

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
☎ 503-986-5200

Permit No.: 00000-XX
Permit Type: Removal/Fill
Waterway: _____
County: _____
Expiration Date: _____

NAME OF PERMIT HOLDER

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another. For new linear facility projects, the removal-fill activity cannot occur until the permit holder obtains either the landowner's consent, a right, title or interest with respect to the property that is sufficient to undertake the removal or fill activity, or a court order or judgment authorizing the use of the property.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-986-5200.

Eric D. Metz, Southern Region Manager
Wetlands & Waterways Conservation Div.
Oregon Department of State Lands

Authorized Signature

January 1, 1999
Date Issued

ATTACHMENT A

Permittee: Name of Permit Holder

Special Conditions for Removal/Fill Permit No. 00000-XX

READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. DSL has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. **Responsible Party:** By signature on the application, INDIVIDUAL NAME is acting as the representative of PERMITTEE (Business Entity). By proceeding under this permit, PERMITTEE (Business Entity) agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by DSL.
2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the placement of up to 0 cubic yards and removal of up to # cubic yards of material in T#N/S R#E/W Section #QQ, Tax Lot #, and T#N/S, R#E/W, Section #QQ, Tax Lot #, Wetland/Waterway, County Name County, as described in the attached permit application, map and drawings, received January 1, 2999. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of Waterway shall be conducted between Beginning Month & Day and Ending Month & Day, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL.
4. **Authorization to Conduct Compensatory Mitigation:** This permit also authorizes removal and fill activities necessary to complete the required compensatory mitigation.
5. **Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits must be approved by DSL prior to implementation.
6. **DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
7. **DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

Pre-Construction

8. **Local Government Approval Required Before Beginning Work:** Issuance of this permit is contingent upon acquisition of a Type of Permit permit from the City of XXXX/XXXX County.
9. **Stormwater Management Approval Required Before Beginning Work:** Issuance of the permit is contingent upon acquisition of a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality.
10. **Authorization to Use Property.** For linear facility projects, the removal-fill activity cannot occur until the person obtains:
 - a. The landowner's consent;
 - b. A right, title or interest with respect to the property, that is sufficient to undertake the removal or fill activity; or
 - c. A court order or judgment authorizing the use of the property
11. **Pre-construction Resource Area Flagging:** Before any site grading, the surveyed boundaries of the avoided wetlands shall be surrounded by bright orange construction fencing, which shall be maintained during construction of the project. There shall be no heavy equipment within fenced areas, except during mitigation construction.

{Insert the following section if avoided wetlands must be protected; delete, if not, and renumber}

12. **Deed Restriction Recording:** Avoided wetlands have been protected in perpetuity by a Declaration of Covenants and Restrictions and Access Easement {or} Conservation Easement (Protection Instrument) on the property. The protection instrument must be approved and signed by the Department prior to recording with Name of County County. A copy of the signed and recorded instrument has been received prior to the issuance of this permit.

General Construction Conditions

13. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
14. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
 - a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
 - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.

- c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
- d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
- e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
- f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
- g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
- h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.

15. Hazardous, Toxic, and Waste Material Handling: Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

16. Federally Listed Endangered or Threatened Species: When listed species are present, the authorization holder must comply with the Federal Endangered Species Act. If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder must contact DSL.

17. Archaeological Resources: If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-986-0674).

18. Hazards to Recreation, Navigation or Fishing: The activity shall be timed so as not to interfere with or create a hazard to recreational or commercial navigation or fishing.

19. Construction Corridor: There shall be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Figure Number/Letter).

20. **Work Area Isolation:** The work area shall be isolated from the water during construction according to the Work Area Isolation Plan contained in the application. All structures and materials used to isolate the work area shall be removed immediately following construction and water flow returned to pre-construction conditions.
21. **Stream Diversion Prohibited:** The stream shall not be diverted from the natural bed.
22. **Trenching in Wetlands:** During trenching or excavation, the top layer of soil shall be separated from the rest of the excavated material and put back on top when the trench or pit is back-filled. If the native underlying soils are not used as bedding material, and a coarser, non-native soil or other material is used, preventative measures such as clay or concrete plugs shall be used so that underground hydraulic piping does not dewater the site and adjacent wetlands.
23. **Temporary Ground Disturbances:** All temporarily disturbed areas shall be returned to original ground contours at project completion, as proposed in the Site Restoration Plan in the application.
24. **Operation of Equipment in the Water:** {Select one of following:
Work must be conducted from top of bank. Heavy equipment may not be positioned on or traverse areas below ordinary high water of highest measured tide at any time.

Heavy equipment may be positioned on or traverse the area below ordinary high water or highest measured tide only when the area is free of flowing or standing water.

Heavy equipment may be positioned below ordinary high water or highest measured tide if the area is isolated from the waterway, as shown in Figure X of the application.

To delete this highlight, select "save" and unprotect the document. Delete highlighted area, select "save" and re-protect document.}
25. **Fish Passage Required:** The project shall meet Oregon Department of Fish and Wildlife requirements for fish passage.
26. **Riprap Placement Methods:** Riprap/rock shall be placed under the following conditions:
- a. Only clean, erosion resistant rock from an upland source shall be used as riprap. No broken concrete or asphalt shall be used.
 - b. Riprap rock shall be placed in a manner that does not increase the upland surface area.
 - c. Riprap shall be placed in a way as to minimize impacts to the active stream channel.
 - d. Gravel or filter fabric should be placed behind the riprap rock, including the toe trench rock, as a filter blanket.
 - e. All riprap rock shall be placed, not dumped, from above the bank line.
27. **Planting in Riprap Required:** Riprap shall be placed in a manner that allows for woody vegetation establishment.

28. Channel Relocation: The new channel shall be constructed under these conditions:

- a. There shall be no operation of equipment in the active flowing stream except to connect the newly dug channel in to the existing stream.
- b. The new channel shall be completely constructed and stabilized before diverting the stream flow.
- c. The old channel shall be permanently blocked with impervious material protected by suitable bank protection.
- d. Spoils from the excavation of the new channel shall be stockpiled, and after the diversion has been accomplished, the material may be used to fill the abandoned channel.

{Select one of following: Pilings/Dock Structures, Maintenance Dredging, or Commercial Gravel Removal and delete other two; renumber if necessary. To delete this highlight, select "save" and unprotect the document. Delete highlighted area, select "save" and re-protect document.}

Pilings/Dock Structures

- 29. Piling Placement and/or Removal Location:** Piling shall be placed and/or removed from locations depicted in the Application, Figure Number/Letter.
- 30. Method of Piling Placement:** Pilings must be placed by means of impact or vibratory methods or removed (to the extent regulated as material pursuant to OAR 141-085-0010(125)) by means of vibratory method only.
- 31. Method of Piling Removal:** Removal of pile shall be conducted by means of vibratory removal.
- 32. Backfilling After Piling Removal Required:** The area vacated from structure removal must be backfilled with native material upon removal completion.
- 33. Piling Placement Equipment Location:** Pilings must be placed using barge-mounted equipment located above top-of-bank.
- 34. Sound Reduction:** Sound reduction measures, such as vibration dampeners and bubble curtains, shall be used during piling installation.
- 35. Dock Light Penetration:** The dock shall be designed to allow at least 60% light penetration.
- 36. Barge Grounding Prohibited:** If barge-mounted, the barge shall not at any time be grounded on the bed or banks of the waterway.
- 37. Creosote Prohibited:** There shall be no wood products treated with creosote or other leachable preservatives in the new structure.
- 38. Waste Pilings Disposal:** Old piling and other waste material shall be disposed of in a disposal facility approved for this purpose. There shall be no temporary storage of piling or

other waste material below top of bank or in any wetland, Federal Emergency Management Administration designated floodway, or an area historically subject to landslides.

39. **Anti-Perching Devices Required:** Pilings must be fitted with devices to effectively prevent perching by fish eating bird species.

Maintenance Dredging

40. **Extent of Dredging:** Maintenance dredging activity shall be limited to the area defined in the Application, Sheet Number/Letter.
41. **Removal Depth:** Material shall not be removed to a depth greater than # of feet feet elevation datum.
42. **Beneficial Use of State-Owned Dredged Materials:** Any beneficial reuse of dredged materials derived from State-owned submerged or submersible land may be subject to a license from, and royalty payments to, DSL.
43. **Dredged Material Placement:** Waste materials and spoils shall not be placed in any wetland, Federal Emergency Management Administration designated floodway, or in an area historically subject to landslides.
44. **Designated Dredged Material Disposal (DMD) Site:** Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s), shown on Figure Number/Letter of the application. The selected disposal facility, and any changes thereafter, shall be submitted to DSL for approval prior to use.
45. **Management of the Dredged Material Disposal (DMD) Site:** Wastewaters from the DMD site shall have adequate settling time before being discharged into a water of this state. Water discharged from the DMD site shall meet water quality requirements of the Department of Environmental Quality.
46. **Placement of Dredged Materials on Barges:** All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of this State during loading, transfer, and unloading activity.
47. **Return Wastewaters Prohibited:** Untreated wastewaters from the project shall not be allowed to re-enter waters of this state. This permit does not authorize the return of wastewaters from any operation employed to wash or process materials removed under this permit.
48. **Clamshell Equipment Operation:** Dredging activity shall be conducted by clamshell bucket as described in the Application. The bucket shall be sealed in the closed position so as to minimize sediment re-suspension.
49. **Pipeline Hydraulic Dredge Operation:** For material removed by hydraulic pipeline dredge, the working end of the dredge ladder shall be kept buried at least 24 inches below the bottom

of the river. The intake may be raised no more than 3 feet above the bed for minimum time necessary for purging or flushing.

- 50. Limitations on Use of a Dragline Bucket Dredge:** A dragline bucket dredge shall only be used adjacent to the shoreline or if debris precludes using a hydraulic dredge. A single pass with the bucket shall be made each time from the point of dredging to a bermed disposal area or a dump truck.
- 51. Fish Impingement or Entrainment:** The authorization holder shall immediately report any fish observed that are impinged or entrained by operations to the Oregon Department of Fish and Wildlife at (503) 657-2000. The permittee shall provide access for ODFW to enter the project site for making fish entrainment observations.

Commercial Gravel Removal

- 52. Removal Not to Exceed Annual Accumulation (Recruitment):** Gravel removal shall not exceed previous recruitment as documented in the Annual Survey Report.
- 53. Depth of Removal:** Material shall not be removed to a depth greater than # of feet feet, above the ordinary low water surface level at any time during the operation.
- 54. Gravel Bar Slope:** Material shall not be removed to a depth greater than two feet above the water surface on the upstream end of the operation area gradually sloping to one foot on the downstream end of the operation area. Removal area should slope down from the bank toward the river.
- 55. Designated Buffers and Leave Strips:** An undisturbed buffer shall be established on the river side and on the upstream end of the bar. The river side buffer shall be at least 10% of the bankfull width of the waterway. At least 30% of the bar shall remain undisturbed at the upstream end. This area shall be clearly marked during construction and there shall be no removal of material or vegetation within this buffer.
- 56. Operation of Equipment in the Water Prohibited:** There shall be no operation of equipment in the water.
- 57. Return Wastewaters Prohibited:** Wastewaters from the project shall not be allowed to re-enter waters of this state. This permit does not authorize the return of wastewaters from any operation employed to wash or process materials removed under this permit.
- 58. Leave Strip Requirement:** The operation shall be conducted behind a leave strip of at least # of feet feet.
- 59. Annual Survey Report Required:** For each season in which removal of material is anticipated, an annual survey report is required. The survey report is due at least 30 days prior to beginning work. The survey report shall be submitted to DSL and to the Oregon Department of Fish and Wildlife (District Biologist). The report shall include:

- a. The previous season's (or most recent) post-removal survey. The post-removal survey shall be conducted within 30 days of the completion of the previous season's removal activities.
- b. The current season's pre-removal survey. The pre-removal survey shall be shall be conducted at least 30 days prior to beginning removal activities.
- c. A cross section view of each transect.
- d. A plan view showing the location of the transects.
- e. The volume of material removed the previous (or most recent) season.
- f. An estimate of the amount of recruitment (in cubic yards) available for removal based on comparison of the post- and pre-removal surveys.
- g. Post-removal photographs from the previous season, photographs of current conditions, and photos of any re-vegetated areas.

60. Survey Requirements Specified:

- a. The surveys shall be prepared by a registered surveyor.
- b. The survey shall consist of a series of transects, not more than X {Specify for each bar} feet apart, aligned at right angles to the bank and extending from the top of bank to top of bank. In no case shall there be fewer than two transects.
- c. The landward points of these transects shall be staked by permanent monuments on the bank so that the position of the transects will not vary from year to year.
- d. All of the transects shall be tied to a stable, permanent monument or feature, of known elevation, outside of the active floodplain.
- e. Elevations along the transects shall be determined for vertical intervals of one foot.
- f. Specify for each river system; re-letter if necessary Surveys shall be of the same scale throughout the permit period.
- g. In order to assess recruitment volume, the survey shall be prepared so that pre- and post-removal surveys can be overlaid.
- h. Surveys shall be prepared on 8 ½" by 11" paper. Because of difficulty copying, blue-lined graph paper is not allowed.
- i. Survey drawings shall include date, north arrow, surveyor's stamp, and horizontal and vertical scales.

61. Post-Removal Site Restoration: Within five days of completion of removal activities, the site shall be restored by:

- a. Leveling all berms constructed to isolate the work area.
- b. Restoring all access roads, staging areas, and stockpile areas to the original contours.
- c. Leveling all potholes or removal pits.