

4. How to Apply for a Permit

At a Glance

This section describes the different types of removal-fill permits available, how to choose and fill out the required application forms and how to submit the application and required fees.

4.1 Types of Permits

DSL's administrative rules offer four types of permits for authorizing projects in wetlands or waterways:

- **Individual permits** are issued for projects that do not qualify for a General Authorization and have more than minimal individual and cumulative effects to wetlands or waterways.
- **General Authorizations** are an expedited process for 9 specific types of removal/fill activities that have minimal adverse effects.
- **Emergency permits** provide rapid approval in certain situations where there is an emergency that poses a direct threat to human health, safety or substantial property and prompt action is required to address the threat.
- **General Permits** can authorize a group of activities that are substantially similar in nature, recurring or ongoing; and have predictable effects and outcomes. A general permit may be issued to the general public or to an applicant or group of applicants, on a statewide or regional basis.

4.2 Completing the Application Forms

The [Joint Permit Application form](#) (JPA) is used to apply for Individual Permits and most General Authorizations. Several General Authorizations have their own form and several others require a supplement in addition to the JPA. There is a separate form for the [emergency permit](#). The level of detail required for the application form will vary depending on the scope and nature of the impact to wetlands or waterways, level of public interest, and other factors that increase the complexity of the project.

4.3 Submitting the Application Package

For projects east of the Cascades, applications should be mailed or hand-delivered to DSL's eastern region office in Bend [\[link\]](#). West of the Cascades, applications should go to DSL's main office in Salem [\[link\]](#).

4.4 Application Fees

Fees for the Individual Permit application will vary depending on the volume of material proposed for removal or fill in wetlands or waterways and whether the applicant is a public, private or commercial entity. [\[link to fee schedule\]](#). Four of the nine General Authorizations have a flat \$250 application fee. Application fees **must not** be included with the application submittal. Fees must be sent, along with a copy of the first page of the application form to: Department of State Lands PO Box 4395, Unit 18, Portland, OR 97208-4395.

4.1 Types of Permits

DSL's administrative rules offer four permit types for authorizing projects in wetlands or waterways:

- Individual Permit (IP)
- General Authorization (GA)
- Emergency Authorization (EA)
- General Permit (GP)

The choice depends primarily on the scope and nature of the impact proposed to in wetlands or waterways. Each of these permit types and the associated application form(s) are introduced in this section. Sections 4.2 and 4.3 discuss how to complete and submit the application.

4.1.1 Individual Permits (IP)

Generally projects that fall into the IP category for permitting have the following characteristics:

- They have more than minimal adverse affects to waterways and wetlands.
- They are more complex and involve more than one removal/fill activity.
- The impacts may involve a substantial mitigation obligation.
- They do not qualify for any of the GAs.

The timeline for DSL to process an Individual Permit is 120 days. See [Section 5] for a breakdown of the specific processing steps and timelines within that 120-day timeline.

4.1.2 General Authorizations (GA)

GAs have been developed as an expedited process for nine specific removal-fill activities. GAs have the following characteristics:

- GAs were developed through administrative rules. Each GA has a corresponding administrative rule that describes the eligible activities, mandatory requirements and conditions for implementation.
- GAs were developed for projects that result in minimal adverse effects to waters.
- Generally, GAs are not appropriate for projects that involve multiple removal/fill activities. GAs cannot be "stacked" to authorize a project that includes multiple activities.

The timeline for DSL to process most GAs is 40 days. See [[Section 5](#)] for a breakdown of the specific processing steps and timelines within the 40 days.

Following is a brief description of each GA and a link to the administrative rules that contains more specific information on eligibility, mandatory requirements and

authorization conditions. These descriptions are offered as summaries only. Before applying for a GA, applicants are advised to review the applicable Administrative Rule for all eligibility criteria, standards and conditions associated with the particular GA.

1. Fish Habitat Enhancement GA	
What is it for?	Projects with <i>primary purpose</i> of improving aquatic habitat for fish. Examples of suitable projects are deflectors, rock and gravel weirs, pool and pond construction, back/side channel construction, channel reconstruction, gravel placement and barrier removal for fish passage.
Key eligibility criteria	<ul style="list-style-type: none"> • Consistent with the Oregon Aquatic Habitat Restoration and Enhancement Guide. • Consistent with the Oregon Department of Fish and Wildlife's requirements for upstream and downstream fish passage. • Fills shall not exceed 150 cubic yards per site. • Artificial barriers to fish passage may be removed and fish passage structures placed. • Projects must have only minimal adverse impacts to wetlands.
Application form(s)	Joint permit application form [link] Supplement form for Fish Habitat Enhancement [link]
Application fee	None.
Processing time	40 days
Additional resources	<ul style="list-style-type: none"> • See OAR 141-089-0100 [link] for complete description of criteria, standards and conditions • Oregon Aquatic Habitat Restoration and Enhancement Guide. • State Water-Related Permits User Guide – Section 3.9
2. Streambank Stabilization	
What is it for?	Projects for the purpose of protecting stream banks at active erosion sites, excluding estuaries and the Pacific Ocean.
Key eligibility criteria	<ul style="list-style-type: none"> • No more than 1,000 cubic yards of material placed in a 1/4 mile reach of a stream or more than 2,000 cubic yards for multiple-related projects within a sub-basin. • Nonstructural approaches such as slope pull-back, willow mats, and re-vegetation with native plant species must be used to the maximum extent possible. • Where hard structural techniques are unavoidable, they must be used in combination with nonstructural/bio-engineered approaches. • Channel relocation and gravel bar alteration activities are specifically excluded.
Application form(s)	Joint permit application form [link]
Application fee	None.
Processing	40 days

time	
Additional resources	<ul style="list-style-type: none"> • See OAR 141-089-0135 [link] for complete description of criteria, standards and conditions • Washington Integrated Streambank Protection Guidelines [link] • State Water-Related Permits User Guide – Section 3.1
3. Transportation-Related Structures	
What is it for?	<ul style="list-style-type: none"> • Widening for new roadside embankments, curbs, trails, sidewalks, rail crossings, additional passing lanes, turn lanes and refuges and travel lanes • Widening, realigning or removing existing roads, railroad beds, bridges (including replacement), bicycle, pedestrian or other lanes or trails • Constructing new bicycle, pedestrian or other lanes or trails • Replacement, construction or extension of culverts along roads or trails • Hydraulic scour protection associated with bridges and similar structures • Test holes or borings for transportation related planning purposes
Key eligibility criteria	<ul style="list-style-type: none"> • Involve no more than a total of 5,000 cubic yards of material filled, removed, or altered in waters of the state. • Involve 0.5 acres or less of wetland fill. • Requires a current wetland delineation and a compensatory mitigation plan for impacts to wetlands or waterways • Projects located within the Pacific Ocean and projects involving permanent stream channel relocation are specifically excluded.
Application form(s)	Joint permit application form [link]
Application fee	\$250 for 2010. Current fee schedule [link]
Processing time	40 days
Additional resources	<ul style="list-style-type: none"> • See OAR 141-089-0170 [link] for complete description of criteria, standards and conditions • State Water-Related Permits User Guide – Section 3.4 • Compensatory Wetland Mitigation Guidance [link]
4. Wetland Restoration and Enhancement	
What is it for?	Projects for the <i>primary purpose</i> of restoring or enhancing a wetland for ecological benefits; restore or enhance wetland functions or values; or support waterfowl or wetland management within a state or federally designated management area.
Key eligibility criteria	<ul style="list-style-type: none"> • Consistent with “An Introduction and Users’ Guide to Wetland Restoration, Creation and Enhancement” • Cannot involve clearing or removal of trees or conversion of one HGM or Cowardin class to another unless environmentally preferable to do so.

	<ul style="list-style-type: none"> Projects must have only minimal adverse impacts to existing wetlands and result in a measurable gain in wetland functions and values.
Application form(s)	Joint permit application form [link] Supplement form for Wetland Restoration and Enhancement [link]
Application fee	None.
Processing time	40 days
Additional resources	<ul style="list-style-type: none"> See OAR 141-089-0205 [link] for complete description of criteria, standards and conditions An Introduction and Users' Guide to Wetland Restoration, Creation and Enhancement State Water-Related Permits User Guide – Section 3.8
5. Recreational and Small Scale Placer Mining within Essential Indigenous Anadromous Salmonid Habitat	
What is it for?	Small scale or recreational placer mining disturbing <i>less than 25 cubic yards per year</i> within a stream designated as essential salmon habitat
Key eligibility criteria	<ul style="list-style-type: none"> For suction dredges, inside diameter of intake nozzle cannot exceed four inches. Suction dredging is not allowed in designated state Scenic Waterways [link] Permanent dam may not be constructed. Nozzling, sluicing or digging is not allowed outside of the wetted perimeter. Extension of the wetted perimeter is not allowed. Disturbing rooted woody vegetation not allowed. Logs, stumps, boulders may be moved by hand only. Operation of suction dredge also requires permit from the Dept. of Environmental Quality [link to DEQ's 700-PM website]. Submittal of annual report to DSL by January 31 required. [link]
Application form(s)	On-line application form [link]; OR, paper application [link]
Application fee	None.
Processing time	Permit is self-issued when using on-line application form Applications submitted in paper form are processed within 10 days.
Additional resources	<ul style="list-style-type: none"> See OAR 141-089-0245 [link] for complete description of criteria, standards and conditions State Water-Related Permits User Guide – Section 3.2 DEQ 700-PM permitting web site [link] WRD recently published something.....
6. Removing and Disposing of Sediment Behind Tidegates for Channel Maintenance	

What is it for?	Removing and disposing of accumulated sediment required for maintaining drainage ditches upstream of tidegates.
Key eligibility criteria	<ul style="list-style-type: none"> • The removal of sediments (sand and silt – not gravel) from drainage ditches must only be minimum amount necessary to remove recently deposited materials. Channel widening or deepening beyond that amount is not allowed. • Sediment removed from drainage ditches may be spread in a thin layer (three inches or less) on farmed wetland or wet pasture, provided the impacts are temporary and there is no permanent conversion from wetland to upland. • Freshwater wetland (other than farmed wetland or wet pasture mentioned above), salt marsh, tidal flats or permanent or semi-permanent open water areas cannot not be used for sediment disposal. • Removal of existing woody vegetation, other than that growing within the maintained channel bed is prohibited.
Application form(s)	Joint permit application form [link]
Application fee	\$250 for 2010. Current fee schedule [link]
Processing time	40 days
Additional resources	See OAR 141-089-0280 [link] for complete description of criteria, standards and conditions
7. Piling Placement or Removal	
What is it for?	Placement of up to five piling for over-water structure support or for navigational aid in essential salmon habitat waters ore for removal of piling.
Key eligibility criteria	<ul style="list-style-type: none"> • Piling must be untreated wood, steel, fiberglass or plastic • Be placed by means of impact or vibratory methods (no excavation or jetting); be removed by vibratory methods only. • Sheetpile or pile to construct headwalls or create uplands is excluded. • Piling cannot be placed in wetlands. • Footings or other support structures for piling are excluded.
Application form(s)	Joint permit application form [link]
Application fee	\$250 for 2010. Current fee schedule [link]
Processing time	40 days
Additional resources	<ul style="list-style-type: none"> • See OAR 141-089-0400 [link] for complete description of criteria, standards and conditions • State Water-Related Permits User Guide – Section 3.5
8. Minimal Disturbance Activities Within Essential Salmonid Habitat	
What is it for?	Placing or removing very small quantities of material within designated essential salmonid habitat waters.
Key eligibility	<ul style="list-style-type: none"> • No more than four cubic yards of removal or fill at any

criteria	individual site and cumulatively not more than 10 cubic yards. <ul style="list-style-type: none"> • Activity must have only minimal, temporary short-term adverse effects. • No effect on any listed species or archeological sites.
Application form(s)	This is a notice-based permit. Upon receipt of a complete notice [link] DSL will mark the notice as approved and return to the applicant.
Application fee	None.
Processing time	Not specified in Administrative Rule. Typically, two weeks or less.
Additional resources	See OAR 141-089-0500 [link] for complete description of criteria, standards and conditions
9. Minor Impacts to Freshwater Wetlands Located in Urban Growth Boundaries or Urban Unincorporated Communities	
What is it for?	Removal or fill in less than 0,1 acres of freshwater wetland within an urban growth boundary or urban unincorporated community.
Key eligibility criteria	<ul style="list-style-type: none"> • The area does not contain state or federal listed species. • The wetland is not designated in the local comprehensive use plan as a locally significant wetland. • The location is beyond the floodway or flood fringe area as designated on maps approved by FEMA. • The activity is not located adjacent to an estuary. • The wetland is not within designated as essential salmon habitat. • Requires a current wetland delineation and a wetland mitigation plan.
Application form(s)	Joint permit application form Application Addendum for Minor Impacts to Freshwater Wetlands
Application fee	\$250 for 2010. Current fee schedule [link]
Processing time	40 days
Additional resources	<ul style="list-style-type: none"> • See OAR 141-089-0585 [link] for complete description of criteria, standards and conditions • Compensatory Wetland Mitigation Guidance [link]

4.1.3 Emergency Authorizations (EA)

The Department may provide rapid approval in certain situations where there is an emergency that poses a direct threat to human health or safety and prompt action is required to address the threat. The proposed action must be the minimal amount necessary to address the threat and the Department may require that modifications to the project be made after the threat has passed. See RFG [Section 6] for further information on EAs.

4.1.4 General Permits (GP)

General Permits are “programmatic permits” designed for expedited authorization for specific activity(ies). GPs have the following characteristics:

- GPs can be initiated by an applicant, a group of applicants or by the Department.
- GPs may be issued to the general public for use on a statewide or regional basis.
- GPs can be issued for a specific activity or multiple activities that are substantially similar in nature, recurring or ongoing.
- The activities must have predictable outcomes. The adverse effects must be identified and accompanied by defined strategies for mitigation of those effects.
- Each GP has a specific set of criteria and conditions, along with a process for using the GP for a specific project.
- General Permits are not available for projects in State Scenic Waterways.

The process for development of a GP is variable, but generally takes several months and involves extensive interagency coordination. Parties interested in the development of a GP should contact a Regional Manager to determine if DSL will accept an application for a GP. This decision will be based on the availability of staff resources and the appropriateness of using this permitting option.

4.2 Completing Application Forms

4.2.1 Level of Application Detail

The level of detail required for applications will vary depending on the degree of adverse impacts, the level of public interest, and other factors that increase the complexity of the project. The applicant is responsible for providing sufficient detail in the application to enable DSL to render the necessary determinations and decisions. Examples of activities and situations that will generally warrant a greater level of application detail are:

- Impacts to high quality aquatic resources, in terms of locally important functions, values, condition, or rarity
- Impacts in an estuary
- Large wetland acreage impacts (≥ 2 acres)
- Impacts to aquatic features with connectivity to other protected or special management natural resources
- Impacts to aquatic features that are difficult to replace (e.g., vernal pools, fens, bogs) or likely to result in substantial temporal loss (mature forested wetlands)
- Designated locally significant wetlands

4.2.2 Helpful Hints for Completing Applications

To complete the application forms, the following points should be kept in mind. They will help facilitate the process once submitted to DSL.

- Always access the [DSL website](#) to use the most up-to-date application forms.
- Information in the application must be presented so that a person unfamiliar with the project or the site can understand the proposed project.
- Not all items on the application form will apply to all projects (e.g. some projects may not require a disposal area).
- To facilitate review by the DSL and other agencies, the information should be presented in the required blocks of application forms. Supplemental or supporting documents, such as functional assessments, alternatives analyses or mitigation plans should be included as attachments.
- Extraneous information slows the review process. Examples of extraneous information include copies of local comprehensive plans or ordinances, DSL regulation citations, resource management plans, and redundant information. If it is not requested, it should not be included.
- Wetland delineation reports are not part of a removal fill permit application. If being submitted for the first time, wetland delineation reports should be submitted under separate cover. If the delineation is already approved, there is no need to attach a copy.
- Use tables and bullets whenever possible to display complicated information.
- For most applications, binding and section dividers is not necessary and requires additional handling.
- The application [completeness checklist] and [compensatory wetland mitigation plan checklist] can be used as a final check of required items.

4.2.3 Application Instructions

The following instructions are designed to help applicants fully complete the **joint permit application (JPA) form**. While not all projects will use the joint permit application form, the instructions for providing the information on other forms, as applicable, are the same.

Block 1: Applicant, Agent and Property Owner Information

- **Applicant:** The applicant's name and official mailing address, business and home phone numbers, fax, and e-mail address (if available) must be entered. The applicant will sign the permit application and become the permit holder. The person that is listed as the applicant must have full authority and responsibility to comply with the conditions of the permit.
 - If the applicant is a partnership or corporation, the legal name of the partnership or corporation (as registered with the Business Registry of the Secretary of State) and the name of the individual who has authority to encumber the business entity must be entered. In addition, the applicant must fill out and submit an [Incumbency Certificate for Corporations and Partnerships].

- If the applicant is a government agency or other organization, the name, phone number and e-mail address of the contact person must be included.
 - **Authorized Agent:** The authorized agent, (e.g., consultant or contractor), if appropriate, must be listed. The authorized agent is someone who has the permission of the applicant to provide information to DSL and negotiate permit conditions on behalf of the applicant. The Department will then work directly with the agent during the application review and permitting process. The authorized agent must also sign the application in Block 9. Note: authorized agents are not responsible for complying with permits. It is very important that applicants communicate with authorized agents regarding all aspects of the permit process and permit conditions prior to implementing the project.
 - **Property Owner:** If the applicant is not the owner of the property on which the removal-fill activity or mitigation is proposed, the landowner must be listed and must sign in Block 9 of the application giving the applicant permission to apply for the removal/fill permit. If the applicant is not the owner of the *mitigation site*, an agreement between the applicant and owner must also be submitted. That agreement must clearly state that the applicant has permission to construct, maintain and monitor the mitigation site and that the landowner is willing to establish permanent protect of the mitigation site as required in the permit.
- For linear projects**
(roads, pipelines),
property owner signatures
along the project route are
not required if there is an
existing easement. In this
case, a copy of the
easement must be
provided and the
proposed removal-fill
activity must be consistent
with that easement.
- If the activity is proposed on state-owned (DSL managed) submerged or submersible lands, landowner signature will be obtained by DSL. In this case, the applicant may also be required to obtain a separate proprietary approval from DSL's Land Management Division (see Block 9, "Signatures for a Joint Application" for more information).

Block 2: Project Location

- **Street Address:** The street address, if available, is required. If there is no street address, the nearest cross street, highway milepost, or other descriptive location information is required.
- **City and County:** The nearest city, along with the county is required.
- **Waterway and River-mile:** If the project is located on a river, stream, or lake, the name of the waterway and river-mile, if available, is required. If it is an unnamed tributary to a waterway or a wetland directly connected to a

waterway, “unnamed tributary or wetland adjacent to _____” should be entered. If it is a wetland not directly connected to a waterway, “wetland” should be entered.

- **Legal Description**: Township, Range, Section(s), and ¼, ¼ section (in AA, AB, format) should be entered. The Tax Map # and Tax Lot # should also be included. A tax map, with the project tax lot highlighted, must be attached as a drawing in the application. Tax lot numbers and maps can be found at : <http://www.ormap.org>.
- **Latitude and Longitude**: The latitude and longitude (lat/long) of the site can be estimated using Google earth or Google maps. The following link provides detailed guidance on how to determine lat/long using these tools. http://oregonstatelands.us/DSL/PERMITS/docs/latlong_consultants.pdf
- **Directions to the Site**: Directions to the removal-site should be of sufficient detail so that a person unfamiliar with the area can drive to the site.

For linear projects, all affected tax lots should be identified. For latitude and longitude, the start and stop points for the project should be identified.

Block 3: Proposed Project Information

- **Type**: The appropriate box(es) that best describe(s) the work should be checked.
- **Brief Description**: A brief description of the primary purpose of the project and the removal-fill activity associated with the project (e.g., drive 10 piling for construction of a boat dock, armor 100 feet of river bank for erosion protection, new stream crossing associated with road construction project, one acre wetland fill for subdivision development) should be provided.
- **Removal and fill Impacts**: This portion of the application serves to summarize the volume of removal-fill activity proposed for the project. If there are multiple removal/fill activities included in the total volumes, breakdowns of volumes for each activity should be presented in a table as part of the project description narrative portion of the application (Block 4). The totals for all removal and fill activities should be consistent throughout the application.
- **Removal and Fill Volumes**: The type of material proposed for removal or filling must be identified. The volume of removal and fill (in cubic yards) proposed within a jurisdictional waterway (below ordinary high water or highest measured tide) and/or within the wetland boundary should also be listed. Temporary removal or fill (areas to be rectified within 24 months)

To calculate volume in cubic yards multiply length x width x height as measured in feet, and divide the total by 27.

and permanent removal or fill in jurisdictional waters or wetlands should be identified separately.

- **Removal and Fill Areas**: The area (in acres or square feet) and approximate dimensions of removal and fill must be entered. Temporary removal and fill (areas to be rectified within 24 months) and permanent removal and fill in jurisdictional waters or wetlands must be entered separately.
- **Total Cubic Yards of Removal and Fill for Project**: The total volume of removal and fill associated with the project including activities above ordinary high water/wetlands must be included.
- **Total Acres of Construction Related Ground Disturbance**: This should be an estimate of all construction activities including clearing, grading, excavation, and stockpiling. If there is more than one acre of ground disturbance, a 1200-C permit may be required from the Department of Environmental Quality. A 1200-C permit may also be required if the project includes activities that disturb less than one acre but they are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more. More information on the NPDES 1200-C permits can be obtained by contacting DEQ at 503-229-5696 or visiting the DEQ website:
<http://www.deq.state.or.us/wq/wqpermit/stminfo.htm>
- **Disposal Area**: if any material will be disposed of in an in a waterway or wetland, the disposal site must be clearly identified. All maintenance dredging permit applications must provide a location map of the material disposal site.
- **Impervious Surface Created**: If the project results in a new impervious surface a storm water management plan may be required by DEQ as part of an NPDES permit process or during the Clean Water Act Section 401 review. For more information on storm water requirements please contact DEQ at 503-229-5696 or visit their website at
<http://www.deq.state.or.us/wq/stormwater/stormwater.htm>
- **Listed Species**: If it is known that a state or federally-listed species is located on the project site, it must be disclosed. If the answer to this question is “Yes”, an explanation of what information was used (e.g., a site survey, a database query completed by the Oregon Natural Heritage Program, or a project specific or programmatic Biological Assessment and/or approved Biological Opinion and/or a letter from the pertinent state or federal agency) must be provided. These items are for DSL informational use only; however, they may be required for the Army Corps of Engineers application process.

- **Cultural/Historic Resources**: If information related to cultural or historic resources on the project site is known, it should be provided in the application. If, the answer to this question is “Yes”, the information used (e.g., consultation with affected Tribal governments and/or the Oregon State Historic Preservation Office) should be identified. The details about the cultural or historic resource should not be provided in the body of the application, however, because this information is sensitive. Applications will be reviewed by SHPO and affected tribal government(s) for potential cultural/historic resources during the public review period.
- **Federal Wild and Scenic Rivers**: If the project is located on a Federal Wild and Scenic River it should be indicated. A list of wild and scenic rivers can be found at <http://www.nps.gov/rivers/wildriverslist.html>.
- **State Scenic Waterways**: If your project is located within ¼ mile (measured perpendicular to the bank) of a State Scenic Waterway, it should be indicated. Information on state scenic waterways can be obtained at <http://www.oregonstatelands.us/DSL/PERMITS/scenicwaterways.shtml>

Block 4: Proposed Project Purpose and Description

- **Project Purpose and Need**: All projects must have a defined purpose(s) based on documented need(s). The purpose is typically the “what”, and then followed by the need statements, the “why”.

The purpose and need statement is critical because it becomes the foundation of the alternatives analysis. A good purpose and need statement helps define the reasonable range of alternatives to be considered and becomes a key criterion to determining which alternatives are practicable and which are not.

For further guidance on developing the purpose and need statement and the alternatives analysis, please refer to [Alternatives Analysis].

- **Project Description**: The description of the project must include:
 - a description of all the proposed impacts to waters of the state, temporary and permanent.
 - for projects that involve multiple removal-fill activities, a table that lists each individual activity with corresponding acreage, dimensions (if appropriate), volume with reference to a location on the site plans.
 - construction methods and equipment
 - type of fill material
 - access to the construction site or work area
 - facilities for handling construction and operating wastes
 - how the project may impact the hydraulic and hydrologic characteristics of the affected wetlands/waterway. This should include a description of the current source of hydrology for the site with direction and method of movement, how the project may restrict,

impede or increase water flows, whether the project will relocate or redirect water flow, the effects of the project on downstream or upstream flooding, whether the project will result in erosion on adjacent land, and any other changes the project could have on the hydrology/hydraulics of the waterway.

- other pertinent information to fully describe the project.
- **Project Drawings:** Drawings must be in black and white, legible and printed on standard weight paper. The preferred size is 8½" x 11", however, where necessary, paper size up to 11" x 17" may be used. If more than one sheet is necessary to illustrate the project, match-lines should be provided and a key to the match sheets of the entire project should be included. All drawings need to be scaled and include a legend, and north arrow. The following drawings must be provided:
 - **Location Map:** The location map should be of sufficient scale and detail to allow someone, who is unfamiliar with the area, to drive to the site from the nearest city/town or major highway intersection. The location map should show the nearest main road and intersections. The location map should also show the boundaries of the *entire project*, not just the impact site. Location maps for the off-site mitigation areas must also be included. Typically online map services provided by Mapquest or Google maps serve as the best location maps. USGS quad maps do not generally show the name and location of roads, so they are not appropriate as location maps. However, a USGS quad map may accompany a more detailed location map to provide a landscape perspective.
 - **Plan View Drawings:** The plan view drawing must be clear enough so that a person can understand where the waterway and wetland resources are and how they will be impacted by the removal-fill activities. The plan view drawing must include, as appropriate:
 - The entire project (including roads, buildings, utilities, etc.);
 - Existing and proposed contours, as applicable;
 - Jurisdictional boundaries by resource type (i.e., wetland boundary by Cowardin and HGM class or location of ordinary high water);
 - stormwater outfalls, if applicable.
 - Clear identification of the areas proposed for all removal-fill activities and impacts (temporary and permanent). Cross-hatching can be used to distinguish various types of impacts. If there is more than one removal-fill site, identifiers should be assigned (wetland A, B, etc.) and referenced in the narrative description of the project and mitigation plan, as applicable.
 - Staging areas and equipment or construction access.
 - Location of the cross sections.

- Compensatory wetland mitigation sites, compensatory mitigation areas and areas proposed for site rehabilitation for temporary disturbances.
 - **Cross Section Drawing(s):** Cross section drawings are required to illustrate the vertical extent of removal and fill activities relative to existing ground surface elevations. To be meaningful, the location of cross sections on the plan view should be in the area of greatest extent of removal fill activity. Cross sections must be of a scale sufficient to evaluate proposed removal-fill activities and must include:
 - Existing and proposed ground elevations
 - Jurisdictional boundaries (e.g., ordinary high water or wetland boundary).
 - The proposed water elevation, if applicable.
 - Any structures or construction limits.
 - **Recent Aerial Photo:** At least 1":200', or the highest resolution available that provides a clear view of the entire site. There are numerous aerial photo services available on-line from Google, Bing, Mapquest, and others.
- **Material Entering the Wetland/Waterway:** if any construction debris, runoff water or other material will enter the wetland or waterway during or after construction it should be indicated in this block of the application with a description and shown on the site plan drawings.
- **Project Start/End Date:** The anticipated start and end date for the project should be entered. If the project is expected to take more than one year to complete, a multi-year permit may be requested (up to five years). For multi-year permits, the applicant may pay all the annual fees at the time of application or the Department will send annual billings, as requested.

Removal-fill permits typically limit work to the ODFW recommended [in-water work period].

Block 5: Project Impacts and Alternatives

- **Alternatives Analysis:** DSL will only approve the proposed project that represents the practicable alternative that would have the least impact on the water resources. The alternatives analysis is the means by which the applicant and DSL derive that alternative. There are three steps to an alternatives analysis:
 - a list of criteria or project objectives needed to accomplish the project purpose is developed.
 - alternatives that could meet the project purpose are identified.
 - the alternatives are evaluated against the project criteria to derive the practicable alternative with the least impacts.

The range of alternatives to achieve the project purpose should include realistic alternative sites, designs, and construction methods. Each alternative discussed must have an explanation of why it was or was not chosen. A detailed guidance for development of the alternatives analysis is provided in [alternatives analysis].

- **Measures to Minimize Impacts**: Once the practicable alternative site with the least adverse impacts has been identified, the application must identify measures to repair, rehabilitate or restore and further reduce or eliminate impacts during and after construction. These measures may include, but are not limited to:
 - specific erosion and sediment control methods and other best management practices (BMPs).
 - use of special equipment to limit compaction or minimize disturbance.
 - incorporation of specific construction access protocols such as working from top of bank, or providing access perpendicular to the bank.
 - use of work area isolation techniques to isolate the work from flowing water (required for work in a waterway where migratory fish are present).

- **Description of Resources in Project Area**: The application must provide a brief description of the type of habitat(s) and plant communities in the project area, as follows:
 - For wetlands:
 - Type (eg. Cowardin and HGM class).
 - Dominant plant species by stratum (herb, shrub, tree)
 - Source of hydrology (including tidal or non-tidal) and direction of flow.
 - Functions and values assessment. If permanent impacts to wetlands are proposed, the functional assessment should be included in the mitigation plan. If mitigation bank credits are proposed, a summary of the functions and values assessment of the *impact site only* should be provided in this block of the application.
 - Identification of any rare or unique wetland types in or adjacent to the project area (e.g., bogs, fens, vernal pools, mature forested wetlands, native wet prairie, seasonal mudflats)

 - For waterways:
 - Non-tidal or tidal influenced
 - Channel and bank conditions
 - Type and condition of riparian vegetation
 - Channel morphology (structure and shape)
 - Stream substrate
 - Fish and wildlife species and use

- Navigation, fishing, and recreational uses. Information on the public use of the waterway and/or wetland in the project area should be included. If there is no public use this should be stated.
- **Site Restoration/Rehabilitation:** If there are temporary impacts, a rehabilitation plan is required. Temporary impacts are those that are rectified within 24 months of occurrence and are typically associated with utilities and equipment access roads. The rehabilitation plan should be designed to re-establish the pre-impact contours of the site as rapidly as possible and to restore native plants to prevent soil erosion. The rehabilitation plan should include a grading plan and a list of plants, as applicable. A monitoring plan (including monitoring method, criteria and duration) must also be included to confirm successful re-establishment of vegetation.
- **Mitigation:** The reasonably expected adverse effects of the project must be identified, and a strategy to mitigate for those effects must be included. For permanent impacts to wetlands, a Compensatory Wetland Mitigation (CWM) Plan is required as described in [link to CWM plan portion of the RFG]. For permanent impacts to waterways, a Compensatory Mitigation (CM) Plan is required as described in [link to CM RFG chapter].

Note: In situations where the project affects wetlands, but does not convert wetland to upland (conversion of one wetland type to another), compensatory wetland mitigation may be required to offset the loss of function.

Block 6: Additional Information

- **Adjoining Property Owner Information:** Adjoining property owner names, and mailing addresses must be included. Mailing labels must be provided if there are more than five adjacent property owners. Only the adjacent property owners to the removal-fill activities in jurisdictional wetlands or waterways should be provided. “Adjacent” means those properties that share or touch upon a common property line or are across the street or stream. A list of property owners can be obtained by contacting the county tax assessor’s office.
- **Previous Corps of Engineers or DSL Issues:** Other actions or activities on the site that have had Corps or DSL involvement in the past should be listed. Other actions include permits, enforcement issues, wetland delineations or determinations and wetland land use notices. The applicable agency identification numbers should also be provided.
- **Wetland Delineation:** If a wetland delineation has been completed for the site, the author of the report and whether the report has received approval should be indicated. The concurrence letter should also be attached to the application.

Block 7: City/County Planning Department Affidavit

This section is to be completed by the local city or county planning office prior to submitting the application to DSL. An application must have this signature before it can be deemed complete. The local planning official does not have to approve the project in order to sign the affidavit. The purpose of the affidavit is to identify whether the proposed project is consistent with the local comprehensive plan and zoning ordinances and to identify the types of local approvals that will be required. DSL may delay or deny an application that requires a zone change or comprehensive plan amendment.

Block 8: Coastal Zone Certification

The certification statement must be signed by the applicant for all projects located in the Coastal Zone (west of the Coast Range summit). More information on the Coastal Zone is available at http://www.oregon.gov/LCD/OCMP/CstZone_Intro.shtml

Block 9: Signatures for Joint Application

The applicant, agent (as applicable), and property owner(s) where removal-fill activity is proposed (if different than the applicant) must sign the application. If the mitigation site is not owned by the applicant, the owner of the mitigation site must also sign the application. If the applicant is a corporation or other legal entity, an individual who has signature authority must sign the application. The application must include documentation certifying that the individual signing the application has the legal authority to apply for and implement the permit on behalf of the legal entity (see Block 1, "Applicant, Agent and Property Owner Information" for more information).

By signing the application, the applicant becomes the responsible party for compliance with the permit and any associated mitigation obligation. Also, the signature verifies the applicant attests to the accuracy of the information contained in the application. Failure to provide complete and accurate information in the application may be grounds for denial, suspension or revocation of the permit.

If the project site contains State-owned submerged or submersible lands, DSL staff will forward the application to the Land Management Division. The Land Management Division will review the application to determine whether an easement or lease may be required from the Department and may sign the application as the landowner. The Land Management Division signature only gives permission for the applicant to apply for a removal-fill permit. It does not give permission to construct the project on state owned land. A separate proprietary approval (easement or lease) may be required. See [\[http://oregonstatelands.us/DSL/LW/index.shtml\]](http://oregonstatelands.us/DSL/LW/index.shtml) for additional information about proprietary authorizations.

An authorized agent is usually the consultant who has the permission of the applicant to supply information to DSL and negotiate permit conditions on behalf

of the applicant. If an agent is specified, their signature is required on the application. The DSL Resource Coordinator will work directly with the agent during the application processing.

4.3 Submitting the Application Package

Completed applications should be mailed or hand-delivered to the DSL office serving the area where the project is proposed. For projects located in counties east of the Cascades, applications should be submitted to the Eastern Region Bend office address listed at the top of the first page of the JPA form. For projects located in counties west of the Cascades, applications should be submitted to our Western Region Salem address also listed on the form.

A completed application should also be submitted to the U.S. Army Corps of Engineers' (Corps) Portland address at the top of the first page of the JPA. The Corps regulates activities in wetlands and waters under the federal Clean Water Act as well as the federal River and Harbors Act. While the Corps uses the same application form as DSL, they have a different review process and timelines. It is best to contact the Corps Project Manager who serves the area where the project is proposed to discuss their regulatory requirements.

4.4 Application Fees

For DSL to determine that an application is complete, it must include the correct application fee.

Fees for IPs are based on the type of applicant, the activity proposed (removal and/or fill) and the volume of material that is proposed for removal and/or fill.

Fees for GAs are generally \$250, but exceptions apply.

Fees for emergency permits are variable depending on whether the activity qualifies for any of the fee exemptions and whether it qualifies for a GA. Application fees for emergency permits are due within 45 days of receiving the emergency permit.

The current fee schedule is available on the DSL Website [[link to fee schedule](#)].

No Fee Applications

Several application types have no application fee, either as a stipulation of Removal-Fill Law or policy established by DSL. They are as follows:

- Any application for the purposes of erosion-flood repair including

Application fees are adjusted on January 1st of each year, based on the change in the Consumer Price Index during the last reportable 12-month period. The adjusted fee schedule for the following year is posted on DSL's website in December.

- streambank stabilization
- General Authorizations for Fish Habitat Enhancement, Streambank Stabilization, Wetland Restoration and Enhancement, Recreational and Small Scale Placer Mining, and Minimal Disturbance in ESH.
- Any General Authorization involving less than 50 cubic yards of combined removal and fill
- Applications resulting in a “No State Permit Required” determination

Making Payment

Application fees may be paid by check or credit card. Checks must be made payable to: “Oregon Department of State Lands” and sent, with a copy of the first page of the application form, to:

Oregon Department of State Lands
PO Box 4395, Unit 18
Portland, Oregon 97208-4395.

Note: This is a different address than for submittal of the application form. See application mailing instructions at the top of the application form.

Payment by credit card may be accepted after an application has been submitted and assigned a file number by DSL. The applicant should call the Resource Coordinator Assistant [\[link\]](#) to get their application number and the correct fee amount. Credit card payment information will be taken at that time.

All application fees received by DSL are paid into the Common School fund for use by the Department in administering the Removal-Fill Law.