one)	River Mile (if known)	Latitude (in DD.DDDD format)		Longitude (in DD.DDDD format)	
Wetland	NA	start: 45.391078N; end: 45.389411N		start: -122.679728W end: -122.677267W	
Directions to the site	From downtown Portland, travel south on OR-43 to Lake Oswego. Pass through downtown, then bear right on McVey Avenue for 0.8 miles. The road will transition to Stafford Road. Travel 1.1 miles and take a left on S. Rosemont Road. Travel 0.7 miles to the Wilson Creek crossing.				

[1] If applicant is not the property owner, permission to conduct the work must be attached.
[2] Attach a copy of all tax maps with the project area highlighted.

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

(3) PROPOSED PROJECT INFORMATION

Type: Fill ☒ Excavation (removal) ☒ In-Water Structure ☐ Maintain/Repair an Existing Structure ☐

Brief Description: Construct a multi-use trail on the north side of Rosemont Road; crossing Wilson Creek, a tributary, and associated wetlands.

Fill

Riprap	Rock	Gravel	Organics	Sand	Silt	Clay	Other:
☐	☐	☒	☒	☒	☒	☒	☒ concrete footing, concrete asphalt

Wetlands (Wetlands 1, 2, Ditch 1a, and Ditch 2a)	Permanent (cy)	Temporary (cy)							Total cubic yards for project (including outside OHW/wetlands)	4,500
	35	2								
	Impact Area in Acres	Dimensions (feet)								
	0.012	L’		W’		H’				
Waters below OHW (Ditch 1b)	Permanent (cy)	Temporary (cy)							Total cubic yards for project (including outside OHW/wetlands)	
	11	0								
	Impact Area in Acres	Dimensions (feet)								
	0.01	L’		W’		H’				

Removal

Wetlands (Wetlands 1, 2, Ditch 1a, and Ditch 2a)	Permanent (cy)	Temporary (cy)							Total cubic yards for project (including outside OHW/wetlands)	500
	25	2								
	Impact Area in Acres	Dimensions (feet)								
	0.012	L’		W’		H’				
Waters below OHW (Ditch 1b)	Permanent (cy)	Temporary (cy)							Total cubic yards for project (including outside OHW/wetlands)	
	20	0								
	Impact Area in Acres	Dimensions (feet)								
	0.01	L’		W’		H’				

Total acres of construction related ground disturbance (If 1 acre or more a 1200-C permit may be required from DEQ) 2 acres

Is the disposal area upland? Yes ☒ No ☐ Impervious surface created? 0<1 acre ☐ 0>1 acre? ☒

	Yes	No
Are you aware of any state or federally listed species on the project site?		X
Are you aware of any Cultural/Historic Resources on the project site?		X
Is the project site within a national Wild & Scenic River?		X
*Is the project site within a State Scenic State Scenic Waterway?**		X

If yes, please explain in the project description (in block 4)

(4) PROPOSED PROJECT PURPOSE AND DESCRIPTION

Purpose and Need:

*Provide a description of the public, social, economic, or environmental benefits of the project along with any supporting formal actions of a public body (e.g. city or county government), as appropriate.**

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Purpose and Need:

The purpose of the project is to increase pedestrian pathways and trails in the Stafford Basin area, a need identified in the Pathways and Trails Master Plan adopted by the City of Lake Oswego in 2002. The proposed trail would add 1.5 miles to the existing Stafford Basin Trail. Future trail planning involves extending the trail an additional 1.5 miles along Rosemont Road to connect to natural areas along the Willamette River. The trail system currently provides an alternate means of transportation for residents and visitors of unincorporated Clackamas County, serving pedestrians, bicyclists, and horseback riders. The proposed project has been granted a conditional use permit from the Clackamas County long-range planning department.

Project Description:

Please describe in detail the proposed removal and fill activities, including the following information:

- Volumes and acreages of all fill and removal activities in waterway or wetland separately
- Permanent and temporary impacts
- Types of materials (e.g., gravel, silt, clay, etc.)
- How the project will be accomplished (i.e., describe construction methods, equipment, site access)
- *Describe any changes that the project may make to the hydraulic and hydrologic characteristics (e.g., general direction of stream and surface water flow, estimated winter and summer flow volumes.) of the waters of the state, and an explanation of measures taken to avoid or minimize any adverse effects of those changes.*
- Is any of the work already complete? Yes ☐ No ☒ If yes, please describe the completed work.

In addition, for fish habitat or wetland restoration or enhancement activities, complete the information requested in supplemental Fish Habitat or Wetland Restoration and Enhancement form.

Project Drawings

State the number of project drawing sheets included with this application: 25

A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

- **Location map** (must be legible with street names) See sheet
  - Site plan including;
  - Entire project site and activity areas
  - Existing and proposed contours
  - Location of ordinary high water, wetland boundaries or other jurisdictional boundaries
  - Identification of temporary and permanent impact areas within waterways or wetlands
  - Map scale or dimensions and north arrow
  - Location of staging areas
  - Location of construction access
  - Location of cross section(s), as applicable
  - Location of mitigation area, if applicable
- **Cross section drawing**(s) including;
  - Existing and proposed elevations
  - Identification of temporary and permanent impact areas within waterways or wetlands
  - Ordinary high water and/or wetland boundary or other jurisdictional boundaries
  - Map scale or dimensions
- **Recent Aerial photo** (1:200, or if not available for your site, the highest resolution available)

Will any construction debris, runoff, etc., enter a wetland or waterway? Yes ☐ No ☒

If yes, describe the type of discharge and show the discharge location on the site plan.

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Project Description:

Proposed trail construction would cross two streams and affect adjacent wetlands and roadside drainage ditches. No fill or excavation is proposed below the OHWL of Wilson Creek (the first stream crossing from west to east) or below the OHWL of the unnamed tributary to Wilson Creek (the second crossing). At the two stream locations, the trail would consist of a plastic lumber elevated boardwalk on steel beams supported by concrete footings. In adjacent upland areas, the trail surface would be 8 feet wide with shoulders that are 1.5 feet and 1-foot wide, for a total width of 10.5 feet. At the Wilson Creek crossing the trail would only be 8 feet wide and at the second stream crossing, the trail would be 6 feet wide.

The trail at Wilson Creek would be an elevated boardwalk, 140 feet long by 8 feet wide, supported by concrete footings. Permanent impacts to wetlands/waterways are lumped at the Wilson Creek crossing because of the very small amount of impacts to these resources. Light grading and footing installation would affect a small portion of Wetland 1 (Sheet C1.0). Light grading, footing installation, and at-grade trail construction on the east side of Wilson Creek would affect Wetland 2 and the adjacent drainage ditch (Ditch 1a), which was excavated out of the wetland. The bottom of the boardwalk would range from 6 to 30 inches above ground level. In areas where the boardwalk is higher above ground level, light would filter in under the decking from the sides resulting in the potential for vegetation growth a few feet under the boardwalk. At the east end of the Wilson Creek crossing, the trail would transition to an at-grade surface which would require filling the east end of Wetland 2 and the adjacent drainage ditch. A new drainage ditch would be excavated closer to the roadway to convey run-off. The trail would continue east and cross a second drainage ditch (Ditch 1b). The existing ditch would be filled and a new ditch would be excavated closer to the roadway (Sheet C2.0). Proposed permanent fill and removal for the project are presented in Table 1.

Table 1: Permanent Wetland / Waterway Impacts

	Fill	Removal	
Location: Wilson Creek Crossing*			**Total Area**
Wetlands 1, 2; Ditch 1a Area	0.01 ac	0.01 ac	0.01 ac
Volume	7 cy	25 cy	
Activity and Material	Light grading, footing installation, and at-grade trail construction Material: footings, asphalt, ¾- gravel, native soil (sand, silt, clay, rocks)	Light grading and footing installation Material: footings, asphalt, ¾- gravel, native soil (sand, silt, clay, rocks)	
Ditch 1b Area	0.01 ac	0.01 ac	0.01 ac
Volume	11 cy	20 cy	
Activity and Material	Grading to realign ditch ¾- gravel, native soil	Grading to realign ditch native soil (sand, silt, clay, rocks)	
Location: Unnamed Stream Crossing*			
Ditch 2a Area	0.002 ac	0.002 ac	0.002 ac
Volume	28 cy	0 cy	
Activity and Material	Light grading and at-grade trail construction Material: asphalt, ¾- gravel, native soil (sand, silt, clay, rocks)	Light grading and at-grade trail construction Material: native soil (sand, silt, clay, rocks)	
		Total Permanent Impact Area	0.022 ac
Total Permanent Impact Area to be Mitigated (Proposed re-alignment of Ditch 1b will be self-mitigating; Ditch 1b is not considered jurisdictional by DSL)			**0.012 ac**

*No fill or removal is proposed below the OHWL of Wilson Creek or below the OHWL of the Unnamed Stream.

The trail at the second stream crossing would consist of a shorter elevated boardwalk, 30 feet long by 10 feet wide, with one footing on either side of the stream above the OHWL. No excavation or grading would occur below the OHWL of the unnamed tributary. On the east side of the unnamed tributary, the trail would transition to an at-grade surface, which would result in placing 28 cy of fill in 0.002 ac of a jurisdictional wetland/drainage ditch.

Proposed trail construction would involve minor clearing, light grading, excavating and filling. One to two small backhoes would be used to excavate the areas for the concrete footings. The footing area would be over-excavated to install the footing, then backfilled with

See attached additional page for more project description.

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Estimated project start date:	June 2011	Estimated project completion date:	August 2011

(5) PROJECT IMPACTS AND ALTERNATIVES

Alternatives Analysis:

Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland. (Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen. Reference OAR 141-085-0565 (1) through (6) for more information).*

Alternative sites were not selected due to the nature of the project, which is to extend and expand an existing trail system in a specific area. Proposed construction of this public trail is constrained by privately owned parcels in key locations. During the planning phase of the project, an alternative to crossing Wilson Creek at the proposed location was considered. Lake Oswego, the applicant, owns tax lots 700 and 300, which occur on either side of privately-owned lots 500 and 600 (north of 500). Moving the trail north of tax lot 500 would have avoided wetlands along Wilson Creek and would have required an easement from the landowners of tax lot 600. Easement negotiations ensued for several months but could not be agreed upon. Therefore the trail is restricted to crossing in front of tax lot 500 in the Rosemont Road right-of-way. Moving the trail to the north of tax lot 500 would not have solved the need to cross Wilson Creek because of the orientation of the stream across the landscape, but likely would have reduced wetland impacts. Refer to the attached tax lot map for the location of tax lots 700, 600, 500 and 300. The trail location is also constrained at the other stream crossing in the southeast corner of tax lot 300, owned by Lake Oswego. An easement from the landowner at tax lot 400 was not granted, and therefore the stream crossing and associated impacts were not able to be avoided. The future plan is to connect with a trail along Rosemont Road that extends from the east to widen the network of non-motorized transportation options.

Minimization measures to reduce wetland and waterway impacts include elevating the trail over wetlands and designing the trail to be as narrow as possible while still meeting recreational goals.

Measures to Minimize Impacts

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland. These may include but are not limited to the following:

- *For projects with ground disturbance include an erosion control plan or description of other best management practices (BMP's) as appropriate. (For more information on erosion control practices see DEQ's Oregon Sediment and Erosion Control Manual)*
- *For work in waterways where fish or flowing water are likely to be present, discuss how the work area will be isolated from the flowing water.*
- *If native migratory fish are present (or were historically present) and you are installing, replacing or abandoning a culvert or other potential obstruction to fish passage, complete and attach a statement of how the Fish Passage Requirements, set by the Oregon Department of Fish and Wildlife will be met.*

Erosion and sedimentation of nearby wetlands is anticipated to be minimal to negligible because construction would occur during the 2011 in-water work window and because the footprint of disturbance adjacent to and in the wetlands would be relatively small. The drainage ditches where grading and fill activities are proposed would be dry at the time of construction and no work in flowing water is proposed. Nevertheless, standard erosion control measures would be implemented prior to and during construction to reduce the chance of run-off from impacting wetlands and downstream waterways. These measures include the following:

1) Establish access and staging areas with a stabilized ground surface to reduce tracking of soils onto roadways;

2) Minimize the area that is to be cleared and graded at one time; mark the area clearly; and schedule construction soon after clearing; 3) Apply sediment control measures such as straw-bale and brush barriers, straw wattles, vegetated strips, and/or silt fences to control and filter sheet-flow and shallow runoff; 4) Revegetate disturbed areas as soon as possible after completion of construction; 5) Stabilize soil stockpiles with seed, sod, mulch, plastic covers, erosion control blankets, and mats. 6) Remove erosion controls after construction is complete.

Description of resources in project area

Ocean ☐ Estuary ☐ River ☐ Lake ☐ Stream ☒ Freshwater Wetland ☒

Describe the existing **physical and biological characteristics** of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).

For wetlands, include, as applicable:

- *Cowardin and Hydrogeomorphic(HGM) wetland class(s)**
- *Dominant plant species by layer (herb, shrub, tree)**
- Whether the wetland is freshwater or tidal
- *Assessment of the functional attributes of the wetland to be impacted**
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area.)

For waterways, include a description of, as applicable:

- *Channel and bank conditions**
- *Type and condition of riparian vegetation**
- *Channel morphology (i.e., structure and shape)**
- *Stream substrate**
- Fish and wildlife (type, abundance, period of use, significance of site)
- *General hydrological conditions (e.g. stream flow, seasonal fluctuations)**

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Description of resources in the project area:

Wetlands

Wetland 1 is located in a depression adjacent to and west of Wilson Creek and extends off-site (upstream) to the north. Wetland 1 is a palustrine forested (PFO) wetland (Cowardin 1979) with a hydrogeomorphic (HGM) classification of Riverine (Adamus and Field, 2001). The dominant species in the tree layer of the on-site wetland is Pacific willow (*Salix lasiandra,* FACW) and the dominant species in the shrub layer is Himalayan blackberry (*Rubus discolor,* FACU). No ground cover was present due to the dense thicket of blackberry. A very small portion of the edge of this wetland would be impacted from construction of the elevated boardwalk over Wilson Creek. No mature trees would be removed from the wetland, only Himalayan blackberry.

Wetland 2 is a palustrine emergent (PEM), Riverine wetland that abuts the north side of Ditch 1a and a portion of the east side of Wilson Creek. The ground was mostly bare in the wetland, possibly due to herbicide spraying from landscaping activities. The small amount of vegetation in the wetland consisted predominantly of annual bluegrass (*Poa annua*, FAC), with a few stems of bedstraw (*Galium aparine,* FACU). The partial impoundment of Wilson Creek on the north side of Rosemont Road likely contributes to the higher groundwater levels in this area. The wetland may receive overbank flooding from Wilson Creek and Ditch 1a during storm events.

Ditches 1a and 1b were constructed to convey stormwater runoff along the north side of Rosemont Road in front of tax lot 500 (Figure 2b; Figures 6a and 6b, Appendix A). Ditch 1a was apparently excavated out of Wetland 2. Water was flowing in Ditch 1a from east to west during field investigations and has a free and open connection to Wilson Creek (Figures 6a and 6b, Appendix A). Water depth ranged from one to four inches. Ditch 1b is west of and higher in elevation than Ditch 1a, and lacked surface water during field investigations. The ditches are two to six feet wide at the OHWL with unvegetated, gravel banks. The bed of the ditch contained a thin layer of silt and organic material over gravel. Portions of the ditches are flanked by landscaping blocks and ornamental vegetation.

Ditch 2a is located east of the unnamed stream along the north side of Rosemont Road and was constructed for stormwater conveyance. The ditch originates on a hillslope and conveys run-off from east to west into the unnamed stream, which flows into Wilson Creek off-site. This ditch segment would be classified as PEM / Slope and is located entirely within the Rosemont Road ROW. The dominant wetland plant is creeping bentgrass *(Agrostis stolonifera,* FAC), although much of the ditch was unvegetated and contained duff and gravel.

Streams

Wilson Creek is a perennial tributary of the Tualatin River and extends off-site to the north (upstream) and south (downstream). The OHWL was determined based on bank slumping and the lowest extent of woody vegetation. Wilson Creek in the study area is channelized with unstable banks and silty substrate. Riparian vegetation on the east side of the stream is limited probably due to landscaping activities on the adjacent private property. Riparian vegetation on the west side is comparatively dense and consists of Pacific willow and Himalayan blackberry. Water depths ranged from one to feet and the width of the channel averaged 3 to 5 feet, with a maximum width of 12 feet measured at the OHWL near the northern edge of the study area boundary. Based on visual estimation, water was flowing in Wilson Creek at a rate of five cubic feet per second (cfs). Wilson Creek is not mapped as providing or supporting anadromous fish habitat (Streamnet, 2010).

The unnamed tributary of Wilson Creek is not mapped as providing or supporting fish habitat (StreamNet, 2010). This stream originates from a ridgeline north of Rosemont Road, is piped under private property (Tax lot 400), and discharged through a 24-inch culvert onto Lake Oswego property in the study area (Tax lot 300). This stream flows for approximately 60 feet across the study area, then flows through a culvert beneath Rosemont Road to the south. This stream joins another unnamed stream 0.2 river miles south of the study area, then flows into Wilson Creek after approximately 0.1 river miles downstream.

The OHWL of the stream was based on bank slumping and the lowest extent of woody vegetation. The width of the stream ranged from 5 to 10 feet and water depth averaged one foot. Channel substrate consisted primarily of fines, with some sand and gravel. Based on visual estimation, water was flowing in the stream at a rate of five cfs. According to the landowner south of Rosemont Road, the stream reduces to a trickle in the summer time and occasionally dries up completely. Dominant vegetation in the riparian zone included Himalayan blackberry and red fescue (*Festuca rubra,* FAC).

*Describe the existing **navigation, fishing and recreational** use of the waterway or wetland.**

Wilson Creek, the unnamed stream and associated wetlands are not used for navigation, nor do they provide fishing or recreational opportunities. The streams are small, shallow and would not support watercraft.

Site Restoration/Rehabilitation

- *For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian areas, please discuss how you will restore the site after construction including any monitoring, if necessary**

Disturbance to riparian areas at both the Wilson Creek crossing and the unnamed stream crossing includes clearing blackberries and a few native trees and shrubs to enable construction equipment to access the areas. Riparian areas adjacent to the Wilson Creek crossing and the unnamed stream crossing would be replanted with native trees, shrubs, and groundcover. Refer to Table 2 for recommended species. Temporary disturbance to wetlands includes light grading and over-excavation to install footings for the boardwalk at Wilson Creek. Portions of Wetland 1 and Wetland 2 at the Wilson Creek crossing would be shaded by the proposed boardwalk, which would allow some light through the slats and along the sides. Once the boardwalk is constructed, seeding of these wetlands under and along the boardwalk is recommended with native emergent species listed in Table 3. If species are able to persist under the boardwalk, it would be an improvement over the existing blackberry thicket in Wetland 1 and an improvement over the existing denuded conditions in Wetland 2.

Table 2: Site Restoration Specifications for Riparian Areas

Species	Size	Spacing	Instructions and Notes
Cascara (*Rhamnus purshiana*)	1 gal	15’ o.c.	Plant a minimum of two tree species. Oregon ash and red alder are hardy and fast-growing. Interplant at a total density of 15’ o.c.
Oregon ash (*Fraxinus latifolia*)			
Red alder (*Alnus rubra)*			
Black twinberry (*Lonicera involucrata*)	1 gal	5’ o.c.	Plant a minimum of three shrub species. Plant a relatively equal mix of these shrubs at a total density of 5’ o.c.
Red twig dogwood (*Cornus sericea*)			
Nootka rose (*Rosa nutkana*)			
Vine maple (*Acer circinatum*)			
Blue wildrye (*Elymus glaucus*) 30%*	Seed rate: 20 lbs per acre		Broadcast seed after site preparation; mulch with sterilized straw; water as needed.
Native red fescue (*Festuca rubra var. rubra*) 50%			
Spike bentgrass (*Agrostis exarata*) 20%			

*Percent of seed mix by weight.

Table 3: Site Restoration Specifications for Wetlands

Species	Size	Spacing	Instructions and Notes
Slough sedge (*Carex obnupta*)	Bare root plugs	1’ o.c.	Plant under the boardwalk at Wilson Creek with clearance of at least 12 inches. Both species can tolerate shade.
Fringecup (*Tellima grandiflora*)	4-inch or 1-gal	3’ o.c.	
American sloughgrass (*Beckmannia syzigachne*) 20%		Seed rate: 20 lbs per acre	Broadcast seed alongside the boardwalk after site preparation; mulch with sterilized straw; water as needed.
Tufted hairgrass (*Deschampsia cespitosa*) 30%			
Western mannagrass (*Glyceria occidentalis*) 50%			

*Percent of seed mix by weight.

Mitigation

*Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.**

- *For permanent impact to wetlands, complete and attach a Compensatory Wetland Mitigation (CWM) Plan. (See OAR 141-085-0705 for plan requirements)**
- *For permanent impact to waters other than wetlands, complete and attach a Compensatory Mitigation (CM) plan (See OAR 141-085-0765 for plan requirements)**
- *For permanent impact to estuarine wetlands, you must submit a CWM plan.**

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Payment to either the Mud Slough Mitigation Bank or the Half Mile Lane Mitigation Bank is proposed for permanent impacts to 0.012 acres of jurisdictional wetlands/ditches. The current rate for mitigation credits is being clarified with the Department of State Lands.

Mitigation Location Information (Fill out only when mitigation is proposed or required)

Proposed mitigation (Check all that apply):	☐ *Onsite Mitigation*	*Type of mitigation:*	
	☐ *Offsite Mitigation*	☒ *Wetland Mitigation*	
	☒ *Mitigation Bank*	☐ *Mitigation for impacts to other waters*	
	☐ *Payment to Provide*	☐ *Mitigation for impacts to navigation, fishing, or recreation*	

Street, Road or Other Descriptive Location	*Legal Description (attach tax lot map*)*			
	Quarter/Quarter	*Section*	*Township*	*Range*

In or near (City or Town)	*County*	*Tax Map #*	*Tax Lot #*[3]
Wetland/Waterway (pick one)	*River Mile (if known)*	*Latitude (in DD.DDDD format)*	*Longitude (in DD.DDDD format)*
Name of waterway/watershed/HUC		*Name of mitigation bank (if applicable)*	
		Mud Slough Mitigation Bank or Half Mile Lane Mitigation Bank.	

(6) ADDITIONAL INFORMATION

Adjoining Property Owners and Their Address and Phone Numbers *(if more than 5, attach printed labels*)*

1. City of Lake Oswego (lots 300 and 700)
P.O. Box 369; Lake Oswego, OR 97034
Phone: 503.635.0270
2. Alice & Nelson Smith (lot 500)
355 S. Rosemont Road; West Linn, OR 97068
Phone: 503.638.5403
3. Virginia Hitchrick (lot 400)
425 S. Rosemont Road; West Linn, OR 97068
Phone: not listed

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.?

Yes ☐ No ☒

If yes, what identification number(s) were assigned by the respective agencies:

Corps #		State of Oregon #	

Has a wetland delineation been completed for this site? *Yes* ☒ *No* ☐

*If yes by whom?**	*ESA Adolfson*

Has the wetland delineation been approved by DSL or the COE? *Yes* ☒ *No* ☐

[3] Attach a copy of all tax maps with the project area highlighted.

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

*If yes, attach a concurrence letter. **

Concurrence letter from DSL is attached.

(7) CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT
*(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL) **

I have reviewed the project outlined 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 will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained.
- ☐ Conditional Use Approval
- ☐ Development Permit
- ☐ Other

This project is not consistent with the comprehensive plan. Consistency requires a

- ☐ Plan Amendment
- ☐ Zone Change
- ☐ Other

An application has ☐ has not ☐ been filed for local approvals checked above.

Local planning official name (print)	Signature	Title	City / County	Date

Comments:

(8) *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. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

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 Name	Title
Applicant Signature	Date

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

(9) SIGNATURES FOR JOINT APPLICATION

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 Dept. of State Lands 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, upon request, 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. The fee for the state application must accompany the application for completeness.*

Amount enclosed	*$250*

Print /Type Name	Title	Print /Type Name	Title
Kim Gilmer	Director of Parks & Recreation		
Applicant Signature	Date	**Authorized Agent Signature**	Date

Landowner signatures: *For projects and /or mitigation work proposed on land not owned by the applicant, including state-owned submerged and submersible lands, please provide signatures below. A signature by the Department of State Lands for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for authorization to conduct removal/fill activities on such lands. This signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied.*

Print /Type Name	Title	Print /Type Name	Title
Property Owner Signature	Date	***Mitigation Property Owner Signature***	Date

- ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Project Description (continued):

native soils. Each footing would be 8 feet long by 1.5 by wide by 1.5 feet deep. A concrete pump truck situated at the edge of Rosemont Road would be able to reach the construction area to pour concrete into the holes at the Wilson Creek crossing location. The concrete pump truck at the unnamed tributary location would be located adjacent to the stream in uplands. Once the concrete footings are in place, one or two backhoes would be used to place steel beams on top of the footings. The beams would be attached to the concrete foundation with handheld tools. Construction of the boardwalks is estimated to take 4 to 5 weeks. Staging would occur in uplands on lots 700 and 300 owned by the City of Lake Oswego. Equipment staging and construction access would occur on the west-bound lane of Rosemont Road, which would be reduced to one lane during construction.

New Impervious Surface: The entire project would result in approximately 1.8 acres of new impervious surface. No motorized vehicles would be allowed on the trail, except occasional maintenance vehicles. Run-off would infiltrate into surrounding upland soils.

Oregon
Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us.

June 30, 2010

Kim Gilmer
Parks and Recreation Department
City of Lake Oswego
380 A Avenue
Lake Oswego, OR 97034

Re: Wetland Delineation Report for a Portion of the Rosemont Trail Project, Clackamas County; T2S R1E Sec. 15C, 22A, 22B, and 23CB, Portions of the Rosemont Road Right-of-Way; WD #10-0091

Dear Ms. Gilmer:

The Department of State Lands has reviewed the wetland delineation report prepared by ESA Adolfson, Inc. for the site referenced above. Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figures 6a through 6i. Within the study area, 5 wetlands (totaling approximately 0.76 acres) and 12 waterways were identified. All of the wetlands and 5 of the 12 waterways are subject to the permit requirements of the state Removal-Fill Law. The remaining 7 waterways (1b, 2b, 2c, 2d, 3a, 3b, and 3c) are exempt per OAR 141-085-0515 (10) and are not subject to the state law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at (503) 986-5232 if you have any questions.

Sincerely,

Peter Ryan, PWS
Wetland Specialist

Approved by

Bill Ryan, Assistant Director
Wetlands & Waterways
Conservation Division

Enclosures

ec: Sarah Hartung, ESA Adolfson, Inc.
Clackamas County Planning Department
Charlie Hanner, Corps of Engineers
Anita Huffman, DSL