## Why should Eugene take action to protect the Beverly properties, in the Amazon Creek headwaters, known as the Amazon Headwaters Keystone?

Protecting the Amazon Headwaters Keystone, the key connecting link in the Amazon Creek system, is critical to the public interest of the citizens and City of Eugene, broadly and specifically, because:

1) **Protecting the headwaters of Amazon Creek is vital to the water quality and environmental health of the whole watershed.**

   From a watershed view of the Amazon Creek ecosystem, which is the defining geographic province for about 60% of the area of Eugene, it is critical to preserve the remaining fraction of ecologically intact headwaters. The remaining natural headwaters of our primary local watershed are a core community asset. We have a responsibility to preserve this core asset for future generations.

   We have protected substantial portions of the wetlands in west Eugene. We have protected the Amazon Greenway to the west and to the south of the downtown area. Protecting and connecting the headwaters is critical to realizing the environmental value of these other community investments.

   These special remaining headwaters areas also include mature conifer and oak savannah habitats which are some of highest quality wildlife habitat in the metropolitan area — according a whole raft of government reports. The Amazon Headwaters Keystone is home to several rare and sensitive species, and is important to preserve simply for this reason.

   ***This is the last chance to create a public green corridor for the main channel of Amazon Creek to connect from the ridgeline to the greenway.***

   The unique, irreplaceable hydrological and ecological significance of the Amazon Headwaters Keystone is the primary reason that the U.S. Army Corps of Engineers has found this specific area to be a priority for permanent conservation and restoration, as vital link in the Amazon Creek System. These Army Corps findings are published as part of their detailed multiyear Metro Waterways study (www.metrowaterways.org).

2) **Major earthflows overrun and threaten the Beverly properties.**

   LIDAR earth scanning by Sky Research out of Ashland, Oregon clearly shows large active earthflows that would complicate and threaten development in

the Amazon Headwaters Keystone area. A huge earthflow originates high on the north side of Spencer Butte itself, which has historically flowed down the valley to overlay much of the Beverly property.

These earthflows are moving constantly at a significant rate, as shown for instance by constant expansion and repatching of extensive longtitudinal cracks in Fox Hollow Road where it crosses the earthflows. A large subduction earthquake, predicted for our region in the relatively near future, is one example of an event that could trigger rapid and catastrophic movement of the ongoing earthflows.

At the least, adequate engineering to accommodate development of these steep, wet, unstable sites would be unusually expensive, while still resulting in increased risk for dwellings due to geological instability and hazard. At the worst, the City could have significant liability for allowing dwellings to be constructed in these known geological hazard areas.

3) **Independent testing of soil and runoff samples has shown that Amazon Headwaters Keystone soils contain substantial excess arsenic which could be released into Amazon Creek by development processes.**

Given that Amazon Creek already has too much arsenic by EPA standards, causing significant new releases could trigger Federal violations, as well as harm life downstream, from fish, river otters, and other wildlife, to community pets and children.

4) **The properties have already been demonstrated to be not-developable according to the wishes of the current owners.**

The owners of the Amazon Headwaters Keystone have had a fair chance to develop under the City code, but have submitted excessive development plans that have been denied through extensive and expensive public processes.

The Beverlys have submitted development applications for the Amazon Creek Headwaters Keystone area twice before, both denied. Their latest application called the Deerbrook PUD was little-changed from the previously denied plans, and after city staff again recommended against approval of the application, in April, 2007 the application was withdrawn.

5) **Reasonable attempts have been made for willing-seller acquisition.**

The city has made repeated good faith offers in the past to buy some or all of the Amazon Headwaters Keystone area for storm water and natural

resources protection on a willing seller basis, but the developers declined to substantively negotiate.

The Amazon Headwaters Keystone properties are vacant, and were purchased by the current owners simply as financial opportunities. There is no current residential occupancy or active business occupancy which would prevent the owners from being made whole by a public buy-out at fair market value.

Southeast Neighbors, Friends of Eugene, and other local conservation interests wholly support public purchase of the Amazon Headwaters Keystone at a fair market price.

6) **Preservation of critical elements of our open space system and natural ecological infrastructure is consistent with established City of Eugene plans and policies.**

In particular, Growth Management Policy 17 says, "Protect and improve air and water quality and protect natural areas of good habitat value through a variety of means...".

The Metro Plan Diagram has for years shown a habitat corridor to be preserved connecting the Ridgeline park and the Amazon Greenway. Both of these areas are bisected by Goal 5 waterways which would be damaged by development.

Going back to the 1970s, when most of the south hills were still in a natural undeveloped state, the community consensus of South Hills Study outlined the important of upland forest preservation for all of Eugene, as well as the inherent problems of developing on our steepest slopes.

7) **The impact of a conservation acquisition on the local inventory of residential buildable land within the Eugene Urban Growth Boundary will be minimal.**

Although the total area of Amazon Headwaters Keystone parcels is about 27 acres, once the patently non-buildable area of these properties — Goal 5 stream corridors, active earthflows, BPA, EWEB, and other public utility easements, excessively steep slopes, rare plant and pre-European tree communities — is accounted for, relatively few acres of actually-buildable land remain.

Discussion of a loss of 27 acres of buildable land, a small amount in itself, would simply be an exaggeration, not based on fact.

From a larger perspective, this year marks the 24th since professional fieldwork was started for Eugene's basic state-mandated natural resources inventory — and that first complete, legitimate natural resources inventory of our upland habitat areas still remains unfinished, to this day — while residential land inventories have been done and done again in the same time period.

Considering that the 27 acres of Amazon Creek Headwaters in question are part of the single highest-rated habitat-value area in the metropolitan area, it is not a reach to consider that the already-existing natural resource allowances in the inventory would apply to them most properly, rather than significant vacant residential capacity.

Over time, comprehensive integrated land use, transportation, and environmental planning is required to provide for the public interest in our overall landscape and infrastructure. Such planning needs to stand on a foundation of well-established facts, and the updated residential lands inventory underway, like the initial natural resource inventory, needs to be completed appropriately.

Meanwhile, the timely protection of a dozen of so potentially buildable acres of critical watershed ecology is quite a different issue from the city- or metro-wide inventory updates regarding tens of thousands of acres. Independently, each is essential to the long-term public interest. Locking them together, in contrast, would be pure politics.

8) **Funding for a public buy-out can be available.**

Anchor funding for public buy-out, expected to cost $1 million or less for the Amazon Headwaters Keystone (to be combined with other city funds and outside grants and matches for a total of less than $2 million in total), was provided for in the $7.75 million Ridgeline area allocation in the 2006 Parks Bond Measure.

In addition, stormwater funds have already been allocated by the City Council for stream corridor acquisitions in each of these properties, and these allocations should reduce any amount of parks bond funding or other anchor funding required. Grants from other state, federal, and private sources are likely also be available to further supplement or replace parks bond funding.

9) **The time to take action is now.**

At least three generations of local community members have worked tirelessly for more than fifteen years, at great expense, toward the protection of these fragile areas. These unique headwaters areas are much more

valuable to the community as they are now, for safety, open space, special habitat, and water quality reasons, than they would be if developed with new roads and some 75 houses that could be better sited elsewhere, in a less costly, less dangerous, and less sensitive site.

Virtually any other legal building sites in the metropolitan area would be less costly, less dangerous, and less sensitive than the last available watershed corridor connecting link, within irreplaceable last remnants of the Amazon Creek Headwaters.

Despite their sensitivity, importance, and high public value as natural open space, the Beverly properties are under imminent threat of development.

A current opportunity with real willing sellers to avoid eminent domain would allow the City of Eugene to take these properties out of jeopardy, and save them once and for all. While as recently as April 9, 2007, the Eugene City Council considered use of eminent domain for critical park land acquisition, with willing sellers at a true fair market value value, there would no reason to wait. That would represent a once-in-a-generation opportunity for critical preservation of one of our most endangered natural resource sites.

At a pre-application meeting on January 10, 2012, the development consultants for the Beverlys told Southeast Neighbors that they expect to file a new land use application with the City of Eugene in the next few weeks, for intensive development of the Amazon Headwaters Keystone with 76 house lots and a web of public and private roads.

Given the facts described in this article, and other considerations and technical details as well, the only public interest alternative to preservation is to fight development approval with every appropriate tool at the community's disposal.

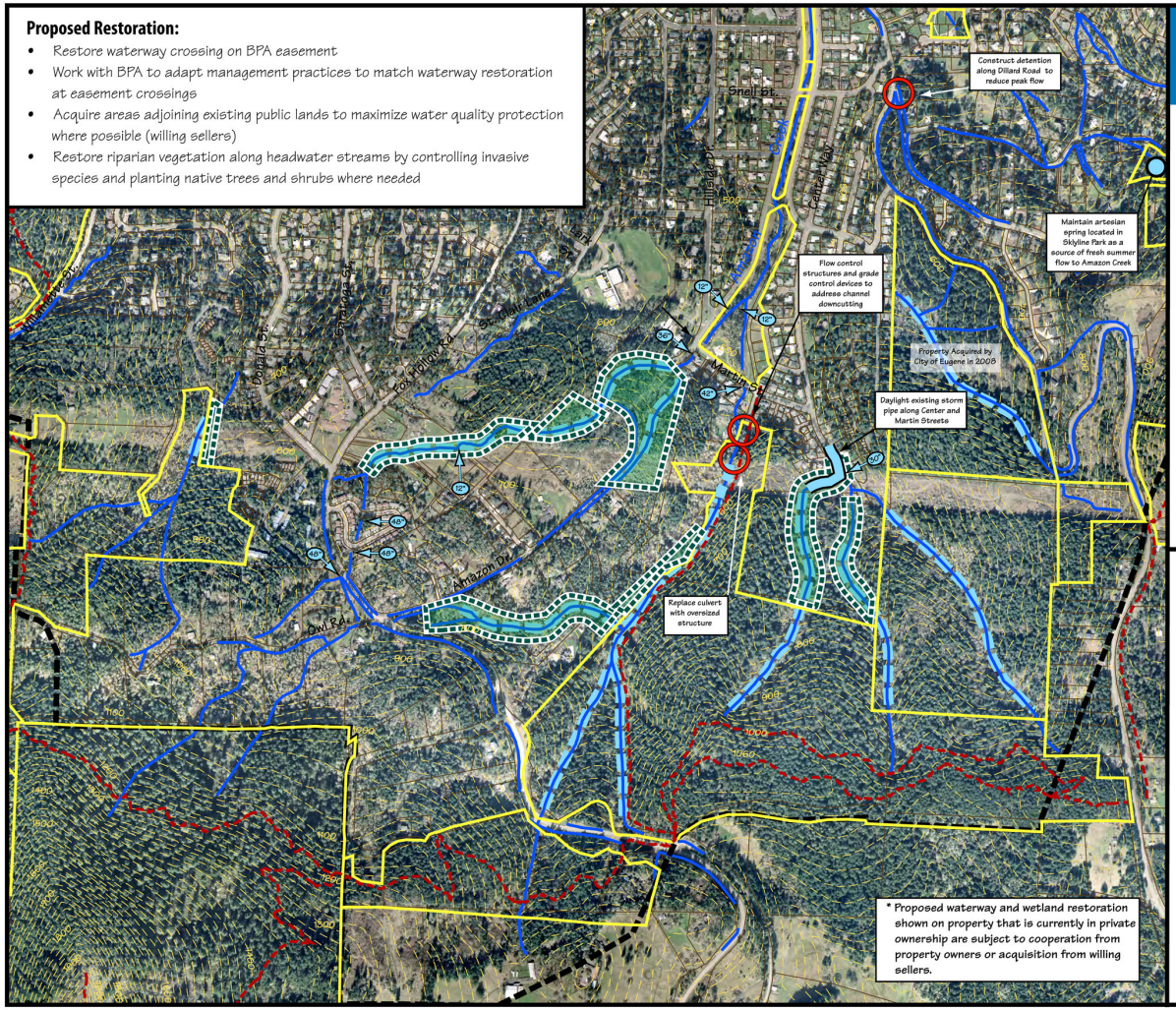
Just as previous generations in Eugene are honored today for their foresight in preserving Hendricks Park and the upper parts of the two buttes, so as time goes by, our children and theirs will only value and honor the decision to save the Amazon Headwaters Keystone more and more.

Kevin Matthews with Southeast Neighbors and Friends of Eugene

Illustration Next Page:
Upper Amazon Creek Acquisition and Restoration Proposal, Metro Waterways Study, U.S. Army Corps of Engineers, March 2001.

**Proposed Restoration:**

- Restore waterway crossing on BPA easement
- Work with BPA to adapt management practices to match waterway restoration at easement crossings
- Acquire areas adjoining existing public lands to maximize water quality protection where possible (willing sellers)
- Restore riparian vegetation along headwater streams by controlling invasive species and planting native trees and shrubs where needed




# Restoration Concept Diagram
# Amazon Creek (Reach 12)
## Upper Amazon Headwaters: Option A

METROWATERWAYS

| Headwater Streams | Physical Condition | Water Quality | Natural Resources | Recreation | Total Points |
|---|---|---|---|---|---|
| Highest Possible Score | 40 | 40 | 50 | 30 | 160 |
| Existing Score | 13 | 20 | 28 | 9 | 70 |
| Projected Score * | 23 | 28 | 32 | 12 | 95 |

*Projected score is based on successful implementation of the restoration proposed in the option shown.

Amazon Headwaters

N W E S

**Legend**

- Existing Waterways
- Parks or Land in Public Ownership
- Daylighting or Flow Diversion Channels
- Potential Acquisition or Easement*
- Flow Control Structure or Modified Culvert
- Riparian Restoration (plant natives/control invasive species)
- Urban Growth Boundary
- Existing Trails

* Project area would include 150' corridor along waterways where restoration is propsed (see Real Estate Plan)

Draft: December 2009
Aerial Photo: Spring 2008
Produced by LCOG

0 400 800 Feet
Scale

**Index Map**