



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

May 11, 2022

I&E Construction, Inc.
Attn: Kiril Ivanov
27325 SW Parkway Avenue
Wilsonville, OR 97070

Kate Brown
Governor

Shemia Fagan
Secretary of State

Re: WD # 2021-0373 **Approved** (Revised)
Wetland Delineation Report for 4680 Hazelgreen Road
Marion County; T6S R2W S32C TL400, 500 and
Hazelgreen Road ROW (Portion)

Tobias Read
State Treasurer

Dear Kiril Ivanov:

The Department received a request on December 17, 2021, from AKS Engineering & Forestry, LLC to add a minor area to the original delineation report's study area, which was previously approved on September 30, 2021. We have reviewed the revision request prepared by AKS Engineering & Forestry, LLC for the site referenced above. Based upon the information presented in the original report, and additional information submitted with this request, we concur with the waterway boundaries as mapped in revised Figure 5 and 5A. Please replace all copies of the preliminary wetland map with these final revised Department-approved maps.

Within the overall expanded study area, 2 waterways (Ditch 1 and Roadside Ditch) were identified. Again, no features within the original and now the expanded study area were determined to be jurisdictional. Therefore, neither is subject to the permit requirements of the state Removal-Fill Law. Because it is ephemeral, Ditch 1 is exempt per OAR 141-085-0510(49), and the Roadside Ditch is exempt per OAR 141-085-0515(10).

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.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of the original concurrence letter, September 30, 2021, 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 the Jurisdiction Coordinator for Marion County, Daniel Evans, PWS at (503) 986-5271.

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

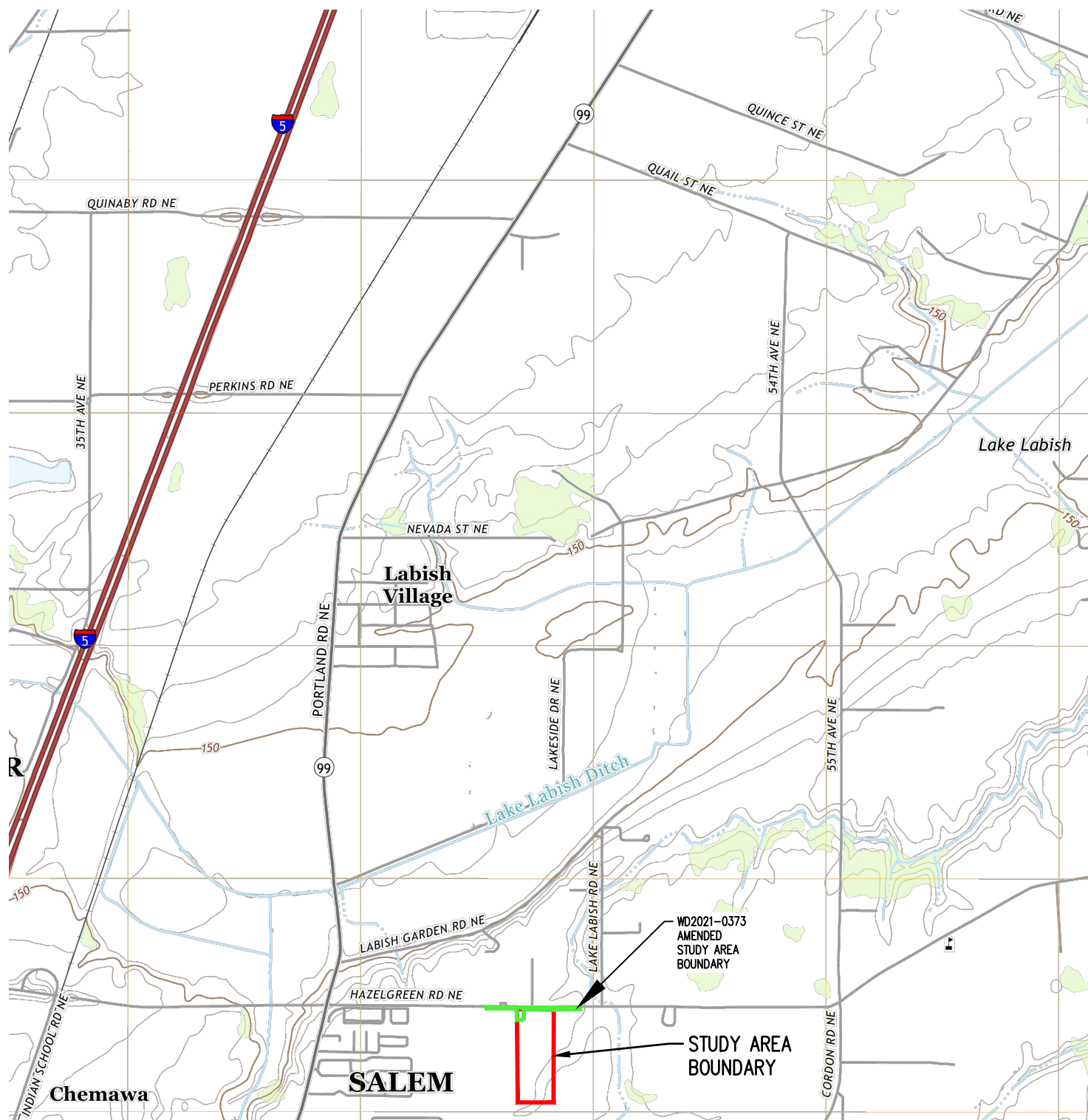
ec: Stacey Reed, PWS, AKS Engineering & Forestry, LLC
Marion County Planning Department
Kinsey Friesen, Corps of Engineers
Carrie Landrum, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

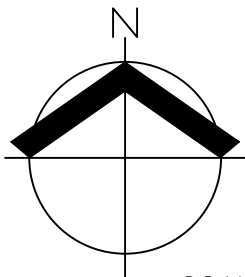
Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

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.

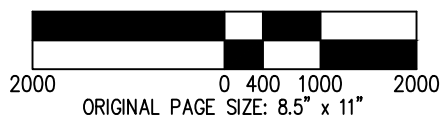
Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: I&E Construction Incorporated 27375 SW Parkway Ave, Wilsonville, OR 97070	Business phone # Mobile phone # (optional) E-mail: Karl@iecon.us
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Same as above.	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>Karl Iwan</u> Date: <u>7/2</u>	Signature: <u>[Signature]</u> Special instructions regarding site access:
Project and Site Information	
Project Name: 4680 Hazelgreen Road	Latitude: 45.000818 Longitude: -122.964935 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Residential Subdivision	Tax Map # 06 2W 32C Tax Lot(s) 400, 500 & southern portion of Hazelgreen Rd right of way Tax Map #
Project Street Address (or other descriptive location): 4680 SE Hazelgreen Road NE	Tax Lot(s)
City: Salem County: Marion	Township 6S Range 2W Section 32C QQ Use separate sheet for additional tax and location information
Waterway: River Mile:	
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: AKS Engineering & Forestry, LLC Attn: Stacey Reed, PWS 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>[Signature]</u>	Date: <u>7/2/21</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: 17.18 acres Total Wetland Acreage: 0.0000	
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: <u> </u> <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u> </u>	<input type="checkbox"/> Fee payment submitted \$ <u> </u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # <u> </u> Expiration date <u> </u> <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u> </u>
For Office Use Only	
DSL Reviewer: <u> </u>	Fee Paid Date: <u> </u> / <u> </u> / <u> </u>
Date Delineation Received: <u> </u> / <u> </u> / <u> </u>	Scanned: <input type="checkbox"/> Electronic: <input type="checkbox"/> DSL App.# <u> </u>



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



SCALE: 1" = 2000 FEET



DATE: 11/23/2021

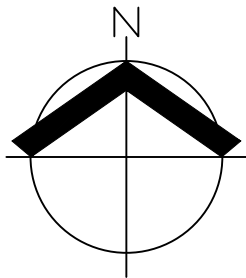
**USGS VICINITY MAP
ADMENDMENT TO WD# 2021-0703 MEMO**

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

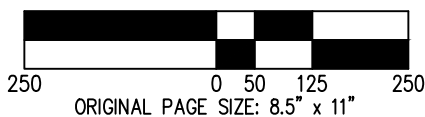


**FIGURE
1**

DRWN: RAS
CHKD: SKT
AKS JOB:
8321



SCALE: 1" = 250 FEET



MARION COUNTY
TAX LOT 400, 500, AND
PORTIONS OF 300 & 1200
TAX MAP 06 2W 32C

DATE: 11/23/2021

TAX MAP (06 2W 32C) ADMENDENT TO WD# 2021-0703 MEMO		FIGURE 2
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS
		CHKD: SKT
		AKS JOB: 8321



DSL WD # 2021-0373
Approval Revised 5/11/2022
Approval Expires 9/30/2026

SEE FIGURE 5A

WD2021-0373
AMENDED
STUDY AREA
BOUNDARY

WD2021-0373
STUDY AREA
BOUNDARY

TAX LOT 100
TAX MAP 06 2W 31D

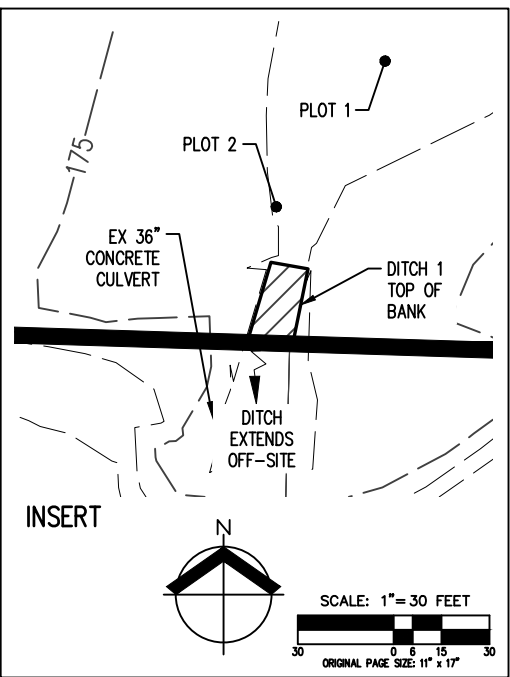
TAX LOT 500
TAX MAP 06 2W 32C

TAX LOT 400
TAX MAP 06 2W 32C

TAX LOT 300
TAX MAP 06 2W 32C

HAZELGREEN ROAD NE

WD2021-0373
AMENDED
STUDY AREA
BOUNDARY



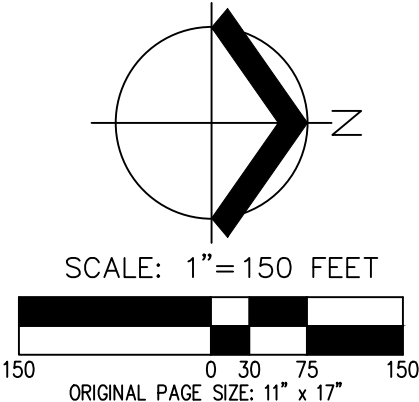
LEGEND (COLOR COPY)

- TOTAL ON-SITE DITCH 1 AREA:
77 SF± (13 ±LF)
- TOTAL ON-SITE ROADSIDE DITCH AREA:
1,369 SF± (640 ±LF)
- PHOTO LOCATIONS & ORIENTATION

ROADSIDE DITCH ORDINARY HIGH WATER MARK AND PLOT A AND B WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON NOVEMBER 17, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

DITCH BOUNDARY AND PLOTS 1-5 WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON MARCH 24, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS, AND STUDY AREA DERIVED FROM AKS PROFESSIONAL LAND SURVEY.



DATE: 01/07/2022

AMENDED WD# 2021-0373 DETERMINATION MAP

ADMENDENT TO WD#2021-0703 MEMO

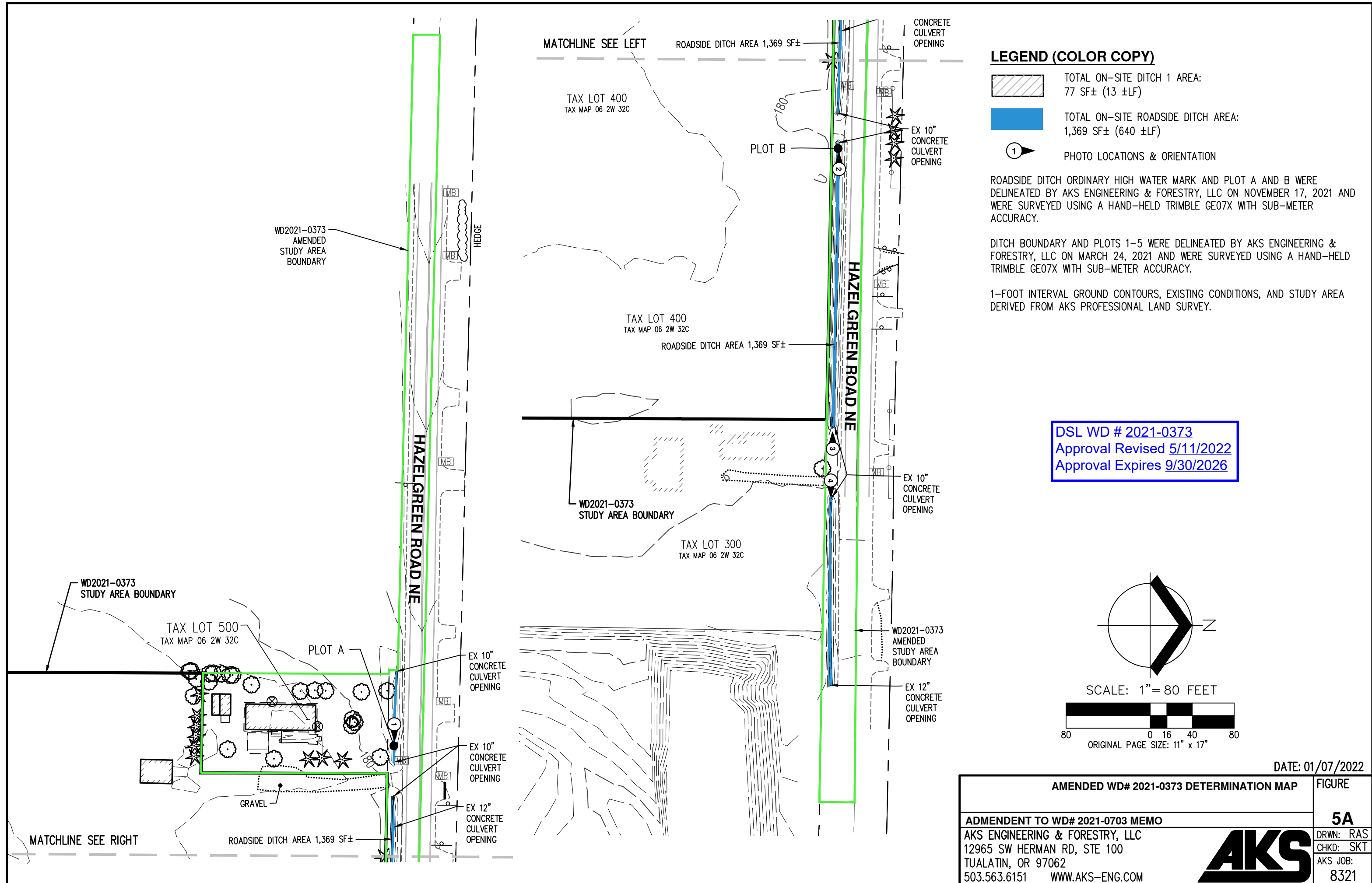
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



FIGURE

5

DRWN: RAS
CHKD: SKT
AKS JOB:
8321





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

September 30, 2021

**See Revised Concurrence Letter
Dated May 11, 2022**

I&E Construction Inc.
Attn: Kiril Ivanov
27325 SW Parkway Avenue
Wilsonville, OR 97070

Kate Brown
Governor

Shemia Fagan
Secretary of State

Re: WD # 2021-0373 **Approved**
Wetland Delineation Report for 4680 Hazelgreen Road
Marion County; T6S R2W S32C TL400

Tobias Read
State Treasurer

Dear Kiril Ivanov:

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, we concur with the waters boundaries as mapped in Figure 5 of the report. Please replace all copies of the preliminary map with this final Department-approved map.

Within the study area, one water (Ditch) was identified. However, because the water was determined to be ephemeral, it is exempt per OAR 141-085-0515(3), and is not subject to state Removal-Fill 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.

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 the Jurisdiction Coordinator for Marion County, Daniel Evans, PWS at (503) 986-5271.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with the first name "Peter" and last name "Ryan" clearly distinguishable.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Stacey Reed, PWS, AKS
Marion County Planning Department
Kinsey Friesen, Corps of Engineers
Carrie Landrum, DSL

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

☒ Applicant ☐ Owner Name, Firm and Address:

Business phone #

Mobile phone # (optional)

E-mail: Karl@iecon.us

I&E Construction Incorporated

27375 SW Parkway Ave, Wilsonville, OR 97070

☒ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

Same as above.

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: Kiril Ivanov

Signature: [Signature]

Date: 7/2/21

Special instructions regarding site access: [Blank]

Project and Site Information

Project Name: 4680 Hazelgreen Road

Latitude: 45.000818

Longitude: -122.964935

decimal degree - centroid of site or start & end points of linear project

Proposed Use:

Tax Map # 06 2W 32C

Residential Subdivision

Tax Lot(s) 400

Tax Map #

Project Street Address (or other descriptive location):

Tax Lot(s)

4680 SE Hazelgreen Road NE

Township 6S

Range 2W

Section 32C

QQ

Use separate sheet for additional tax and location information

City: Salem

County: Marion

Waterway:

River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Phone # (503) 563-6151

Mobile phone # (if applicable)

E-mail: stacey@aks-eng.com

AKS Engineering & Forestry, LLC

Attn: Stacey Reed, PWS

12965 SW Herman Road, Suite 100

Tualatin, OR 97062

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: [Signature]

Date: 7/2/21

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present?

☒ Yes ☐ No

Study Area size: 16.26 acres

Total Wetland Acreage: 0.0000

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 # _____

☐ LWI shows wetlands or waters on parcel Wetland ID code _____

For Office Use Only

DSL Reviewer: DE

Fee Paid Date: _____ / _____ / _____

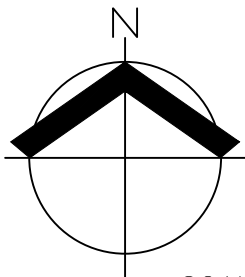
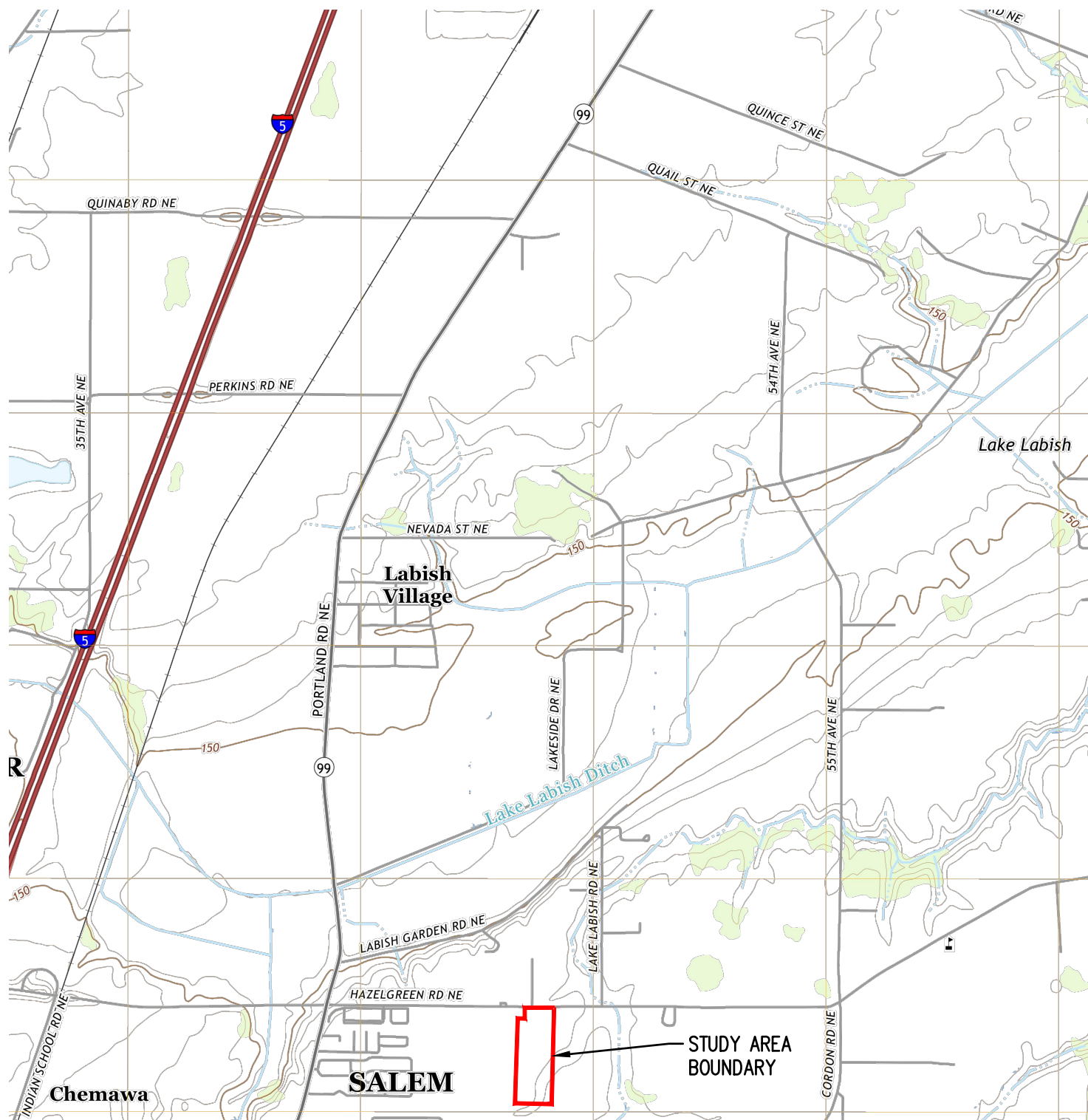
DSL WD # 2021-0373

Date Delineation Received: 07 / 06 / 2021

Scanned: ☐

Electronic: ☒

DSL App.# _____



SCALE: 1" = 2000 FEET

ORIGINAL PAGE SIZE: 8.5" x 11"

See Revised Figure 1
Dated May 11, 2022

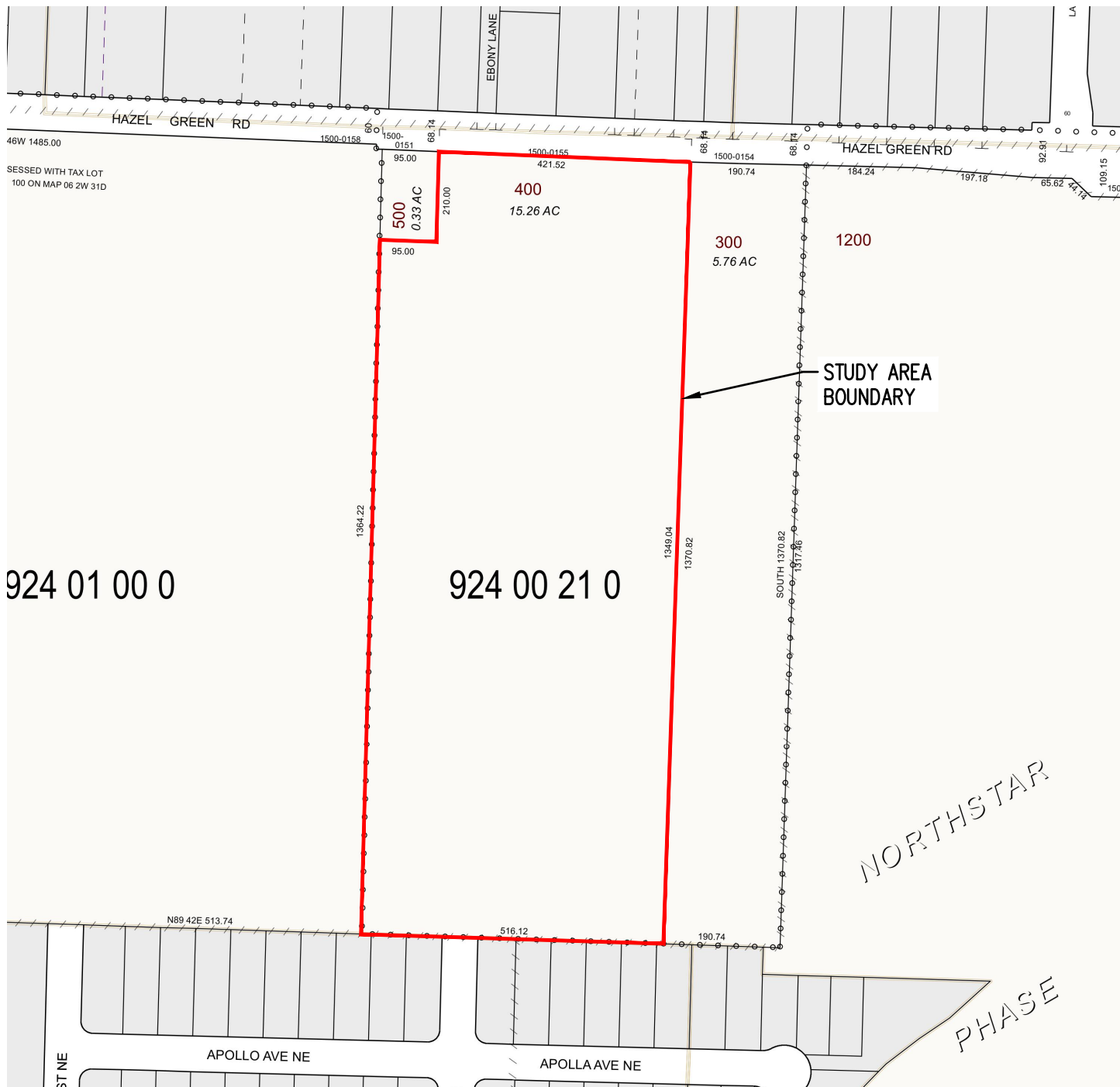
USGS 7.5' TOPOGRAPHIC SERIES
QUADRANGLE: GERVAIS, OR (2020)

DATE: 06/17/2021

USGS VICINITY MAP
4680 HAZELGREEN ROAD WETLAND DETERMINATION REPORT
 AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM



FIGURE 1
 DRWN: SKT
 CHKD: SAR
 AKS JOB:
 8321

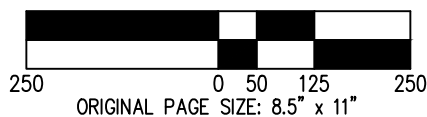


See Revised Figure 2
Dated May 11, 2022

MARION COUNTY
TAX LOT 400
TAX MAP 06 2W 32C

DATE: 06/17/2021

SCALE: 1" = 250 FEET



TAX MAP (MAP 06 2W 32C)
4680 HAZELGREEN ROAD WETLAND DETERMINATION REPORT

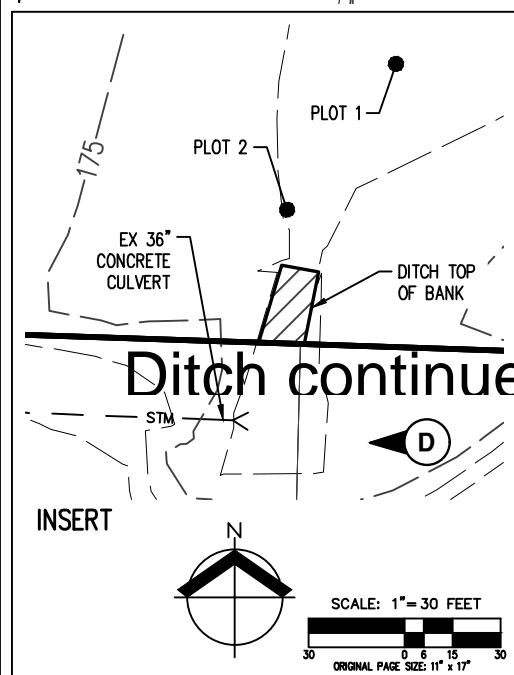
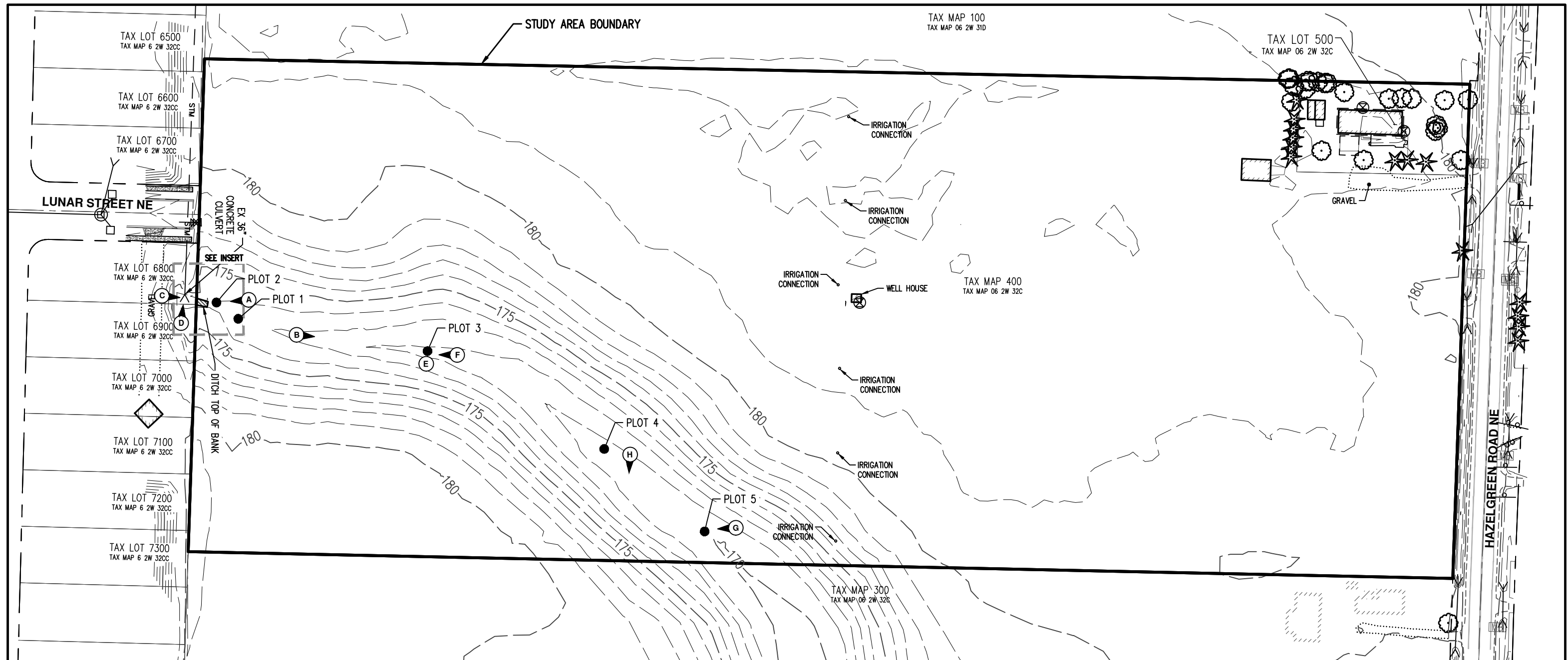
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



FIGURE
2

DRWN: SKT
CHKD: SAR

AKS JOB:
8321



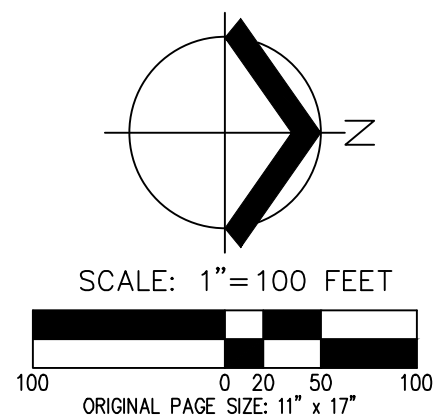
LEGEND

TOTAL ON-SITE DITCH: 77 SF± (13 LF±)

PHOTO LOCATIONS & ORIENTATION

DITCH BOUNDARY AND PLOT LOCATIONS SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON MARCH 24, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS, AND STUDY AREA DERIVED FROM AKS PROFESSIONAL LAND SURVEY.



See Revised Figures 5 and 5A
Dated May 11, 2022

DSL WD # 2021-0373
Approval Issued 9/30/2021
Approval Expires 9/30/2026

DATE: 06/24/2021

WETLAND DETERMINATION MAP		FIGURE
4680 HAZELGREEN ROAD WETLAND DETERMINATION REPORT		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: SKT CHKD: SAR AKS JOB: 8321





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

February 14, 2023

Regulatory Branch
Corps No. NWP-2022-411

Ms. Jennifer Scott
AKS Engineering & Forestry, LLC.
3700 River Road N, Suite 1
Keizer, OR 97303
scottj@aks-eng.com

Dear Ms. Scott:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the aquatic resources, including wetlands, within the review area on the property located at 4680 Hazelgreen Road NE, Salem, Marion County, Oregon at Latitude/Longitude: 45.000818°, -122.964935°. Other aquatic resources, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined there are no waters of the U.S. within the review area. The enclosed *Dry Land Approved Jurisdictional Determination Form* (Enclosure 1) provides the basis for our determination. A copy of the AJD Form can also be found on our website (<https://www.nwp.usace.army.mil/Missions/Regulatory/Determinations/>). The boundary of the review area subject to this AJD is identified on the enclosed drawings (Enclosure 2).

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR § 331.5, and the form must be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or

anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form available on our website (<https://regulatory.ops.usace.army.mil/customer-service-survey/>).

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Benny A. Dean Jr. by telephone at (541) 465-6769 or by email at Benny.A.Dean@usace.army.mil.

Sincerely,

Katharine A. Mott

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

AKS Engineering & Forestry, LLC. (Julie Wirth-McGee, wirthmcgee@aks-eng.com;

Stacey Reed, staceyr@aks-eng.com)

Oregon Department of State Lands (Carrie Landrum, carrie.landrum@dsl.oregon.gov)

Oregon Department of Environmental Quality (401applications@deq.oregon.gov)

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 14 February 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG, AKS Engineering & Forestry LLC., NWP-2022-411

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Marion City: Salem
Center coordinates of site (lat/long in degree decimal format): Lat. 45.000818°, Long. -122.964935°
Universal Transverse Mercator: Refer to Lat./Long. above.
Name of nearest waterbody: Little Pudding River
Name of watershed or Hydrologic Unit Code (HUC): Lower Little Pudding River - 170900090109

- ☒ Check if map/diagram of review area is available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: February 14, 2023
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

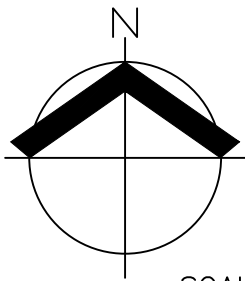
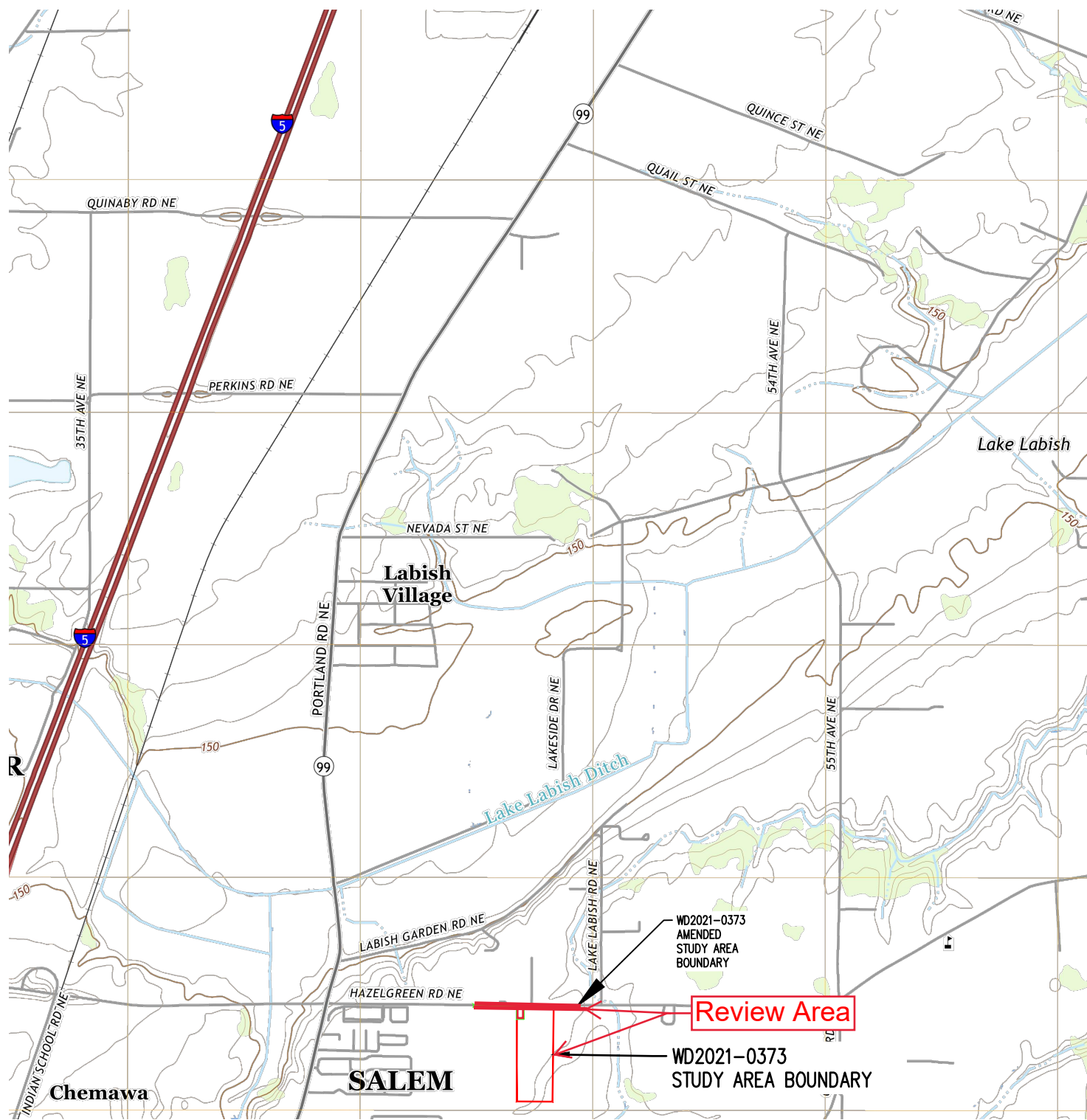
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: 4680 Hazelgreen Road Wetland Determination Report dated June 2021.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☒ U.S. Geological Survey Hydrologic Atlas: 170900090109
☐ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24 K, Gervais
☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
☐ National wetlands inventory map(s). Cite name:
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth July 18, 2022
☐ or ☒ Other (Name & Date): Applicant site photographs from delineation.
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☐ Other information (please specify):

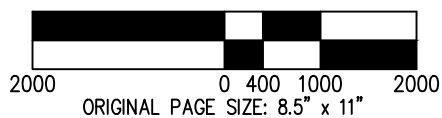
B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: An open water feature was delineated next to a culvert along the south portion of the review area. The feature formed on a compacted gravel area within loam soils and no discernable pattern of flow from the feature to the north or in any other cardinal direction. The open water feature has a restrictive gravel layer 2 inches below the soils in the bottom of the feature. A ditch feature was delineated extending from the open water feature north/northeast within the review area. The ditch feature exists the eastern boundary review area at the approximate eastern center of the review area. The ditch functions as a low flow swale, does not possess a streambed, streambanks, ordinary high water mark, and was not delineated as a wetland. The ditch was constructed from upland loam soils, only conveys

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

stormwater during rainfall events, and has no indication of carrying relatively permanent surface water flow. The roadside ditch along the north side of the property conveys stormwater during rainfall events and has no discernable ordinary high water mark. There is no evidence of sediment sorting and the soils are loam soils with high permeability. None of these features are jurisdictional waters of the U.S.



SCALE: 1" = 2000 FEET



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

DATE: 01/07/2022

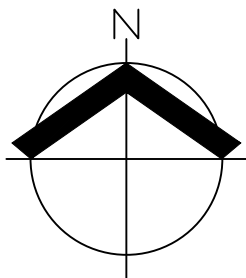
**USGS VICINITY MAP
ADMENDMENT TO WD# 2021-0703 MEMO**

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

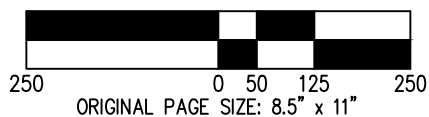


**FIGURE
1**

DRWN: RAS
CHKD: SKT
AKS JOB:
8321




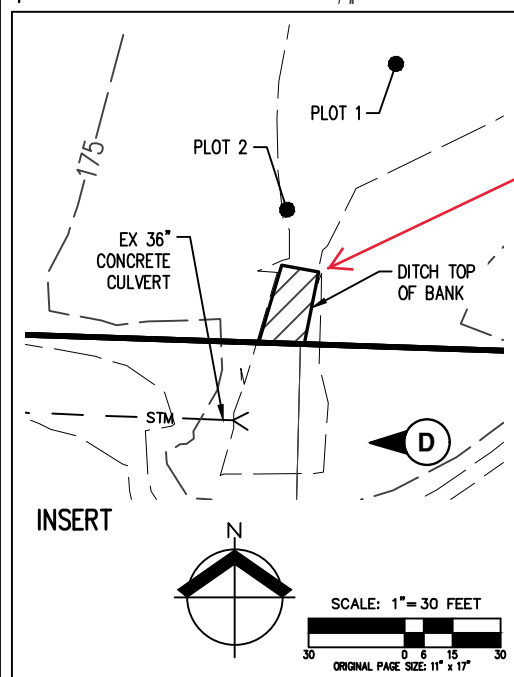
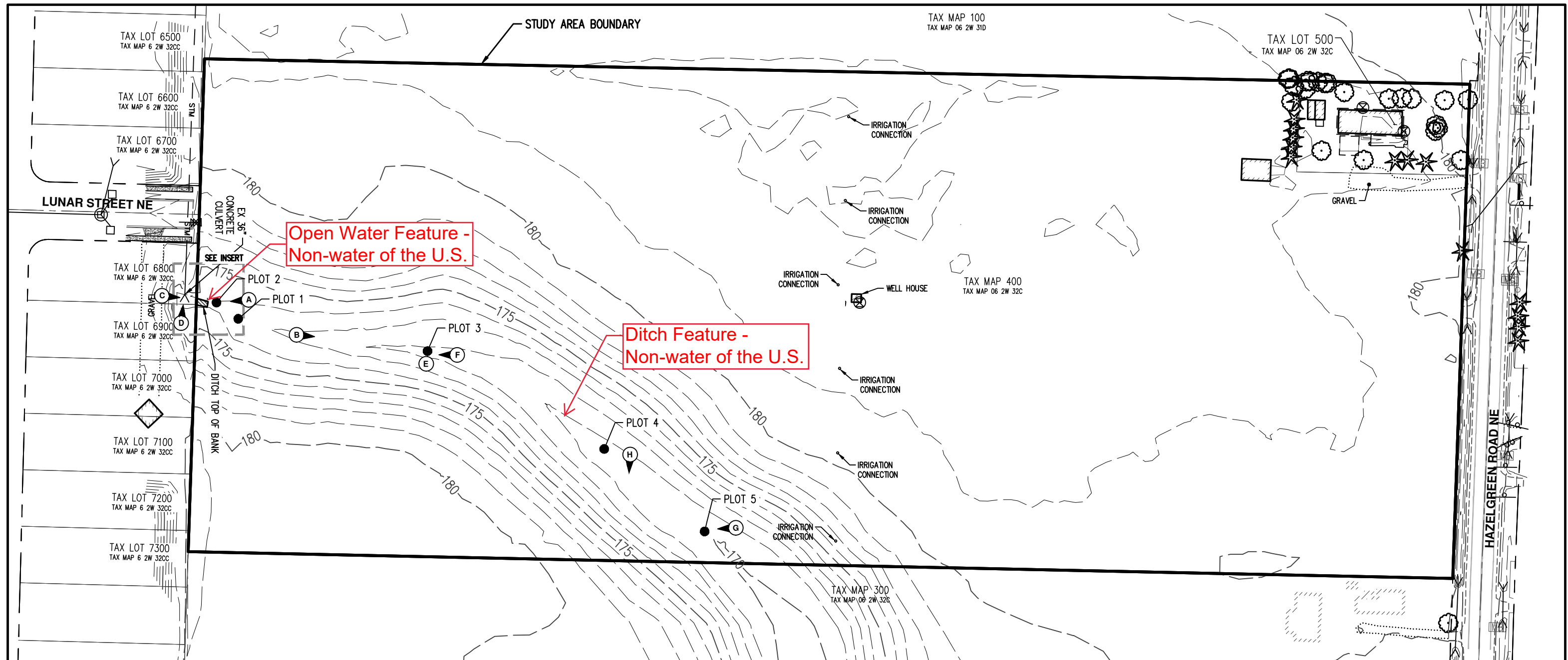
SCALE: 1" = 250 FEET



MARION COUNTY
TAX LOT 400, 500, AND
PORTIONS OF 300 & 1200
TAX MAP 06 2W 32C

DATE: 01/07/2022

TAX MAP (06 2W 32C) ADMENDENT TO WD# 2021-0703 MEMO		FIGURE 2
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT
		AKS JOB: 8321



Open Water Feature -
Non-water of the U.S.

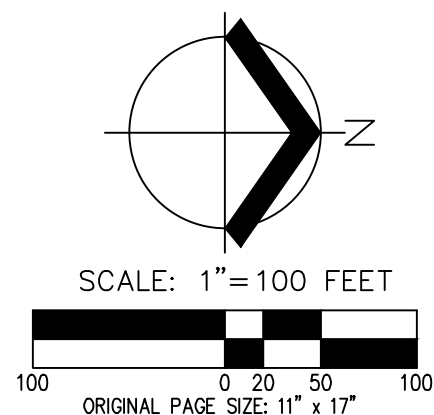
LEGEND

TOTAL ON-SITE DITCH: 77 SF± (13 LF±)

PHOTO LOCATIONS & ORIENTATION

DITCH BOUNDARY AND PLOT LOCATIONS SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON MARCH 24, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

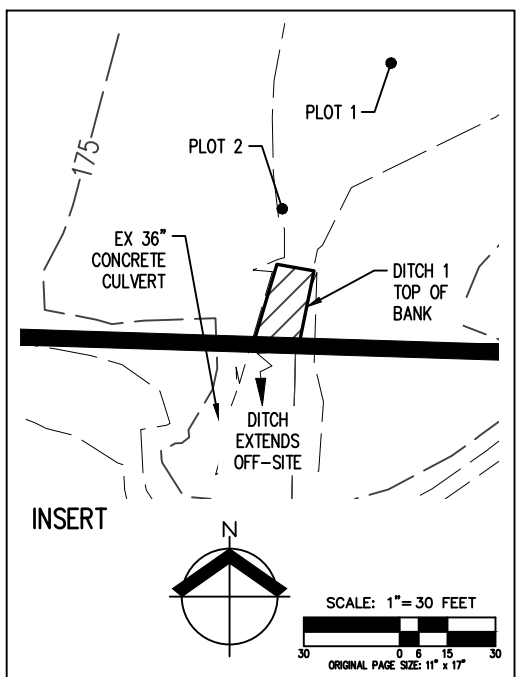
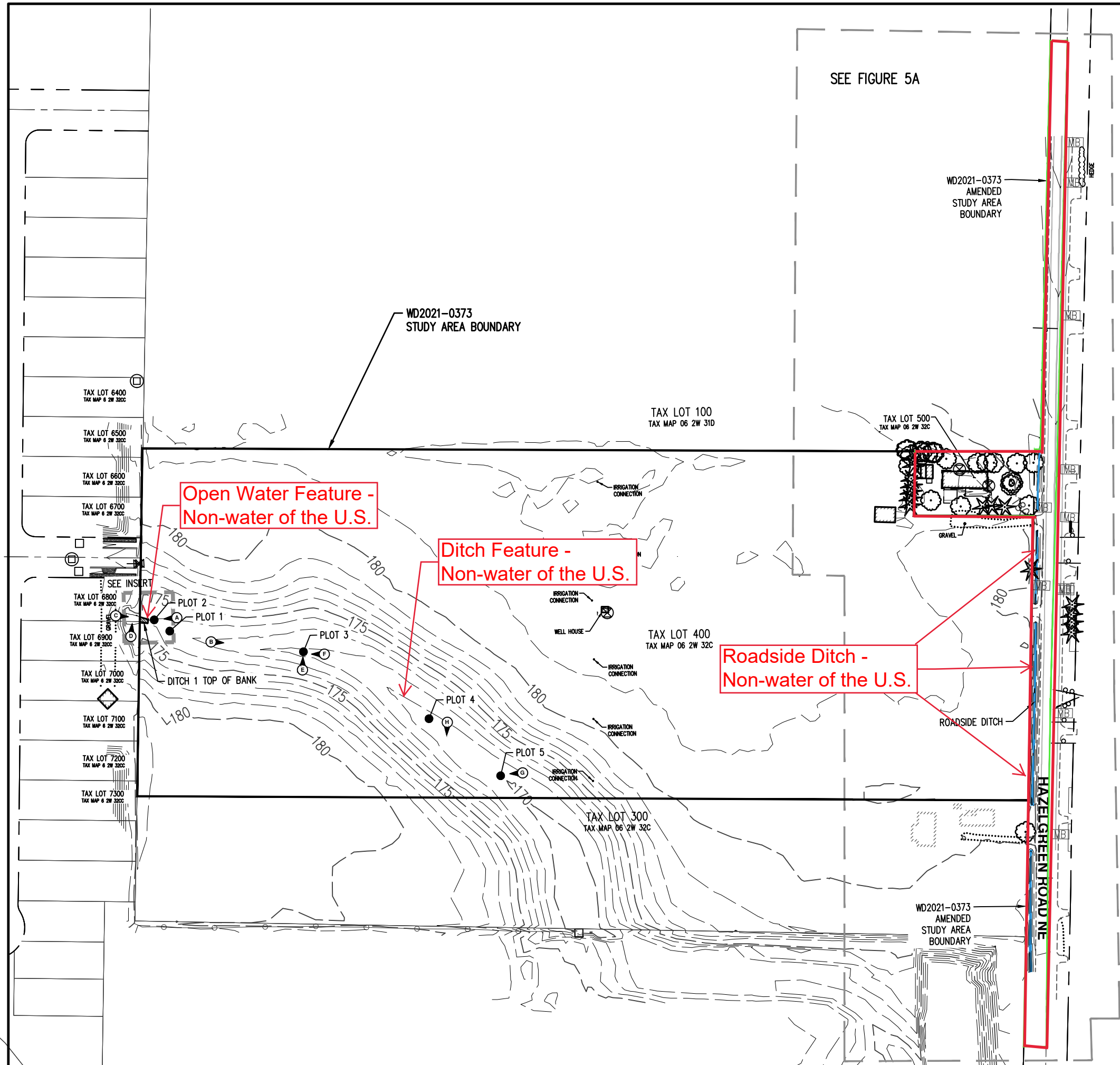
1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS, AND STUDY AREA DERIVED FROM AKS PROFESSIONAL LAND SURVEY.



DATE: 06/24/2021

WETLAND DETERMINATION MAP		FIGURE
4680 HAZELGREEN ROAD WETLAND DETERMINATION REPORT		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: SKT CHKD: SAR AKS JOB: 8321





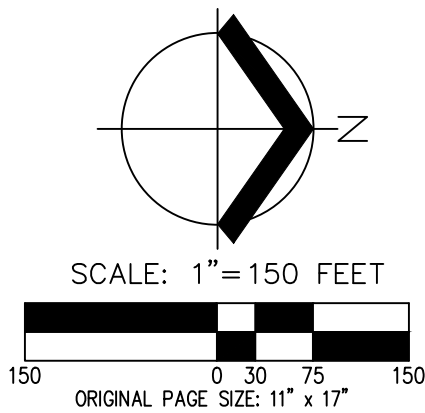
LEGEND (COLOR COPY)

- TOTAL ON-SITE DITCH 1 AREA:
77 SF± (13 ±LF)
- TOTAL ON-SITE ROADSIDE DITCH AREA:
1,369 SF± (640 ±LF)
- PHOTO LOCATIONS & ORIENTATION

ROADSIDE DITCH ORDINARY HIGH WATER MARK AND PLOT A AND B WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON NOVEMBER 17, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

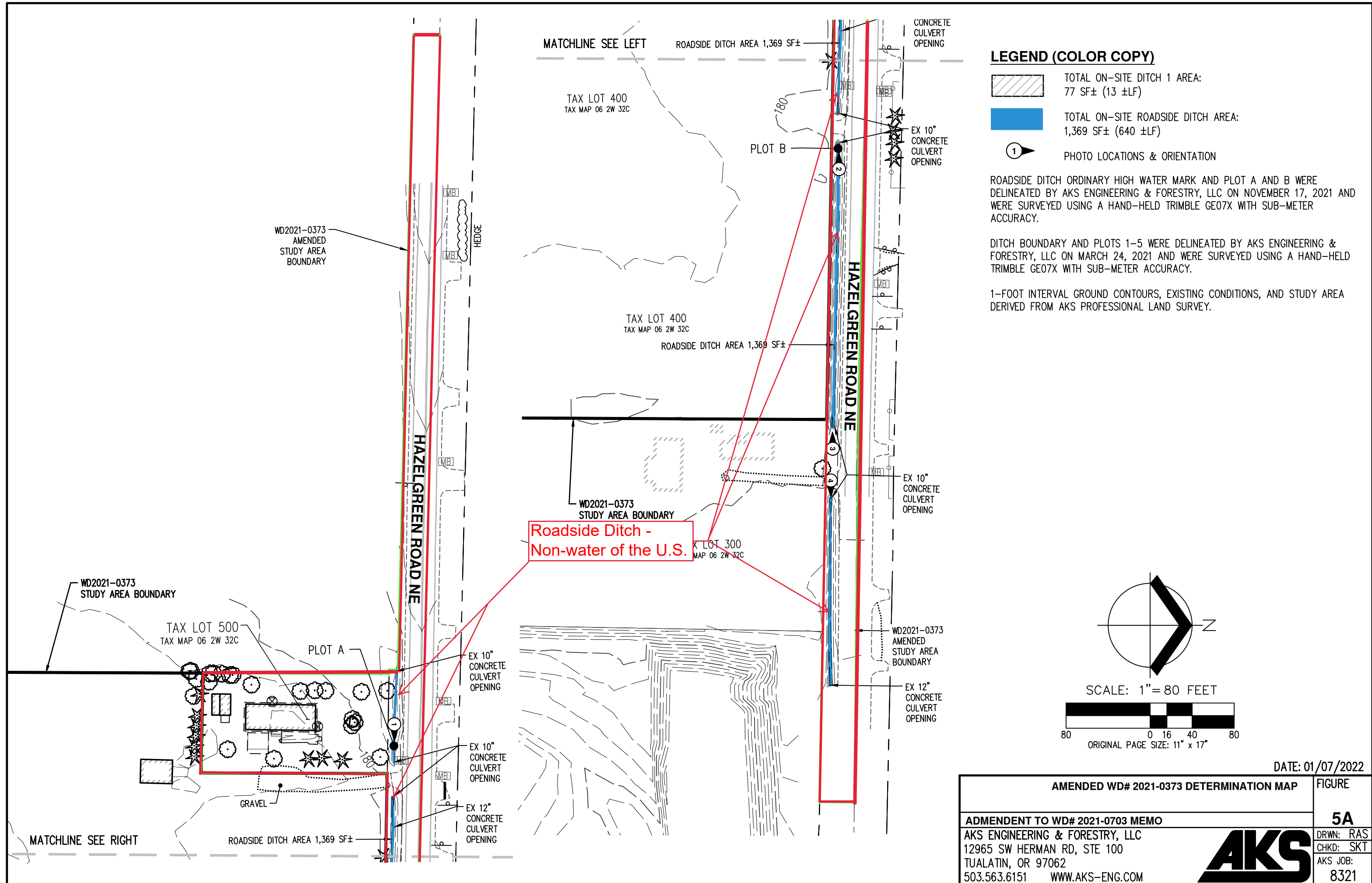
DITCH BOUNDARY AND PLOTS 1-5 WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON MARCH 24, 2021 AND WERE SURVEYED USING A HAND-HELD TRIMBLE GEO7X WITH SUB-METER ACCURACY.

1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS, AND STUDY AREA DERIVED FROM AKS PROFESSIONAL LAND SURVEY.



AMENDED WD# 2021-0373 DETERMINATION MAP		FIGURE
ADMENDENT TO WD#2021-0703 MEMO		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS JOB: 8321





AMENDED WD# 2021-0373 DETERMINATION MAP		FIGURE
ADMENDENT TO WD# 2021-0703 MEMO		5A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS JOB: 8321



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: AKS Engineering & Forestry		File Number: NWP-2022-411	Date: 30 January 2023
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XXX	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

William D. Abadie, Chief Regulatory Branch
U.S. Army Corps of Engineers, Portland District Office
PO Box 2946
Portland, OR 97208-2946
Telephone: (503)808-4373
Email: William.D.Abadie@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Melinda M. Larsen, Regulatory Appeals Review Officer
U.S. Army Corps of Engineers, Northwestern Division
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232
Telephone: (503) 808-3888
Email: Melinda.M.Larsen@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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