

## ***Helpful Hints for Completing Applications***

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

- It is important that applicants 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, the information should be presented in the required blocks of application forms. If all the information does not fit in the block of the form, a summary should be inserted into the form and detailed information included as an attachment. Supplemental or supporting documents, such as functional assessments 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, and redundant information.
- Wetland delineation reports should be submitted under separate cover. If the delineation is already approved, attach only the concurrence letter with the approved map.
- 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.

### ***Joint Permit Application Instructions***

The following instructions are for filling out 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.
- The applicant must also sign Block 9 of the JPA.

**Authorized agent:** The authorized agent (consultant or contractor) 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 to resolve technical issues. Formal correspondence will still be sent to the applicant but informal correspondence to resolve technical issues may be sent only to the authorized agent. The authorized agent must also sign Block 9 of the JPA.

**Authorized agents and permit compliance:**

Authorized agents are not responsible for complying with permits. It is very important that applicants and authorized agents communicate 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 project or mitigation is proposed, landowner information must be listed. The landowner must also sign in Block 9 of the JPA giving the applicant permission to apply for the removal-fill permit.

**Mitigation site property owner information:** 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 protection of the mitigation site as required in the permit.

**For linear projects:** For linear projects where multiple property owners are involved, the applicant can provide any one of the following:

- all of the property owner signatures where a removal-fill activity is proposed
- a copy of the easement that gives the applicant permission to conduct the activity
- if condemnation is anticipated or the applicant has eminent domain authority, the applicant must have at least filed the appropriate action and deposited the estimated purchase money with the court and provide documentation to confirm this

**State-owned land:** If the activity is proposed on state-owned (DSL managed) land, DSL will obtain the landowner signature. DSL's Land Management Division signature only allows the applicant to apply for a removal-fill permit. A separate proprietary approval from DSL's Land Management Division may be required for project implementation.

## **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 of, 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 number and tax lot number should also be included. A tax map, with the project tax lots highlighted, must be attached as a drawing in the application. Tax lot numbers and maps can be found at the [Oregon Map website](#).

**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.

**Latitude and longitude:** The latitude and longitude (lat/long), of the site (in decimal degrees) can be estimated using Google earth or Google maps. [Guidance](#) on how to determine lat/long is available.

**Directions to the site:** Directions to the removal-fill site should be of sufficient detail so that a person unfamiliar with the area can drive to the site.

## **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 should be provided. Examples of brief descriptions are:

- Drive 10 piling for construction of a boat dock.
- Provide 100 feet of bank stabilization for erosion protection.
- Construct new stream crossing for access to a subdivision.
- Fill one acre of wetland for residential subdivision.

**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 OHW or HMT) and/or within the wetland boundary should also be listed, including material for the mitigation. Temporary removal or fill (areas to be rectified within 24 months) and permanent removal or fill in jurisdictional waters or wetlands should be identified separately.

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

**Removal and fill areas:** The area, in acres to the nearest 0.01 acres (or to the 0.001 acres, if less than 0.01 acres) 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.

**The area of removal and fill** is not always identical to the area of impact or adverse effect used to determine the mitigation obligation. In this section of the application all removal and fill volumes and areas must be included. In the project description and mitigation sections of the application, the areas of adverse impact should be discussed.

**Total cubic yards of removal and fill for the project:** The total volume of removal and fill associated with the project must be included.

**Total acres of construction-related ground disturbance:** This should be an estimate of all construction activities (both in and out of jurisdictional waters) including clearing, grading, excavation, and stockpiling. If there is more than one acre of ground disturbance, a [1200-C permit](#) may be required from DEQ. 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 larger plan of development that will disturb one acre or more.

**Disposal area:** If any material will be disposed of in a waterway or wetland, other than that already described in the application, 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 the [DEQ website](#).

**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 from the Oregon Natural Heritage Program, Biological Assessment or Biological Opinion) must be provided.

**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 /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 because this information is sensitive. Applications may 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 designated [wild and scenic rivers](#) is available.

**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. A map of state-designated [scenic waterways](#) is available.

#### **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,” which is 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.

Further guidance on developing the purpose and need statement and the alternatives analysis, is provided in 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.
- a table that lists each individual activity with corresponding acreage, dimensions (if appropriate) and volume, with reference to a location on the site plans.
- construction methods and equipment.
- the 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 legible. 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 off-site mitigation areas must also be included. Typically 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 should 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 and location of OHW).
  - 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 mitigation areas.
- Cross section drawing(s): Cross section drawings are required to illustrate the vertical extent of removal and fill activities relative to existing 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:
  - a vertical and horizontal scale.
  - the existing and proposed ground elevations.
  - jurisdictional boundaries (e.g., OHW or wetland boundary).

Site plan drawings should not contain so much detail that it interferes with the ability to understand the drawing. To reduce clutter on engineered drawings, the applicant should review the drawing for clarity and turn off any layers that are unnecessary.

- the proposed water elevation, if applicable.
- any structures or construction limits.

Resubmitted applications should contain original drawings to avoid illegible copies.

**Recent aerial photo:** At least 1":200', or the highest resolution available that provides a clear view of the entire site with the project boundaries identified. 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, water pumped from a holding pond, 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. The location of the discharge should also be shown on the site plan drawings.

**Project start and 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 issued (up to five years). For multi-year permits, the applicant may pay all the annual fees at the time of application if requested. Otherwise, the Department will send annual billing invoices.

Removal-fill permits typically limit work within the jurisdictional area of waterways 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 project criteria to accomplish the project purpose is developed.
- Alternatives that could meet the project purpose are identified.
- Each alternative is 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. [More guidance on how to prepare an 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. 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.

- 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:
  - whether the waterway is non-tidal or tidally influenced
  - channel and bank conditions (degree of incision, undercutting, etc)
  - type and condition of riparian vegetation
  - channel structure, shape and sinuosity and stream morphology classification (e.g., Rosgen class)
  - stream substrate particle size
  - fish and wildlife species and level of use
  - navigation, fishing, and recreational uses

It is important that a summary of the biological and physical characteristics of the wetland or waterway be summarized in Block 5 of the application. Referencing a wetland delineation report or biological assessment is problematic for reviewers.

**Site restoration/rehabilitation:** If there are temporary impacts, a rehabilitation plan is required. Temporary impacts are those that are rectified within 24 months of initial impact and are typically associated with utilities and equipment access roads. The rehabilitation plan should be designed to:

- re-establish the pre-existing contours of the site.
- re-establish the pre-existing vegetation community.
- provide for rapid site stabilization to prevent 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 the wetland and 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. For permanent impacts to waterways, a [Compensatory Mitigation (CM) Plan] is required.

**Note:** In situations where the project affects wetlands, but does not convert wetland to upland, compensatory wetland mitigation may still be required to offset the loss of function.

### **Block 6: Additional Information**

**Adjacent property owner information:** A list of property owner names and addresses that are adjacent to the removal fill site(s) and the mitigation site must be included in the application. Mailing labels should be provided if there are more than five adjacent property owners. "Adjacent" means those properties that share or touch upon a common property line or are across the street or stream. For very large tax lots, property owners within ¼ mile of the removal-fill site may be appropriate. A list of property owners can be obtained by contacting the county tax assessor's office.

**Previous Corps 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 and approved map should 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. 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. The project does not have to have local approvals before the local planning official completes the affidavit. DSL may delay or deny an application that requires a zone change or comprehensive plan amendment. DSL may seek clarification from a local planning official if the information in the affidavit is unclear or unknown.

### **Block 8: Coastal Zone Certification**

The certification statement must be signed by the applicant for all projects located in the [Coastal Zone](#).

## **Block 9: Signatures for Joint Application**

The applicant, agent, 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 business entity, an individual who has signature authority must sign the application. The application must include a [certificate of incumbency] certifying that the individual signing the application has the legal authority to apply for and implement the permit on behalf of the legal entity.

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 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.