

W. S. E. L.

AGENDA COVER MEMO

DATE: January 20, 2011 (Date of Memo)
February 9, 2011 (Date of Meeting)

TO: Lane County Board of Commissioners

DEPT.: Public Works/Land Management Division

PRESENTED BY: Kent Howe, Planning Director

AGENDA ITEM TITLE: ORDER / In the Matter of Recognizing the Transfer of Ownership of the Wildish Sand & Gravel Site to The Nature Conservancy and Authorizing an Alternative Form of Security to Replace the Performance Bonds for the Reclamation Activities.

I. MOTION

MOVE ORDER TO ACCEPT ALTERNATIVE PERFORMANCE AGREEMENT THAN SPECIFIED IN LANE MANUAL 15.855.

II. ISSUE OR PROBLEM

The County Administrator is delegated authority to accept and execute certain forms of security (performance bonds, irrevocable letter of credit, assignment of savings accounts and trust agreements) pursuant to LM 15.855. Alternate performance agreements containing specified security rights for the benefit of Lane County that are not specified above may be authorized pursuant to LM 15.860, if they are submitted to the Lane County Board of Commissioners and are equal to or better than those specified in LM 15.855.

III. DISCUSSION

A. Background

The Nature Conservancy has purchased 1,270 acres from the Wildish Land Company. The property adjoins 3,500 acres of public land managed for conservation and recreation, including Lane County's 2,363 acre Howard Buford Recreation Area around Mt. Pisgah.

Much of the subject property is zoned Sand and Gravel and Rock Products Zone (SG/RCP). Excavation activities are not permitted in the SG zone in areas that are not covered by a performance bond in the amount necessary for site restoration. While under the Wildish Land Company ownership, operation plans were approved for gravel extraction that was covered by performance bonds. Now that Wildish Land Co. has transferred ownership to The Nature Conservancy and they do not plan any more extraction activities, The Nature Conservancy assumes the site restoration responsibilities and associated performance bond requirements.

The Nature Conservancy wishes to use cash payment for security rather than the other forms of security (performance bonds) listed in LM 15.855. LM 15.860 authorizes using alternate form of security agreements to assure performance of work required as long as they are equal to or better than the forms of security listed in LM 15.855.

B. Analysis

The cash payment from The Nature Conservancy is equal to or better than the forms of security listed in LM 15.855. In lieu of a performance bond, the Public Works Department would be authorized to accept the cash payment and then deposit and track accordingly. Upon performance of the required restoration, the cash payment will be returned to The Nature Conservancy.

C. Alternatives/Options

1. Accept the cash payment in lieu of a performance bond or other form of security.
2. Do not accept the cash payment and require The Nature Conservancy to provide a form of security that meets the requirements of LM 15.855.

D. Recommendations

Alternative 1, above.

E. Timing

Staff will follow-up on the Board's recommendation, immediately.

IV. IMPLEMENTATION/FOLLOW-UP

1. Accept the cash payment from The Nature Conservancy and track accordingly.
2. Release the Performance Bonds to the Wildish Land Co.

V. ATTACHMENTS

1. Board Order
2. Performance Agreement
3. Exhibit "A", Restoration Plan Letter from TNC dated November 30, 2010
4. DOGAMI Operating Permit Application

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

-) IN THE MATTER OF RECOGNIZING THE TRANSFER OF
-) OWNERSHIP OF THE WILDISH SAND & GRAVEL SITE
-) TO THE NATURE CONSERVANCY AND AUTHORIZING
-) AN ALTERNATIVE FORM OF SECURITY TO REPLACE
-) THE PERFORMANCE BONDS FOR THE
-) RECLAMATION ACTIVITIES.

WHEREAS, The Nature Conservancy has purchased 1,270 acres from the Wildish Land Company and much of the property is in the Sand and Gravel and Rock Products Zone (SG/RCP); and

WHEREAS, reclamation activities are not permitted in the SG zone in areas that are not covered by a performance bond or security in the amount necessary for site restoration; and

WHEREAS, now that Wildish Land Company has transferred ownership to The Nature Conservancy and they do not plan any more extraction activities, The Nature Conservancy assumes the permit site restoration responsibilities and associated performance bond requirements; and

WHEREAS, The Nature Conservancy wishes to use cash payment for security rather than the other forms of security listed in LM 15.855; and

WHEREAS, LM 15.860 authorizes using alternate form of security agreements to assure performance of work required as long as they are equal to or better than the forms of security listed in LM 15.855; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners; now, therefore it is hereby

ORDERED, that the form of agreement and payment presented by The Nature Conservancy is equal to or better than the other forms of security listed in LM 15.855 and can be accepted as an alternate form of security pursuant to LM 15.860, effective the date of this order and upon execution and presentation of the performance agreement in substantially the form attached and incorporated here by this reference.

ADOPTED this ____ day of _____ 2011.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 2-3-2011 Lane County
Stephen H. [Signature]
OFFICE OF LEGAL COUNSEL

PERFORMANCE AGREEMENT FOR SITE RESTORATION

WHEREAS, The Nature Conservancy, hereinafter referred to as the Owner, has purchased 1,270 acres from the Wildish Land Company and much of the property is in the Sand and Gravel and Rock Products Zone (SG/RCP) in which the Owner does not plan any more extraction activities; and

WHEREAS, the Owner assumes the site restoration responsibilities from the Wildish Land Company as contained in a request for transfer of permit and assurance of performance of site improvements consistent with a restoration plan dated November 30, 2010, attached as Exhibit "A" and incorporated here by this reference; and

WHEREAS, the Owner, concurrently with the delivery of this Agreement, has requested Lane County, a political subdivision of the State of Oregon, hereinafter referred to as the County, for approval of an alternative security for the agreement; and

WHEREAS, it is necessary in the interest of public welfare that all restoration work shall be performed in accordance with the Site Improvement Standards of Lane Code 16.217(4) and the previously approved Plan of Operation; and

NOW, THEREFORE, in order that the County will approve this Agreement, the Owner does hereby unconditionally promise and agree to and with the County as follows:

I.

The Owner will re-grade bank slopes, de-compact soils, disc and seed Sections II, III and VI as described in the request for transfer of permit and assurance of performance of site improvements consistent with a restoration plan dated November 30, 2010, attached as Exhibit "A" and incorporated here by this reference.

II.

The Owner, in accordance with Lane Code, will tender to the County security in the amount of \$7,045 to guarantee the faithful performance of applicable Site Improvement Standards as specified in Lane Code 16.217(4) and as described in the request for transfer of permit and assurance of performance of site improvements consistent with a restoration plan dated November 30, 2010 attached as Exhibit "A" and incorporated here by this reference. In the event the Owner shall fail or neglect to fulfill those obligations under this Agreement, the County shall have the right to enter upon such property, make the required improvements as set forth in Exhibit "A", and the Owner as Principal shall be liable to pay to and indemnify the County, upon completion of such restoration, the final total cost to the County not exceeding the security amount specified above, including but not limited to engineering, legal and contingent costs, together with any damages, either direct or indirect, which the County may sustain or incur on account of the Owner to carry out and execute the provisions of this Agreement.

III.

Upon written request by the Owner, the County shall inspect completed excavation areas and release the security when it has been determined that the Site Improvement Standards of Lane Code 16.217(4) and as described in the request for transfer of permit and assurance of performance of site improvements consistent with a restoration plan dated November 30, 2010 attached as Exhibit "A" and incorporated here by this reference have been met for the particular site specified.

IN WITNESS WHEREOF, the Owner has executed these presents this _____ day of _____, 2011.

THE NATURE CONSERVANCY

Accepted and Approved by:

By _____

Director of Lane County Public Works

Exhibit "A"

REC'D DEC 02 2010



The Nature Conservancy in Oregon
821 SE 14th Avenue
Portland, OR 97214-2537

tel 503 802-8100

fax 503 802-8199

nature.org/oregon

Lane County
Land Management Division
Attn: Keat Howe, Planning Director
125 E. 8th Ave.
Eugene, OR 97401

November 30, 2010

Re: Former Wildish Land Company property
Sections 11&12, T18S, R3 WWM

Mr. Howe:

The Nature Conservancy acquired approximately 1271 acres from the Wildish Land Company at the confluence of the Coast Fork and Middle Fork Willamette River on October 29, 2010. This property is currently permitted for sand and gravel extraction through DOGAMI (see permit #20-0061) and Lane County.

Please transfer the Lane County permit on this property to:
The Nature Conservancy
Oregon Chapter
Attn: Dan Bell, Willamette Basin Conservation Director
821 SE 14th Ave.
Portland, OR 97214

In compliance with sections 16.217 (4) and (6) of the Lane County Code and consistent with our earlier conversations, The Nature Conservancy is submitting a payment of \$7,045 as financial assurance to "guarantee the faithful performance of applicable site improvement standards" under Lane County code (refer to section III of the Lane County-Wildish Land Company Agreement).

An on-site inspection of the property by DOGAMI indicated that reclamation was required in three areas (see attached report).

Section	Activity	Acres	Financial requirement*
II	Soil de-compaction, discing and seeding	8	\$4,000
III	Re-grade bank slope, soil de-compaction and seeding	2.47	\$1,235
VI	Re-grade bank slope, soil de-compaction and seeding	3.62	\$1,810
	TOTAL	14.09	\$7,045

* Per Lane County Code section 16.217(6) amount is calculated at \$500 per acre

An application to transfer the DOCAMI permit is currently pending.

It is The Nature Conservancy's understanding that Lane County will release and re-pay these funds (together or separately by section) as restoration is completed. As this work is complete, the Conservancy will work with Lane County to schedule a final site inspection.

If you need further information to process this request, please let me know.

Thank you for your assistance and we look forward to working with lane County on this project.

Sincerely,

A handwritten signature in cursive script that reads "Dan Bell".

Dan Bell
Willamette Basin Conservation Director
The Nature Conservancy, Oregon Chapter.

Attachments:

Lane County Bonding Calculation (prepared by Randy Hledik and dated 8-24-10)

"Agreement for Compliance with a Plan of Operation for Extracting, Stockpiling and Processing Sand and Gravel" between Lane County and Wildish Land.Co. dated 5-13-77

DOGAMI on-site inspection report dated 7-6-10

Cc: Robert Houston, DOGAMI
Randy Hledik, Wildish Land Co.

B. 24. 10

R. S. HLEDIK

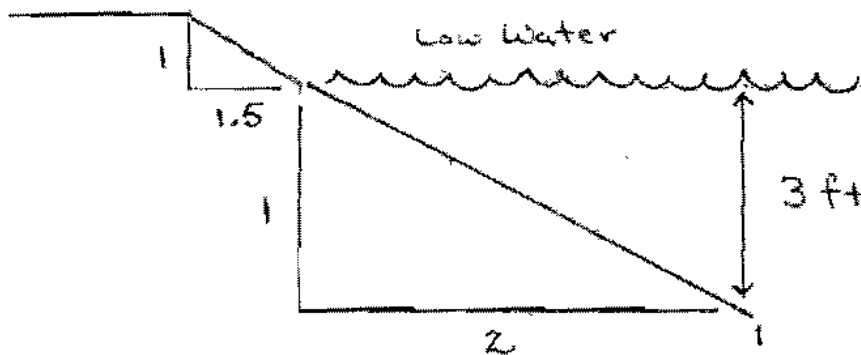
LANE COUNTY BONDING CALCULATIONS

WILDISH SAND & GRAVEL CO - 1977 OPERATING PLAN
SECTIONS 11 & 12 T18S R03W04M

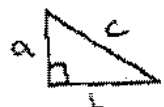
- RE: 1. Lane Code 16.217
 2. DOGAMI onsite Inspection Report - HLRR ID 20-0061 - 7.6.10

LC 16.217(6) requires a performance bond in the amount of \$500 per acre. "The amount of acreage to be bonded shall be left to the choice of the operator..."

LC 16.217(4)(b)(i)(aa)(i-i) and (ii-ii)(bb) require excavations made to any setback lines that are not made to water producing depth to have banks sloped no steeper than "one vertical to one and one-half horizontal", and excavations made to water producing depth to have banks sloped ~~at~~ no steeper than "one vertical to two horizontal to a water depth of three feet".



The minimum surface area width to be bonded is calculated as follows:

Where  $a^2 + b^2 = c^2 \rightarrow c = \sqrt{a^2 + b^2}$

Above water: $c = \sqrt{1^2 + 1.5^2} = 1.8 \text{ ft}$
 Below water: $c = \sqrt{3^2 + 6^2} = \underline{\underline{6.7 \text{ ft}}}$
8.5 ft

The onsite inspection report requires reclamation as follows:

Section II:

- Decompaction of and soil placement on 3 acres
- Discing of 5 acres
- Seeding of the above total 8 acres

Section III:

- Flattening 2,400 linear feet of bank
- Decompaction of and soil placement on 2 acres
- Seeding of the above 2 acres

Section VI:

- Flattening 8,280 linear feet of bank
- Decompaction of and soil placement on 2 acres
- Seeding of the above 2 acres

The acreage to be bonded in accordance with LC 16.217(b) is determined as follows:

Section II: 8 acres

Section III: $2400 \text{ LF} \times 8.5 \text{ ft} = 20,400 \text{ SF} \div 43,560 \text{ SF/acre} = 0.47 \text{ acres} + 2 \text{ acres} = 2.47 \text{ acres}$

Section VI: $8280 \text{ LF} \times 8.5 \text{ ft} = 70,380 \text{ SF} \div 43,560 \text{ SF/acre} = 1.62 \text{ acres} + 2 \text{ acres} = 3.62 \text{ acres}$

The bonding requirement is calculated as follows:

8 acres + 2.47 acres + 3.62 acres = 14.09 acres

14.09 acres \times \$500/acre = \$7,045.00

AGREEMENT FOR COMPLIANCE WITH A PLAN OF OPERATION
FOR EXTRACTING, STOCKPILING AND PROCESSING SAND AND GRAVEL

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WILDISH LAND CO., hereinafter referred to as the OWNER, concurrently with the delivery of this Agreement, has applied to Lane County, a political subdivision of the State of Oregon, hereinafter referred to as the COUNTY, for the approval by the County of a Plan of Operation, dated May 13, 19 77, for the extraction, stockpiling and processing of sand and gravel, and allied permitted activities of Section 10.205 of the Lane County Code, a copy of which plan is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, it is necessary in the interest of public welfare that all work related to the extraction, stockpiling and processing of sand and gravel shall be performed in accordance with Section 10.205 of the Lane County Code and in accordance with the above-noted plan of operation;

WHEREAS, the Lane County Code requires the Owner to provide the County with a Performance Bond to ensure that all improvements defined in Section 10.205-20 of the Lane County Code will be completed in accordance with said Code and the Plan of Operation submitted herewith;

NOW, THEREFORE, in order that the County will approve said Plan of Operation, the Owner does hereby unconditionally promise and agree to and with the County as follows:

I.

The Owner will perform all work related to the extraction, stockpiling and processing of sand and gravel in accordance with the Lane County Code and in accordance with the above-noted Plan of Operation hereafter known as Exhibit "A", including but not limited to, such item as setbacks, minimum slopes, drainage, and methods of restoration of said properties.

II.

The Owner will, from time-to-time, as extraction areas are completed or substantial plant changes are made relative to areas in use, submit revised operating plans or appropriate parts thereof.

III.

In accordance with Lane County Code, the Owner tenders to the County a bond duly executed by the Owner as Principal and a surety company or companies authorized to do business in the State of Oregon as surety in the amount of \$ 6,500.00 to guarantee the faithful performance of applicable site improvement standards specified in Section 10.205-20 of the Lane County Code. In the event the Owner shall fail or neglect to fulfill his obligations under this Agreement as defined in said Section 10.205-20, the County shall have the right to enter upon such property, make the required improvements as set forth in Exhibit "A", and the Owner as Principal and the surety or sureties shall be jointly and severally liable to pay to and indemnify the County, upon completion of such construction, the final total cost to the County not exceeding the bonded amount as specified above, including but not limited to engineering, legal and contingent costs, together with any damages, either direct or indirect, which the County may sustain or incur on account of the failure of the Owner to carry out and execute the applicable provisions of this Agreement. Said bond is hereto attached as Exhibit "B" and by reference made a part of this Agreement.

IV.


Upon written request of the Owner, the County shall inspect completed excavation areas and release the bond when it has been determined that the provisions of Lane Code Section 10.205-20 included in the approved operating plan have been satisfied for the particular site specified.

IN WITNESS WHEREOF, the Owner has executed these presents this 8th day of August, 1977.

WILDISH LAND CO.

By 

Accepted and Approved by:



Director, Dept. of Transportation

1977 OPERATING PLAN
SECTIONS 11 & 12, T1B3, R3 WWM
LANE CO., OREGON
WILDISH SAND & GRAVEL CO.

Subject to weather, market demand, and unforeseen subsurface conditions, the following is the Operating Plan.

1. Remove and stockpile overburden maintaining sufficient quantity on-site for surface restoration. Some may be sold.
2. Remove gravel with front-end loaders for transport to the Crushing Plant over the private haul road or for direct sale of pit-run material. This procedure will be followed to a level of about two feet above the water level. This is the "dry operation".
3. After excavation of the site to near the water level, a drag line will be used to load the transport vehicles continuing for about 20 feet in depth or to the bottom of the suitable material if this is shallower. This is the "wet operation".
4. Upon completion of excavation of this site, the banks on the north, south and west sides will be dressed and stabilized and a lake left. A new filling will be made to continue eastward.

With reference to 10.205-82(5):

- (a) During the "dry operation" there will be no "on-site" washing or settling. This is done at the Crushing Plant out of the sand and gravel zone. During the "wet operation" the washing is only incidental to gravel removal and all settling is in the pit with no discharge.
- (b) No processing facilities or stockpiles are proposed.
- (c) No resource-related operations are proposed on this site except gravel extraction.
- (d) The excavation area is shown on the map with 150 foot setback from property of others.
- (e) The operating area is designated as 16 acres on the map.

1977 Operating Plan - Wildish Sand & Gravel Co.

Page 2

(f) A cross-section is attached and the operation will not affect the rivers.

(g) The areas are shown on the map with thirteen acres bonded for excavation. Storage, road, setbacks, etc. make the total area 16 acres.

The site defined herein is a part of other contiguous properties, all of which have been mined prior to any zoning.

The site is connected to public roads by private haul roads owned by the company. The haul roads provide access to Seavey Loop Road and Franklin Blvd. There is no direct access from the area defined herein to a public road.

All of the lands within the boundary shown on Exhibit "G", General Boundary Map, are an integral part of the sand and gravel operation. Said lands are all in various categories normal to a continuing, long-term operation, i.e. future source sites, roads, restoration, screening and protection, etc.

LANE COUNTY EXHIBIT A

EXHIBIT E - Page 2 of 2



Oregon

Theodora R. Kufongoski, Governor

July 9, 2010

Department of Geology & Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
FAX: (541) 967-2075
www.oregongeology.com

*Report of Onsite Inspection
Conducted July 6, 2010*

RECEIVED
WILDISH

JUL 13 2010

Wildish Land Company
PO Box 7428
Eugene OR 97401

MLRR ID: 20-0061
Plant 1
DEQ Permit: Not Required

This inspection was scheduled at the request of Wildish to determine which areas within the permit boundary have met the reclamation obligation. During this site inspection the permittee presented a 1972 photograph that was used to determine which areas within the permit boundary are "pre-law" exempt from the reclamation requirement. Four areas were identified as being disturbed after 1972 and requiring reclamation as stated in the 1975 reclamation plan. These areas requiring reclamation are located within mining phase sections II, III, V & VI. The remaining reclamation obligation for these areas will be discussed below. Once drafted, DOGAM will be able to provide an aerial photo map outlining the locations of the pre- and post-law areas.

Pre-Law Areas

Any areas disturbed by mining prior to 1972 remain exempt from the reclamation requirement. The permittee would need to submit a Limited Exempt Closure Plan that describes how the pre-law areas will be stabilized (if necessary) to prevent an offsite impact. However, the submittal of the LE Closure Plan would not be required if the permittee chooses to voluntarily reclaim the pre-law areas to the standards outline in the 1975 reclamation plan. The LE Closure Plan is required to be submitted prior to your next annual renewal date of June 30, 2011.

Areas Requiring Reclamation Within the Permit Boundary

Section II:

Existing Conditions:

Within Section II there are two ponds that were disturbed after 1972 and require reclamation. The larger of the two ponds (identified as having three power pole islands) is approximately 25 acres whereas the smaller one is approximately 3 acres in size. Material has been removed to a depth of approximately 25 feet from both of these locations. The majority of the in-water slopes average 3H:1V or flatter. Minor in-water slope areas (short bank length) may steepen to 2H:1V. The majority of the northern side of the larger pond has been backfilled with fill material and stabilized. This fill material is dominated by soil with a minor amount of cobbles.

The upland area of the fill area has been revegetated with an unidentified daisy flower and native grasses. This upland flat area has been grazed over the years. The above water slopes have been revegetated with a thistle species and native grasses.

Inspected by:

Robert A. Houston

Robert A. Houston
Natural Resource Specialist
Mineral Land Regulation & Reclamation

- c: Lane County Planning Department
ODFW Springfield
Keith Ellingson, Lane County Public Works Department Eugene
Doug Heiken, Friends of Bnford Park Eugene



To the east of the two ponds a heavy equipment training school has disturbed an approximate 3 acre upland area. Soils have been graded and stockpiled adjacent to the area in a vegetated berm. The ground has been regraded and contoured. A minor amount of gravel (pit run) remains stockpiled on the floor.

Reclamation Obligation Section II:

Impoundment areas: All of the in-water slopes have met the sloping and revegetation requirement.
Heavy equipment training school disturbed area (3 acres): To meet the reclamation obligation all compacted areas must be decompactified to a depth of 1.5 feet. Soil material must be replaced to a depth of at least 12 inches and re-vegetated with native grasses.
Upland fill area to the north of the large pond (5 acres): Because of the significant establishment of non-native species in this area, DOGAMI would require this area to be re-established with native grasses. The fill area must be disked to a depth of 6 inches and re-seeded with a native grass seed mix. All thistles established on the out slope to the large pond must be removed and revegetated with native grasses.

Section III:

Existing Conditions Section III:

Within Section III there is one large pond that was disturbed after 1972 and requires reclamation. This large pond (approx. 15 acres) has been excavated to a depth of approximately 25 feet. The majority of the in-water slopes average 1H:1V. Overburden/soil stockpiles are located in a perimeter berm around the excavation. This berm has become revegetated with native grasses, trees and brush. The upland areas (2 acres) on the north side of the pond remain stripped of soil and un-vegetated. At this location a minor amount of pit run material remains stockpiled.

Reclamation Obligation Section III:

Within Section III, the southernmost pond was disturbed after 1972 and must be reclaimed per the reclamation plan. Because the existing in-water slopes do not meet the final sloping requirement, as stated in permit condition #4, the permittee would need to create in-water slopes of 3H:1V or flatter to a depth of 6 feet below low water level.

All stockpiles of pit run material must be regraded or removed from the site. All compacted upland areas (2 acres) occurring on the north side of the pond must be decompactified to a depth of 1.5 feet. Soil material must be replaced on this area to a depth of at least 12 inches and revegetated with native grasses.

Section V:

Existing Conditions Section V:

The upland quarry is approx. 2 acres in size. The benched quarry highwall is approx. 40 feet in height and is sloped at 1.5H:1V or flatter. The benches and quarry floor remain sparsely vegetated with native grasses and brush. At this location all storm water is contained on the quarry floor.

Reclamation Obligation Section V:

All slopes within the upland quarry area have met the sloping and revegetation requirements as outlined in the operating/reclamation plan.

Section VI:

Existing Conditions Section VI:

Within Section VI there are three ponds that were disturbed after 1972 and require reclamation. The three ponds (approx. 25 acres) were mined down to a depth of approximately 25 feet. The majority of the in-water slopes average 1H:1V. The above water areas around the ponds have become revegetated with willows, grasses, cotton wood trees and blackberries.

Reclamation Obligation Section VI:

All three of these ponds have not met the in-water sloping requirement of 3H:1V or flatter to a depth of 6 feet below low water level, as stated in permit condition #4. In the process of creating this 3H:1V or flatter slopes, minor upland areas may need to be revegetated.

All compacted upland areas occurring between the two larger ponds (2 acres) must be decompact to a depth of 1.5 feet. Soil material must be replaced on this area to a depth of at least 12 inches and revegetated with native grasses.

Reclamation Security Calculation: Total \$28,498

Section II:

- | | |
|---|---------|
| 1. Decompact 3 acres to a depth of 1.5 feet (Heavy Equip. Training Area): | \$469 |
| 2. Disc 5 acres to a depth of 6 inches (Fill Area): | \$781 |
| 3. Reclamation security to replace 1 foot of soil on 3 acres from an adjacent soil stockpile: | \$2,678 |
| 4. Reclamation security to reseed 8 acres with native grasses: | \$1,080 |
| - reseeding heavy equipment training area (3 acres) and the 5 acre upland fill site area located adjacent to and north of the pond. | |

Section III:

- | | |
|--|---------|
| 1. Reclamation security to flatten an existing 1H:1V slope to a 3H:1V slope along 2,400 linear feet of bank: | \$2,848 |
| - Total Volume of material moved (Cut and Fill) 3,200 CY | |
| - Cost to push/cut material per CY (distance of push less than 10 feet) \$0.89 per CY | |
| 2. Decompact 2 acres to a depth of 1.5 feet: | \$312 |
| 3. Reclamation security to replace 1 foot of soil on a 2 acre area from an adjacent soil stockpile: | \$1,952 |
| 4. Reclamation security to reseed 2 acres with native grasses: | \$270 |

Section V: Meets reclamation standard

Section VI:

- | | |
|--|---------|
| 1. Reclamation security to flatten an existing 1H:1V slope to a 3H:1V slope along 8,280 linear feet of bank: | \$9,825 |
| - Total Volume of material moved (Cut and Fill) 11,040 CY | |
| - Cost to push/cut material per CY (distance of push less than 10 feet) \$0.89 per CY | |
| 2. Decompact 2 acres to a depth of 1.5 feet: | \$312 |
| 3. Reclamation security to replace 1 foot of soil on a 2 acre area from a adjacent soil stockpile. | \$1,952 |
| 4. Reclamation security to reseed 2 acres with native grasses: | \$270 |

Mobilization - demobilization:

\$1,000

Subtotal:

\$23,749

Contract Administration 20% (20% if subtotal is less than \$50,000):

\$4,749

Total Reclamation Security Required:

\$28,498

MODIFICATION OF SURFACE MINING PERMIT
20-0061
WILDISH LAND CO. TO THE NATURE CONSERVANCY





FIGURE 1
MAP OF WILDISH PROPERTY
 Lane County, Oregon
 T18S R2W and T18S R3W

 Wildish Property, 1,270 acres

 Conservation Opportunity Area
 Oregon Department of Fish and Wildlife



Map created by The Nature Conservancy, April 2010



DOGAMI - MINERAL LAND RECLAMATION & REGULATION
 229 BROADALBIN STREET SW
 ALBANY, OR 97321-2246

OPERATING PERMIT APPLICATION - PAGE 1
Under ORS 517.750-99 ORS 517.750-990

APPLICANT

List the name, address, etc. for the person or company the permit is to be issued to. Reclamation security must also be provided in this same name. *If the applicant is a business - the name must be registered with the Secretary of State's office to do business in Oregon.*

Name The Nature Conservancy- Oregon Chapter
 Mailing Address Attn: Dan Bell
 Mailing Address 821 SE 14th Ave.
 City / State / Zip Portland, OR 97214
 Phone (503) 802-8100
 Fax (503) 802-
 E-mail dbell@tnc.org

LANDOWNER(S)

Is the applicant the landowner of this property? Yes No
 If no, list below. *(Attach a separate piece of paper if necessary.)*

Name _____
 Mailing Address _____
 Mailing Address _____
 City / State / Zip _____
 Phone _____
 Fax _____
 E-mail _____

CONTACT PERSON

List the contact person if different from the applicant.

Name _____
 Phone _____
 Other Phone _____
 E-mail _____

ACREAGE INFORMATION

What is the total number of acres to be covered under this permit? 100
 (approx.)
 How many acres are currently affected by mining? 100
 (approx.)
 How many acres are to be affected by mining during the INITIAL 12 months following permit issuance? 0

SITE LOCATION

County Lane
 Section(s) 1,11,12 / 6-10
 Township(s) 18S /
 Range(s) 3W / 2W
 Tax Lot(s) _____

Is this site located within 1/4 of a mile of a state or federal wild or scenic river corridor? Yes No

Is this site located within the limits of a city? Yes No

If no, complete the following:

Site is _____ miles from _____
 # of miles N/S/E/W nearest community

Is the site address and applicant address the same? Yes No

If NO, list site address: 33995 Senvy Loop Rd.
Eugene, OR
 (adjacent property to site entrance)

Site Name: Middle Fork-Coast Fork Confluence

If this site has been permitted by DOGAMI in the past, provide the DOGAMI ID number or the permittee's name: 20-0061
Wildish
Land Co.

OPERATION INFORMATION

Date mining to begin: N/A

Check all mining methods and other on-site activities that apply:

- | | |
|--|--|
| <input type="checkbox"/> Drill & Blast | <input type="checkbox"/> Rip & Load |
| <input type="checkbox"/> Shovel, loader or scraper | <input type="checkbox"/> Stockpiling removal |
| <input type="checkbox"/> Crushing | <input type="checkbox"/> Screening |
| <input type="checkbox"/> Washing | <input type="checkbox"/> Administration |
| <input checked="" type="checkbox"/> Other: <u>Active mining prohibited</u> | |

LAND-USE

If land-use approval has not been obtained, it may take up to 165 days after a complete land-use application is filed with the appropriate land-use agency before we can issue our permit.

Has land-use authorization been obtained? Yes No

If yes, provide documentation (copy of CUP, etc.).

If no, explain:

DOGAMI - MINERAL LAND REGULATION & RECLAMATION
 229 BROADALBIN STREET SW
 ALBANY, OR 97321-2246

OPERATING PERMIT APPLICATION - PAGE 2
 Under ORS 517.350-990

RESERVES & PRODUCTION Reserves and production figures shall not be circulated outside of DOGAMI. Confidential per ORS 517.900.

What is the estimated total quantity (tons) of mineral available (reserves)? None

In the previous 12 months, how many tons were excavated? N/A

COMMODITY

Mark the ONE that best describes your commodity:

<input type="checkbox"/> Agate	<input type="checkbox"/> Crushed Rock	<input type="checkbox"/> Peat	<input type="checkbox"/> Silstone
<input type="checkbox"/> Andesite	<input type="checkbox"/> Decomposed Granite	<input type="checkbox"/> Perlite	<input type="checkbox"/> Silver
<input type="checkbox"/> Bar Run	<input type="checkbox"/> Diatomaceous Earth	<input type="checkbox"/> Picture Jasper	<input type="checkbox"/> Soapstone
<input type="checkbox"/> Basalt	<input type="checkbox"/> Dredge Tailings	<input type="checkbox"/> Pit Run	<input type="checkbox"/> Sulfides
<input type="checkbox"/> Bentonite	<input type="checkbox"/> Emery	<input type="checkbox"/> Placer Gold	<input type="checkbox"/> Sunstone
<input type="checkbox"/> Blueschist	<input type="checkbox"/> Fill	<input type="checkbox"/> Platinum	<input type="checkbox"/> Thunder Eggs
<input type="checkbox"/> Borrow	<input type="checkbox"/> Granite	<input type="checkbox"/> Pumice	<input type="checkbox"/> Topsoil
<input type="checkbox"/> Building Stone	<input checked="" type="checkbox"/> Gravel	<input type="checkbox"/> Quartz or Silica	<input type="checkbox"/> Tuff
<input type="checkbox"/> Chert	<input type="checkbox"/> Jasper	<input type="checkbox"/> Rhyolite	<input type="checkbox"/> Uranium
<input type="checkbox"/> Chromium	<input type="checkbox"/> Lead	<input type="checkbox"/> Rip-rap	<input type="checkbox"/> Zeolite-Collectable
<input type="checkbox"/> Cinders	<input type="checkbox"/> Limestone/Marble	<input type="checkbox"/> Sand	<input type="checkbox"/> Zeolite-Industrial
<input type="checkbox"/> Clay	<input type="checkbox"/> Lode Gold	<input type="checkbox"/> Sandstone	<input type="checkbox"/> Zinc
<input type="checkbox"/> Coal	<input type="checkbox"/> Mercury	<input type="checkbox"/> Screened S & G	<input type="checkbox"/> Other _____
<input type="checkbox"/> Cobalt	<input type="checkbox"/> Nickel	<input type="checkbox"/> Serpentine	
<input type="checkbox"/> Copper	<input type="checkbox"/> Obsidian	<input type="checkbox"/> Shale	
<input type="checkbox"/> Cristobalite	<input type="checkbox"/> Opal	<input type="checkbox"/> Silica Sand	

Daniel Bell

Applicant's Signature

Daniel Bell for The Nature Conservancy

Print or Type name of person signing

Willamette Basin Conservation Director

Title

11-22-2010

Date



The Nature Conservancy * 4245 North Fairfax Drive, Suite 100 * Arlington, VA 22203-1606

No. 1639165

DATE: 19-NOV-10 CUST. ACCT. NO. C26A6E2F48 VENDOR NAME OREGON DEPT OF GEOLOGY VENDOR NO. 161699

INVOICE NO.	INVOICE DATE	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
111210-B	12-NOV-10		0.00	7,955.00
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PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT.

Thank You

0.00

7,955.00

THIS CHECK CONTAINS SAFETY FEATURES FRONT AND BACK. DO NOT CASH UNLESS YOU CAN SEE THE WORD "SAFE" WHEN HOLDING AT AN ANGLE



The Nature Conservancy
4245 North Fairfax Drive, Suite 100
Arlington, VA 22203 1606

Bank of America
Bank of America, N.A.
Asheville, North Carolina
Member Federal Deposit Insurance Corporation

56-798
531

No. 1639165

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
19-NOV-10	1639165	*****7,955.00

PAY Seven Thousand Nine Hundred Fifty-Five Dollars And 00 Cents*****

TO THE ORDER OF OREGON DEPT OF GEOLOGY & MINERAL INDUSTRIES
229 BROADALBIN STREET SW
ALBANY, OR 97321

⑈ 1639165⑈ ⑆ 053107989⑆ 000480104636⑈