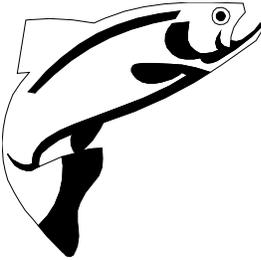




*protecting
Oregon's
watersheds*



A guide to

Oregon Permits

issued by State & Federal
Agencies



with a focus on permits for
Watershed Restoration
Activities



Developed by the Oregon Plan for Salmon and
Watersheds

and the Oregon
Watershed Enhancement Board



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If you plan to:



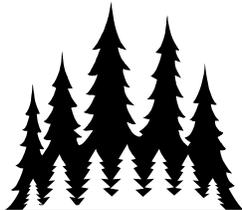
- do watershed **restoration** or **enhancement** work

see page 4



- build a **dam**, seawall, boat ramp or other in-water structure
- place **rip-rap** or **fill** along a waterway
- modify the **bank** or **shore** of a waterway

see page 7



- harvest **timber**, construct forest roads, treat forest lands or do other **forestry** activities

see page 12



- manage confined **farm animals**
- farm wetland **pastures**

see page 16



- use or store **water** from underground or from a river or stream
- modify a **water right**

see page 18



- discharge wastewater, storm water or sewage
 - discharge water underground

see page 23



- extract or process minerals through mining

see page 28



- do any work near a scenic waterway or ocean shore

see page 29



- site a large energy facility
- site a surface facility associated with gas or fuel pipelines

see page 31



- do any work that might affect a protected species

see page 32



- contact a state agency or federal agency for more information

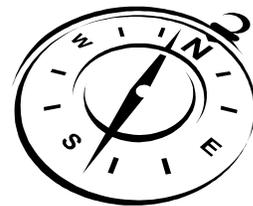
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Finding your way through the permitting process

At first glance, the process of obtaining a permit looks complicated and difficult to understand. That is why this booklet was written - to help you better understand permits, when they are needed, how long it takes to get them, and what government agencies must do to issue them. It is organized by activities that affect the health of Oregon's watersheds, including work in waterways and on forest and agricultural lands, and activities that affect water quality, fish and wildlife. It is meant to give you general information to get you started - to point you in the right direction and to help you understand the permitting process.

Every Oregonian has an important role in keeping Oregon's watersheds, lakes, wetlands, estuaries, and coastal waters healthy. Part of that role is about voluntary actions - things people do on their own because they want to be part of the solution through watershed and salmon restoration. Another part, just as important, is about following the laws and rules that have been written to protect Oregon's natural resources. Both of these roles are essential to success of the Oregon Plan for Salmon and Watersheds. The permitting process is one way latter role is accomplished.

A permit is how laws and rules are applied. By issuing and keeping track of permits, local, state and federal agencies can set minimum standards for activities to protect Oregon's environment for this and future generations.



Restoring and Enhancing Watersheds



Across Oregon, citizens, landowners, watershed councils, soil and watershed conservation districts, businesses, industries and other groups are working to restore and enhance watershed health. People are doing restoration projects on forest and agricultural land, in rural and urban areas, and in streams, rivers, estuaries and wetlands statewide. This work is improving the function and productivity of Oregon’s lands and waterways, and is helping to rebuild imperiled populations of fish and wildlife.

Permits for Restoration and Enhancement. State and federal laws apply to watershed restoration work that involves activities regulated by government agencies. Many of these activities are discussed in greater detail throughout this guide. All or portions of planned restoration projects may require state or federal approval or permits. To clarify how regulations apply to watershed restoration and enhancement work, the table below provides examples of specific activities, concerns about the possible impacts of the activities, and the approval or permits they may require. *It is important to contact the agency that issues permits for the type of work you are planning, to learn whether approval or a permit is required for your restoration project (see section *Getting Information and Assistance*).* Also, contact your local government (county or city) to learn whether local permits are required.

Upslope Watershed Restoration

Restoration Activity	Concerns about impacts of the activity	Permits or approval that may be required
Correcting road-stream crossing problems	<ul style="list-style-type: none"> In-water construction work should be planned to occur during the established in-water work period to protect species All bank alteration, backfill and fill/removal activities should be conducted to prevent or minimize introduction of sediment into streams The culvert or other stream crossing device must meet ODFW fish passage criteria 	<ul style="list-style-type: none"> Work on forest operations may require ODF approval and is exempt from federal 404 Permits Work on other lands or on a navigable waterway requires a Removal-Fill Permit or General Authorization from DSL A federal 404 Permit from ACOE is not required if the project does not increase the road capacity Projects that affect public roads may require approval from ODOT
Road re-construction / obliteration	<ul style="list-style-type: none"> When excavating the road section, backfill and fill/removal activities should be conducted to prevent or minimize introduction of sediment into streams In-water construction work should be planned to occur during the established in-water work period to protect species Removed material should be placed in a stable upland location Disturbed banks should be reseeded or revegetated to prevent sediment movement 	<ul style="list-style-type: none"> Work on forest operations may require ODF approval and is exempt from federal 404 Permits Work on other lands or on a navigable waterway requires a Removal-Fill Permit or General Authorization from DSL and/or a 404 Permit or General Permit from ACOE A federal 404 Permit from ACOE is required only if material is filled back into the stream Projects that affect public roads may require approval from ODOT
Upland erosion control <ul style="list-style-type: none"> Water & sediment control basins (WASCOB) Windbreaks Upland terracing Planting disturbed areas 	<ul style="list-style-type: none"> Projects may block fish passage Water impoundment may interrupt water flow in-stream and harm aquatic species 	<ul style="list-style-type: none"> WASCOB may require a Water Storage Permit from OWRD if they store water. If it drains out (i.e. drains within 70 days) or passes “normal flow” it will not require a permit Terraces are exempt from OWRD permits

Riparian Area and Wetland Restoration

Restoration Activity	Concerns about impacts of the activity	Permits or approval that may be required
Estuarine and freshwater wetland projects	<ul style="list-style-type: none"> Water control structures may alter natural hydrologic processes Dike structures placed in wetlands alter natural hydrologic processes Dike removal should comply with in-water work periods to protect aquatic species Backfill or restoration of “ditched” channels must be concerned with placement of fill material Construction activities and disturbed sites should be reseeded or revegetated to prevent sediment movement 	<ul style="list-style-type: none"> Many of the construction activities in wetlands require a Removal-Fill Permit or General Authorization from DSL A federal 404 Permit from the ACOE is required for any fill placed in wetlands or waters Water impoundment may require a Water Storage Permit from OWRD if water is stored
Grazing management plans	<ul style="list-style-type: none"> Care should be taken to ensure riparian areas are protected Grazing should be managed to maintain native plant communities 	<ul style="list-style-type: none"> Grazing does not require state approval Grazing may require a permit on federal lands from BLM or USFS
Riparian vegetation planting	<ul style="list-style-type: none"> Plant species should be adapted to riparian conditions (occasional to regular flooding) Planting should consider natural succession of species 	<ul style="list-style-type: none"> Planting does not require approval or permits Riparian planting can be paid for by federal Farm Service Agency programs such as the continuous sign-up or Conservation Reserve Enhancement Program
Riparian fencing	<ul style="list-style-type: none"> Fence placement should consider flooding patterns, location of the floodplain and stream channel movement patterns 	<ul style="list-style-type: none"> Fencing does not require approval or permits Riparian fencing can be paid for by federal Farm Service Agency programs such as the continuous sign-up or Conservation Reserve Enhancement Program
Water gap development	<ul style="list-style-type: none"> Fencing should be able to tolerate flooding patterns Rock used to harden the water gap should be placed during the in-stream work period to protect species 	<ul style="list-style-type: none"> Rock placement may require a Removal-Fill Permit or General Authorization from DSL if more than 50 cubic yards of material is used, and/or a 404 Permit or General Permit from ACOE
Livestock water development or diversions	<ul style="list-style-type: none"> Diversions of stream flow can reduce in-stream flow and harm aquatic species Springs may have important habitat value and may support listed amphibians 	<ul style="list-style-type: none"> Water diversions require a permit from OWRD, however certain livestock diversions may be exempt from state permit requirements
Brush / weed control / eradication	<ul style="list-style-type: none"> Applications may drift and pollute nearby waters 	<ul style="list-style-type: none"> Work on forest operations may require ODF approval Many chemicals require an ODA applicators license
Riparian conifer restoration		<ul style="list-style-type: none"> Work on forest lands requires ODF approval

Terms		
	ACOE: US Army Corps of Engineers	ODFW: Oregon Department of Fish and Wildlife
	BLM: USDI Bureau of Land Management	ODOT: Oregon Department of Transportation
	DEQ: Oregon Department of Environmental Quality	OWRD: Oregon Water Resources Department
	DSL: Oregon Division of State Lands	USFS: US Forest Service
	ODA: Oregon Department of Agriculture	USFWS: US Fish and Wildlife Service
	ODF: Oregon Department of Forestry	

In-Channel Stream Restoration

Restoration Activity	Concerns about impacts of the activity	Permits or approval that may be required
Beaver management	<ul style="list-style-type: none"> Beaver may dam culverts causing flooding or erosion 	<ul style="list-style-type: none"> Beaver trapping and transportation requires approval from ODFW
Instream transfer and leases	<ul style="list-style-type: none"> Concern about effect on other water users Concern about the ability to manage the water to keep it in-stream 	<ul style="list-style-type: none"> Instream water right transfers and leases require a permit from OWRD
Whole channel alterations <ul style="list-style-type: none"> Re-establish historical channel Develop meanders/side channels Relocation 	<ul style="list-style-type: none"> Sediment may be lost from raw banks, old channels, or newly constructed channels Geomorphic conditions must be evaluated to ensure the new channel is stable Backfill or blockage of the “old” channel is often controversial 	<ul style="list-style-type: none"> State Removal-Fill Permits are required from DSL for channel alterations A Section 404 Permit is required from ACOE for channel alterations
Habitat construction projects <ul style="list-style-type: none"> Off channel habitat Miscellaneous full spanning weirs Pool construction Miscellaneous deflector structures Artificially anchored log, rootwad, or boulders 	<ul style="list-style-type: none"> Sediment may be lost from raw banks, old channels, or newly constructed channels Geomorphic conditions must be evaluated to ensure channel stability is not disturbed Backfill or blockage of the “old” channel is often controversial 	<ul style="list-style-type: none"> State Removal-Fill Permits are required from DSL for channel and bank alterations A Section 404 Permit is required from ACOE for channel and bank alterations Blasting to create pools requires permits from ODFW
Large wood placement	<ul style="list-style-type: none"> Wood should be large enough to affect stream processes, and the stream should have been determined to be in need of large wood Wood should meet the dimension criteria in the Oregon Aquatic Habitat Restoration and Enhancement Guide Concern may exist for downstream structures that could be damaged by addition of wood 	<ul style="list-style-type: none"> Work on forest lands requires ODF approval Work on other lands or on a navigable waterway requires a Removal-Fill Permit or General Authorization from DSL A Section 404 Permit is required from ACOE but a Regional General Permit may be available soon as an alternative to an individual permit
Instream boulder placement	<ul style="list-style-type: none"> Project should consider whether boulder placement would alter stream stability Boulder placement should mimic naturally occurring boulders 	<ul style="list-style-type: none"> Work on forest lands requires ODF approval Work on non-forest lands or on a navigable waterway requires a Removal-Fill Permit or General Authorization from DSL A Section 404 Permit is required from ACOE but a Regional General Permit may be available soon as an alternative to an individual permit
Fish passage structures (excluding road crossings)	<ul style="list-style-type: none"> Project should consider whether the barrier is a natural barrier or artificial barrier, and whether removal of the barrier would create predation problems or other problems Fishways should meet ODFW guidelines 	<ul style="list-style-type: none"> State Removal-Fill Permits are required from DSL for channel and bank alterations A Section 404 Permit may be required from ACOE channel and bank alterations
Alternatives to push-up dams	<ul style="list-style-type: none"> Project should consider whether alternatives improve fish passage and/or saves water Project may involve a change in the point of diversion of a water right 	<ul style="list-style-type: none"> Infiltration galleries may need OWRD approval as a transfer from surface water to ground water State Removal-Fill Permits are required from DSL for channel and bank alterations A Section 404 Permit is required from ACOE channel and bank alterations
Salmonid carcass placement	<ul style="list-style-type: none"> Introduction of disease organisms Nutrient loading into the stream 	<ul style="list-style-type: none"> DEQ regulates the placement of carcasses in-stream as a discharge

Dredging or Filling Waterways or Wetlands



Work that occurs in waterways or wetlands can affect the quality of our waters, recreation and navigation, and fish and wildlife habitat. For these reasons, state and federal laws require permits for most work in or near waterways.

Obtaining a Permit to Remove Material from or Place Material in a Waterway

Fill and removal activities that occur in Oregon's waters require a permit from the U.S. Army Corps of Engineers (ACOE) and/or the Oregon Division of State Lands (DSL) before work is started. Some common activities requiring a permit include:

- excavation or dredging in Oregon waters
- channel changes, realignments or relocations
- construction of a dock, pier, wharf, seawall, boat ramp, intake or outfall structure
- placement of fill, riprap or similar material
- placing fill to construct levees, roadways and bridges
- bank or shore stabilization projects including jetties and revetments

These activities require a permit even if the impact is minor. No matter how small your project is, you should check to see whether a permit is required.

Oregon's Removal-Fill Law requires DSL to issue removal-fill permits to conserve, restore and maintain the health of Oregon's waters. DSL's jurisdiction extends to the ordinary high water or high tide line, or to the line of non-aquatic vegetation - whichever is higher. However, if the activity involves filling or removing less than 50 cubic yards and is not in an area determined to be Essential Salmonid Habitat or a State Scenic Waterway (DSL can provide the locations of these areas), a state permit is not required. Note: activities that cumulatively place more than 50 cubic yards of material in a waterway over multiple years or in multiple operations do require a state permit from DSL.

Some specific activities are exempt from DSL permit requirements, including some work that is part of a forest plan (which is regulated through Oregon's Forest Practices Act) and some maintenance activities associated with farming and emergency repair of dikes, dams, levees, tidegates, irrigation ditches and transportation structures. DSL can provide information on exempt activities and whether a permit from another agency is required. *Activities that do not require a state DSL permit may require a local government permit and/or federal ACOE permit.*

ACOE issues federal permits for dredge and fill activities in U.S. waters, regardless of the amount of area affected by the activity and amount of fill used. This is required by Section 10 of

the Rivers and Harbors Act, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. U.S. waters include: navigable coastal and inland waters, including lakes, rivers, streams and their tributaries, interstate waters and their tributaries, and wetlands adjacent to navigable and interstate waters. Isolated wetlands and lakes, and intermittent streams are also regulated by ACOE if their degradation could adversely affect interstate commerce. ACOE's jurisdiction extends to the ordinary high water or high tide line.

Currently, DSL and ACOE use a joint permit application form, so that in many cases applicants only need to fill out one application to obtain both permits. However, projects *do require separate authorizations* (or permits) from DSL and ACOE, and each agency may request information in addition to the application. Joint applications are available from DSL, ACOE, Oregon Department of Fish and Wildlife (ODFW) offices and local Soil and Water Conservation District (SWCD) offices. Applications require supporting documentation including a detailed project description, drawings and location maps.

Application Review. Copies of completed applications must be sent to DSL and ACOE. Each of these two agencies evaluates the proposed activity to ensure adverse impacts to water resources and other public interests are avoided or minimized, and that unavoidable impacts are compensated for (called "compensatory mitigation"). The applications are then made available to agencies and the public for review, comment, and necessary certifications.

Water Quality Certification. Section 401 of the federal Clean Water Act requires the Oregon Department of Environmental Quality (DEQ) to certify that the proposed activity does not endanger Oregon's streams and wetlands and to confirm that the plan meets water quality laws and standards. Once this is confirmed, the DEQ issues a *Water Quality Certification*. Applicants may be required to incorporate protective measures into their construction and operational plans, such as sediment retention, treatment of stormwater runoff, spill protection, and fish and wildlife protection.

Coastal Zone Certification. If the proposed project will occur within Oregon's coastal zone, it may require a coastal zone approval from the Oregon Department of Land Conservation and Development (DLCD). Oregon's coastal zone generally includes all lands and waters west of the crest of the Coast Range seaward to the 3-mile territorial sea boundary, with exceptions at the Columbia, Umpqua, and Rogue Rivers. The federal Coastal Zone Management Act requires DLCD to review certain federal permits, including ACOE permits, to ensure proposed projects are consistent with the Oregon Coastal Management Program. The Oregon Coastal Management Program includes goals for estuaries, shorelands, beaches and dunes, and ocean resources; local

Terms

ACOE: US Army Corps of Engineers

DEQ: Oregon Department of Environmental Quality

DLCD: Oregon Department of Land Conservation and Development

DSL: Oregon Division of State Lands

Essential Salmonid Habitat: the habitat necessary to prevent the depletion of native salmon species (chum, sockeye, Chinook and coho salmon, and steelhead and cutthroat trout) during their life history stages of spawning and rearing. Applies only to species listed as Sensitive, Threatened or Endangered by a state or federal authority.

ODFW: Oregon Department of Fish and Wildlife

State Scenic Waterways: a list of State Scenic Waterways can be obtained from DSL or found at:
<http://statelands.dsl.state.or.us/scenicwaterways.htm>

SWCD: Soil and Water Conservation District

comprehensive plans and land use regulations for cities and counties within the coastal zone; and various state agency management authorities. Applicants complete a Coastal Zone Certification (included in the DSL/ACOE joint permit application) that DLCDC considers, then concurs with or objects to.

Local Planning Certification. Applications also require certification from the local city or county planning department that the proposed project is consistent with the local comprehensive plan and applicable zoning. In addition to this certification, an applicant may need to obtain a separate permit from the local government office (contact your local government for information).

Activities on the Ocean Shore. Work that occurs on an ocean shore requires a permit from the Oregon Parks and Recreation Department (OPRD). Some common examples of work requiring an Ocean Shore permit includes riprap, creating stairway access to a beach, dune grading, removal or fill activities, and laying pipes, cables or other utilities across or under a beach (see section *Working Near Scenic Highways or Ocean Shores*).

Using Explosives. Any use of explosives in waters of the state requires a separate permit from ODFW. ODFW will include with the permit, actions to minimize effects to fish and wildlife, including adherence to ODFW timing guidelines for in-water work. Applications can be obtained from ODFW offices.

Endangered Species Act Consultation. Section 7 of the Endangered Species Act (ESA) requires the ACOE to ensure their actions are not likely to jeopardize a threatened or endangered species or adversely modify its habitat. (In this case the federal action is the issuance of a permit.) ACOE consults with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on permit applications to ensure species are protected (see section *Protecting Species*).

If the project design and implementation plan is deemed acceptable, DSL and ACOE issue separate permits to the applicant. Permits may include conditions to avoid, minimize and provide mitigation for expected impacts of the project. Conditions are designed to protect water quality, fish and wildlife and their habitats, and adjacent properties.

Timeline. In general, it takes up to 90 days to obtain a DSL permit and up to 120 days to obtain an ACOE permit (called a Standard Individual Permit). These timelines include review by resource agencies, local land use agencies and interested parties but could be much longer if federal consultation with NMFS or USFWS is required by the Endangered Species Act (see section *Protecting Species*). Permit applicants should apply at least six months before the planned work.

However, *application is recommended 6 months to one year before the planned work* to ensure time to address any unanticipated problems. In addition, applicants should consider in-water work periods throughout the year when certain activities will be either allowed or prohibited.

ODFW can provide information about times when in-water work will have the least impact on fish, wildlife and habitat (see their website: <http://www.dfw.state.or.us/hcd/timing/timing.html>).

Expedited State Permits

DSL issues an expedited state permit called a General Authorization for stream and wetland enhancement activities as well as erosion control and road building projects. The expedited process decreases application review time and facilitates fish habitat and wetland enhancement projects. In order to meet the requirements of the expedited process, a project must be found to not adversely affect endangered species or their critical habitat, among other requirements. Applications are reviewed by various agencies, including ODFW, the local planning department and the local SWCD. Also, projects eligible for a General Authorization may require federal approval from the ACOE.

Note: all instream and bank stabilization projects require a federal ACOE permit. Some projects will require individual permits and some projects may be covered by nationwide or regional permits (described below). Where species are listed under the ESA, ACOE will be required to consult with NMFS or USFWS before permitting the project.

Timeline. A state DSL General Authorization can usually be issued or denied within 3 to 4 weeks of receipt of the application. However, *application is recommended 6 months to one year before the planned work* to ensure time to address any unanticipated problems and to obtain federal approval or permits in time for upcoming in-water work periods (see the ODFW website for in-water work periods: <http://www.dfw.state.or.us/hcd/timing/timing.html>).

Expedited Federal Permits

ACOE issues General Permits on a national or regional basis for certain categories of activities that are similar in nature and can be accomplished with minimal environmental impacts, individually and cumulatively. These blanket permits may already authorize a proposed project, but verification of authorization may be required from ACOE. Where species are listed under the ESA, ACOE will be required to consult with NMFS or USFWS before permitting the project. Examples of activities covered by general permits include some wetland restoration, placement of large wood or boulders in streams, outfall structures, bank stabilization, road crossings and some maintenance work. Also,

Terms

ACOE: US Army Corps of Engineers

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

DEQ: Oregon Department of Environmental Quality

DLCD: Oregon Department of Land Conservation and Development

DSL: Oregon Division of State Lands

EPA: US Environmental Protection Agency

ESA: Endangered Species Act

General Authorizaton: an expedited permit issued by DSL for stream and wetland enhancement activities and erosion control and road building projects.

General Permit: an expedited permit issued by ACOE for certain types of activities with minimal environmental impacts.

NMFS: National Marine Fisheries Service

ODFW: Oregon Department of Fish and Wildlife

OPRD: Oregon Parks and Recreation Department

SWCD: Soil and Water Conservation District

USFWS: US Fish and Wildlife Service

ACOE issues Letters of Permission that authorize very small projects only within navigable waters.

Timeline. Verification that a general permit authorizes some proposed work can normally be provided within 15 to 20 working days after a complete application is received. However, *application is recommended 6 months to one year before the planned work* to ensure time to address any unanticipated problems and to obtain federal approval or permits in time for upcoming in-water work periods (see the ODFW website for in-water work periods: <http://www.dfw.state.or.us/hcd/timing/timing.html>).

In some cases, the necessity for water quality certification or Coastal Zone Management certification may delay full authorization by 30 days or more. Letters of Permission are normally issued within 15 to 30 days after a complete application is received.

Reporting Unauthorized Activity

DSL, ACOE and the U.S. Environmental Protection Agency (EPA) have the authority to regulate activity that involves dredging material or filling material in Oregon waters. Operators must have a copy of the permit on the site, authorizing this type of activity. If you are aware of activity that involves dredging or filling of material in Oregon waters, either underway or completed, without authorization from DSL and/or ACOE, you are encouraged to contact DSL, ACOE and/or local DEQ or ODFW staff to request an investigation. Specific information describing the activity, the amount of work undertaken, dates, names, and location (legal description, address or landmarks) are needed; photos are helpful.

The NMFS or USFWS could also have enforcement responsibilities for violations of species protections of the Endangered Species Act.

Protecting and preserving Oregon's waters is a cooperative effort. Those engaging in activities that require authorization from DSL and/or ACOE without permits can be subject to civil and/or criminal prosecution.

Terms

ACOE: US Army Corps of Engineers

DEQ: Oregon Department of Environmental Quality

DSL: Oregon Division of State Lands

EPA: US Environmental Protection Agency

NMFS: National Marine Fisheries Service

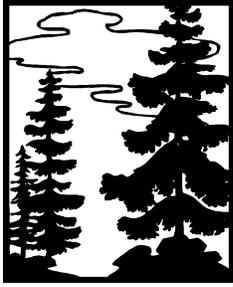
ODF: Oregon Department of Forestry

ODFW: Oregon Department of Fish and Wildlife

OWRD: Oregon Water Resources Department

USFWS: US Fish and Wildlife Service

Managing Forest Lands



Landowners who are planning logging, road building, chemical spraying or other commercial forest operations need to become familiar with Oregon Forest Practice Rules for managing nonfederal forest land. Forest Practice Rules are intended to protect Oregon's forest resources, including soil, air, water, and fish and wildlife habitat.

Notifying the State of Work Planned on Forest Lands

At least 15 days before beginning certain activities on forest lands, landowners, hired operators, or timber purchasers must notify the Oregon Department of Forestry (ODF) and supply information on the activity. Activities requiring notification include timber harvesting, road construction, site preparation, chemical application, land clearing, slash treatment, precommercial thinning, commercial firewood collection, and surface mining. Information on the type of operation, its location (including a map and the legal description: for example, NE 1/4 SW 1/4 sec.8, T. 11 S., R. 5 W.), and the parties involved must be provided with the notification forms, which are available from ODF. This information helps ODF determine whether inspection or technical advice is needed to ensure forest resources receive adequate protection. If operators are hired to do work, they can notify ODF and then the agency will send a copy of the notification to the landowner and timber owner.

Chemical applications in certain locations may also require separate notification to managers of nearby community water systems 15 days before the operation. Withdrawal of stream water for mixing pesticides or for use in controlling burning of slash also requires separate notices to the Oregon Department of Water Resources (OWRD) and the Oregon Department of Fish and Wildlife (ODFW).

Oregon Forest Practice Rules also address the handling of petroleum products to prevent water pollution, avoiding changes in stream courses that support fish, and providing for clean water and soil stability near gravel pits and other quarry sites. Also, waivers or modifications of the rules to accommodate changes of forest land to other uses (such as home site or pasture development) require the prior approval of ODF. Local zoning regulations may place additional restrictions on land use changes, and local government offices can help landowners learn about these.

Site-specific rules. Because forest and site conditions vary so much in Oregon, some of the Forest Practice Rules differ depending upon where property or individual operations are located. Rules for vegetation retention along streams vary among different regions within the state. Other individual rules for road-related and timber-harvesting activities vary among three large regions (east, northwest, and southwest in the state). Reforestation requirements differ depending on the productivity of a particular site - generally, more seedlings or residual trees are required for

reforestation of more productive sites. For these reasons, it is important to refer to the Forest Practices Rules written for a particular location and to contact ODF with questions.

Obtaining Approval for Certain Activities

Some activities and locations on forest lands have an increased risk for potential for resource protection problems. In other cases, a landowner or operator may believe an alternative to strict adherence with the Forest Practices Rules will produce equal or better environmental results. In both of these instances, the landowner or operator must notify ODF about the intended operation and receive written approval from ODF before proceeding. ODF often requires a detailed written plan describing the proposed operation and how resource protection will be provided.

The requirements for prior approval and written plans allow ODF to review the planned activity, inspect the site if necessary, and specify ways to avoid resource damage. Although these steps and final written approval sometimes can be completed within the 15-day notification period, it's wise to allow extra time. Situations requiring prior approval often represent fairly complicated problems that demand careful planning and action. Landowners may need help from a consulting forester or engineer, as well as a highly skilled operator to avoid resource damage. ODF can help landowners with questions about written plans and prior approval processes.

In and around water. Stream channels and riparian locations are particularly sensitive to damage that can lead to problems with water quality, fish and wildlife habitat, and watershed health. For this reason, prior approval and a written plan are necessary for operations within 100 feet of a fish-bearing stream, domestically-used stream, or large lake, or operations within 300 feet of a significant wetland. Prior approval is also needed before changing or relocating a stream channel. Operating heavy equipment in or near streams is normally discouraged, but ODF recognizes that operations such as bridge and culvert installations may make some in-stream activities unavoidable.

Landowners must gain approval of plans to locate roads, landings, or skid or fire trails in riparian management areas. Prior approval is also required to harvest blown-down timber, diseased or insect-infested snags or down wood, or fire-killed trees in riparian management areas. Because these materials often are desirable for fish and wildlife habitat, their removal is typically not approved. If approval is given, landowners or operators may be required to use special procedures or equipment to minimize resource impacts.

High-risk sites. Concerns about landslides in certain parts of western Oregon led to several rules specifically designed to avoid these problems. Locations showing a significant potential for destructive landslides because of terrain, soil, site, and rainfall characteristics have been identified as high-risk areas. High-risk sites are specific problem locations within high-risk areas, such as slopes greater than 65 percent, steep headwalls, and highly dissected land formations. Prior approval is necessary before any road-building or timber-harvesting operations can begin on high-risk sites. Additionally, some rules covering road location, design, and maintenance specifically apply to high-risk areas and sites. ODF can provide information on these rules and the locations to which they apply.

Other activities. If there is a risk of soil or other debris entering existing water bodies, prior approval is needed before locating a road in difficult areas such as marshes, steep slopes, or drainage channels. Special measures to avoid erosion or other problems also will probably be necessary. Written plans and prior approval are needed for operations within 300 feet of areas identified by the State as important sites for certain wildlife species. These include nesting and roosting sites for threatened endangered species; sensitive bird nesting, roosting and watering sites; and significant wetlands. ODF can provide the locations of these sites. Also, prior approval is required to reforest property using natural reforestation methods or using non-native tree species.

If burning near riparian areas along streams or other water bodies is proposed, a written plan describing resource protection measures may be required. ODF's Protection from Fire Program issues burning permits, fire weather forecasts, and other important information to help landowners ensure they comply with Oregon's Smoke Management Plan.

Instream restoration. Instream restoration activities conducted as part of a forest operation typically are exempt from the permitting requirements of the Removal-Fill Law administered by the Oregon Division of State Lands (DSL). However, there are certain circumstances where a Removal-Fill permit may be required. Examples include:

- The removal, fill, or alteration of more than 50 cubic yards of material in a waterway determined to be *navigable* by DSL;
- The removal, fill or alteration of any amount of material in a state scenic waterway and adjacent waterways within one-quarter mile of a scenic waterway; or
- The removal, fill, or alteration of more than 5 cubic yards of material in a waterway determined to be navigable and designated by DSL as essential salmonid habitat;
- The removal, fill or alteration of more than 50 cubic yards of material in a *wetland not located on forestland* but conducted as part of an operation regulated under the Forest Practices Act (for example, building a road through a wetland in an agricultural field to access a logging operation).

In addition, these activities may require a permit from the U.S. Army Corps of Engineers (ACOE), as is required by Section 404 of the Clean Water Act (see section *Dredging or Filling Waterways or Wetlands*).

Timelines. Written approval from ODF can usually be obtained within 15 days, but it is wise to allow extra time. In certain cases the approval of other agencies may also be required before an activity can begin. An example is when a landowner wishes to use a federally owned road during

Terms

ACOE: US Army Corps of Engineers

DSL: Oregon Division of State Lands

Essential Salmonid Habitat: the habitat necessary to prevent the depletion of native salmon species (chum, sockeye, Chinook and coho salmon, and steelhead and cutthroat trout) during their life history stages of spawning and rearing. Applies only to species listed as Sensitive, Threatened or Endangered by a state or federal authority.

ODF: Oregon Department of Forestry

ODFW: Oregon Department of Fish and Wildlife

OWRD: Oregon Water Resources Department

State Scenic Waterways: a list of State Scenic Waterways can be obtained from DSL or found at: <http://statelands.dsl.state.or.us/scenicwaterways.htm>

a planned operation. A delay in gaining approval to use the road may occur if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Enforcing Forest Practice Rules

Oregon's Forest Practice Rules are enforced primarily by ODF forest practice foresters (FPFs) who operate out of local ODF offices. It's a good idea to know how to contact the FPF who handles the area where your property is located. FPFs review the operation notifications filed in their areas, make onsite inspections if necessary, and make decisions about requests for prior approval and the need for operation plans.

FPFs can issue a written statement of unsatisfactory condition or a citation if a landowner or contractor violates the Forest Practice Rules. If timely, corrective action will avoid resource damage, a written statement of unsatisfactory condition may first be issued. If damage has already occurred, or corrective action is not taken, a citation will usually follow. Citations issued under the Forest Practice Rules may result in base civil penalties up to \$5,000 per violation. If there is clear criminal intent, additional penalties may be imposed by a court.

Citations are issued to the person(s) directly responsible for the violation. For example, if a violation takes place during a contract logging operation, the operator normally is cited, and copies of the citation are sent to the landowner and timber owner (if they are different parties). However, the landowner or timber owner may also be cited if the FPF considers either or both of them to be involved with the violation. The landowner always is considered responsible for reforestation violations.

Individuals who receive a citation must immediately cease the activities that are in violation, and they may be ordered to repair any resource damage resulting from the violation. If these orders are not followed, ODF may obtain a court order to compel compliance, or it may repair the damages and charge the costs to the party cited. If not paid, these charges also can be held as a joint lien (debt) against the real property of that party.

The National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) could also have enforcement responsibilities for violations of species protections of the Endangered Species Act.

Although they are empowered and ready to issue citations that may lead to penalties, the FPFs and ODF are primarily interested in encouraging good resource management through education and prevention. They prefer to work cooperatively with landowners and contractors - to prevent problems, and to quickly correct unforeseen problems that develop.

Terms

CAFO: the concentrated confined feeding or holding of animals in buildings or pens where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather.

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

DSL: Oregon Division of State Lands

FPF: Forest Practice Forester

NMFS: National Marine Fisheries Service

ODA: Oregon Department of Agriculture

ODF: Oregon Department of Forestry

USFWS: US Fish and Wildlife Service

WPCF: Water Pollution Control Facility

Managing Agricultural Lands



State and federal laws require permits for some agricultural activities to ensure the protection of Oregon's waters and watersheds. The Oregon Department of Agriculture (ODA) can provide information and assistance to landowners about permits related to agricultural production.

Obtaining a Confined Animal Feeding Operation Permit

A Confined Animal Feeding Operation (CAFO) is the concentrated confined feeding or holding of animals in buildings or pens where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather. CAFOs include horse, cattle, sheep or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities, and fur farms. CAFOs have wastewater treatment works or disposal systems used to collect, store, treat and dispose liquid wastes, contaminated drainage waters, or liquid manure.

All livestock owners or operators that meet the definition of a CAFO must obtain a permit from ODA to operate a wastewater treatment and disposal system. If more than one CAFO is owned by one person, separate permits are required for each location. Applications for Water Pollution Control Facility (WPCF) Permits can be obtained by contacting ODA (see section *Discharging Water and Waste* for WPCF permit requirements).

Timeline. Permit processing can take up to 30 days to review the application and determine the maximum number of animals that can be contained on the farm. However, timelines could be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Enforcement. State laws protect water quality by preventing the discharge of animal waste into waterways, including discharge from all permitted and non-permitted CAFOs. Those who choose not to register wastewater facilities with ODA are subject to a \$500 civil penalty and could also be found in violation of the federal Clean Water Act and/or Endangered Species Act.

Permits for Work on Farmed Wetland Pastures

Farmed wetland pastures are lands that have the water characteristics, vegetation types, and soil conditions of wetlands. In nearly all cases, the wetland pasture has a waterway running through it. Farmers and ranchers use these fields for livestock grazing and/or for hay production. Farmed wetland pastures are not used for growing row crops or wheat and feed grain crops, which are usually tilled on an annual basis.

The waterways found in farmed wetland pastures can be ditches, creeks, streams or any combination. Most waterways in these pastures have been straightened and/or relocated and are used for drainage, irrigation and livestock watering, and provide habitat for wildlife, waterfowl and fish.

Ranchers may want to remove material from waterways as part of pasture management. State and federal laws may require a permit for the removal and placement of material from waterways in farmed wetland pastures. The permit system tries to ensure that the design and timing of maintenance activities will have the least harmful effect on the natural structure and function of the waterway. For example, removing material at the right time of year can minimize harmful impacts on adult salmon returning to spawn and on young salmon trying to reach the ocean.

The permit is issued jointly by the Oregon Division of State Lands (DSL) and the U.S. Army Corps of Engineers (ACOE). Application forms are available from these agencies, as is more information and assistance (see also section *Dredging or Filling Waterways or Wetlands*).

Terms

ACOE: US Army Corps of Engineers

DEQ: Oregon Department of Environmental Quality

DSL: Oregon Division of State Lands

farmed wetland pastures: lands that have the water characteristics, vegetation types, and soil conditions of wetlands.

hydrologically connected: an identified connection between surface water and groundwater

OWRD: Oregon Water Resources Department

water right: a *right to use water* that is obtained from OWRD in three steps; (1) obtaining a permit to use water, (2) constructing a water system and using the water, and (3) "proving" the water use. Once developed, a water right is referred to as *certified* and is a type of property right that is attached to the land where it was established.

Using Water



Under state law, all water is publicly owned. With some exceptions, cities, farmers, factory owners and other users must obtain a permit from the Oregon Water Resources Department (OWRD) to use water or to store water in a reservoir from any source - whether it is underground, or from lakes or streams. Landowners with water flowing past, through, or under their property do not automatically have the right to use that water without a permit from OWRD. Permits and water rights are important because in times of water shortage, the use of water under the most recently issued rights may be curtailed.

Obtaining a Permit to Use Water

A permit from OWRD is required before using ground or surface water. A permit is the first of three steps to obtaining a water right; followed by (2) constructing a water system and using water, and (3) submitting proof of the water use to OWRD, or "proving" the water use (contact OWRD for more information about water rights).

To obtain a permit to use water, an applicant must submit the required fees and a completed application (available from OWRD) with the following information:

- a legal description of the property involved
- a map showing features and location of the proposed use
- written authorization permitting access to land not owned by the applicant
- names and addresses of any other property owners affected by the proposed development
- land use information obtained from the affected local government planning agency

Applicants with complex requests, or applicants who are unfamiliar with the application process are encouraged to contact OWRD to schedule a pre-application conference. A pre-application conference with agency staff can help the process go smoother and minimize chances that the applicant will encounter surprises along the way. To inquire about a conference, contact OWRD at 1-800-624-3199.

Application Review. OWRD reviews applications to ensure other water users or public resources will not be injured by the proposed use and determines if water is likely to be available for use. OWRD also considers other factors, including basin plan restrictions that might prohibit certain water uses or further appropriations, local land use restrictions, impacts on water quality or aquatic resources, and other state and federal laws. During application review, other water right holders, government agencies and the public may comment on or protest the issuance of a new permit.

Applications for diversions of surface water or where groundwater is hydrologically connected to surface water from areas where sensitive, threatened, or endangered species are present, are reviewed by the Oregon Department of Environmental Quality (DEQ), Oregon Department of

Fish and Wildlife (ODFW) and Oregon Department of Agriculture (ODA). These agencies often suggest conditions on the permit to protect fish and wildlife species and water quality.

In addition, applications for diversions from the Columbia River Basin are reviewed by the Northwest Power Planning Council, ODFW, Columbia River Intertribal Fish Commission, U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) for consistency with the Columbia River Basin Fish and Wildlife Program.

Timeline. Permit applications must be reviewed and issued or denied within eight months. However, if protests are filed, OWRD may schedule a contested case hearing to resolve issues, which can extend the total process beyond eight months. Timelines may also be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Using Water for Livestock Away from the Stream

In some cases, landowners may not need a permit to divert water away from the stream for livestock. Providing off-stream watering draws livestock away from the stream to protect the stream channel and riparian area. A permit may not be required if the water is diverted through an enclosed water delivery system equipped with a shutoff or flow control mechanism to a trough or tank. The operation must be located on land from which the livestock have legal access to the use and source of water being diverted. Also, the amounts of water that can be used are limited if the diversion occurs near a state scenic waterway. Contact OWRD to learn more about this option.

Obtaining a Permit to Store Water

The construction of a reservoir or pond of any size to store water requires a permit from OWRD, and may require a permit from the Oregon Division of State Lands (DSL) and U.S. Army Corps of Engineers (ACOE) (see section *Dredging or Filling Waterways or Wetlands*). An OWRD permit to construct a reservoir allows storage of streamflow that is surplus to the needs of existing rights. The reservoir usually is filled from higher streamflows that occur in the winter months. A reservoir permit with the sole purpose of storing water is considered the *primary* permit.

Applicants who intend to divert and use the water that is stored in the pond or reservoir will need an additional, or *secondary*, permit. Secondary permits require a survey by a Certified Water Right Examiner (CWRE), which allows OWRD to evaluate the type and location of water use, taking into consideration existing water uses and the basin program, if applicable.

Reservoirs with a dam of 10 feet or higher and which store 9.2 acre-feet or more of water must submit engineering plans and specifications for approval to OWRD before the reservoir is constructed. Smaller reservoirs and dams do not require OWRD's approval or designs and plans. However, dam builders are highly encouraged to seek OWRD's technical review of plans before beginning construction to help ensure the protection of downstream property owners.

Expedited Review. An alternative permit application process is available for those applicants only interested in building small reservoirs storing less than 9.2 acre-feet of water or with dams less than 10 feet high. This process involves an expedited public interest review and requires OWRD to grant or deny a permit within six months.

Obtaining a Limited License

Oregon law also provides a method for obtaining permission to divert and use water for a short-term or fixed duration. Certain types of uses can be allowed using a "limited license" providing that water is available and the proposed use will not injure other water rights. These authorizations allow landowners and developers to use water for purposes that do not require a permanent water right. A limited license may be available within two to three weeks of filing an application with OWRD.

Uses under a limited license may include road construction, fire fighting, general construction, rangeland management, and emergency use authorization. Uses of a longer duration may also qualify for limited licenses. Limited licenses do not receive priority over other uses and are subject to revocation if OWRD finds that the use injures other water rights. There is no guarantee that water will be available.

OWRD conducts a review of a limited license application to assess the proposed use, diversion, and location for water availability and public interest concerns such as threatened or endangered fish, water quality limited streams or scenic waterways. OWRD provides an opportunity for the public to comment on the proposed license. If OWRD finds that water is available and the proposed use will not impair or damage the public interest, a limited license is issued with terms and conditions similar to those of a water use permit. The license includes a condition that sets the term limit for water use.

Transferring Water Rights

To change the point of diversion, point of appropriation, type of use, place of use, or any combination of these for an existing water right (or *certified* water right), a water right holder must file a transfer application with OWRD. There are two types of transfers: permanent and temporary.

Terms

ACOE: US Army Corps of Engineers

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

CWRE: Certified Water Right Examiner

DSL: Oregon Division of State Lands

limited license: written permission to divert and use water for a short-term or fixed duration.

NMFS: National Marine Fisheries Service

ODA: Oregon Department of Agriculture

ODFW: Oregon Department of Fish and Wildlife

OWRD: Oregon Water Resources Department

USFWS: US Fish and Wildlife Service

water right: a *right to use water* that is obtained from OWRD in three steps; (1) obtaining a permit to use water, (2) constructing a water system and using the water, and (3) "proving" the water use. Once developed, a water right is referred to as *certified* and is a type of property right that is attached to the land where it was established.

Applications for permanent transfers require a map prepared by a CWRE. Applicants must provide a transfer application form describing the proposed change and providing evidence of water use, land ownership, and in most cases, compliance with local land use plans. The water must continue to be used in accordance with the current water right until the transfer is approved. To approve the transfer, OWRD must determine that the proposed change will not injure other water rights.

A water user may also temporarily change the place of use of a water right to allow a right attached to one parcel of land to be used on another parcel. A temporary transfer may not exceed a period of five years. This type of transfer is typically used for crop rotations or other rotational uses of water. The application is the same as for the permanent transfer, but the required map does not have to be prepared by a CWRE.

Other transfers. If a government action may cause a change in surface water levels that impairs the use of an authorized point of diversion, a special transfer process is available to change the point of diversion. If an individual (not a company, government body, or other entity) has been using a diversion point for over ten years that is not the authorized point of diversion, the individual may request an abbreviated transfer process to change the certificated point of diversion to the current point of diversion. This change may only be made if there have been no complaints about the alternative point of diversion and if the change can take place without causing injury to other water rights.

Transfers to instream use. Water rights may also be transferred to instream uses to benefit aquatic species, water quality and watershed health. Water rights may be transferred to instream use either permanently or temporarily. Instream water rights establish flow levels to stay instream on a month-by-month basis, are usually set for a certain stream reach, and are measured at a specific point on the stream. Temporary transfers to instream use are accomplished by way of a lease agreement and a transfer application. Instream transfers must show that no injury will occur and that a beneficial use will be made of the water during the lease period, such as fishery habitat or flow augmentation for diluting contaminants and pollution. These transferred rights become instream water rights with the same priority to receive water as the original right. The water may not be diverted by any junior user while it is an instream right.

Using Conserved Water

OWRD encourages efficient use of water and practices that effectively conserve water resources. Oregon law currently requires that all water that is diverted by water right holders be used beneficially and without waste. This means that a right holder is required by law to use only the amount necessary for the intended purpose and no more, up to the limits of the water right.

With improving technology and distribution methods, water users are now able to do the same work with much less water than was required in the past. However, the water saved by improved technology and efficient practices cannot automatically be put to uses except those specified in a water right. For example, if the installation of an improved irrigation system reduces water use

from six acre-feet per year to only two-acre feet per year, the four acre-feet that is saved cannot be used on other lands or for other purposes under the existing water right.

Water right holders can submit an application and conservation plan to OWRD to use a portion of the conserved water on additional lands, apply the water to new uses, or dedicate the water to instream use. Without submitting a conservation plan to OWRD, the un-used water may be forfeited. OWRD approves the application if allocation of the conserved water can be done without injuring other water rights. The percentage of saved water that may be applied to new uses or lands depends on the amount of state or federal funding contributed to the conservation project. State law requires the remaining percentage of the saved water to be returned to the stream for improving instream flows, if needed. The original water right is reissued to reflect the quantity of water being used with the improved technology and the priority date stays the same. Another water right certificate is issued for the new use with either the same priority date or a priority date of one minute after the original water right. The process gives a water right holder the option of extending the use of their right without applying for a new permit or transferring an existing permit.

Terms

CWRE: Certified Water Right Examiner

instream water right: a water right that dedicates water to remain in-stream.

NMFS: National Marine Fisheries Service

OWRD: Oregon Water Resources Department

USFWS: US Fish and Wildlife Service

water right: a *right to use water* that is obtained from OWRD in three steps; (1) obtaining a permit to use water, (2) constructing a water system and using the water, and (3) "proving" the water use. Once developed, a water right is referred to as *certified* and is a type of property right that is attached to the land where it was established.

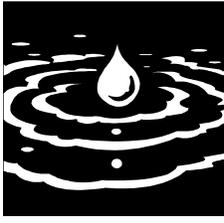
Enforcing Water Use Laws

In order to ensure that water laws are obeyed and to protect the rights of other users, OWRD employs watermasters, well inspectors and ground water geologists authorized to enter private land and inspect wells and water diversions. In a time of water shortage, watermasters determine who has the right to use water. They shut down junior users in periods of shortage as necessary to distribute water to more senior users. Distribution of water occurs each summer on many of Oregon's streams.

Watermasters also take action to obtain compliance of unlawful water users or those who are engaged in practices which "waste" water. The waste of water means the continued use of more water than is needed to satisfy the specific beneficial use for which the right was granted. Watermasters and field staff also provide general information to the public, enforce water rights, inspect wells and dams for safety violations, and measure and monitor streamflows for future planning needs.

The National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) could also have enforcement responsibilities for violations of species protections of the Endangered Species Act. For example, NMFS has identified unscreened diversions and de-watering of streams at times essential for salmon use as activities that may be construed as violation of the federal Endangered Species Act.

Discharging Wastewater and Storm Water



State and federal environmental laws protect Oregon's environment from pollution and degradation. The Oregon Department of Environmental Quality (DEQ) issues permits in accordance with these laws for activities that release or discharge pollutants into the environment. DEQ can provide information on the permits needed for different development activities, as well as permit application materials.

Obtaining a Permit for Wastewater Discharge

All sewage treatment plants and industrial facilities that discharge wastewater to surface waters in Oregon must obtain a National Pollution Discharge Elimination System (NPDES) Permit from DEQ. An NPDES permit specifies an acceptable level of a pollutant in a wastewater discharge (for example, a certain level of bacteria). The permittee may choose which technologies to use to achieve that level. Permits can also specify 'best management practices' to protect water quality (such as installing a screen over the pipe to keep debris out of the waterway). Some operations are covered by general permits and do not require an individual permit. These include fish hatcheries, log ponds, seafood processing, petroleum hydrocarbon cleanup, and vehicle wash water. General permits typically take less time to process.

Facilities that do not directly discharge to surface waters require a Water Pollution Control Facilities (WPCF) Permit. Examples of systems which require WPCF permits include land irrigation systems, evapotranspiration lagoons, industrial seepage pits, and on-site sewage disposal systems designed for wastewater flows greater than 2,500 gallons per day, or some systems with lower design flows. Some operations are covered by general permits and do not require an individual permit. These include industrial activities such as offstream placer mining, gravel mining, and seasonal food processing and wineries. Domestic activities covered by general WPCF permits include some pre-treatment facilities, recirculation gravel filters, holding tanks, intermittent sand filters, some standard sewage disposal systems, and lagoons with design flows less than 6,500 gallons per day.

Individual permits. To obtain an individual permit, a potential developer must complete a permit application and a Land Use Compatibility Statement, both available from DEQ. Generally, the application will require a complete description of the proposed system, wastewater characterization, and groundwater characterization if the discharge may impact groundwater. The Land Use Compatibility Statement requires the signature of the local land use authority (city or county planner) assuring the proposed system is compatible with local land use plans. Applications must be submitted to DEQ 180 days (for a NPDES permit) or 60 days (for a WPCF permit) before the new discharge begins or the old permit expires. A 30-day public notice is provided for all proposed NPDES permits and most WPCF permits, during which time the public, other state agencies, and the U.S. Environmental Protection Agency (EPA) may review and comment on the permit. Based on application information and public input, DEQ may issue, deny or modify the permit.

Average processing time is 120 to 360 days for individual NPDES permits and 90 to 180 days for individual WPCF permits, and may be greater if public interest and involvement are high. Timelines may also be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Once permits are issued, permit holders must adhere to all applicable state and federal regulations and to the requirements specified by their permit. General responsibilities include effluent and discharge limitations, record keeping, monitoring and reporting, and operation and maintenance of the system.

General permits. Potential developers who believe their facility may qualify for a general permit can submit an abbreviated application to DEQ and will be informed if their facility qualifies for a general permit. However, DEQ may still request additional application information similar to requirements of an individual permit and may choose to issue public notice on the application. If the permit application is approved, DEQ assigns the new discharge to an existing general permit.

Average processing time for assignment to a general permit is 90 days. General permits must adhere to state and federal regulations and require maintenance responsibilities similar to individual permits.

Obtaining a Permit for Storm Water Discharge

Certain storm water discharges associated with industrial activity must obtain an NPDES storm water discharge general permit. In general, this permit is needed if storm water from rain or snow melt leaves the site through a "point source" and reaches surface waters either directly or through storm drainage, and if the activity or industry is listed by EPA. A point source is a natural or human-made conveyance of water through pipes, culverts, ditches, catch basins, or any other type of channel. Sources listed by EPA include construction activities that disturb 5 or more acres of land (including clearing, grading or excavation); manufacturing and transportation industries; hazardous waste treatment, storage or disposal activities; mining activities; scrap yards; landfills; stream electric power facilities; and some sewage treatment plans. Wood treating businesses must obtain an individual storm water discharge permit, which is similar to other NPDES individual permits.

General permits. To obtain a general permit, a potential developer must complete a permit application (available from DEQ) including the location of the site, the site activities, a site evaluation for discharges other than storm water, a site drainage map, and a Land Use

Terms

DEQ: Oregon Department of Environmental Quality

EPA: US Environmental Protection Agency

facility: all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

general permit: an existing permit that covers a general type of activity. Adding an operation to a general permit usually takes less time than obtaining an individual permit.

NPDES: National Pollution Discharge Elimination System

pollutant: a contaminant that adversely alters the physical, chemical or biological properties of the environment.

WPCF: Water Pollution Control Facility

Compatibility Statement signed by the local land use authority. If the application is approved, DEQ assigns the source to an NPDES storm water discharge general permit.

Several municipalities are acting as DEQ's agent in assigning the NPDES #1200-C storm water general permit for construction activities that disturb 5 or more acres. The processing time and application procedures for municipalities may differ. The City of Portland also acts as DEQ's agent to assist in administering the NPDES storm water permits for industrial activities within the City limits, and the Oregon Department of Geology and Mineral Industries (DOGAMI) acts as DEQ's agent for storm water permitting of mining activities (see section *Mining Land*).

Generally, processing time for the NPDES #1200-C construction permit is shorter than for other general permits. Applications for the 1200-C must be submitted at least 90 days before a permit is needed. Applications for storm water discharges from other activities must be submitted 180 days before a permit is needed. Average processing time for all storm water permits is approximately 30 days. Once issued, NPDES storm water general permits typically require a Storm Water Pollution Control Plan for industries or an Erosion and Sediment Control Plan for construction activities. Industrial facilities are also required to test their runoff for pollutants and implement management practices until certain benchmarks are achieved.

Obtaining a Permit for Underground Discharge

The Underground Injection Control (UIC) program protects groundwater used for drinking water from contamination by disposal of waste fluids into wells. Most types of UIC systems must be registered with DEQ. Examples include catch basins with sumps, dry wells, automotive floor drains, agricultural drainage wells (illegal in Oregon), geothermal reinjection wells, large scale septic systems, wastewater treatment plant effluent disposal wells, mining backfill wells, industrial process water wells, aquifer recharge wells, and subsidence control wells. Residential on-site sewage systems and residential dry wells for roof drainage are not required to register

All existing regulated systems must be registered and new systems must be registered before they are constructed. Information and registration forms can be received from DEQ by calling (503) 229-5279 or toll-free, inside Oregon at 1-800-452-4011. Processing time for registration varies depending on the completeness of the information submitted.

Obtaining a Permit for Sewage Disposal

Anyone planning to build an on-site sewage disposal system must obtain a Construction-Installation Permit or a WPCF permit before construction. WPCF permits are required if the system has a projected daily sewage flow greater than 2,500 gallons, handles sewage with a greater strength than residential wastewater, or uses technology identified by DEQ as warranting regulation. On-site sewage disposal systems that do not require WPCF permits must still obtain Construction-Installation Permits.

Applicants can contact DEQ to apply for a site evaluation to determine whether the site is appropriate for sewage disposal. After receiving a favorable Site Evaluation Report, applicants complete a Construction-Installation Permit application including a Land Use Compatibility Statement and specifications for the installation of the system. DEQ issues or denies the permit within 20 days of receiving the complete application.

Enforcing Water Pollution Laws

DEQ and EPA are jointly responsible for enforcing laws regulating the discharge of pollution into public waters, including groundwater. DEQ regularly inspects permitted facilities to determine compliance with applicable laws. In addition, EPA may conduct its own inspection of facilities in Oregon. Generally, NPDES and WPCF permits require that a permittee regularly monitor its discharge, submit these monitoring reports to DEQ, and report to DEQ any non-compliance or anticipation of non-compliance with its permit. For major NPDES permittees, this reporting must also be made to EPA.

Federal laws provide EPA and DEQ with various options for enforcement against violators of permit requirements. For example, these agencies may issue orders that require facilities to correct violations and assess monetary penalties if compliance is not achieved in a timely manner. EPA and DEQ may also take civil and criminal actions that may include mandatory injunctions or penalties, as well as jail sentences for persons found willfully violating requirements and endangering the health and welfare of the public or environment.

For NPDES permits, equally important is how the public can enforce permit conditions. Facility monitoring reports are public documents, and the public can review them. If any member of the public finds that a facility is violating its NPDES permit, that member can independently start a legal action, unless EPA or DEQ has already taken an enforcement action.

The National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) could also have enforcement responsibilities for violations of species protections of the Endangered Species Act.

Terms

DEQ: Oregon Department of Environmental Quality

DOGAMI: Oregon Department of Geology and Mineral Industries

EPA: US Environmental Protection Agency

facility: all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

NMFS: National Marine Fisheries Service

NPDES: National Pollution Discharge Elimination System

UIC: Underground Injection Control

USFWS: US Fish and Wildlife Service

WPCF: Water Pollution Control Facility

Permits for Other Types of Development

Various other types of development require permits to protect land, air and water quality. The DEQ can provide information on the permits needed for different development activities.

- If you plan to own or operate a landfill, transfer station, incinerator, or septage lagoon for non-hazardous waste, you will probably need a Solid Waste Permit.
- If you plan to generate any hazardous waste during your facility's operation, you must register with DEQ and obtain a Hazardous Waste Generator Identification Number.
- If you will treat, collect, store, or dispose of any hazardous wastes that are corrosive, toxic, reactive, ignitable, or listed by DEQ, you must obtain an Identification Number and may need a RCRA Treatment, Storage, and Disposal Facility Permit.
- If you plan to store, transport, or use any waste tires, you may need a Waste Tire Storage Permit or a Waste Tire Carrier Permit.
- If you own an underground storage tank that you are planning to install or decommission, you may need an Underground Storage Tank Permit.
- If you or your contractor will be treating petroleum contaminated soil from an underground storage tank release on-site or off-site, you will need a Solid Waste Letter Authorization Permit before treatment begins.
- If you will be handling or storing petroleum products above ground, you may need to prepare an Oil Spill Contingency Plan.
- If you plan to discharge any emissions into the air or if your business uses paint, solvents, degreasers or stores gasoline, you may need an Air Quality Permit.
- If you plan to build a parking lot, you may be regulated under the Underground Injection Control Program if you use dry wells or sumps for storm water drainage, or may need an Air Quality Indirect Source Permit.
- If you plan to remove any friable asbestos-containing material, you will need to follow special practices and use qualified personnel licensed by DEQ.
- If you plan to purchase or lease land for a development project, you may want to conduct an environmental assessment to determine if there have been any past spills or practices at the property that have contaminated the land, abandoned underground storage tanks that need to be decommissioned, etc.
- If you would like a tax credit for installing industrial pollution control or prevention equipment, contact the DEQ for information.

Terms

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

DEQ: Oregon Department of Environmental Quality

DOGAMI: Oregon Department of Geology and Mineral Industries

NMFS: National Marine Fisheries Service

NPDES: National Pollution Discharge Elimination System

RCRA: the Federal Resource Conservation and Recovery Act that establishes waste management standards

USFWS: US Fish and Wildlife Service

WPCF: Water Pollution Control Facility

Mining Land



The majority of mining sites in Oregon are aggregate mines. Aggregate is the main ingredient in concrete and asphalt pavement and is used as a base for roads, buildings, and other development needs. The Oregon Department of Geology and Mineral Industries (DOGAMI) regulates extraction of minerals to minimize impacts and reclaim all upland and underground mining in Oregon to minimize the impacts of mining and optimize the opportunities for reclamation.

Obtaining an Operating Permit

Permits for all extraction, processing and reclamation of minerals can be obtained from the DOGAMI Mined Land Reclamation Program. An operating permit is required for any mine where more than 5,000 cubic yards of material are removed or where mining affects more than one acre of land within a twelve month period. Certain on-site construction activities are exempt from needing an operating permit, including forest access roads for timber removal. The purpose of the operating permit is to insure that off-site impacts of mining are minimized and that sites are mined in ways that guarantee the reclamation of the site will be completed.

To receive a permit, a company or individual submits an application that contains a mine plan, a reclamation plan and appropriate baseline information characterizing the existing environment. Applications are reviewed for adequacy and deficiencies are addressed as draft permit conditions. The draft permit along with pertinent application materials is circulated to appropriate natural resource agencies for comment. Comments received from agencies are addressed and a final reclamation bond amount is calculated based on the actual cost of reclamation. Land-use approval from the county or city is generally required prior to mining. The operating permit is issued upon receipt of the bond by DOGAMI.

Timeline. In most cases, DOGAMI issues operating permits within 45 days of receiving complete applications. Timelines may be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Obtaining a Water Discharge Permit

The DOGAMI Mined Land Reclamation Program also implements the National Pollutant Discharge Elimination System (NPDES) storm water general permits and state Water Pollution Control Facility (WPCF) permits issued by the Oregon Department of Environmental Quality (DEQ) for aggregate mine sites (see section *Discharging Wastewater and Storm Water*).

Enforcement of mining laws. DOGAMI has an effective field and recent aerial photo inspection program that is critical to maintaining compliance and a positive working relationship with the regulated community. The National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) may also have enforcement responsibilities for violations of species protections of the Endangered Species Act.

Working near Scenic Waterways or Ocean Shores



Oregon laws protect the natural values of scenic waterways and ocean shores by requiring approval or a permit for working near these areas (ORS 390.805-390.925 and ORS 390.605-390.770 respectively). The Oregon Parks and Recreation Department (OPRD) issues approval and permits.

Obtaining Approval for Work near Scenic Waterways

Some of Oregon's rivers and lakes are designated as "Scenic Waterways" for their outstanding natural, historic, and recreational values. To ensure protection of these values, all planned development, improvement or alteration of private lands within 1/4 mile of either bank of a scenic waterway must be authorized by OPRD.

To obtain authorization, applicants must file a simple two page application (available from OPRD) that includes the location, description, time of construction, and building design for the planned project. OPRD circulates the application to select natural resource agencies for review, as well as to organizations and individuals requesting notice of applications. OPRD conducts a site visit that can include interested parties. OPRD approves or denies the application based on the project information, reviewers' comments and the site visit. Approval or denial is provided in the form of a letter. If the project is approved, conditions are usually included in the letter.

Timeline. Application review usually takes 4 to 6 weeks but may run several months in some situations. Timelines may be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*). In cases where the application is denied, OPRD has 12 months from the time the application was filed to determine acceptable revisions to the application or the applicant is free to proceed with the original proposal.

Obtaining a Permit for Work on Ocean Shores

OPRD issues permits for work that occurs on ocean shores or for the removal of natural products from shores. Some common examples of work requiring a permit includes riprap, creating stairway access to a beach, dune grading, removal or fill activities, and laying pipes, cables or other utilities across or under a beach. OPRD permits are also required for gathering seaweed, sand, cobbles, drift wood and other natural products from the ocean shore.

To obtain a permit, applicants submit an application (available from OPRD) with basic information on the proposed project. A notification of the proposed project is posted at the site for 30 days and a public hearing is held if 10 or more requests for a hearing are received. Applications are provided to the Oregon Department of Fish and Wildlife (ODFW), Department of Land Conservation and Development (DLCD), Division of State Lands (DSL) and Department of Geology and Mineral Industries (DOGAMI) for review, as well as to other interested parties.

Timeline. Work permits must be issued or denied within 60 days if no hearing is held or 45 days after the hearing if a hearing is held. Timelines could be affected if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Terms

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

DLCD: Oregon Department of Land Conservation and Development

DOGAMI: Oregon Department of Geology and Mineral Industries

DSL: Oregon Division of State Lands

NMFS: National Marine Fisheries Service

ODFW: Oregon Department of Fish and Wildlife

OPRD: Oregon Parks and Recreation Department

State Scenic Waterways: a list of State Scenic Waterways can be found at:

<http://statelands.dsl.state.or.us/scenicwaterways.htm>

USFWS: US Fish and Wildlife Service

Siting Large Energy Facilities



Under Oregon statute, large energy facilities in Oregon must have a Site Certificate from the Energy Facility Siting Council (EFSC), a board of appointed citizens staffed by the Oregon Office of Energy (OOE).

EFSC performs a review for the siting of large energy facilities, including types of electric power plants, transmission lines, surface facilities associated with underground natural gas storage, liquid fuel pipelines, liquified natural gas storage facilities, natural gas pipelines, synthetic fuel plants, small generating plants within "energy generation areas", radioactive waste disposal, and plants that convert biomass to gas, liquid or solid fuel product.

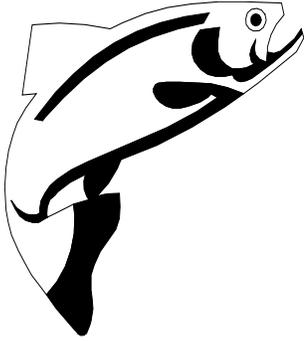
The siting process has two major phases. First, applicants submit a Notice of Intent (NOI), which describes the proposed energy facility in general terms, allowing OOE to gather public comment and enabling state and local agencies to identify regulations and ordinances that apply. Second, applicants submit an Application for Site Certificate (ASC), which provides detailed information and shows compliance with all the applicable standards. Applicants are encouraged to work directly with state and local agencies to promote better understanding of their proposed projects. OOE can provide application materials and more information to interested parties.

Application review. During its review, OOE coordinates with state and local agencies to ensure that EFSC considers all governmental concerns. Most siting reviews also include three public hearings throughout the process.

Timeline. Based on past history, applicants should plan on the process taking about one and a half to two years from NOI submittal to EFSC's final decision. That time varies with the issues involved, the quality of the NOI and application, and the level of public opposition. Timelines may be affected by additional review if federal consultation is required by the Endangered Species Act (see section *Protecting Species*).

Once EFSC decides whether to issue the site certificate, the decision is binding on all state and local agencies whose permits are addressed in the Council's review. These agencies are bound to issue all applicable permits and licenses, subject to the conditions adopted by EFSC.

Protecting Species



Some populations of fish and wildlife in Oregon have decreased dramatically in recent decades, and are now in danger of extinction. Many of these species have been listed as threatened or endangered under the federal Endangered Species Act (ESA). The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) use the ESA to conserve and protect species. NMFS is responsible for protecting salmon and other ocean-migrating fish, as well as marine mammals. USFWS is responsible for protecting wildlife, bird species and inland (primarily freshwater) fish such as bull trout and coastal cutthroat trout.

The ESA protects species in many ways. Under Section 7 of the ESA, federal agencies must use their authorities to conserve listed species and habitats that are critical to their survival. Section 7 also requires federal agencies to ensure that their actions, including actions they authorize, fund or carry out, do not jeopardize listed species or destroy their critical habitat.

Endangered species. In addition, Section 9 of the ESA states that no one may "take" an animal that is listed as *endangered*. "Take" includes the harassment, *harm*, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection of any threatened or endangered species. "Harm" may include significant habitat modification that results in the death or injury of a listed species. This is referred to as a "take prohibition".

Threatened species. For species listed as *threatened*, Section 4(d) requires NMFS to issue rules that citizens, organizations and governments must follow in order to protect the species. These are referred to as "4(d) rules". The rules can include any or all of the general take prohibitions that apply to endangered species, and may describe activities that are exempt from take prohibitions because they adequately protect the listed species. By regulation, USFWS applies take prohibitions to all threatened species (except plants) at the time of listing. The take prohibition may be modified or removed for certain conservation activities by a 4(d) rule.

The ESA provides some exceptions to general take prohibitions and 4(d) rules, and landowners can obtain permits for work that incidentally affects listed species. It is important to carefully consider and plan activities that will occur near threatened or endangered species. USFWS and NMFS can provide information about where listed species occur and help you ensure your activities protect them.

Note: Species may also be listed under the *state* Endangered Species Act, which regulates activities on state-owned or managed lands. However, this guide focuses on permits required by the *federal* ESA, which affect citizens and private landowners more often than do state ESA regulations.

Terms

ASC: Application for Site Certificate

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

EFSC: Energy Facility Siting Council

ESA: Endangered Species Act

harm: defined by the ESA to include significant habitat modification that results in the death or injury of a listed species.

NMFS: National Marine Fisheries Service

NOI: Notice of Intent

ODFW: Oregon Department of Fish and Wildlife

OOE: Oregon Office of Energy

take: defined by the ESA to include the harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection of any threatened or endangered species.

USFWS: US Fish and Wildlife Service

Permits for Activities Affecting Protected Species

Section 10 of the ESA provides some exceptions to the general "take prohibitions" that protect threatened or endangered species. It allows USFWS or NMFS to issue Incidental Take Permits for (1) scientific work, (2) projects designed to enhance the survival of the species, or (3) activities that may only incidentally take or harm species during the course of work. Anyone who believes that their activity may result in a "take" of a listed species should contact USFWS or NMFS to learn about Incidental Take Permits.

Incidental Take Permits require a conservation plan, often called a Habitat Conservation Plan (HCP) that specifies how impacts to a listed species and its habitat will be minimized. Together, a permit and HCP allow a landowner to legally proceed with an activity that would otherwise violate the ESA. In addition, the permit and HCP provide a landowner with certainty about the kinds of activities that can be legally conducted on his or her land now and in the future. USFWS and NMFS can provide application materials and information to help landowners design projects to minimize or avoid take.

Included in a HCP is:

- description of impacts to the listed species that are likely to result from the proposed activity,
- actions the applicant will take to monitor, minimize and mitigate impacts, funding to support the actions, and procedures to deal with unforeseen circumstances,
- alternatives to the incidental taking that the applicant analyzed, and reasons why the alternatives were not chosen, and
- additional information or actions that USFWS or NMFS may require as necessary.

To issue an Incidental Take Permit, USFWS or NMFS must find that:

- the taking is incidental to an otherwise lawful activity,
- the impacts will be minimized and mitigated to the maximum extent practicable,
- adequate funding will be provided,
- the taking will not jeopardize the likelihood of the species' survival and recovery, and
- any other necessary measures are met.

In issuing Incidental Take Permits, USFWS and NMFS must comply with the National Environmental Policy Act (NEPA) as well as state and local environmental laws. For these reasons, HCPs also require an Environmental Assessment or Environmental Impact Statement for the proposed activity. The public may provide input on permit applications during specified public comment periods published in the Federal Register.

There is a type of HCP that is exempted from the procedural requirements of NEPA, called a Low-Effect HCP. A low-effect HCP involves (1) minor or negligible effects on listed, proposed, or candidate species and their habitats covered under the HCP, or for habitat-based HCPs, minor or negligible effects on the species associated with covered habitats; and (2) minor or negligible effects on other environmental values or resources.

Timeline. Processing time for completed Incidental Take Permit applications is usually between two and 12 months, depending on the project and the amount of public comment it generates.

Consultation on Activities Affecting Protected Species

Section 7 of the ESA requires all federal agencies to insure that any actions they authorize, fund or carry out are not likely to jeopardize a listed species or destroy or adversely modify its critical habitat. Federal agencies (such as the U.S. Forest Service, U.S. Bureau of Land Management, U.S. Army Corps of Engineers or Federal Highway Commission) must consult with USFWS or NMFS before approving, funding or doing work that might affect species in these ways. This process is called "consultation." Applications for activities that require approval, funding or a permit from federal agencies could take longer to process if federal consultation is required to ensure protection of a listed species.

Federal consultation may be required only for a particular stage of the permit application process. For example, the U.S.D.A. Natural Resource Conservation Service (USDA NRCS) helps landowners plan conservation work on agricultural lands. USDA NRCS assists landowners in the development of preliminary project designs and final designs and specifications. Preliminary designs prepared by USDA NRCS are considered part of the project planning phase, and thus do not require a consultation with the USFWS or NMFS under Section 7 of the ESA. Final designs and other assistance beyond the planning stage however, are considered part of the project implementation phase, and may require consultation with USFWS or NMFS to ensure species are protected. USFWS and NMFS can provide more information about how federal consultation might affect your permit application.

Obtaining a State Permit to Sample Fish or Wildlife

A state permit is needed to take any fish or wildlife in Oregon in ways other than by legal angling or hunting, regardless of whether the species is protected by law. The Oregon Department of Fish and Wildlife (ODFW) issues Scientific Taking Permits to citizens, schools, universities and government agencies for work that requires fish or wildlife sampling for scientific or educational purposes. Applicants must submit a permit application to ODFW and are encouraged to contact an ODFW biologist to plan their work. Interested parties can obtain application and contact information by calling ODFW. To be approved, the project must not adversely affect the fish or wildlife population that is being sampled and, if the fish or wildlife species is protected by the ESA, the applicant must have a federal Incidental Take Permit. Applicants should allow at least

Terms

consultation: the legal requirement that state and/or federal agencies review or approve other agency actions, including permit decisions.

ESA: the federal Endangered Species Act

harm: defined by the ESA to include significant habitat modification that results in the death or injury of a listed species.

HCP: Habitat Conservation Plan

Low-Effect HCP: a type of HCP that does not require an Environmental Assessment or Environmental Impact Statement for the proposed activity.

NEPA: National Environmental Policy Act

NMFS: National Marine Fisheries Service

ODFW: Oregon Department of Fish and Wildlife

take: defined by the ESA to include the harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection of any threatened or endangered species.

USDA NRCS: USDA Natural Resources Conservation Service

USFWS: US Fish and Wildlife Service

one month for application processing. Generally, Scientific Taking Permits are issued on a yearly basis (from the date of issue through December 31).

Getting Information and Assistance



Assistance with permits is just a phone call away. The people listed below understand your needs, understand the environmental concerns, and are ready and willing to help. They may be able to put you in contact with someone in your local area that can work more closely with you. Also, contact your local watershed council or soil and water conservation district for additional information and assistance.

State Agency Contacts

Oregon Department of Agriculture (ODA)

635 Capitol St. NE, Salem, OR 97310

Natural Resource Division, Phone: (503) 986-4700, Fax: (503) 986-4730

<http://www.oda.state.or.us>

Oregon Department of Environmental Quality (DEQ)

811 SW 6th Ave., Portland, OR 97204

Phone: (503) 229-5696 or toll-free inside Oregon: 1-800-452-4011

Water Quality Division, Phone: (503) 229-5279

Air Quality Division, Phone: (503) 229-5359

Waste Prevention and Management Division, (503) 229-5913

DEQ Permit Handbook, <http://www.deq.state.or.us/od/permithndbk/permit.htm>

Oregon Department of Fish & Wildlife (ODFW)

2501 SW First Ave., P.O. Box 59, Portland, OR 97207

Habitat issues (Habitat Division), Phone: (503) 872-5255, Fax: (503) 872-5269

Fish sampling or transport (Fish Division), Phone: (503) 872-5252, Fax: (503) 872 5632

<http://www.dfw.state.or.us>

Oregon Department of Forestry (ODF)

2600 State St., Salem, OR 97310

Scott Hayes, Forest Practices Operations Unit Manager

Phone: (503) 945-7475, Fax: (503) 945-7490

You may also contact your local ODF office (ODF can provide contact information).

<http://www.odf.state.or.us>

Oregon Department of Geology & Mineral Industries (DOGAMI)

1536 Queen Ave. SE, Albany, OR 97321

Dawn Marshall, Administration Specialist

Phone: (541) 967-2039 Ext. 21, Fax: (541) 967-2075

<http://sarvis.dogami.state.or.us>

Oregon Department of Parks and Recreation (OPRD)

1115 Commercial St. NE, Salem, OR 97310
Tammy Baumann, Policy and Planning Division
Phone: (503) 378-4168 ext. 293, Fax: (503) 378-6447
<http://www.prd.state.or.us>

Oregon Department of Transportation (ODOT)

355 Capitol St. NE, Salem, OR 97301
Berri L. Sellers, Citizens' Representative
Phone: (888) 275-6368, (503) 986-4366, Fax: (503) 986-3432
<http://www.odot.state.or.us>

Oregon Department of Land Conservation and Development (DLCD)

635 Capitol St. NE, Suite 150, Salem, OR 97301
Christine Valentine, Coastal Specialist
Phone: (503) 373-0050 Ext. 250, Fax: (503) 378-5518
<http://www.lcd.state.or.us>

Oregon Division of State Lands (DSL)

775 Summer Street NE Suite 100, Salem, OR 97301
Phone: (503) 378-3805, Fax: (503) 378-4844
Removal-Fill Program, <http://statelands.dsl.state.or.us/r-fintro.htm>

Oregon Economic and Community Development Department (OECDD)

775 Summer St. NE, Salem, OR 97310
Rich Grant, Regulatory Specialist
Phone: (503) 986-0159, Fax: (503) 581-5115
<http://www.econ.state.or.us>

Oregon Marine Board (OMB)

435 Commercial St. NE, P.O. Box 14145, Salem, OR 97309
Phone: (503) 378-8587, Fax: (503) 378-4597
<http://www.boatoregon.com>

Oregon Office of Energy (OOE)

625 Marion St. NE, Suite 1, Salem, OR 97301
David Stewart-Smith, Secretary, Energy Facility Siting Council
Phone: (503) 378-4040, (800) 221-8035, Fax: (503) 373-7806
<http://www.energy.state.or.us>

Oregon State Police (OSP)

255 Capitol St. NE, 400 Public Service Bldg., Salem, OR 97310
Dave Cleary, Lieutenant of Fisheries
Phone: (503) 378-3720 Ext. 4308, Fax: (503) 363-5475
<http://www.osp.state.or.us>

Oregon State University Extension Service

3180 Center St. NE, Rm. 1361, Salem, OR 97301
Derek Godwin, Watershed Management Specialist
Phone: (503) 566-2909, 800-718-2668, Fax: (503) 585-4940
Email: Derek.Godwin@orst.edu
<http://osu.orst.edu/extension>

Oregon Water Resources Department (OWRD)

158 12th St. NE, Salem, OR 97301
Ken Dowden, Water Right Information Staff
Phone: (503) 378-8455 Ext. 273, Fax: (503) 378-6203
<http://www.wrd.state.or.us>

Oregon Watershed Enhancement Board (OWEB)

775 Summer St. NE, Suite 360, Salem, OR 97301-1290
Bonnie King, Executive Assistant
Phone: (503) 986-0181, Fax: (503) 986-0199

Federal Agency Contacts

U.S. Army Corps of Engineers (ACOE)

Portland Office, Regulatory Program
P.O. Box 2946, Portland, OR 97208
333 SW First Ave., 8th Floor, Portland, OR 97204
Phone: (503) 808-4373, Fax: (503) 808-4375
<http://www.nwp.usace.army.mil/op/g/regulatory.htm>

U.S. Bureau of Land Management (BLM)

P.O. Box 2965, Portland, OR 97208
1515 SW 5th Ave, 9th Floor, Portland, OR 97201
Joseph Moreau, Fishery Biologist
Phone: (503) 952-6418, Fax: (503) 952-6021
<http://www.or.blm.gov>

U.S. Environmental Protection Agency (EPA)

3rd Floor, 811 SW Sixth Ave., Portland, OR 97204
Yvonne Vallette, Wetlands Coordinator
Phone: (503) 326-2716, Fax: (503) 326-3399
Region 10 Office, <http://www.epa.gov/region10>

U.S. Fish and Wildlife Service (USFWS)

2600 SE 98th Ave., Suite 100, Portland, OR 97266
Willa Nehlsen, Salmon Restoration Coordinator
Phone: (503) 231-6179, Fax: (503) 231-6195
Pacific Region Office, <http://pacific.fws.gov>

U.S. Forest Service (USFS)

Pacific Northwest Region, P.O. Box 3623, Portland, OR 97208
333 SW First Avenue, Portland, Oregon 97204
Scott Peets, Oregon Plan Liaison (USFS, 4077 Research Way, Corvallis, OR 97333)
Phone: (541) 750-7181, Fax: (541) 750-7234, Email: speets@fs.fed.us
<http://www.fs.fed.us>

U.S. National Marine Fisheries Service (NMFS)

525 NE Oregon St., Suite 500, Portland, OR 97232
Mike Tehan, Oregon Branch Chief, Habitat Conservation Division
Phone: (503) 231-2224, Fax: (503) 231-6893
Northwest Regional Office, <http://www.nwr.noaa.gov>

U.S.D.A. Natural Resources Conservation Service (NRCS)

101 SW Main, Suite 1300, Portland, OR 97204
Dave Dishman, Leader-Implementation
Phone: (503) 414-3252, Fax: (503) 414-3103
Roy Carlson, Leader-Technology
Phone: (503) 414-3231
Oregon Office, <http://www.or.nrcs.usda.gov>

Watershed Councils

Watershed councils are locally organized, voluntary, non-regulatory groups established to improve the condition of watersheds in their local area. Councils are required to represent the interests in the basin and be balanced in their makeup. Councils offer local residents the opportunity to independently evaluate watershed conditions and identify opportunities to restore or enhance the conditions. Through the councils, partnerships between residents, local, state and federal agency staff and other groups can be developed. Through these partnerships and the resulting integration of local efforts, Oregon's watersheds can be protected and enhanced.

To get in touch with your local watershed council, contact the Oregon Watershed Enhancement Board at (503) 986-0181 or see their website: http://www.4sos.org/group/gweb_wscs.htm.

Soil and Water Conservation Districts

Soil and water conservation districts (SWCDs) work to identify natural resource problems and offer assistance in resolving them. Guiding this assistance are boards of local leaders who know the people in their communities and who are familiar with conservation needs in the district. SWCDs help private landusers make appropriate and responsible resource management decisions by providing access to the best science-based technical assistance possible, the support of the stakeholders within their watershed, and incentives to address those issues resulting primarily in a public benefit. SWCDs help people carry out voluntary conservation actions on private land in a watershed-based approach.

To get in touch with your local SWCD, contact the Oregon Association of Conservation Districts at (503) 472-6307 or see their website: <http://www.netcnct.net/community/oacd>.