(D)

Tom Duebendorfer - Biological Consultant, Professional Wetland Scientist

April 3, 2026

Pete Boas

[redacted]

Re: Wetland Delineation Letter Report for property at 765 USFS 280, Sandpoint, ID RP59N01E196600A; T 59N, R 1E, portion of Sec 19; 48.445081°; -116.387678°

Dear Pete:

Per your request for environmental services, I am submitting this Wetland Letter Report for the southern portion of property referenced above (Figure 1). The National Wetland Inventory (NWI) shows an intermittent riverine wetland (R5UBH) as entering the property from the east and traversing the southern portion of the property. NRCS mapped the area investigated as the hydric Capehorn silt loam. A boat house was constructed near an intermittent creek. The intent is to determine the actual location of the intermittent creek, and calculate the distance from the boathouse to the creek for County setback requirements.

Site Conditions
Currently the site contains a few small buildings and landscaped ground.

Vegetation
Two primary vegetation associations were identified during the wetland delineation.

Pasture / residential: Over a portion of the southern property area, pasture grasses including: red fescue (*Festuca rubra* [FAC]), bentgrass (*Agrostis stolonifera* [FAC]), and quackgrass (*Elymus repens* [FAC]) are present. This association is hydrophytic by virtue of the dominance by FAC pasture grasses.

Shrub wetland: This association is present along the actual creek location and consists of alder (Al*nus incana* [FACW]) and canarygrass (*Phalaris arundinacea* [FACW]). It is hydrophytic and occupies a topographically lower area.

Soils
The Natural Resources Conservation Service (NRCS) mapped the area investigated as being underlain by the hydric Capehorn silt loam (Figure 2). No soil data were recorded, as the creek / shrub area was clearly saturated to inundated. The landscaped yard area did not show any signs of hydrology or soil hydric indicators.

According to the National Technical Committee for Hydric Soils (NTCHS) any soil that is frequently ponded for long duration (7 days or more) during the growing season (Criterion 3) *is considered hydric*. Surface expressions of potential ponding were used to determine if some areas would be considered to have hydric soils.

Hydrology
The National Wetland Inventory (NWI) shows an intermittent riverine wetland (R5UBH) as entering the property from the east and extending west and south where it crosses Grouse Creek Road. The only observed hydrology or indicators of wetland hydrology were in this area.

*Wetland Indicator Status; UPL: upland; FACU: facultative upland; FAC: facultative; FACW: facultative wetland; OBL: obligate

Wetland Determination

The banks of the actual intermittent creek were GPSd. The boundary points were not field flagged (Figure 3). Bonner County imposes a 40' building setback from wetland or intermittent creek boundaries.

According to the Bonner County Ordinance 12-711: *"SHORELINE SETBACKS: For lakes, sloughs, ponds or other similar basins, or the Clark Fork or Pend Oreille rivers,* ***or intermittent streams*** *as shown on the national hydrography dataset (NHD),* ***no structure shall be located closer than forty feet (40')****, measured horizontally from the "shoreline", as defined in Section 12-819 of this title."*

Thus, the boathouse, its closest distance to the creek being about 10' from the northern edge of the creek (Figure 3), is not in compliance with Section 12-711.

Through the County Variance process it may be possible to allow for a smaller setback. Coordination and consultation with the County will be required.

At this point in the development process, there is no intent to fill or alter the on-site wetland.

Thank you for requesting my services. Let me know if you have any questions or need additional information.

Sincerely,

Tom Duebendorfer

Tom Duebendorfer, MA, PWS (Emeritus)

attachments:
References
Regulatory Requirements
Figure 1: Vicinity Map
Figure 2: National Wetland Inventory and NRCS Soils Map
Figure 3: Wetland Boundary Map
Photosheets (2)
Résumé

References Used (not necessarily cited):

Bonner County Viewer (on-line mapping tool) (https://cloudgisapps.bonnercountyid.gov/public/).

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, Fish and Wildlife Service, U.S. Dept. of the Interior, FWS/OBS-79/31.

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, Miss.

ESRI. ArcMapPro 2.3 GIS software. Arrow Series 100 GPS unit.

GoogleEartth website

Hitchcock, C.L., A. Cronquist, M. Ownbey, and J.W. Thompson. 1977 (and as updated 2018 in 2nd Edition). Vascular Plants of the Pacific Northwest. University of Washington Press. Seattle, Washington (five volumes).

Jones, Nicholas. Personal communication September 2023. Regional Wetlands Coordinator, U.S. Fish & Wildlife Service, Ecological Services National Wetlands Inventory, September 2023

NAIP 2013. National Agricultural Imagery Program. https://www.fsa.usda.gov/programs-and-services/aerial-photography/imagery-programs/naip-imagery/index.

National Map Viewer (website) for LIDAR overlays.

NRCS 2018. Field Indicators of Hydric Soils in the United States, Version 8.0.

NRCS. US Department of Agriculture, National Resources Conservation Service. Soil Survey (website) (https://websoilsurvey.nrcs.usda.gov/app/).

NTCHS 2012. National Technical Committee for Hydric Soils, Natural Resources Conservation Service. Hydric Soils List Criteria. New NASIS Database Selection Criteria. Federal Register Doc. 2012-4733 Filed 2-28-12

Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region 2010 (Version 2.0)

US Army Corps of Engineers 2018 [Federal Register/Vol. 73, No. 70 / Thursday, April 10, 2008 / Rules and Regulations].

US Army Corps of Engineers. 2018. 33 CFR Part 332 - Compensatory Mitigation for Loss of Aquatic Resources 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; and Pub. L. 108-136.

US Army Corps of Engineers. 2021. Nationwide Permit 29 Residential Developments Effective Date: March 15, 2021 / Expiration Date: March 15, 2026 Authorities: Sections 10 and 404 (https://saw-reg.usace.army.mil/NWP2021/NWP29.pdf).

USDI. National Wetland Inventory mapping (website) (https://www.fws.gov/wetlands/data/Mapper.html).

Regulatory Permitting Process: Types of Permits - Corps of Engineers

Under the Clean Water Act, the Corps has the authority to regulate the discharge or fill or dredged material into "Waters of the US". There are three Permits the Corps uses to regulate fill into wetlands. The Regional General and Individual Permits (not described here) are probably not appropriate for your site.

(1) Nationwide General (NWP): This permit is authorized for specific activities nationwide with minimal impact and minimal evaluation time. The NWPs typically have a ½ acre limit for fill in wetlands and 300 linear foot limit for fill in stream channels. A Pre-Construction Notification application (PCN) must be submitted to the appropriate field office (Walla Walla District). Typically, *less than 1/10-acre of wetland fill does not require mitigation* (though a PCN is required), and up to ½ acre of wetland fill, requires mitigation. (See below for **compensation methods**.) There are Regional Conditions for Nationwide Permits (https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/2017-Nationwide-Permits/). There are 54 Nationwide Permits each regarding specific activities proposed in wetlands (www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/).

When any permit application is received, it is evaluated based upon three criteria: avoidance, minimization, and mitigation. Once the applicant meets these criteria, a permit can be issued. Although, technically, the Corps has 45 days with which to respond to permit applications (US Army Corps of Engineers 2021), it is taking Corps presently about 60 days to process permits.

Compensation Methods for unavoidable Wetland Impacts

According to the 2008 Final Mitigation Rule (US Army Corps of Engineers 2018 [Federal Register/Vol. 73, No. 70 / Thursday, April 10, 2008 / Rules and Regulations]), under § 332.1 (c) the Final Mitigation Rule maintains the requirements set forth in Section 404(b)(1) Guidelines at 40 CFR part 230 which state that *"the permit applicant [is required] to take all appropriate and practicable steps to avoid and minimize adverse impacts to waters of the United States. Practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. Compensatory mitigation for unavoidable impacts may be required to ensure that an activity requiring a section 404 permit complies with the Section 404(b)(1) Guidelines"* (emphasis mine). According to § 230.93 (a)(2), restoration of impacted wetland is the first priority in the compensation sequence followed by purchasing credits (employing the use of approved Wetland Mitigation Banks within the service area) § 230.93 (b)(2) (US Army Corps of Engineers 2018).

The 1999 Montana Wetland Assessment Method is used to calculate the number of Wetland Credits to be purchased from the Valencia Wetland Mitigation Bank (Bank) in Priest River should there be any wetland impacts (fill > 1/10 acre) required as a result of the proposed development. The Assessment will result in a score between 1 and 12. This score is multiplied by the area to be filled. That result is the number of credits required to be purchased from the Bank. Currently one credit costs $28,000.

The **Bonner County Ordinance** imposes 40' wetland-to-structure setback.

Tom Duebendorfer - Professional Wetland Scientist (#000157), Biologist, Botanist

OBJECTIVE

Provide botanical and ecological services to a wide range of organizations and individuals for projects involving land development, wetland delineation, vegetation mapping, rare plant surveys, resource inventories, Environmental Assessments, Biological Evaluations and Assessments, and research-level studies on specific habitats or species.

EDUCATION

WSPSS, SWS Hydric Soils Workshop, Soils and Hydrology, June 2009
Wetland Training Institute, Soils and Hydrology, August 1990
Humboldt State University, Arcata, California
M.A. Biology May 1987
California State Teaching Credential May 1987
B.A. Biology June 1977
University of California, Irvine (2 years - biology major)

EMPLOYMENT

- **Self-employed wetland and botanical consultant (1981 to present)**

  Provided botanical and wildlife surveys, floristic research, habitat characterization, ecological sampling, synecological analysis, aerial photo mapping, wetland delineation, impact analysis, restoration and mitigation, resource planning, permitting, rare and endangered plant surveys, plant taxonomy, soil analysis, computer-aided multivariate analyses and statistics, computer-aided graphics and drafting. Involved with design (as part author/editor) of Washington Dept of Ecology Hydrogeomorphic approach to wetland function assessment program (Assessment Team). Trained in E WA DOE Assessment Methodology (assisted in development of the methodology). Wetland Mitigation Bank preparation. Teaches wetland delineation and plant identification courses to Tribes, agencies, and groups.

  Project locations include rare plant surveys/studies and wetland work in southern, central, northern and coastal California; coastal, southwestern, and northeastern Oregon; north, east-central, and southwest Idaho; eastern and western Washington; and northwest Montana.

- **Senior Wetland Ecologist, Client/Project Manager, Corporate Botanist (1989-1994)**

  David Evans and Associates, Inc. Bellevue, Washington

  Provided wetland delineation, impact assessment, conceptual and final mitigation design, monitoring, cumulative impact assessment, wetland permitting, habitat characterization, rare plant and T&E animal surveys, Biological Evaluations and Assessments, as well as instruction and guidance in systematics and classification to staff in 7 west coast offices. Maintained excellent rapport with clients and other project team members (both in office and as field crew leader). Managed projects from proposals, contracting, budgeting, scheduling and invoicing, to collections.

  Project locations include: Pacific Northwest, from central and coastal Oregon to eastern, western, and coastal Washington, and northwest Montana.

CERTIFICATIONS

Professional Wetland Scientist, Society of Wetland Scientists (#000157)
Certified Wetland Delineator, Corps of Engineers (Seattle District)
Qualified Wetland Specialist, Spokane County, Washington
Qualified Wetland Specialist, City of Spokane, Washington
Completed Training in NEPA/EPA Process
Completed Soils and Hydrology workshops (WTI); Hydric Soils (WSSPSS - Updates 2009)

SPECIFIC EXPERIENCE

Habitats include: dune coastline, coastal and inland forested, scrub, and marsh wetlands, oak woodlands, steppe scrubland, grasslands, sagebrush, agricultural areas (wetlands), coniferous and deciduous montane, alpine, bog (fen), and serpentine vegetation.

Permitting knowledge and direct use of wetland methodologies (USFWS, US Army Corps of Engineers, WA Dept of Ecology, and local county and city jurisdictions); knowledge of Corps Permit process. Restoration activities. Biological Assessments (BA), USFS Evaluations (BE), Environmental Assessments (EA); SEPA/NEPA; T&E species monitoring, Raptor Monitoring, Wetland Mitigation Bank Design.

Rare plant studies include approximately 45 sensitive plant and vegetation surveys on private, state, and federal lands for small to medium scale hydroelectric plants, stream corridors, sewage treatment facilities, water treatment facilities, prison site, seeding experiments, road and highway construction, transmission corridors (utilities), fiber optic cable routes, and mining companies. Biological Evaluations for USFS-listed sensitive species in four states.

Clients (independently and during tenure as employee) include:

Small- and Large-scale Developers:
Burlington-Northern, Puget Western, Glacier Park Company, Trillium Corporation, Quadrant, Blackhawk/Port Blakely Communities, Coldwater Creek, Valencia Wetlands Trust, Waterfront Property Mgmt., Kirk-Hughes Development, Fortress LLC, & others

Public Entities:
Washington Department of Ecology, Benewah County (through EDA), Federal Highways Administration, Bureau of Reclamation, King Co., US Army Corps of Engineers, Spokane County Engineering and Public Works, Oregon Nature Conservancy, Humboldt County Planning, Humboldt State University Research Program; Benewah County; Idaho Soil and Conservation District, City of Winchester, Idaho Transportation Department, Washington Department of Transportation, Kalispell Indian Tribe, City of Colville, Rathdrum

Communications (fiber optic projects):
AT&T, MCI/WorldCom, Cascade Utilities

Exploratory and Active Mining Companies:
Emerald Creek Garnet Company, American Gold Resources, Cal Nickel Corp., Baretta, Noranda

Assisting other Consulting Firms and Numerous Private Landowners.
The Soils Group, Intermountain Resources, Inc., Hart-Crowser, Inc., Welch-Comer Eng., Land Profile, Inc., Selkirk Environmental, David Evans and Associates, J.A. Sewell and Assoc., EarthTech, ALSC Architects; Ecological Resources, Forsgren Assoc., JUB Eng., Adolfson Assoc. Copper Basin Constr., Toothman-Orton Eng., Rocky Point Investments, HAWKEFA, Tate Engineering.

PUBLICATIONS

Duebendorfer, T.E. 1990. *"An Integrated Approach to Enhancing Rare Plant Populations through Habitat Restoration: II. Habitat Characterization through Classification of Dune Vegetation."* Pp. 478-487 in: Bonnicksen, T.M. and H.G. Hughes, eds. Proceedings of the first annual meeting of the Society for Ecological Restoration and Management. Also presented at Society of Wetland Scientists, May 1993.

Pickart, A.J., L.M. Miller, and T.E. Duebendorfer. 1998. *"Yellow bush lupine invasion in northern California coastal dunes. I. Ecological impacts and manual restoration techniques"*. Restoration Ecology Vol 6 No 1, pp59-68.

Seattle Audubon Series, *"Wetland Plants of the Western Washington and NW Oregon"* (Cooke 1997, editor): My role was as a contributor and technical editor.

Hruby, T., S. Stanley, T. Granger, T. Duebendorfer, R. Friesz, B. Lang, B. Leonard, K. March, and A. Wald. 2000. Methods for Assessing Wetlands Functions. Volume II, Part 1: Assessment Methods - Depressional Wetlands in the Columbia Basin of Eastern Washington, WA State Department of Ecology Publication #00-06-47.

Fieldbook of Plant Uses (North Idaho) - self published field booklet (2019)

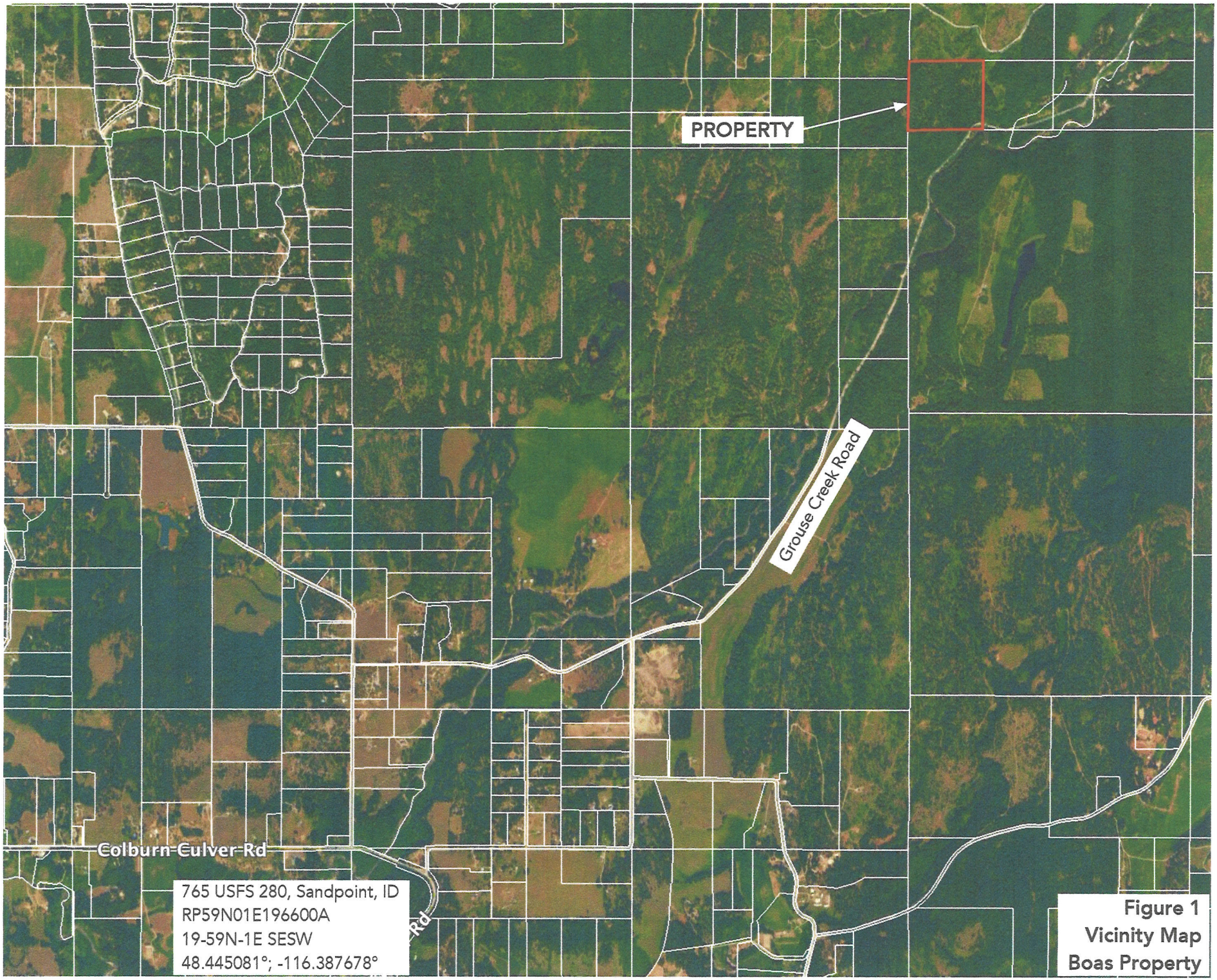

Figure 1
Vicinity Map
Boas Property

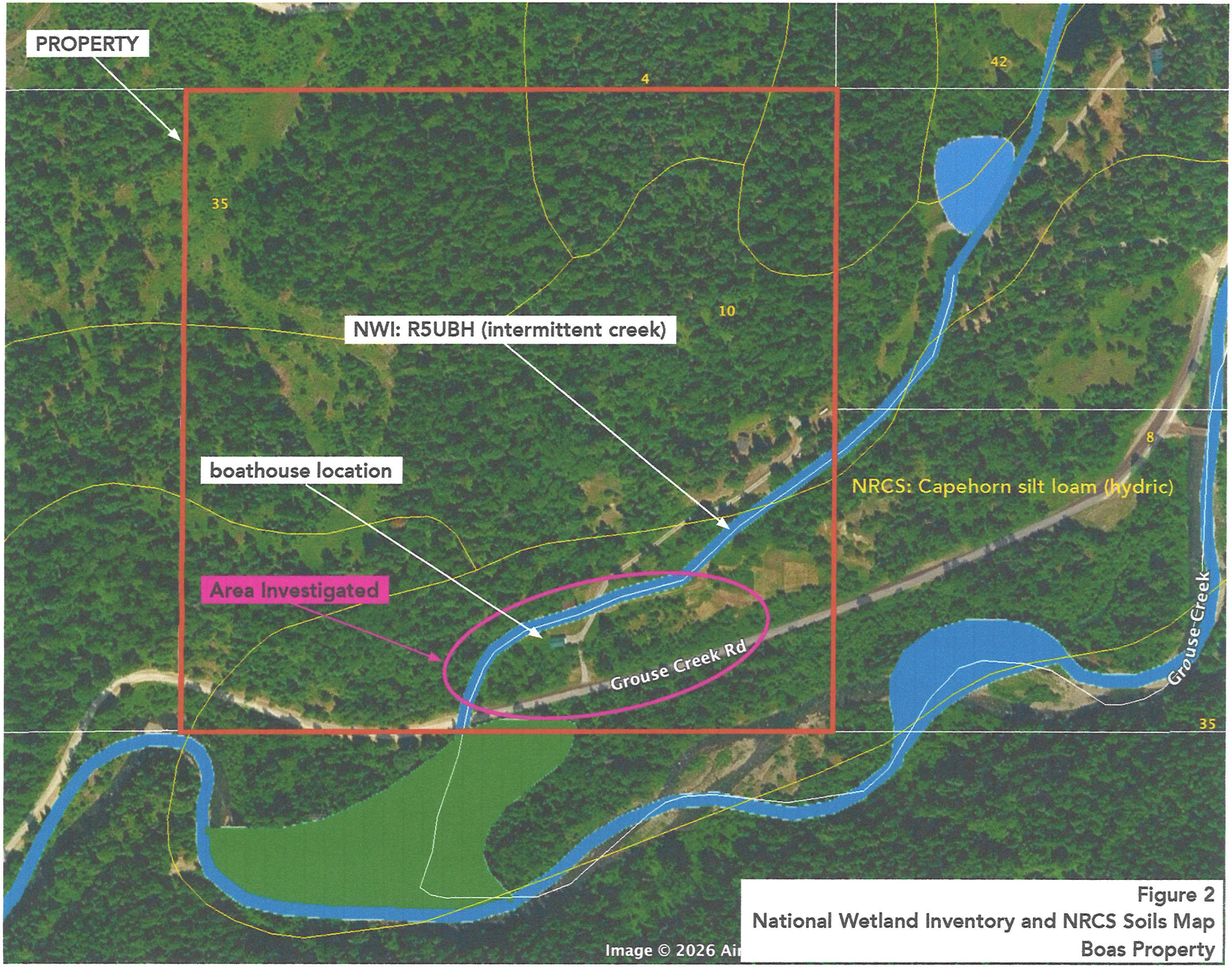

Figure 2
National Wetland Inventory and NRCS Soils Map
Boas Property

Photo 1: View southwest in area mapped by NWI as intermittent creek. Actual creek location is 35 to 75 feet south (see Figure 3).

Photo 2: View southwest near actual creek. Creek is narrow (1 - 3' wide with some flow).

Photo 3: View southwest near actual creek. Creek is narrow (1 - 3' wide with some flow). Culvert at yellow line. Closest wetland boundary to boathouse is about 10 feet.

Photosheet 1
Boas Property
April 2, 2026

Photo 4: View southwest near actual creek. Creek is narrow (1 - 3' wide with some flow). Culvert at yellow line. Closest wetland boundary to boathouse is about 10 feet.

Photo 5: View southwest in area of NWI-mapped intermittent stream. No creek or wetland here. Actual creek is 70+ feet south of this area.

Photosheet 2
Boas Property
April 2, 2026