



Oregon

Tina Kotek, Governor

EXHIBIT D

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

August 6, 2024

State Land Board

Even Better Homes, Inc

Attn: Mac Even

PO Box 2021

Gresham, OR 97030

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Re: WD # 2024-0397 **Approved**
Wetland Delineation Report for SE Bornstedt Road
Clackamas County; T2S R4E S24C TL100

Tobias Read

State Treasurer

Dear Mac Even:

The Department of State Lands has reviewed the wetland delineation report prepared by AKS Engineering & Forestry, LLC for the site referenced above. Based upon the information presented in the report, a site visit on July 31, 2024, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland, totaling approximately 0.03 acres) and one waterway (Ephemeral Water) were identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The waterway is exempt per OAR 141-085-0510(49) and therefore, is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Steveson, PWS the Wetland Ecologist for Clackamas County at (503) 798-7622.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", with a stylized flourish at the end.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Stacey Reed, PWS, AKS Engineering & Forestry, LLC
City of Sandy Planning Department
Morgan Hall, Corps of Engineers
Michael De Blasi, DSL
Hannah Smiley, DEQ

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

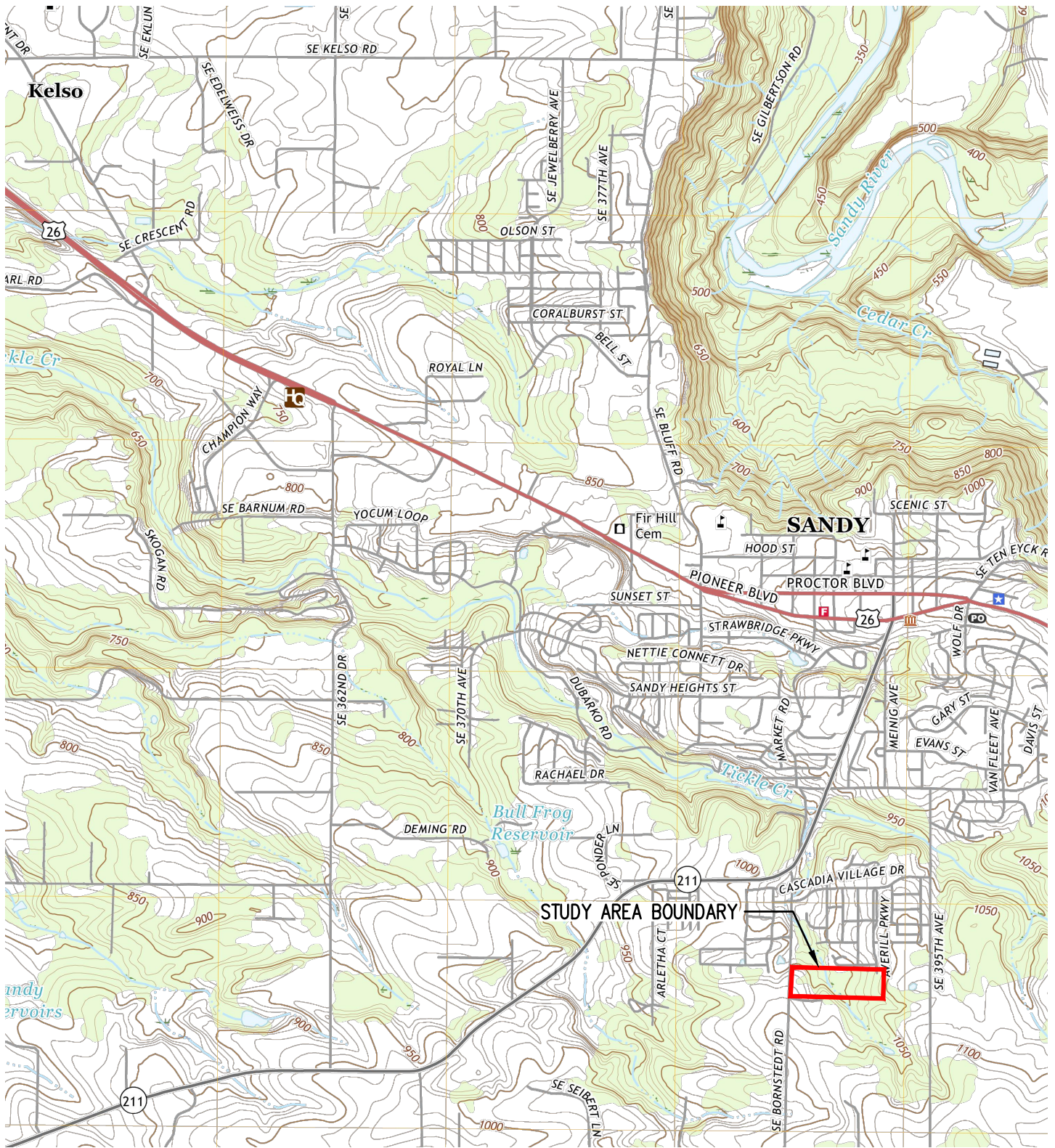
Ways to submit report:

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- ❖ Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

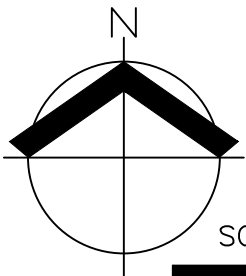
Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information			
☒ Applicant ☒ Owner Name, Firm and Address: Attn: Mac Even Even Better Homes, Inc. PO Box 2021 Gresham, OR 97030		Business phone # Mobile phone # (optional) E-mail: mac@EvenBetterHomes.com	
☐ Authorized Legal Agent, Name and Address (if different):		Business phone # Mobile phone # (optional) E-mail:	
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.			
Typed/Printed Name: <u>Mac Even</u>		Signature: <u>Mac Even</u>	
Date: <u>7/16/24</u>		Special instructions regarding site access:	
Project and Site Information			
Project Name: SE Bornstedt Road		Latitude: 45°22'54.51"N Longitude: 122°15'46.34"W decimal degree - centroid of site or start & end points of linear project	
Proposed Use: Residential Development		Tax Map # 2 4E 24C Tax Lot(s) 100 Tax Map # Tax Lot(s)	
Project Street Address (or other descriptive location): 19618 SE Bornstedt Road		Township 2S Range 4E Section 24 QQ Use separate sheet for additional tax and location information	
City: Sandy County: Clackamas		Waterway: NA River Mile: NA	
Wetland Delineation Information			
Wetland Consultant Name, Firm and Address: Stacey Reed, PWS AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062		Phone # (503) 563-6151 Mobile phone # (if applicable) E-mail: StaceyR@aks-eng.com	
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.			
Consultant Signature: <u>Stacey Reed</u>		Date: <u>7/16/24</u>	
Primary Contact for report review and site access is ☒ Consultant ☒ Applicant/Owner ☐ Authorized Agent			
Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 12.24 Acres Total Wetland Acreage: 0.0300			
Check Applicable Boxes Below			
☐ R-F permit application submitted		☐ Fee payment submitted \$ _____	
☐ Mitigation bank site		☐ Resubmittal of rejected report (\$100)	
☐ EFSC/ODOE Proj. Mgr: _____		☐ Request for Reissuance. See eligibility criteria. (no fee)	
☐ Wetland restoration/enhancement project (not mitigation)		DSL # _____ Expiration date _____	
☒ Previous delineation/application on parcel If known, previous DSL # <u>WD2022-0290</u>		☐ LWI shows wetlands or waters on parcel Wetland ID code _____	
For Office Use Only			
DSL Reviewer: <u>CS</u>		Fee Paid Date: ____ / ____ / ____	
Date Delineation Received: <u>07</u> / <u>18</u> / <u>2024</u>		DSL WD # <u>2024-0397</u>	
		DSL App.# _____	



USGS 7.5' TOPOGRAPHIC SERIES
QUADRANGLE: SANDY, OR (2020)



SCALE: 1" = 2000 FEET

2000 0 400 1000 2000
ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 01/24/2024

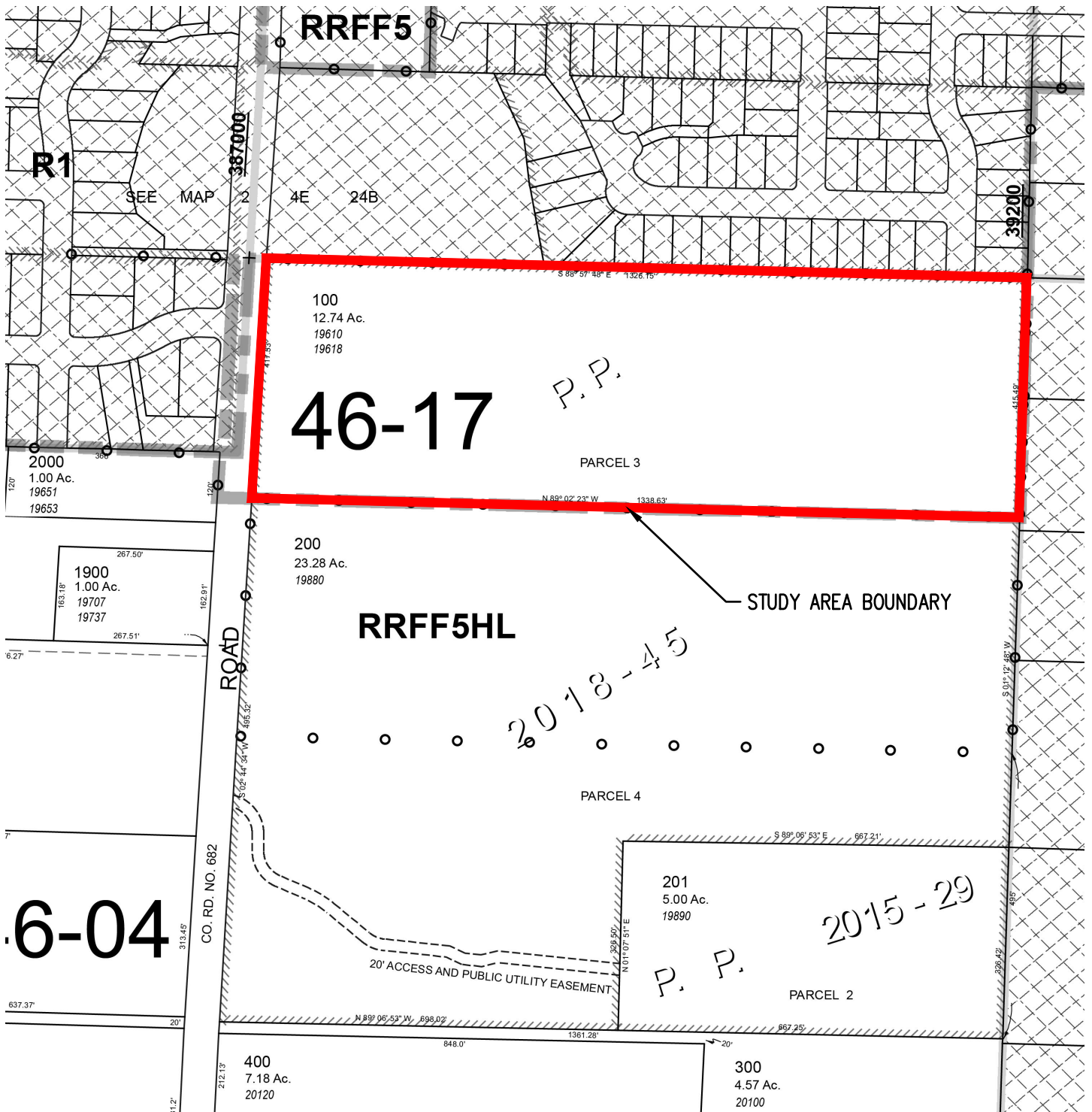
USGS VICINITY MAP
SE BORNSTEDT ROAD WETLAND AND WATERS DELINEATION REPORT

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

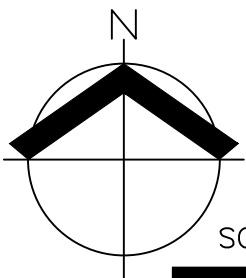


FIGURE
1

DRWN: GPM
CHKD: SKD
AKS JOB:
10446



CLACKAMAS COUNTY
TAX LOT 100
TAX MAP 2 4 E 24C



SCALE: 1" = 250 FEET

250 0 50 125 250
ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 01/24/2024

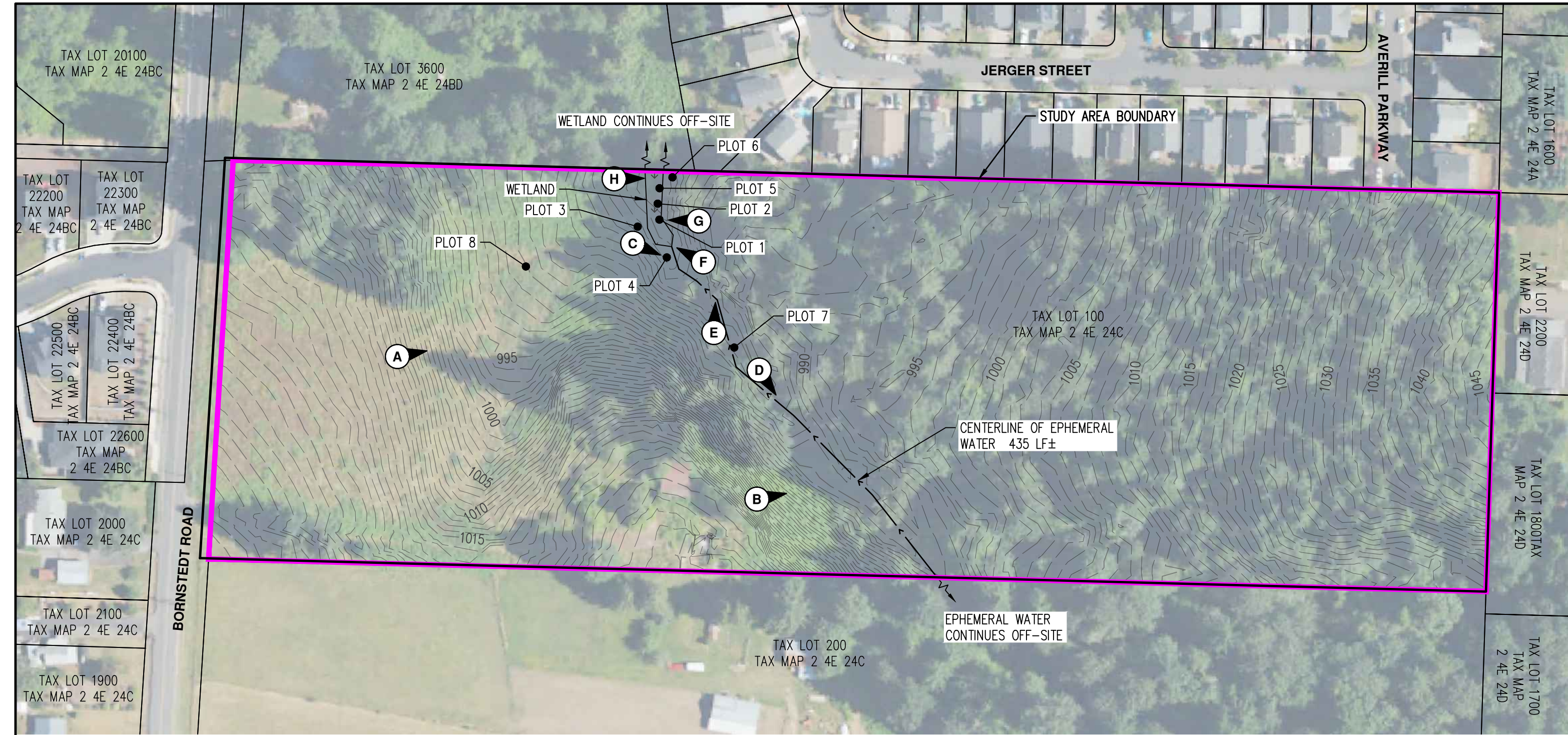
TAX MAP (MAP 2 4 E 24C)
SE BORNSTEDT ROAD WETLAND AND WATERS DELINEATION REPORT

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



FIGURE
2

DRWN: GPM
CHKD: SKD
AKS JOB:
10446



LEGEND:

 ON-SITE PEM/SLOPE HEADWATER WETLAND AREA: 1,390 SF± (0.03 ACRES±)

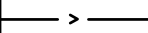
 ON-SITE CENTERLINE OF EPHEMERAL WATER: 453 LF± (±3 FT WIDE)

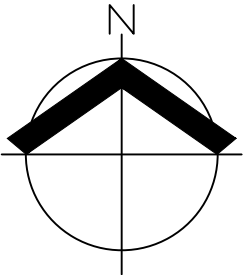
 PHOTO POINT LOCATION AND ORIENTATION

WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC (AKS) ON JULY 28, 2023 AND APRIL 16, 2024. WETLAND BOUNDARIES, CENTERLINES AND DATA PLOTS SHOWN WERE MAPPED BY AKS WITH SUB-METER ACCURACY USING A TRIMBLE R10 GPS RECEIVER AND TSC3 DATA COLLECTOR.

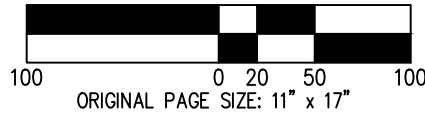
PROPERTY BOUNDARIES AND STUDY AREA DERIVED FROM GIS DATA BASE RESULTING IN ±5FT ACCURACY.

1-FOOT INTERVAL CONTOURS DERIVED FROM ALL COUNTY PROFESSIONAL LAND SURVEY (MAY 2015).

AERIAL DERIVED FROM NAIP (2022)



SCALE: 1"=100 FEET



DSL WD # 2024-0397
Approval Issued 8/6/2024
Approval Expires 8/6/2029

DATE: 06/07/2024

WETLAND AND WATER DELINEATION MAP		FIGURE
SE BORNSTEDT ROAD WETLAND AND WATER DELINEATION REPORT		6
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: GPM CHKD: SAR AKS JOB: 10446

