

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-986-5200

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| Permit No.:      | <u>46125-RF</u>                          |
| Permit Type:     | <u>Removal/Fill</u>                      |
| Waterway:        | <u>Calapooia River &amp; Sodom Ditch</u> |
| County:          | <u>Linn</u>                              |
| Expiration Date: | <u>March 14, 2015</u>                    |

**CALAPOOIA WATERSHED COUNCIL**

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**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-986-5200.

Eric D. Metz, Southern Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
March 14, 2011  
**Date Issued**

## ATTACHMENT A

### Permittee: Calapooia Watershed Council Sodom Dam and Shearer Dam Removal

#### Special Conditions for Removal/Fill Permit No. 46125-RF

#### READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. DSL has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. **Responsible Party:** By proceeding under this permit, the Calapooia Watershed Council agrees to comply with and fulfill all terms and conditions of this permit. The Calapooia Watershed Council is responsible for carrying out the terms and conditions of this permit unless the permit is officially transferred to another party as approved by DSL.
2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the placement of up to 16,760 cubic yards and removal of up to 11,535 cubic yards of material in T13S R03W Section 27 & 8, Tax Lot 201 & 552-4, Calapooia River and Sodom Ditch, Linn County, as described in the attached permit application, map and drawings, received December 28, 2010. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of the Calapooia River and Sodom Ditch shall be conducted between June 1 and October 15, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL.
4. **Authorization to Conduct Compensatory Mitigation:** This permit also authorizes removal and fill activities necessary to complete the required compensatory mitigation.
5. **Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permit holder's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits must be approved by DSL prior to implementation.
6. **DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
7. **DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

### Pre-Construction

8. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed at the construction site prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
  - a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
  - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.
  - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
  - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
  - e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
  - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
  - g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
  - h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.
9. **Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
10. **Federally Listed Endangered or Threatened Species:** When listed species are present, the authorization holder must comply with the Federal Endangered Species Act. If previously

unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder must contact DSL.

11. **Archaeological Resources:** If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-986-0674).
12. **Hazards to Recreation, Navigation or Fishing:** The activity shall be timed so as not to interfere with or create a hazard to recreational or commercial navigation or fishing.
13. **Construction Corridor:** There shall be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Figure 3.0 Shearer Dam Removal and 3.0 Sodom Dam Removal).
14. **Work Area Isolation:** The work area shall be isolated from the water during construction according to the Work Area Isolation Plan contained in the application. All structures and materials used to isolate the work area shall be removed immediately following construction and water flow returned to pre-construction conditions.
15. **Fish Passage Required:** The project shall meet Oregon Department of Fish and Wildlife requirements for fish passage and an approved fish passage plan must be received prior to construction.

### **Reporting Requirements**

16. **Post-Construction Report Required for Each Location:** A post-construction report for both the Sodom and Shearer Dam removal areas demonstrating as-built conditions and discussing any variation from the approved plan shall be provided to the Department within 90 days of project completion. The post-construction report shall include:
  - a. A scaled drawing, accurate to 1-foot elevation, showing the finished contours.
  - b. A narrative that describes any deviation from the approved plan.
  - c. Other information necessary or required to document compliance with the performance standards listed in this permit.
  - d. Photos from fixed photo points
17. **Failure to Submit Monitoring Reports:** Failure to submit the required reports by the due date may result in an extension of the monitoring period and enforcement action.

**ISSUED:** March 14, 2011