

Instructions for Completing the Joint Permit Application (JPA) Form

Introduction

Prior to conducting removal or filling (i.e., dumping, dredging, excavation or discharge) in any waters in the State of Oregon, you may be required to obtain a removal-fill permit from the Oregon Department of State Lands (DSL) and/or the U.S. Army Corps of Engineers (Corps). DSL and the Corps have specific and different regulatory requirements designed to protect the waters in Oregon. DSL administers the Removal-Fill Permit Program (ORS 196.800-196.990). The Corps administers certain regulatory programs under Federal Laws including Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean Water Act. The Joint Permit Application Form is designed to be used in applying for both the Federal and State permits. **This is a joint application, however, DSL and the COE have separate processes and separate authorizations. Accordingly, copies of the completed JPA Form should be sent separately to both DSL and the Corps.**

This document provides instructions designed to help applicants fully complete the JPA. The requirements and criteria for the removal fill permit application is specified in the Removal-Fill Administrative Rules in [OAR 141 Division 85](#) and [OAR 141 Division 89](#) (for General Authorizations).

Imbedded in this document and the Joint Permit Application are links to various internet resources that should aid in completing the JPA form. For instructions on any additional requirements for the Federal permit, contact the Corps of Engineers at (503) 808-4373 or visit their website at <https://www.nwp.usace.army.mil/op/g/home.asp>

Once submitted, applications must be reviewed for completeness by DSL within 30 days of receipt for an individual permit (15 days for a General Authorization). At that time a completeness review summary indicating any missing information will be sent to the applicant. If determined incomplete, the department will request re-submittal of the entire application.

If all of the information on the checklist is provided, including the [fee](#), if required, the Department will continue to process the application. A permit decision will be made on applications within 90 days after it has been determined to be complete. At any time you the status of DSL applications may be checked on-line at <http://www.statelandsonline.com/>.

Additional information regarding DSL's permit program, including the state removal-fill statute and administrative rules, is available at www.oregonstatelands.us or by contacting us directly at 503-986-5200.

Instructions for Completing the Joint Application Form

General Guidelines

The following general guidelines will assist applicants in completing the application form to provide the Department the information necessary to make permit decisions, reduce permit processing times and avoid project delays.

- 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 JPA form apply to all projects (e.g. some projects may not require a disposal area).
- To facilitate review by the Department and other agencies, complete the information in the required blocks of application forms. For larger projects, include the alternatives analysis as Attachment A, mitigation plan as Attachment B.
- Extraneous information slows the review process. Examples include copies of local comprehensive plans, regulation citations, resource management plans, and redundant information. If it is not requested, don't include it.
- Always access the website for the most up to date forms.
- Use tables and bullets whenever possible to display complicated information.
- Do not bind the application or include section dividers.

Block 1: Applicant, Agent and Property Owner Information

(a) Applicant: Enter applicant's name and official mailing address, business and home phone numbers, fax, and e-mail address. The applicant will become the permit holder and must have full authority to execute the conditions of the permit. If the applicant is a partnership or corporation, the legal name of the partnership or corporation must be used, and the name of the individual who has signatory authority must be entered. In addition, the application must include certification that the individual who signs the application has authority to act on behalf of the legal entity.

If the applicant is a government agency or other organization, include the name and phone number of the contact person.

The applicant (or government agency contact person) must also sign the application in Block 9.

(b) Authorized agent: List the authorized agent, (e.g., consultant or contractor) if appropriate. 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. If an agent is indicated on the

application, we must also have the signature of the agent in Block 9 of the application.

(c) Property Owner: If the applicant is not the landowner of the property on which the removal-fill activity or mitigation is proposed, the application must include an express authorization from the landowner that gives the applicant permission to implement the project or mitigation. This also applies when the activity is proposed on state-owned (DSL managed) submerged or submersible lands. In this case the applicant must obtain the approval of the Department to apply for the removal-fill activity on [state-owned lands](#). The Department will normally obtain the signature of the manager of the State-owned land for the applicant.

Block 2: Project Location

(a) Street Address: Enter the street address of the project. If there is no street address, provide the nearest cross streets, highway milepost, or other descriptive location information.

(b) City and County: Enter the name of the nearest city or town, along with the county.

(c) Waterway and River-mile: If the project is located on a river, stream, or lake, indicate the name of the waterway and river-mile, if available. If it is an unnamed tributary to a waterway or a wetland directly connected to a waterway, write "unnamed tributary or wetland adjacent to _____." If it is a wetland not directly connected to a waterway, write "wetland."

(d) Legal Description: Provide Township, Range, Section(s), and $\frac{1}{4}$, $\frac{1}{4}$ section (in AA, AB, format). Also include the Tax Map # and Tax Lot #. If you are unsure of the legal description, see the county assessor's or planning office. It is very important that this information be accurate. You must also attach a tax map to your application with the project taxlot highlighted. You can find your tax lot number and print out a map of your lot by going to the following website: <http://www.ormap.org>.

(e) Latitude and Longitude: The latitude and longitude (lat/long) of your site can be estimated using Google earth or Google maps. The following links provides details on how to determine lat/long with these methods
http://oregonstatelands.us/DSL/PERMITS/docs/latlong_consultants.doc
http://oregonstatelands.us/DSL/PERMITS/docs/latlong_consultants.pdf

Block 3: Proposed Project Information

(a) Type: Check the box(es) that best describe(s) the work you will perform.

(b) Brief Description: Provide a brief description of the primary purpose of the project (e.g., construction of a boat dock, bank protection, road construction, subdivision development, maintenance dredging, etc.).

(b) Removal/fill impacts: This portion of the application is intended to be a summary of the totals involved for the project, details of specific sites/activities and breakdowns of specific volumes/material should be clearly spelled out in the project description.

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

- **Fill Volume:** Indicate the type of material proposed for filling. Provide the volume of fill (in cubic yards) proposed to be placed within a jurisdictional waterway (below ordinary high water or highest measured tide) and/or within the wetland boundary. Differentiate between temporary fill (area completely restored within 24 months) and permanent fill in jurisdictional waters or wetlands.

- **Fill Area:** Provide the area (in acres or square feet) or dimensions of fill. For project impacts within the jurisdictional wetland boundary provide the acreage for the entire project. Differentiate between temporary fill (area completely restored within 24 months) and permanent fill in jurisdictional waters or wetlands.

- **Total cubic yards fill for project:** Estimate the total volume associated with the project including activities above ordinary high water/wetlands.

- **Removal Volume:** Indicate the type of material proposed for removal. Provide the volume you propose to remove within a jurisdictional waterway (below ordinary high water line or highest measured tide) and/or within the wetland jurisdictional boundary. Differentiate between temporary removal (area completely restored within 24 months) and permanent removal in jurisdictional waters or wetlands.

- **Removal Area:** Provide the area (in acres or square feet) or dimensions of proposed dredging or excavation. For project impacts within the jurisdictional wetland boundary provide the acreage for the entire project. Differentiate between temporary removal (area completely restored within 24 months) and permanent removal in jurisdictional waters or wetlands.

- **Total cubic yards Removal for project:** Refer to *Total cubic yards fill for project*, above.

(c) 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 visiting the

DEQ website <http://www.deq.state.or.us/wq/wqpermit/stminfo.htm> or by contacting DEQ at 503-229-5696.

(d) Disposal Area: Indicate the disposal area if any material will be disposed of in an in a waterway or wetland. All maintenance dredging permit applications must provide a location map of the material disposal site.

(e) Impervious Surface Created: If the project results in a new impervious surface or if the project is associated with 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>

(f) Listed Species: Identify any known information concerning the presence of any species listed under the Endangered Species Act, that you know of that occur on or near the project location. Information may include but is not limited to: 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.

- Species information for your project area can be obtained by contacting the Oregon Natural Heritage Information Center by calling (503) 731-3070 or visiting them on the web at <http://oregonstate.edu/ornhic/about-us.html>.

- A list of federally listed species in Oregon (not project site specific information) can be obtained at

http://ecos.fws.gov/tess_public/StartTESS.do

A list of state listed species in Oregon (not project site specific information) can be obtained at

http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candate_list.asp

(g) Cultural/Historic Resources: Please provide any known information concerning historical, cultural and/or archeological resources. Information may include but is not limited to a statement on the results of consultation with affected Tribal governments and/or the Oregon State Historic Preservation Office. <http://www.oregon.gov/OPRD/HCD/SHPO/index.shtml>

(h) Federal Wild and Scenic Rivers: Indicate if the project is located on a Federal Wild and Scenic River. A list of wild and scenic rivers can be found at <http://www.nps.gov/rivers/wildriverslist.html>.

(i) State Scenic Waterways: Indicate if your project is located within ¼ mile of a State Scenic Waterway,. Information on state scenic waterways can be obtained at <http://www.oregonstatelands.us/DSL/PERMITS/scenicwaterways.shtml>

Block 4: Proposed Project Purpose and Description

(a) Project Purpose and Need Statement: All projects must have a defined purpose(s) based on documented need(s). . In preparing the purpose and need statement, describe the condition requiring the project and the project's intended result. The purpose is typically the "what," and then followed by the need statements, the "why." The project need may be documented as a prima facie case (e.g., I need a bank stabilization project because my stream bank is eroding) or as a case built from documented demand, or requirements that the proposed project helps to fulfill.

The purpose and need statement is critical because it becomes the foundation of the alternatives analysis due to the following: 1) A good purpose and need statement helps define the reasonable range of alternatives to be considered; and 2) the statement becomes a key criterion to determining which alternatives are practicable and which are not.

(b) Project Description: Describe the project, including the construction methods and equipment, the source of fill material, access to the construction site or work area, facilities for handling construction and operating wastes, and any other pertinent information. If the project has multiple impacts to waters of the state, provide a table that lists each individual removal-fill activity and includes the impact acreage, dimensions (if appropriate), impact volume, whether it involves temporary or permanent impacts and reference to a location on the site plans.

Make sure to describe how the project may impact the hydraulic and hydrologic characteristics of the 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

(c) Project Drawings: Drawings must be legible, in black ink on standard weight paper. Drawings must be able to be reproduced in black and white while remaining legible and understandable. The preferred size is 8½" x 11". More than one sheet may be required to illustrate the project, but match-lines should be provided. If using multiple sheets or reducing the size of the drawing (or map) makes it difficult to read, include a key to the match sheets on a drawing of the entire project. All drawings need to be scaled or include dimensions and when applicable include a legend/key, 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 has never been to 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, crossroads, and route to project site. Indicate the source of the map. More than one map may be needed to clearly show all necessary information. The location map should also show the boundaries of the entire project, including both impact sites and mitigation sites.

- Typically Mapquest maps clearly show the route and relative location with enough detail.

- Maps of a large scale (i.e. USGS quad) may also be necessary to provide specific project details like the location of individual sites or project boundary.

- **Site Plan View Drawing:** The plan view drawing must be legible enough so that a third party who is unfamiliar with the site 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 match the project boundaries shown on the location map and should include the following, as appropriate:

- 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);
- Clear identification of the areas proposed for all removal fill activities and impacts (temporary and permanent). Cross-hatch the portions of the jurisdictional area that are included in the project footprint. If there is more than one removal fill site, assign them a specific identifier (Wetland A, B, etc) and use that 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 Drawings: Provide cross sections that show:

- Existing and proposed elevations
- Jurisdictional boundaries (e.g., ordinary high water or wetland boundary).
- Any structures or construction limits.
- The location of the cross sections must be shown on the plan view drawing.
- The cross section must be of a scale sufficient to evaluate proposed removal and/or fill activities.

Recent aerial photo, at least 1':200', or the highest resolution available that provides a clear view of the entire site. There are aerial photo services provided

on the internet and elsewhere for public use. Some web resources that may assist are <http://earth.google.com/>, or <http://terraserver-usa.com/>

(d) Material Entering the Wetland/Waterway: Indicate whether or not any construction debris, runoff water or other material will enter the wetland or waterway during or after construction. Describe any discharges resulting from operation of the project (e.g., storm drains, sewer outfall, etc.). Show these structures on the site plan and label appropriately.

(e) Project Start/End Date: Indicate when you want to begin the work in the jurisdictional area and expect that work to be completed. If the project is expected to take more than 1 year to complete, specify the term of the permit you are seeking (up to five years).

• Note: Removal-fill permits typically limit work to the ODFW recommended in-water work period. These periods can be found at http://www.dfw.state.or.us/lands/inwater/Oregon_Guidelines_for_Timing_of_InWater_Work2008.pdf

Block 5: Project Impacts and Alternatives

(d) Rectifying and further reducing impacts

Once the alternative site and design with the least adverse impact has been articulated, 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 or BMPs.
- Work area isolation (required for work in a waterway where migratory fish are present)
- Identify use of ODFW fish passage criteria
- Use of ODFW in-water work guidelines

Description of Resources in Project Area (Block 5)

Provide a brief description of the type of habitat(s) and plant communities in the project area.

For wetlands, provide the following:

- Type (eg. Cowardin and HGM class)
- Dominant plant species
- Source of hydrology and direction of flow
- Functions and values assessment (if a mitigation plan is required, the functions and values assessment should be included in the attached plan. If mitigation bank credits are proposed, a summary of the functions and values assessment should be included here.

For non-wetland waters, describe the following:

- Non-tidal or Tidal influence
- Channel/bank conditions
- Type and condition of riparian vegetation
- Channel morphology
- Stream substrate
- Fish and wildlife species and use

Navigation, fishing, and recreation. Provide information on the public use of the waterway and/or wetland in the project area. If there is no public use please identify that and briefly explain why.

Mitigation and Restoration (Block 5)

Site Restoration/Rehabilitation. If the project will involve temporary disturbance, soils, provide a plan to rehabilitate the site. Temporary disturbance may include areas disturbed by equipment access, stockpile areas, etc. The rehabilitation plan should be designed to re-establish the pre-impact conditions of the site as rapidly as is reasonably possible, and to restore self-sustaining native plants to resist soil erosion. Provide a grading plan and a list of plants, as applicable.

Compensatory Wetland Mitigation. For permanent wetland impacts provide a Compensatory Wetland Mitigation (CWM) Plan. Refer to the Compensatory Wetland Mitigation Plan Checklist. If purchase of mitigation bank credits, Fee-in lieu or payment in Lieu is proposed, a CWM plan will not be attached, but the application must include a description of how the propose mitigation addresses the principal objectives listed in OAR 141-085-0680(2) (unless the proposed impacts are less than 0.2 acres).

Compensatory Mitigation for Impacts to waterways and other waters. For permanent impacts to waterways provide a Compensatory Mitigation (CM) Plan. Such compensatory mitigation may include, but is not limited to, off-project site or on project site enhancement (e.g., planting or seeding riparian vegetation or exposing enclosed culvert systems) or improvements to enhance navigation, fishing or public recreation uses of waters of the state. See OAR 141-085-0765.

Block 6: Additional Information

(a) List adjoining property owners' names, and mailing addresses. Provide mailing labels if there are more than 5 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 either share or touch upon a common property line or, in the absence of point of contact do not have another property in between. A list of property owners can be obtained by contacting your county tax assessor's office.

(b) Previous Corps of Engineers or DSL Issues: List other actions or activities on the site that have had Corps or DSL involvement in the past. Provide accurate identification numbers for known permitted activities or wetland delineations.

(c) Wetland Delineation: Indicate if a wetland delineation has been completed for the site, by whom, if the wetland delineation has been approved by the Department, and attach the concurrence letter.

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. State law requires DSL assure that the project is zoned for the proposed use and that the use is consistent with the local comprehensive plan and land use regulations. The local planning official does not have to approve the project in order to sign the affidavit. Local land use approvals are not required for a complete application, but will be required prior to beginning work. 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 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: Signature for Joint Application

Provide Applicant, Agent, and Property Owner Signatures. Also provide Mitigation Site Property Owner Signature if applicable. **Read carefully before signing to ensure that you understand all of the details and to confirm that the information is correct. If the project site contains State-owned submerged or submersible lands, DSL will forward the application to the Proprietary Division. The DSL property manager will review the application and sign for permission to apply, if appropriate.**

Application Fees

The application fee is required for a complete application. To avoid unnecessary delays, please mail your payment separately to our lockbox address. Instructions on where to mail your payment and application are on the first page of the application form and on the last page of these instructions. To determine the fee for your removal fill permit, go to (link).