



DEPARTMENT OF THE ARMY
 CORPS OF ENGINEERS, PORTLAND DISTRICT
 EUGENE FIELD OFFICE
 1600 EXECUTIVE PARKWAY, SUITE 210
 EUGENE, OREGON 97401-2156

RECEIVED
 MAR 27 2009

REPLY TO
 ATTENTION OF:

March 26, 2009

BENTON COUNTY AVERY FACILITY

EXC09-00047

Operations Division
 Regulatory Branch
 Corps No. NWP-1992-872/1

Ms. Laurel Byer
 Benton County Public Works
 360 SW Avery Avenue
 Corvallis, Oregon 97333

Dear Ms. Byer:

Enclosed are Benton County Public Works' fully executed Department of the Army Permit and a notice of authorization. The notice of authorization must be posted at the worksite.

Please carefully read the permit and its conditions. In addition, if you have a contractor and/or agent, please review these conditions with them to ensure that the work is performed in accordance with the permit terms.

Also be aware that other authorizations from Federal, state, or local governments may be required by law. If the work is not completed prior to the permit expiration date, you may apply for a time extension. We recommend you apply for a time extension at least 90 days before the expiration date of the permit.

If you have any questions, please contact Michele E. Hanson at the letterhead address, by telephone at (541) 465-6878, or email michele.e.hanson@usace.army.mil.

Sincerely,

Erik S. Petersen
 Erik S. Petersen
 Chief, Regulatory Branch

REVISED PLANS

Enclosures

RECEIVED
 JUN - 2 2009
 DEVELOPMENT SERVICES

EXC08-00051

DEPARTMENT OF THE ARMY PERMIT

Permittee: Benton County Public Works
360 SW Avery Avenue
Corvallis, Oregon 97333-1139

Co-Permittee: Mr. Andrew Martin
5 Red Ridge Circle
Barrington, Illinois 60010-5326

Permit No: NWP-1992-872/1

Issuing Office: U.S. Army Corps of Engineers
Eugene Field Office
1600 Executive Parkway Suite 210
Eugene, Oregon 97401-2156

NOTE: The term "you" and its derivatives as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Benton County Public Works and Andrew Martin are authorized to fill up to 34 acres of wetlands and 1.3 acres of Dunawi Creek and unnamed tributaries to realign 4,045 linear feet of SW Reservoir Avenue and to develop an industrial park, including necessary infrastructure.

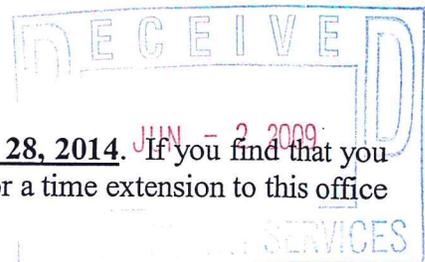
Purpose: To provide the necessary infrastructure to attract industries to support the local economy in the Corvallis metropolitan area. A secondary or dual purpose is to rehabilitate this former paper and mill site into a new industrial use.

Project Location: The project is located on approximately 86 acres north of SW Reservoir Avenue and west of NW 53rd Street in Corvallis, Benton County, Oregon (Sections 32 and 33, Township 11 South, Range 5 West).

Drawings: Twelve (12) drawings are attached and labeled NWP-1992-872/1 (Enclosure 1). A compensatory mitigation plan entitled "*Stream Restoration & Wetland Compensatory Mitigation Plan, SW Reservoir Avenue Re-Alignment*" and dated January 29, 2009, is also attached (Enclosure 2).

General Conditions:

1. The time limit for completing the work authorized ends on **February 28, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.



2. Permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition No. 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions of this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Enclosure 3)
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. Permittee shall notify the Regulatory Branch with the date the activities authorized in waters of the U.S. are scheduled to begin. Notification shall be sent by email to cenwp.notify@usace.army.mil or mailed to the following address:

U.S. Army Corps of Engineers
Permit Compliance, Linn County
1600 Executive Parkway Suite 210
Eugene, Oregon 97401-2156

The subject line of the message shall contain the name of the county in which the project is located followed by the Corps of Engineers permit number.

b. Permittees shall fully and successfully implement the onsite permittee-responsible compensatory mitigation plan for this project. The plan entitled "*Stream Restoration & Wetland Compensatory Mitigation Plan, SW Reservoir Avenue Re-Alignment*" (Plan) is dated January 29, 2009, and was completed by Henderson Land Services, LLC and Benton County Public Works (Enclosure 2). The overall goal of the Plan is to create, restore and enhance up to 27 acres of palustrine emergent wetland and up to 1.3 acres of Dunawi Creek and its tributary to offset a permanent loss of up to 17 acres drainages and palustrine emergent wetlands. The goals are described in detail on pages 1-3 (pages 4-6 of 48) of the Plan.

c. Permittee shall initiate construction of the onsite mitigation prior to or concurrently with the first discharge of dredge or fill material. Permittee shall plant the site as described in the Plan on pages 1-3 (pages 4-6 of 48), and Table C. Permittee shall complete construction of the mitigation site within the first growing season following the first discharge of dredge or fill material into waters of the U.S. The expected season for completion of the plantings is Fall 2010.

d. Permittee shall submit an "as built" report to the Corps at the address shown in Special Condition (a) within 90 days of completion of grading and no later than December 31, 2009. The report shall contain photographs of the site (see Special Condition (e) and the initial grading survey.

e. Permittee shall establish fixed photographic points sufficient in number and location to ensure 100 percent coverage of the mitigation site of a scale adequate to allow the Corps to determine compliance. The location of the sites shall be marked on a map. A copy of the location map showing the location of each of the photo points shall be included in each of the subsequent reports.

f. Permittee shall monitor the site for a minimum of five years as described in the Plan and submit yearly monitoring reports to the Corps address in Special Condition (a) above. The monitoring reports shall contain photographs of the site as described in Special Condition (e). The reports shall also contain a brief summary of the success of the plantings and a description of all maintenance activities including watering and replanting. Reports shall be received no later than December 31 of each monitoring year.

g. Permittee shall have achieved success for the palustrine emergent wetlands and forested wetlands, respectively if at the end of five years and seven years the wetlands meet the three wetland criteria as described in the Corps 1987 Manual. The success criteria for measuring cover as described in the Plan shall be measured as living cover.

h. If the mitigation fails to meet the success criteria as outlined on pages 4-5 (pages 7-8 of 48) of the Plan by the end of Year 3 of the monitoring period, the permittee shall submit a revised plan to replace lost wetland functions. The revised plan shall account for the temporal loss of wetland due to a delay in full implementation of the compensatory mitigation.

i. The monitoring period for creation of up to 0.5-acre and enhancement of approximately 11 acres of palustrine forested wetlands shall be for 10 years. If by Year 7 the Corps determines the palustrine forested wetlands are successfully established, the Corps may release the permittee from further monitoring. The permittee will be notified in writing from the Corps.

j. Permittee shall isolate and confine the worksite from active channels to minimize turbidity and prevent pollutants from entering wetlands and waterways.

k. All practicable erosion control devices shall be installed and maintained in good working order throughout construction to prevent the unauthorized discharge of material into a wetland or tributary and minimize increases in turbidity resulting from the work in compliance with Oregon Department of Environmental Quality water quality standards. The devices shall be installed in a manner to maximize their effectiveness, *e.g.*, sediment fences shall generally be buried or similarly secured. These controls shall be maintained until permanent erosion controls are in-place or are no longer necessary.

l. Permittee shall take the necessary precautions to prevent any petroleum products, chemicals, or deleterious or toxic materials from entering waterways during construction to prevent the introduction of contaminants or pollutants into the aquatic ecosystem.

m. Permittee shall remove excess soil and demolition material to a suitable upland location for disposal. The material shall be placed in a location and manner preventing its discharge into waterways or wetlands. Sediment may be allowed to naturally erode downstream provided the material has not been contaminated by spills of potentially toxic material such as lubricants and petroleum products. In the event of spills, affected material shall be taken to an appropriate upland location.

n. Permittee shall submit a signed certification regarding the completed work and any required mitigation. A "Compliance Certification" is provided (Enclosure 4).

o. Permittee's responsibility to complete the required compensatory mitigation as set forth in the Special Conditions above will not be considered fulfilled until you have demonstrated mitigation success and have received written verification for the U.S. Army Corps of Engineers.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this Authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition No. 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below as permittee indicates that you accept and agree to comply with the terms and conditions of this permit.

R. M. Irwin

(PERMITTEE SIGNATURE)

Benton County Public Works

20 MAR 09

(DATE)

Roger M. Irwin

(PRINTED NAME)

Public Works Director

(TITLE)

Andrew Martin

(PERMITTEE SIGNATURE)

Andrew Martin

3/18/2009

(DATE)

Andrew Martin

(PRINTED NAME)

Owner

(TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Teen Moncal

(DISTRICT ENGINEER)

3/26/09

(DATE)

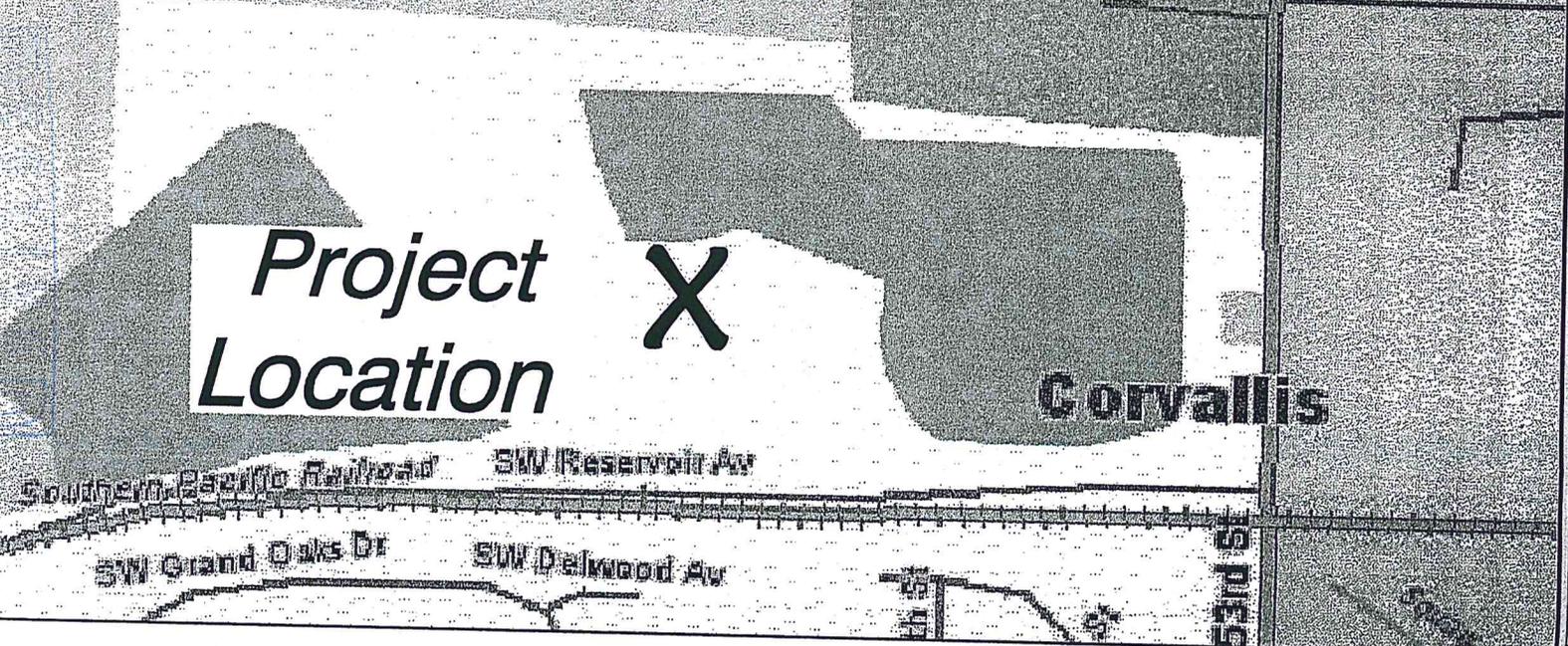
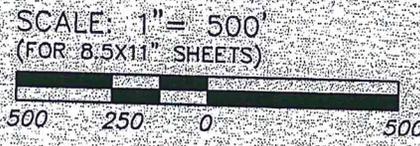
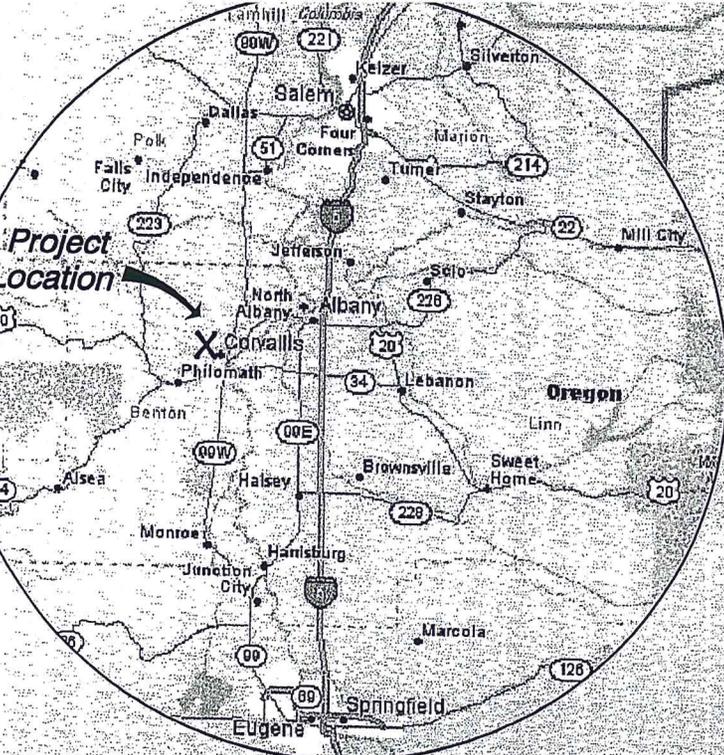
FOR: Steven R. Miles, P.E.
Colonel, Corps of Engineers
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)

JUN - 2 2009

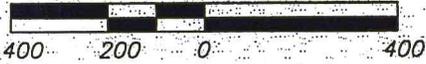


SHEET 0.1 AUGUST 2008

BENTON COUNTY CORVALLIS, OREGON
BENTON CO 05-1.2
SW Reservoir Avenue Realignment
LOCATION MAP

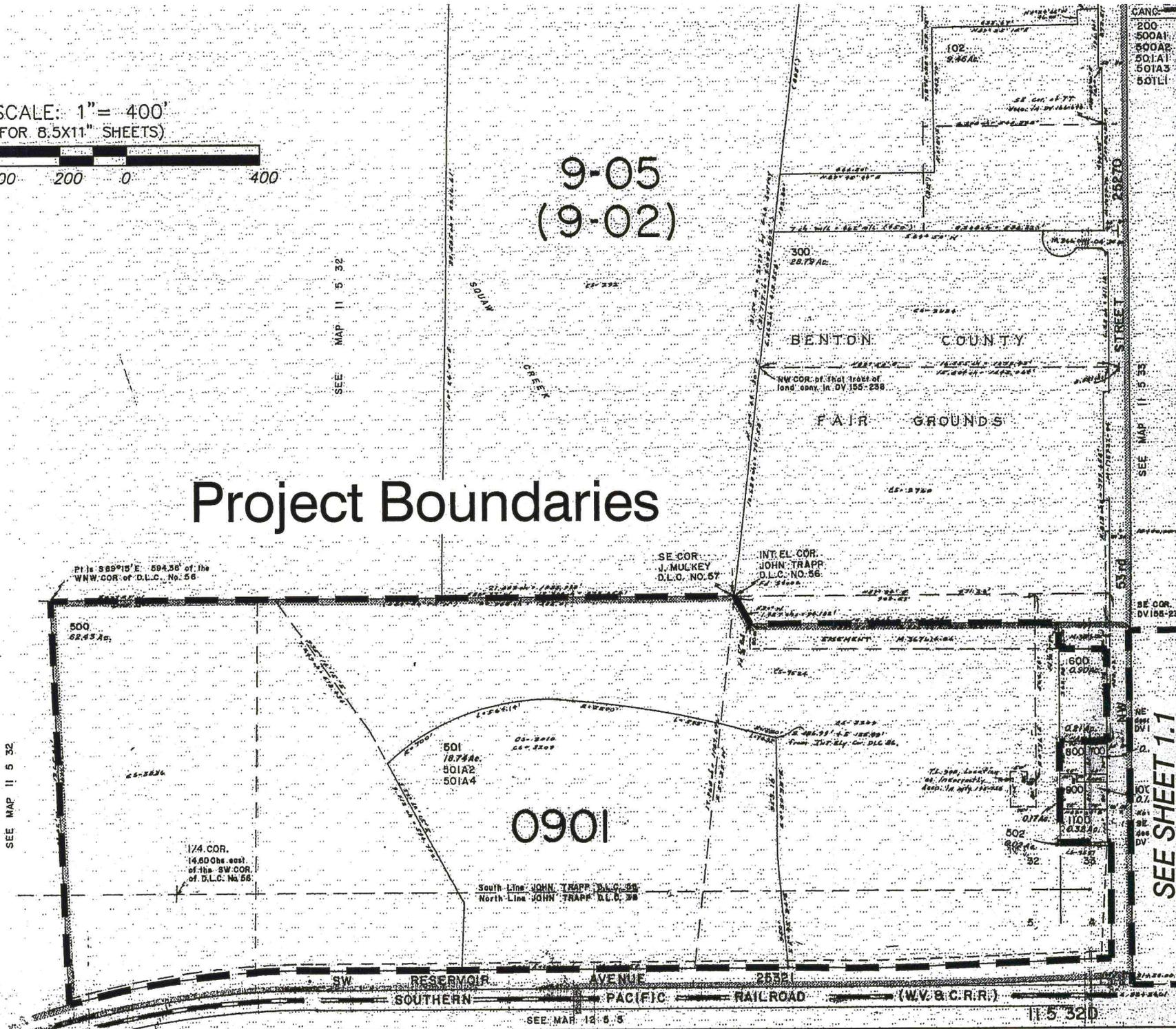
HENDERSON LAND SERVICES LLC
200 North State Street, Ste. #103
Lake Oswego, Oregon 97034
telephone (503) 699-8999
facsimile (503) 699-8777

SCALE: 1" = 400'
(FOR 8.5X11" SHEETS)



9-05
(9-02)

Project Boundaries



CANC.
200
500A1
500A2
501A1
501A3
501L1

SHEET
1-C
AUGUST 20

BENTON CO 05-1.2
SW Reservoir Avenue Realignment
TAX LOT MAP

HENDERSON LAND SERVICES LLC
200 North State Street, Ste. #103
Lake Oswego, Oregon 97034
telephone (503) 699-8999
facsimile (503) 699-8777

SEE SHEET 1.1

SEE MAP 11 5 32

SEE MAP 11 5 32

SEE MAP 11 5 33

SEE MAP 12 5 5

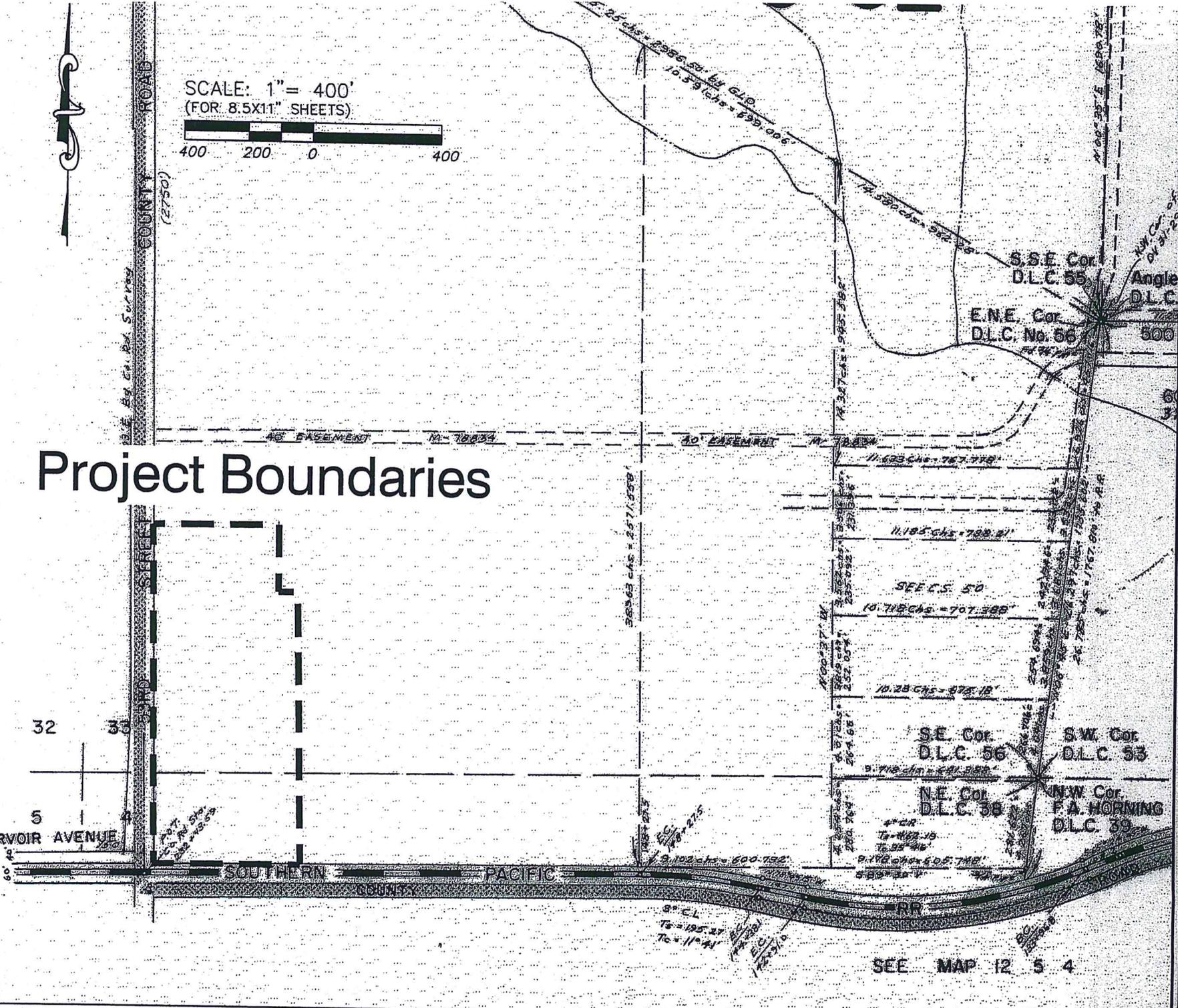
11 5 32D



SCALE: 1" = 400'
(FOR 8.5X11" SHEETS)



Project Boundaries



SHEET
1.1
AUGUST 2008

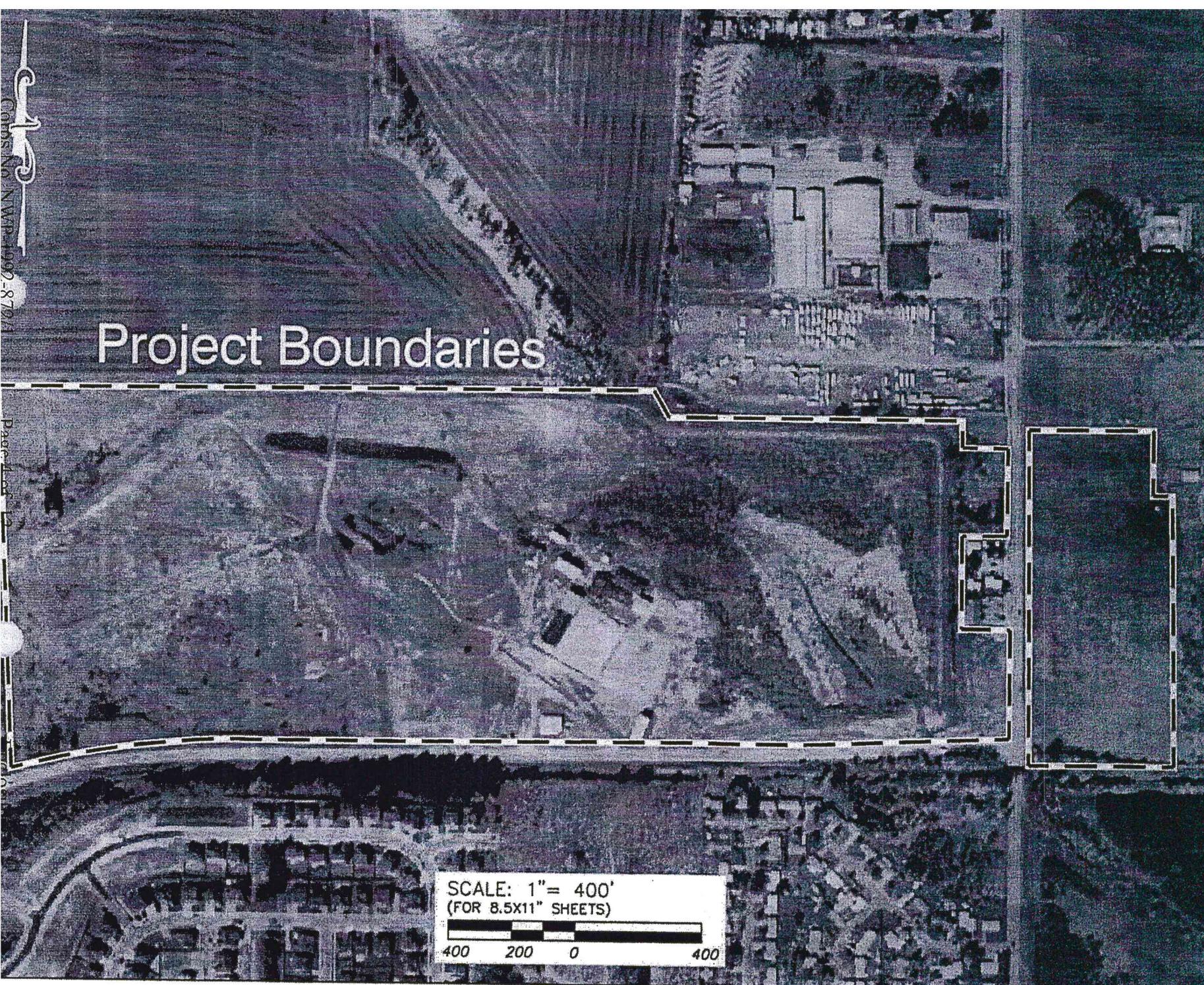
BENTON CO 05-1.2
SW Reservoir Avenue Realignment
TAX LOT MAP
CORVALLIS, OREGON
BENTON COUNTY

HENDERSON LAND SERVICES LLC

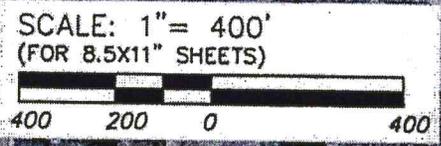


200 North State Street, Ste. #103
Lake Oswego, Oregon, 97034
telephone (503) 699-8999
facsimile (503) 699-8777

SEE MAP 12 5 4



Project Boundaries



HENDERSON LAND SERVICES LLC

200 North State Street, Ste. #103
 Lake Oswego, Oregon 97034
 telephone (503) 699-8999
 Facsimile (503) 699-8777



BENTON CO 05-1.2
 SW Reservoir Avenue Realignment
 AERIAL PHOTOGRAPH (2005)

CORVALLIS, OREGON

BENTON COUNTY

SHEET

2.0

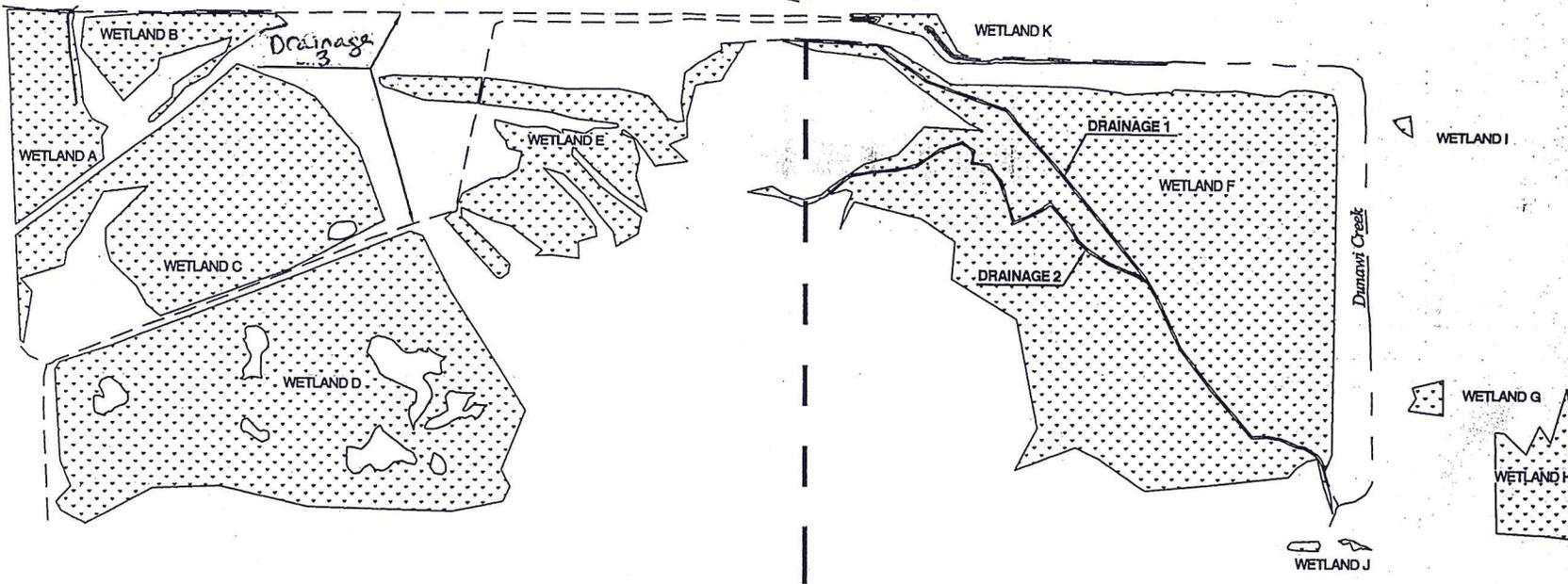
AUGUST 2006

CONSON NWP 1992-8794

Base Map

SHEET A

SHEET B



STATEMENT OF MAPPING ACCURACY

Wetland boundaries on these plans have been delineated and recorded in the field with a Trimble GeoXH GPS unit. Point information is corrected in the field or post processed using local base station data. Accuracy of wetland boundaries are estimated within $\pm 1'-0"$.

SCALE: 1" = 400'
(FOR 8.5X11" SHEETS)



WETLAND
(37.61 ACRES)



DUNAWI CREEK
(0.40 ACRES)



DRAINAGE 3
(0.53 ACRES)



DRAINAGE 1
(0.21 ACRES)



DRAINAGE 2
(0.10 ACRES)

WETLAND DELINEATION

WETLAND	ACREAGE
A	1.56
B	1.05
C	5.34
D	9.40
E	3.01
F	15.89
G	0.10
H	0.96
I	0.02
J	0.04
K	0.23

SHEET
3.0A
AUGUST 2008

BENTON CO 05-1.2
SW Reservoir Avenue Realignment
Corps File #NWP-1992-872, DSL File #WD2006-0257
UPDATED WETLAND DELINEATION MAP

CORVALLIS, OREGON
BENTON COUNTY

HENDERSON LAND SERVICES LLC



200 North State Street, Ste. #103
Lake Oswego, Oregon 97034
telephone (503) 699-8999
facsimile (503) 699-8777

STATEMENT OF MAPPING ACCURACY

Wetland boundaries on these plans have been delineated and recorded in the field with a Trimble GeoXH GPS unit. Point information is corrected in the field or post processed using local base station data. Accuracy of wetland boundaries are estimated within $\pm 1'-0"$.

3.1

AUGUST 20

BENTON COUNTY

CORYALLIS, OREGON

BENTON CO 05-1-1.2
SW Reservoir Avenue Realignment
Corps File #NWP-1992-872, DSL File #WD2006-0257
UPDATED WETLAND DELINEATION MAP (SHEET B)

HENDERSON LAND SERVICES LLC

200 North State Street, Ste. #103
Lake Oswego, Oregon, 97034
telephone (503) 699-8999
facsimile (503) 699-8777



Dunawi Creek

WETLAND K

CREEK IS 8' WIDE @ OHW

Dunawi Creek

WETLAND F

Drainage 2

Drainage 1

WETLAND I

CREEK IS 9' WIDE @ OHW

WETLAND G

WETLAND H

WETLAND J

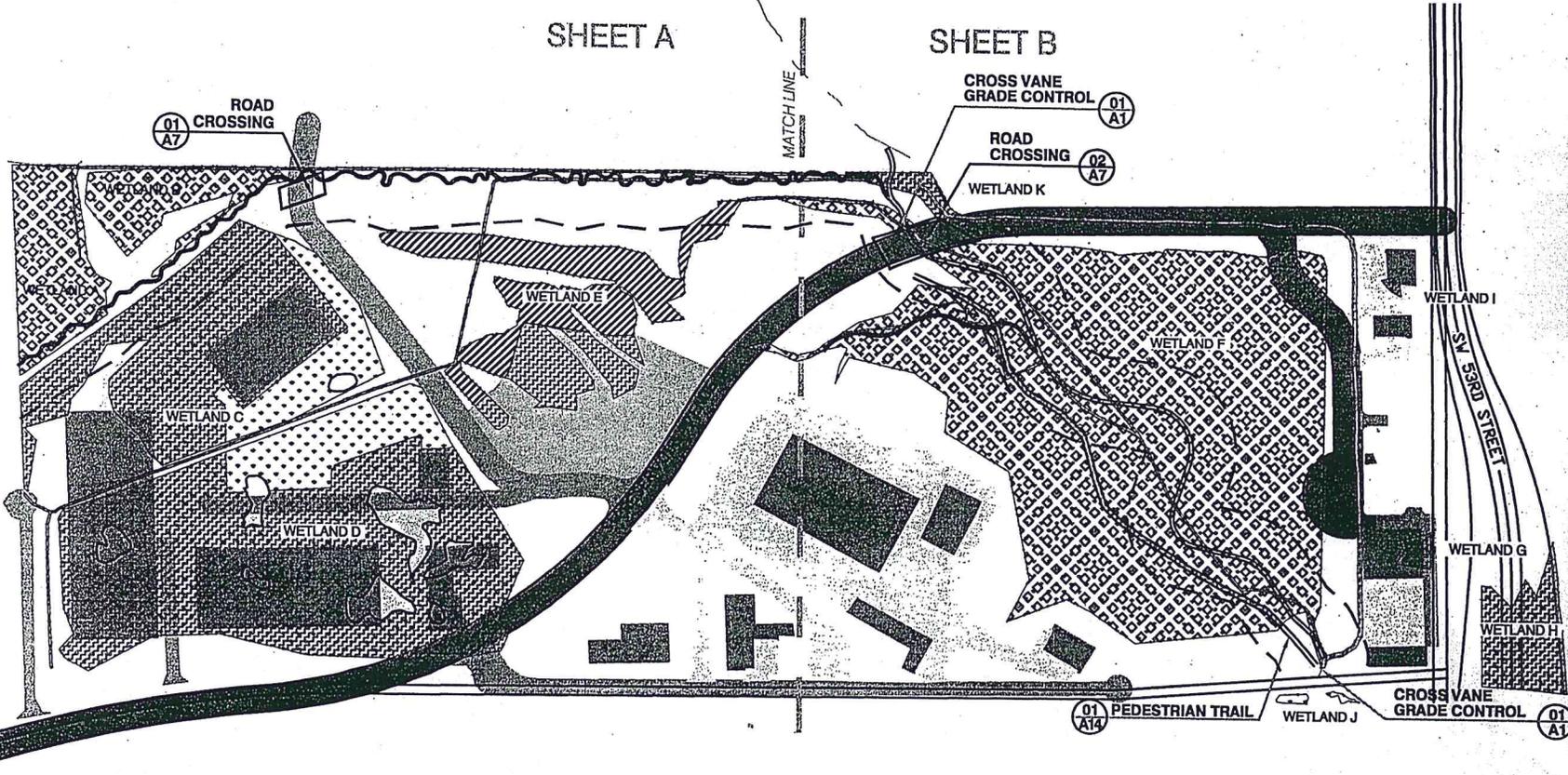
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(FOR 8.5X11" SHEETS)



Corps No. NWP-1992-872/1

Page 6 of 12



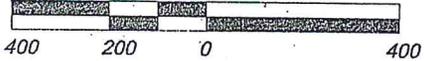


-  TEMPORARY WETLAND IMPACT
-  WETLAND
-  PERMANENT WETLAND IMPACT (FILL)
-  WETLAND IMPACT (EXCAVATION)

-  DUNAWI CREEK FILL (0.40 ACRES)
-  JURISDICTIONAL DRAINAGE FILL (ALL) (0.84 ACRES)
-  CORVALLIS 100' RIPARIAN BUFFER

WETLAND IMPACTS					
WETLAND	FILL (ACRES)	EXCAVATION (ACRES)	ARMY CORPS OF ENGINEERS	OR DEPT. STATE LANDS	TEMPORARY WETLANDS
A	0.00	1.56	0.00	1.56	0.00
B	0.00	1.09	0.00	1.09	0.00
C	4.26	0.00	4.26	0.00	0.00
D	8.07	0.00	8.07	0.00	0.00
E	0.00	0.00	0.00	0.00	2.12
F	0.73	15.21	0.73	0.00	0.00
G	0.10	0.00	0.10	0.10	0.00
H	0.96	0.00	0.96	0.96	0.00
I	0.02	0.00	0.02	0.02	0.00
J	0.00	0.00	0.00	0.00	0.00
K	0.23	0.00	0.23	0.23	0.00
TOTALS	15.26	17.86	15.26	4.85	2.12

SCALE: 1" = 400'
(FOR 8.5X11" SHEETS)

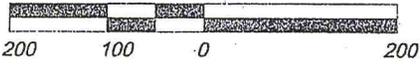


HENDERSON LAND SERVICES LLC



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Lake Oswego, Oregon 97034
Telephone (503) 699-8999
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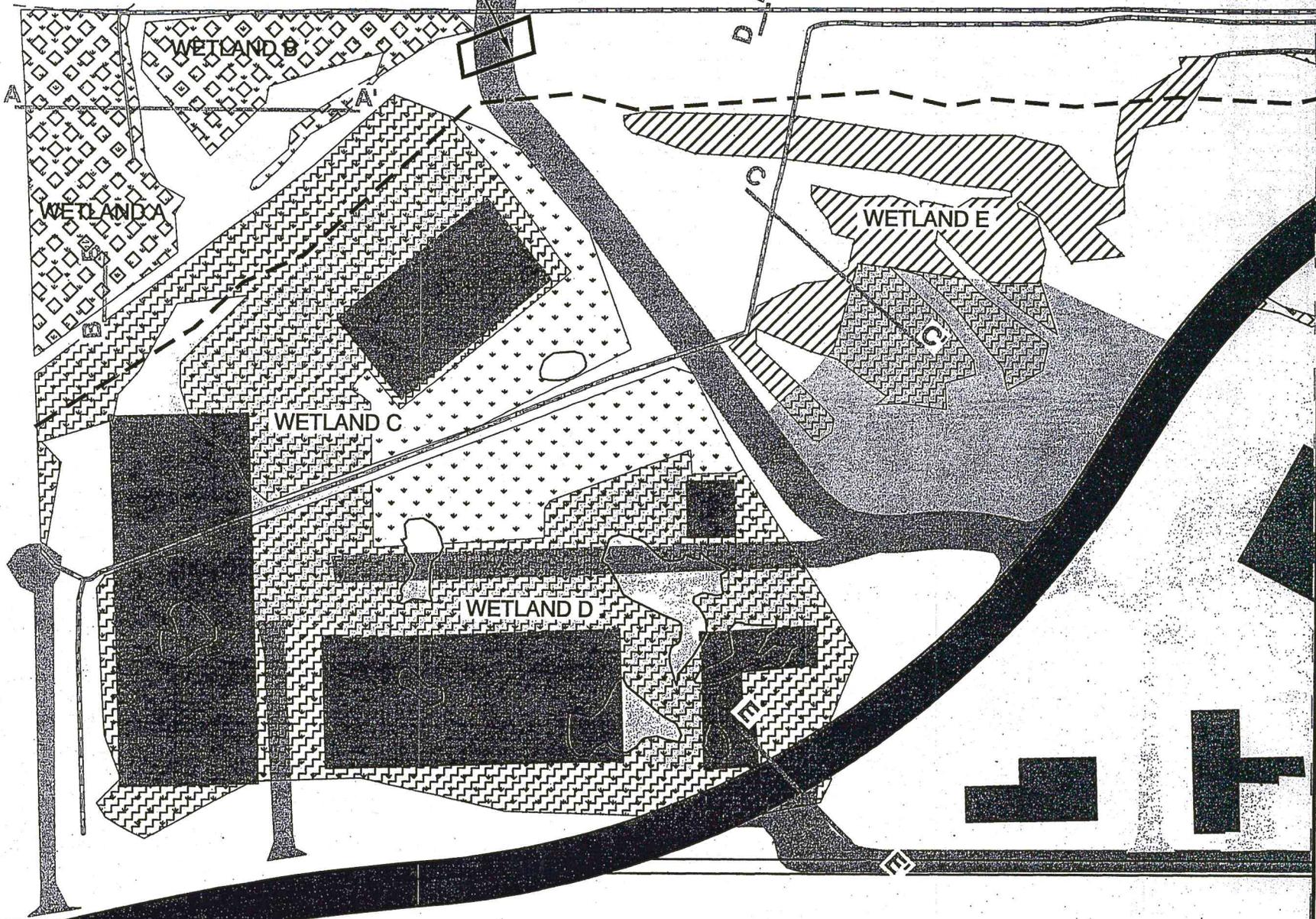
SCALE: 1" = 200'
(FOR 8.5X11" SHEETS)



	IMPACT (2.12 Acres)		EXCAVATION
	WETLAND		DUNAWI CREEK FILL (0.40 ACRES)
	PERMANENT WETLAND IMPACT (FILL)		JURISDICTIONAL DRAINAGE FILL (ALL) (0.84 ACRES)
			CORVALLIS 100' RIPARIAN BUFFER

01
A7

ROAD CROSSING



SHEET
4.1A
JANUARY 2
BENTON COUNTY
CORVALLIS, OREGON

HENDERSON LAND SERVICES LLC

 200 North State Street, Ste. #103
 Lake Oswego, Oregon, 97034
 Telephone (503) 699-8999
 Facsimile (503) 699-8777

BENTON CO 05-1.2
SW Reservoir Avenue Realignment
UPDATED WETLAND IMPACTS (SHEET A)

Drawings No. NWP-1992-872/1

Page 8 of 12

Enclosure (1)

Corps No. NY 9-1992-87

Page 9 of 12

Enclosure (1)

CROSS VANE GRADE CONTROL

01
A1

ROAD CROSSING

02
A7

WETLAND K

WETLAND F

WETLAND I

WETLAND G

WETLAND H

WETLAND J

PEDESTRIAN TRAIL

01
A14

CROSS VANE GRADE CONTROL

01
A1

TEMPORARY WETLAND IMPACT (2.12 Acres)

WETLAND

PERMANENT WETLAND IMPACT (FILL)

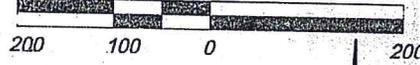
WETLAND IMPACT (EXCAVATION)

DUNAWI CREEK FILL (0.40 ACRES)

JURISDICTIONAL DRAINAGE FILL (ALL) (0.84 ACRES)

CORVALLIS 100' RIPARIAN BUFFER

SCALE: 1" = 200'
(FOR 8.5X11" SHEETS)



SHEET
4.2A1
JANUARY 2009

BENTON COUNTY
BENTON CO 05-1.2
SW Reservoir Avenue Realignment
UPDATED IMPACTS (SHEET B)
CORVALLIS, OREGON

HENDERSON LAND SERVICES LLC

200 North State Street, Ste. #103
Lake Oswego, Oregon 97034
telephone (503) 699-8999
facsimile (503) 699-8777

CULVERT

01
A7

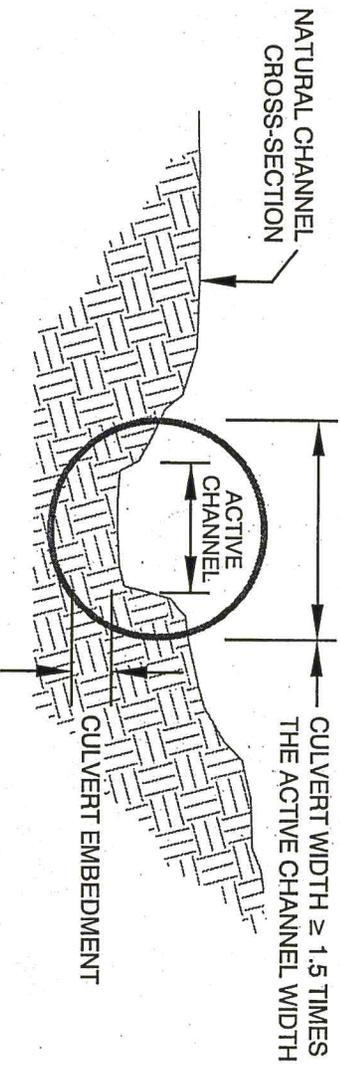
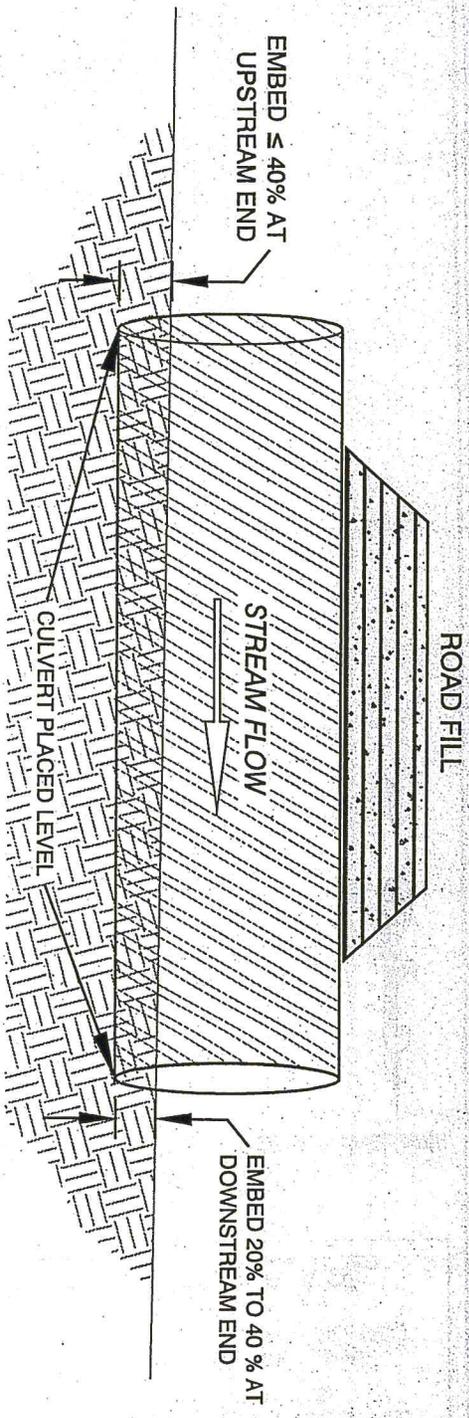
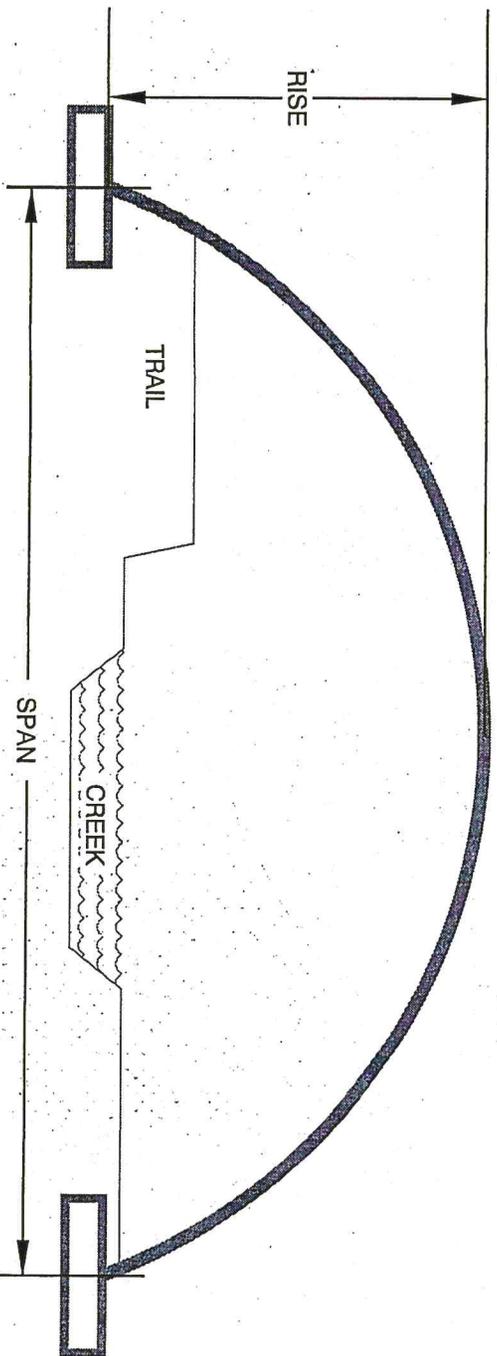


PLATE ARCH CULVERT

02
A7



HENDERSON LAND SERVICES LLC
200 North State Street, Ste. #103
Lake Oswego, Oregon 97034
Telephone (503) 699-8999
Facsimile (503) 699-8777



BENTON CO 05-1.2
SW Reservoir Avenue Realignment
TYPICAL CULVERT DETAIL

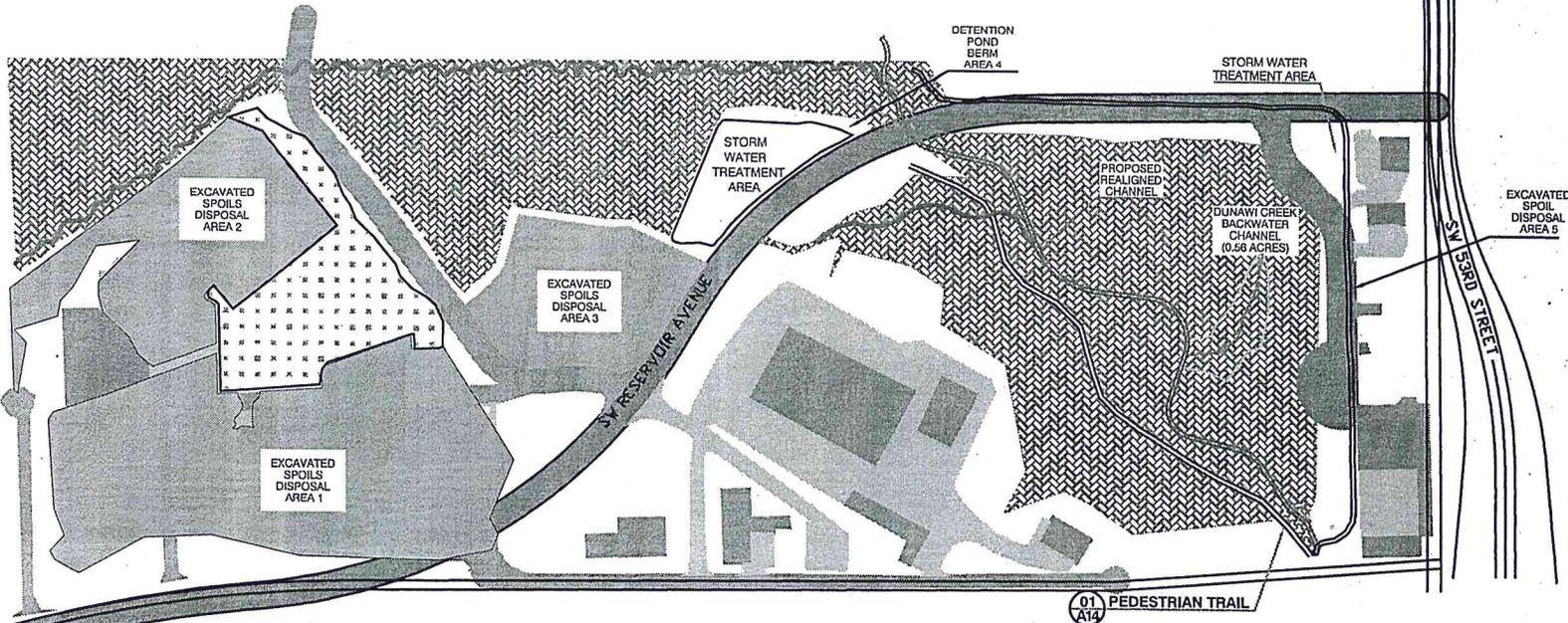
CORVALLIS, OREGON

BENTON COUNTY

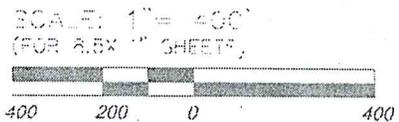
SHEET

A7

AUGUST 2008



-  Wetland Mitigation Area
-  Excavated Spoils Disposal
-  Original Undisturbed Wetlands - *No Impact*



EXCAVATED SPOILS DISPOSAL		
	TOTAL ACREAGE	APPROX VOLUME (CY)
AREA 1	8.84	14275.00
AREA 2	4.26	6875.00
AREA 3	2.29	9500.00
AREA 4	0.15	725.00
AREA 5	1.24	6000.00
TOTAL	16.78	37375.00

SHEET
13.0
JANUARY 2009

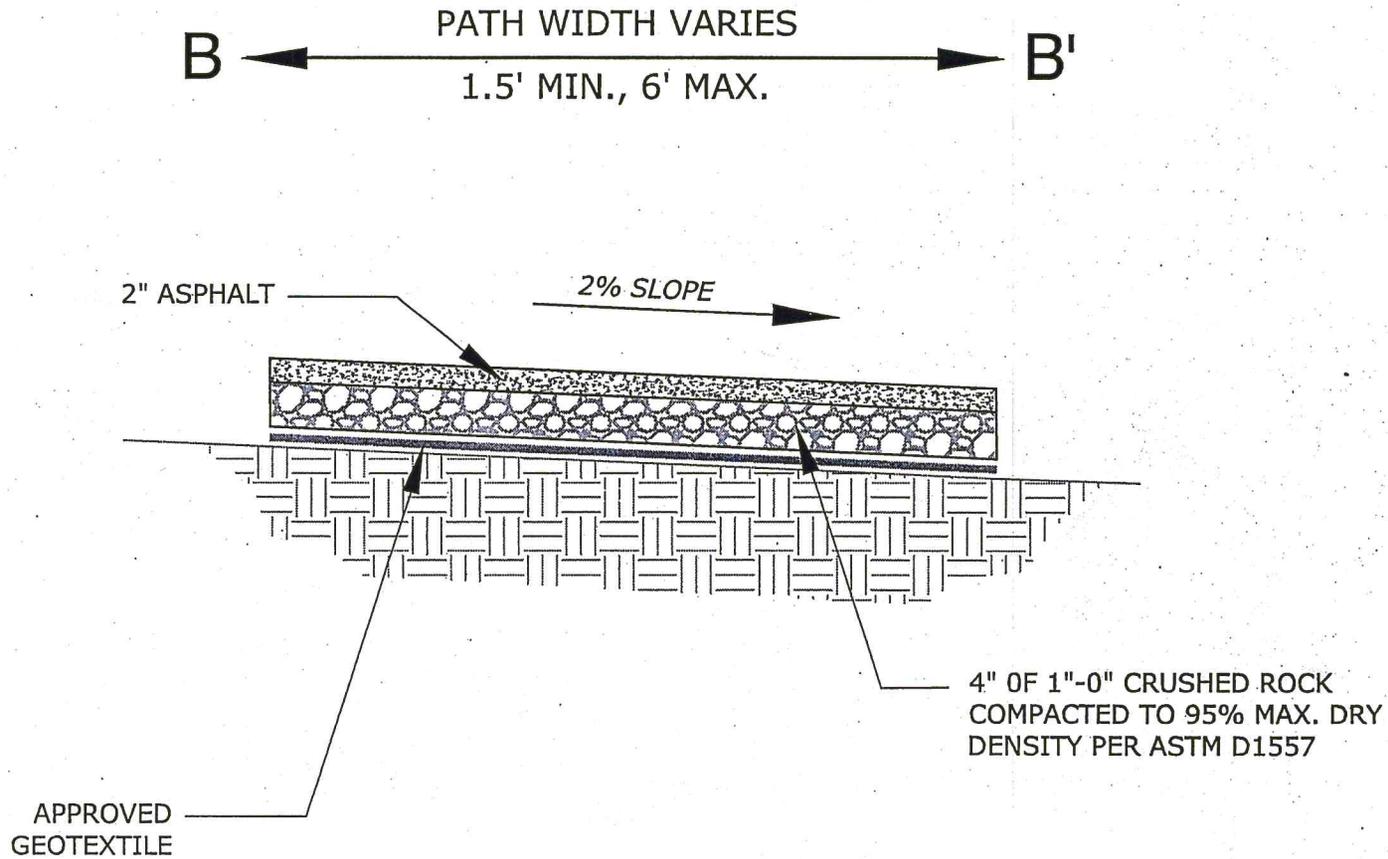
BENTON CO 05-1.2
SW Reservoir Avenue Realignment
EXCAVATED SPOILS DISPOSAL PLANVIEW
CORVALLIS, OREGON
BENTON COUNTY

HENDERSON LAND SERVICES LLC



200 North State Street, Ste. #103
Lake Oswego, Oregon, 97034
telephone (503) 699-8999
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PEDESTRIAN TRAIL CROSS-SECTION



SHEET
A1
AUGUST 2

BENTON CO 05-1.2
SW Reservoir Avenue Realignment
TYPICAL TRAIL CROSS-SECTION DETAIL
CORVALLIS, OREGON
BENTON COUNTY

HENDERSON LAND SERVICES LLC
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