

From: [Oliver Orjiako](#)
To: [Jeffrey Delapena](#)
Subject: FW: Wetland report for property id # 193615000 - Leontiy Residence
Date: Thursday, October 17, 2024 8:35:02 AM

Hi Jeff,

Please, for the record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Wednesday, October 16, 2024 5:10 PM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Brent Davis <Brent.Davis@clark.wa.gov>; CommDev OA Land Use <CommDevOALandUse@clark.wa.gov>; oleontiy@yahoo.com
Subject: Re: Wetland report for property id # 193615000 - Leontiy Residence

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clark County Council
P.O.Box 5000
Vancouver, Washington 98666

October 16, 2024

FOR THE PUBLIC RECORD

Re: Wetland report for property id # 193615000 - Leontiy Residence

Clark County Citizens United, Inc. is forwarding you email conversations between AshEcho Consultants and Olena Leontiy. It is clear that neither Ariel Whitaker or AshEcho did their legal due diligence, to determine the legal requirements necessary for a wetland report. That report determined a Category III wetland on the Leontiy property. There are certain duties, rules and requirements under state and federal law that dictate how wetlands are to be determined. But none of this activity was done by either county staff or AshEcho.

CCCU has enclosed those email conversations. The Clark County Council has been forwarded many other identical situations that clearly show the flawed process that staff undertakes to determine incorrect wetlands or critical lands. The Council continues to ignore the obvious illegal activity by staff and CCCU believes someone must be accountable for these travesties. If it is not the Council, then that responsibility falls on the County Manager. At the very least, we expect a response from staff and the council, but none has been forthcoming, for the most part, on all of these cases brought before the Council. It begs the question, who is in charge here and why do we have elected officials?

The following is that information along with CCCU notes.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

---- Forwarded Message -----

From: Andrea Aberle <andrea@ashecosolutions.com>

To: olena leontiy <oleontiy@yahoo.com>

Cc: Ariel Whitacre <ariel.whitacre@clark.wa.gov>

Sent: Wednesday, October 16, 2024 at 03:21:34 PM PDT

Subject: Re: Wetland report for property id # 193615000 (Leontiy Residence)

Olena,

I was asked to prepare a wetland mitigation plan to allow for the house construction. **The mitigation plan prepared was based on the findings (wetland delineation) of the county's wetland biologist (Ariel Whitacre).** I did not perform the wetland delineation, but used Ariel's findings to produce the wetland mitigation plan. **CCCU NOTES - Yet she charged the Leonitys \$5,000 for her services.**

To my understanding, neither yourself or the engineer (Paul Williams) questioned the wetland boundaries. **CCCU NOTES - They did question the determination, but it fell of deaf ears.**

If this was the case, **we would have added additional time to our contracted scope of work to collect soils and vegetation data to allow for a formal review of the wetland boundary.** **CCCU NOTES - AshEcho is saying they charged \$5,000 to make a map, and if Leonitys wanted a legitimate report, they would have to pay more. A recent wetland and habitat report performed for Marcus Becker has all of the necessary information and cost approximately \$2,000. It appears that AshEcho was just doing county staff's bidding. We generally only do this when landowners question the county's wetland boundary and are looking for a second opinion. CCCU NOTES - AshEcho is to follow the official protocol expected from someone licensed in Washington state to do wetland determinations. Those directions are very specific. But she admits she did not follow that protocol.**

If you are now questioning the wetland delineation, then I believe that **you need to file an appeal (with the county) of the wetland permit issued by the county.** **CCCU NOTES - AshEcho is well aware that the appeal date has expired.** But, you would also likely need a wetland professional to collect new test plot data to support a new wetland boundary onsite - in order to argue against the one permitted by the county permit. **CCCU NOTES - No test plots were conducted by the county, according to county records. Marcus Becker hired a wetland and habitat specialist to counter incorrect county staff designatons, and the information was ignored by staff**

Pasture wetlands can be confusing for people to understand. Wetlands are not just areas that "pond" with seasonal water. **They are areas that have all three of the required wetland criteria - hydric soils, hydric vegetation and evidence of hydrology. These three criteria need to be met to determine that an area in question is indeed a jurisdictional wetland. CCCU NOTES - Wetland do indeed have to have all three of these three criteria, and unless proper tests are done, a wetland cannot be determined. Clark County staff looked at an aerial photo and made that determination.**

~Andrea Aberle

360.430.9830

On Wed, Oct 16, 2024 at 12:24 PM olena leontiy <oleontiy@yahoo.com> wrote:

Dear AshEco,

I was recently reviewing your wetland report and many of the comments you have in the report seem to be incorrect.. So I'm wondering where you got your information. It looks as though you state that you did an on site evaluation, but we are not aware as to when that occurred. We were not contacted for any such visit, nor did we give permission for a visit, without our attendance. Please let me know the time and date that you were there and performed those duties.

You state in your report, information regarding the soil, and we see you simply quoted the NRCS soils information that one can find online. Did you actually do auger holes, as is required under the directions of the agencies that you referenced? We would like to see those profiles, as I'm sure you recorded them in your data collections.

You also state the land vegetation consisted of various trees and plants, but none of those things were growing on our parcel. They could be found in the ditches and road right of ways, but that is not owned by us. Where did you get the information for that determination, as you stated the land was a farm field since 1950. As far as we know, our land grew crops of hay for decades, up until we built our house.

We began construction on our home in the Spring of 2023, and at no time during the construction in 2023 and 2024 did we have any water problem on the parcel. One would think there would have been a problem, if in fact it was a wetland with soil that was inundated with water some time during the year. And we certainly did not see any of the wetland plants that you noted in your report.

According to the 11-20-2018 perk hole tests, filed with the Clark County Health Department on behalf of the Agard family, all of the soil is silt soil. According to an online soil investigation,

"Silt soil is also known for its ability to drain well. It has a moderate to high permeability, which means that water can easily pass through it. This makes it less susceptible to waterlogging and soil erosion, which can be a problem in areas with heavy rainfall."

So we highly question whether you or the county actually did a true soil evaluation.

In addition, we understand that the people we bought the land from, had already went through a septic test hole and approval process, whereby they were vested in an official septic permit from the Clark County Health Department, for the property. This happened just before we bought it. We were made to go through many expensive changes and engineering costs because of your wetland designation. We believe the county and your evaluation was incorrect and we question your work and the costs that we incurred because of it. Please forward the requested information as soon as possible.

We are asking for concrete proof of all that you included in your report, particularly as it regards true wetlands and true wetland vegetation.

Sincerely,

Olena Leontiy
503-516-6953

----- Forwarded Message -----

From: olena leontiy <oleontiy@yahoo.com>

To: Clark County Citizens United Inc. <cccuinc@yahoo.com>; Susan Rasmussen <sprazz@outlook.com>; Carol Levanen <cnldental@yahoo.com>

Sent: Monday, October 7, 2024 at 10:05:50 AM PDT

Subject: Fw: Mitigation plan

Sincerely,

Olena Leontiy

503-516-6953

----- Forwarded Message -----

From: Andrea Aberle <andrea@ashecosolutions.com>

To: olena leontiy <oleontiy@yahoo.com>

Sent: Tuesday, October 1, 2024 at 07:39:21 AM PDT

Subject: Re: Mitigation plan

The wetland area requires hydric soils, hydric vegetation and hydrology indicators. Open pasture areas that have been farmed/re-seeded can be difficult. There should be a difference in the soil color and vegetation between the wetland and upland.

Andrea Aberle

360.430.9830

On Mon, Sep 30, 2024 at 8:01 PM olena leontiy <oleontiy@yahoo.com> wrote:

We have a reason to believe that Ariel's wetland determination was incorrect, that's why I was asking. Thank you for quick response.

Sincerely,

Olena Leontiy

On Monday, September 30, 2024, 5:52 PM, Andrea Aberle <andrea@ashecosolutions.com> wrote:

We were asked to provide a mitigation plan based off of the county's wetland determination to get the submitted building plans approved. The wetland mapping appeared to be accurate. Is there a question about this now?

~Andrea Aberle

360.430.9830

On Mon, Sep 30, 2024 at 12:52 PM olena leontiy <oleontiy@yahoo.com> wrote:

Hi Andrea,

This is Olena Leontiy, our property address is 19825 NE 89th Ave, Battle Ground, WA 98604. You did a mitigation plan for us last year. At the time of creating a mitigation plan for our property, did you do a site visit, or you just went off Ariel's wetland determination letter? If you conducted a site visit, can you please send me that report? Thanks

Sincerely,

Olena Leontiy

503-516-6953

P.O. Box 1122, Kelso, WA 98626 andrea@ashecosolutons.com (360) 430-9830 May 6, 2022

Olena and Dino Leonty Preferred Mailing Address:

P.O. Box 1023 _____

Brush Prairie WA, 98606 _____

Phone: 503-516-6953 _____

Email: oleonty@yahoo.com

Dear Mrs. and Mr. Leonty, Thank you for contacting us regarding the wetland mitigation plan needs for the 5.01-acre property located at 19813 NE 89th Avenue, Battle Ground, Washington. As requested, please find a cost estimate attached for the review of jurisdictional critical areas located near the proposed single-family residence project.

The scope of work covered by this contract is detailed on the attached cost estimate. Feel free to contact me with any questions or concerns regarding the scope of work and cost estimate. Please review the full contract including; client name and contact information, retainer amount, assumptions and invoicing information. I look forward to the opportunity to work with you on this project!

Sincerely, Andrea Aberle

AshEco Solutions, LLC

Page 02

LETTER OF AGREEMENT FOR PROFESSIONAL SERVICES _____

This agreement is made between Olena and Dino Leonty (Client) and Andrea Aberle - AshEco Solutions, LLC, "AES" to provide critical areas delineation and consulting services.

STUDY AREA INFORMATION

Please review and verify the following for which this proposal has been drafted:

Address: 19813 NE 89th Avenue, Battle Ground, WA 98604

Acreage: 5.01

Jurisdiction: Clark County, Washington

Parcel No.: 193615000

SCOPE OF WORK

The following list of items outlines services AES will be responsible for completing.

Task 1) Mitigation Plan & Figures Scope includes determining the proposed impacts to the onsite critical areas and buffers and developing a site plan and appropriate onsite mitigation meeting CCC Wetlands Protection 40.450.

The preliminary mitigation plan will be submitted to county staff for review. The production of a summary report and mitigation figures by a subconsultant drafter is included in this task.

Task 2) County Submittal Scope includes preparation of the application forms, compilation of final report submittal package in pdf and hardcopy format, and submittal to Clark County. A site visit with staff to review the project proposal is anticipated in addition to initial permit coordination (emails and phone conversations). Additional project time required post county submittal of documents to address staff comments will be billed on a time and materials basis (as required). This proposal does not include county submittal fees.

COST ESTIMATE

Task 1) Mitigation Plan & Figures	\$3,500-4,000
Task 2) County Submittal	\$500-1,000

TOTAL COST ESTIMATE **\$4,000-5,000 INITIAL PROJECT RETAINER**

This amount is due prior to conducting initial site work & will be applied to the first invoice. \$ 1,000

Page 03 Assumptions:

- This proposal does not include a professional survey.
- This proposal does not include county permit fees.
- Additional time post county submittal of documents will be billed on a time and materials basis (as required).
- The recent wetland delineation mapping and wetland rating conducted by Clark County staff in 2022 will be utilized to develop the mitigation plan. No formal wetland delineation is included within this scope of work.
- The mitigation will consist of onsite wetland and buffer enhancement as needed to offset the project impacts.
- The AutoCAD file from the preliminary site plan will be provided for our use and development of project figures.

BASIS OF INVOICING AND EXPENSES

Invoicing: In consideration for performing said services, the Client agrees to compensate AshEco Solutions, LLC on a time and materials basis, with payment due within 30 days maximum of invoicing. Invoices will generally be issued monthly for services provided during the prior month.

Failure to Pay: Client acknowledges that failure to pay in a timely amount is a breach of this contract, and that AES may, suspend service, withhold documents, and/or charge late fees as needed to unpaid invoices. Reimbursable Expenses: Reimbursable expenses of AshEco Solutions, LLC shall be those expenses incurred directly for the project, including but not

limited to transportation costs (mileage), CAD drafting services, printing costs, and field flagging supplies. Reimbursement for these expenses shall be based on actual costs and AES will supply an itemized expense report and receipts (as necessary).

By signing below, you authorize the above scope of work and agree with the study area information presented, project assumptions, and the basis of invoicing and expenses. If you desire to approve individual tasks in lieu of the entire contract, sign at bottom and initial the tasks above that you wish to approve. Otherwise, AES will work through the scope of work in the order listed and bill upon completion or at the end of each month.

Date: May 6, 2022 _____ Date: _____

AshEco Solutions, LLC O
