



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

DEC 19 2008

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch
Corps No.: NWP-2004-803

Oregon Department of Administrative Services – Facilities Division
ATTN: Mr. Greg Parker
1225 Ferry Street SE, U100
Salem, OR 97301-4281

Dear Mr. Parker:

The U.S. Army Corps of Engineers (Corps) received a request on July 17, 2008 from Pacific Habitat Services, Inc. on your behalf, to modify your Department of the Army (DA) permit, Corps ID NWP-2004-803, dated July 11, 2008.

You initially proposed six permit modifications listed below and as shown in Enclosure 1:

1. Ditch 5 (0.87 acre) is parallel to Kuebler Boulevard will be filled and moved 33 feet to the west. An approximately 550-foot long section (0.25 acre) of the new Ditch 5 will be permanently dedicated to treat stormwater for the first phase of development. The remaining 0.62 acre of waters impact to Ditch 5 are temporary due to realignment. All of the 0.87-acre Ditch 5 impacts were previously accounted for in the original authorization.
2. Ditch 6 will parallel the new Mill Creek Parkway alignment, as shown in Enclosure 1, resulting in Ditch 6 being filled and relocating approximately 600 feet to the north of its current location. There are no changes to the permitted waters impacts or required mitigation for the Ditch 6 modification.
3. "A" Street will have a new alignment that is more conducive to development, as shown in Enclosure 1. There are no changes to the permitted wetland impacts or required wetland mitigation for the "A" Street realignment.
4. The petroleum pipeline in the western portion of the wetland mitigation area will be abandoned in place. Removal of the pipeline may result in dewatering of the mitigation area. A new pipeline will be constructed in uplands along Kuebler Boulevard. There are no changes to the permitted wetland impacts or required wetland mitigation for the petroleum pipeline abandonment or installation.

5. A new sanitary sewer and water line will be constructed above ground in the western portion of the mitigation area, as shown in Enclosure 1. The pipes will be supported by an earthen berm located on existing uplands. The berm will be designed in a manner that will not impair the flow of hydrology or sever the hydrological connectivity of the mitigation area. There are no changes to the permitted wetland impacts or required wetland mitigation due to the installation of the new pipes.
6. The boundaries of the property and proposed development will be moved at three locations.
 - a. The northern property edge near Kuebler Boulevard will be realigned to accommodate development. This realignment will not affect any waters of the U.S.
 - b. Along the northeastern boundary of the site, the boundary will move south approximately 25 feet. This realignment will avoid an additional 0.27 acre of wetland A/D.
 - c. In the southwest corner, the property boundary will move approximately 40 feet east of the existing Mill Creek Setback Easement. This realignment will not affect any waters of the U.S.

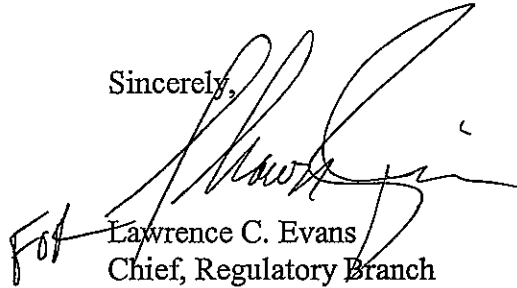
An additional modification to design of the compensatory wetland mitigation cells has been proposed. The design will incorporate berms for the wetland mitigation cells within existing wetlands. The berms will have 2.12 acres of additional impact that will be mitigated for onsite. The revised total wetland impacts authorized is 6.17 acres and the remaining advanced wetland mitigation totals 2.73 acres. The revised total waters impacts authorized are 11.07 acres and the remaining advanced waters mitigation totals 1.00 acre.

The revised Wetlands and Waters Impact Table, Compensatory Wetland and Waters Mitigation Table, and Remaining Mitigation Table are included in Enclosure 2. The Corps considers these changes minor and hereby modifies your permit.

The original permit has been amended to include the above description and the Corps approved revised drawings (Enclosure 3). All other terms and conditions of the original permit remain in full force and effect. You shall review all the special conditions attached to the original authorization, especially conditions 3 to 7, 9 to 12, and 13 to 22 regarding the construction schedule, Corps approvals, and design specifications of each development and mitigation phase. This letter must be attached to the original permit.

If you have any questions regarding this modified permit, please contact Mr. James A. Holm at the letterhead address, by telephone at (503) 808-4385, or by email at james.a.holm@usace.army.mil.

Sincerely,

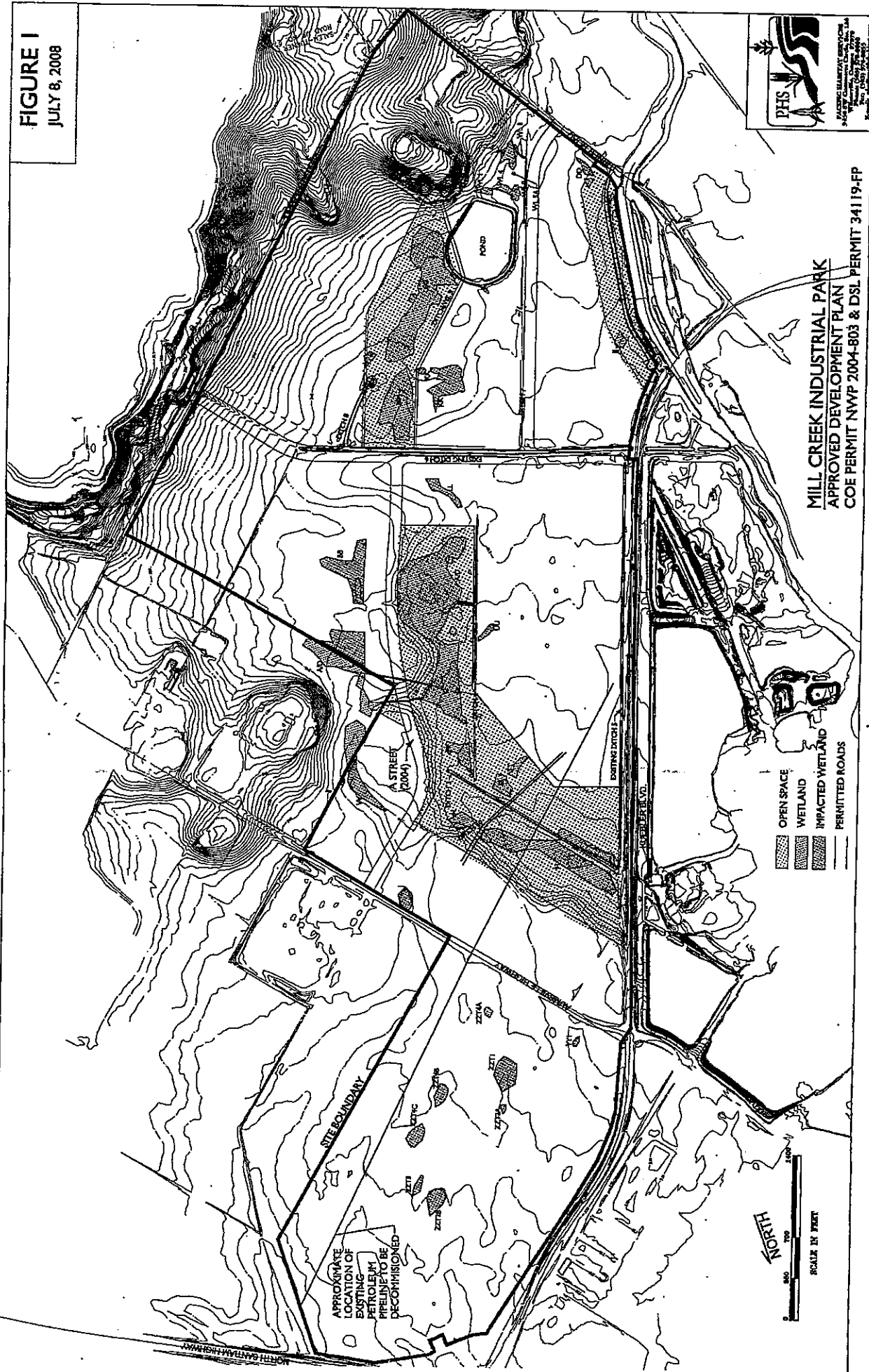

Lawrence C. Evans
Chief, Regulatory Branch

Enclosure

Copies Furnished:

Oregon Department of State Lands (Dan Cary)
Pacific Habitat Services, Inc. (Van Staveren)

FIGURE 1
JULY 8, 2008



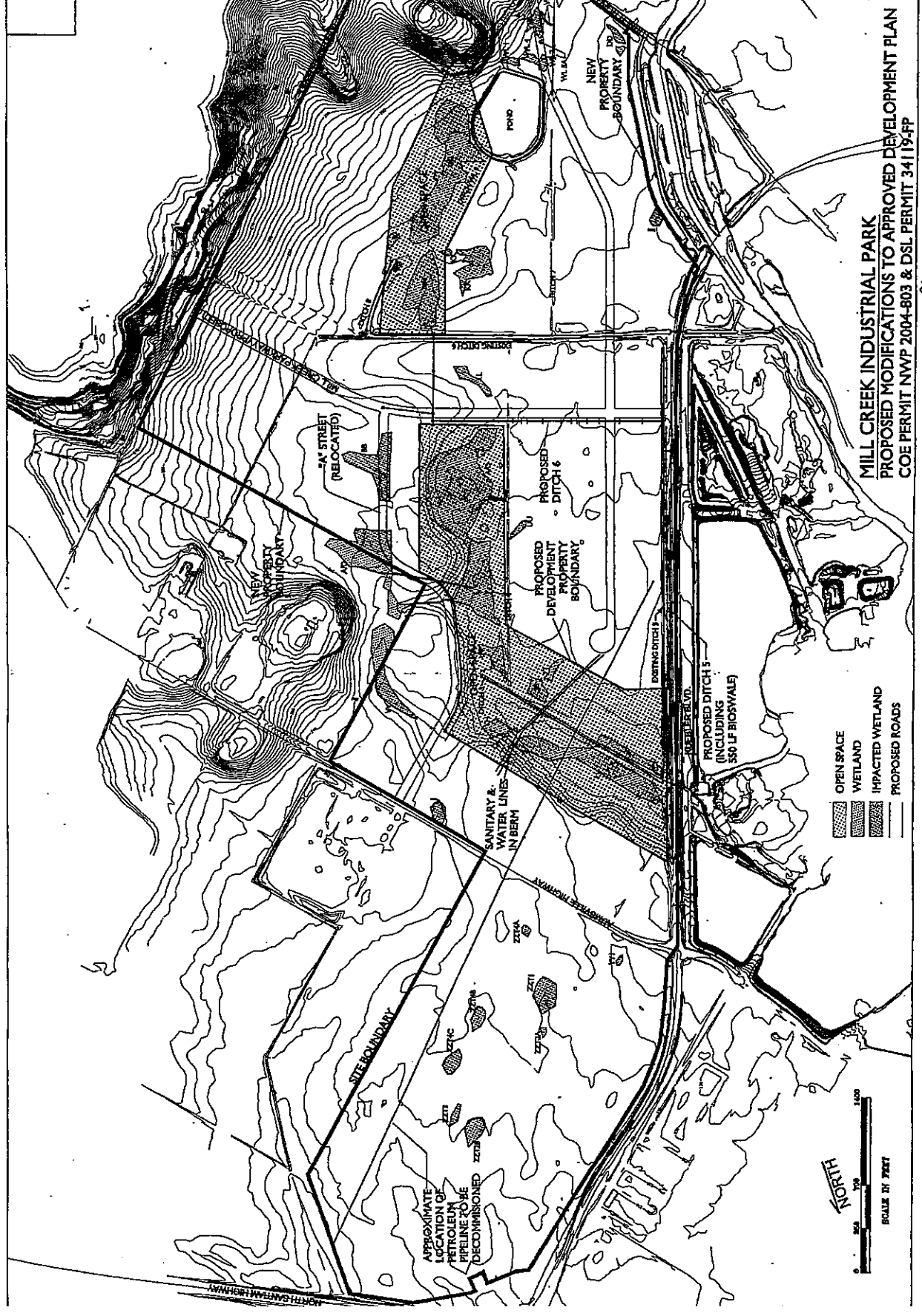
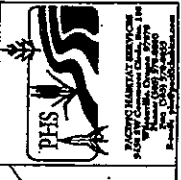
MILL CREEK INDUSTRIAL PARK
APPROVED DEVELOPMENT PLAN
COE PERMIT NWP 2004-803 & DSL PERMIT 34119-FP

- OPEN SPACE
- WETLAND
- IMPACTED WETLAND
- PERMITTED ROADS

SCALE IN FEET
0 200 400 600 800 1000
HIRON

Nwp-2004-803 Original Permit Site Plan 08/05/2008
Encl. 1 - Proposed Modification

FIGURE 2
JULY 8, 2008



MILL CREEK INDUSTRIAL PARK
PROPOSED MODIFICATIONS TO APPROVED DEVELOPMENT PLAN
COE PERMIT NWP 2004-803 & DSL PERMIT 34119-FF

Legend:
 ■ OPEN SPACE
 ■ WETLAND
 ■ IMPACTED WETLAND
 ■ PROPOSED ROADS

Scale: 0 500 1000 1500
 HIKRHH
 SCALE IN FEET

APPROXIMATE LOCATION OF PETROLEUM PIPELINE TO BE DECOMMISSIONED

SAITE BOUNDARY

NEW PROPERTY BOUNDARY

PROPOSED DEVELOPMENT PROPERTY BOUNDARY

PROPOSED DITCH

PROPOSED DITCHES (INCLUDING 500 LF BIOSWALE)

ROADS

PROPOSED ROADS

PROPOSED DITCH

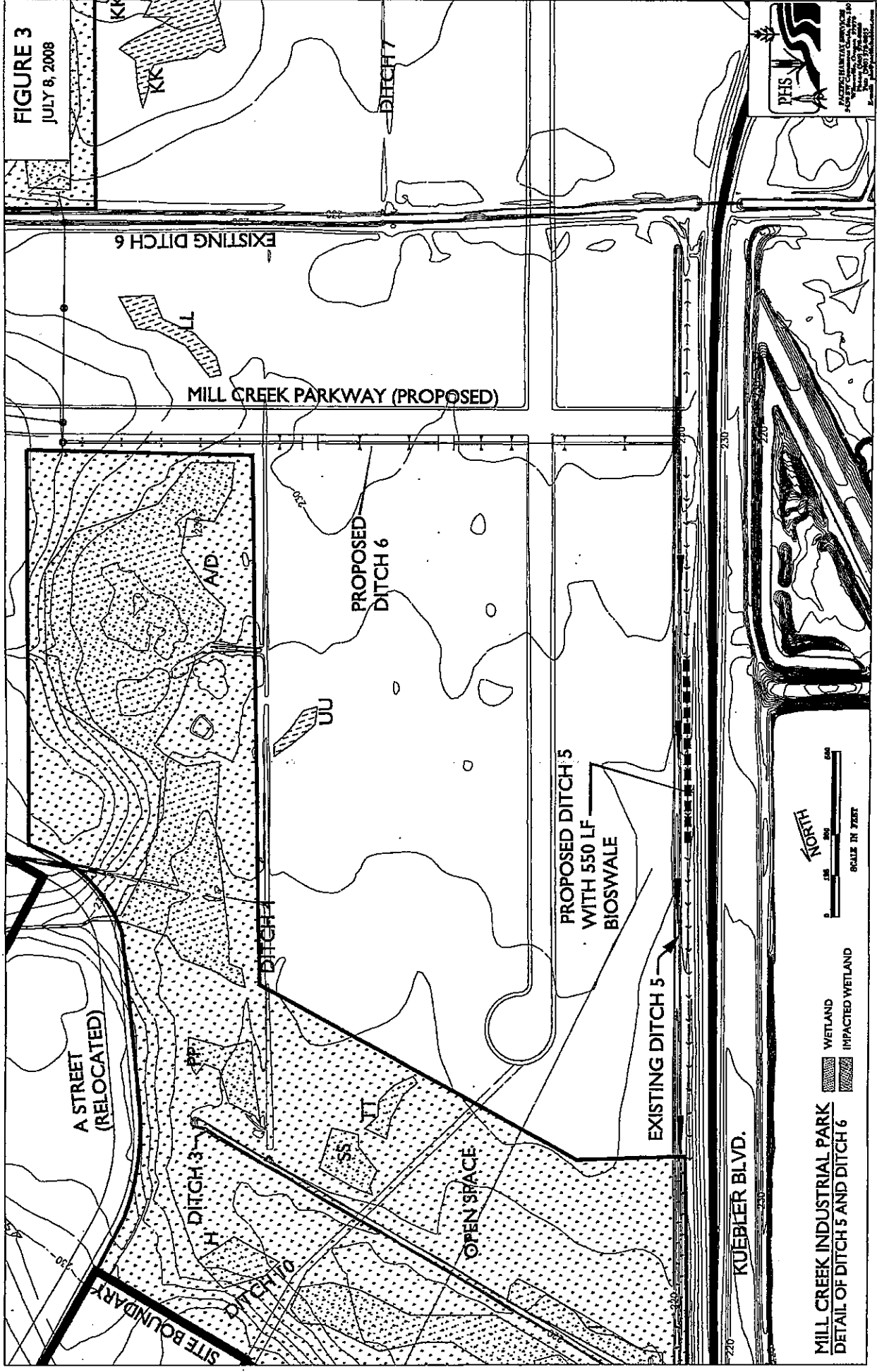
SANITARY & WATER LINES IN GREN

POND

STREET (RELOCATED)

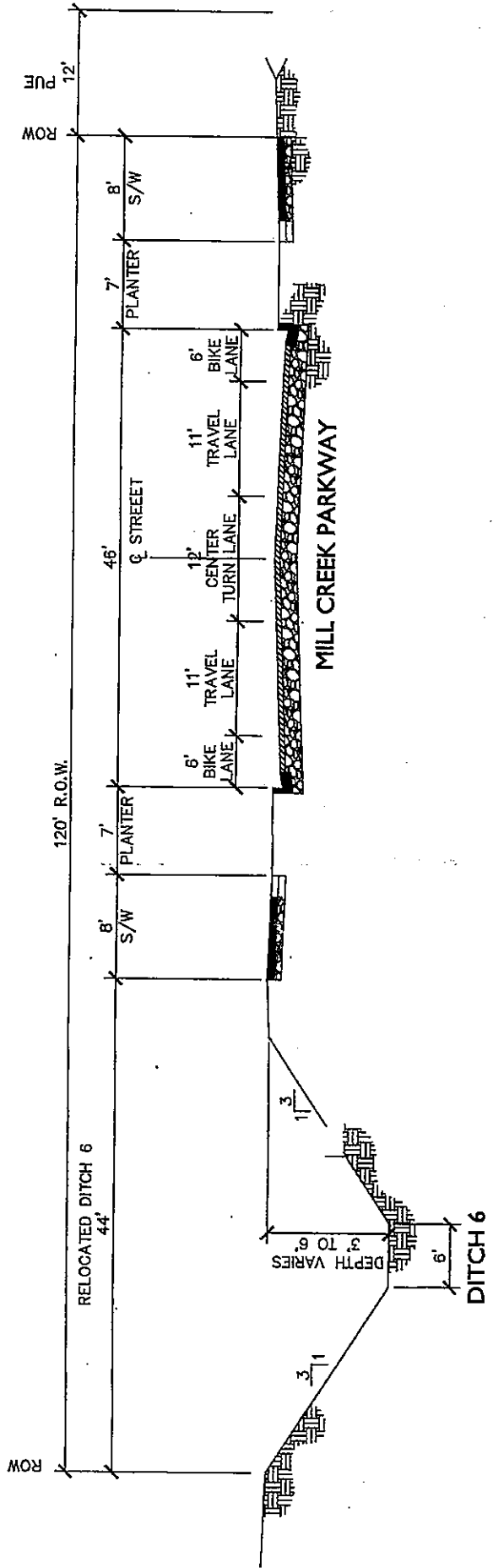
Nwp - 2004-803 Modified Site Plan 08/05/2008

Encl. 1 - Proposed Modification

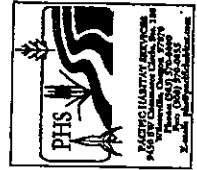


Nwp-2004-803 Proposed Ditch 5/6 Modifications 08/05/2008
 Encl. 1 - Proposed Modification

FIGURE 4
JULY 8, 2008



NTS



MILL CREEK INDUSTRIAL PARK
REPRESENTATIVE CROSS-SECTION OF MILL CREEK PARKWAY AND DITCH 6
(PROVIDED BY WESTTECH ENGINEERING, 2008)

NWP-2004-803 Proposed Ditch 6 Detail
Modifications
09/05/2008
Encl. 1-Proposed Modifications

12/16/2008

Table 1. Impacts to Jurisdictional Waters

Feature Name	Impacted Acres
Ditch 3 above pumphouse	0.07
Ditch 3 below pumphouse	0.81
Ditch 4	0.33
Ditch 5	0.62
Ditch 5 - permanent bioswale impact	0.25
Ditch 6A - north/south	0.13
Ditch 6 - east/west	2.12
Ditch 7	0.28
Ditch 8	0.53
Ditch 10	0.07
Pond	5.86
TOTAL WATERS IMPACTS	11.07

PHS added this ditch, as it was not included in the Parametrix calculations

Table 2. Impacts to Jurisdictional Wetlands

Feature Name	Impacted Acres
"Ditch" 9	0.26
A/D*	2.31
F	0.12
GG	0.73
H	0.02
I	0.00
J	0.32
MM	0.52
PP	0.00
SS	0.00
UU	0.16
VV	0.88
WL2	0.09
WL3	0.05
WL4	0.31
WL5	0.40
TOTAL WETLANDS IMPACTS	6.17

Increase of 0.86 acres due to impact from berm within mitigation area

Increase of 0.73 acres due to construction of berm for wetland mitigation cell

Increase of 0.02 acres due to construction of berm for wetland mitigation cell

Increase of 0.52 acres due to construction of berm for wetland mitigation cell

PHS found a mistake in the area calculated for the application - it is actually 0.31 acres and not 0.03

* Area avoided by boundary reduction

Table 3. Total Impacts to Jurisdictional Areas

Feature Type	Impacted Acres
Waters	11.07
Wetlands	6.17
TOTAL JURISDICTIONAL IMPACTS	17.24

NWP-2004-803
Encl. 2
12/17/08

12/16/2008

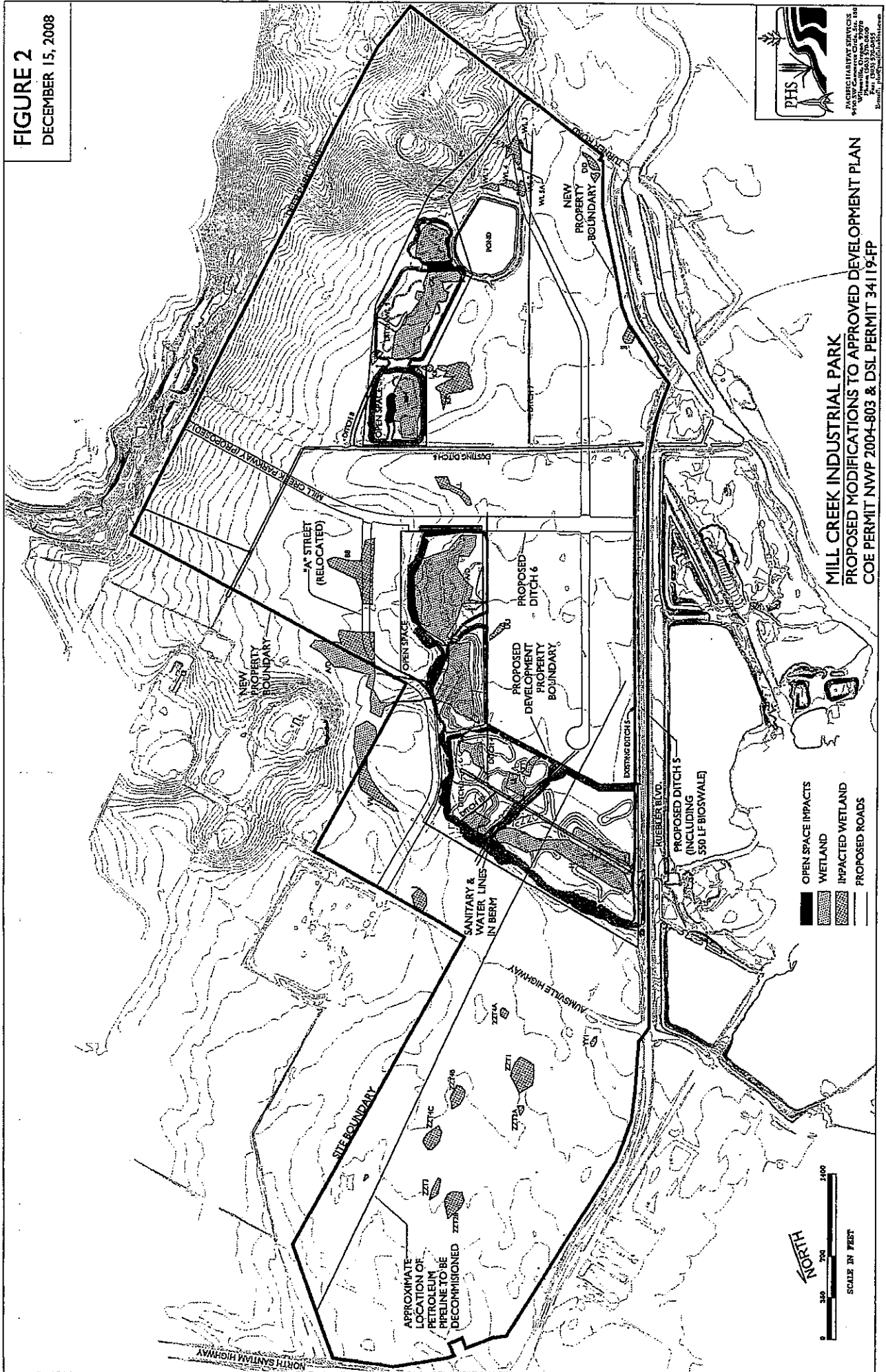
Table 4. Mitigation	Phase 1	Phase 2	Combined
Type	Credit Acres	Credit Acres	Credit Acres
Restored Wetlands	3.00	1.50	4.50
Created Wetlands	2.12	0.00	2.12
Enhanced Wetlands	1.28	0.00	1.28
Enhanced Wetlands, cropped	0.00	1.00	1.00
Mitigation for Wetlands Subtotal	6.40	2.50	8.90
Mitigation for Waters Subtotal	7.58	4.49	12.07
MITIGATION TOTALS	13.98	6.99	20.97

Table 5. Remaining Mitigation Credit Acres

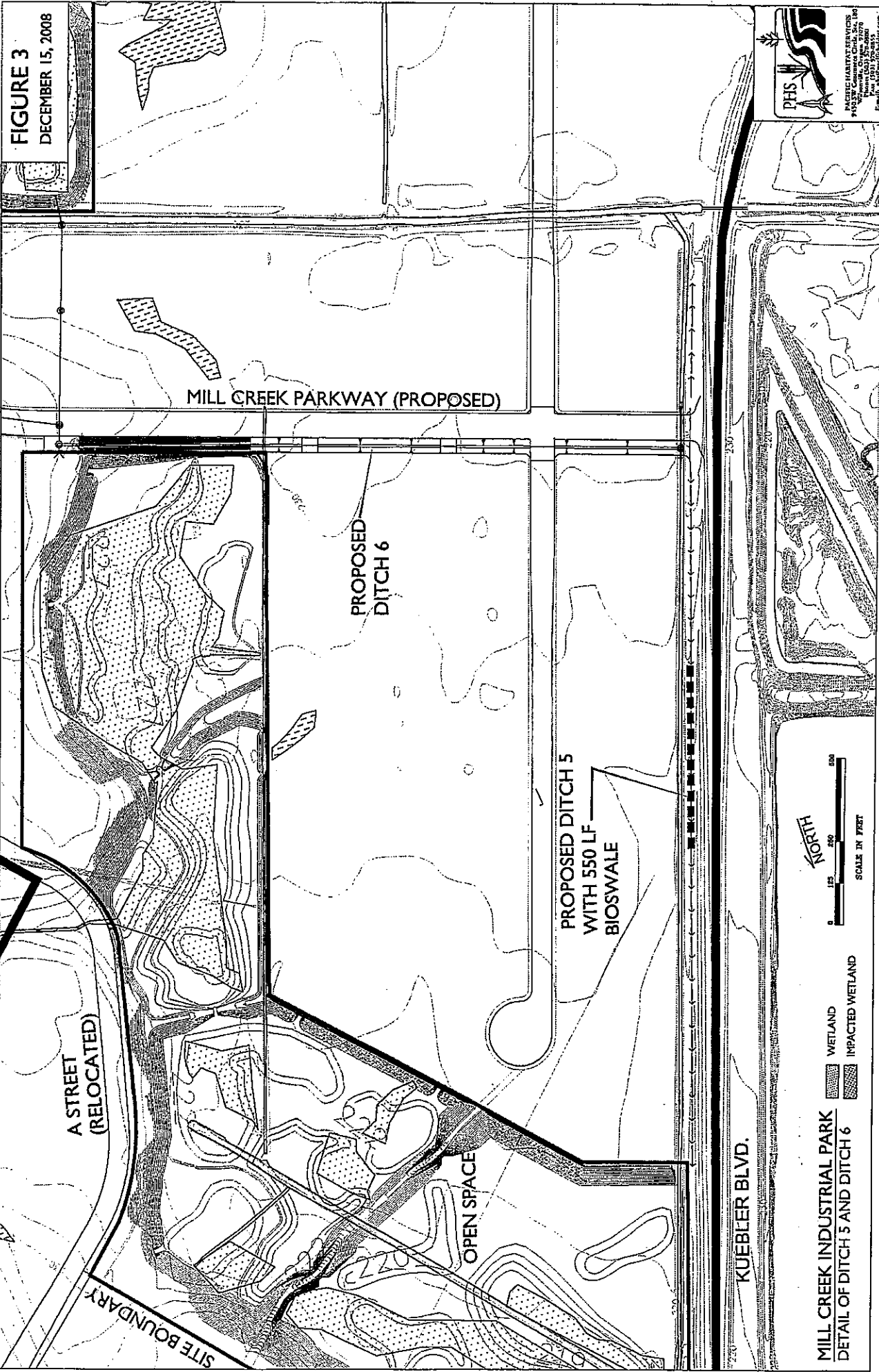
Type	Acres
Wetland Impacts	6.17
Wetland Mitigation	8.90
Wetland Credit Acres Remaining	2.73
Type	Acres
Waters Impacts	11.07
Waters Mitigation	12.07
Waters Credit Acres Remaining	1.00

NWP-2004-803
Encl. 2 12/17/08

FIGURE 2
DECEMBER 15, 2008

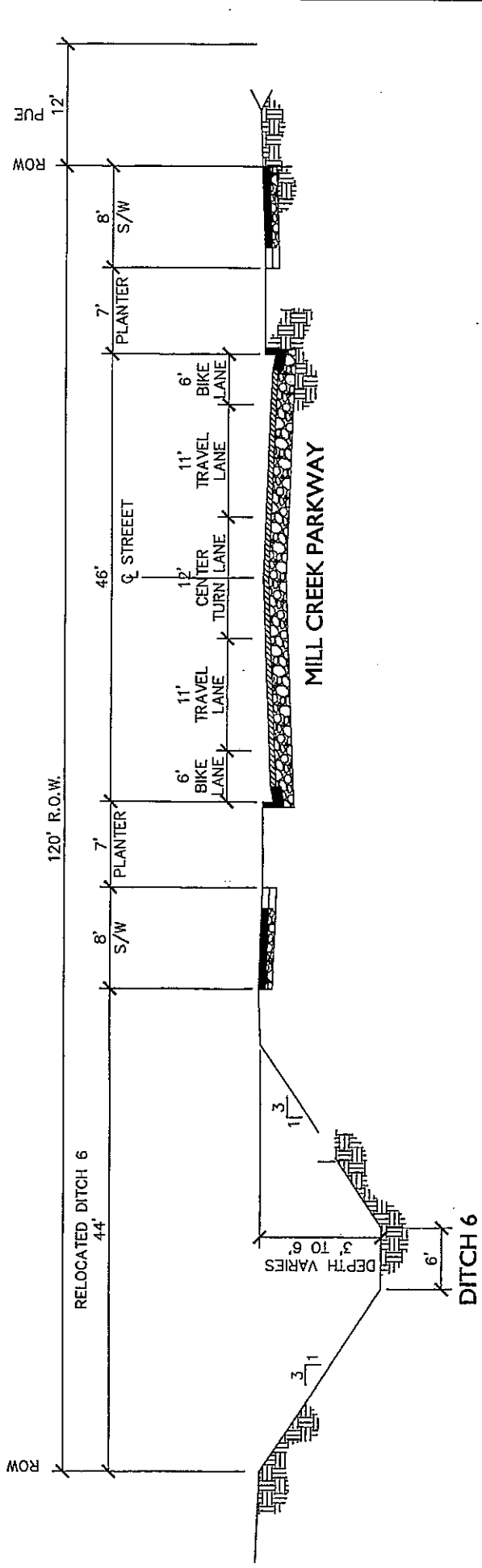


Nwp-2004-803 12/17/08
Encl. 3 - Corps Approved Plans

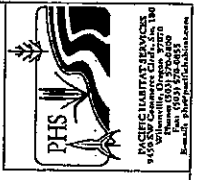


Nwp-2004-803 12/17/08
 Encl. 3 - Corps Approved Plans

FIGURE 4
DECEMBER 15, 2008



NTS



MILL CREEK INDUSTRIAL PARK
REPRESENTATIVE CROSS-SECTION OF MILL CREEK PARKWAY AND DITCH 6
(PROVIDED BY WESTECH ENGINEERING, 2008)

Nwp-2004-803 12/17/08
Encl. 3 - Corps Approved Plans