

**OREGON DEPARTMENT OF STATE LANDS**  
**Guidance On Function Assessment And Mitigation Approach For Large Linear Corridor Projects**

**DRAFT REGULATION 11-19-07**

Relevant regulations – please be familiar with all of the following:  
ORS 196.825(3) criteria for permit issuance – applicant has provided all practicable mitigation to reduce the adverse effects... if off-site mitigation proposed, applicant shall document the impracticability of on-site....

OARs 141-85-0121, -0126, -0131, -0136, -0141, -0171, -0176, and -0286  
-0121(3) says impacts to less than 0.2 acre may go offsite – but this is still subject to ODFW habitat mitigation policy (below) and Corps concurrence.  
-0121(7) says evaluate entire wetland at impact site  
-0121(8) says which functions to assess  
-0121(11-13) says use HGM, judgmental, or BPJ, but in all cases provide rationale for ratings  
-0126(1-2) describe how mitigation should replace lost functions, & under what circumstances we can accept out-of-kind  
-0126(4) says for linear projects we may accept single CWM site for multiple impacts  
-01286 guides estuarine mitigation.

Function assessment approach:

1. Screen for special wetland functions/features – highlight any wetlands that involve special aquatic sites (bogs, mature forested wetlands, vernal pools, rare plant communities) or use by any listed species.
2. Use BPJ approach (short description with rationale based on observable indicators) for each freshwater wetland. Group these individual wetlands according to 5<sup>th</sup> field HUC location, tallying cumulative impacts to functions and values by watershed. Please provide a summary chart listing unique identifier for each impacted wetland, 5<sup>th</sup> HUC location, acreage of impact, HGM and Cowardin classes, rating for each of the parameters listed in OAR 141-85-0121(8), and notes on any rare/special features.
3. For any tidal wetlands, evaluate the suite of functions listed in the Tidal HGM guidebook, adapt as per the HGM judgemental method or BPJ. Describe rationale for ratings in each of the listed function categories. Chart as above.

Mitigation approach:

1. Freshwater wetland mitigation can be lumped at the 4th field HUC or stay with the 5th field HUC, with replacement by HGM and Cowardin classification. Provide a rationale for why each instance of out-of-kind mitigation is environmentally preferable. Provide a summary chart broken out by watershed showing the net functional lift at each mitigation site, acreage, ratios, and HGM/Cowardin classes before & after mitigation treatments. Format of this chart should relate clearly to the chart in #2 above. All other CWM requirements per rule should be in separate sections for each mitigation site.

2. Habitat mitigation for “important” wetlands should be in-kind and in-proximity per ODFW policy OAR, <http://www.dfw.state.or.us/OARs/415.pdf>
3. Estuary mitigation must take place in the same estuary as the impacts per OAR 141-85-0286.
4. Mitigation for crossings through Ag wetlands - DSL exempts ongoing normal farming and ranching activities, so cropping and grazing may continue where the corridor crosses such ag wetlands. Wetland used for hybrid poplar is considered cropped wetland. No acreage replacement is required if the surface remains cropped wetland
5. Mitigation for Cowardin class conversions - For areas where the wetland impact is temporary – eg the surface is restored to wetland after placement of pipe in a trench – but where the corridor will be maintained as an emergent wetland and trees/shrubs prevented from growing back, the applicant will need to offset the loss of functions provided by the vegetative structure – notably thermoregulation (riparian shade), & songbird habitat.

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