

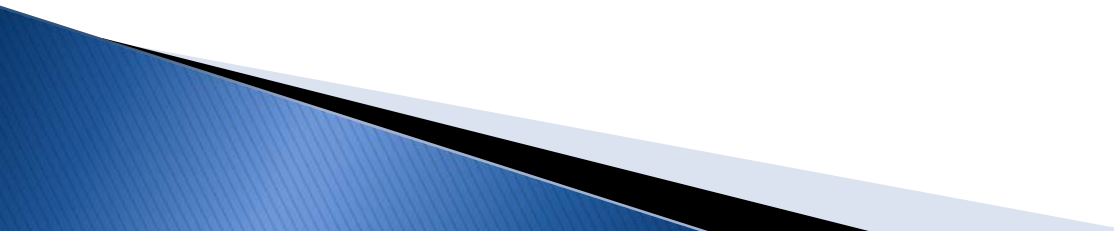
Dept. of State Lands Regulatory Program Overview

2015 Gathering for Conservation



Introduction to DSL:

Aquatic Resource Management Program Purpose

- ▶ Protect, conserve, make best use of water resources
 - ▶ Protect public navigation, fishing, recreational uses
 - ▶ Ensure activities of one landowner don't adversely affect another
 - ▶ Minimize flooding, maintain water quality; protect fish & wildlife habitat
- 

When is a permit required?

Location

The activity must be conducted in a “water of the state”

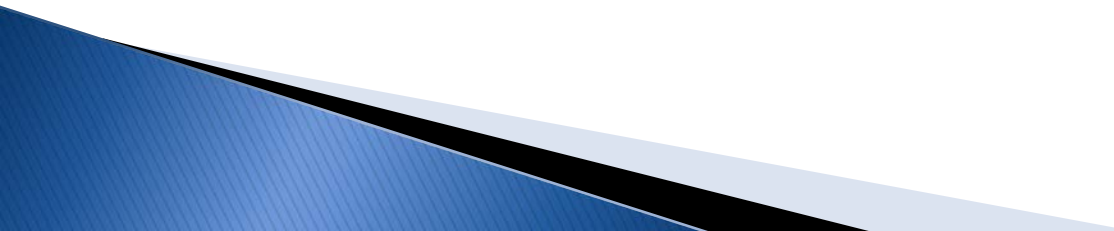
Volume

The activity must meet the volume thresholds for a permit

Whether or not the project is exempt

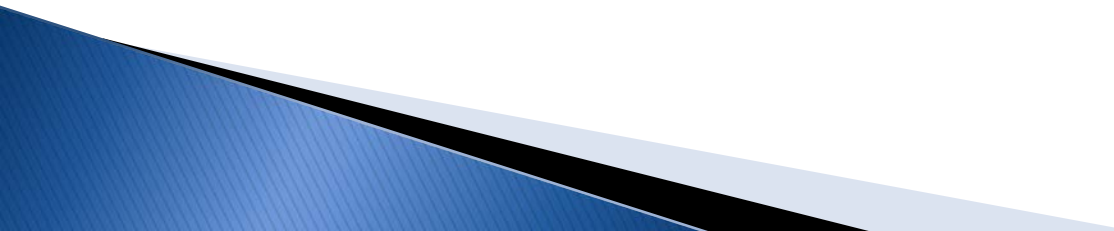


Estimating R-F Volumes

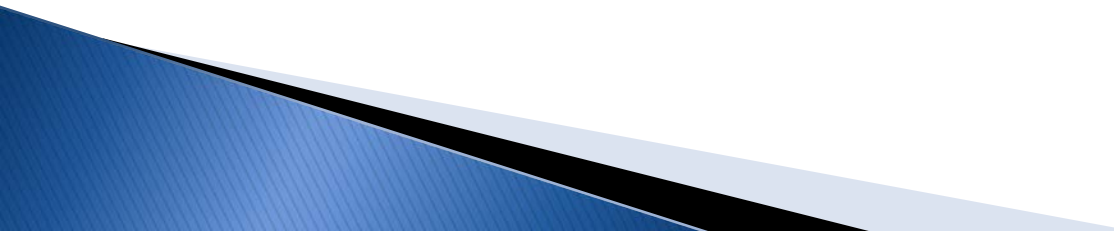
- ▶ Volumes of material, temporary or permanent, that are placed, excavated or moved within a jurisdictional area.
 - ▶ Add all the volumes for each regulated activity for the entire project
 - ▶ If the volume thresholds are met, a permit is required.
- 

Location

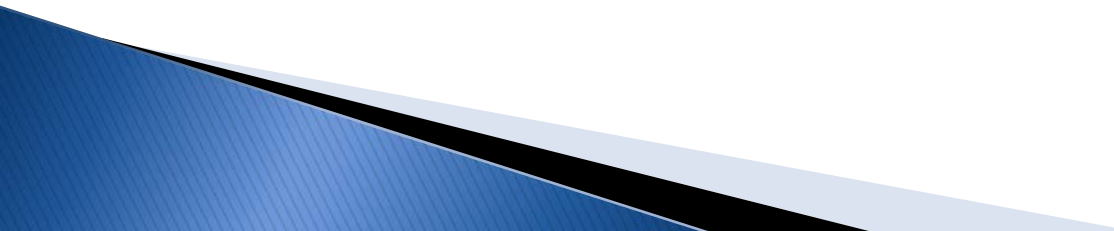
Waters of the State include:

- ▶ Streams (perennial and intermittent)
 - ▶ Rivers
 - ▶ Lakes and Ponds
 - ▶ Tidal Bays and Estuaries
 - ▶ Wetlands
 - ▶ The Ocean
 - ▶ Other artificially created waters
- 

Volume

- ▶ 50 cy of removal and/or fill or in wetlands within waters of the state
 - ▶ Any amount of removal-fill in ESH streams and Scenic Waterways
- 

Jurisdictional Limits

- ▶ For Wetlands: within the approved wetland boundary
 - ▶ For streams, rivers, lakes and ponds: Ordinary High Water (OHW)
 - ▶ For tidal areas: Highest Measured Tide (HMT)
- 

DSL Exempt Activities

- ▶ Certain exemptions for farm activities
- ▶ Fills for construction, operation, and maintenance of certain dams and diversion structures
- ▶ Maintenance and reconstruction of certain water control structures
- ▶ Certain maintenance, reconstruction and removal of culverts
- ▶ Certain maintenance and repair of transportation structures
- ▶ Certain fish passage and fish screening projects

NOTE: all exemptions have limits and conditions

Key to “Maintenance”

- Widening a structure by no more than 20 percent of its original footprint if necessary to maintain its serviceability.

Voluntary Habitat Enhancement Notifications

Require a notice form 30 days before starting the project:

- ▶ 1) Ditch and drain tile removal
- ▶ 2) Placement of large wood, boulders and spawning gravels
- ▶ 3) Other activities customarily associated with habitat restoration in ESH

The notice form allows DSL to track the use of the exemption, make compliance inspections, evaluate the effect of the exemption, and to respond to citizen complaints about potential unauthorized activities.

Types of Permits

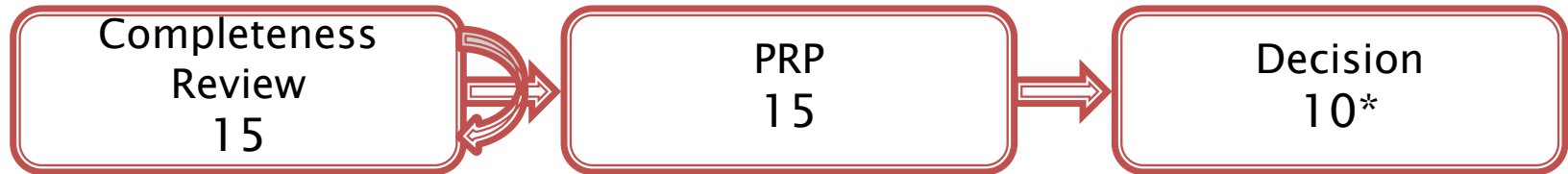
- ▶ Individual Permits (IPs) are issued for projects that do not qualify for a General Authorization or General Permit and have more than minimal impacts to wetlands or waterways.
- ▶ General Authorizations (GAs) are an expedited process for nine specific types of removal–fill activities that have minimal adverse effects.
- ▶ General Permits (GPs) authorize a group of activities that are substantially similar in nature, recurring or ongoing, and have predictable effects and outcomes. The Department currently has two GPs available for use by the public.
- ▶ Emergency Permits (EPs) are rapid–approval authorizations for emergencies that pose a direct threat to human health, safety or substantial property, where prompt action is required to address the threat.

Application Review Process – Timelines

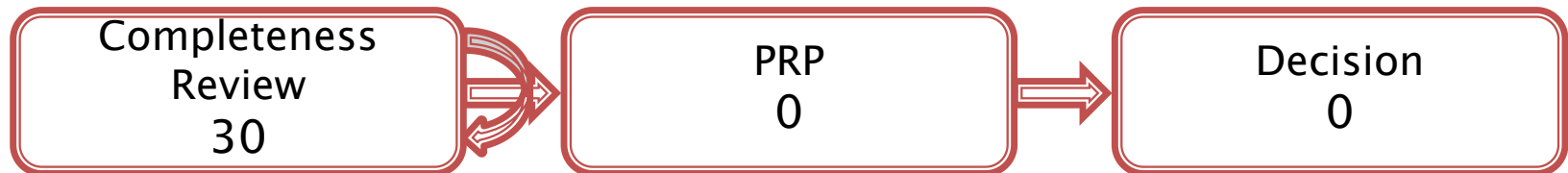
Joint Appl. for Individual Removal/Fill Permit



General Permit



General Authorization



If incomplete, new complete package must be submitted to initiate another review. The clock restarts.

* Applicant may request an extension to resolve issues


General Authorizations (handout)

- ▶ Streambank Stabilization
- ▶ Waterway Habitat Restoration
- ▶ Wetland Ecosystem Restoration
- ▶ Only fill out the relevant pages
- ▶ Notification based
- ▶ Eligibility determination within 30 days
- ▶ If ineligible or incomplete, can resubmit

Completing Applications: Tips

- ▶ Conduct early coordination on project with regulatory agencies
- ▶ Establish jurisdictional limits early in process
- ▶ Understand processing timeframes and requirements
- ▶ Use the most up-to-date application from the [DSL Web site](#).
- ▶ Present the information so that a person unfamiliar with the project or site can understand the project.
- ▶ The information should be presented in the required blocks on the application forms.
- ▶ Drawings should clearly depict extent of work

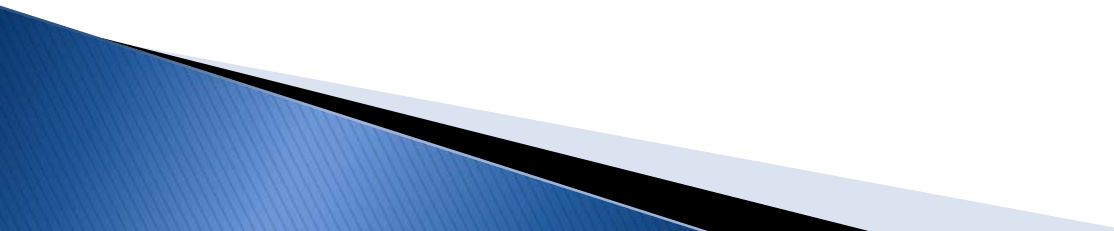
Wetland Delineation Requirements for Voluntary Restoration Projects

- ▶ Generally, full wetland delineation is not required for voluntary restoration projects
 - ▶ Estimate the boundary using maps and elevations and ground truth with sample plots
 - ▶ If upland is created through berm construction or other structures, an evaluation of the net benefit must be made to determine if there is a mitigation obligation
- 

Resources

On our Web site

<http://oregonstatelands.us/>

- ▶ The Removal-Fill Guide
 - ▶ The Administrative Rules
 - ▶ Application forms
 - ▶ Application Instructions
 - ▶ Applications in process
- 

Agency Permit Types

USACE

- ▶ Individual
- ▶ General
 - Regional
 - Nationwide

DEQ

- ▶ 401 Cert
(only when federal permit is required)
 - Individual
 - Pre-certified

DSL

- Individual
- General (GP)
- General Authorization (GA)
- Emergency