

**Mitigation Monitoring Report Cover Sheet**  
**Oregon Department of State Lands**

**Block 1: Report Information**

DSL Permit Number: 35866-RF	COE Permit Number: <i>Nationwide Permit 27 - 200400726</i>	
Permittee: <i>Gilmour</i>		
County: <i>Benton</i>	Report Date: <i>12/20/12</i>	Monitoring Year <i>5</i>
Date Removal-Fill Activity Completed:		
Date mitigation was completed Grading: <i>8/06</i> Planting: <i>4/07</i>		
Report submitted by: <i>Marvin and Cindy Gilmour (Mid-Valley Phase 2)</i>		

**Block 2: Monitoring Report Purpose**

This monitoring report is for monitoring a project that includes: (check all that apply):

- Compensatory **freshwater** wetland mitigation for permanent wetland impacts.
- Compensatory **estuarine** wetland mitigation for permanent wetland impacts.
- Only non-wetland** compensatory mitigation.
- Only mitigation for temporary** impacts that has a monitoring requirement.
- Voluntary wetland enhancement, creation or restoration (General authorization or individual permit) not funded with money from our wetland mitigation revolving fund.
- Voluntary wetland enhancement, creation or restoration (General authorization or individual permit) funded with money from **our wetland mitigation revolving fund.**
- Mitigation Bank** Report
- Other: \_\_\_\_\_

**Block 3: Results**

	Success Criteria	Met? (Y/N)	Comments/Reasons for Failure*
1.	Emergent Vegetation	3 of 3 requirements	
2.	Wetgrass Prairie	7 of 8 requirements	The weighted moisture index is 1.95 slightly wetter than the 2-3 goal.
3.	Buffer	2 of 2 requirements	
4.	Hydrology - Water Monitoring Tubes	1 of 1 requirements	Met for 3 consecutive years
5.	Hydrology - Delineation	1 of 1 requirements	Completed in 2009

Remedial work recommended	Yes	No <input checked="" type="checkbox"/>
Deed Restriction or other protection instrument attached		
(noted: if a filed deed restriction was a required as a permit condition, please attach a copy: <i>previously submitted</i> )	Yes <input checked="" type="checkbox"/>	No
Final Monitoring Report?	Yes	No <input checked="" type="checkbox"/>
Requesting release or partial release of bond/credits	Yes	No <input checked="" type="checkbox"/>

\*see report for detailed information

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## 1.0 REGULATORY BACKGROUND

The purpose of this report is to summarize the progress of Phase 2 of the Mid-Valley Wetland Mitigation Bank (Bank). The Bank is located approximately one mile east of Independence Highway and one and one-half miles south of Springhill Drive in T10S, R4W, Sec. 15, Tax Lot 800. The letter of approval for the Bank was signed in January 2007 and is permitted as ACOE permit #2004-000726 and DSL Permit Number: 35866-RF. Phase 2 of the Bank consists of 12.22 acres.

Development of the Bank was through a combination of restoration of previously drained wetlands (7.61 acres) and buffer management (4.61 acres). Anticipated Bank credits:

<u>Type of Credit</u>	<u>Acres</u>	<u>Ratio</u>	<u>Credits</u>
Cropped Wetland Enhancement	7.61	2:1	3.805
Buffer Management	4.61	5:1	0.922
Total	12.22 acres		4.727 credits

## 2.0 WORK SUMMARY

Project initiation began in July 2005 with the final grass seed crop being removed from the site. The entire farmed acreage was sprayed out in August, followed by spraying the reed canary grass infested slough in September.

In spring 2006, the site was sprayed out several times to deplete non-native seed bank. Earthwork was completed in August, followed by tilling the site to create a good seed bed. The site was planted in September with a diversity of wetland species, targeting different moisture regimes with complementing species.

Grasses established well in the fall 2006, but western manna grass was beginning to form monotypic stands in many areas. In order to provide a more diverse prairie habitat, the site was sprayed out in spring 2007 and all but 5% was immediately re-planted. Grasses were up in two weeks with western manna grass down to 10% cover. The entire prairie area was weed wiped several times throughout the spring targeting annual ryegrass. The site was also spot sprayed repeatedly throughout the spring and summer for non-native species, and received a broadleaf herbicide treatment in late spring.

Work began in the fall (August) 2007 with continued site prep of unplanted wet prairie (5%) areas. In September, all borders and buffers were spot herbicide treated for non-natives. The entire prairie area was burned utilizing a 40-ft propane flamer in September. All existing wet prairie areas received a broadleaf herbicide application in October. All remaining unplanted areas were no-till planted in October just prior to fall rains.

Beginning in early March 2008, efforts concentrated on covering all wet prairie areas to spot treat

unwanted species before native grasses got tall and inhibited detection. All prairie areas were walked at least two times targeting, annual ryegrass, and any other non-natives encountered.

As spring moved on focus shifted towards spot treating and weed wiping fall planted areas and patrolling the emergent draw down zones for opportunistic species such as spatula-leaf loosestrife, and penny royal. All older prairie areas were broadleaf herbicide treated during spring when conditions were favorable.

The entire prairie area was mowed in July 2008. Following mowing, the site was periodically walked through the fall to look for weeds such as thistles, dandelions, and prickly lettuce that may have taken advantage of the mowing. September, all borders and buffers were spot herbicide treated for non-natives.

Beginning in early March 2009, efforts once again concentrated on covering all wet prairie areas to spot treat unwanted species before native grasses got tall and inhibited detection. All prairie areas were walked at least two times targeting, annual ryegrass, and any other non-natives encountered. Although this type of management is time consuming and tedious, every year that non-natives are prevented from re-seeding, the native balance becomes more sustainable. The site was broad-leaf herbicide sprayed in patches where weeds were problematic.

Approximately 80% of the wet prairie was mowed in August 2009 in preparation for forbs planting. The entire site was patrolled through the summer for non-natives, and the few that were encountered were spot sprayed. In September, all borders and buffers were spot herbicide treated for non-natives. A diverse mix of forbs was planted in the wet prairie portion in October.

Beginning in early March 2010, efforts once again concentrated on covering all wet prairie areas to spot treat unwanted species before native grasses got tall and inhibited detection. All prairie areas were walked at least two times targeting the few non-natives encountered through the spring and summer. In July following the annual site visit, once the site began to dry out, ~ 50% of the wet prairie was mowed to aid in forbs establishment. In September, all borders and buffers were spot herbicide treated for non-natives.

In November 2010, additional forbs were planted in the wet prairie portion of the bank to increase diversity. Spring and early summer work mimicked the previous year, covering the site to ensure there are no problems, but little spot spraying was done. In July once the site began to dry out, the borders and several maintenance trails were mowed. Mowed areas were walked through the fall to ensure no new non-natives responded to the disturbance.

Spring and early summer work mimicked the previous year, covering the site to ensure there are no problems, but little spot spraying was done. In July once the site began to dry out, the borders and several maintenance trails were mowed. Mowed areas were walked through the fall to ensure no new non-natives responded to the disturbance.

**Table 1: Restoration Activities Summary Mid-Valley Mitigation Bank (Phase 2)  
August 2005 – October 2011**

Activity	Location
August 2005 through July 2007	
Site Preparation	Entire site

Earth work/Tillage	Entire site
Prairie seeding	All except 5% due to spring moisture
Emergent seeding	100% of restored emergent areas
Spot weed control	100% of mitigation bank area (on going)
Broadleaf weed control	100% of Wet Prairie
Weed wiping	100% wet prairie
August 2007 through June 2008	
Site Preparation	Ongoing on borders
Prairie seeding	Remaining 5% of WP areas, and camas bulbs
Spot weed control	100% of mitigation bank area (on going)
Broadleaf weed control	100% of Wet Prairie
Weed wiping	New prairie plantings (5%)
July 2008 through June 2009	
Site Preparation	Ongoing on borders
Spot weed control	100% of mitigation bank area (on going)
Broadleaf weed control	60% of Wet Prairie
Mowing	Wet Prairie areas
July 2009 through October 2010	
Site Preparation	Ongoing on borders
Spot weed control	100% of mitigation bank area (on going)
Forbs Planting	Wet prairie October 2009
Mowing	80% WP fall 09', 50% WP fall 10'
November 2010 through October 2011	
Site Preparation	Ongoing on borders
Spot weed control	100% of mitigation bank area (on going)
Forbs Planting	Wet prairie November 2010, to add additional diversity
Mowing	Maintenance trails and borders July 2011
November 2011 through December 2012	
Site Preparation	Ongoing on borders
Spot weed control	100% of mitigation bank area (on going)
Mowing	Maintenance trails and borders July 2012

### 3.0 AS-BUILT PLANS

The as-built plans were submitted in June 2006. The as-built was submitted prior to the final Bank approval.

## 4.0 HYDROLOGY PERFORMANCE STANDARDS, METHODOLOGY, AND RESULTS

### 4.1 Performance Standards:

Wetland hydrology, sufficient to meet the criteria defined in the 1987 Corps of Engineers Wetlands Delineation Manual (1987 Wetland Delineation Manual), will be present in three out of five years if the weather records are close to normal and no irrigation is supplied.

Water depth and depth of saturation will be evaluated throughout the site using a combination of monitoring wells and a one time hydrology and vegetation delineation designed to meet the requirements of the 1987 Wetland Delineation Manual. The soil parameter is expected to be disturbed by the proposed grading, therefore lack of hydric soil indicators will not be interpreted as disqualifying a plot as wetland.

### 4.2 Methodology:

Water Monitoring Tubes: Three groundwater monitoring tubes were constructed and monitored to show the duration of saturation. Tube monitoring data was collected at least three times between approximately March 1 and May 30 to demonstrate sufficient duration of wetness to meet the 1987 Wetland Delineation Manual.

Delineation: Paired plots concentrating along any high areas will be utilized to show that all areas of the Bank are wetland. In addition to plot data, these areas were visually documented with photographs to show a dominance of wetland species.

### 4.3 Results

**Water Monitoring Tubes** —*Met in 2010* – wetland hydrology was met in three consecutive years of monitoring tube data analysis and is no longer being monitored.

**Delineation**: Completed 2009

## 5.0 VEGETATION PERFORMANCE STANDARDS AND METHODOLOGY

### 5.1 Performance Standards

#### Emergent Herbaceous

1. A minimum of 55% of the relative plant cover is comprised of native species.
2. No more than 15% of the relative plant cover is comprised of non-native invasive species as define below.
3. The wetland's moisture index is less than 3.0.

\*Non-native invasive species to be included: reed canary grass (*Phalaris arundinacea*), purple loosestrife (*Lythrum salicaria*), Himalayan blackberry (*Rubus discolor*), Japanese knotweed (*Polygonum cuspidatum*), Eurasian water milfoil (*Myriophyllum spicatum*), climbing nightshade (*Solanum dulcamara*) and yellow-flag iris (*Iris pseudacorus*), Anne's lace (*Daucus carota*), Canadian thistle (*Cirsium arvense*), bull thistle (*Cirsium vulgare*), orchard grass (*Dactylis glomerata*) and annual ryegrass (*Lolium multiflorum*) or others as determined by the MBRT.

### **Wet grass Prairie**

The above performance measures along with the following:

1. At least 10 wetgrass prairie species are present as listed in "Species Composition for Willamette Valley Vegetation Types" by Kathy Pendergrass, August 2003, (*cited as Appendix II of the Instrument*) by John Marshall (USFWS), December 19, 2004 author of "Draft Guidance on Vegetation Planning and Monitoring in Western Oregon Wetlands and Riparian Areas.
2. Tufted hairgrass (*Deschampsia cespitosa*) is represented by 25% or greater relative plant cover.
3. At least 50% of the relative plant cover is comprised of native species.
4. No more than 15% of the relative plant cover is comprised of non-native invasive species as defined above.
5. The prairie's moisture index is between 2.0 and 3.0.
6. No more than 5% relative plant cover is composed of shrubs or trees.

### **Buffer Area**

1. No more than 15% of the relative plant cover is comprised of non-native invasive species as define above.
2. Excluding open water, at least 50% of the relative plant cover is comprised of native species.

## **5.2 Methodology**

**Emergent and Wet grass Prairie** - Monitoring within the herbaceous portions was conducted using a stratified systematic plot method for the sampling points. Transects were laid out in a stratified arrangement along one baseline with equal distance between each transect (approximately 250'). The transects will cross the entire wetland and buffer areas. The sampling plots will be predetermined and systematically plotted on each transect at 100-foot intervals from each other. The herbaceous sample plots were one meter quadrants, located at the northwest corner of each point nested within a ten-foot square shrub sampling plot starting at the same point. When needed, a 30-foot diameter forest sample plot was placed with its center at the plot center point encompassing both the herbaceous and shrub sampling plots. The starting point of the sample plots on each transect line was staggered in order to cover a broader area. The sampling points were evaluated and it was determined in 2009 that an additional emergent monitoring plot was needed so plot #5a was included in the monitoring. The sample plots are permanently identified and are plotted on a site map (Attachment 1).

Prior to concluding monitoring, the number of sample plots was evaluated to determine if this number of plots was sufficient, using a species area curve. Using the plot data, the species-area curve was developed. It was predetermined that after the curve flattens out it would be deemed a sufficient number of plots when there are three plots in a row with one or fewer new species.

Established site photo points were established, and will continue to be used in each of the

monitoring years to provide a visual record of the overall health and diversity of the wetland vegetation. Four photo station locations are included on the Site map (Attachment 1), with their corresponding photos in Attachment 3.

**Buffer** – Three monitoring points are included within the buffer and were monitored as above.

### **5.3 Vegetation Monitoring Results**

Vegetation monitoring was conducted on June 12, 2012 by Marvin Gilmour and Ray Fiori. Attachment 2 includes the monitoring results. The Monitoring Plot Location Map is included as Attachment 1. A total of 18 monitoring plots were examined, 11 in the wet prairie, 4 in emergent areas and 3 in the buffer. Both the botanical and common names are included as well as the indicator status, origin (native or non-native) and moisture index.

During the June 2012, monitoring, 21 plant species were identified in the Bank monitoring plots. The prairie portion is composed of 36.82% forbs/sedge/rush species and 59.91% grass species. Additional wet prairie cohort species such as Downingia, Popcorn flower, Fringed willow herb, American Slough grass and Cudweed are present in the bank, as well as Beggerticks, Wapato, needle spikerush, and Common cattail, but don't show up in the monitoring plots. Wet prairie portions of the Bank were dominated by grass species, the most abundant species being tufted hairgrass (*Deschampsia cespitosa*), Slender hairgrass (*Deschampsia enlongata*), spike bentgrass (*Agrostis exarata*), and meadow barley (*Hordeum brachyantherm*). The emergent areas were dominated by American sloughgrass (*Beckmania syzigachne*), tufted hairgrass (*Deschampsia cespitosa*), spike bentgrass (*Agrostis exarata*), and creeping spike rush (*Eleocharis palustris*). As with Phase 1 of the Bank, Phase 2 is also dominated by native species.

#### **5.3.1 Emergent Vegetation**

All three of the performance criteria for **emergent herbaceous** vegetation were met.

Required: A minimum of 55% of the relative plant cover is comprised of native species.--*Met. Plots 4, 5a, 8 and 12 are the planned emergent vegetation plots, which have 80% relative plant cover of native species.*

Required: No more than 15% of the relative plant cover is comprised of non-native invasive species as defined above. --*Met with 0% of non-native invasive species.*

Required: The wetland's moisture index is less than 3.0. --*Met with an average weighted moisture index of 1.54.*

#### **5.3.2 Wet grass Prairie**

The performance criteria for **wet grass prairie** were met for 7 of the 8 requirements.

Required: At least of 50% of the relative plant cover is comprised of native species. --Met. *The land cover is 90% native species, 7.27% bareland and 2.13% non-natives.*

Required: No more than 15% of the relative plant cover is comprised of non-native invasive species. -- Met *with 0% of non-native invasive species.*

Required: At least 10 wetgrass prairie species are present as listed in "Species Composition for Willamette Valley Vegetation Types" by Kathy Pendergrass. In conversations with John Marshall (USF&W) (April, 2008) it was agreed upon to include the vernal pool species from this same source in the 10 required species. -- Met. *Twelve wet grass prairie/vernal pool species were identified within the prairie plots, with 2 additional species in the emergent plots.*

Required: Tufted hairgrass (*Deschampsia cespitosa*) is represented by 25% or greater relative cover.--Met. *Tufted hairgrass represented 11.82% relative cover. As discussed during the annual site visits, this provision needs removed, as its be the biggest factor in reducing diversity. As seen with all Oregon Wetlands LLC banks, the reduction in cover of tufted hairgrass is directly correlated to and increase in diversity (i.e. forbs/sedge/rush cover).*

Required: The prairie's moisture index is between 2.0 and 3.0.--Not met. *Average weighted moisture index of the prairie plots is 1.95, slightly below the target, but expected with the hydrology of the site and the lack of FACU and NOL species.*

Required: No more than 5% relative plant cover is composed of shrubs or trees. -- Met. *In the 11 prairie plots there were no trees. This standard will be more closely reviewed as the shrub and tree components begin to grow and age.*

### 5.3.3 Buffer

The performance criteria for **buffer** were met for 2 of the 2 requirements.

Required: No more than 15% of the relative plant cover is comprised of non-native invasive species as define above. -- Met. *There are no non-native invasive species.*

Required: Excluding open water, at least 50% of the relative plant cover is comprised of native species. -- Met *with 83.3% relative native plant cover. The percentage of open water will change from year to year based on spring rains and timing of monitoring. These plots were re-examined in August once all water had receded and contained 100% native plant cover.*

## 6.0 PHOTO POINT MONITORING

Photo monitoring from the photo points are included as Attachment 3.

## 7.0 CREDIT SALES SUMMARY

Credit release 1 was released on January 5, 2007 for 1.42 credits from both agencies. Credit release 2, 3, and 4 for 2.85 credits was released by the Corps on August 15, 2008. Credit release 2 for 0.95 credits was released by DSL on August 14, 2008. Credit release 3 and 4 for 1.89 credits was released by DSL of December 22<sup>nd</sup>, 2009. Credit sales to date are included in table 2.

Release 1 (Fall 2006): Up to 30 percent, upon submission of the grading as-built, Restrictive Covenant, submission of financial assurance and the MBRT conducts a field inspection. **COMPLETED**

Release 2 (Spring/Summer 2007): Up to 20 percent upon demonstration of all performance measures being achieved and delineation of acreage meeting the 1987 Wetland Delineation Manual hydrology and vegetation indicators (if weather conditions are close to normal). **COMPLETED**

Release 3 (Fall 2007): Up to 20 percent upon demonstration of all performance measures being achieved. **COMPLETED**

Release 4 (Spring/Summer 2008): Up to 20 percent upon demonstration of all performance measures being achieved. **COMPLETED**

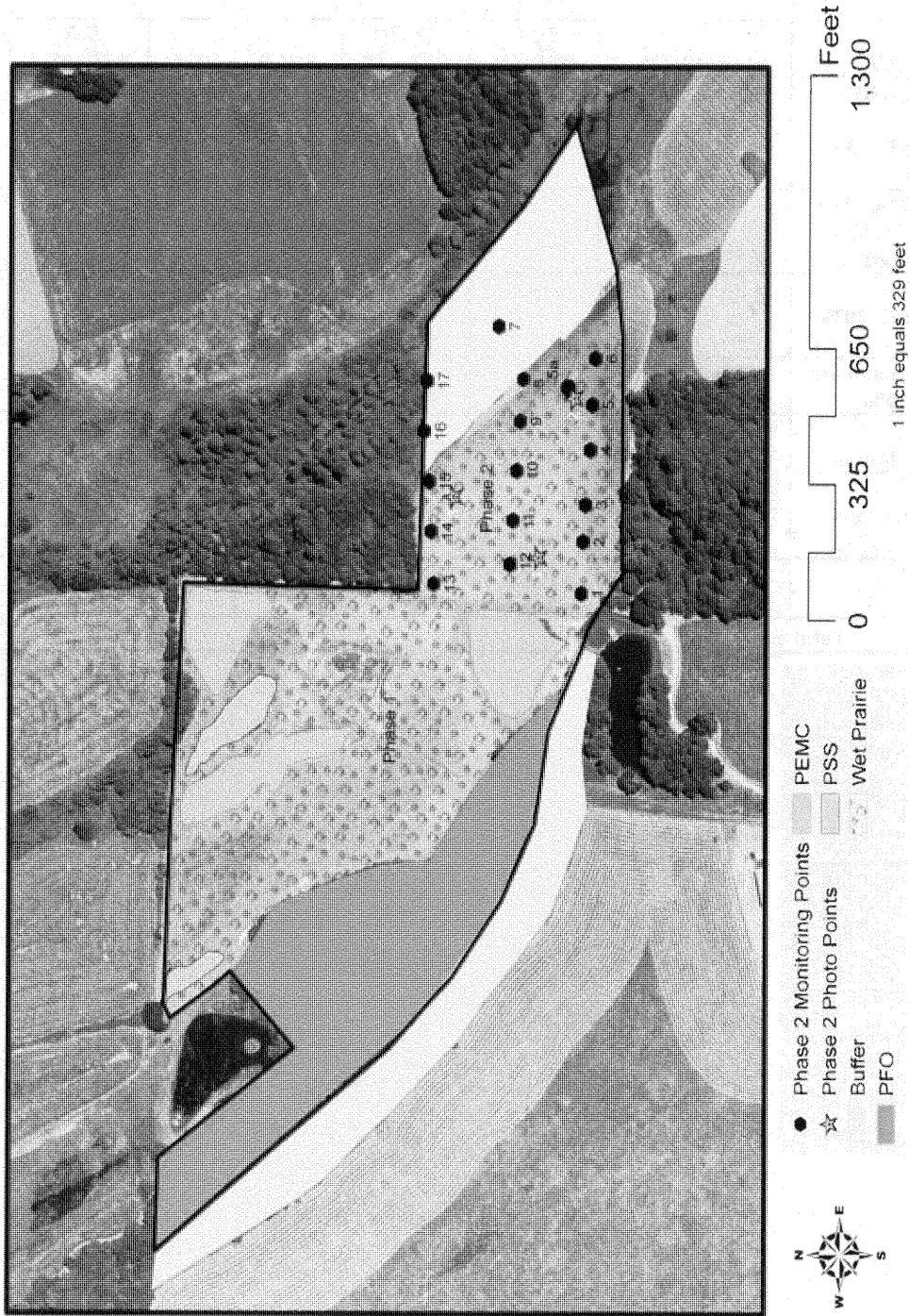
Release 5 (end of the 5<sup>th</sup> year monitoring or 5 years after replanting for those areas replanted): All buffer credits plus remaining credits (10%) upon demonstration of all performance measures being achieved. In addition, the long term management plan, funding and identification of a suitable long term steward, must be reviewed and approved by the MBRT.

**Table 2: Credit Sales Summary**

<i>DATE</i>	<i>NAME</i>	<i>LOCATION</i>	<i>DSL PERMIT</i>	<i>CORP PERMIT</i>	<i>SOLD</i>	<i>DSL</i>	<i>DSL BALANCE</i>	<i>CORP</i>	<i>CORP BALANCE</i>
1/5/07	DSL & CORP INITIAL RELEASE - 30% CREDITS					1.42	1.42	1.42	1.42
8/15/08	CORP -2ND, 3rd 4th RELEASE - 60% CREDITS						1.42	2.85	4.27
8/14/08	DSL - 2ND RELEASE- 20% Credits					0.95	2.37		4.27
12/29/10	DSL - 3rd and 4th Release 40%					1.89	4.26		4.27
9/7/2011	D.R. Horton	Benton Woods Development	37557-RF	2006-930	0.24		4.02		4.03
1/18/12	Transfer from Phase 1 ledger	Accounting error from 2008 DSL credit purchase				.89	4.91	.89	4.92
4/19/12	Selmet INC	Seven Mile Ln Albany, OR	48490-RF	NWP-2011-522	0.48		4.43		4.44
<b>Total Sold</b>				<b>0.72</b>					

Attachment I:

# Mid-Valley Mitigation Bank Phase 2 Monitoring Points





Attachment 3: Monitoring Photos

**Mid-Valley Phase 2 Mitigation Bank 2012 Photo Monitoring**

Photo Point 1 North

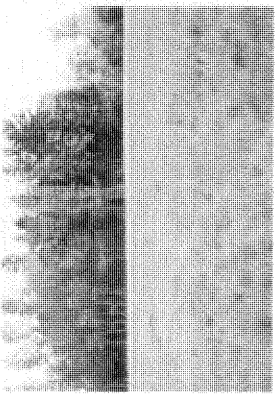


Photo Point 1 East



Photo Point 1 South

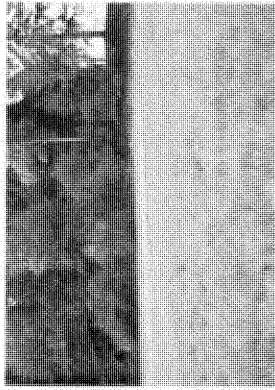


Photo Point 1 West



Photo Point 2 North



Photo Point 2 East



Photo Point 2 South

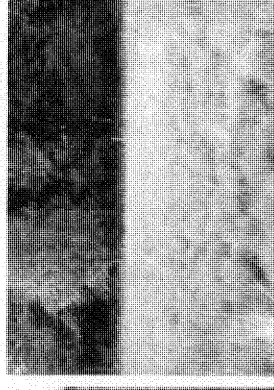


Photo Point 2 West

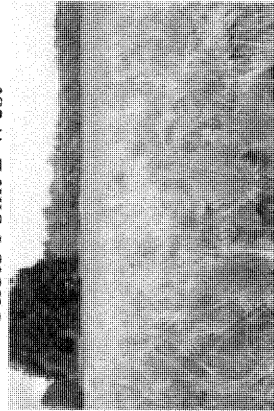


Photo Point 3 North



Photo Point 3 East



Photo Point 3 South

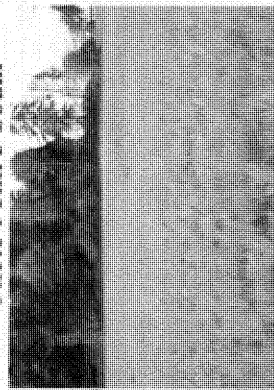
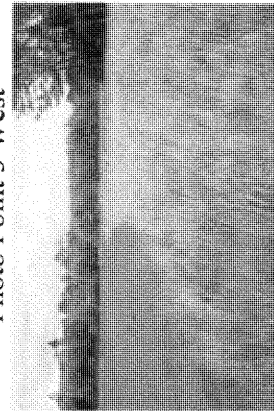


Photo Point 3 West



## Davis, Jaimee NWP

---

**From:** FIELD Dana [dana.field@state.or.us]  
**Sent:** Wednesday, December 19, 2012 8:37 AM  
**To:** Davis, Jaimee NWP  
**Cc:** KIRYUTA Gloria; JARVIE Kirk  
**Subject:** FW: Coyote Prairie pre-project credit sale  
**Attachments:** District\_Bank advanced purchase agreement.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jaimee - in case Benny has not yet forwarded this to you-

DSL has a provision for allowing credit sales to public entities at the discretion of our Director. We have done this twice before, in 2010, when both LongTom and Amazon sold credits to City of Junction City for unspecified future projects.

Please let me know if the Corps has any new concerns this time. Thanks

Dana Field  
Mitigation Specialist

Oregon Dept. of State Lands

775 Summer St NE

Salem OR 97301

503-986-5238 voice

503-378-4844 FAX

DSL website: [www.oregonstatelands.us](http://www.oregonstatelands.us) <<http://www.oregonstatelands.us/>>

**From:** TAYLOR Trevor H [<mailto:Trevor.H.Taylor@ci.eugene.or.us>]  
**Sent:** Tuesday, December 18, 2012 4:31 PM  
**To:** FIELD Dana; Benny A. Dean Jr. ([Benny.A.Dean@usace.army.mil](mailto:Benny.A.Dean@usace.army.mil)); KIRYUTA Gloria  
**Cc:** [kcurrens@masonbruce.com](mailto:kcurrens@masonbruce.com); GORDON Paul; John Saraceno ([john.saraceno@springfield.k12.or.us](mailto:john.saraceno@springfield.k12.or.us))  
**Subject:** FW: Sample contract

Sorry...this is a resend as I had Benny's email incorrect. Please reply to this email.

Thanks

Trevor Taylor

Natural Areas Restoration Supervisor

Parks and Open Space Division

541.682.4888

[www.eugene-or.gov/naturalresources](http://www.eugene-or.gov/naturalresources)

From: TAYLOR Trevor H

Sent: Tuesday, December 18, 2012 4:28 PM

To: FIELD Dana; Benny A. Dean Jr. ([Benny.A.Dean@usace.army.gov](mailto:Benny.A.Dean@usace.army.gov)); Gloria Kiryuta ([Gloria.Kiryuta@state.or.us](mailto:Gloria.Kiryuta@state.or.us))

Cc: [kcurrens@masonbruce.com](mailto:kcurrens@masonbruce.com); GORDON Paul; John Saraceno

Subject: FW: Sample contract

Dana (Benny and Gloria),

I've been talking to Kristen Currens with Mason Bruce & Girard about the Springfield School District's wetland fill permit. They are planning to purchase 4.31 credits from the Coyote Prairie North Mitigation Bank for an immediate project and would also like to make an advanced purchase of 3.92 credits for a future project on the site. I will send you an signed contract and invoice verifying the 4.31 credit purchase when that is complete. For the advanced credit sale, we are proposing to use the attached purchase agreement. Can you look at the contract and see if it will meet your needs? If so, we will also send this contract and invoice verifying payment for the advanced credit sale when it is complete. If you have edits to the agreement, please include them using track changes and I'll make the adjustment. Let me know if you need anything else.

Thanks very much

Trevor Taylor

Natural Areas Restoration Supervisor

Parks and Open Space Division

541.682.4888

[www.eugene-or.gov/naturalresources](http://www.eugene-or.gov/naturalresources)

**AGREEMENT**

**Advance Mitigation Credit Purchase from the Coyote Prairie North Wetland Mitigation Bank by  
the Springfield School District**

**BETWEEN:** The City of Eugene, an Oregon Municipal Corporation (City)

**AND:** Springfield School District (Developer)

**DATED: 12/17/2012**

**RECITALS**

- A. The Developer is a public body as defined in ORS 65.001.
- B. OAR 141-085-0735(4) allows for the advance purchase (reservation) of mitigation bank credits for public bodies.
- C. The City has a Memorandum of Agreement with the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), U.S. Bureau of Land Management (BLM), Oregon Department of State Lands (ODSL), and Oregon Department of Environmental Quality (ODEQ) to establish a comprehensive mitigation banking program.
- D. The City is currently charging \$55,000 per mitigation credit, to recover the City's cost of developing and maintaining mitigation wetlands.
- E. The Developer plans future removal/fill activities with palustrine emergent, slope class wetlands located in 18S 2W Section 3 ("Subject Property"), which is within the service area of the City's Coyote Prairie North Wetland Mitigation Bank ("Bank"). The Bank was developed with palustrine emergent, slope class wetlands.
- F. In the future, Developer desires to fill 3.92 acres of wetland, at the Subject Property and to purchase advance mitigation credits from City to satisfy Developer's mitigation obligations.
- G. The advance mitigation credit purchase shall be recorded under permit # 2010/207-2 by USACE and under the applicant Springfield School District for transaction management by ODSL.
- H. Developer has been advised that the future permit application for wetland removal/fill activities must demonstrate avoidance and minimization of wetlands at the site. Developer has also been advised that possession of wetland credits does not guarantee the outcome of any future permit decision nor that the credits will ultimately approved as the appropriate offset for the as-yet unspecified future impacts.

**AGREEMENT**

- 1. Developer will pay City the amount of \$55,000 per credit for 3.92 advance mitigation credits.
- 2. After receipt and deposit of payment, City will notify USACE and DSL that Developer has purchased advanced mitigation credits, and the City will allocate up to five credits from the Coyote Prairie North Wetland Mitigation Bank to meet the mitigation obligation covered by this Agreement.

**CITY OF EUGENE**

**DEVELOPER**

By: \_\_\_\_\_  
(signature)

By: \_\_\_\_\_  
(signature)

Jon Ruiz  
City Manager  
City of Eugene

John Saraceno  
Assistant Director of Facilities  
Springfield School District

Date: \_\_\_\_\_

Date: \_\_\_\_\_