



ASSISTANCE AND ADDITIONAL INFORMATION

DSL resource coordinators are available to answer questions about permit requirements and refer you to other resources that may help you design your project to avoid or reduce impacts to state waters. A list of the coordinators and their county assignments is available on the DSL Web site.

OREGON DEPARTMENT OF STATE LANDS

Western Region Office – Salem
 (Serving Oregon west of the Cascades)
 775 Summer St. NE, Suite 100
 Salem, OR 97301-1279
Phone: 503-986-5200

Eastern Region Office – Bend
 (Serving Oregon east of the Cascades)
 1645 NE Forbes Rd., Suite 112
 Bend, OR 97701
Phone: 541-388-6112

www.oregonstatelands.us

U.S. Army Corps of Engineers
 333 SW First Ave.
 Portland, OR 97204
Phone: 503-808-4373

www.nwp.usace.army.mil



Planning to Work in Wetlands or Waterways?

YOU MAY NEED A PERMIT



OREGON DEPARTMENT OF STATE LANDS

DSL's Removal-Fill Permit Program

This brochure provides an overview of state removal-fill permit requirements. It is intended for general guidance only and does not include all the requirements contained in the regulations.

The Department of State Lands (DSL) administers Oregon's removal-fill law to protect, conserve and make best use of Oregon's water resources for navigation, fisheries and public recreation.

When is a Permit Required?

A permit is required to do earthwork - removing, filling or altering (moving) materials - in "waters of the state." These waters include:

- The Pacific Ocean (within three miles of shore)
- Tidal bays and estuaries
- Rivers, streams, creeks and lakes, including some intermittent streams and certain "ditches"
- Natural and some artificially created wetlands and ponds

The volume of material being removed, filled or altered is also considered when determining if a permit is required. Any amount of removal, fill or alteration requires a permit in streams designated as **essential salmon habitat (ESH)**, and within ¼ mile of a **state scenic waterway**.

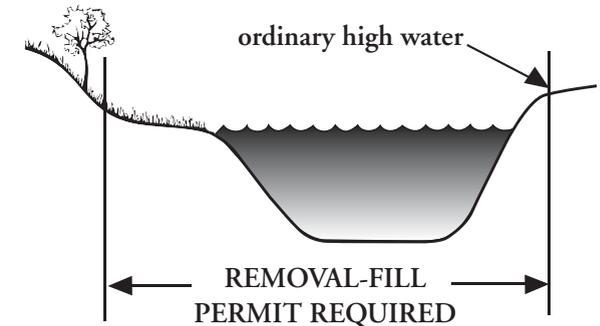
In other wetlands and waterways, a combined volume of 50 cubic yards or more of removal, fill or alteration of material requires a permit.

Visit www.oregonstatelands.us for:

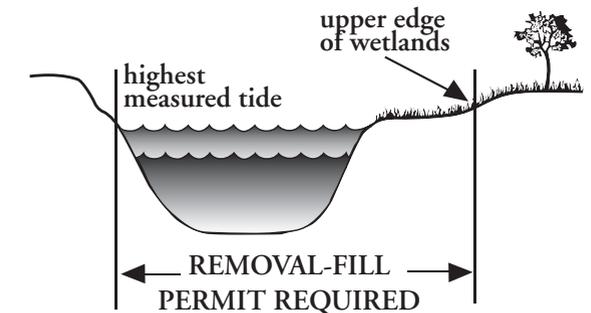
- Permit applications and fee structure
- Status of permits
- Maps
- Wetland fact sheets
- Mitigation information
- Staff contact list

Areas Where Permits Are Required

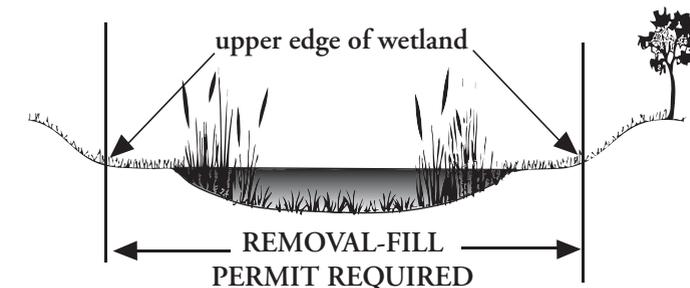
NON-TIDAL WATERS (Rivers, Creeks, Lakes)



TIDAL WATERS (Bays, Estuaries, Tidal Rivers)



WETLANDS



GETTING STARTED:

Identifying Wetlands and Other Waters of the State:

The first step in determining if a removal-fill permit is required is to identify all waters of the state, including wetlands, on the project site. This identification – called a **jurisdictional determination** – may be requested from DSL using forms available on the DSL Web site, or you may call the agency for additional information. There is no fee for this service.

An important component of Oregon’s removal-fill law is to minimize or avoid adverse impacts to state waters. If wetlands or other jurisdictional waters are present in the project area, a **wetland delineation** (mapping of the boundaries) is required to determine the extent of wetlands and other waters. Wetland delineation reports are prepared by consultants and submitted to DSL for review and concurrence. Review of wetland delineation reports takes up to 120 days and requires a fee. Information about hiring a wetland consultant is available on the DSL Web site.



Types of Permits

An **Individual Permit** is used for projects that do not qualify for an expedited permit and for projects with potentially significant impacts. DSL is allowed up to 120 calendar days, from receipt of a complete application, to process an Individual Permit.

A **General Authorization (GA)** provides an expedited review process for certain categories of projects, including stream bank stabilization, minor impacts to wetlands (less than 0.1 acre) in urban areas, fish habitat and wetland enhancement projects, and certain transportation projects. DSL is allowed up to 40 calendar days to process a GA application.

For some activities, an even quicker permit process may be used – the **Expedited General Authorization**. In most cases the authorization is granted within 15 days. Examples of these authorizations include minimal disturbance (less than four cubic yards) in essential salmon habitat, and the placement of unanchored large wood for habitat restoration.

During flooding or other instances where an emergency situation arises, DSL has the ability to issue an **Emergency Authorization** to prevent irreparable harm, injury or damage to persons or property.

Recreation and small-scale placer mining: Non-motorized recreational prospecting that affects less than one cubic yard per site, and cumulatively not more than five cubic yards in any ESH stream or state scenic waterway, does not require a permit. Motorized recreational placer mining activities involving less than 25 cubic yards of material annually in essential salmon habitat may be eligible for an Expedited General Authorization (GA). Eligibility for this GA depends on where you will conduct the activity and what you intend to do. Applications are processed online: www.statelandsonline.com. Use of a suction dredge is not allowed in state scenic waterways.

Note: Permit fees vary and are adjusted annually; check the DSL Web site, www.oregonstatelands.us, for details.

Corps of Engineers Permit

Many projects that require a DSL removal-fill permit also require a separate federal permit from the U.S. Army Corps of Engineers. DSL and the Corps use a joint application form that you will need to submit to both agencies.

Wetland Mitigation

When DSL issues a permit to impact wetlands, the permittee is required to replace, or mitigate, the impact by enhancing, creating or restoring a wetland on- or off-site. Mitigation can be accomplished by constructing a mitigation site, buying credits in a mitigation bank, if available, or using the “payment-in-lieu-of-mitigation” program administered by DSL.

Mitigation Banks

A mitigation bank is a business venture in which a large wetland is restored to generate wetland credits for sale to offset wetland impacts. Each bank has a service area in which it may sell credits. Information about establishing a mitigation bank, as well as bank service areas, is posted on the DSL Web site; or call the wetland mitigation banking specialist.

Wetland Grants Program

Monies paid into the mitigation fund are used for grants to restore, enhance and create wetlands statewide. Information about the grant program is available on the DSL Web site, or call the payment-in-lieu specialist.

Working Without a Permit

Working in waterways or wetlands without a permit, or contrary to the conditions of a permit, is a criminal misdemeanor punishable by a fine of up to \$6,250 and one year in jail. Violators also may be subject to a civil penalty of up to \$10,000 per day of violation.

Reporting a Possible Violation

If you suspect that someone is placing fill or excavating in waters of the state without a removal-fill permit, contact DSL. Persons reporting violations may do so without giving their name.

Ocean Shore Projects

Activities involving earthwork on the beach are regulated by the Oregon Parks and Recreation Department. For information and forms, go to www.oregon.gov/OPRD or call 503-986-0733.



Scenic Waterway Projects

The Oregon Parks and Recreation Department must be notified of certain activities proposed within ¼ mile of the bank of Oregon’s designated scenic waterways. Such activities include cutting trees; mining; and constructing roads, railroads, utilities, buildings or other structures. The proposed uses or activities may not be started until the written notification is approved, or until one year after the notice is accepted. Activities impacting wetlands and waterways also require a DSL permit. For additional information, go to www.oregon.gov/OPRD or call 503-986-0733.