Oregon
Theodore R. Kulongoski, Governor

**Department of State Lands**
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Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us.

**State Land Board**

Theodore R. Kulongoski
Governor

Kate Brown
Secretary of State

Ben Westlund
State Treasurer

October 28, 2009

Mark Turpel
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Wetland Delineation Report for Portions of the Portland to Milwaukie Light Rail Project Corridor, Multnomah and Clackamas Counties, T1S R1E and T2S R1E, Portions of Multiple Sections and Tax Lots; WD #09-0285

Dear Mr. Turpel:

The Department of State Lands has reviewed the wetland delineation report prepared by David Evans and Associates, Inc. for the site referenced above. Based upon our review and additional information submitted upon request, we concur with their delineation and conclusions. Within the focused study area, 6 wetlands (totaling 3.12 acres) and segments of seven waterways, including the Willamette River, Johnson Creek, Crystal Springs Creek, Kellogg Creek, Crystal Creek, Spring Creek, and Courtney Springs Creek (also referred to as Linder Creek), were identified. All these 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 wetlands or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined). However, the Willamette River, Johnson Creek, Crystal Springs Creek, and Kellogg Creek are all essential salmonid streams; and therefore, fill or removal of any amount of material below the OHWL, or within any hydrologically-connected wetlands, may require a state permit.

In addition, due to access issues, Wetland PM 5b was mapped using offsite wetland determination methods including observations from adjacent properties and interpretation of aerial photographs. Because offsite determination methods are not suitable for removal-fill permitting, it will be necessary to use onsite methods and delineate these areas prior to project construction. If the subsequent onsite wetland delineation changes the areas of wetland and wetland impact appreciably, the Department may require an addendum wetland report and a revised permit application.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. 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 (503) 986-5232 if you have any questions.

Sincerely,

Peter Ryan, PWS
Wetland Specialist

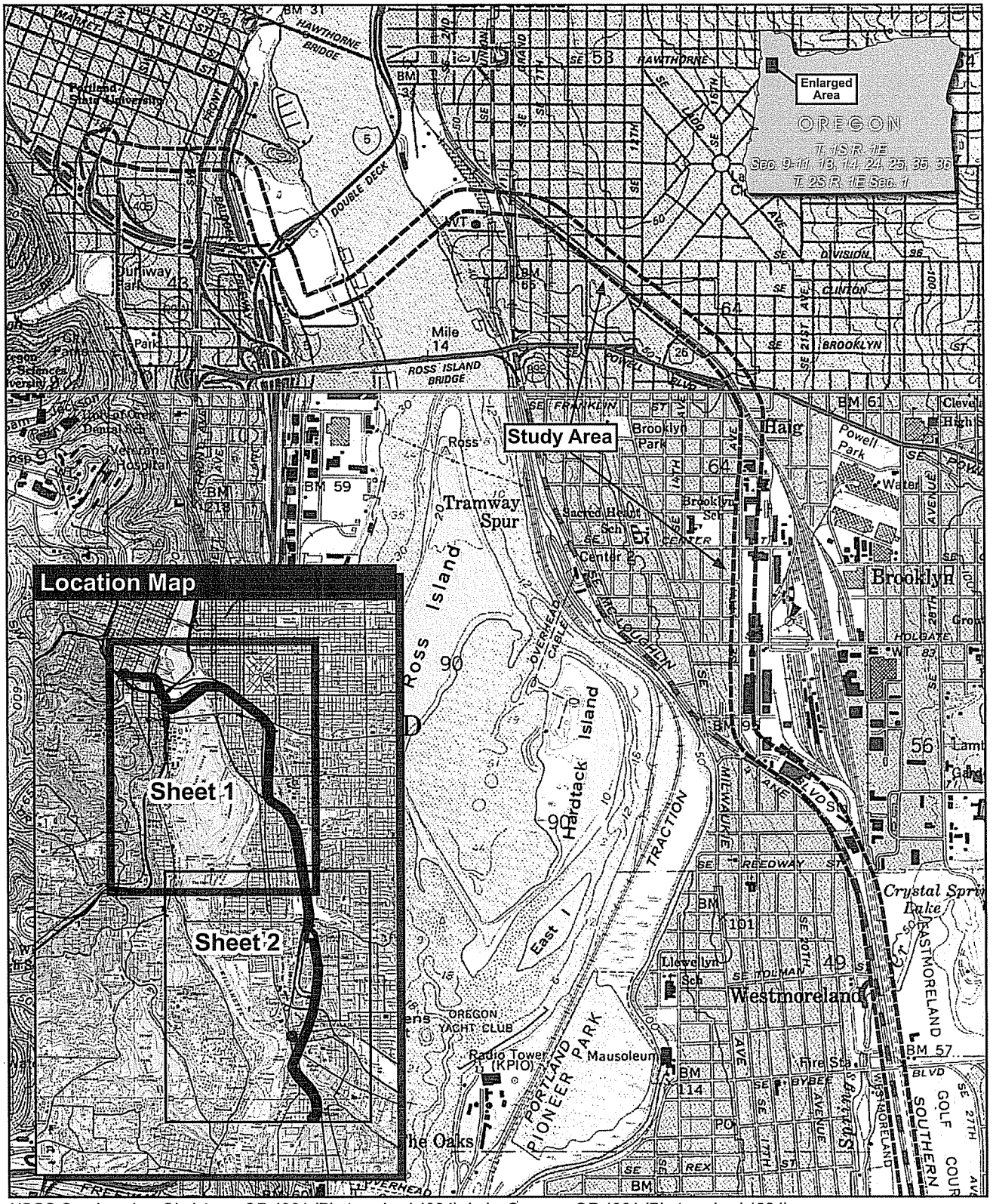
Approved by Janet C. Morlan
Janet C. Morlan, PWS
Wetlands Program Manager

Enclosures

ec: Ethan Rosenthal, David Evans and Associates, Inc.
Tom Taylor, Corps of Engineers
Mike McCabe, DSL

WD#09-0285





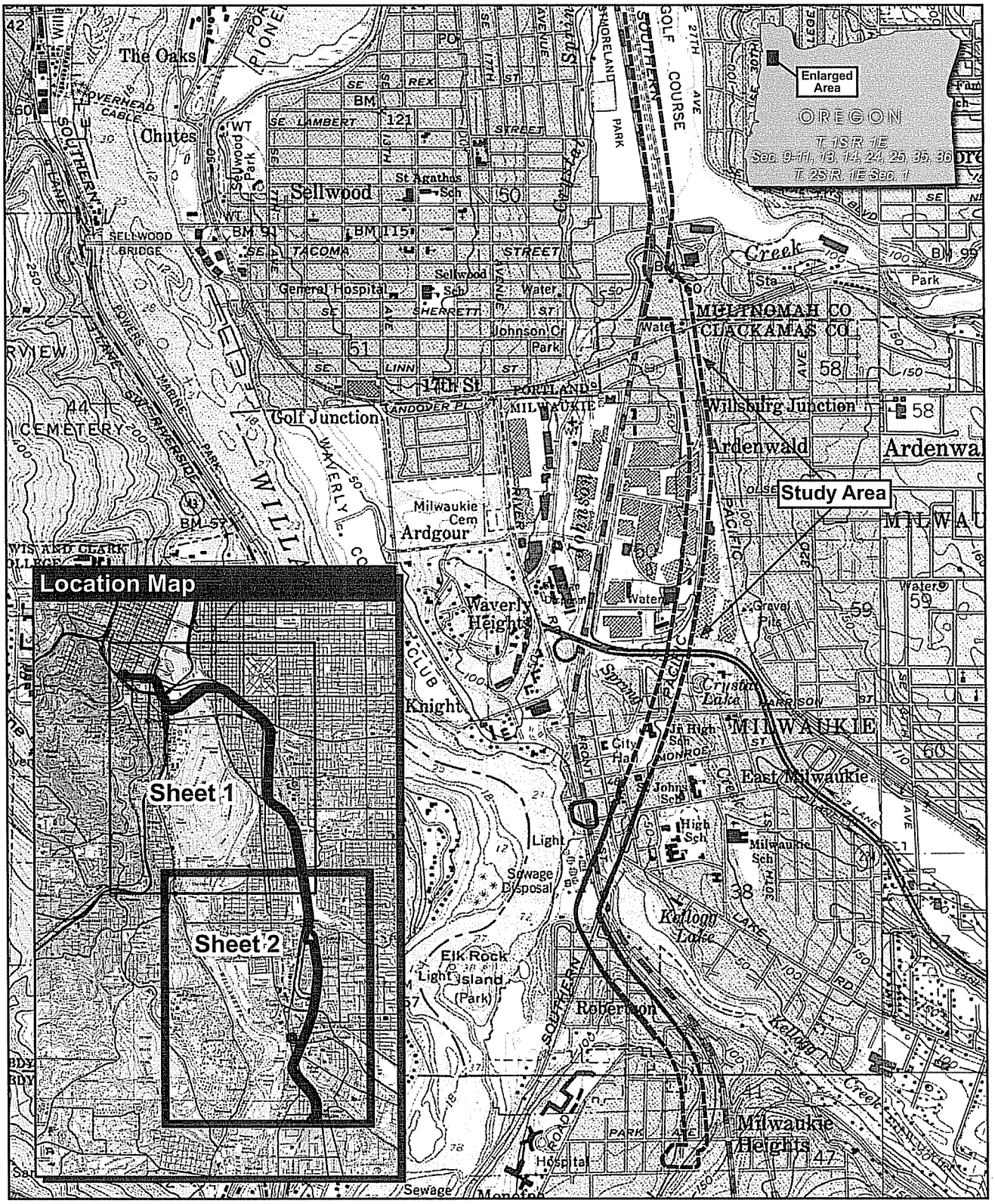

USGS Quadrangles: Gladstone, OR 1961 (Photorevised 1984); Lake Oswego, OR 1961 (Photorevised 1984); Mount Tabor, OR-WA 1990; and Portland, OR-WA 1990

**Figure 1**
*Vicinity*
*(Sheet 1 of 2)*

Scale - 1 : 24,000

WD# 09-0285



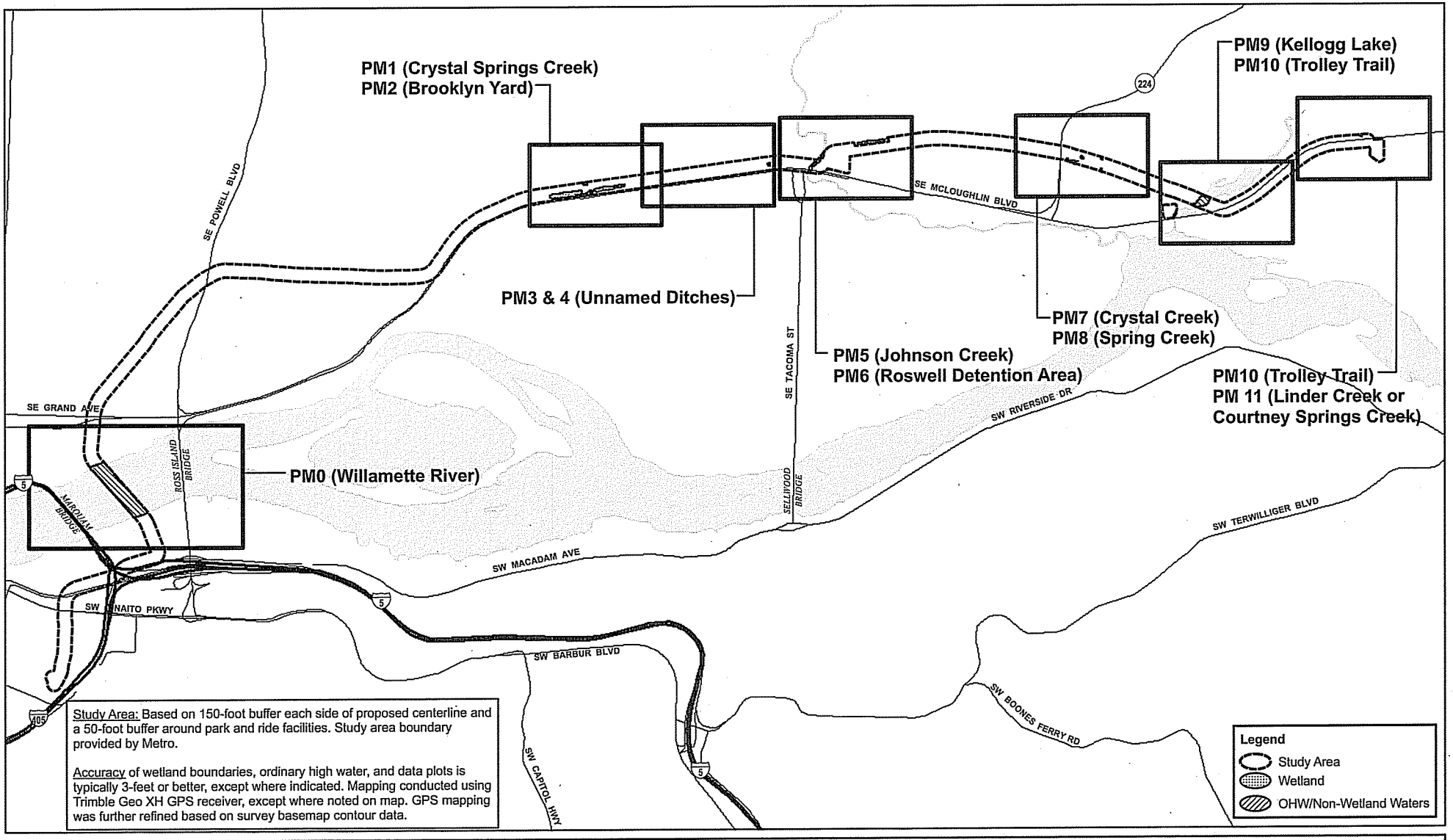



USGS Quadrangles: Gladstone, OR 1961 (Photorevised 1984); Lake Oswego, OR 1961 (Photorevised 1984); Mount Tabor, OR-WA 1990; and Portland, OR-WA 1990

**Figure 1**
*Vicinity*
*(Sheet 2 of 2)*

Scale - 1 : 24,000

WD#09-0285



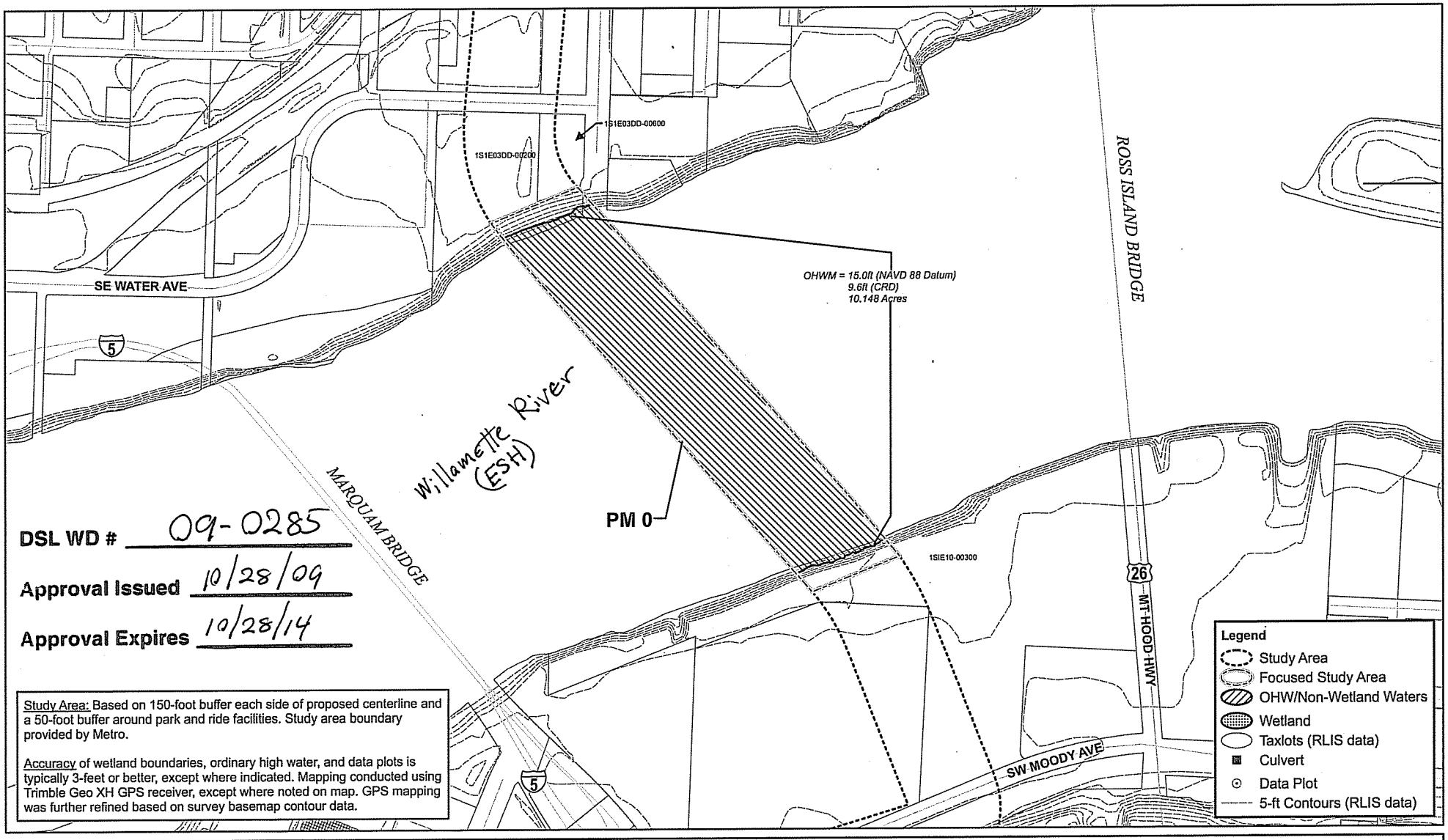

0 1,000 2,000 3,000 4,000 Feet

# Portland to Milwaukie LRT

## Wetland Delineation

**Figure 4**
*Wetland Delineation Index*
*(Sheet 1 of 8)*

September 2009




**DSL WD #** 09-0285

**Approval Issued** 10/28/09

**Approval Expires** 10/28/14

Study Area: Based on 150-foot buffer each side of proposed centerline and a 50-foot buffer around park and ride facilities. Study area boundary provided by Metro.

Accuracy of wetland boundaries, ordinary high water, and data plots is typically 3-feet or better, except where indicated. Mapping conducted using Trimble Geo XH GPS receiver, except where noted on map. GPS mapping was further refined based on survey basemap contour data.

0 300 600 Feet

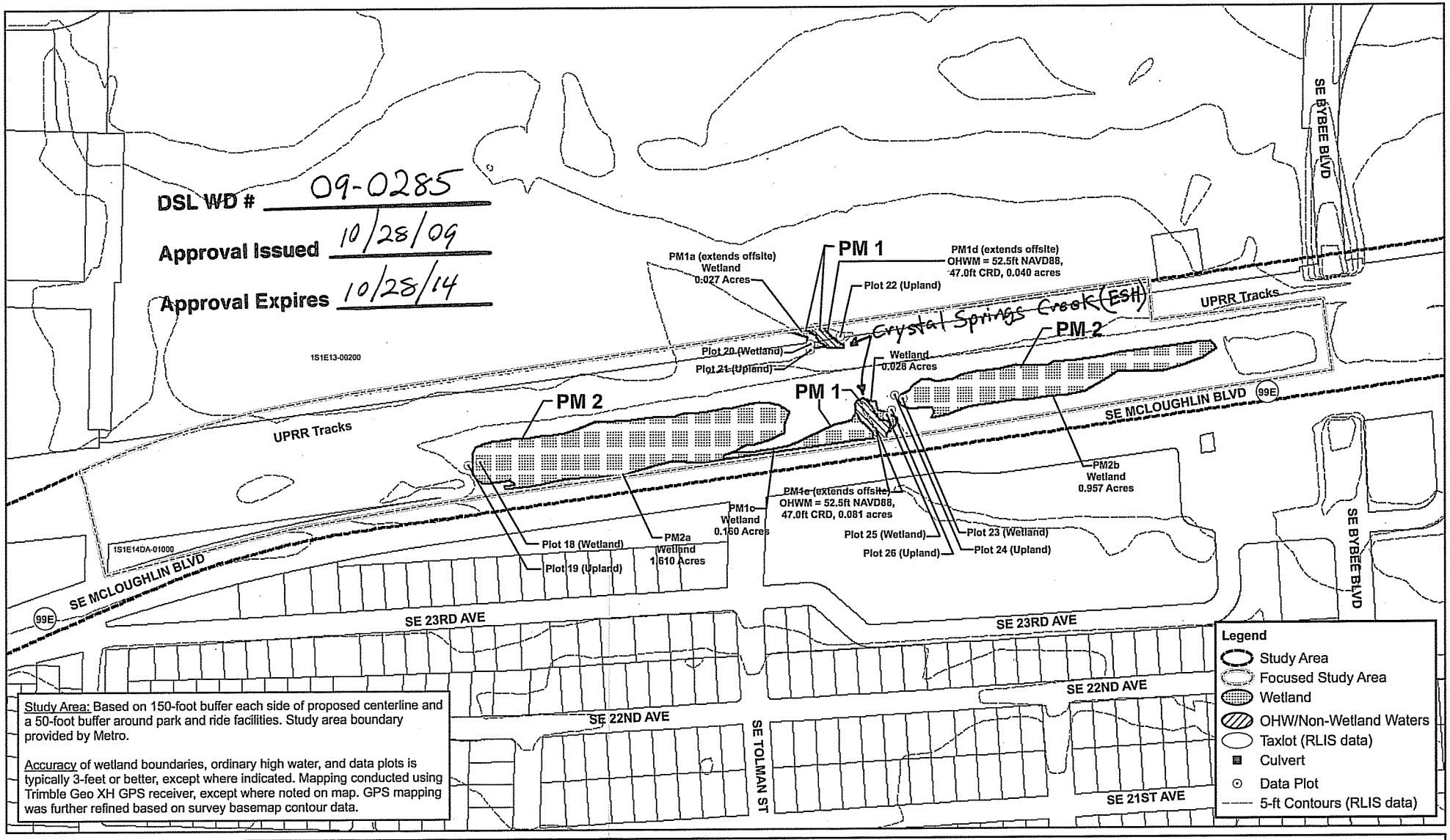
*Source Info:*
*RLIS Metro GIS Data, 2009*

# *Portland to Milwaukie LRT*

*Wetland Delineation*

**Figure 4**
*PM 0 (Willamette River)*
*(Sheet 2 of 8)*

*September 2009*




0 200 400 Feet

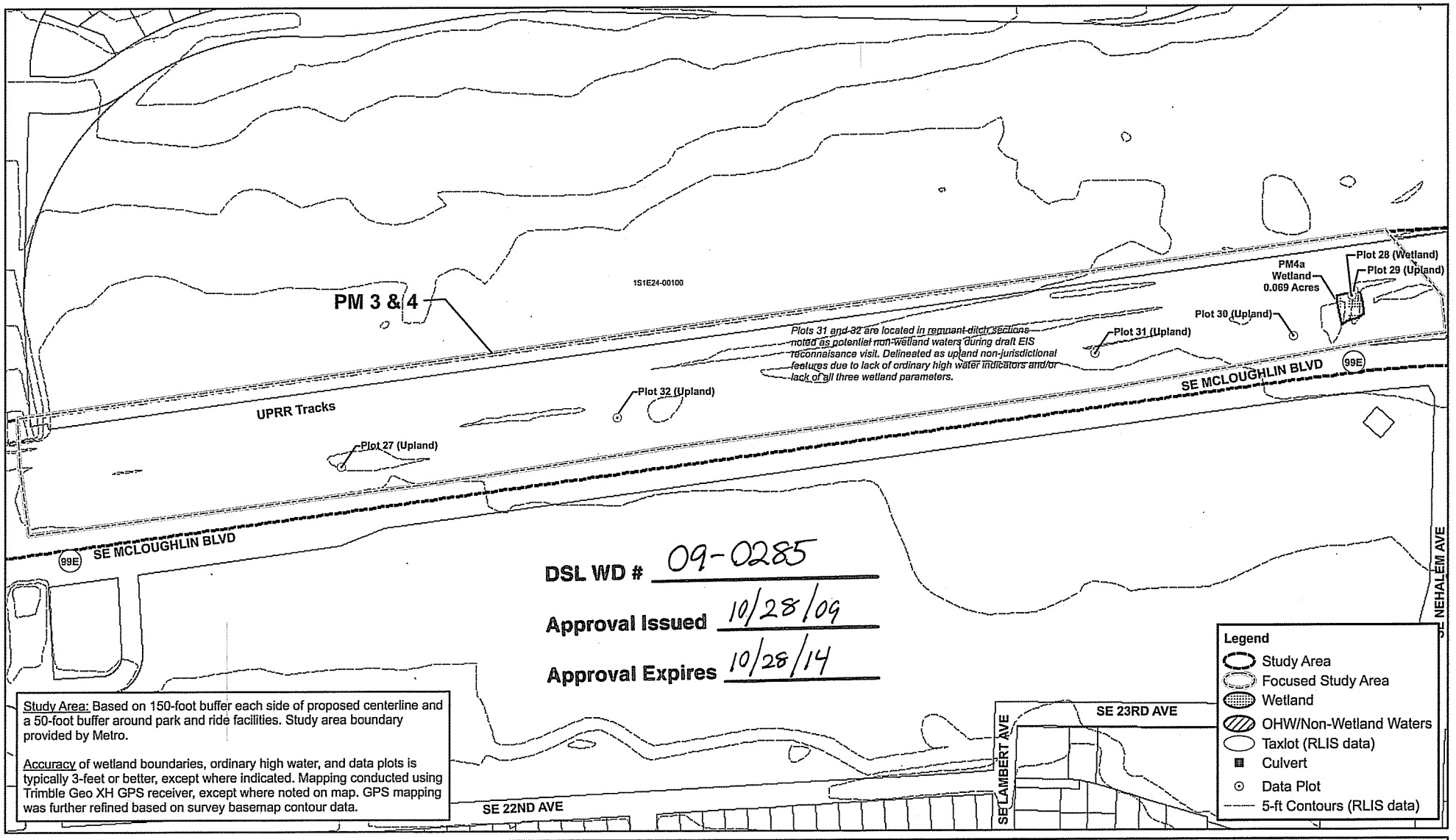
*Source Info:*
*RLIS Metro GIS Data, 2009*

# *Portland to Milwaukie LRT*

*Wetland Delineation*

**Figure 4**
*PM1 (Crystal Springs Creek), PM2 (Brooklyn Yard)*
*(Sheet 3 of 8)*

*September 2009*




DSL WD # 09-0285

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0 200 400 Feet

*Source Info:*
*RLIS Metro GIS Data, 2009*

# *Portland to Milwaukie LRT*

*Wetland Delineation*

**Figure 4**
*PM3 and 4 (unnamed ditches)*
*(Sheet 4 of 8)*

*September 2009*

DSL WD # 09-0285

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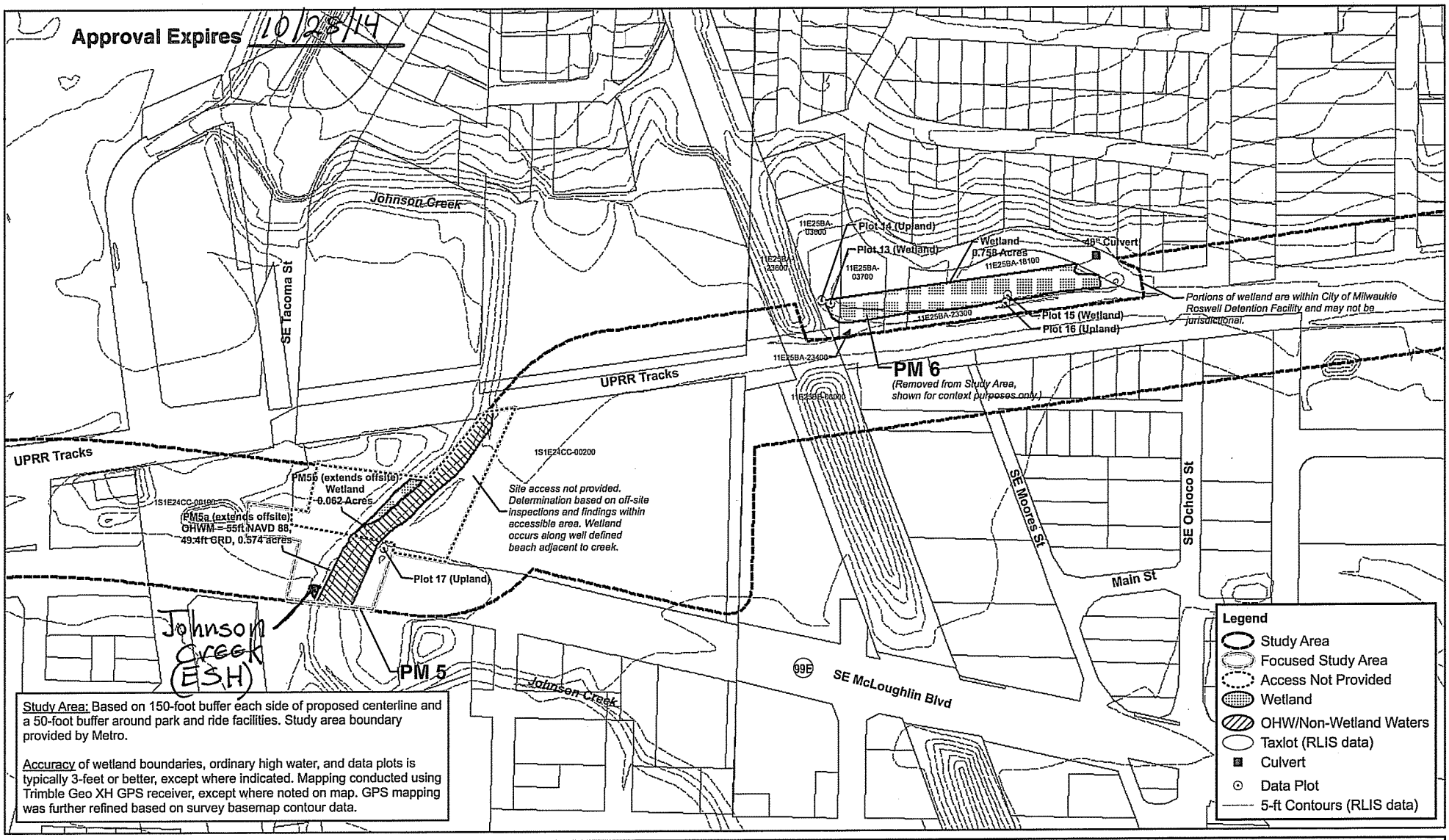
Approval Expires 10/28/14




0 200 400 Feet

Source Info: RLIS Metro GIS Data, 2009

# Portland to Milwaukie LRT

## Wetland Delineation

**Figure 4**
PM5 (Johnson Creek) and PM6 (Roswell Detention Area)
(Sheet 5 of 8)

September 2009

DSL WD # 09-0283

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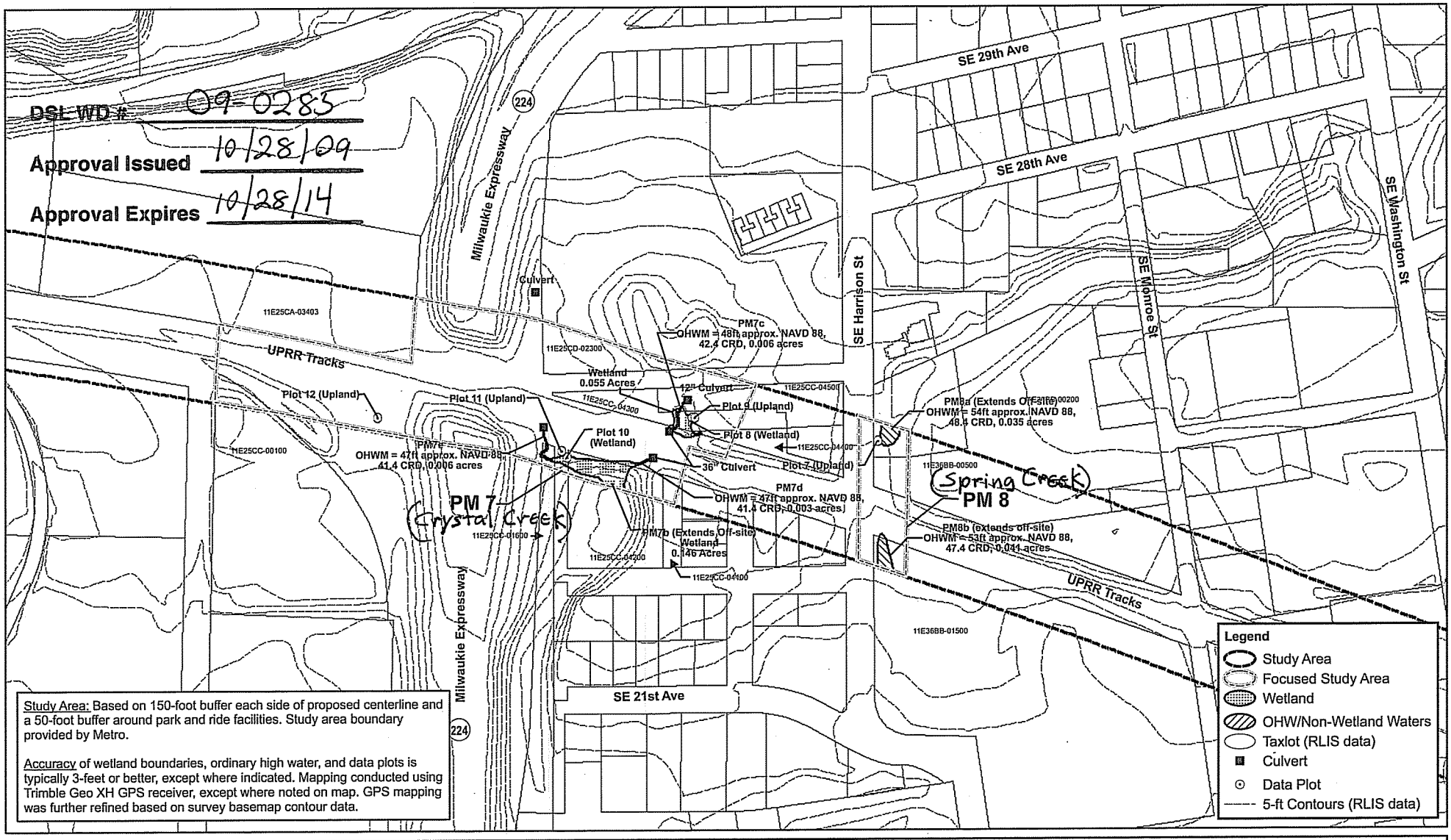


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0 200 400 Feet

*Source Info:*
*RLIS Metro GIS Data, 2009*

# Portland to Milwaukie LRT

## Wetland Delineation

**Figure 4**
*PM7 (Crystal Creek) and PM8 (Spring Creek)*
*(Sheet 6 of 8)*

*September 2009*

DSL WD # 09-0285

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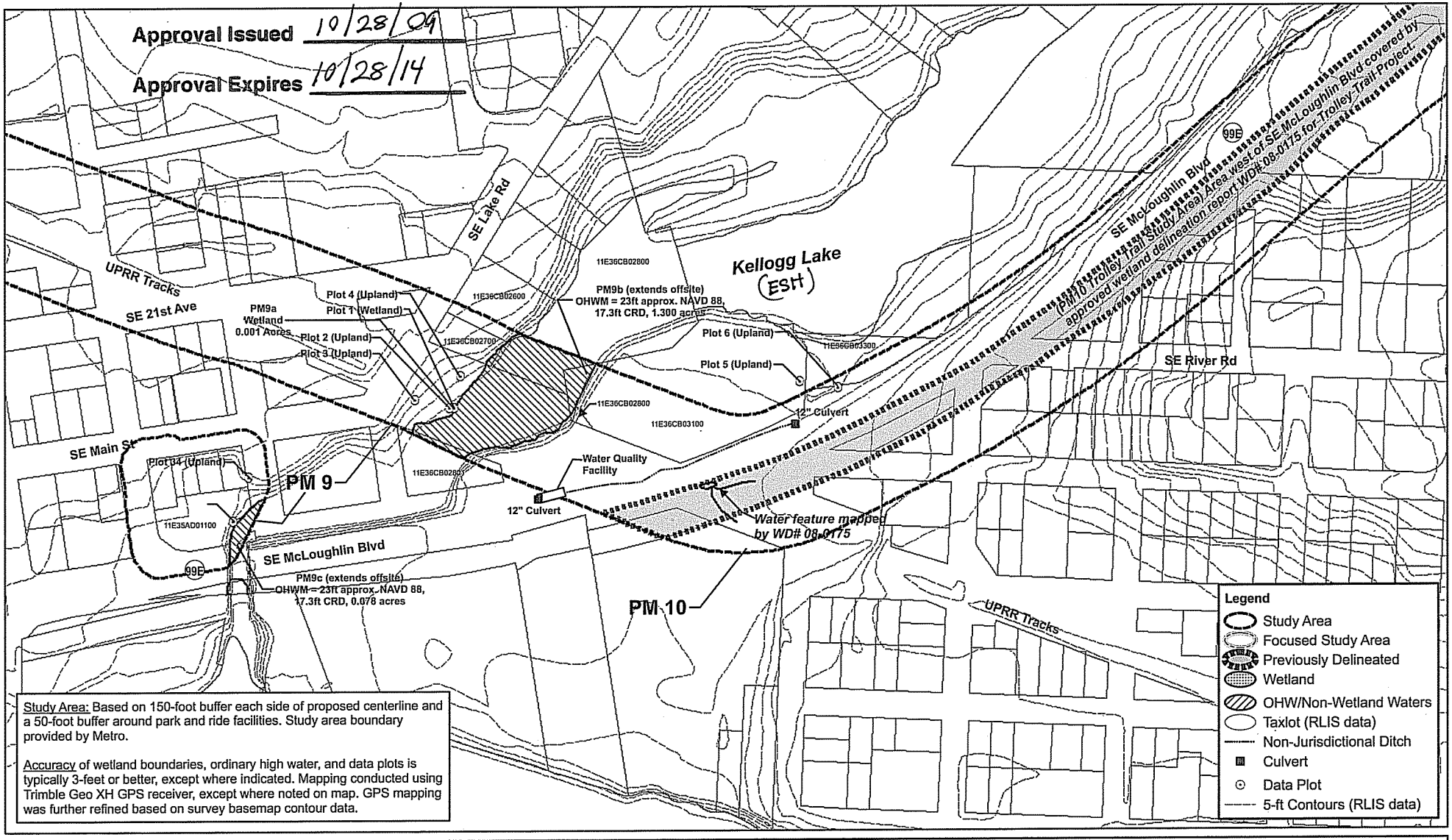
Approval Expires 10/28/14

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0 200 400 Feet

*Source Info:*
*RLIS Metro GIS Data, 2009*

# *Portland to Milwaukie LRT*

*Wetland Delineation*

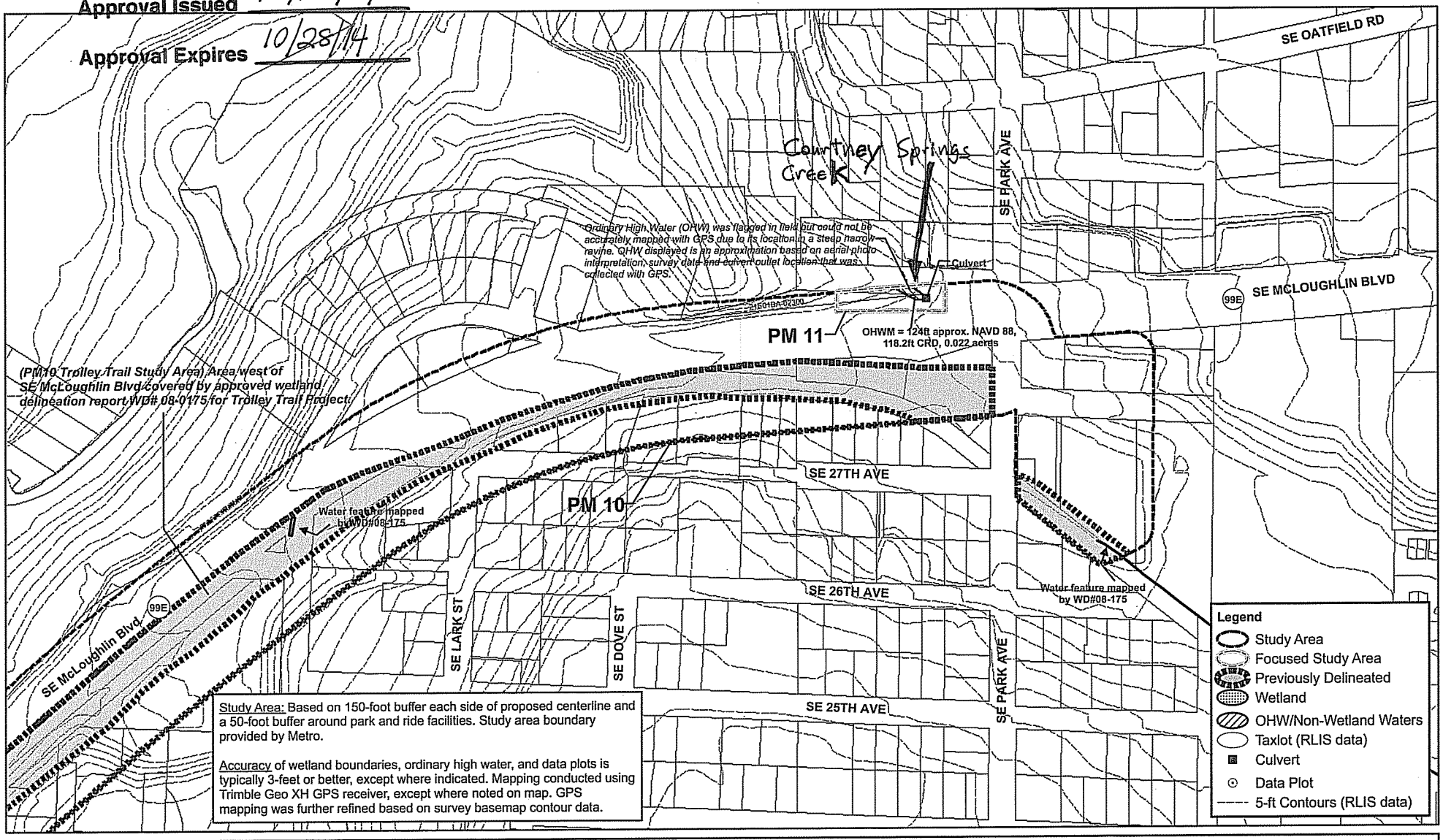
**Figure 4**
*PM9 (Kellogg Lake) and*
*PM10 (Trolley Trail Study Area)*
*(Sheet 7 of 8)*

*September 2009*

DSL WD # 09-0285

Approval Issued 10/28/09

Approval Expires 10/28/14

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0 200 400 Feet

*Source Info:*
*RLIS Metro GIS Data, 2009*

# Portland to Milwaukie LRT

## Wetland Delineation

**Figure 4**
*PM11 (Linder Creek or Courtney Springs Creek)*
*(Sheet 8 of 8)*

*September 2009*