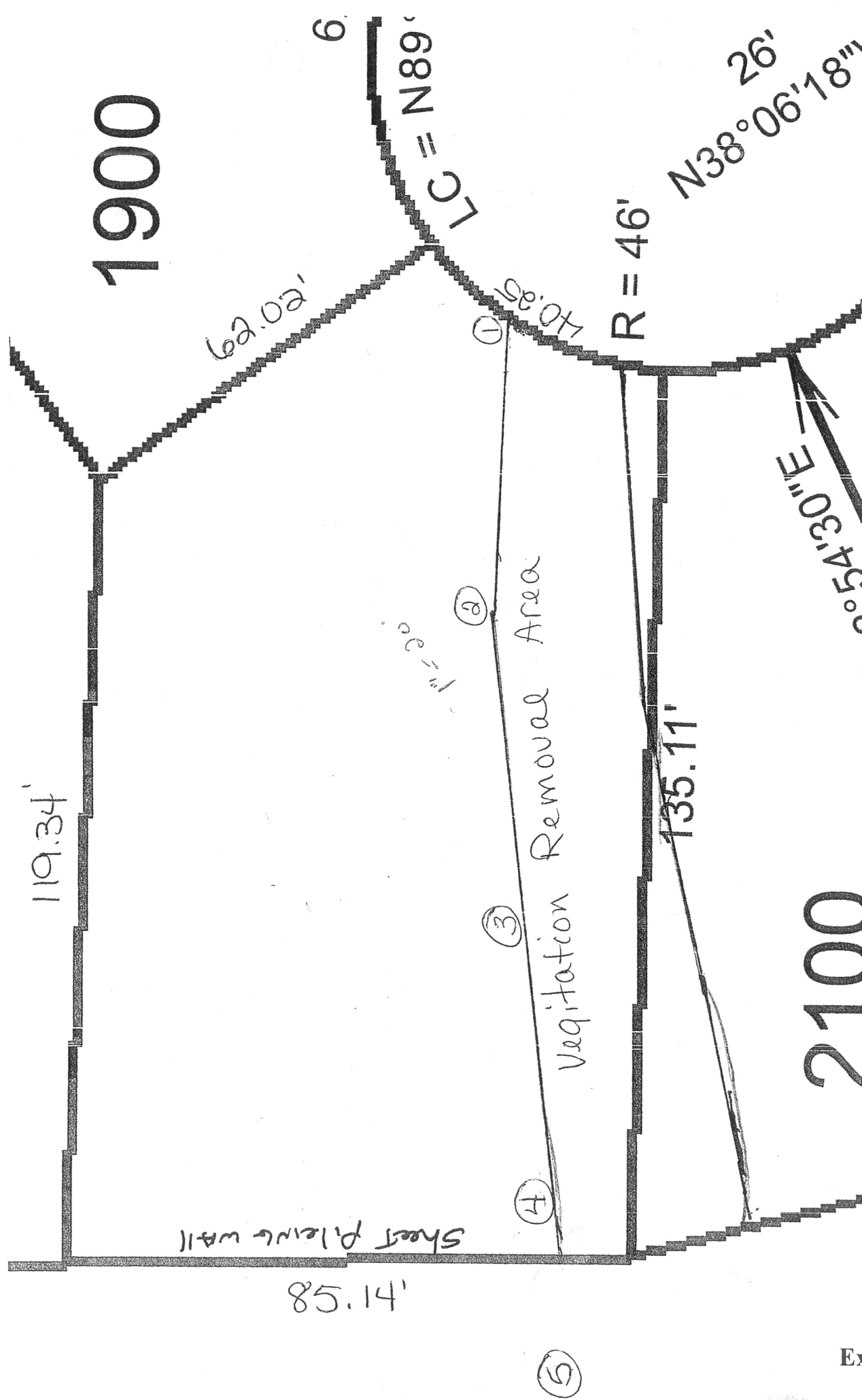


Rick Lucan
16 Seawatch Ct

1" = 20'



Vegetation removal for 140+ Feet
To Deliver materials to Site

Exhibit E

Rick Lucan
116 Seawatch Ct



2 ↑



4 ↑

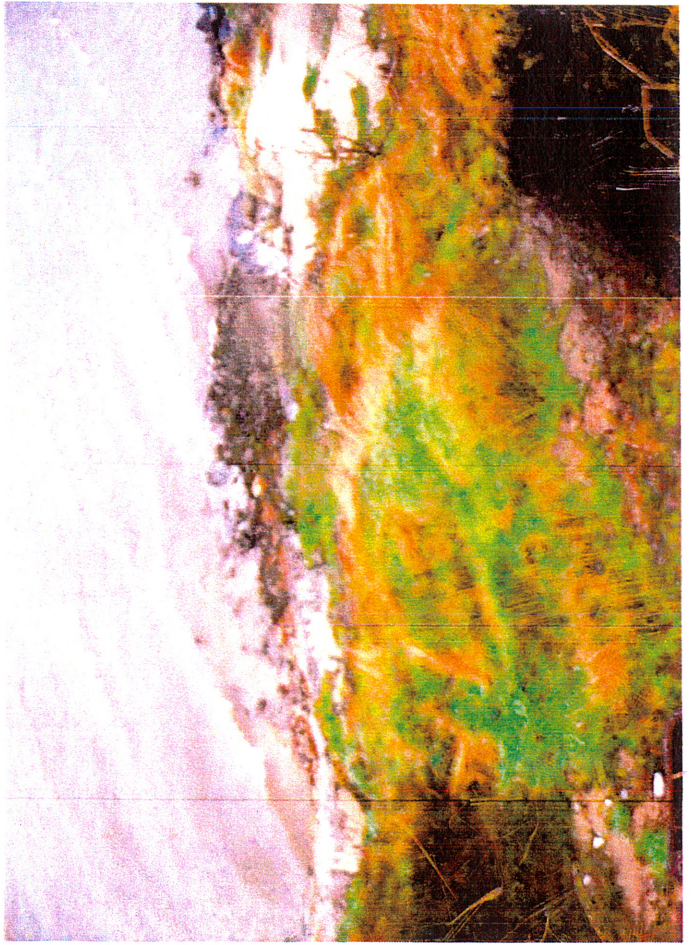


1 ↑



3 ↑

Pick Lucas
the Seawater Ct





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

O
R

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

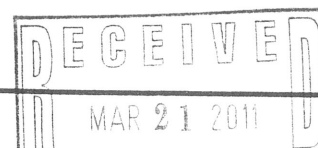
(Attach a copy of the first page of the application)

(1) APPLICANT INFORMATION

Applicant Name and Address		Business Phone #
Patricia and Richard Lukens 16 Seawatch Court Florence OR 97439		Home Phone # (541) 997-1327
		Fax #
		Email rpblukens@msn.com
Authorized Agent Name and Address		Business Phone #
GeoScience, Inc. P.O. Box 2238 Eugene OR 97402		(541) 729-4271
		Home Phone # (541) 683-8607
		Fax #
		Email geosci@clearwire.net
Check one Consultant <input checked="" type="checkbox"/>		
Contractor <input type="checkbox"/>		
Property Owner Name and Address		Business Phone #
If different from above ¹		Home Phone #
		Fax #
		Email

(2) PROJECT LOCATION

Street, Road or Other Descriptive Location		Legal Description (attach <i>tax lot map</i> *)		
		Township	Range	Section
16 Seawatch Court		18S	12W	15
				Quarter/Quarter
				SW
In or near (City or Town)	County	Tax Map #	Tax Lot # ²	
Florence	Lane	18121533	2000	
Waterway (pick one)	River Mile (if known)	Latitude (in DD.DDDD format)	Longitude (in DD.DDDD format)	
Siuslaw River	1.75	43.999	124.1218	
Directions to the site				



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*

Exhibit F

(3) PROPOSED PROJECT INFORMATION

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

Brief Description: **Bank Stabilization and Erosion Repair**

Fill

Riprap ☒ Rock ☐ Gravel ☒ Organics ☐ Sand ☐ Silt ☐ Clay ☐ Other: ☐

Wetlands	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)	600
	Impact Area in Acres	Dimensions (feet)					
		L'		W'			
Waters below OHW	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)	600
	340						
	Impact Area in Acres	Dimensions (feet)					
	0.069	L'	200	W'	15	H'	11

Removal

Wetlands	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)	600
	Impact Area in Acres	Dimensions (feet)					
		L'		W'			
Waters below OHW	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)	600
		250					
	Impact Area in Acres	Dimensions (feet)					
	0.069	L'	200	W'	15	H'	11

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

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

Are you aware of any state or federally listed species on the project site?

Are you aware of any Cultural/Historic Resources on the project site?

Is the project site within a national Wild & Scenic River?

Is the project site within a State Scenic State Scenic Waterway?*

Yes	No
X	X
	X
	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.**

Project is designed to repair failing river bank threatening the home. A similar failure occurred in 1996/7 and was mitigated by installation of a sheet pile sea wall higher on the slope and rip rap and gabion baskets in the tidal zone. Repair at that time did not address erosion of sand by discharge of groundwater. As a result, the failure recurred in late 2010. The proposed repair includes a sand retention system to preclude additional failures of this kind. Public and environmental benefit is the cessation of excessive sediment contribution to the Siuslaw River. Social and economic benefits include stabilization of property values along this stretch of river and prevention of loss of property tax revenue.

* 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:

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:

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)
 - 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.

Estimated project start date:

ASAP

Estimated project completion date:

Approx. 3 Weeks Later

(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 1: Additional Sheet Piling. This alternative could be constructed entirely outside OHW. However, the installation of sheet piling carries the risk of significant disruption of the Marine Terrace Deposit. The previous sheet pile wall encountered difficulty in penetrating upper MTD paleosol, resulting in lack of sufficient depth to preclude failure as a result of additional erosion at the toe. In addition, previous wall was installed prior to construction of the neighboring home. Access to the site with the equipment to install sheet piling would require constructing a temporary road for several hundred feet of river bank, resulting in significant disturbance of the vegetation on the river bank.

Alternative 2: Installation of drainage on the landward side of the home(s). Groundwater is being discharged approximately 45 feet below the ground level in the vicinity of the homes. Installation of drainage at that elevation is considered too disruptive and poses significant risk of structural damage to surrounding development.

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.*

By necessity, the lower revetment work will be conducted at low tide, when the lower Marine Terrace Deposits are exposed. Excavation and filling of the sand retention system can be conducted at intermediate tide levels or is located above OHW.

At any given time, the work area is limited in size to the length which can be treated during one low-tide cycle. Work will be located outside flowing (or standing) water.

Removal work in the lower portions of the site may need to be conducted off a barge, which will also be utilized to temporarily stockpile removed rip rap and sand. In that case, wet sandy soil will be placed in a filter fabric containment on the barge to eliminate turbid discharge.

Grading in the upper portions of the slope will be conducted with land-based equipment. Some material may need to be transferred to a barge using a portable conveyor.

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)**

Channel is navigable and dredged. Channel is approximately 850 feet wide and around 27 feet deep. Channel bottom is assumed to be sandy/silty with minor gravel. Channel location and configuration have been and continue to be modified from natural conditions both by placement of groins on west side to deflect current eastward, and by frequent dredging of navigation channel.

Bank below OLW is presumed to consist of alternating gently and more steeply sloping segments. with steeper portions presumed to be better cemented (by clay/iron hydroxides) paleosols of the MTDs. Submerged portion of bank is sparsely vegetated. Seaweed grows on rip rap and blocks of MTDs.

Bank above OHW is steep and currently disrupted by numerous scarps. In the immediate failure area, no viable vegetation remains. Areas adjacent to the immediate failure area are generally sparsely vegetated with grass and Scotch Broom. Historically stable areas adjacent to the older failures are vegetated with salal, willows, pines, and fir trees.

Area is in the zone of mixing of fresh water from the Siuslaw River and saltwater entering the estuary from the Pacific Ocean. This portion of the river is temporary habitat for migrating salmonids and permanent habitat for many species of marine invertebrates (arthropods, pelecypods, cephalopods, etc.) tolerant of brackish conditions. Marine mammals (cetaceans and pinnipeds) also enter this portion of the estuary. Birds include mostly piscivorous varieties.

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

The lower Siuslaw River is utilized by numerous recreational, sport, and commercial fishing/crabbing boats. The area is also patrolled and used for training by the Coast Guard cutters stationed approximately one quarter mile north of the site. Windsurfers also utilize this stretch of the river. However, these recreational, commercial, and governmental entities usually remain within the shipping channel west of the project site.

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

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*

The upper portion of the bank, which is underlain by dune sand and imported "root mat" (sand with organics) will be seeded with native grasses and planted with salal in the uppermost part and willows in the lower portion. No planting is planned for the area where rip rap is placed, in order to ensure the integrity of the filter fabric.

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.*

The project is limited to a narrow strip which extends approximately 3 to 4 feet below ordinary high water. The project does not involve a significant increase in the foot-print of the existing rip rap. Nonetheless, it is proposed to remove gabion baskets still present on the bank in the northern portion of the proposed work area and retrieve any gabion baskets which can be reached in the area where these structures have been pushed below ordinary low water by the catastrophic slope movement which occurred on December 26, 2010.

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

Proposed mitigation

(Check all that apply):

- ☒ Onsite Mitigation
- ☐ Offsite Mitigation
- ☐ Mitigation Bank
- ☐ Payment to Provide

Type of mitigation:

- ☐ Wetland Mitigation
- ☒ Mitigation for impacts to other waters
- ☐ 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)

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.

(6) ADDITIONAL INFORMATION

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

Property to the south owned by Ed Hughes and Sea Watch Estates HOA.

Property to the north owned by Jim and Suzanne Barry and Sea Watch Estates HOA.

Property to the East owned by Sea Watch Estates HOA.

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 #

Permit # Unknown

State of Oregon #

Permit # Unknown

Has a wetland delineation been completed for this site?

Yes ☐ No ☒

If yes by whom?*

Has the wetland delineation been approved by DSL or the COE?

Yes ☐ No ☒

If yes, attach a concurrence letter. *

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

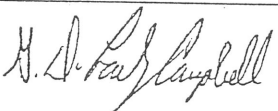
I have reviewed the project outlined in this application and have determined that:

- ☐ 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, "worst case"
☐ Development Permit
☒ Other Special Use Permit, Preliminary Development Plan

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
WENDY FARLEY-CAMPBELL		SENIOR PLANNER	FLORENCE/LANE	3/15/11

Comments: Both a project description (p.3) & evidence of previously permitted revetment/riprap are required to determine permitting requirements.

FCC 10-19-6-B-G: Permitted outright for maintenance of existing serviceable riprap, if installed in accordance w/ local, state & federal permits. No increase in size, scope, or extent.

FCC 10-19-6-C: Special Use permit for expansion of serviceable riprap installed in accordance w/ local, state & federal permits

FCC 10-19-6-D: Conditional Use permit for installation of new riprap (e.g. to include expanding that which was not installed in accordance w/ local, state & fed requirements or that which is not serviceable)

FCC 9-5-2-4: Preliminary Development Plan for projects involving > 50 cubic yds of fill or removal.

(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

\$ N/A

Print /Type Name	Title	Print /Type Name	Title
Richard Lukens	<i>owner</i>	Gunnar Schlieder	Consultant
Applicant Signature	Date	Authorized Agent Signature	Date
<i>[Signature]</i>	3-10-11	<i>[Signature]</i>	3-18-11

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