

Probable Permit Needs and Planning Actions

Each construction phase of the project is expected to require different types of permits and/or planning actions. Although specific information is not available until these construction phases advance into the design stage, the following paragraphs provide a general list of the types of permits and/or planning actions that may be required.

Permits Received for the Project

- United States Department of the Interior, Fish and Wildlife Service. 2001. Formal Consultation on the Willamina-Grand Ronde Corridor Project-Highway 18. Biological Opinion on Plant Species, February 22, 2001. The Biological Opinion concluded that the project is not likely to jeopardize the continued existence of Nelson's checker-mallow or Willamette Valley daisy, and provided conservation recommendations for threatened, endangered, and sensitive plant species.

Probable Permit Needs and Planning Actions for the Project

The following are the probable permits needed and agencies to consult for this project:

- OHP Spacing Deviations. The 1999 OHP spacing requirements between approach roads and interchanges would not be met in some cases, and would most likely require deviations for the Grand Ronde, Casino/Valley Junction, and Fort Hill interchanges and other interchanges and access points. ODOT would apply for the deviations.
- ODOT is directed by statute (ORS 824.202)

"To achieve uniform and coordinated regulation of railroad-highway crossings and to eliminate crossings at grade wherever possible [and] to control and regulate the construction, alteration, and protection of railroad-highway crossings."

The project contains two proposals that would necessitate crossing the railroad owned and operated by Hampton Lumber Company (see the Land Use Findings section for more detail). ODOT or the authority building the road would apply for an order from the Rail Division to cross the railroad. See OAR 741-200-0010 to 741-200-0090 for the application process.

- Clean Water Act (1972, 1977, 1987). This act covers the protection of waters of the United States to include wetlands. It establishes various programs such as the National Pollution Discharge Elimination System governing pollution point sources, an indirect source control program, and the 404 Process and permits controlling pollution and filling in wetlands and deep water habitat. ODOT will apply for a Section 404/Removal Fill Permit from the U.S. Army Corps of Engineers if needed as the individual construction phases move into the design stage.
- A state fill removal permit from the Division of State Lands will be applied for if needed.

- Federal Endangered Species Act (1973). This act requires the protection of federally designated threatened and endangered animal and plant species. Avoidance of taking individuals or jeopardy to populations is required. Agencies are required under Section 7 of the act to consult with appropriate federal resource agencies before taking any action. ODOT initiated formal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries while the EA was being developed. Because the construction phases of the project have not been advanced to the design stage, the resource agencies advised that ODOT coordinate with them throughout project development for each construction phase, as warranted. Resource agencies would provide technical assistance to avoid, minimize, or mitigate impacts to plant and animal species in the project area. ODOT will prepare biological assessments for the construction phases of the project and initiate consultation with USFWS before final design for each project phase, as warranted.
- Chapter 119 of Polk County Ordinances addresses Conditional Uses. The Fort Hill to Wallace Bridge phase of the project includes moving weigh stations, which will require a conditional use permit. In addition, Polk County requires a conditional use permit for transportation improvements requiring additional right-of-way within the Exclusive Farm Use (EFU) and Farm Forest (FF) zones. The conditional use permit findings will address Chapter 119, Conditional Uses, as well as Chapter 138 (Farm Forest Zone), Chapter 178 (Floodplain Overlay Zone), and Chapter 182 (Significant Resource Areas Overlay Zone). The conditional use permit findings will also address consistency with specific elements of the Comprehensive Plan, including Policy 1.3 Unincorporated Communities; Policies 1.4 and 1.5 Agriculture; and Policy 2.2 Highways.