



Oregon

Kate Brown, Governor

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

State Land Board

Kate Brown

Governor

Bev Clarno

Secretary of State

Tobias Read

State Treasurer

December 18, 2019

City of Sherwood
Attn: Bob Galati, PE
22580 SW Pine St
Sherwood, OR 97140

Re: WD # 2019-0535 Correction **Approved**

Wetland Delineation Report for the Rock Creek Sanitary Trunk Upsizing Project; Washington County; T2S R1W S29A TLs 100, 300, 301, 400, 2900, 3000, and 3200 (Portions); S29D TL150 and ROWs for SW Tualatin-Sherwood RD and SW Century DR. (Portions); RGL 1758; City of Sherwood Local Wetlands Inventory, Wetlands R-1, R-2, R-3, R-5, R-6

Dear Mr. Galati:

The original concurrence letter dated December 17, 2019 for the wetland delineation report referenced above contained an error. The letter reference two stormwater features (Stormwater Swale; Stormwater Pond) but did not correctly identify each feature's regulated status. Based on information provided by the consultant, Mason Bruce and Girard, Inc., the stormwater swale is exempt per OAR 141-085-0515(7); therefore, it is not subject to state removal-fill permit requirements. The stormwater pond on the other hand is jurisdictional because it was created at least partially from wetlands.

In addition, normally, jurisdictional wetlands are subject to the permit requirements of the state Removal-Fill Law. However, the stormwater pond location was previously mitigated for under an earlier permit application (APP #22971). Therefore, we recommend that you contact the Department's Aquatic Resource Coordinator for Washington County (Anita Huffman) before completing a new permit process. Anita may have recommendations for how you need to proceed. You can reach her at (503) 480-5985.

The Department apologizes for any confusion this mistake may have caused and we thank you again for having the site evaluated. Please contact Chris Stevenson at (503) 986-5246 if you have any additional questions.

Sincerely,

Peter Ryan, PWS
Aquatic Resource Specialist

Enclosures

ec: Daniel Covington, Mason, Bruce & Girard, Inc.
Stuart Myers, Mason, Bruce & Girard
City of Sherwood Planning Department (Maps enclosed for updating LWI)
Carrie Bond, Corps of Engineers
Anita Huffman, DSL
Lindsey Obermiller, Clean Water Services



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December 17, 2019

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22580 SW Pine St
Sherwood, OR 97140

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Re: WD # 2019-0535 **Approved** (See Corrected Letter Dated 12-18-2019)
Wetland Delineation Report for the Rock Creek Sanitary Trunk
Upsizing Project; Washington County; T2S R1W S29A TLs 100, 300,
301, 400, 2900, 3000, and 3200 (Portions); S29D TL150 and ROWs
for SW Tualatin-Sherwood RD and SW Century DR. (Portions);
RGL 1758; City of Sherwood Local Wetlands Inventory, Wetlands R-1,
R-2, R-3, R-5, R-6

Dear Mr. Galati:

The Department of State Lands has reviewed the wetland delineation report prepared by Mason, Bruce & Girard, Inc. for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 6a and 6b of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 3 wetlands (Wetland A to C, totaling approximately 6.68 acres), Rock Creek, a Small Pond, Stormwater Pond and Stormwater Swale were identified. The wetlands, Rock Creek, Small Pond and Stormwater Swale are subject to the permit requirements of the state Removal-Fill Law. Normally, 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). However, Rock Creek is an essential salmonid stream. Therefore, fill or removal of any amount of material below its OHWL or within hydrologically connected wetlands (Wetland A, B, or C) may require a state permit. In addition, Wetland B and a portion of the surrounding uplands are part of a compensatory wetland mitigation (CWM) area (RGL 1758). Any ground disturbance within a CWM area may require a permit and additional mitigation. The Stormwater Pond identified on Figure 6b is exempt per OAR 141-085-0515(7).

This concurrence is for purposes of the state Removal-Fill Law only. Federal 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 a 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 Stevenson, the Jurisdictional Coordinator for Washington County at (503) 986-5246.

Sincerely,

Peter Ryan

Peter Ryan, PWS
Aquatic Resource Specialist

Enclosures

ec: Daniel Covington, Mason, Bruce & Girard, Inc.
Stuart Myers, Mason, Bruce & Girard
City of Sherwood Planning Department (Maps enclosed for updating LWI)
Carrie Bond, Corps of Engineers
Anita Huffman, DSL
Lindsey Obermiller, Clean Water Services

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: City of Sherwood 22560 SW Pine St. Sherwood, OR 97140	Business phone # (503) 925-2309 Mobile phone # (optional) E-mail:
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Bob Galati, P.E. Community Development Division, Engineering Department 22560 SW Pine St. Sherwood, OR 97140	Business phone # (503) 925-2309 Mobile phone # (optional) E-mail: GalatiB@SherwoodOregon.gov
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>Bob Galati</u> Signature: <u><i>Bob Galati</i></u> 9.24.19 Date: _____ Special instructions regarding site access: _____	
Project and Site Information	
Project Name: Rock Creek Sanitary Trunk Upsizing Project	Latitude: 45.3679 Longitude: -122.8292 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Increasing the capacity of existing sanitary trunk line	Tax Map # 2S 1 29A Tax Lot(s) 100, 300, 301, 400, 2900, 3000, 3200, Tax Map # 2S 1 29D
Project Street Address (or other descriptive location): North and south of SW Tualatin-Sherwood Rd, East of SW Century Dr. West of SW Gerda Ln.	Tax Lot(s) 150, SW Tualatin-Sherwood Rd. ROW, SW Century Dr. ROW Township 2S Range 1W Section 29 QQ Use separate sheet for additional tax and location information
City: Sherwood County: Washington	Waterway: Rock Creek River Mile: N/A
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Daniel Covington Mason, Bruce & Girard, Inc. (MB&G) 707 SW Washington St., Suite 1300 Portland, OR 97205	Phone # (503) 224-3445 Mobile phone # (if applicable) E-mail: DCovington@masonbruce.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><i>Daniel Covington</i></u>	Date: 09/12/2019 <u>9/25/19</u>
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 18.72 acres Total Wetland Acreage: 6.6270	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____ <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input checked="" type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u>WD2013-0108, WD2012-0041</u>	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>454</u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>R-1, R-2, R-3, R-5, R-6 (DEA 1992)</u>
For Office Use Only	
DSL Reviewer: <u>CS</u> Fee Paid Date: ____ / ____ / ____	DSL WD # <u>2019-0535</u>
Date Delineation Received: <u>9 / 26 / 19</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____

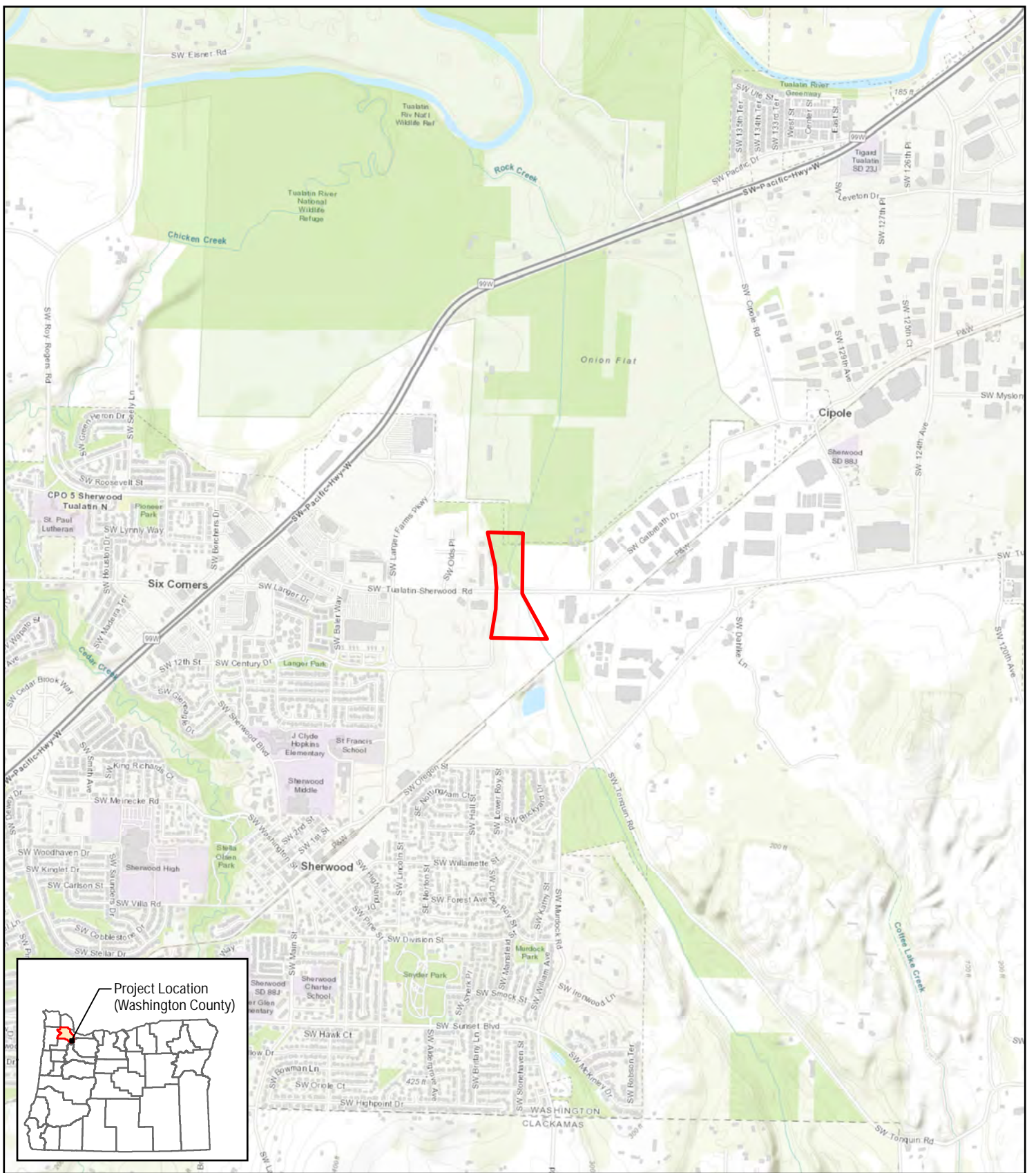


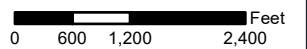
Figure 1.
Vicinity Map

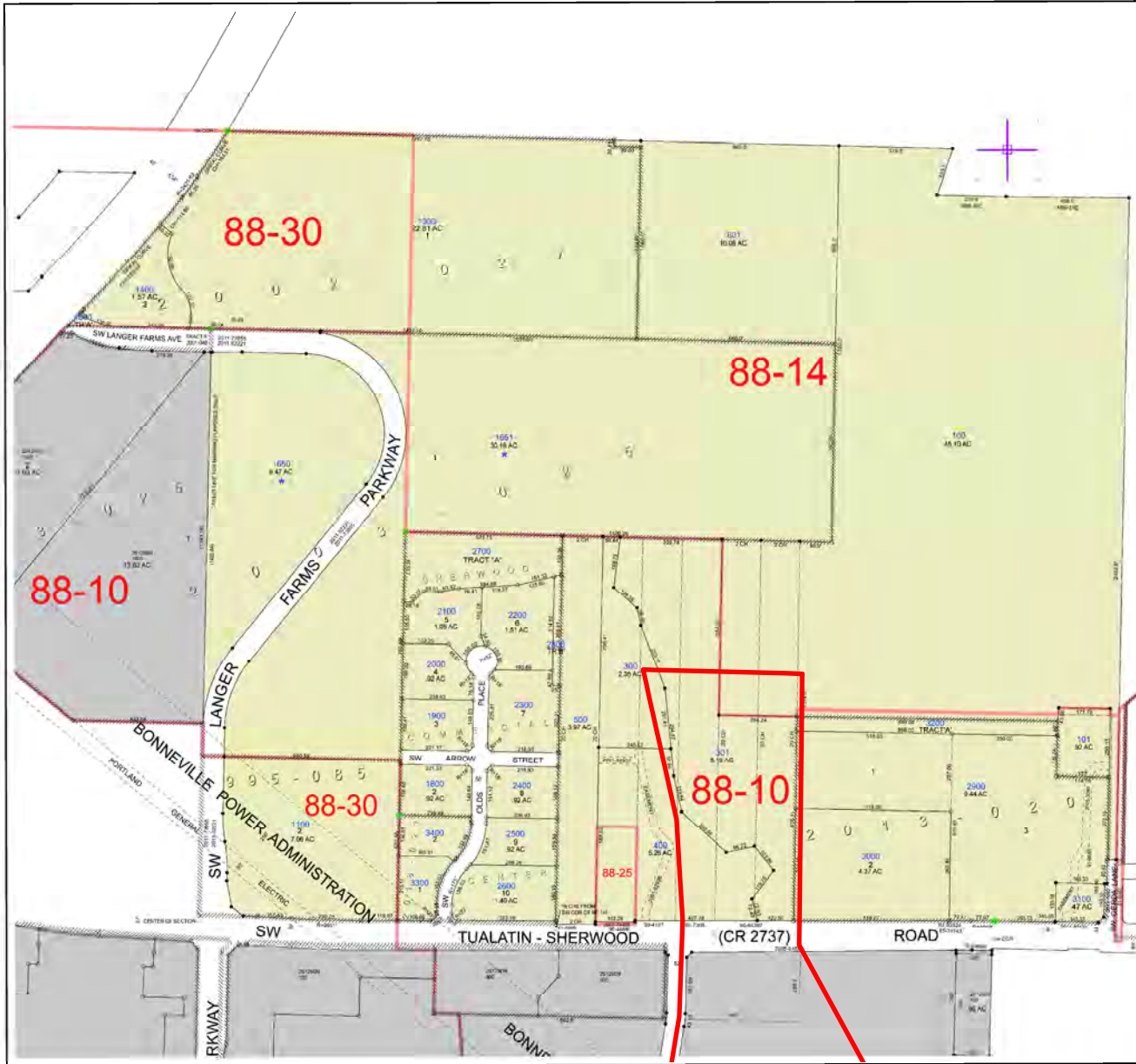
 Project Study Area (PSA)

Rock Creek Sanitary Trunk Upsizing Project
City of Sherwood
Washington County, Oregon



Source: Basemap from ESRI World Topographic Map; PSA from Murraysmith. Reproduced for informational purposes and may not be suitable for legal, engineering or surveying purposes. Conclusions drawn from such information are the responsibility of the user.





2S129A

WASHINGTON COUNTY OREGON
NE 1/4 SECTION 29 T2S R1W W.M.
SCALE 1" = 200'

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

EA	EB	EC	ED
BA	BB	BC	BD
CA	CB	CC	CD
DA	DB	DC	DD

SECTION 29

Cancelled Taxlots For: 2S129A
401, 103, 200, 900, 1000, 800, 1200, 600, 700, 102, 800, 1700.

Feet
0 100 200 400 600

PLUT DATE: 6/4/2018
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

SHERWOOD
2S129A

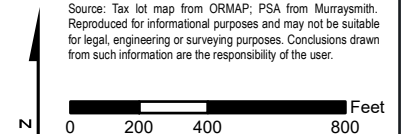
Figure 2a.
Tax Lot Map

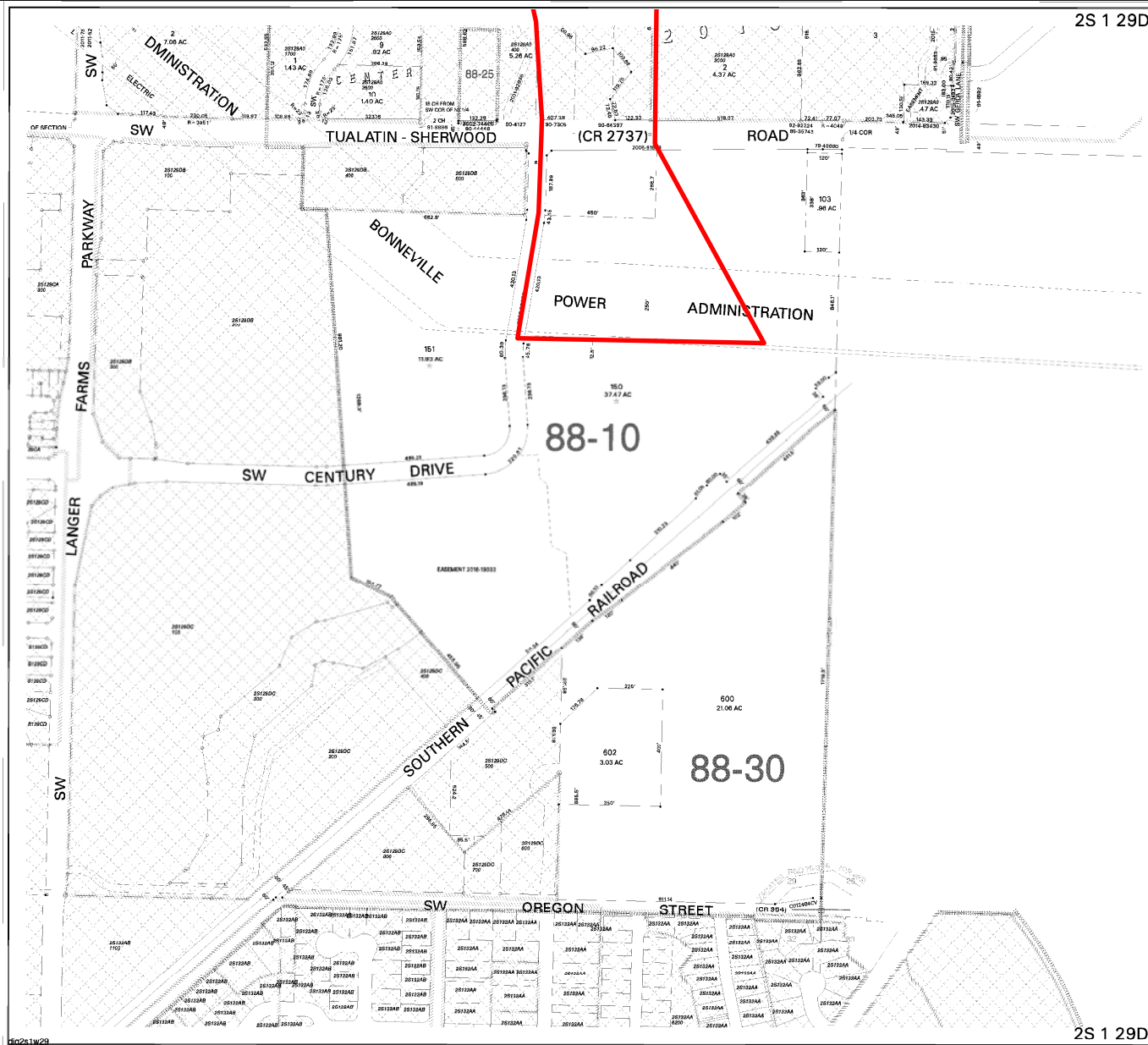
Rock Creek Sanitary Trunk Upsizing Project
City of Sherwood
Washington County, Oregon

Project Study Area (PSA)



Source: Tax lot map from ORMAP; PSA from Murraysmith. Reproduced for informational purposes and may not be suitable for legal, engineering or surveying purposes. Conclusions drawn from such information are the responsibility of the user.



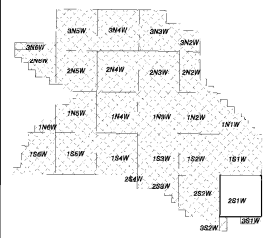


2S 1 29D

2S 1 29D

2S 1 29D

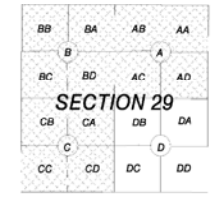
SHERWOOD
2S 1 29D



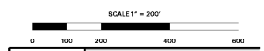
WASHINGTON COUNTY OREGON
SE 1/4 SECTION 29 T2S R1W W.M.
SCALE 1" = 200'

36	31	32	33	34	35	36	37
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	37
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S129D
401,000,000-411,000,000; 403,000,000-413,000,000; 405,000,000-415,000,000



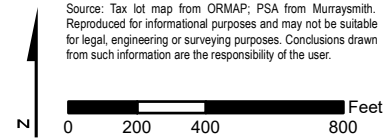
PLOT DATE: August 02, 2016
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either grey shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

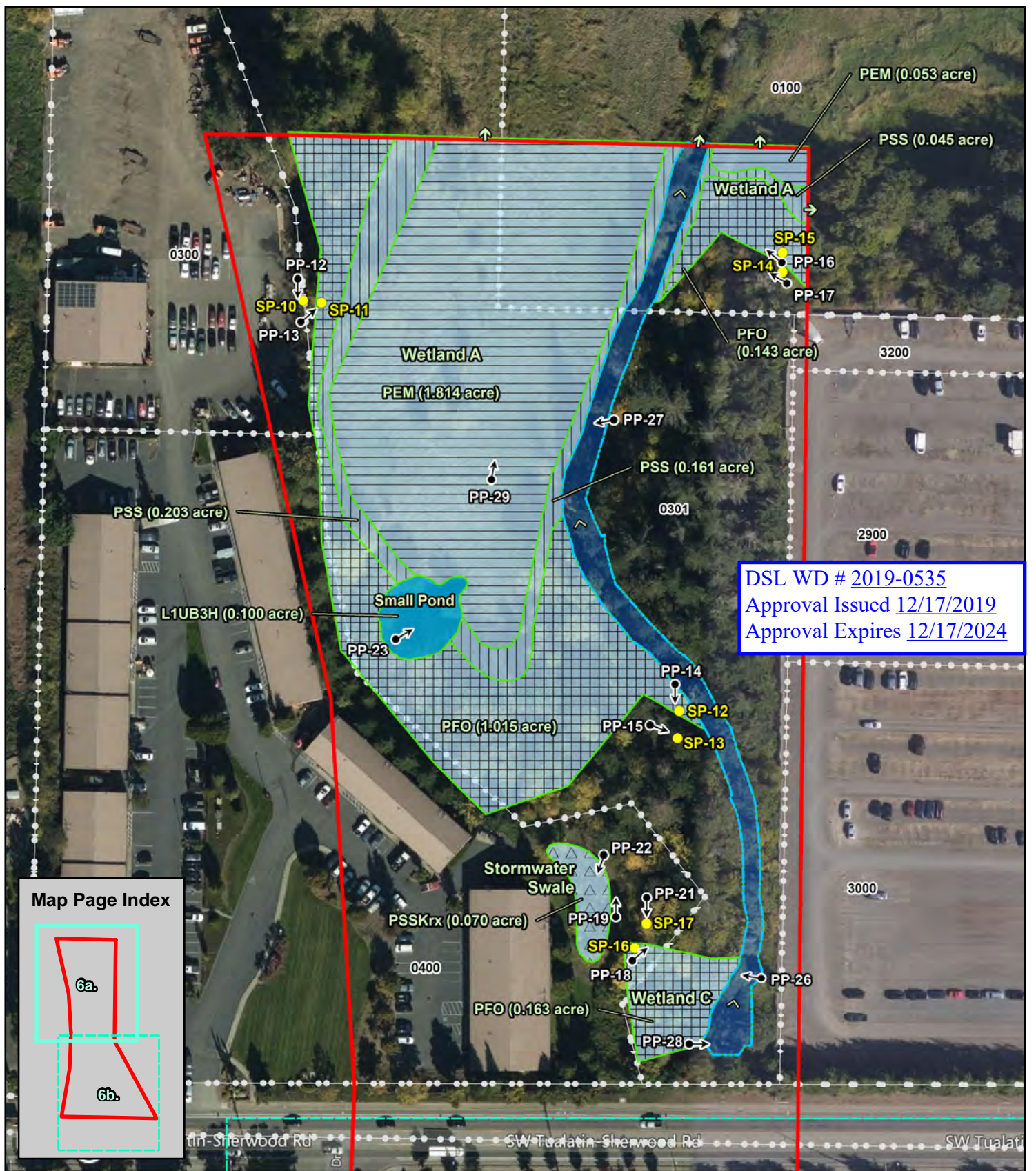
Figure 2b.
Tax Lot Map

Rock Creek Sanitary Trunk Upsizing Project
City of Sherwood
Washington County, Oregon

Project Study Area (PSA)



Source: Tax lot map from ORMAP; PSA from Murraysmith. Reproduced for informational purposes and may not be suitable for legal, engineering or surveying purposes. Conclusions drawn from such information are the responsibility of the user.



All wetland and waters boundary locations were recorded by professional land surveyors to an accuracy of ± 2 feet.

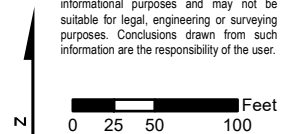
Figure 6a.
Wetland/Waters Map

Rock Creek Sanitary Trunk Upsizing Project
City of Sherwood
Washington County, Oregon

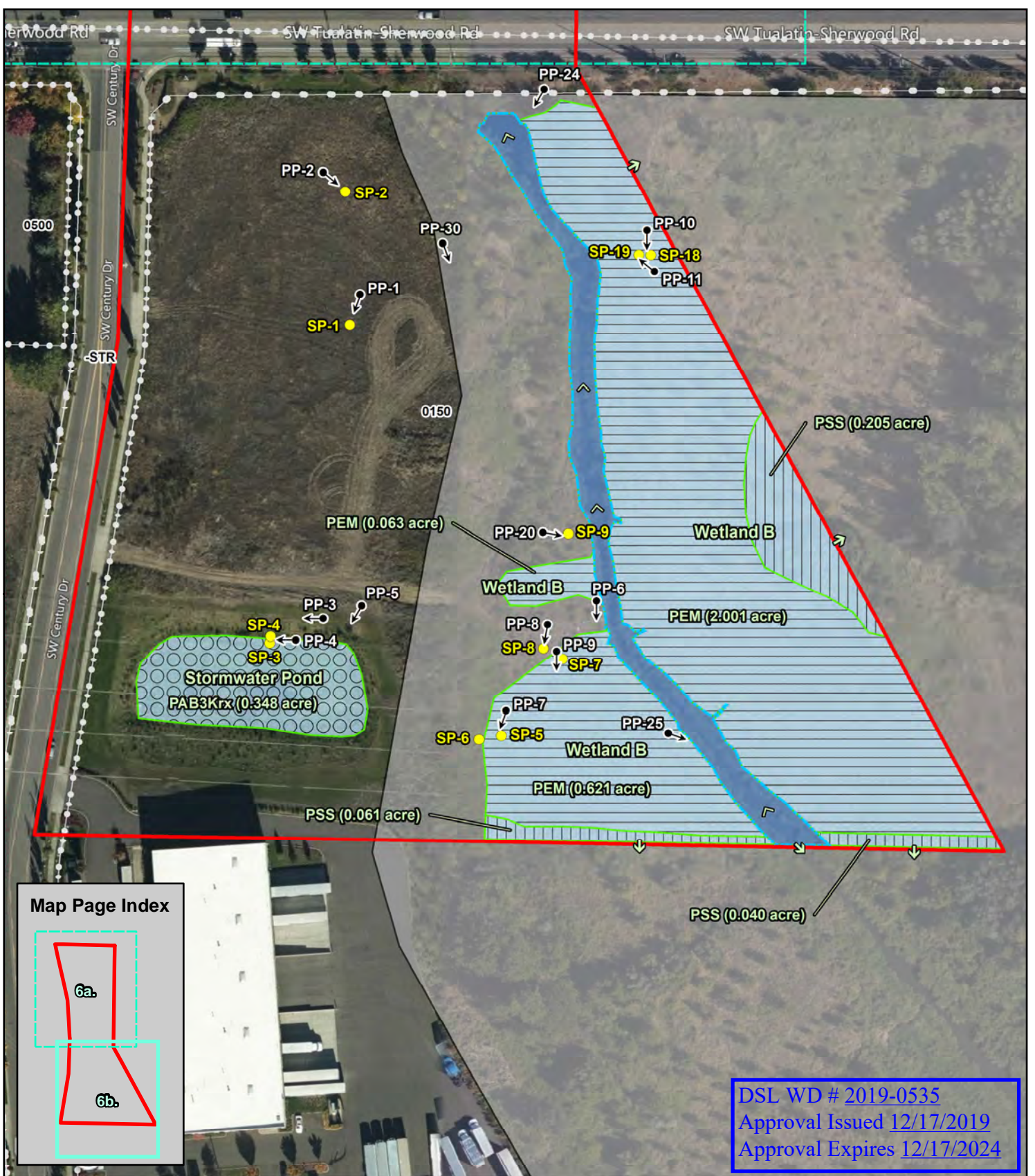
- | | | |
|--------------------------|----------------|------------------------|
| Project Study Area (PSA) | L1UB3H Wetland | Flow Direction |
| Tax Lots | PEM Wetland | Extends Outside of PSA |
| Match Lines | PFO Wetland | Sample Plots |
| Rock Creek OHWM | PSS Wetland | PhotoPoint |
| | PSSKrx Wetland | |

MB&G

Source: Aerial imagery from Microsoft Bing; All other data from MB&G. Reproduced for informational purposes and may not be suitable for legal, engineering or surveying purposes. Conclusions drawn from such information are the responsibility of the user.



City of Sherwood Sewer Upgrade Figure 6 - 12/13/2019



All wetland and waters boundary locations were recorded by professional land surveyors to an accuracy of ± 2 feet.

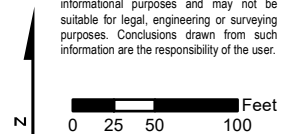
Figure 6b.
Wetland/Waters Map

Rock Creek Sanitary Trunk Upsizing Project
City of Sherwood
Washington County, Oregon

- | | | |
|--------------------------|--|------------------------|
| Project Study Area (PSA) | PAB3Krx Wetland | Flow Direction |
| Tax Lots | PEM Wetland | Extends Outside of PSA |
| Match Lines | PSS Wetland | Sample Plots |
| Rock Creek OHWM | Compensatory Wetland Mitigation Site (RGL1758) | PhotoPoint |

MB&G

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City of Sherwood Sewer Upgrade Figure 6 - 12/13/2019