



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

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November 30, 2009

State Land Board

Oregon Department of Transportation, Region 1
Attn: Claire Carder
123 NW Flanders
Portland, OR 97209

Theodore R. Kulongoski
Governor

Kate Brown
Secretary of State

Re: Wetland Delineation Report for West Linn Solar Highway, Clackamas
County; T 2S R 1E S 35 ODOT Right-of-way; WD #09-0342;

Ben Westlund
State Treasurer

Dear Ms. Carder:

The Department of State Lands has reviewed the wetland delineation report prepared by Vigil-Agrimis, Inc. for the site referenced above. Based upon our review, we concur with their delineation and conclusions. 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 Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map. Within the study area, four wetlands (Wetlands B through E totaling approximately 0.33 acre) and two waterways were identified. The wetlands and waterways are 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 the wetland or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

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. Please phone me at 541-480-4099 if you have any questions.

Sincerely,



Nicole Peirce
DSL-ODOT Liaison

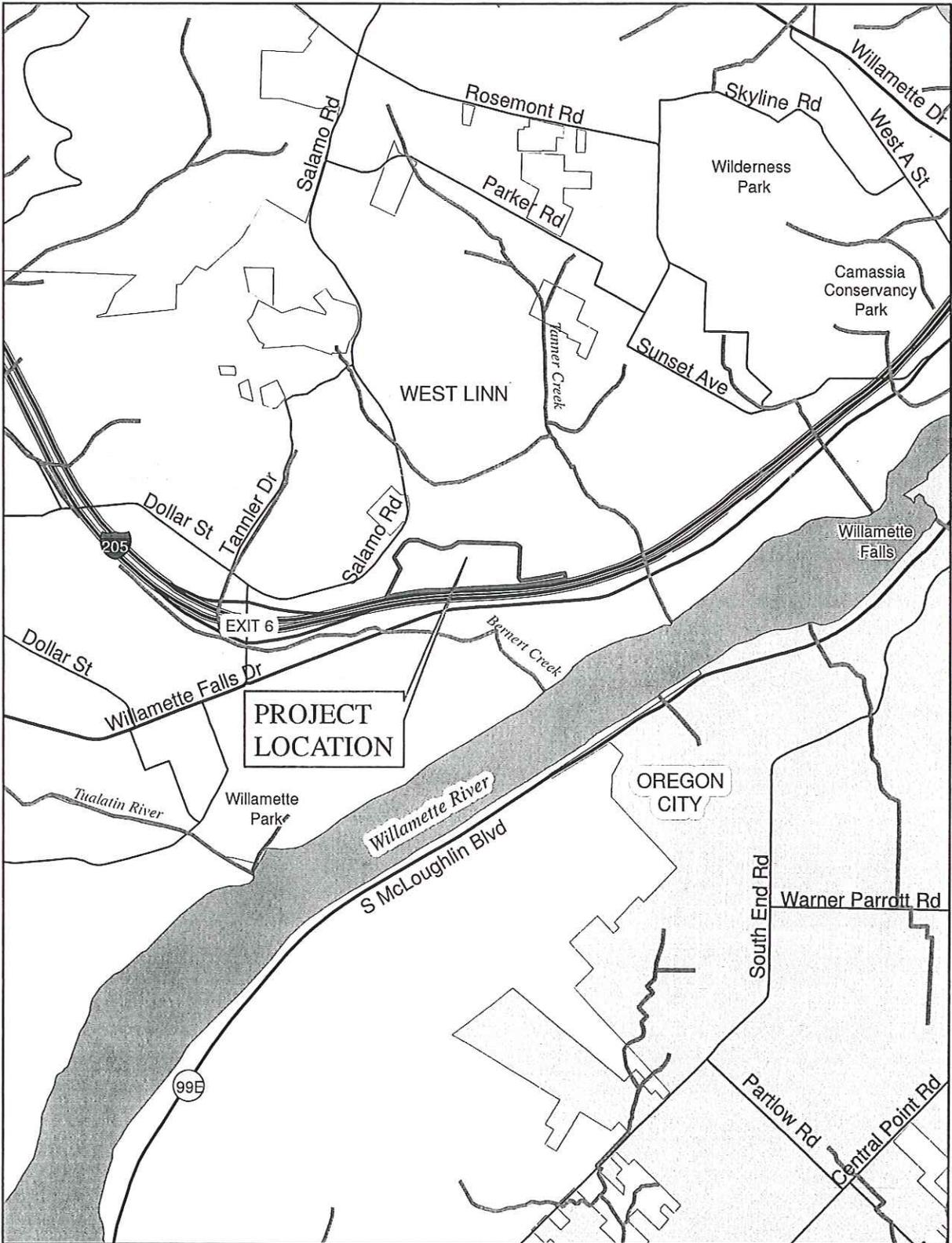
Approved by



Eric D. Metz
Eastern Oregon Operations Manager
Wetlands & Waterways Conservation
Division

Enclosures

ec: Paul Agrimis, Vigil-Agrimis, Inc.
City of West Linn Planning Department
Jaimee Davis, Corps of Engineers Portland office



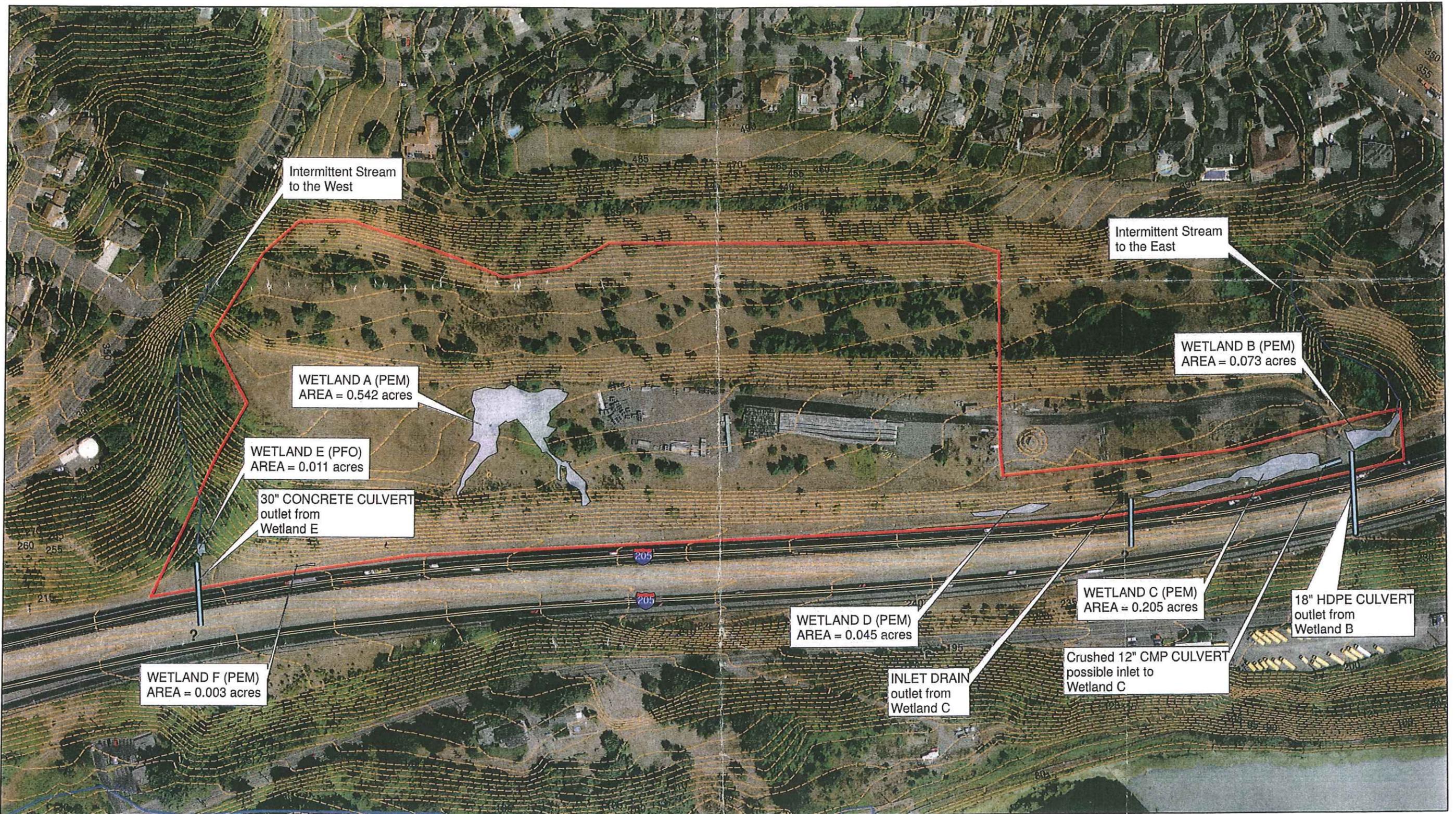
Source: Roads & stream GIS data from METRO RLIS data



Legend

 Wetland delineation study area

FIGURE 1.
Vicinity Map



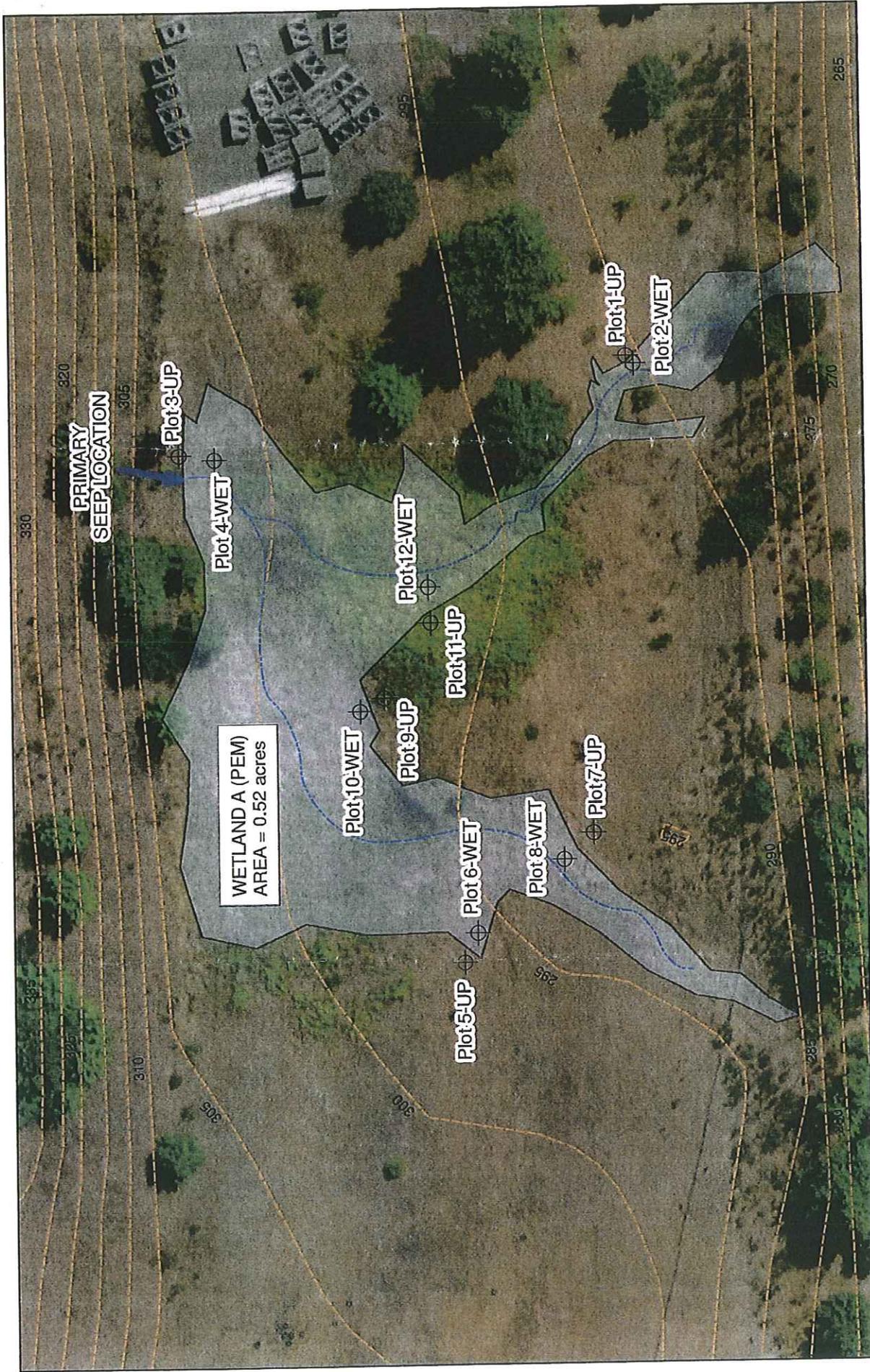
Source: Roads & contours GIS data from METRO RLIS data
Aerial Imagery (2007) ODOT Provided

Legend

- Wetland delineation study area
- Wetland



FIGURE 6a.
Wetland Delineation Overview Map

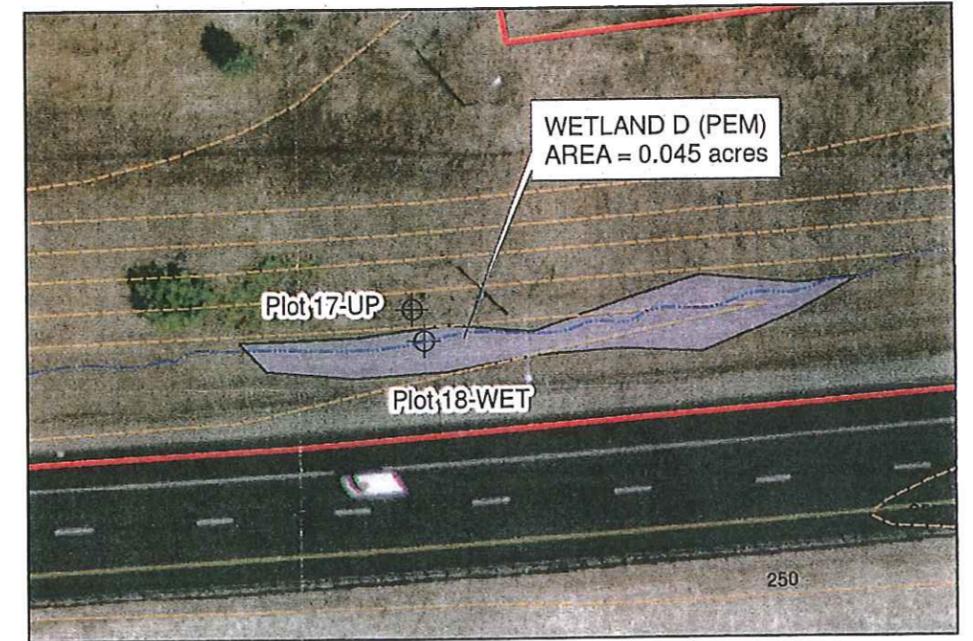
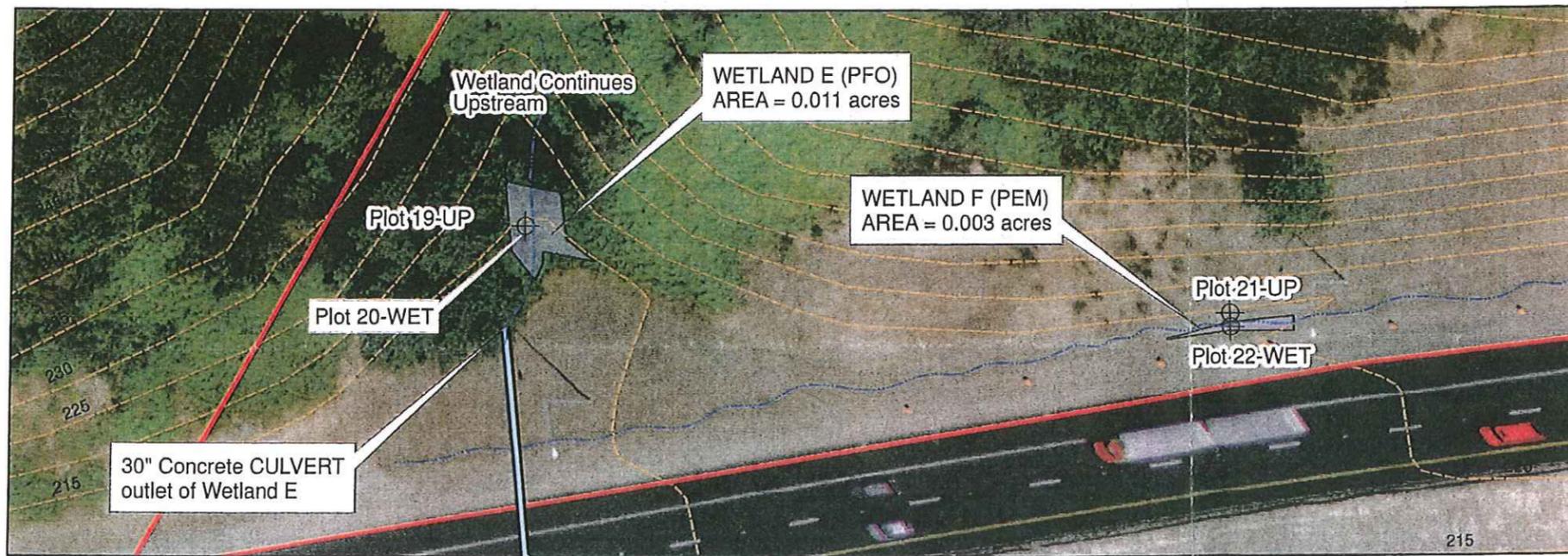
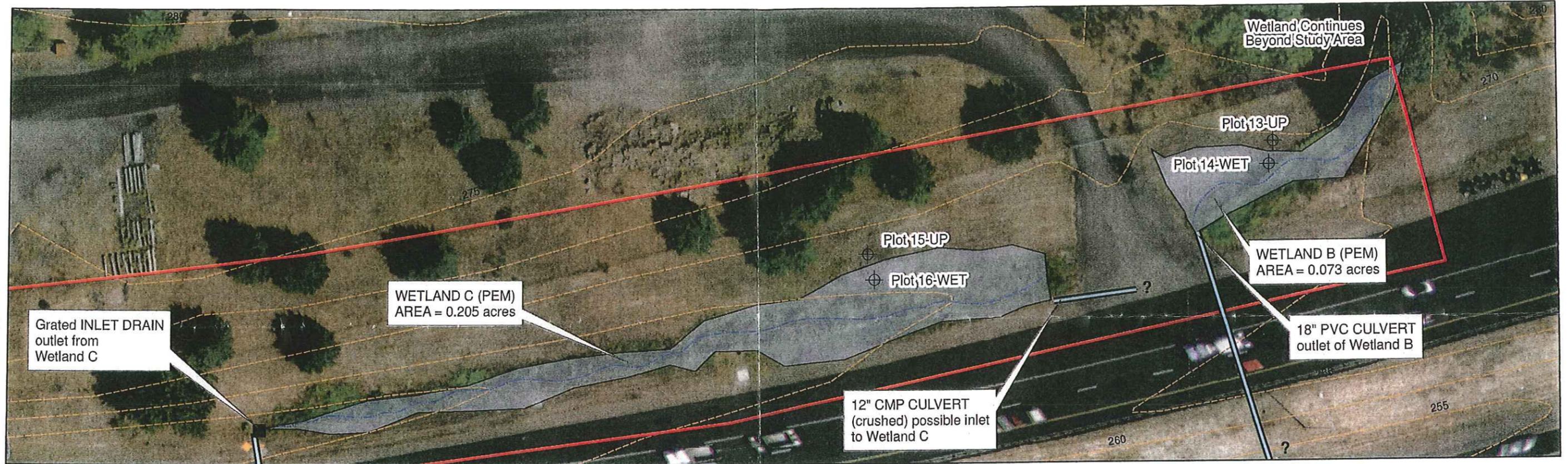


Source: Roads & contours GIS data from METRO RLUS data
 Aerial Imagery (2007) ODOT Provided

Legend

- Wetland delineation study area
- Wetland (Transparent to show aerial photo)
- + Wetland Plot Location
- Approximate Flow Path

FIGURE 6b.
Wetland Delineation Enlargement Map



Source: Roads & contours GIS data from METRO RLIS data
Aerial Imagery (2007) ODOT Provided



Legend

- Wetland delineation study area
- Wetland (Transparent to show aerial photo)
- + Wetland Plot Location
- Approximate Flow Path

FIGURE 6c.
Wetland Delineation Enlargement Map 2