



Response Page

Department of State Lands (DSL) WN# *

WN2023-0450

Responsible Jurisdiction

Staff Contact

Ken Onyima

Jurisdiction Type

City

Municipality

Gresham

Local case file #

MPLAN21-00652

County

Multnomah

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
01S	03E	20	D	1200

Street Address

7928 SE 190th Dr

Address Line 2

City

Gresham

State / Province / Region

OR

Postal / Zip Code

97080

Country

Multnomah

Latitude

45.464782

Longitude

-122.462830

Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity



- It appears that the proposed project **may** impact Essential Salmonid Habitat and, therefore, **may** require a State permit.

- ✓ It appears that the proposed project **will** impact wetlands and **requires** a State Permit.

- ✓ An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- ✓ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- ✓ A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

The delineation for this project was concurred in 2020 (WD2019-0500). In 2021, a second delineation was submitted for this project which questioned the approved boundaries (WD2021-0653). This delineation was rejected because it did not meet DSL criteria and did not accurately depict the onsite resources. This secondary delineation review brought additional information to the Department's attention and, because of this secondary review, the Department felt it necessary to conduct a spring site visit to verify the concurred boundaries. The Department was onsite with AKS Engineering and Forestry on March 10, 2023 and May 11, 2023. These site visits observed slight modifications of the concurred 2019 boundaries. The Department is currently working with AKS to revise the boundaries and we anticipate that the map updates will be completed by the end of June.

The proposed project shows a build out of the site that has extensive wetland impacts. The Department recommends that the applicant reach out to Melinda Butterfield, Aquatic Resource Coordinator at (503) 986-5202 and Grey Wolf, Mitigation Specialist at (503) 986-5321 to discuss permitting and mitigation for this project. A strong alternatives analysis will be required for the associated permit. Please note that the recent Sackett v. EPA decision does not affect Oregon's jurisdiction on these wetland and water resources.

The Department generally requires that wetland mitigation is of the same habitat type as the impacted resource. A discussion of alternative habitat types should be a part of the preapplication meeting for this project. Please contact Grey Wolf, identified above, to discuss the wetland mitigation for this project.

The submitted documents show an offsite stormwater pond and wetland restoration areas. A wetland delineation is needed that covers all proposed stormwater and restoration areas. This delineation should include any stormwater outfalls, construction staging areas and all other associated areas.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- ✓ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

6/8/2023

Response by:

Chris Stevenson

Response Phone:

503-986-5246