

# 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](http://www.oregon.gov/dsl)

### State Land Board

July 26, 2018

Bill and Marianne Palmberg  
499 Ridge Dr.  
Gearhart, OR 97138

Kate Brown  
Governor

Re: WD # 2018-0286 Wetland Delineation Report for Palmberg Property;  
Clatsop County; T6N R10W Sec. 3DC, Tax Lot 600 700, 800, 900,  
1000, 1100, 1200, 1300; T6N R10W Sec. 10AB, Tax Lot 1100, 1201  
City of Gearhart Local Wetland Inventory W-6

Dennis Richardson  
Secretary of State

Tobias Read  
State Treasurer

Dear Mr. and Mrs. Palmberg:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services, Inc. for the site referenced above. 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 Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, nine wetlands (Wetland A-I) and one pond were identified. Wetlands A, B, H, and I (totaling approximately 9.96 acres) and the pond 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 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). Wetlands C-G, are exempt per OAR 141-085-0515(6) and therefore, are not subject to current state Removal-Fill requirements.

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 determine jurisdiction for purposes of the Clean Water Act. 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 503-986-5246 if you have any questions.

Sincerely,



Chris Stevenson  
Jurisdiction Coordinator

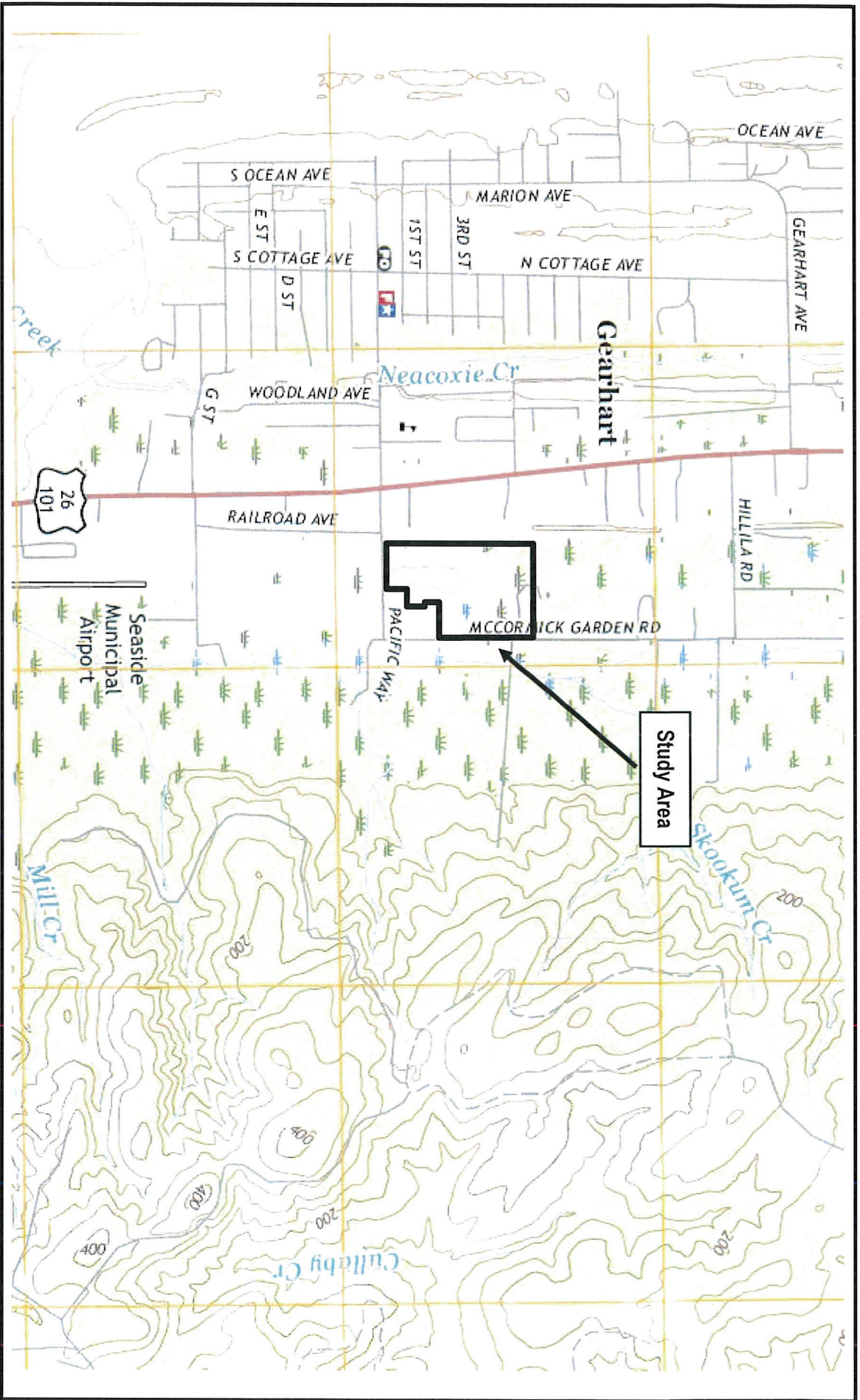
Approved by



Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

ec: Shawn Eisner, Pacific Habitat Services, Inc.  
Clatsop County Planning Department (Maps enclosed for updating LWI)  
Danielle Erb, Corps of Engineers  
Oregon Coastal Management Program  
Dan Cary, DSL



#6338  
1/10/2018



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

United States Geological Survey (USGS), Gearhart Quadrangle, Oregon-Clatsop Co., 7.5 Quadrangle, 2017

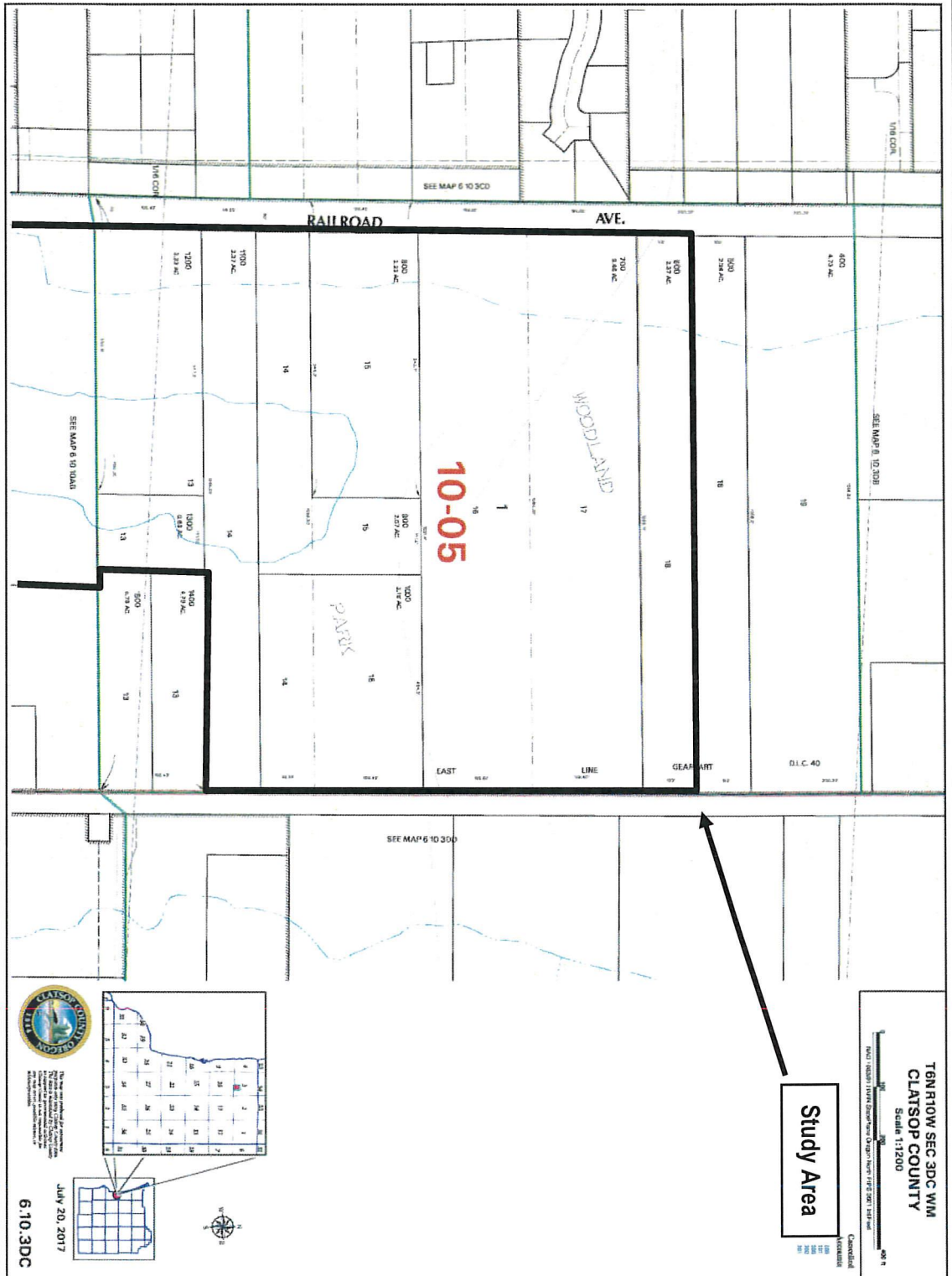
General Location and Topography

Palmberg Property, McCormick Garden Road - Gearhart, Oregon

(viewer/nationalmap.gov/basic)

FIGURE

1



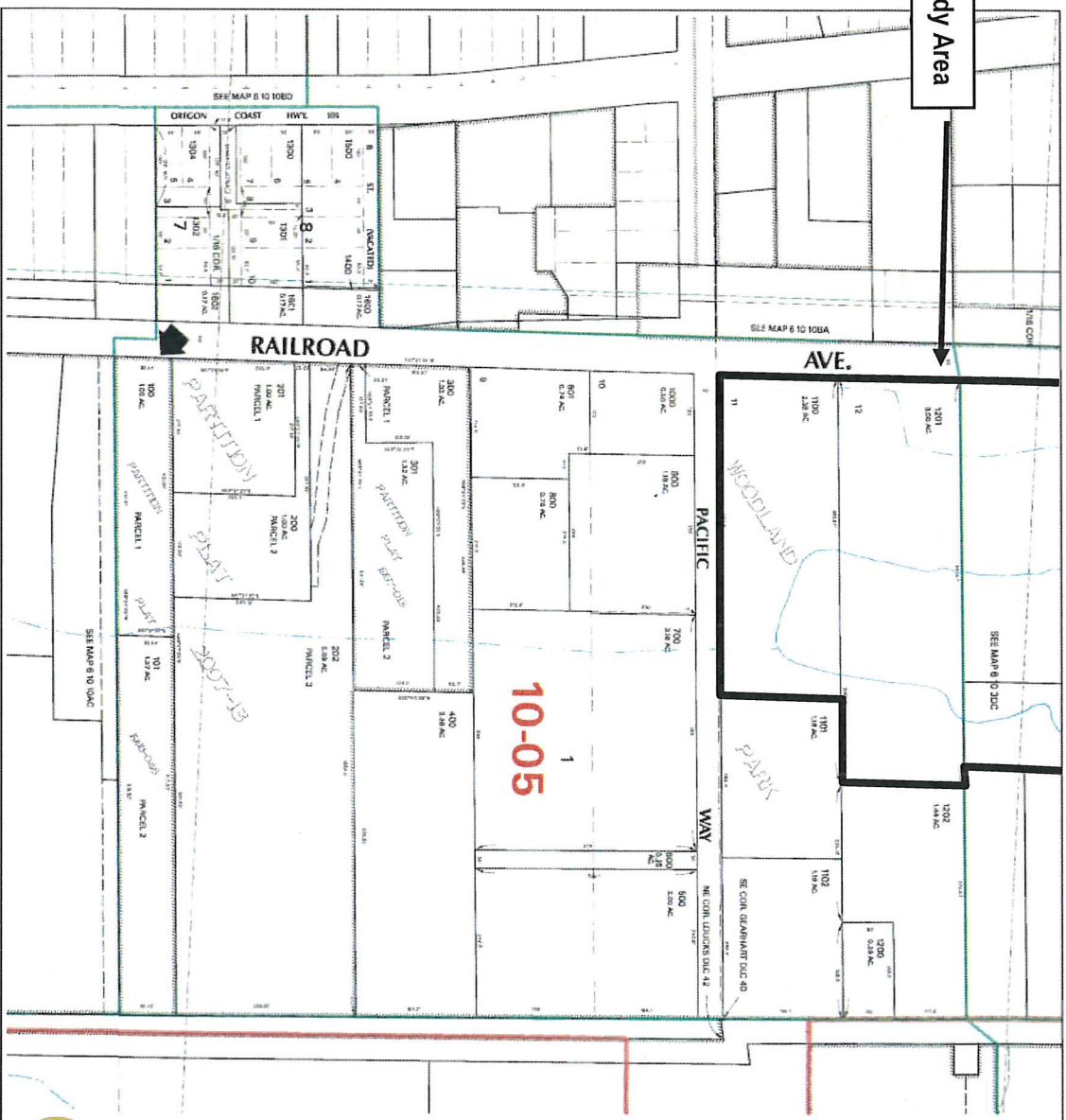
#6338  
1/10/2018

Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Tax Lot Map  
Palmberg Property, McCormick Garden Road - Gearhart, Oregon  
The Oregon Map (ormap.net)

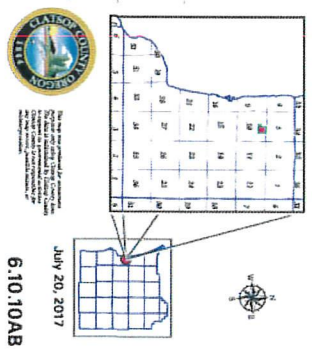
FIGURE  
**2A**

Study Area



T6N R10W SEC 10AB WM  
 CLATSOP COUNTY  
 Scale 1:1200

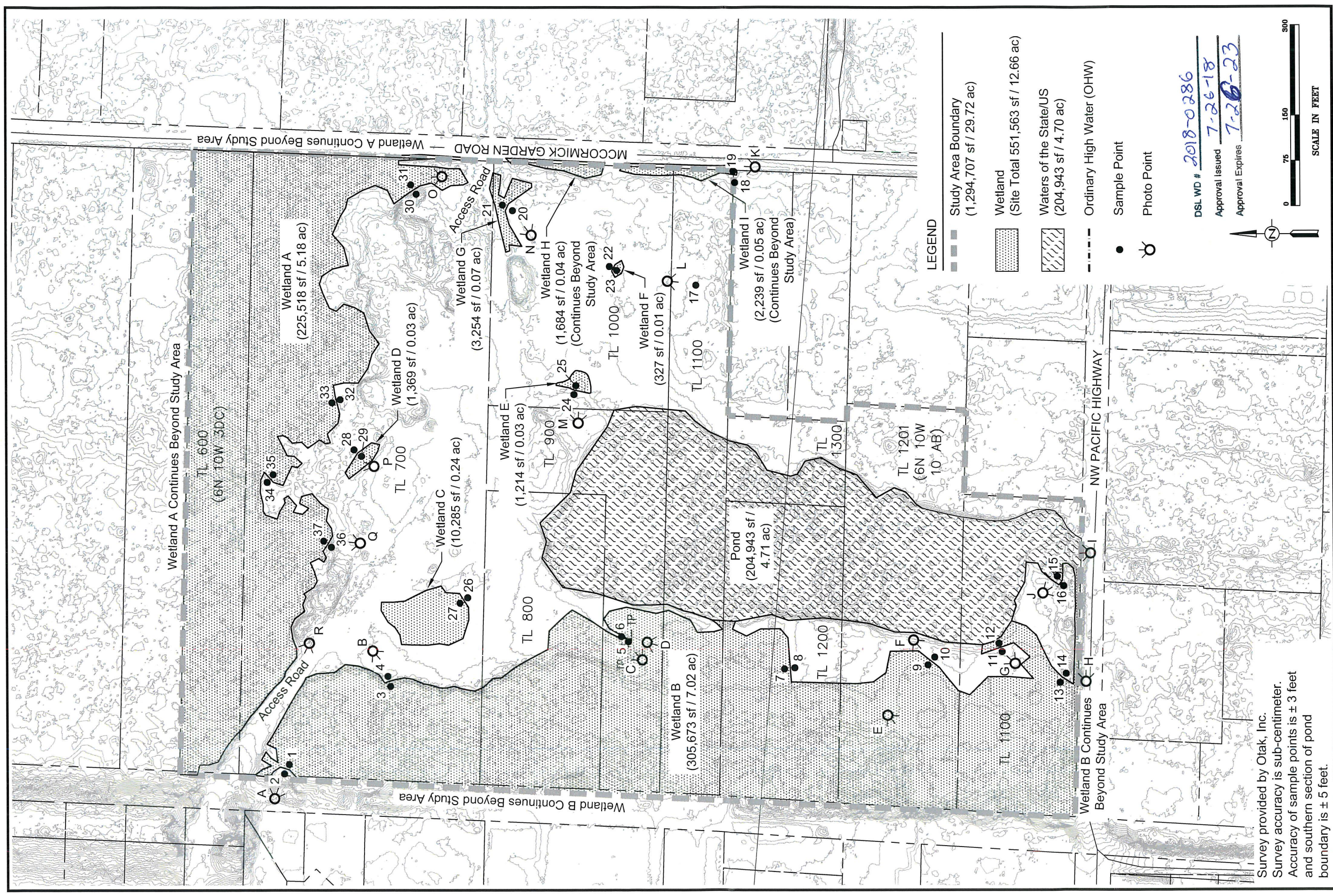
Copyright  
 American  
 Land  
 Title  
 Co.



#6338  
 1/10/2018  
 Pacific Habitat Services, Inc.  
 9450 SW Commerce Circle, Suite 180  
 Wilsonville, OR 97070

Tax Lot Map  
 Palmberg Property, McCormick Garden Road - Gearhart, Oregon  
 The Oregon Map (ormap.net)

FIGURE  
**2B**



Survey provided by Otak, Inc.  
Survey accuracy is sub-centimeter.  
Accuracy of sample points is ± 3 feet  
and southern section of pond  
boundary is ± 5 feet.



Wetland Delineation  
Palmerberg Property, McCormick Garden Road - Gearhart, Oregon

FIGURE  
**6**

5-22-2018