

Road Map Item #: 5.9

Product Name: **MASTER PERMIT AND APPROVAL PLAN**

PMP Appendix: APPENDIX Q

Submittal Date: May 1, 2013

ABSTRACT: This deliverable documents the federal, state and local permits and approvals required for construction of the Columbia River Crossing (CRC) project. The Plan includes a description of when specific project information is needed to support permit and approval applications and the criteria that regulatory agencies will use to evaluate individual applications. The plan consists of a narrative section, and two appendices that include a Master Permit Tracking Matrix (Appendix A) and project permitting summaries for each of the required permits (Appendix B).

MASTER PERMIT AND APPROVAL PLAN

Draft Report

May 2013



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TABLE OF CONTENTS

- 1. MASTER PERMIT AND APPROVAL PLAN..... 1-1**
 - 1.1 Purpose of the Master Permit and Approval Plan..... 1-1
 - 1.2 Master Permit and Approval Plan Structure..... 1-1
 - 1.3 Background..... 1-2

Appendices

- A Columbia River Crossing Permits Master Tracking Matrix**
- B Individual Project Permitting Summaries**

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ACRONYMS

CRC Columbia River Crossing

LPA Locally Preferred Alternative

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1. Master Permit and Approval Plan

1.1 Purpose of the Master Permit and Approval Plan

The Master Permit and Approval Plan documents the federal, state and local permits and approvals required for construction of the Columbia River Crossing (CRC) project. The Plan includes a description of when specific project information is needed to support permit and approval applications and the criteria that regulatory agencies will use to evaluate individual applications.

The purpose of the plan is to:

- Coordinate work flow between the various internal CRC project teams,
- Ensure the CRC Master Schedule accurately reflects the timelines associated with specific permits and approvals, and
- Document the process associated with each permit in sufficient detail to facilitate ongoing negotiations and pre-application conferences with the agencies and permit authorities.

1.2 Master Permit and Approval Plan Structure

The Master Permit and Approval Plan divides permits and approvals into two tiers, as found in Appendix A (Tier 1 and Tier 2 Permit and Approval Summaries):

- Tier 1: Agencies generally have considerable discretion as to whether they grant or deny these Tier 1 permits and approvals and, in cases where the permits and approvals are granted, may attach a wide array of conditions. (Examples include Clean Water Act, Navigation, and Local Land Approvals.)
- Tier 2: Those permits and approvals that have clearer standards associated with them. Tier 2 permits and approvals are generally judged against engineering standards and/or best management practices. Those standards and practices are understood by CRC staff and will be incorporated into project design from the outset. As such, there is less risk that regulatory agencies will seek substantial changes in project design or mitigation through their review of Tier 2 permits and approvals.

These two tiers also provide a very general separation between the permits and approvals which are better obtained by the CRC project team from those that are best obtained by the construction contractor. The Plan focuses mostly on the first tier.

Generally, Tier 1 permits:

- Must be obtained prior to the start of construction,
- Should be tracked in the Master Schedule,
- May be obtained for the LPA (lumped) or may be obtained for each package or groups of packages (split),
- Require a higher level of agency coordination than is required for the Tier 2, and
- Are described with permit summaries as part of this Plan (Appendix B).

Generally the Tier 2 permits:

- Are often better obtained by the construction contractor in order to utilize their information on construction practices,
- Most need to be obtained prior to the start of construction (but not all),
- Should not be tracked in the Master Schedule,
- Likely will not be obtained for the LPA (lumped) and will more likely be obtained for each package or groups of packages (split), and
- Are not described with permit summaries as part of this Plan.

1.3 Background

Research on permit and approval requirements has been an ongoing task for the CRC Environmental Team, supporting the delivery of the highway, transit, interchange and local roadway components of the project. This research has:

- Aided the development of the CRC Draft and Final Environmental Impact Statements and Record of Decision,
- Identified special considerations, such as overlay zoning, so that project designers could seek to reduce project impacts,
- Supported aspects of the project, such as the Drilled Shaft Program, that included physical impacts on the environment well before project construction, and
- Identified permits and approvals that will have associated mitigations and commitments that must be tracked by the CRC Commitment Tracking System.

This Plan consolidates and expands upon permit and approval information previously reported. The analysis assumes the project will be constructed as described in *Chapter 1 Introduction* and *Chapter 8 Program Delivery and Procurement* of the Project Management Plan document.

APPENDIX A

Columbia River Crossing Permits Master Tracking Matrix

Columbia River Crossing Permits Master Tracking Matrix

Tier 1 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Packages	Responsible DOT/Agency Staff	Consultant Lead	Comments
Name Permit or Approval	A -Approval P -Permit	Agency Name		RC MC WA Transit Park and Rides OR Transit Transit Systems WA North MD Demo/Removal			
Federal:							
Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act U.S. Army Corps of Engineers (USACE) permit	P	USACE/USCG	Permit for effects on wetlands and waters of the US and placement of piers in navigable waterways	RC/MC/MD	Steve Morrow	Parametrix	Project has more than 0.5 acre impact therefore it will be processed as individual permit. Issuance of CWA Section 401 Permit must precede Section 404/Section 10 Permits issuance. The 408 permit review process may occur concurrently with the 404 process. This permit will be applied for using a Joint Permit Application (JPA) for both Oregon and Washington.
General Bridge Permit-Section 9 of the Rivers and Harbors Act U.S. Coast Guard (USCG)	P	USCG	Navigational Clearances	RC	Steve Morrow	Parametrix	
Section 408. Modification/Alteration of Corps of Engineer Levee (USACE)	P	USACE	Comply with FEMA/USACE flood regulations	MC/MD	Steve Morrow	HDR	
Section 408 for Navigation (USACE)	P	USACE	Comply with FEMA/USACE flood regulations	RC/MC/MD	Steve Morrow	HDR	Approval of Section 408 will require floodplain and no-net rise analysis.
Federal Aviation Administration 7460-1 Permit (FAA) for Permanent Obstruction	P	FAA	Construction Permit-for impact to air traffic	RC	Steve Morrow	Parametrix	This permit is for permanent obstructions to airspace, such as light poles. Should be filed at a minimum 8-12 months before start of construction.

Columbia River Crossing Permits Master Tracking Matrix

Tier 1 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Packages	Responsible DOT/Agency Staff	Consultant Lead	Comments
State:							
Oregon							
Removal-Fill Permit	P	Oregon Department of State Lands	Environmental Permit	RC/MC/MD	Steve Morrow	Parametrix	Will be applied for using a JPA for the Oregon side.
Clean Water Act (CWA) Section 401 Certification	P	Oregon Department of Environmental Quality	Environmental Permit-Water Quality	RC/MC/MD	Steve Morrow	Parametrix	DEQ issues a Water Quality Certification if projects meet state water quality standards and do not endanger Oregon's streams and wetlands. Will be applied for using a JPA for the Oregon side.
Lease/Easement Application-OR	P	State (Oregon Department of State Lands)	Land Use Permit	RC/MC/MD	Steve Morrow	Parametrix	Dependent on the applicant obtaining statement of consistency with local land use and an Oregon removal-fill permit.
Oregon Fish Passage Act Compliance	A	State (Oregon Department of Fish and Wildlife)	In-water structure design approval	RC/MC/MD	Steve Morrow	Parametrix	Approval timing dependent on level of ODFW review, fish passage coordinator or Oregon Fish Commission.
Archaeological Excavation Permit	P	ORSHPO	Section 106	RC/MC/MD/WA & OR Transit	Heather Wills	AAR; Heritage	
Washington							
Clean Water Act (CWA) Section 401 Water Quality Certification	P	Washington Department of Ecology	Environmental Permit-Water Quality	RC	Steve Morrow	Parametrix	The 401 Water Quality Certifications from the states (WA and OR) must be received before the CWA Section 404 USACE permit or USCG General Bridge Permit can be issued. WA 401 Water Quality Certification is applied for with a Joint Aquatic Resources Permit Application (JARPA).
Hydraulic Project Approval (HPA)	P	Washington Department of Fish & Wildlife	Environmental Permit-Water Quality	RC	Steve Morrow	Parametrix	This is applied for with a Joint Aquatic Resources Permit Application (JARPA).
Shoreline Management Act (SMA)	P	Implementation is delegated to local government. Following CoV decisions, package is sent to DOE for approval.	Land Use Approval, Environmental Permit	RC	Steve Morrow	Parametrix	The local permit time frame is determined by local government. Ecology's decision will be issued within 30 calendar days of receiving a complete permit package from the local government
Lease/Easement Application-WA	P	State (Washington Department of Natural Resources)	Land Use Permit	RC	Steve Morrow	Parametrix	Dependent on the applicant receiving a 401 Water Quality Certification, Shoreline Development Permit, Hydraulic Project Approval, Section 404 and Section 10 Permits. Requires Harbor Line Commission authorization.
Section 106 Archaeological Treatment Plan	A	DAHP and other consulting parties	Section 106	RC/WA Transit/WA North	Heather Wills	AAR; NPS; Heritage	May also require a general entry permit from WSDOT, or an extension of the existing permit.
DNR, Application for Authorization	P	DNR	Review and approve activities on state owned aquatic lands, including archaeological investigations.	RC	Heather Wills	AAR	Dependent on impacts to submerged shelf on Washington shore.

Columbia River Crossing Permits Master Tracking Matrix

Tier 1 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Packages	Responsible DOT/Agency Staff	Consultant Lead	Comments
Local:							
City of Portland							
Environmental Review (Land Use Review)	A	City of Portland BDS	Review impacts to Environmental Zones	RC/MC/MD/OR Transit	Steve Morrow	Parametrix	
Adjustment Review (Land Use Review)	A	City of Portland BDS	Review zoning code consistency for impacted properties	RC/MC/MD/OR Transit	Steve Morrow	Parametrix	
Design Review (Land Use Review)	A	City of Portland BDS	Review impacts to Design Overlay Zones	MC/MD/OR Transit	Steve Morrow	Parametrix	Design Review possible for Marine Drive Interchange and bridges over the North Portland Harbor
Historic Demolition Review	P	City of Portland BDS	Land Use Approval-Type IV	Bridge removal	Steve Morrow	Parametrix	
Noise Variance	P	City of Portland BDS	Variance	RC/MC/MD/OR Transit	Steve Morrow	Parametrix	CRC project team may get initial approvals or initiate negotiations, with specific permits issued to construction contractor(s).
City of Vancouver							
Public Facilities Master Plan (Hybrid Approach)	P	City of Vancouver	Land Use Approval-Type III Site Plan Review	RC/WA Transit	Steve Morrow	Parametrix	Site Plan Review includes: Shoreline Management Act Permit; Critical Areas Permit; Hydrology Report; Geotechnical/Soils Report; Preliminary Stormwater Report; Flood Plain Permit; Erosion/Sediment Control Plan; Tree Plan; Grading/Stockpiling Plan; Archaeological Review; Design Review; Sign Permit; Joint Use Parking Agreement
Transportation Development Review	P	City of Vancouver	ROW Use-Submitted separately from the land use application to Transportation Services Development Review.	RC/WA Transit	Casey Liles	Parametrix	
Traffic Impact Analysis	A	City of Vancouver	Traffic analysis	RC/WA Transit	Casey Liles	Parametrix/DEA	Level of detail and potential for hot spot analysis not yet known.
Shoreline Management Master Program	P	City of Vancouver	Land Use Approval, Environmental Permit	RC/WA Transit	Steve Morrow	Parametrix	Also reviewed by State DOE
Critical Areas Ordinance Protection	P	City of Vancouver	Land Use Approval, Environmental Permit	RC/WA Transit	Steve Morrow	Parametrix	
Noise Permit	P	City of Vancouver	Construction Permit	RC/WA Transit	Steve Morrow	Parametrix	CRC project team may get initial approvals or initiate negotiations, with specific permits issued to construction contractor(s).
Waiver of Certificate of Appropriateness	P	City of Vancouver	Approval to demo Lucky Lager Warehouse building	RC	Steve Morrow	Parametrix	

Columbia River Crossing Permits Master Tracking Matrix

Tier 2 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Segment	Responsible DOT/Agency Staff	Consultant Lead	Comments
Name Permit or Approval	A - Approval P - Permit	Agency Name		RC MC WA Transit Park and Rides OR Transit Transit Systems WA North MD Demo/Removal			
Federal:							
Right of Way Permit (Interstate) Federal Highway Administration	P	FHWA	ROW use authorization	RC	Marc Guichard	TBD	Coordination necessary during FEIS- FHWA is cooperating agency
Right of Way (Railroad) Federal Railroad Administration	P	FRA	Shared crossing waiver	RC	Marc Guichard	TBD	
Federal Aviation Administration 7460-1 Permit (FAA) for Construction Obstructions	P	FAA	Construction Permit-for impact to air traffic	RC	Steve Morrow	Construction Contractor	This permit is for construction (temporary) impacts to airspace, such as cranes. Should be filed at a minimum 8-12 months before start of construction.

Columbia River Crossing Permits Master Tracking Matrix

Tier 2 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Segment	Responsible DOT/Agency Staff	Consultant Lead	Comments
State:							
Oregon							
1200-C Construction Stormwater Oregon Department of Environmental Quality (DEQ)	P	Oregon Department of Environmental Quality	Environmental Permit -Water Quality - Soil Erosion	RC	Steve Morrow	Construction Contractor	
Stationary Source Permit	P	Oregon Department of Environmental Quality	Environmental Permit-Air Quality	Landside Oregon	Steve Morrow	Construction Contractor	Required for concrete batch plants or non-road engines that remain on site more than 12 months. Most local contractors will already have this permit.
ODOT Rail Crossing	P	ODOT	ODOT Approval	All Hwy/OR	Aaron Myton	DEA	
ODOT ROW encroachment - Permit	A	ODOT	ROW Use	All Hwy/OR	Aaron Myton	DEA	
Intersection Signals (ODOT - COP)	A	ODOT	Design Permit	All Hwy/OR	Aaron Myton	DEA	
ODOT - Interchange Operations	P	ODOT	Design Permit	All Hwy/OR	Aaron Myton	DEA	
ODOT-Structures	P	ODOT	Structural Permit	All Hwy/OR	Aaron Myton	DEA	
Washington							
Construction Stormwater General Permit Washington Department of Ecology (Ecology)	P	Washington Department of Ecology	Environmental Permit -Water Quality - Soil Erosion	NA	Steve Morrow	Parametrix	Ecology requires only a completed application in order to issue permit coverage. The application must include certification that the public notice and SEPA requirements have been met. The applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to starting construction, but you do not need to submit it with the application.
Stationary Source Permit	P	Washington Department of Ecology	Environmental Permit -Air Quality	Landside Washington	Steve Morrow	Parametrix	Required for concrete batch plants or non-road engines that remain on site more than 12 months
WSDOT - ROW Encroachment Permit	A	WSDOT	ROW Use	All Hwy/WA	TBD	Construction Contractor	

Columbia River Crossing Permits Master Tracking Matrix

Tier 2 Permit and Approval Summaries

Permit or Approval	Type	Issuing Agency	Review Purpose	Segment	Responsible DOT/Agency Staff	Consultant Lead	Comments
Local:							
City of Portland							
Improvements in ROW	P	PBOT	Construction Permit	Landside Oregon	TBD	Construction Contractor	
Building Permit - Site Development	P	BDS	Construction Permit	Landside Oregon	TBD	Construction Contractor	
Sign Permit	P	BDS	Construction Permit	RC/MC/OR Transit/Marine Dr-Hayden Isl	TBD	Construction Contractor	
Trade Permits - Electrical; Mechanical; Plumbing	P	BDS	Construction Permit	RC/MC/OR Transit/Marine Dr-Hayden Isl	TBD	Construction Contractor	
Non-Park Use of Park	P	Portland Parks and Recreation	Land Use Permit	MC/OR Transit/MD	TBD	Construction Contractor	Any construction work or staging on Portland Parks & Recreation property by any individual, organization, business or agency - other than Portland Parks & Recreation or one of their contractors - requires a permit
City of Vancouver							
Building Permit	P	City of Vancouver	Construction Permit	Landside Washington	Steve Morrow	Parametrix	
Trade Permit-Electrical; Mechanical; Plumbing	P	City of Vancouver	Construction Permit	Landside Washington	TBD	Construction Contractor	
Temporary Use Permit	P	City of Vancouver	Land Use Approval	Landside Washington	TBD	Construction Contractor	
Access Closure	P	City of Vancouver	Construction Permit	Landside Washington	TBD	Construction Contractor	
Sign Permit (Temporary)	P	City of Vancouver	Construction Permit	Landside Washington	TBD	Construction Contractor	

APPENDIX B

Individual Project Permitting Summaries

FEDERAL
UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

Permit Name:	Federal Joint Permit Application (JPA) for Oregon and Washington [Section 404 Clean Water Act (CWA) and Section 10 Rivers and Harbors Act (RHA) USACE permit]
Permit Description:	Federal JPA to address wetland and waterway impacts under USACE jurisdiction, through Section 404 CWA and Section 10 of the RHA. Separately, a JPA (Oregon) and Joint Aquatic Resources Permit Application (JARPA) (Washington) will be prepared and submitted to the appropriate state agencies for the 401 Water Quality Certification and other state-specific permits. The Oregon JPA and Washington JARPA have their own Project Permitting Summaries included in this packet. Approval of the federal JPA relies on approval by the states under Section 401 (Water Quality Certifications) and Section 14 RHA (aka Section 408) addressing impacts to navigation and levees.

<p>REGULATORY AGENCY CONTACT</p> <p>USACE Dominic Yballe USACE Regulatory Project Manager 503-808-4392 dominic.p.yballe@usace.army.mil</p>

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Federal Joint Permit Application (JPA) for Oregon and Washington

SUBMITTAL REQUIREMENTS

- A full description of the proposed project, with the purpose, type and amount of material to be discharged.
- All activities related to the project. Is this a multi-phase project? Have additional permits been sought or obtained?
- A list of all adjacent property owners and their addresses.
- The project location, clearly marked on a road map with a description of the directions included, as well as the Section, Township and Range, and the latitude and longitude of the site.
- Fill volumes in wetlands/waters (cubic yards); types of fill material; total area of fill (acres); removal volumes in wetlands/waters (cubic yards); types of material removed; total area of removal (acres).
- Summarize all permanent/temporary impacts to wetlands/waterways; construction methods; material entry into wetland/waterway; description of any possible changes to waterways/wetlands; measures to avoid and minimize effects of the changes; specific erosion and sediment control methods or BMPs; work area isolation (required for work in a waterway where migratory fish are present).
- Project criteria; alternative sites and designs that avoid all impact; alternative sites and designs that minimize impacts; evaluation of each against criteria with reasons why alternatives are not practicable.
- Waterways (include as appropriate): describe channel/bank conditions; type and condition of riparian vegetation; channel morphology; stream substrate; fish and wildlife species and use.
- Describe navigation, fishing and recreational use.
- Work site rehabilitation plan for temporary impacts.
- Compensatory mitigation plan.
- Include a full set of drawings (30% design) in 8.5 inch by 11 inch (letter) format, which include plan view, section view, elevation view, profile and grade drawings. Use match lines as necessary.
- Recent aerial photo.
- Stormwater Management Plan (includes plan drawings).

Federal Joint Permit Application (JPA) for Oregon and Washington

PROCEDURES

- Pre-application meeting (INTERCEP Wetlands and Waterways Meetings). Application meetings generally have occurred monthly during the permitting process and are currently ongoing.
- Respond to requests for additional information from the USACE after application submittal. Ongoing process by CRC to deliver additional information to USACE as requested.
- USACE publishes a public notice.
- USACE 30 day public notice published February 11, 2013. Public notice has been extended an additional 30 days (60 days total).
- Work with USACE to address comments received during public notice period. Ongoing process by CRC/USACE to address public comments.
- USACE coordinates with the Oregon Department of Environmental Quality (DEQ) and Washington Department of Ecology (Ecology) for 401 Water Quality Certifications. Ongoing.
- USACE coordinates with the Environmental Protection Agency (EPA). Ongoing.
- USACE coordinates with tribes and State Historic Preservation Offices (SHPOs) in compliance with Section 106. Ongoing, but with existing Section 106 MOA, process is streamlined.
- The Section 408 (Section 14 of RHA) process must be completed prior to issuance of the USACE 404 permit. Ongoing as package submittals.
- The USACE 404 permit may only be issued after the DEQ and Ecology 401 Water Quality Certifications are issued through the Oregon JPA and Washington JARPA. Issuance of the states' 401 water quality certifications is scheduled for August 30, 2013. Issuance of USACE 404 permit is scheduled to meet a federal dashboard date of July 30, 2014. (Issuance of 404 permit for navigation channel – July 30, 2014; Issuance of 404 permit for levee – August 31, 2015).
- Prior to the 404 permit being issued, CRC anticipates a Notice of Intent to Issue letter to be provided by the USACE. USACE Notice of Intent letter to be issued by September 30, 2013.
- Within 60 days of the USACE's decision, a Request for Appeal can be submitted to the USACE Division Engineer. The USACE will review the RFA within 30 days of receipt and either accept or deny the RFA. If the RFA is accepted, an appeal conference is held unless the appellant and Review Officer (RO) mutually agree to forego the conference. The RO reviews the record and the Division Engineer renders a decision on the merits of the appeal within 60 days of RFA acceptance.
- CRC included detailed information for the Columbia River Mainstem crossing and more general information for the North Portland Harbor for the submittal of the federal JPA. All material submitted was deemed adequate by USACE prior to public notice issuance. The 404 permit would then be modified as needed with details on all relevant design modifications as work advances.

Federal Joint Permit Application (JPA) for Oregon and Washington

CRITERIA

The decision to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

In addition, it will be necessary for the USACE to evaluate the proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist. The following is an excerpt from Section 404(b)(1):

§ 230.7 General permits.

(a) Conditions for the issuance of General permits. A General permit for a category of activities involving the discharge of dredged or fill material complies with the Guidelines if it meets the applicable restrictions on the discharge in §230.10 and if the permitting authority determines that:

- (1) The activities in such category are similar in nature and similar in their impact upon water quality and the aquatic environment;*
- (2) The activities in such category will have only minimal adverse effects when performed separately; and*
- (3) The activities in such category will have only minimal cumulative adverse effects on water quality and the aquatic environment.*

The criteria and guidelines applicable to this federal JPA are those in effect at permit issuance, and as such, the criteria and guidelines described above may change prior to project approval. Permit approval typically covers work that begins within 3 to 5 years of permit issuance, although there is a strong likelihood that the USACE will issue a permit with a duration of up to 10 years for the CRC project.

FEDERAL
UNITED STATES COAST GUARD (USCG)

Permit Name:	USCG General Bridge Permit
Permit Description:	Federal permit application to address Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946. The permit is required for any authority planning to construct or modify a bridge or causeway across a navigable waterway of the United States. The USCG, under the authority of several bridge Acts, is the permitting authority. The USCG is under the Department of Homeland Security.

REGULATORY AGENCY CONTACT	
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USCG General Bridge Permit

SUBMITTAL REQUIREMENTS

The application for the USCG General Bridge Permit was submitted by the project on January 30, 2013 and included:

- Cover Letter/narrative
- Completed Joint Permit Application (JPA) Form
- Supplemental Project Description
- Columbia River Bridges and Approaches Figures
- Alternative Properties Memo
- Land Use Analysis Summary and Maps
- NEPA Record of Decision
- NEPA Final Environmental Impact Statement
- Biological Opinion
- Public Notice Mailing List
- NEPA Vertical Clearance Re-evaluation
- Navigation Impact Report

PROCEDURES

The information provided below outlines the steps involved in processing a permit application from initial pre-application coordination to permit issuance or denial. The responsibility for processing all bridge permit applications is at the District Commander organizational level.

- Pre-application meetings between the USCG, the applicant and any other interested federal, state or local agencies, to include the NEPA scoping process and consultation. **[Complete]**
- Coordination between USCG/USACE/ODOT/WSDOT/FHWA/FTA/FAA. Develop and implement a plan for communication between all the federal and state partners. Elements of the plan will include: permit oversight, coordination meetings and briefing at key milestones to FHWA Administrator, FTA Administrator and USCG Commandant. **[Complete]**
- Conduct a NEPA re-evaluation on new information generated in this permit process, using information from the river users' survey and potential impacts resulting from alternative bridge heights considered. FHWA and FTA stated in a letter to the USCG on August 3 that this approach will address the USCG requirement to satisfy NEPA for their federal action of issuing a permit. **[Complete]**
- General Bridge Permit application. Prepare draft permit application for submittal to USCG in compliance with permit application guide COMDTPUB P16591.3C (dated October 2011). Coordinate to ensure that all relevant data is submitted. Prior to submittal, work closely with USCG staff to ensure that the application is comprehensive and provides the data needed for a permit decision. **[Complete]**
- Receipt of the application by the USCG. **[Complete]**
- USCG review process:
 - Within 30 days of receipt of the application, USCG District sends letter to applicant requesting any additional information, if required. **[Complete]**
 - When application received is considered complete, USCG District prepares public notice, coordination letters and USCG Local Notice to Mariners.
 - USCG issues public notice, coordination letters and Local Notice to Mariners.
 - USCG review of comments:
 - Applicant provided opportunity to respond to comments; and
 - District holds scoping/coordination meetings and public hearings, if necessary.
 - USCG findings and recommendations:
 - Preparation of navigability documentation; and
 - Preparation of environmental documentation.
- Final USCG agency action:
 - USCG District action:
 - USCG District completes a full evaluation and prepares its Findings of Fact;
 - USCG District provides recommendation to issue or deny permit; and
 - USCG District either issues or denies a USCG bridge permit. Bridge Program policy requires more complex permit applications, such as those which are highly controversial or which require an environmental assessment or environmental impact statement, be issued by USCG Headquarters.
 - USCG Headquarters final agency action:
 - Review and full evaluation of proposed project (navigation and environmental); and
 - Permit issuance or denial (as necessary).

USCG General Bridge Permit

CRITERIA

- Under the previously mentioned Acts, the USCG's mission is to administer the Bridge Program. The USCG approves the location and plans of bridges and causeways and imposes any necessary conditions relating to the construction, maintenance, and operation of these bridges in the interest of public navigation.
- Permitted bridges must meet engineering standards in place at the time of permit approval. The USCG General Bridge Permit has a duration of 5 years, although longer construction time can be requested.
- The USCG is also required by law to ensure environmental considerations are given careful attention and importance in each bridge permitting decision.
- As explained further in Section C of the Bridge Permit Application Guide, relevant environmental statutes and executive orders for bridge project compliance include those listed in the Bridge Permit Application Guide.
- The USCG is obligated to consult with and obtain comments from any federal agency with legal jurisdiction or special expertise concerning any environmental or navigational impact involved. Such comments are generally obtained through direct coordination with affected agencies, responses to the public notice, and the Local Notice to Mariners (LNM).
- The USCG Bridge Program protects the freedom of navigation and the quality of the environment by taking a balanced approach to total transportation systems, both land and water modes, in all program actions.
- The bridge statutes and subsequent court interpretations require bridges provide for the reasonable needs of navigation, not for all the needs of navigation. The reasonable needs of land traffic must also be met.
- The USCG will review design assumptions and analyses to date and will confirm and validate conclusions about viable alternative bridge heights. Design criteria, functional requirements, costs, and prior environmental studies will be considered to determine whether alternative vertical profiles for the bridge are practicable, and whether impacts to vessels have been reasonably avoided and/or minimized while protecting the functionality of the proposed crossing.
- Therefore, USCG bridge permit actions consider the overall goals of the U.S. Department of Homeland Security in a balanced manner to accommodate the needs of all modes of transportation.
- Rules and regulations governing the USCG bridge permit program are listed in Parts 114 and 115 of Title 33, Code of Federal Regulations.

FEDERAL
UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

Permit Name:	Section 408 Authorizations: Modifications to Levees and Impacts to Navigational Channels
Permit Description:	Under the Rivers and Harbors Act of 1899, Section 33 of the United States Code (USC) 408 requires that a determination be made that modifications to a Federal project will not impair the usefulness of the Federal project. The Columbia River Crossing (CRC) project will modify levees under Federal jurisdiction and will impact the Federal Navigational Channels within the Columbia River Mainstem and North Portland Harbor (Oregon Slough). Therefore, the project must obtain separate Section 408 permits from the USACE for each of these impacts: one for the modifications to the levees and one for the modification to the navigational channels.

<p>REGULATORY AGENCY CONTACT</p> <p>USACE Marci Johnson 408 Project Manager 503-808-4765 marci.e.johnson@usace.army.mil</p>
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CRC STAFF		
LEAD	CONSULTANT LEAD	TECHNICAL SUPPORT
Columbia River Crossing Steve Morrow Environmental Coordinator 360-816-8892 morrows@columbiarivercrossing.org	HDR Engineering Rich Hannan Geotechnical Engineer 503-423-3751 richard.hannan@hdrinc.com	HDR Engineering Ron Mason Professional Engineer 503-423-3700 ronald.mason@hdrinc.com

Section 408 Authorizations: Modifications to Levees and Impacts to Navigational Channels

SUBMITTAL REQUIREMENTS

General Requirements

- A written request for approval of the project modification
- The purpose and need for the modification
- Environmental Protection Compliance
- Real Estate Analysis
- Discussion of Residual Risk
- Administrative Record of key decisions made during the design process

Impacts to Navigation Channels

- Proposed changes to USACE-authorized navigation projects will require technical analysis that address the following:
 - Width and height restrictions
 - Channel alignment requirements
 - Sediment studies that address potential impacts on future O&M cost due to channel realignment
 - Consultation with navigation user groups
 - River hydraulic and hydrologic analysis
 - Ship simulation modeling

Modifications to Levees

- Technical Analysis and Adequacy of Levee or Flood Protection Structure Design/Modification
 - Geotechnical Analysis
 - Structural Analysis
 - River Hydraulic and Interior Drainage Hydrologic Analysis
 - Operations and Maintenance (O&M) Requirements
- Will require an evaluation of any changes to the level of protection based on any changes in water level identified by the new hydraulic models
- Will require an evaluation of changes in the probability of flooding as a result of modification to the levee or changes in the water level during a flood event
- Discussion of Executive Order 11988 Considerations. Impacts of the project to the floodplain need to be defined and justified, alternatives identified if they exist, and Public Notification made
 - This will require re-evaluation of the existing Flood Insurance Study (FIS) to determine if base flood elevations (100-yr) and floodway limits have been negatively impacted

Section 408 Authorizations: Modifications to Levees and Impacts to Navigational Channels

PROCEDURES

The project will submit applications for two separate Section 408 reviews: one for modification of the navigation channels and one for modification of the levee system. The project will submit one 404 and one General Bridge permit application. Two permits will be issued under Section 404 and Section 9: first, for the main river crossing and then for the crossings for North Portland Harbor. Approval of each round of federal permits will be coordinated between the permitting agencies and will likely be concurrent. General procedures for the 408 reviews are outlined below. Procedures that are specific to the Levee or Navigation 408 approval are indicated.

- Phasing Packages
- Level of Approval Determination

Based on the initial discussions of impacts, a letter should be submitted to USACE (and MCDD for the 408 Levee approval) describing all known impacts. This letter would request a determination of requirements for Section 408 approval. The USACE may determine that some of the modifications can be approved by the Portland District Commander (under the Code of Federal Regulations 33 Part 208.10 for the 408 Levee approval), or other authorities that reside within the District. Major modifications not approved by the Portland District Commander will be forwarded to a higher authority within the USACE for review and approval. For the 408 Levee approval, minor encroachments (signs, utility crossing, etc.) that do not change the authorized structural geometry or hydraulic capacity may not require Section 408 approval. Some modifications will require a USACE Agency Technical Review (ATR) and a Safety Assurance Review (SAR) and approval by Headquarters USACE. The SAR is a Type II IEPR. The ATR is a review by USACE personnel located in engineer districts distinct from the Portland District.
- Establish IEPR Panel

An Independent External Peer Review (IEPR) Panel would need to be selected to perform a Type I and Type II IEPR, SAR of the design and construction of modifications to the USACE projects. Panel members selected in accordance with USACE publication EC 1165-2-209, 31 Jan 2010 would be submitted to the USACE (through MCDD for the 408 Levee approval) for review and approval.
- Design and Review of Modifications

The design of modifications that require Section 408 approval must be completed prior to submittal of the Section 408 Submittal Package. USACE guidance requires both a USACE Agency Technical Review (ATR) and an IEPR-SAR review and recommends that they be in-progress-reviews. These are normally performed at the 30%, 60%, 90% and Final Design levels. The frequency of reviews needs to be coordinated with USACE (and MCDD for 408 Levee). It is anticipated that MCDD will also choose to review and comment on the levee design submittals. All IEPR and USACE comments must be recorded and included in the Section 408 submittal. IEPR comments must be addressed but not necessarily included in the design.
- Prepare 408 Submittal Package

Detailed guidance for preparation of the Section 408 Submittal Package has been developed by the USACE. Submittal requirements are shown in the previous section.
- Environmental Protection Compliance

Item 7 of the Section 408 Submittal Checklist states that all Section 408 actions must be in full compliance with all applicable requirements. The checklist contains several areas of environmental compliance that must be addressed as a part of the submittal package.
- 408 Package Submittal to MCDD (for 408 Levee)

The completed Section 408 Submittal Package is submitted to MCDD for review and comment. Comments are addressed and the final package returned to MCDD. MCDD prepares a Letter of Understanding of their responsibilities to perform all required Operations, Maintenance, Repairs, Replacement and Rehabilitation (OMRR&R) for the project. After the modifications are approved, MCDD is required to update their O&M manual.

Section 408 Authorizations: Modifications to Levees and Impacts to Navigational Channels

PROCEDURES (CONT'D)

- **408 Package Submittal to USACE District Office**
Once completed, MCDD submits the Levee 408 package to the District Commander, Portland District USACE. The applicant submits the navigation package directly to the District Commander. The District prepares a transmittal letter with its determination of technical soundness and environmental acceptability, based on the criteria described below.
- **408 Package Submitted to Division Level Office**
Once the USACE District completes their review and any comments have been addressed, the package is forwarded to the USACE Northwestern Division (NWD) office for a Policy and Legal Compliance Review. It is anticipated that all technical issues will have been resolved during the design review process. Even though the environmental protection compliance process is not part of the Section 408 process, any environmental issues must be resolved before the Section 408 package can be approved. Approval of the Section 408 package does not require Section 404 or Section 10 permits be issued prior to Section 408 approval (however, Section 408 approval is required prior to full authorization of the Section 404 permit). For the project's Section 404 and Section 10 permits, the required public interest and technical evaluations may be done concurrently. In regards to the National Environmental Policy Act, it is likely that CRC will complete NEPA re-evaluations to supplement the FEIS and ROD to satisfy the USACE NEPA requirements for the Section 408 approval. During the Section 408 approval process, the USACE will document the applicability of the CRC FEIS, ROD, and re-evaluations in regards to the issuance of permits.
- **408 Package Submitted to Headquarters USACE (HQUSACE)**
Once NWD has completed their quality assurance review, the package along with the NWD recommendations for approval or disapproval is submitted to HQUSACE.
- **HQUSACE Review**
HQUSACE reviews the package and recommendations from subordinate commands and prepares a letter of approval or disapproval. Assuming that both the District and NWD have both recommended approval it is unlikely that HQUSACE would disapprove the request.
- **Approval**
Once approved, a letter of approval or approval with comments is returned to the NWD who forwards the letter to the District. For the 408 Levee approval, the District Commander notifies MCDD that the request for modifications has been approved (even though the USACE approves modifications to the Project, the Project belongs to the Drainage Districts involved and they have final approval authority). Approval of the Section 408 package does not require Section 404 or Section 10 permits be issued. If the proposed alteration requires a Section 404 permit and/or a Section 10 permit, the required public interest and technical evaluations may be done concurrently, and will be the case for the CRC project.

Section 408 Authorizations: Modifications to Levees and Impacts to Navigational Channels

CRITERIA

- Products will be reviewed against published guidance, including Engineering Regulations, Engineering Circulars, Engineering Manuals, Engineering Technical Letters, Engineering Construction Bulletins, Policy Guidance Letters, implementation guidance, project guidance memoranda, and other formal guidance memoranda issued by HQUSACE. Any justified and approved waivers should have been obtained from HQUSACE for any deviations from USACE guidance.
- Key considerations include:
 - The project meets the customer's scope, intent and quality objectives as defined in the PMP.
 - Formulation and evaluation of alternatives are consistent with applicable regulations and guidance.
 - Concepts and project costs are valid.
 - The non-Federal sponsor is aware of its requirements and concurs with the proposed recommendations.
 - The recommended alternative is feasible and will be safe, functional, constructible, environmentally sustainable, within the Federal interest, and economically justified according to policy.
 - All relevant engineering and scientific disciplines have been effectively integrated.
 - Appropriate computer models and methods of analysis were used and basic assumptions are valid and used for the intended purpose.
 - The source, amount, and level of detail of the data used in the analysis are appropriate for the complexity of the project.
 - The project complies with accepted practice within USACE.
 - Content is sufficiently complete for the current phase of the project and provides an adequate basis for future development effort.
 - Project documentation is appropriate and adequate for the project phase.
- The guidance and standards that apply to a Section 408 review are those in place at the time an application is submitted. Section 408 reviews do not expire.

FEDERAL
FEDERAL AVIATION ADMINISTRATION (FAA)

Permit Name:	FAA 7460-1 Notice of Proposed Construction or Alteration
Permit Description:	Federal permit application for proposed construction or alteration of a structure that affects safety or the efficient use of navigable airspace. Notice is required by 14 CFR, part 77, pursuant to 49 USC Section 44718.

REGULATORY AGENCY CONTACT	
FAA Stan Allison 425-227-2658 stan.allison@faa.gov	FAA Bruce Fisher 425-227-2649 bruce.fisher@faa.gov

CRC STAFF		
LEAD	CONSULTANT LEAD	TECHNICAL SUPPORT
Columbia River Crossing Steve Morrow Environmental Coordinator 360-816-8892 morrows@ columbiarivercrossing.org	Parametrix Seth English-Young Planner 360-816-2186 englishs@ columbiarivercrossing.org	Same as Consultant Lead

FAA 7460-1 Notice of Proposed Construction or Alteration

SUBMITTAL REQUIREMENTS

- Complete FAA Form 7460-1, including:
 - Sponsor and representative information
 - Type of proposed action (new construction or alteration) and type of structure
 - Start and end of construction and duration of work (temporary or permanent)
 - Type of obstruction marking/painting and lighting
 - Latitude and longitude of the structure and datum of coordinates
 - Nearest city and state
 - Nearest public-use, military airport or heliport
 - Distance from airport to structure
 - Site (ground) elevation
 - Total structure height
 - Include anything mounted on the structure
 - Include height of imaginary vehicle at the edge of the road nearest runway (if applicable)
 - Overall height (add ground elevation and total structure height)
 - Previous FAA Aeronautical Study Number
 - Description of Location
 - Enter the relationship of the structure to roads, prominent terrain, existing structures on airport, etc.
 - Attach an 8-1/2" x 11" non-reduced (or enlarged) copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map marked with a precise indication of the site location.
 - Complete Description of Proposal
 - State the construction materials, whether or not smoke, dust or other visibility limiting substances will be generated, and/or electronic signals that may interfere with navigation signals will be generated. Alterations should be explained thoroughly.
 - Description of construction materials or equipment. If associated temporary construction equipment will be taller than the permanent structure, a separate notice is required.
 - For overhead wires include the size and configuration of the wires and their supporting structures. If more than one tower is to be erected, each tower should be submitted separately. In the case of pole lines, locate all poles on line with top elevations in tabular form.
 - If the equipment is to be located at several different locations during the course of the project (i.e., different borrow sites, staging areas, work limits) list them here with either coordinates and/or distance down runway and perpendicular distance to runway centerline.
 - A sketch should be included with the package depicting the project more specifically.

FAA 7460-1 Notice of Proposed Construction or Alteration

PROCEDURES

14 CFR § 77.7 Form and time of notice.

- If you are required to file notice under 14 CFR, part §77.9, you must submit to the FAA a completed FAA Form 7460–1, Notice of Proposed Construction or Alteration. FAA Form 7460–1 is available at FAA regional offices and on the Internet.
- You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.
- If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
- If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.
- The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460–1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

14 CFR § 77.9 Construction or alteration requiring notice.

- If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:
 - (a) Any construction or alteration that is more than 200 ft. AGL at its site.
 - (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
 - (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.
 - (d) Any construction or alteration on any of the following airports and heliports:
 - (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
 - (2) A military airport under construction, or an airport under construction that will be available for public use;
 - (3) An airport operated by a Federal agency or the DOD;
 - (4) An airport or heliport with at least one FAA-approved instrument approach procedure.

FAA 7460-1 Notice of Proposed Construction or Alteration

PROCEDURES (CONT'D)

General procedures

- Once the Form 7460-1 is submitted, an aeronautical study will be conducted by the FAA Air Traffic Organization, Obstruction Evaluation Group (OEG). The OEG technician will verify that the information submitted is accurate and complete. If the information is inaccurate or incomplete the technician will request additional information. If no additional information is required the technician will verify the study which will change the status in your account to "Work in Progress." When the status is changed to "Work in Progress" the applicant's information is made available to other FAA offices and military representatives that need to review the proposal. Those offices will provide comments to the OEG and after all comments have been received, the OEG technician or specialist will issue the appropriate letter; when it's been issued the status in the applicant's account will change to "Determined." After the letter has been issued it will be available on the website. The FAA will either issue a Determination of Hazard to Air Navigation or Determination of No Hazard to Air Navigation. Conditions on the FAA determination can be imposed, such as marking, lighting, painting, etc.
- There is no deadline on how long the aeronautical study will take. Based on recent 7460-1 applications for permanent structures in Washington and Oregon, it is estimated that from date of submittal to date of determination by FAA will be between 60 and 150 days.
- If the applicant chooses to file a petition for discretionary review the FAA must receive the petition within 30 days after the issuance of the determination. The request for review must be of an aeronautical nature.
- The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed. The petition must also include name, address, phone and FAX number and email address. For example, if the applicant believes an FAA order, directive or regulation was not considered or appropriately applied in the study, or there is information that would change the outcome of the study, please include it. In effect, the request for discretionary review is a request to reverse a federal government decision. The petition should include compelling evidence or data that would support a reversal of the aeronautical study.
- The effective date of a determination not subject to discretionary review is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.
- Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- A Determination of Hazard to Air Navigation has no expiration date.
- The applicant may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination.

FAA 7460-1 Notice of Proposed Construction or Alteration

CRITERIA

Once the Form 7460-1 has been submitted, the FAA conducts an aeronautical study to determine if the structure will be a hazard to air navigation. The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation. The *Scope and Obstruction Standards* sections below describe the criteria the FAA uses to determine if the structure is an obstruction to air space. The *Evaluating Aeronautical Effect* section below describes the criteria that the FAA uses to determine if that obstruction will be a hazard to air navigation.

Scope (14 CFR 77.15)

- (a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.
- (b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.
- (c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.
- (d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in §77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runway.
- (e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:
 - (1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or
 - (2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,
 - (3) An airport operated by a Federal agency or the DOD; or,
 - (4) An airport that has at least one FAA-approved instrument approach.

FAA 7460-1 Notice of Proposed Construction or Alteration

CRITERIA (CONT'D)

Obstruction Standards (14 CFR 77.17)

- (a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
 - (1) A height of 499 feet AGL at the site of the object.
 - (2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.
 - (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.
 - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
 - (1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
 - (2) 15 feet for any other public roadway.
 - (3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) 23 feet for a railroad.
 - (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

The obstruction standards listed above are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a study to interested parties for comment.

FAA 7460-1 Notice of Proposed Construction or Alteration

CRITERIA (CONT'D)

Evaluating Aeronautical Effect (14 CFR 77.29)

The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:

- (1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
- (2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;
- (3) The impact on existing and planned public use airports;
- (4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;
- (5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;
- (6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;
- (7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.

STATE OF OREGON
DEPARTMENT OF STATE LANDS (DSL)

Permit Name:	Oregon Joint Permit Application (JPA)
Permit Description:	Oregon's Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a removal/fill permit from the Oregon Department of State Lands (Oregon DSL).

<p>REGULATORY AGENCY CONTACT Oregon DSL Russ Klassen ODOT Removal-Fill Permit Liaison Regions 1, 2, 3, 4, and 5 503-986-5244 russ.klassen@dsl.state.or.us</p>
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CRC STAFF		
LEAD	CONSULTANT LEAD	TECHNICAL SUPPORT
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Oregon Joint Permit Application (JPA)

SUBMITTAL REQUIREMENTS

Oregon DSL Removal-Fill Permit (*applied for with the Oregon JPA*)

- Basic Information
 - Applicant, Agent and Property Owner Information
 - Project Location
- Proposed Project Information
 - Project description
 - Removal and fill impacts
 - Removal and fill volumes
 - Removal and fill areas
 - Total cubic yards of removal and fill for the project
 - Total acres of construction-related ground disturbance
 - Disposal areas
 - Impervious surface created
 - Listed species disclosure
 - Cultural/historic resources description
- Project Purpose and Need Statement
- Project Description
 - A description of all the proposed impacts to waters of the state, temporary and permanent.
 - A table that lists each individual activity with corresponding acreage, dimensions (if appropriate) and volume, with reference to a location on the site plans.
 - Construction methods and equipment.
 - The type of fill material.
 - Access to the construction site or work area.
 - Facilities for handling construction and operating wastes.
 - How the project may impact the hydraulic and hydrologic characteristics of the affected wetlands/waterway. This should include a description of the current source of hydrology for the site with direction and method of movement; how the project may restrict, impede or increase water flows; whether the project will relocate or redirect water flow; the effects of the project on downstream or upstream flooding; whether the project will result in erosion on adjacent land and any other changes the project could have on the hydrology/hydraulics of the waterway.
 - Other pertinent information to fully describe the project.

Oregon Joint Permit Application (JPA)

SUBMITTAL REQUIREMENTS (CONT'D)

- Project drawings
For readability, the preferred size is 8½" x 11", but paper size up to 11" x 17" may be used. If more than one sheet is necessary to illustrate the project, match-lines should be provided and a key to the match sheets of the entire project included. All drawings need to be scaled and include a legend and north arrow. The following drawings must be provided:
 - Location map
 - Plan view drawings
The plan view drawing must include:
 - The entire project (including roads, buildings, utilities, etc.)
 - Existing and proposed contours, as applicable.
 - Jurisdictional boundaries by resource type (i.e., wetland boundary by Cowardin and HGM class and location of OHW).
 - Stormwater outfalls, if applicable.
 - Clear identification of the areas proposed for all removal-fill activities and impacts (temporary and permanent). Cross-hatching should be used to distinguish various types of impacts. If there is more than one removal-fill site, identifiers should be assigned (wetland A, B, etc.) and referenced in the narrative description of the project and mitigation plan.
 - Staging areas and equipment or construction access.
 - Location of the cross sections.
 - Compensatory mitigation areas.
 - Cross section drawing(s):
Cross section drawings are required to illustrate the vertical extent of removal and fill activities relative to existing elevations. To be meaningful, the location of cross sections on the plan view should be in the area of greatest extent of removal-fill activity. Cross sections must be of a scale sufficient to evaluate proposed removal-fill activities and must include:
 - A vertical and horizontal scale
 - The existing and proposed ground elevations
 - Jurisdictional boundaries (e.g., OHW or wetland boundary)
 - The proposed water elevation, if applicable
 - Any structures or construction limits
- Recent aerial photo
- Material entering the wetland/waterway
If any construction debris, runoff water, water pumped from a holding pond, or other material will enter the wetland or waterway during or after construction, it should be indicated in this block of the application with a description. The location of the discharge should also be shown on the site plan drawings.
- Project start and end date
- Alternatives analysis:
DSL will only approve the proposed project that represents the practicable alternative that would have the least impact on the water resources. The alternatives analysis is the means by which the applicant and DSL determine that alternative. There are three steps to an alternatives analysis:
 - A list of project criteria to accomplish the project purpose is developed
 - Alternatives that could meet the project purpose are identified
 - Each alternative is evaluated against the project criteria to derive the practicable alternative with the least impactsThe range of alternatives to achieve the project purpose should include realistic alternative sites, designs and construction methods. Each alternative discussed must have an explanation of why it was or was not chosen.

Oregon Joint Permit Application (JPA)

SUBMITTAL REQUIREMENTS (CONT'D)

- Measures to minimize impacts

Once the practicable alternative site with the least adverse impacts has been identified, the application must identify measures to repair, rehabilitate or restore and further reduce or eliminate impacts during and after construction. Measures may include, but are not limited to:

 - Specific erosion and sediment control methods and other BMPs
 - Use of special equipment to limit compaction or minimize disturbance
 - Specific construction access protocols such as working from top of bank, or providing access perpendicular to the bank
 - Use of work area isolation techniques to isolate the work from flowing water (required for work in a waterway where migratory fish are present)
- Description of resources in project area
 - Wetlands
 - Waterways
 - Whether the waterway is non-tidal or tidally influenced
 - Channel and bank conditions (degree of incision, undercutting, etc.)
 - Type and condition of riparian vegetation
 - Channel structure, shape and sinuosity and stream morphology classification (e.g., Rosgen class)
 - Stream substrate particle size
 - Fish and wildlife species and level of use
 - Navigation, fishing and recreational uses (only if state-owned waterway)
- Site rehabilitation plan for temporary impacts
- Mitigation Plan

The reasonably expected adverse effects of the project must be identified, and a strategy to mitigate for those effects must be included. For permanent impacts to wetlands, a Compensatory Wetland Mitigation (CWM) Plan is required. For permanent impacts to waterways, a Compensatory Mitigation (CM) Plan is required.
- Adjacent property owner information

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

Other actions or activities on the site that have had USACE or DSL involvement in the past should be listed. Other actions include permits, enforcement issues, wetland delineations and determinations, and wetland land use notices. The applicable agency identification numbers should also be provided.
- Wetland delineation

If a wetland delineation has been completed for the site, the author of the report and whether the report has received approval should be indicated. The concurrence letter and approved map should be attached to the application.

Oregon Joint Permit Application (JPA)

PROCEDURES

Oregon DSL Removal-Fill Permit

- Pre-application meetings (INTERCEP Wetlands and Waterways Meetings).
 - Pre-application meetings completed January 4, 2013.
 - Removal-Fill Permit submitted to DSL on January 4, 2013.
- DSL Review
 1. Application Completeness Review: (30 days for Individual Permits [IPs]/15 days for General Permits [GPs]). The application is reviewed for completeness and applicable permit type. A completeness review letter is sent to the applicant documenting the review. If the application is deemed incomplete, a new complete application is required. Application review by DSL was completed within 30 days of the January 4, 2013 permit submittal date.
 2. Public Review Period: (30 days for IPs/15 days for GPs). If the application is complete, the public review period is initiated. A notice is sent to other agencies, adjacent property owners and other parties inviting comment on the application. DSL initiated public review on February 11, 2013.
 3. Final Review: (60 days for IPs/10 days for GPs) Comments relevant to the decision-making process are considered. The applicant is invited to address relevant comments and any unresolved technical issues by providing additional information or revising the project. Final review is ongoing.
 4. Permit Decision: The entire record is evaluated against the criteria for permit issuance and a permit is approved or denied. If more time is needed to address issues, the applicant may request an extension of the decision deadline. Issuance of a Removal-Fill Permit is scheduled for July 2013.
- Permit Renewal and Transfer
Permits may be issued for up to five years and may be renewed upon request. Before an IP expires, DSL will notify the permittee of the opportunity to renew the permit. General Authorizations (GAs) and General Permits (GPs) are issued for three years and are not renewable.
- Modifying the Permit
Modification of a permit may be requested by the permittee or initiated by the Department. CRC anticipates including detailed information for the Columbia River Mainstem crossing and more general information for the North Portland Harbor for the submittal of the JPA. The permit would then be updated with details on the North Portland Harbor crossing as the design for this work advances.
- Special Permit Situations
By law, state correctional facilities, solid waste landfills and energy generation facilities, and maintenance of industrial projects, follow a removal-fill permit process that is different than the standard IP process.
- Permit-Related Appeals
A permit or authorization decision may be appealed by the applicant or third parties that are “aggrieved” or “adversely affected” by the authorization decision. Applicants may appeal an incompleteness determination. Appeals are adjudicated through the contested case hearing process.

Appeals by the Applicant

Any applicant may request a contested case hearing if:

- Their application or notification has been deemed incomplete
- Their General Authorization (GA) notification has been determined ineligible
- Their GP application has been determined ineligible
- Their IP or Emergency Permit (EP) has been denied
- They object to any project specific condition contained in a GP
- They object to any conditions in an IP or EP

Oregon Joint Permit Application (JPA)

PROCEDURES (CONT'D)

Appeals by Third Parties

Persons that are “aggrieved” or “adversely affected” by an individual permit, general permit or emergency permit decision, can request a hearing. There is no opportunity for third party appeals in GA eligibility determinations.

The Hearing Request

Requests for a contested case must be submitted in writing to the DSL, within 21 calendar days of the associated DSL decision. The request must identify the specific reasons for the appeal. Only those issues raised in the request will be considered during the hearing. Generally, the DSL will respond to the request for a contested case hearing within 30 days of receipt of the request for hearing. The response will include a determination of whether the contested case hearing is granted, and if so, notification that the matter was referred to the Office of Administrative Hearings. The response will also include a notice of rights and responsibilities and a general description of the contested case hearing process.

The DSL may suspend a permit pending a contested case hearing. Petitions to suspend a permit must be submitted to the DSL in writing. A permit will not be suspended unless the aggrieved or adversely affected party makes a showing, by clear and convincing evidence, that implementation of the permit would cause irreparable damage or would be inconsistent with ORS 196.600-196.990.

- The appeals process is as follows (OAR 340-048-0050):
 - (1) *The [DSL] must provide a certification decision to the applicant by mail or personal delivery in the same manner as provided for service of notice under OAR 340-011-0097 and provide written notice by appropriate means to public commenters on the proposed certification decision. Any certification decision must include or be accompanied by a notice of the applicant’s opportunity to request a contested case hearing regarding the certification decision.*
 - (2) *An applicant dissatisfied with a certification decision, including any conditions to an approved certification, may request a contested case hearing by filing an answer and request for hearing in accordance with OAR 340-011-0107 within 20 days of mailing or personal delivery of the notice of the certification decision by the [DSL]. The hearing must be conducted in accordance with OAR chapter 340, division 011 regarding contested cases.*
 - (3) *For purposes of the one-year period prescribed in 33 USC sec. 1341, the certification decision is effective upon the Director’s issuance of the decision, notwithstanding any request for a contested case hearing by the applicant or other judicial review.*

Oregon Joint Permit Application (JPA)

CRITERIA

Oregon DSL Removal-Fill Permit

DSL is required by statute to make three determinations in issuing a removal-fill permit:

1. The project is consistent with the protection, conservation and best uses of the water resources of the state.
2. The project is the practicable alternative with the least adverse impacts on the water resources.
3. For state-owned submerged or submersible lands, the project does not unreasonably interfere with preservation of waters for navigation, fishery or public recreation.

The terms “consistent,” “protection,” “conservation” and “best uses” are subjective and allow DSL considerable discretion. Similarly, the “reasonableness” standard used in (3) allows DSL significant discretion in decision-making.

Additionally, DSL is required to consider nine factors in making these determinations.

1. The public need for the proposed fill or removal and the social, economic or other public benefits likely to result from the proposed removal or fill: The DSL will consider whether a public need has been demonstrated in the application and what benefits the public may derive from the proposed removal-fill activity. When the applicant is a public body (including federal, state or local government agency, port, or other entity defined in ORS 174.109) the DSL will generally accept the public body's rationale as to local public need and benefit without further consideration.
2. The economic cost to the public if the proposed fill or removal is not accomplished: The DSL will consider the public economic costs if the removal-fill activity is not allowed. Examples of economic costs that may be considered include, but are not limited to: impact to public infrastructure investments, loss of existing or new jobs, and loss of tax revenues.
3. The availability of alternatives to the project for which the fill or removal is proposed: The Department will consider what alternative designs and construction methods were evaluated to avoid and minimize impact to water resources. The DSL must be able to conclude that the proposed project represents the practicable alternative with the least impact to water resources.
4. The availability of alternative sites for the proposed fill or removal: The Department will consider whether there were alternative sites reasonably available to the applicant for the proposed project that would have lesser impacts to water resources.
5. Whether the proposed fill or removal conforms to sound policies of conservation and would not interfere with public health and safety: The DSL will consider how the proposed action incorporates appropriate protection of and conservation measures for water resources. Sound policies of conservation are considered at the project scale and within the landscape. For example, a mitigation site should be located in an area that connects wildlife corridors, because that is a known conservation policy. The Department will also consider the potential positive and negative effects of the removal-fill on public health and safety. For example, positive effects might include removal-fill to protect a sewer line. Negative effects might include increased flood risk to nearby properties.
6. Whether the proposed fill or removal conforms with existing public uses of waters and with uses designated for adjacent land in an acknowledged comprehensive plan and land-use regulations: The Department will consider the intended purpose of the removal-fill activity and its potential effect on existing uses of the waters proposed for impact, as well as effects of the removal-fill activity on designated uses of adjacent lands (e.g., whether the action significantly impairs, reduces or damages existing and designated land uses).

Oregon Joint Permit Application (JPA)

CRITERIA (CONT'D)

7. Whether the proposed fill or removal is compatible with the acknowledged comprehensive plan and land use regulations for the area where the proposed fill or removal is to take place or can be conditioned on a future local approval to meet this criterion: The Department will consider the local planning department's response to the land use compatibility statement (Block 7 of the JPA) and any additional information regarding land use compatibility gathered through the application process. In the event the project requires a conditional use permit or other local development permit, the DSL may issue the removal-fill permit with a condition requiring the specified local approval before the commencement of construction. If a project is identified as not being consistent with the local comprehensive plan, the Department will not authorize the project until a plan amendment or zone change is secured.
8. Whether the proposed fill or removal is for streambank protection: ORS 196.805(2) identifies streambank protection as a beneficial use of waters.
9. Whether the applicant has provided all practical mitigation to reduce the adverse effects of the proposed fill or removal. If off-site compensatory wetland mitigation is proposed, the applicant must document the impracticability of onsite compensatory wetland mitigation: For compensatory wetland mitigation, the Department will consider the extent to which the proposed mitigation maximizes the principal objectives for Compensatory Wetland Mitigation. For mitigation for impacts to non-wetland waters, the Department will consider the extent to which the proposed mitigation addresses the anticipated loss of functions at the project site.

The criteria and guidelines applicable to this Oregon JPA are those in effect at the time the application is submitted. Permit approval typically covers work that occurs within a 1 to 5 year window from the date of permit issuance, with a strong likelihood that the CRC project would receive a 5-year permit. Permit renewals are subject to the standards in effect at the time of submitting a renewal application.

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

Permit Name:	Section 401 Removal/Fill Water Quality Certification
Permit Description:	<p>Section 401 of the federal Clean Water Act (CWA) requires that any federal license or permit to conduct an activity that may result in a discharge to waters of the United States must first receive a water quality certification from the state in which the activity will occur.</p> <p>The 401 Water Quality Certification process relies on the US Army Corps of Engineers' (USACE) issuance of public notice and the issuance of the Section 404 Clean Water Act (CWA) and Section 10 Rivers and Harbors Act (RHA). The USACE permit and USCG General Bridge Permit relies on the Oregon Department of Environmental Quality's (Oregon DEQ) 401 Water Quality Certification.</p>

<p>REGULATORY AGENCY CONTACT</p> <p>Oregon DEQ Pete Anderson 401 Water Quality Certification Coordinator Northwest Region 503-229-6030 anderson.peter@deq.state.or.us</p>

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Oregon Section 401 Removal/Fill Water Quality Certification

SUBMITTAL REQUIREMENTS

Oregon DEQ 401 Water Quality Certification (*applied for with the USACE 404 JPA and additional information*)

- Basic Application Information
 - Legal name and address of activity owner or operator
 - Legal name and address of owner or operator's authorized representative
 - Names and addresses of contiguous property owners
 - Description of proposed activity's water quality impacts
 - Complete written description of activity, including maps, diagrams and other information
 - Names of affected waterways, lakes, or other water bodies
 - Land Use Compatibility Statement (LUCS)
- Water Quality Specific Information
 - Demonstration that the activity complies with applicable Clean Water Act provisions (Sections 301, 302, 303, 306 and 307), Oregon Water Quality Standards and other state law requirements
 - Copies of environmental information submitted to the federal licensing or permitting agency
 - Identification of waterway(s) impacted by the project including wetlands and tributary streams
 - Confirm the status of waterways impacted by the project (Integrated Report)
 - Identification of potential impact to water quality parameters (Water Quality Standards, 303(d) list, TMDL)
 - Evaluation of potential water quality standard violation or contribution to violation
 - Identification of measures to prevent or mitigate violations or contributions to violations

Oregon Section 401 Removal/Fill Water Quality Certification

SUBMITTAL REQUIREMENTS (CONT'D)

- Project Specific Information for In-stream Projects
 - Sediment Evaluation Framework (SEF): Protocols for sediment characterization and chemical analysis have been developed by USACE, EPA, USFWS, DEQ, and others for use in Oregon. Analysis is required of the sediment which will be disturbed by dredging and in the newly exposed surface. DEQ developed a quick summary of the process (<http://www.deq.state.or.us/wq/sec401cert/docs/SEFProcessSummary.pdf>) and a sampling and analysis plan outline (<http://www.deq.state.or.us/wq/sec401cert/docs/SAPOutline.pdf>).
 - Dredging Method: How will material be removed from in-water and be transported? Options include: clamshell, environmental bucket, suction, cutter head suction, hopper, bin barge, etc.
 - Disposal Options: Depending on presence and levels of potential contaminants, various re-use or disposal options are available. These include: In-stream placement, confined disposal facility, upland, hazardous waste landfill, etc. If material is unsuitable for placement in-water, DEQ Solid Waste must make a determination regarding the material being clean fill or suitable for beneficial use or issue a Solid Waste Letter of Authorization (SWLA) before material can be disposed in uplands.
 - Isolation Measures or other Proposed BMPs: Minimization of impacts to water quality and beneficial uses can effectively be demonstrated through isolation of work areas from the flowing stream. Appendix D of DEQ's Erosion and Sediment Control Manual provides accepted isolation methods.
 - Elutriate Testing Methods: If water removed with contaminated sediments will be discharged back to a waterway, it is important to know if water quality standards for toxics will be maintained. Elutriate testing is a process for determining what levels of chemicals will move from sediment into the water column during sediment disturbances. It is important to understand what chemicals are in the sediment and what levels may be harmful in the water column, and to collect sediment proposed for disturbance as well as water from where the sediment lies.
 - Stream Alteration Potential in Response to Sediment Removal – Stream systems are highly dynamic and removal of material from stream beds, bars, and banks can have profound effects on stream condition and functions, including water quality, habitat for aquatic life and human uses of streams. It is important to understand the existing condition and transport potential of a stream and how these might change due to sediment removal. Several agencies have developed a paper on Sediment Removal Considerations specific to Oregon streams. The paper includes recommendations for project design and evaluation considerations and has been reviewed and supported by Oregon's Independent Multidisciplinary Science Team.
- Mitigation Proposal

A project must be designed first to avoid impacts to waterways and wetlands. If impacts are unavoidable, the design must then minimize impacts as much as possible. Even minimal impacts can disrupt ecosystems and eliminate water quality functions that support beneficial uses. Therefore, a proposal to mitigate all impacts must be submitted. This may be a compensatory wetland mitigation plan or a proposal to replace waterway impairments caused by the project at an equal or better functional capacity. For water quality review, the mitigation proposal must demonstrate replacement of lost water quality functions. For example, nutrient uptake by wetlands or keeping streamside temperatures cool with shading vegetation, must be replaced if wetlands are filled or streamside vegetation is removed. It is important to replace these lost functions in the immediate area of the project impacts, rather than proposing a mitigation project somewhere else. Depending on the status of the waterway, mitigation which does not replace critical functions or is too far away may not be acceptable.

Oregon Section 401 Removal/Fill Water Quality Certification

PROCEDURES

Oregon DEQ 401 Water Quality Certification (WQC)

- Request a Pre-Application Meeting with All Pertinent Agencies
A pre-application meeting is recommended at the conceptual design stage for novel or complex projects needing removal/fill permits. Time permitting, DEQ will attend to advise applicants on water quality impact reduction, and to respond to process and application questions. Agencies to invite may include: US Army Corps of Engineers (USACE); Oregon Department of State Lands (DSL); Oregon DEQ; National Marine Fisheries Service (NMFS); US Fish and Wildlife Service (USFWS); Oregon Department of Fish and Wildlife (ODFW); Oregon Department of Land Conservation and Development (DLCD); Oregon Water Resources Department (OWRD).
 - Application meetings generally have occurred monthly during the permitting process and are currently ongoing.
 - Joint Permit Application materials submitted to USACE and DEQ
 - Joint Permit Application submitted to USACE November 30, 2012.
 - DEQ provided USACE permit application on December 7, 2013.
 - USACE determines the permit type, which determines the 401 WQC pathway
 - Nationwide Permit (NWP) or Regional General Permit (RGP) - Expedited USACE process. Most categories have existing NWP 401 WQC.
 - Individual Permit - USACE publishes a public notice and an Individual 401 WQC must be obtained from DEQ (CRC will be under an individual permit).
- For an individual permit:
- Submit full application information to DEQ.
Full application submitted to DEQ December 7, 2012.
 - USACE publishes 30 day public notice.
USACE (and DEQ) 30-day public notice published February 11, 2013. Public notice has been extended an additional 30 days (60 days total).
 - DEQ reviews water quality impact information, comments within 30 days, and may request additional information.
Ongoing process by CRC to deliver additional information to DEQ as requested.
 - Fee is assessed.
 - DEQ conducts 401 Water Quality Certification Evaluation. Public comments are evaluated and incorporated into review.
 - DEQ makes findings and a 401 Water Quality Certification decision is drafted.
 - 401 Water Quality Certification decision is sent to USACE and applicant.
Issuance of a WQC is scheduled for August 30, 2013.

The USACE 404 permit may only be issued after the DEQ and Ecology 401 Water Quality Certifications are issued.

A Notice of Intent to issue a 404 permit is scheduled to meet a federal dashboard date of September 30, 2013.

Oregon Section 401 Removal/Fill Water Quality Certification

CRITERIA

Oregon DEQ 401 Water Quality Certification

Before a federal agency may issue a permit or license for any project that may result in any discharge to navigable waters, the state (in this case, DEQ) must certify that the proposed project or activity will comply with applicable effluent limitations, water quality-related effluent limitations, water quality standards and implementation plans, national standards of performance for new sources, and toxic and pretreatment effluent standards (Sections 301, 302, 303, 306, and 307 respectively, of the CWA) and any state regulations adopted to implement these sections. The state is further authorized to condition any granted certificate to require compliance with appropriate water quality-related requirements of state law.

The following is an excerpt from OAR 340-048-0042:

(2) The department must evaluate whether the activity for which certification is sought will comply with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, water quality standards set forth in OAR chapter 340, division 041, and other appropriate requirements of state law. In making this evaluation, the department may consider, among other things:

- (a) Potential alterations to water quality that would either contribute to or cause violations of water quality standards established in OAR chapter 340, division 041;*
- (b) Existing and potential designated beneficial uses of surface water or groundwater that might be affected by the activity;*
- (c) Potential water quality impacts from the activity's use, generation, storage, or disposal of hazardous substances, waste chemicals, or sludges;*
- (d) Potential modifications of surface water quality or of water quantity that might affect water quality;*
- (e) Potential modifications of groundwater quality that might affect surface water quality;*
- (f) Potential water quality impacts from the construction of intake, outfall, or other structures associated with the activity;*
- (g) Potential water quality impacts from wastewater discharges;*
- (h) Potential water quality impacts from construction activities; and*
- (i) Compliance with plans applicable under Section 208 of the Clean Water Act.*

A 401 permit may be revoked or modified if conditions in the affected waterway change and/or if applicable laws or standards change. Permit approval typically covers work that occurs within 1 to 5 years from the date of permit issuance.

STATE OF OREGON
DEPARTMENT OF STATE LANDS (DSL)

Permit Name:	Easement Application – Across State Land or Waterbody
Permit Description:	<p>A granted Easement from the Oregon Department of State Lands (DSL) gives the CRC the right to use state-owned land for a specific purpose and length of time. An easement does not convey any proprietary or other rights of use other than those specifically granted in the easement authorization. The term of an easement depends on the type of use and location of the easement, among other factors.</p> <p>OAR 141-122-0010 through 141-122-0110 govern the granting of easements and temporary use permits on Trust and Non-Trust Land.</p> <p>In areas sought for an easement in which waters/wetlands of the state will be impacted, a removal-fill permit must be subsequently submitted to and approved by the DSL for an easement to be granted.</p>

<p>REGULATORY AGENCY CONTACT</p> <p>Oregon Department of State Lands Pablo Martos Land Manager 503-986-5262 Pablo.martos@dsl.state.or.us</p>

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SUBMITTAL REQUIREMENTS

Per OAR 141-122-0040, applicants for a DSL easement must submit the following information (an easement application form is provided by the DSL):

- Applicant Information
- Project Location
- Project Information:
 - a) Activity type
 - b) Area request
 - c) Presence of Listed Species
 - d) Presence of Cultural Resources
 - e) Proximity to a State Scenic Waterway
 - f) A pending or valid Department of Water Resources application to appropriate water (if applying for a special use easement for water pipeline and associated fixture)
- Project Purpose and Description:
 - a) Project Purpose and Need
 - b) Project Description (Include alternate sites considered)
 - c) Estimated start and end date
- Additional Information:
 - a) Name, address and phone numbers for all adjoining property owners
 - b) Corps of Engineers and/or DSL permit numbers pertaining to the project (if applicable)
- City/County Planning Department Affidavit
- Business Information
- Attachments of the following:
 - a) A street or highway location map with road directions to the site from the nearest main highway or road
 - b) Unmarked assessor map that contains the riparian uplands
 - c) A copy of the current year's property tax statement which identifies the present owner's name(s), land values, land size and tax account numbers of the riparian uplands
 - d) A legal description of the requested easement area with an accurate delineation of the area relative to the tax lot boundaries of the upland parcel (DSL may require a survey for this purpose)
 - e) A separate drawing to scale to a scale of 1 inch = 100 feet of all existing and proposed structures for the lease area. Label each separate activity type stated in Section 3 (Project Information) and show the dimensions for each area by length and width, as stated in Section 3
 - f) Non-refundable application fee of \$125.00 for water pipeline and associate fixtures or \$750.00 for all other easement requests
- Applicant Signature

PROCEDURES

Per OAR 141-122-0050 – Easement Application Review and Approval Process are as follows:

- Upon receipt of an application the DSL will determine whether it is complete. Applications determined to be incomplete will be returned to the applicant with a written explanation of the reason(s) for rejection.
- If a rejected application is resubmitted within 90 calendar days from the date DSL returned it to the applicant, no additional application fee will be assessed.
- If determined by DSL to be complete, the application will be circulated to affected local, state, and federal agencies; holders of valid authorizations granted by the Department in the requested area; and other interested persons including tribal governments for review and comment.
- DSL may waive the circulation requirement described in OAR 141-122-0050(3) if:
 - a) The use or development has been previously reviewed by the listed agencies and other interested persons, and the results are documented in the easement application; or
 - b) The application is for an easement associated with the right to use water and the Water Resources Department is conducting/has conducted a public interest review sufficient to make the determinations required by OAR 141-122-0050(3).
- An applicant for an easement may be required to amend their application at any time to address issues, concerns, or information needs identified by the DSL or other commenters.
- After receipt of agency and public comment concerning the proposed use, DSL will determine, and advise the applicant in writing if:
 - a) Changes to the requested easement area are necessary to respond to agency or public comment;
 - b) Additional information is required from the applicant;
 - c) The request is denied. Applicants will be given the opportunity to revise their proposed project if DSL denies the request; or
 - d) The easement will be granted with specific terms and conditions.
- If DSL decides to grant the easement, the written notification will also indicate:
 - a) The amount of compensation pursuant to the requirements of OAR 141-122-0060 that the applicant must [shall] remit to DSL to obtain the authorization;
 - b) Any surety bond amount required by DSL pursuant to the provisions of OAR 141-122-0070(11); and
 - c) The easement terms and conditions.
- DSL will not grant an easement to an applicant until it has received all fees and compensation specified in these rules, and evidence of a surety bond (if required). However, DSL, at its discretion, may grant a provisional easement prior to receipt of compensation due for removal of timber, sand and gravel, or other natural resources in the easement area if the fair market value of those resources is based on actual receipts from their sale.
- The Director may refer unusual or controversial easement applications to the Land Board for review and approval.
- If requested by DSL, an applicant must present evidence to DSL prior to placing the use or development that they have obtained:
 - a) All authorizations required by local, state, and federal governing bodies to undertake the proposed use or development; and
 - b) Any authorization that may be required to obtain access to, or to cross land belonging to a person other than the Department to undertake the use or development.

CRITERIA

Per OAR 141-122-0050 – General Terms and Conditions are as follows:

- Easements shall be offered by DSL for the minimum area determined by DSL to be required for the requested use or development. Unless otherwise authorized by the Director, the minimum width of an easement shall be no less than 15 feet.
- DSL may grant additional easements which, as determined by DSL, do not substantially interfere with other authorized easements within a given area.
- DSL will, upon request of the applicant, grant permanent easements only for the following uses of state-owned land:
 - a) Conservation purposes (conservation easements);
 - b) State, county and city-owned bridges if the application contains a full surveyed legal description for each bridge and the appropriate compensation required by these rules;
 - c) Water, gas, electric and communication lines; and
 - d) Structures or facilities necessary for the use of water as provided in OAR 141-122-0105.
- An easement granted by DSL will generally be to a specific person for a specific use, location, and term. The holder of an easement must apply to and obtain prior written approval from DSL as provided in OAR 141-121-0040 prior to:
 - a) Changing the authorized use;
 - b) Expanding the number of authorized developments or uses;
 - c) Changing the authorized area; or
 - d) Permitting other persons to utilize the authorized area for uses and developments requiring separate authorization by DSL (for example, attachment of cables, conduits, or pipes under a bridge already authorized by an easement).
- State-owned land authorized for a specific use by an easement will remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or DSL. An easement holder may request the DSL to partially restrict or close an easement area to partial or total public use if it can be demonstrated to the DSL that:
 - a) Public entry on the area encumbered by the easement could cause damage to the use of, or development placed on the authorized area; or
 - b) The use of the authorized area could cause harm to the public.
- DSL or its authorized representative(s) will have the right to enter into and upon the authorized easement area at any time for the purposes of inspection or management.
- Routine right-of-way maintenance including, but not limited to vegetation trimming and the application of state-approved herbicides will be allowed as specified by the easement conditions. However, except as expressly authorized in writing by DSL, an easement holder will not otherwise remove any sand, gravel, or other mineral or natural resources within the authorized area for commercial use or sale.
- An applicant for an easement must compensate DSL for the fair market value of any commercially valuable timber, sand and gravel, or other natural resources in the requested area that must be removed during or after placement of the proposed use, or that cannot be developed because of the use or development.

The holder of an easement must conduct all operations within the authorized area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, disturbed lands shall be reclaimed as specified by DSL.

CRITERIA (CONT'D)

- The holder of an easement must maintain all buildings, pipelines, cables, and other developments or items placed in or on state-owned land in a good state of repair.
- Applicants for an easement may be required to obtain:
 - a) Insurance, bond or other guarantees of performance required by DSL;
 - b) A surety bond in an amount to be determined by DSL to ensure that the easement holder will perform in accordance with all terms and conditions of the authorization; or a cash deposit in an amount equal to the amount required for a surety bond.
- Easement holders must inspect the condition of the easement area and the developments placed on it on a frequency to be determined by DSL in consultation with the easement holder and other interested parties.
- Unless otherwise agreed to in writing in the easement, the holder of an easement which does not have a permanent term must terminate all use, and remove any or all developments or uses placed within the easement area upon expiration or cancellation of the easement. If the holder of the easement refuses to terminate their use or remove their developments, DSL may remove them and charge the holder for doing so.

The holder of an easement must indemnify the State of Oregon and DSL against any claim or costs arising from or related to a release of a hazardous substance on or from the authorized area resulting from the actions or negligence of the easement holder.

STATE
OREGON DEPARTMENT OF FISH AND WILDLIFE

Permit Name:	Fish Passage Plan for a Road-Stream Crossing
Permit Description:	Application for Oregon Department of Fish and Wildlife (ODFW) approval of proposed structures located within and across waters of the state that are inhabited, or were historically inhabited, by native migratory fish.

REGULATORY AGENCY CONTACT	
Oregon Department of Fish and Wildlife Greg Apke Fish Passage Coordinator 503-947-6228 greg.d.apke@state.or.us	Oregon Department of Fish and Wildlife Bill Warncke ODOT/ODFW Liaison 971-673-6021 william.warncke@state.or.us

CRC STAFF		
LEAD	CONSULTANT LEAD	TECHNICAL SUPPORT
Columbia River Crossing Steve Morrow Environmental Coordinator 360-816-8892 morrows@columbiarivercrossing.org	Parametrix Bill Hall Biologist 503-416-6193 whall@parametrix.com	Parametrix Michael Zenthoefer Scientist 503-416-6094 mzenthoefer@parametrix.com

Fish Passage Plan for a Road-Stream Crossing

SUBMITTAL REQUIREMENTS

- Existing crossing description
 - Type/shape
 - Material
 - Length
 - Inside diameter (if round) or inside rise (height) and inside span (width)
 - Culvert slope
 - Does it control an upstream pond, wetland, backwater area, or water right
- Stream Characteristics
 - Average upstream active channel width (ACW)
 - Average downstream ACW
 - Upstream slope
 - Downstream slope
 - Describe streambed material
 - Size of d100 rock
- Proposed crossing description
 - Type/shape
 - Material
 - Length
 - Inside diameter (if round) or inside rise (height) and inside span (width)
 - Culvert slope
 - Bed height – inlet
 - Bed height – outlet
 - Bed slope
 - Bed material (describe and/or fill in %)
 - % fines (dirt, silt, sand)
 - % small rock (½-6" diameter)
 - % large rock (6"-d100)
 - % over-sized rock (d150-d200)
 - Bed placement method
 - Bed retention measures
 - Grade control measures
 - Additional structures
- Construction details
 - Date work will begin
 - Date work will be completed
 - Details
- Design Drawings
 - Plan, including:
 - active channel (i.e., ordinary high water or bankfull lines)
 - existing crossing and additional structures
 - proposed crossing and additional structures
 - dimensions

Fish Passage Plan for a Road-Stream Crossing

SUBMITTAL REQUIREMENTS (CONT'D)

- Profile, including:
 - existing grade (measured at the deepest part of the stream channel from 10 ACWs downstream of the outlet [i.e., downstream end of crossing] to 10 ACWs upstream of the inlet [i.e., upstream end of crossing], at 5-foot intervals), including road
 - existing crossing and additional structures
 - proposed grade (measured at the deepest part of the stream channel from 10 ACWs downstream of the outlet to 10 ACWs upstream of the inlet, at 5-foot intervals), including road
 - proposed crossing, bed, and additional structures
 - dimensions
 - location of stream channel cross-sections (see below), ACW measurements, and slope measurements
 - water surface elevations at high and low design flows for the proposed crossing, if the proposed crossing will not be as wide as the active channel width or will not be embedded
- Cross-section of proposed crossing, including bed details
- Stream channel cross-sections (2 cross-sections total, with one located downstream where the ACW measurements begin and one located upstream where the ACW measurements begin; measurements should be taken at 1-foot intervals perpendicular to the flow of the stream and should encompass the entire active channel plus 0.5 ACW on each side of the stream [for a total cross-section measurement of 2 x ACW]; measurements may be taken with survey equipment or by measuring the distance from a level line to the bottom of the streambed or ground)
- Details of additional structures (e.g., grade control measures, bed retention measures, weirs/baffles, trash racks, aprons, retaining walls, overflow pipes, channel restoration/scour remediation measures)

Fish Passage Plan for a Road-Stream Crossing

PROCEDURES

Meet with the ODFW Fish Passage Coordinator during preparation of the application to review design of in-water structures and determine native migratory fish species requirements. Meeting will determine if fish passage will be provided based on current designs and species requirements. Fish passage means the ability, by the weakest native migratory fish and life history stages, to require passage at the site, to move volitionally, with minimal stress, and without physical or physiological injury upstream and downstream of an artificial obstruction. If passage will be provided follow procedure A, if not, follow procedure B (see below).

CRC will follow Procedure A.

Procedure A

- Prepare Fish Passage Plan for a road-stream crossing for each structure within or over fish bearing stream.
- Prepare brief technical memorandum describing project and relationship between each individual structure and potential barriers to fish passage.
- Compile fish passage plan applications and technical memorandum into submittal for ODFW. Send to ODFW for approval.
- Continue coordination with ODFW as designs are advanced (30% to 60%) for temporary and permanent structures below OHW.

-OR-

Procedure B

- Prepare and submit fish passage waiver (requires mitigation) or exemption (passage is already mitigated, waived, or is of no benefit to fish).
- Based on application review, verification and site-specific knowledge, ODFW staff shall provide a written analysis of whether the waiver requested meets the benefit requirements or qualifies for an exemption.
- To receive a waiver or an exemption, an owner or operator of an artificial obstruction shall enter an agreement with the Oregon Fish and Wildlife Commission (Commission) or ODFW (as applicable) that clearly describes timelines, duties, responsibilities, and options regarding the mitigation. The agreement shall state that the mitigation shall be completed prior to completion of, or by the end of, the same in-water work period as the action which triggered fish passage requirements under OAR 635-412-0020(2), unless the Commission finds that additional time is necessary and appropriate:
 - given the size and scope of the project or
 - to coordinate with requirements of federal proceedings.
- Once the application, analysis, and a draft agreement are completed, a decision on whether the waiver or exemption shall be granted shall be made by:
 - ODFW, if it determines that the total stream distance, including tributaries, affected by the artificial obstruction for which the waiver or exemption is being sought is less than or equal to 1 mile to a natural barrier; or
 - Commission:
 - in all other instances; or
 - if ODFW refers a decision to the Commission; or
 - if the owner or operator files a protest of ODFW's determination to the Commission.
- ODFW shall notify local watershed council(s), local soil and water conservation district(s), identified stakeholders, and others who have expressed an interest in fish passage issues or the specific waiver or exemption request and provide an opportunity to comment on the request at least three weeks prior to a decision on whether the waiver or exemption should be granted.
- The Commission or ODFW (as applicable) may require further public comment prior to a decision on whether a waiver or exemption should be granted. Estimated time to complete a waiver or exemption process is 90 days.

Fish Passage Plan for a Road-Stream Crossing

PROCEDURES (CONT'D)

- Waivers shall be valid so long as the owner or operator continues to provide the agreed-upon mitigation measures and until the waived artificial obstruction undergoes further construction, a fundamental change in permit status, or abandonment.
- The Commission shall review, at least once every seven years, exempt artificial obstructions that do not have an exemption expiration date to determine whether the exemption should continue. The Commission may revoke or amend an exemption if it finds that circumstances have changed such that the basis for the exemption no longer applies.

The owner or operator of an artificial obstruction objecting to a determination made by ODFW may file a protest with the Commission. Protests must be submitted in writing within 30 days of the receipt of a written determination from ODFW. The Commission may approve, deny, or modify ODFW determination after sufficient opportunity for public review and comment. If a protest is not filed within 30 days of receipt of a written determination from ODFW, the determination shall become a final order.

Fish Passage Plan for a Road-Stream Crossing

CRITERIA

Alternative 1: Larger-Scale Crossing Design

- only applies to channels greater than 35 feet wide
- there should be at least one clear span of 35 feet within the channel
- no more than 25% of the active channel width should be filled
- no more than 25% of the bed and banks should be filled
- bridge elements should only fill one channel margin (i.e., one bank at the OHW or bankfull lines), and, where a margin is filled, the fill should not exceed a 1:1 slope or have a Manning's coefficient less than 0.3
- beds under should meet the Stream Simulation Requirement described below

Alternative 2: Hydraulic Design

- water velocity at the high fish passage design flow should be no greater than 2 feet per second
- water depth at the low fish passage design flow should be at least the lower of: the surrounding stream, 6 inches if only juveniles require passage at a given time, or 12 inches if adults require passage at a given time
- if there is a stream discontinuity (i.e., hydraulic or grade drop), jump height, jump pool depth, and energy dissipation requirements should also be addressed

As with all temporary construction activities, passage requirements for temporary bridges or construction isolation measures shall be approved by ODFW staff on a site-specific basis and do not necessarily have to meet ODFW's full passage criteria or guidelines. Temporary construction activities are those which take place only within an approved in-water work window. An approved in-water work window may include extensions to published dates that are approved by ODFW. Any structure in place outside of an approved in-water work window will require more formal fish passage approval from ODFW. Work bridges that are not permanent, but do not meet ODFW's criteria for being temporary, may qualify for approval under "Alternative 3: Future Replacement or Removal" and be covered generally in a programmatic agreement.

Alternative 3: Future Replacement or Removal

- only applies to existing bridges
- only applies to channels greater than 20 feet wide
- clear span should be greater than or equal to $\frac{1}{2}$ of the active channel width or 20 feet, whichever is greater
- beds under should meet Stream Simulation Requirements described below
- bridge shall be placed on a list for future replacement with a bridge which meets either the Stream Simulation or Larger-Scale Crossing Design option or for future removal

Stream Simulation Requirements

- beds under should be equal to the slope of, and at elevations continuous with, the surrounding long-channel streambed profile
- beds under should maintain average water depth and velocities that simulate those in the surrounding stream channel
- beds under should be maintained through time
- beds under should be composed of material that is similar in size and composition as the surrounding stream, but may be naturally supplemented to address site specific needs including, but not limited to, bed retention and hydraulic shadow
- beds under, if being placed or replaced, should be mechanically placed during installation
- trash racks shall not extend below the top of the channel (i.e., OHW or bankfull elevation) and shall have a minimum of 9 inches clear spacing between vertical members

STATE OFFICE
OREGON STATE HISTORIC PRESERVATION OFFICE (ORSHPO)

Permit Name:	Oregon Archaeological Permit
Permit Description:	In the State of Oregon a person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public lands any material of an archaeological, historic, prehistoric, or anthropological nature without first obtaining an archaeological permit issued by SHPO.

<p>REGULATORY AGENCY CONTACT</p> <p>Matthew Diederich Archaeologist 503-986-0577 matthew.diederich@state.or.us</p>

CRC STAFF		
LEAD	CONSULTANT LEAD	TECHNICAL SUPPORT
Columbia River Crossing Heather Wills Environmental Manager 360-816-2199 willsh@columbiarivercrossing.org	AAR Tom Becker CRC Cultural Resources Manager 360-816-8862 beckert@columbiarivercrossing.org	Same as lead

Oregon Archaeological Permit

SUBMITTAL REQUIREMENTS

- Complete archaeological permit application (available on Oregon State Historic Preservation Office Archaeological Services' web page).
- USGS topographic map with the project area location clearly marked.
- Letter supporting the applicant's ability to initiate, conduct, and complete the proposed work, including evidence of logistical support and laboratory facilities. This letter will be kept on file at SHPO Archaeological Services and will be applicable for future permit applications.
- Signed landowner permission to conduct investigations for private property where excavation will take place.
- Letter of agreement for the proposed work from the landowner, agency, or political subdivision with management responsibility over the project. Agreement should include evidence/authorization of sufficient funding to cover excavation, analysis, final report, and curation.
- Information regarding the extent of the dissemination of project results.
- Signed landowner agreement for artifact curation for private property. For all excavations where the private landowner has chosen to retain the artifacts, records from non-artifact collections will be treated in the same manner as artifact collections. Be sure that the following items are sent to Oregon State Museum of Anthropology (OSMA) for curation:
 - complete copy of catalog sheets that clearly identify implements and other items
 - complete copy of relevant field notes (originals or legible photo copy)
 - copies of papers or publications relating to the collection
 - photographs: all slides, prints and/or proof sheets, and negatives, with photo logs (refer to Guidelines for Conducting Field Archaeology in Oregon for specs).

Specifications for electronic records (documents and images) are presently under development by the OSMA. Guidance will be provided at the time an accession number is assigned.

- If an alternative curatorial facility is selected (i.e., other than OSMA), a Letter of Agreement from OSMA approving of the facility and a Letter of Agreement from the selected curation facility (including OSU) stating their willingness to accept the collection needs to arrive at SHPO before the end of the permit review period (however, it is not necessary before submitting the application). If the archaeological resources are from private property and the landowner agrees to have the collection curated in a public institution, a letter of agreement from the selected curatorial facility and landowner needs to be sent. The Archaeological Permit will not be issued without such letters.

Oregon Archaeological Permit

PROCEDURES

- Pre-application meeting with ORSHPO and other interested tribes and consulting parties to discuss the scope of work for archaeological survey. (This step will happen regardless, but the permit is needed only for survey on public lands).
- Submit application to ORSHPO.
- ORSHPO sends permit application out for 31-day review.
- Work with ORSHPO to address any comments.
- ORSHPO issues the permit.
- If there is an objection, there is a formal appeals process in OAR 736-051, that includes informal dispute resolution, mediation, and arbitration. The outcomes from the formal appeals process may be appealed pursuant to ORS 36.365.
- After the work is conducted, if archaeological deposits are found, the procedures are repeated for testing/data recovery excavations.
- Permits are generally issued for a period of one year, but are able to be extended if needed by demonstrating that work is ongoing.

CRITERIA

The decision to grant or deny a permit is based on the agreement with ORSHPO, tribes, and other consulting parties that the proposed work constitutes an acceptable level of archaeological investigation.

- For survey, this includes the number and depth of subsurface probes, the interval between probes, the amount of sediment screened, and the size of mesh used for processing sediment.
- For testing or data recovery excavations, this includes a thorough research design, and an amount of excavation that is commensurate with the proposed impacts to archaeological sites.

STATE OF WASHINGTON

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) AND DEPARTMENT OF ECOLOGY (ECOLOGY)

Permit Name:	Washington Joint Aquatic Resources Application (JARPA) [Hydraulic Project Approval (HPA) and Section 401 Water Quality Certification]
Permit Description:	<p>The Washington State Legislature gave the Department of Fish and Wildlife the responsibility of preserving, protecting, and perpetuating all fish and shellfish resources of the state. To assist in achieving that goal, the state Legislature in 1943 passed a state law now known as the "Hydraulic Code" (Chapter 77.55 RCW). This law requires that any person, organization, or government agency wishing to conduct any construction activity that will use, divert, obstruct, or change the natural flow or bed of state waters must do so under the terms of a permit (the HPA) issued by the WDFW.</p> <p>Section 401 of the federal Clean Water Act (CWA) requires that any federal license or permit to conduct an activity that may result in a discharge to waters of the United States must first receive a water quality certification from the state in which the activity will occur. For this project, the permits in requiring a water quality certification are the Section 404 CWA, Section 10 Rivers and Harbors Act, and U.S. Coast Guard General Bridge Permit.</p> <p>Issuance of a 401 Water Quality Certification means that Ecology has reasonable assurance that the applicant's project will comply with state water quality standards and other aquatic resources protection requirements under Ecology's authority. The 401 Certification can cover both the constructions and operation of a proposed project. Conditions of the 401 Certification become conditions of the Federal permit or license.</p> <p>The 401 Water Quality Certification in Washington utilized Ecology public notice process of publishing a notice in <i>The Columbian</i> on February 15 and 22, 2013. USACE permit relies on DEQ's 401 Water Quality Certification.</p>

REGULATORY AGENCY CONTACT

WDFW
 Anne Friesz
 Area Habitat Biologist
 Region 5, All tributaries, Yacolt District
 360-906-6764
 Anne.Friesz@dfw.wa.gov

Ecology
 Kerry Carroll
 Ecology Transportation Liaison
 360-407-7503
 kstr461@ecy.wa.gov

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Columbia River Crossing Steve Morrow Environmental Coordinator 360-816-8892 morrow@columbiarivercrossing.org	Parametrix Bill Hall Biologist 503-416-6193 whall@parametrix.com	Parametrix Cyrus Bullock Biologist 503-416-6197 cbullock@parametrix.com

Washington Joint Aquatic Resources Application (JARPA)

SUBMITTAL REQUIREMENTS

JARPA

- Basic Information
 - Applicant Information
 - Property Owner Information
 - Project Location
- Project Description
- Wetland Impacts and Mitigation
- Waterbody Impacts and Mitigation
- State Environmental Policy Act (SEPA) Compliance Information
- Site Maps and Drawings
 - You must include site maps and drawings for an application package to be considered complete.
 - The reviewing agencies require 8 ½" x 11" black and white drawings for fax and public notice purposes.
 - Drawings have to be clear and legible, so reductions of larger versions may not be suitable.
 - You may submit larger drawings in addition to the 8 ½" x 11" drawings that are more legible and easier to discern. This could speed up the review process.
 - Remember there are at least three types of illustrations required:
 - Vicinity map
 - Plan view (bird's eye view)
 - Cross-sectional view
 - Include photographs of the site if possible. Aerial photos and photos looking toward the shoreline from the water are especially helpful.
 - Show upland features of the project site, in addition to the work waterward of the Ordinary High Water Mark (OHWM).
 - Consider creating the drawings so the vertical skew or exaggeration is scaled to the horizontal (e.g. vertical exaggeration to horizontal is 1:10), and skewing the scale to the cross-section profiles.
 - For joint-use structures (structures to be used by more than one property owner), provide a site map showing the location of the different joint-use properties.
- Additional Information
 - A water quality monitoring plan for in-water activities.
 - Drawings and site maps consistent with your written descriptions.
 - If wetlands are present, a Delineation/Function Assessment Report that contains:
 - Qualitative Description of wetland(s) and ownership.
 - Total size of the wetland(s) and area(s) to be impacted.
 - Function assessment analysis. (wetland ratings forms with figures?)
 - Wetland delineation and mitigation plan and table, if wetlands are present.
 - Revegetation plan for impacts to shoreline and/or riparian vegetation.
 - Stormwater Management plan for those projects not covered under a separate NPDES permit.
- Attachment A: For Additional Property Owners
- Attachment B: For Additional Project Locations
- Attachment C: Contact Information for Adjoining Property Owners
- Attachment D: Construction Sequence

Washington Joint Aquatic Resources Application (JARPA)

SUBMITTAL REQUIREMENTS (CONT'D)

WDFW HPA *(Applied for with the JARPA)*

- **General Plans for Overall Project**
WDFW needs sufficient detail to accurately know:
 - What it is you want to do; what is the size, scale and scope of the project; include dimensions and accurate plan and cross-view drawings of the project, etc.; and
 - Where is the work going to occur; what is the project's location; include a vicinity map and other drawings that show the project in relationship to the ordinary high water line (freshwater) and the mean higher high water line (saltwater), the channel migration zone and the 100-year floodplain.
- **Complete Plans and Specifications for Work Waterward of OHWM/Mean Higher High Water (MHHW)**
WDFW needs sufficient detail to fully understand what is being proposed so we can review the project without the need for additional information from you:
 - How do you plan to do the work?
 - When do you want to do the work?
 - What equipment will you use and how will you use that equipment?
 - Will work be sequenced? If so, how?
 - Are you under timing constraints for any part, or the entire project?
 - Will explosives be used?
- **Complete Plans and Specifications for the Proper Protection of Fish Life**
While WDFW will determine what is needed for proper protection of fish life, WDFW still needs to know what measures you plan to use to avoid or reduce adverse impacts from your project. The standard of protection that we use is "no net loss." At a minimum, please address these questions:
 - How do you plan to control sediment delivery and erosion resulting from the project?
 - How will you address potential oil or gasoline spills or leakages that might occur from equipment use?
 - If in-water work is to occur, what method(s) will you use to temporarily divert the water from your work area?
 - How do you propose to keep fish life out of the work area?
 - Do you plan to remove riparian vegetation, and if so, what is your plan to replace that vegetation?
 - Will heavy equipment be operated below the OHWM or MHHW; will equipment be staged on the bank or some structure, or will it work from within the water?
 - Could your project affect fish passage once completed, and if so, how do you plan to ensure fish passage is not impeded?
 - Could your project block light penetration into the water, and if so, how will you reduce that blockage?

Washington Joint Aquatic Resources Application (JARPA)

SUBMITTAL REQUIREMENTS (CONT'D)

Ecology 401 Water Quality Certification (*Applied for with the JARPA*)

- **Mitigation Plans**
The conceptual plan for compensatory mitigation should generally include the following information:
 - Identification of unavoidable impacts and why the applicant believes they are unavoidable and cannot be further minimized. Include the estimated size (in acres) and nature of the impacts to wetlands and other aquatic resources.
 - Description of the existing site conditions (water regime, vegetation, soils, landscape position, surrounding land uses, and functions).
 - Description of the potential impacts in terms of acreage by Cowardin Classification, hydrogeomorphic (HGM) classification, and wetland rating as determined by the eastern or western Washington State rating systems (Hruby 2004a and 2004b).
 - Summary of the proposed approach for mitigation. Identify how potential impacts from the development project will be avoided, minimized, and compensated (i.e., mitigation sequencing).
 - Overall goals of the proposed mitigation, including a brief description of the targeted functions, landscape position/HGM classification, and categories of wetlands.
 - Potential compensatory mitigation site, including location and rationale for selection.
 - Discussion of the approach used to identify opportunities for compensation sites (using watershed analyses or existing watershed plans is recommended).
 - Description of the existing conditions of the potential site (landscape position, surrounding land uses, acreage of wetland/upland, vegetation, soils, sources of water).
 - Proposed construction activities and timing of activities.
 - Proposed mechanisms to protect the mitigation site over the long term (e.g., site ownership, conservation easement, deed restriction).
- **Operation and Maintenance Plans**
 - See WSDOT guidance (<http://www.wsdot.wa.gov/publications/manuals/fulltext/M31-11/700.pdf>) for further information.
- **Stormwater Site Plans**
 - See WSDOT guidance (<http://www.wsdot.wa.gov/NR/rdonlyres/BF1571B9-A814-4E50-B3C2-F199BEA9A3B3/0/HROutline.pdf>) for the Hydraulic Report Outline.
- **Restoration Plans**
(no specific guidance for this submittal)

Washington Joint Aquatic Resources Application (JARPA)

PROCEDURES

WDFW HPA

- Pre-application meetings (InterCEP Wetlands and Waterways Meetings).
Pre-application meetings generally have occurred monthly during the permitting process and are currently ongoing.
- State Environmental Policy Act (SEPA) compliance must be completed prior to review of your application and issuance of the HPA by WDFW.
SEPA/NEPA Final EIS issued September 23, 2011 (Ecology SEPA #201104640).
- HPA applications (in the form of the JARPA) are assigned to a Department of Fish and Wildlife Area Habitat Biologist. In most cases, the biologist will visit the project site and will try to meet with you to point out fish habitat needs and how the project may affect that habitat. The biologist will work with you to help achieve your objective while protecting fish, shellfish, and their habitat.
HPA request (in the form of a JARPA) submitted to WDFW on January 7, 2013.
- While the Hydraulic Code allows WDFW 45 days to act on your application, most are processed within 30 days or less of receipt of a complete application and compliance with the State Environmental Policy Act (SEPA Chapter 43.12C RCW).
Issuance of HPA is scheduled between June 1 and August 30, 2013.
- If you don't agree with some/any parts of the HPA, contact the Area Habitat Biologist who issued the HPA (named on the HPA) and describe your concerns. If your concerns are not resolved, you can file an informal or formal appeal within 30 days after you received the HPA. Because protection of fish life is the only ground upon which approval of an HPA may be denied or conditioned, only issues pertaining to protection of fish life can be considered during the appeal process.
- The informal and formal appeal rules are summarized at the bottom of each HPA. The actual rules for informal and formal appeals are listed in WACs 220-110-340 and 220-110-350. If you have further questions, contact WDFW's HPA Appeals Coordinator at (360) 902-2260.
- Further specifics are contained in: WAC 220-110-030, Hydraulic project approvals — Procedures.

Appeals Process:

- An informal or formal appeal can be filed within 30 days after you receive the HPA. Because protection of fish life is the only ground upon which approval of an HPA may be denied or conditioned, only issues pertaining to protection of fish life can be considered during the appeal process.
- The informal and formal appeal rules are summarized at the bottom of each HPA. The actual rules for informal and formal appeals are listed in WACs 220-110-340 and 220-110-350.

Washington Joint Aquatic Resources Application (JARPA)

PROCEDURES (CONT'D)

Ecology 401 Water Quality Certification (WQC)

- Pre-Application Meeting(s) for Ecology and DEQ
 - Pre-application and coordination meetings generally have occurred monthly during the permitting process and are currently ongoing.
- JARPA materials submitted to Ecology
 - Ecology will inform permit applicants in writing that the request for a 401 permit has been received within 10 working days of receiving a JARPA.
 - JARPA materials submitted to Ecology on January 7, 2013. Ecology received information on January 9, 2013 and acknowledged receipt.
- USACE determines the permit type, which determines the 401 WQC pathway
 - Nationwide Permit (NWP) or Regional General Permit (RGP) - Expedited USACE process. Most categories have existing NWP 401 WQC. This process cannot be used for CRC.
 - Individual Permit - USACE publishes a public notice and an Individual 401 Water Quality Certification must be obtained from Ecology.
 - USACE public notice published February 11, 2013.
 - Ecology public notice published February 15 and 22, 2013.
 - CRC is assumed to fall under an individual permit.
 - For individual 401 Water Quality Certifications, there is a minimum twenty-day public notice.
- Ecology makes a decision on 401 Water Quality Certification
 - Final determinations on 90 percent of the routine projects needing an individual 401 water quality certification will be made within 90 Ecology days of receiving a JARPA, unless Ecology and the applicant agree to a longer period of time. Final determinations on complex projects can take up to 360 days. (Ecology days = days in which Ecology is processing and not waiting for information from the applicant or other agencies).
 - Issuance of a WQC is scheduled for August 30, 2013.
- The USACE 404 permit may only be issued after the DEQ and Ecology 401 Water Quality Certifications are issued.
 - CRC anticipates that the USACE will send a Notice of Intent to Issue letter for the 404 permit after the project receives 401 Water Quality Certification.
 - USACE Notice of Intent letter to be issued by September 30, 2013.

Appeals Process:

- Appealable to Pollution Control Hearings Board (PCHB) within thirty days of Ecology's decision. PCHB may not hear case for six or more months.

Washington Joint Aquatic Resources Application (JARPA)

CRITERIA

WDFW HPA

Criteria for the HPA is found in RCW 77.55.021 "Permit" and is as follows:

(3)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

And WAC 220-110-030 "Hydraulic project approvals — Procedures"

(14) An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

(15) Protection of fish life shall be the only grounds upon which the department may deny or condition an HPA.

HPAs may be revoked or modified if the WDFW determines that changed conditions warrant such action. HPAs are in effect for up to five years from issuance. CRC will need to re-apply for a HPA by 2018.

Ecology 401 Water Quality Certification

Project review is often a collaborative process between Ecology, the permitting Federal agency, and the applicant. Ecology will work with the applicant and applicable permitting agencies to make sure application information is complete, mitigation requirements are being met, and to ensure that projects will meet state water quality standards, coastal resource protection requirements, fish and wildlife habitat standards, and other applicable regulations.

401 certification may be modified if applicable state or federal laws or standards change. The 401 certification becomes a part of the federal 404 permit applied for under the federal JPA, and a part of the USCG General Bridge Permit.

LOCAL
CITY OF VANCOUVER, COMMUNITY PLANNING DEPARTMENTS

Permit Name:	Shoreline Management Area Substantial Development Permit
Permit Description:	The State Shoreline Management Act requires the City of Vancouver to administer shoreline regulations, in all areas within 200 feet of the Ordinary High Water Mark (OHWM) for shorelines of the State of Washington. In response, the City of Vancouver has developed a Shorelines Master Program (SMP). The City of Vancouver’s SMP review will include issues and apply standards that, while specific to the City’s shorelines regulations, are similar to some provisions of the City’s Critical Area Ordinance (CAO) regulations. SMP and CAO regulations will both be reviewed as part of a Public Facilities Master Plan (PFMP) approval.

REGULATORY AGENCY CONTACT	
Vancouver Community Planning Department Matt Ransom, Community Planning Manager 360-487-7707 matt.ransom@cityofvancouver.us	Vancouver Community Development Department Jon Wagner, Senior Planner 360-487-7885 jon.wagner@cityofvancouver.us

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Shoreline Management Area Substantial Development Permit

SUBMITTAL REQUIREMENTS

- A pre-application conference is required.
- The submittal for assessment of impacts to shorelines and consistency with the City's SMP are based on an evaluation of the Critical Areas Report and Shorelines application.

PROCEDURES

- Applications for Shoreline Minor Substantial Development Permits are to be processed using the Conditional Use review procedures as set forth in VMC 20.210.050, with the exception that the public comment period shall be at least 30 days (WAC 173-27-110(2)(e)).
- Applications shall be reviewed, and shall only be approved if the application conforms to the criteria for approval found in WAC 173-27-150.
- In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and decision to the Washington State Department of Ecology (Ecology) in compliance with the provisions of 7.3.1 Ecology and WAC 173-27-130 or its successor.
- Because the proposed development is also in a Critical Area, the Critical Area procedures and approval criteria also are in effect.
- Additionally, Chapter 6 of the City's draft Shoreline Management Plan includes specific standards regulating the following activities: dredging, modifications on flood control works, in-stream structures, restoration, stabilization, bulkheads and revetments.
- The duties and responsibilities of Ecology shall include, but are not limited to the following:
 - Final approval and authority to condition or deny Shoreline Conditional Use Permits and Shoreline Variance Permits filed by the City.
 - The Attorney General has the authority to review and petition for review City's permit decisions. Petitions for review must be commenced within twenty one (21) days from the date of receipt of City's decision.
 - Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the City. The Shoreline Administrator will notify those interested persons having requested notification of such decision.
- The City Hearings Examiner shall be responsible for making final determinations on appeals of Statements of Exemptions and Shoreline Substantial Development Permits. The Hearings Examiner shall hold a public hearing, conduct adjudicative proceedings, maintain a record thereof, and enter findings of facts, conclusions of law, and a final decision or other order as appropriate.
- Appeals from decisions or rulings of the Shoreline Administrator shall be made within fourteen (14) calendar days of the date of the written order or within seven (7) calendar days of the date of issuance of the decision on a request for reconsideration, not counting the day of issuance of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.
- Appeals of Ecology decisions on conditional use and variance requests shall be made to the Shorelines Hearing Board as specified in Section 7.5.3. of the City's SMP.

Shoreline Management Area Substantial Development Permit

CRITERIA

From Chapter 6 of the draft SMP as submitted for approval to Ecology, Summer 2012.

6.3.13 Transportation Uses

1. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the OHWM far enough to make shoreline stabilization, such as rip rap, bulkheads or jetties, unnecessary.
3. Transportation facilities shall not adversely impact existing or planned water dependent uses by impairing access to the shoreline.
4. All roads shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.
5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
6. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this program.
7. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.

In addition, because the proposed development potentially impacts a Critical Area, the Critical Area criteria also apply. Note - setbacks in Chapter 6 of the draft SMP are measured landward from the OHWM For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES (DNR)

Permit Name:	Aquatic Use Authorization on Washington State Department of Natural Resources (DNR) Managed Aquatic Lands
Permit Description:	<p>Projects taking place on or over Washington state-owned aquatic lands require an authorization from the DNR.</p> <p>A DNR Aquatic Use Authorization is a legal contract which outlines the terms and conditions of the use and conveys certain property rights to the user in exchange for rent.</p>

<p>REGULATORY AGENCY CONTACT</p> <p>Washington State Department of Natural Resources Hugo Flores SMA-GMA-Harbor Areas Washington Dept. of Natural Resources (360) 902-1126 Hugo.flores@dna.wa.gov</p>

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<p>WSDOT Cyndi Booze Real Estate Services (360) 705-7377 BoozeC@wsdot.wa.gov</p>		

Aquatic Use Authorization Review

SUBMITTAL REQUIREMENTS

Applicants requesting an Aquatic Use Authorization require authorization from DNR as well as necessary permits from agencies including:

- Washington Department of Fish and Wildlife (WDFW)
- Washington Department of Ecology (Ecology)
- U.S. Army Corps of Engineers (USACE)
- U.S. Coast Guard (USCG)
- Local Jurisdictions

A DNR Aquatic Use Authorization, as well as applicable permits listed above, may be obtained through a Joint Aquatic Resources Permit Application (JARPA). When applying for an Aquatic Use Authorization, Attachment E of the JARPA must be completed and submitted with the JARPA.

Attachment E requires the following information to be submitted with a completed JARPA:

- Applicant Name
- Organization Name (if applicable)
- Type of Organization (i.e., corporation, Limited Partnership, Government Agency, etc.)
- Washington UBI (Unified Business Identifier) number (if applicable)
- Existing or previously expired Aquatic Use Authorizations at the project location.
- Will the property be subleased to another party?
- If fill material was used previously on DNR-managed aquatic lands, describe the type of fill material and the purpose for using it.
- Applicant Signature

Note – Attachment E may be submitted under a separate cover.

PROCEDURES

Aquatic Use Authorization procedures are as follows:

- Applicant to consult with staff from DNR's Aquatic Resources Program to ensure the land is available, the proposed project use is appropriate, and to minimize impacts to aquatic resources.
- After consultation with DNR staff, DNR will work with permitting agencies to align expectations of the proposed project.
- Applicant submit for Public Place Authorization to the Harbor Line Commission. Harbor Line Commission will hold the public hearing within the project area.
- The applicant may not begin work on DNR managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Applicant to include a \$25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources."
- Subsequent to the public hearing applicant will make presentation to the Harbor Line Commission at their next regular monthly meeting.
- Washington State Harbor Line Commission approves Application for Public Place Authorization at said meeting.

Aquatic Use Authorization Review

CRITERIA

Per RCW 79.105.140 – Assignments of contracts or leases:

- All contracts of purchase of state-owned tidelands or shorelands, otherwise permitted under RCW 79.125.200 to be sold, and all leases of state-owned tidelands, shorelands, or beds of navigable waters issued by the department shall be assignable in writing by the contract holder or lessee. The assignee shall be subject to the provisions of law applicable to the purchaser or lessee of whom they are the assignee, and shall have the same rights in all respects as the original purchaser or lessee of the lands, but only if the assignment is first approved by the department and entered upon the records in the department.

STATE OFFICE
WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION (DAHP)

Permit Name:	Archaeological Treatment Plan
Permit Description:	In the State of Washington, agreement on an Archaeological Treatment Plan, as specified in the Section 106 Memorandum of Agreement (MOA), takes the place of the Archaeological Excavation Permit. The Archaeological Treatment Plan allows for archaeological excavations within recorded sites on non-federal lands within the State of Washington, and guides the survey of uninvestigated areas.

<p>REGULATORY AGENCY CONTACT</p> <p>Matthew Sterner Transportation Archaeologist 503-986-0577 matthew.sterner@dahp.wa.gov</p>
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Archaeological Treatment Plan

SUBMITTAL REQUIREMENTS

- Reach agreement between federal partners, DAHP, WSDOT, NPS, tribes, and consulting parties.
- Submittal will likely include maps showing the project impacts (30% design), and archaeological sites to be impacted, along with a description of proposed treatments for each site, and for areas yet to be investigated.

PROCEDURES

- Initial meeting with DAHP and other interested tribes and consulting parties to discuss the general concepts of the Archaeological Treatment Plan.
- Create Archaeological Treatment Plan.
- Submit Archaeological Treatment Plan for review.
- Make edits based on comments received.
- Resubmit Archaeological Treatment Plan for review.
- Make edits based on comments received.
- Submit final treatment plan.
- At any point, if there is a dispute from a party, the dispute resolution procedures (Section V) in the MOA will be followed. This includes a 30 day period of informal resolution, followed by appeal to the ACHP.

CRITERIA

- Creation of the Archaeological Treatment Plan is based on consultation with DAHP and other parties to create a plan that satisfies all parties to fulfill the Section 106 requirement.
- Archaeological Treatment Plan will include an agreed upon duration, at which point it can be reviewed and extended if necessary.

LOCAL
CITY OF PORTLAND – BUREAU OF DEVELOPMENT SERVICES (BDS)

Permit Name:	Environmental Review
Permit Description:	<p>An Environmental Review is a Portland Land Use Review limited to those areas on the zoning map designated with an environmental overlay. It requires an impact evaluation of at least two alternatives to determine compliance with the approval criteria and to evaluate impacts on the resources and the functional values of a particular site.</p> <p>The proposed CRC project area overlaps with several environmental conservation overlay areas, including the Vanport Wetlands area near the Marine Drive / I-5 Interchange and areas along and within the Portland Harbor and the Columbia River. In addition, the Columbia River is a city designated Scenic Corridor, requiring Environmental Review to include consideration of the scenic qualities of the resource.</p> <p>There is a possibility that the Environmental Review might be processed with other Land Use Review applications.. However, for the purposes of this summary it is assumed the Environmental Review would be processed independently.</p>

<p>REGULATORY AGENCY CONTACT</p> <p>City of Portland, Bureau of Development Services Rachel Whiteside Planner 503-823-7605 rachel.whiteside@ci.portland.or.us</p>
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SUBMITTAL REQUIREMENTS

Applicants for all Land Use Reviews must submit materials as described in City of Portland Zoning Code Section 33.730.060 (see the Land Use Review / Adjustment Review project permitting summary for details).

Per Portland Zoning Code Section 33.430.240, applicants for an Environmental Review must also submit the following materials:

- Existing Site Plan
 - 100-year floodplain and floodway boundaries – Hydrology and Hydraulics (H & H) report.
 - Boundaries of the resource area and transition area
 - Topography in two-foot vertical contour lines
 - Drainage patterns, showing direction of major flow
 - Any existing improvements: structures, buildings, utility lines
 - Tree Protection Plan
 - Balanced Cut and Fill calculations for any grading proposed in 100-year floodplain – H & H report.
 - Location of construction staging, stockpile, egress and ingress
 - Detailed Erosion Control Plan
- Mitigation / Remediation Site Plan
 - Information shown on all previous site plans above
 - Location of trees, shrubs and ground covers to be planted, using standard landscaping symbols and listing species name, size and number of trees, shrubs, and groundcover
 - Ordinary High Water Line (OHWL) of any rivers or waterbodies
 - Quantification of remediation grading and structure removal
 - Proposed improvements including buildings, utility lines, stormwater control measures, sewer and in-stream structures
- Narrative: Two copies of narrative addressing submittal requirements for an Environmental Review (Portland Zoning Code Section 33.430.240.B). Narrative should describe:
 - Project and site
 - Written findings addressing approval criteria
 - Evaluation of distinct alternatives considered during the proposal to reduce impacts. This includes identification by characteristics and quantity of the resources and their functional values found on the site; evaluation of alternative locations, design modifications, or alternative methods of development to determine least impacts
 - Identification of City of Portland resource inventories and an analysis of resources and functional values on site of disturbance
 - Potential development impacts identified (for both alternatives)
 - Mitigation proposed for unavoidable impacts, and mitigation monitoring plan
- Other Submittal Requirements
 - Three copies of supplemental reports such as geotechnical studies, or drainage studies may be required
 - Electronic copy of narrative
 - Pre-Application Summary notes

To evaluate the impacts to the scenic qualities of the Columbia River, the following additional materials would be submitted:

- Narrative describing how the application is consistent with the Portland Comprehensive Plan Scenic Resources Protection Plan.
- CRC has coordinated with City of Portland staff from the Bureau of Planning and Bureau of Environmental Services (BES). CRC is working with BES staff to integrate a quantitative measure of habitat impacts and benefits for analysis in the e-zone review package.
- Photographs to indicate how the proposed project will be seen from the scenic corridor preservation areas.

PROCEDURES

- The proposed action includes roadway and bridge structures in Environmental Conservation Overlay zones. According to Portland Zoning Code Section 33.430.230, Environmental Reviews of this type are processed through a Type II procedure. A Type II procedure receives an administrative decision that may be appealed to the City of Portland Hearings Officer, and ultimately, the Oregon Land Use Board of Appeals (LUBA).
- A pre-application meeting between CRC and City of Portland is proposed for June 2013.

CRITERIA

- Land use reviews are based upon standards in place at the time an application is deemed complete. Land use reviews are in effect for project components that receive building permits within three years of permit approval.
- The following criteria apply to project impacts to environmental overlay areas:
An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. Standards of Portland Zoning Code Section 33.430.140 through .190 must be met. Standards for right of way improvements fall within Section 33.430.175. This section specifies that paved roadway must not be more than 26 feet wide and 2,600 square feet, therefore, the CRC proposed action will not meet these standards. Because standards for right of way cannot be met, the proposal will need to adhere to applicable approval criteria under City of Portland Zoning Code 33.430.250.

These criteria indicate that the application must show that:

- A. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below have been met:
 1. General criteria for public safety facilities, rights of ways, driveways, walkways, outfalls, utilities, land divisions, and property line adjustments:
 - a. The proposed development will have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;
 - b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
 - c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
 - d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
 - e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
 2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts
 3. Right of way, driveways, walkways, outfalls, and utilities:
 - a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;
 - b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
 - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

CRITERIA (CONT'D)

- Portions of the project near the Vanport Wetlands occur within the Peninsula One Natural Resources Management Plan District (Plan District). In addition to the criteria above, any mitigation resulting from impacts to environmental overlay areas with the Plan District shall, as a first priority, take place in an area identified in the Pen 1 Enhancement/Mitigation Plan.
- The Columbia River (including North Portland Harbor) portions of the project area are identified as a Scenic Corridor in the City's *Scenic Resources Protection Plan*. This Scenic Corridor designated area also includes an Environmental Conservation Overlay designation. Per City of Portland Zoning Code 33.480.060, when an environmental zone has been applied at the location of a Scenic Corridor, the required environmental review must include consideration of the scenic qualities of the resource.

LOCAL
CITY OF PORTLAND – BUREAU OF DEVELOPMENT SERVICES (BDS)

Permit Name:	Land Use Review / Adjustment Review
Permit Description:	<p>Land Use Reviews are processes through which development projects can be evaluated against the various requirements and standards of a base zone(s), overlay zone(s), plan district(s) or other section of the City of Portland’s zoning code (City of Portland Code Title 33). Base zones in the proposed project area include:</p> <ul style="list-style-type: none"> • Open Space (OS) • General Commercial (CG) • Neighborhood Commercial (CN) • Mixed Commercial (CM) • Industrial General (IG) • Residential (R) <p>Within the project area there are also several overlay areas, including design (d), airport airspace (h), airport noise (x), and environmental conservation (c).</p> <p>Land Use Reviews are required when a project is not allowed by right under City of Portland Code Title 33, either because an element of the project does not meet specific nondiscretionary requirements or because the project is subject to discretionary requirements. It is anticipated that the CRC project will be subject to three types of Land Use Reviews: Adjustment Review, Design Review, and Environmental Review.</p> <p>Per 33.10.030(B), lands within public rights-of-way are generally regulated by Title 17 (Public Improvements) and not Title 33, except in certain situations where both titles apply. For the CRC project, improvements in Portland that will have to comply with both Title 17 and Title 33 include improvements in rights-of-way with environmental and design overlay zones and the development of bridge structures over the Columbia River (including Portland Harbor).</p> <p>This project permitting summary discusses Land Use Reviews generally and Adjustment Reviews specifically. Please see the Environmental Review and Design Review project permitting summaries for more detail on those Land Use Review processes and requirements. An Adjustment Review is typically sought when the proposed action causes an existing property use to no longer meet nondiscretionary city standards, such as those pertaining to parking and landscaping minimums or building coverage maximums. Because of the size of the CRC project and its inclusion of substantial roadway, bridge and light rail investments, there are likely to be areas in which an adjustment will be sought.</p>

Land Use Review/Adjustment Review

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Land Use Review/Adjustment Review

SUBMITTAL REQUIREMENTS

Per 33.730.060, applicants for any type of non-land division Land Use Review must submit the following information. Some Land Use Review types also require the submittal of additional information:

- Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application requires the name, address, and telephone numbers of applications and property owners, and a statement of applicant's interest in the property
- One copy of a written statement that includes the following items:
 - A complete list of all land use reviews requested
 - A complete description of the proposal including existing and proposed use(s) or changes to the site
 - A description of how all approval criteria for the land use review(s) are met. As appropriate, this information may be indicated on the site plan
 - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable
- Four copies of a site plan. One set must be submitted in reduced 8.5" x 11" size for photocopying. The site plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area
 - North arrow and scale of drawing
 - Adjacent streets, access (driveway), curbs, sidewalks and bicycle routes
 - Existing natural features such as watercourses, including ordinary high water line and top of bank
 - All trees greater than 6 inches in diameter at 5 feet above ground in areas to be disturbed
 - Easements and on-site utilities
 - Existing and proposed development with all dimensions
 - Building elevations
 - Location of adjacent buildings
 - Distances of all existing and proposed development to property lines
 - Types and location of vegetation, street trees, screening, fencing, and building materials
 - Percentage of the site proposed for building coverage, and landscaping coverage
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site
 - Additional requirements of the specified land use review
- A copy of the pre-application notes
- A transportation impact study, if required by the City of Portland Office of Transportation at a pre-application conference

Land Use Review/Adjustment Review

PROCEDURES

The City of Portland has five distinct land use procedures (Type I, II, IIx, III, and IV), one or more of which may be applied to the different Land Use Review types depending on a project's specific circumstances. Which procedure applies to a project will impact who makes the initial decision to approve, condition, or deny a permit; how and to whom decisions can be appealed; and the timeliness of a permit review.

The project's anticipated Adjustment Review, Design Review, and Environmental Review may each be processed independently as Type II procedures. The Type II procedure includes:

- **Pre-Application Conference** - Optional unless it is a specific requirement of a review.
- **Completeness** - Staff notifies applicant of any missing information or materials within 14 days of submittal.
- **Public Notice** - Upon receipt of a complete application, public notice is mailed to all property owners within 150 feet and to the recognized organizations within 400 feet of the site. At least 21 days are allowed for public comment.
- **Decision** - Made administratively by staff within 28 days after the application is determined to be complete.
- **Appeal** - To local hearing bodies such as the Adjustment Committee (Adjustment Review), Design Committee (Design Review) or the Hearings Officer (Environmental Review), depending on the Land Use Review type. Decisions of local hearing bodies can be appealed to the Oregon Land Use Board of Appeals.

The project's Land Use Reviews might also be processed together, however, if three or more Type II land use reviews are bundled, they are processed as Type IIx procedures. A Type IIx procedure is similar to a Type II procedure, with the primary difference being that a Type IIx decision is made by staff within 42 days after the application is determined complete, two weeks longer than under the Type II procedure. For the purposes of this summary, it is assumed an Adjustment Review and Design Review would be processed together, and an Environmental Review would be processed independently.

Land Use Review/Adjustment Review

CRITERIA

- Each Land Use Review type has its own approval requirements. Approval criteria for Adjustment Review is included below – please see the Environmental Review and Design Review project permitting summaries for information on their approval criteria.
 - The approval criteria set the bounds for the issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions.
 - Land use reviews are based upon standards in place at the time an application is deemed complete. Land use reviews are in effect for project components that receive building permits within three years of permit approval.
 - Adjustment Review applications will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met:
 - A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
 - B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an Open Space (OS), Commercial (C), Employment (E), or Industrial (I) zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
 - C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
 - D. City-designated scenic resources and historic resources are preserved; and
 - E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 - F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
- OR-**
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and
 - H. Granting the adjustment is the minimum necessary to allow the use of the site; and
 - I. Any impacts resulting from the adjustment are mitigated to the extent practical.

LOCAL
CITY OF PORTLAND – BUREAU OF DEVELOPMENT SERVICES (BDS)

Permit Name:	Design Review
Permit Description:	<p>Design Review is used to ensure the conservation, enhancement, and continued vitality of the scenic, architectural, and cultural values of design districts and design overlay areas and to promote quality development near transit facilities. Design Review may evaluate architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of a proposal, including building materials, building color, off-street parking areas, open areas, and landscaping.</p> <p>Areas subject to Design Review are indicated on the Portland zoning map with a small “d”. The City of Portland’s zoning map shows that this overlay designation is limited to project areas near Marine Drive and those improvements extending north approximately halfway into the Portland Harbor.</p> <p>It should be noted that in previous discussions with the City regarding improvements to the Marine Drive Interchange in 2009 (in preparation of the TIGER Grant Application), the Portland Bureau of Transportation determined that changes made to the interchange were to be a “standard improvement”, and as such, no Design Review would have been required. Refer to Pre-Application notes dated November 24, 2009.</p> <p>For the purposes of this summary, it is assumed the Design Review would be required and would be processed with an Adjustment Review (see the Land Use Review / Adjustment Review project permitting summary for more information).</p>

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SUBMITTAL REQUIREMENTS

Pre-Application Submittal

- A completed pre-application meeting request form and appropriate filing fees (prior to pre-application conference)
- Information about proposed action footprint must be included in the form of a draft site plan

Application Submittal

- Requirements for all Land Use Reviews, per Portland Zoning Code Section 33.730.060:
 - Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application requires the name, address, and telephone numbers of applications and property owners, and a statement of applicant's interest in the property.
 - One copy of a written statement that includes the following items:
 - A complete list of all land use reviews requested
 - A complete description of the proposal including existing and proposed use(s) or changes to the site
 - A description of how all approval criteria for the land use review(s) are met. As appropriate, this information may be indicated on the site plan
 - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable
 - Four copies of a site plan. One set must be submitted in reduced 8.5" x 11" size for photocopying. The site plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area
 - North arrow and scale of drawing
 - Adjacent streets, access (driveway), curbs, sidewalks and bicycle routes
 - Existing natural features such as watercourses, including ordinary high water line and top of bank
 - All trees greater than 6 inches in diameter at 5 feet above ground in areas to be disturbed
 - Easements and on-site utilities
 - Existing and proposed development with all dimensions
 - Building elevations
 - Location of adjacent buildings
 - Distances of all existing and proposed development to property lines
 - Types and location of vegetation, street trees, screening, fencing, and building materials
 - Percentage of the site proposed for building coverage, and landscaping coverage
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site
 - A copy of the pre-application notes
- Information specific to this Design Review:
 - A description of how relevant project elements meet all applicable guidelines within the City of Portland's Community Design Guidelines

PROCEDURES

The portion of the project area south of the Portland Harbor is within the Albina Community Plan area and, according to City of Portland Zoning Code Section 33.825, is subject to a Type II Design Review. It is anticipated that project elements in the adjacent Portland Harbor, if subject to Design Review, would also be processed as a Type II review. The Type II procedure includes:

- **Pre-Application Conference** - Optional unless it is a specific requirement of a review
- **Completeness** - Staff notifies applicant of any missing information or materials within 14 days of submittal
- **Public Notice** - Upon receipt of a complete application, public notice is mailed to all property owners within 150 feet and to the recognized organizations within 400 feet of the site. At least 21 days are allowed for public comment
- **Decision** - Made administratively by staff within 28 days after the application is determined to be complete
- **Appeal** - To Design Committee. Design Committee Decision can be appealed to the Oregon Land Use Board of Appeals

All proposals within the Albina Community Plan area require contacting the neighborhood in writing by registered or certified mail to request a meeting; however input from the neighborhood contact is not binding.

CRITERIA

Based on guidance in 33.10.030 and prior conversations with BDS staff, the improvements most likely subject to Design Review are the land based improvements outside of existing public rights-of-way associated with the mainland connector to Hayden Island and all bridges spanning the Portland Harbor.

If the project requires Design Review, coordination with BDS will determine what specific improvements will be subject to this review and what objective standards or discretionary guidelines will apply. The City of Portland's objective Community Design Standards largely address issues associated with buildings, such as residential and commercial development, and do not appear suitable to evaluate a large infrastructure project. As the portions of "d" overlay within the project's boundaries are outside of any designated design district, the City's general Community Design Guidelines would likely be used.

The Community Design Guidelines are 16 guidelines grouped into the following three categories:

- Portland Personality
- Pedestrian Emphasis
- Project Design

As indicated on Figure 2 of the Community Design Guidelines, not every type of project must meet all the guidelines (for example, new single-family dwellings are not required to meet the five guidelines related to Pedestrian Emphasis). However, Figure 2 does not describe which guidelines are applicable to bridge, roadway and transit projects, so additional clarity will be sought from BDS staff.

LOCAL
CITY OF PORTLAND
BUREAU OF DEVELOPMENT SERVICES & BUREAU OF PLANNING AND SUSTAINABILITY

Permit Name:	Historic Demolition Review
Permit Description:	Requests for demolition of resources individually listed on the National Register of Historic Places (NRHP) and contributing structures in National Register-listed historic districts require this land use review. The northbound Columbia River Bridge is listed on the NRHP. The City has the authority to deny the request for bridge demolition or place conditions on approval. The Demolition Review process also gives the public an opportunity to comment on the proposed demolition and allows for pursuit of alternatives to demolition or actions that mitigate for the loss.

REGULATORY AGENCY CONTACT	
Bureau of Development Services Tim Heron, Senior City Planner Primary Staff to the Historic Landmarks Commission 503-823-7726 tim.heron@ci.portland.or.us	Bureau of Planning and Sustainability Liza Mickle, Principal Planner 503-823-7666 liza.mickle@portlandoregon.gov

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Historic Demolition Review

SUBMITTAL REQUIREMENTS

(from City of Portland, Zoning Code chapter 33.846. See also Section 33.730.031)

For Pre-App:

- Written project description
- Fee
- Site plans (2 copies, 8.5"x11")
- Building Elevations (if appropriate) (2 copies)

For Type IV Land Use Review Application:

- It may not be necessary to submit additional information from those items listed above. There will need to be an application completed, and it will need a full explanation of the Section 106 process to date and the decision on the Replacement Bridge as the preferred alternative.

PROCEDURES

Demolition Reviews are processed through the Type IV procedure (See Portland Zoning Code Section 33.846.080) and include:

- Pre-Application Conference - required prior to submittal
- Determination of Completeness - within 21 days of submittal
- Posting and Public Notice
- Public Meeting - Held before the Historic Landmarks Commission
- Hearing – Held before City Council within 71 days after application determined complete
- Decision - Made by City Council following the public hearing
- Appeal - To the State Land Use Board of Appeals (LUBA)

CRITERIA

Approval criteria. (33.846.080 C) One of the following approval criteria must be met:

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; or
2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as: a. The merits of demolition; b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning; c. The effect demolition of the resources would have on the area's desired character; d. The effect that redevelopment on the site would have on the area's desired character; e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and f. Any proposed mitigation for the demolition.

LOCAL
CITY OF PORTLAND – BUREAU OF DEVELOPMENT SERVICES

Permit Name:	Noise Variance
Permit Description:	A noise variance permit allows an activity to make more noise than the code allows, or it will allow the activity to occur outside permissible construction hours.

REGULATORY AGENCY CONTACT City of Portland Paul Van Orden Noise Control Officer 503-823-5829

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SUBMITTAL REQUIREMENTS
<ul style="list-style-type: none"> • Noise Variance Application • Site plan identifying distances to neighbors • Description narrative of the proposed action • Fees: \$2,257 per 12 month period for review by Noise Review Board

PROCEDURES
<ul style="list-style-type: none"> • Public notification • Submittal of Application • Review by Noise Review Board • Possible hearing, depending on city determination

CRITERIA
<ul style="list-style-type: none"> • All applications will be reviewed considering physical characteristics; times and duration of the emitted sound; the geography, zone and population design of the affected area; whether the public health, safety or welfare is affected; whether the sound source predates the receiver(s); and whether compliance with the standard(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.

LOCAL
CITY OF VANCOUVER, COMMUNITY PLANNING DEPARTMENTS

Permit Name:	Public Facilities Master Plan
Permit Description:	The Public Facilities Master Plan (PFMP) recognizes the valuable role played by public facilities in serving governmental, medical, educational, cultural and religious needs of the community by facilitating their siting and development over time. PFMP regulations provide the vehicle for large-scale, multi-phased public facilities by obtaining approval of several projects at one time and coordinating the future provision of infrastructure capacity. The PFMP will bundle the reviews for Critical Area Ordinance compliance, transit facilities, transportation development review of designs and traffic, and shoreline master program compliance. The CRC will follow the “Hybrid” approach providing specific detail on early packages and conceptual plans for the later-phased packages.

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SUBMITTAL REQUIREMENTS

The mandatory pre-application conference has the following submittal requirements:

- Pre-application Conference Request form
- Folded and collated plans of the proposed development drawn to-scale
- A GIS packet
- A narrative description of uses

An application submitted for a public facility master plan shall include the information listed below:

1. Detailed site plan;
2. Elevations of all buildings;
3. Landscape plan;
4. Erosion control plan;
5. Stormwater management plan; and
6. Narrative documenting how the project or phase of development complies with the approved concept plan including:
 - a) Proposed mix of uses; development cap for square footage, floor-to-area ratio (FAR) and lot coverage; design and development standards; and mitigation of off-site impacts;
 - b) All development and design standards in the base zone, as modified in the initial master approval;
 - c) All relevant conditions of approval;
 - d) Approved transportation, parking and infrastructure plans contained in the initial master plan approval.

At the time of construction of a project or phase of development that was approved as part of the initial master plan, the applicant shall submit documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval at the time the applicant submits the project for a building permit.

PROCEDURES

The City of Vancouver has four types of decision-making procedures (Type I, II, III, and IV). Type I applications are decided by the planning official without public notice prior to the decision and without a public hearing. Type II applications are decided by the planning official with public notice and an opportunity for comment. The appeals of Type I and II applications are heard by the City of Vancouver Hearings Examiner. Type III applications are decided by the Hearings Examiner or Planning Commission, depending on the permit. If any party with standing appeals a Hearings Examiner's or Planning Commission's Type III decision, the appeal of such decision will be heard by City Council. Type IV applications are considered initially by the Planning Commission or Hearings Examiner with final decisions made by the City Council, automatically or on appeal.

- The initial approval of a PFMP shall be reviewed by means of a Type III procedure heard before the Hearings Examiner as contained in Section 20.210.060 Vancouver Municipal Code (VMC) using the approval criteria contained in Section 20.268.050 VMC. Modification(s) to a project or phase of development shall require further review, dependent upon the extent of the modifications(s).
- The CRC PMFP will be of the hybrid master plan type. In a hybrid master plan, the applicant provides a detailed master plan of the initial and one or more subsequent phases of development. This approach allows the applicant to obtain approvals for several projects at once, while only requesting conceptual approval for later phases where there currently is inadequate information to project future applicant needs and mitigation measures.
- At the time of construction of a project or phase of development that was approved as part of the initial master plan, the applicant shall submit documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval at the time the applicant submits the project for a building permit.
- As advanced designs become available for later packages the following thresholds will dictate the review process:
 - Type I procedure. The following shall be reviewed by means of a Type I review, using procedures contained in Section 20.210.040 VMC:
 - Modification of the location of an approved building or building addition, providing the modification complies with the applicable base zone development and design standards, as modified in the initial master plan approval, and all relevant conditions of approval.
 - Modification of use or design and development standards including architecture, landscape architecture, pedestrian and bicycle facilities; signs and/or lighting elements approved in the initial plan.
 - The Municipal Code has specific thresholds for changes to parking plans. The degree of change, will dictate the level/type of review, as follows:
 - The project will provide a parking analysis related to the proposal as part of the Type II application for an increase or decrease of up to 10% in the total number of parking spaces approved in the initial master plan approval.
 - For an increase or decrease greater than 10% in the total number of parking spaces contained in the initial master plan approval, a Type III review will be required.
- Any party with standing under Section 20.210.130(B) VMC may submit a written appeal. The appeal of the PFMP (a Type III decision) goes to City Council. Appeal decisions by the City Council on shoreline substantial development permits (a part of this PFMP) may be subsequently appealed to the State Shoreline Hearings Board pursuant to applicable law.

CRITERIA

Per Section 20.268.050 VMC, the following approval criteria apply to the PFMC:

- The master plan contains all of the components required in Section 20.268.070 VMC.
- The proposed development and uses comply with all applicable standards of the Title, except where variances are being approved as part of the master plan application.
- Transportation system capacity. There is either sufficient capacity in the transportation system to support the development proposed in all future phases safely or there will be adequate capacity by the time each phase of development is completed.
- There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to support the development proposed in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed.
- City-designated resources such as historic landmarks, significant trees and sensitive natural resources [as identified on the City's inventories] are protected and enhanced in compliance with the regulations in this and other Titles of the Municipal Code.
- The master plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the public facility campus and adjacent uses.
- Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.
- Balance of benefits and impacts. The public benefits of the proposed public facility outweigh any impacts that cannot be mitigated after considering the alternatives.

The PMFP site plan approval shall be effective for a period of 5 years from the date of approval. The site plan review approval shall expire if:

- Substantial construction of the approved plan has not begun within a 5-year period; or
- Construction on the site is a departure from the approved plan.

The Planning Official may grant an extension of the approval period not to exceed 1 year by means of a Type I procedure, pursuant to Section 20.210.040 VMC, provided that, upon request, the Planning Official may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 6 years without reapplying for site plan review.

The project can ask for contingent vesting, if a fully complete development application is submitted (as planned) within 180 days of the pre-application conference. The project will then be reviewed under the development regulations, not including fees, in effect at the time of the pre-application conference.

LOCAL
CITY OF VANCOUVER, COMMUNITY PLANNING AND TRANSPORTATION DEPARTMENTS

Permit Name:	Transportation Development Review
Permit Description:	The City’s Transportation Development Review will address the local roadway, interchange and highway improvements proposed for Washington. This process will be completed as part of the Public Facilities Master Plan (PFMP) approval process and is distinct from the Traffic Impact Analysis (TIA) which is also part of the PMFP.

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Transportation Development Review

SUBMITTAL REQUIREMENTS

The Fully Complete Checklist includes the following items. This list is also found in the Transportation Plan Review Checklist. All plans must be stamped by a licensed Civil Engineer.

- Street Improvement Plans – Plan View and Profile View:
 - Lane configurations with dimensions
 - Existing and proposed site access(s)
 - Sidewalk ramps
 - Driveways
 - Traffic management devices
 - Retaining walls, etc.
- Request for Transportation Concurrency (may not be required for CRC)
- Signing, striping, lighting sheet
- Grading Plan/Erosion Control Plan
- Preliminary Stormwater Plan
- Preliminary Stormwater Report
- Water Improvements
- Sewer Improvements
- Landscape Plans

PROCEDURES

The Transportation Development Review will be processed as a part of the PFMP process. For more information, please refer to the summary for the PFMP.

CRITERIA

Plans will be checked for consistency against newly adopted City standards for:

- Curbs, Gutters, Approaches
- Sidewalks, Ramps
- Landscaping and Irrigation (Within Right of Way ONLY)
- Design Guidelines (for roadways, intersections, and driveways)
- Surface Treatments and Pavement (Concrete/Asphalt)
- Street Sections
- Traffic Signal Details
- Signal and Lighting Pole and Wiring Schedules
- Signing and Striping

LOCAL
CITY OF VANCOUVER, TRANSPORTATION DEPARTMENT

Permit Name:	Traffic Impact Analysis (TIA)
Permit Description:	<p>To assess the off-site traffic impacts of a proposed development, the City requires submittal of a traffic study undertaken by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and transportation.</p> <p>The City has previously indicated that traffic studies will be required for each of the three park and ride facilities. However, there has not yet been agreement on the degree to which the NEPA phase analysis will satisfy the requirements for the analysis. The City has indicated that its traffic engineer will need to approve the scope of work.</p>

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Traffic Impact Analysis (TIA)

SUBMITTAL REQUIREMENTS

Additional information about the nature of the following items and a detailed list of all the components they include, can be found here:

www.cityofvancouver.us/upload/contents/653/Vancouver%20TIA%20Guidelines%2012-28-2011_FINAL.pdf.

See also: www.cityofvancouver.us/upload/contents/653/trafficstudy-rev-checklist.pdf.

- Introduction, Project Description, and Methodology
- Trip Generation and Distribution
- Transportation Concurrency Requirements
- Traffic Safety and Circulation
- Traffic Impact Analysis
- Conclusions and Recommendations

PROCEDURES

The scope of the TIA should follow the requirements of VMC 11.90.020(e) and VMC 11.95. The TIA shall be prepared and stamped by a Civil Engineer licensed in the State of Washington with appropriate traffic engineering experience. Submittal of the traffic study is a Fully Complete item for project submittal. If the applicant is utilizing the 90-Day Streamline Review Process, the traffic study shall be submitted 2 weeks prior to the Pre-Submittal meeting. Submit 4 copies of the report in the application submittal package.

CRITERIA

The TIA is subject to the following approval criteria (assessed for both year of opening and 5 year build out):

- Consistency with City Design Standards Manual.
- Acceptable operations of all intersections specified by the traffic engineer for LOS analysis that fall within the limits identified in (VMC 11.90.020(e).2) and acceptable performance of concurrency corridor.
- For failing intersection approaches, within the required traffic impact analysis area, where project adds five (5) net new peak hour trips denied could result from:
 - For signalized intersections, at a level of service "F";
 - For signalized intersections, when the level of service is "E" and the volume to capacity ratio is greater than 0.95;
 - For unsignalized intersections, when the volume to capacity ratio for any lane on any approach is greater than 0.95.
 - When significant traffic hazards would be caused or materially aggravated.
- The improvements related to safety and crashes and the proposed mitigations for intersections with crash rate exceeding 1.0 per Million Entering Vehicles.
- Appropriate access management and circulation.
- Intersection sight distance per the most current version of A Policy on Geometric Design of Highways and Streets (AASHTO), and the City of Vancouver Transportation Standard Plans.
- Pedestrian, bike, and transit facilities safety.

LOCAL

CITY OF VANCOUVER, COMMUNITY PLANNING DEPARTMENT

Permit Name:	Shoreline Management Area Substantial Development Permit/Conditional Use Permit
Permit Description:	The State Shoreline Management Act requires the City of Vancouver to administer shoreline regulations, generally speaking, in all areas within 200 feet of the Ordinary High Water Mark (OHWM) for shorelines of the State of Washington. In response, the City of Vancouver has developed a Shorelines Master Program (SMP). The City of Vancouver's SMP review will include issues and apply standards specific to the City's shorelines regulations including provisions of the City's Critical Area Ordinance (CAO) regulations that have now been incorporated into the City's adopted 2012 SMP for those areas within shoreline jurisdiction. SMP and related CAO regulations will both be reviewed as part of a Public Facilities Master Plan (PFMP) approval.

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Shoreline Management Area Substantial Development Permit

SUBMITTAL REQUIREMENTS

- A pre-application conference is required.
- The submittal for assessment of impacts to shorelines and consistency with the City's SMP are based on an evaluation of the Shoreline Permit application and the Critical Areas Report as described in the project permit summary for the CAO.

PROCEDURES

- Applications for Shoreline Substantial Development Permit and Conditional Use Permit are to be processed using the Type III review procedures as set forth in VMC 20.210.050, with the exception that the public comment period shall be at least 30 days (WAC 173-27-110(2)(e)).
- Applications shall be reviewed, and shall only be approved if the application conforms to the criteria for approval found in WAC 173-27-150.
- In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and decision to the Washington State Department of Ecology (Ecology) in compliance with the provisions of 7.3.1 Ecology and WAC 173-27-130 or its successor.
- Because the proposed development is also in a Critical Area, the Critical Area provisions of the SMP and approval criteria also are in effect.
- Additionally, Chapter 6 of the City's adopted 2012 SMP includes specific standards regulating the following activities: dredging, modifications on flood control works, in-stream structures, restoration, stabilization, bulkheads and revetments.
- The duties and responsibilities of Ecology shall include, but are not limited to the following:
 - Final approval and authority to condition or deny Shoreline Conditional Use Permits and Shoreline Variance Permits filed by the City.
 - The Attorney General has the authority to review and petition for review the City's permit decisions. Petitions for review must be commenced within twenty one (21) days from the date of receipt of City's decision.
 - Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the City. The Shoreline Administrator will notify those interested persons having requested notification of such decision.
- The City Hearings Examiner shall be responsible for making final determinations on appeals of Statements of Exemptions and Shoreline Substantial Development Permits. The Hearings Examiner shall hold a public hearing, conduct adjudicative proceedings, maintain a record thereof, and enter findings of facts, conclusions of law, and a final decision or other order as appropriate.
- Appeals from decisions or rulings of the Shoreline Administrator shall be made within fourteen (14) calendar days of the date of the written order or within seven (7) calendar days of the date of issuance of the decision on a request for reconsideration, not counting the day of issuance of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.
- Appeals of Ecology decisions on conditional use and variance requests shall be made to the Shorelines Hearing Board as specified in Section 7.5.3. of the City's SMP.

Shoreline Management Area Substantial Development Permit

CRITERIA

From Chapter 6 of the draft SMP as submitted for approval to Ecology, Summer 2012.

6.3.13 Transportation Uses

1. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the OHWM far enough to make shoreline stabilization, such as rip rap, bulkheads or jetties, unnecessary.
3. Transportation facilities shall not adversely impact existing or planned water dependent uses by impairing access to the shoreline.
4. All roads shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.
5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
6. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support water-dependent uses or essential public facilities consistent with this program.
7. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.

In addition, because the proposed development potentially impacts a Critical Area, the Critical Area criteria of the Sepals apply. Note: setbacks in Chapter 6 of the draft SMP are measured landward from the OHWM 19. For transportation facilities and utilities, the setback from OHWM 20 pertains to the right of way and not just the structure or pipeline. In the Aquatic 21 shoreline designation, the setback is waterward of the OHWM.

LOCAL
CITY OF VANCOUVER, COMMUNITY PLANNING DEPARTMENTS

Permit Name:	Critical Area Ordinance (CAO) Approval
Permit Description:	The CAO review will ensure compliance with codes related to the five critical areas in the City of Vancouver. Public Facilities Master Plan (PFMP) regulations provide the vehicle for large-scale, multi-phased public facilities by obtaining approval of several projects at one time and coordinating the future provision of infrastructure capacity. The PFMP will bundle the reviews for CAO compliance, transit facilities, transportation development review of designs and traffic, and shoreline master program compliance. This summary addresses the critical area ordinance requirements only.

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Critical Area Ordinance (CAO) Approval

SUBMITTAL REQUIREMENTS

The CAO requirements are reviewed as part of the PFMP, and follows the PFMP process, including the PMFP requirement for a detailed master plan, which includes:

1. Detailed site plan
2. Elevations of all buildings
3. Landscape plan
4. Erosion control plan
5. Stormwater management plan
6. Documentation of modifications to subsequent phases

The PFMP will include a Critical Areas Report that shall contain the following:

- An existing conditions plan described in Subsection (B), below.
- A site plan described in Subsection (C), below.
- A preliminary stormwater and erosion control plan or plans described in Subsection (D), below.
- Architectural plans and elevations described in Subsection (E), below.
- A landscape plan described in Subsection (F), below.

Additional detail on the above listed items:

B. Existing conditions plan. An existing conditions plan shall include the following information:

1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site.
2. The site size, dimensions and orientation relative to north.
3. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.
4. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.
5. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.
6. The approximate location of significant natural conditions, such as:
 - a. The 100-year floodplain.
 - b. The location of drainage patterns and drainage courses.
 - c. Slopes in excess of 15%.
 - d. Unstable ground, e.g., land subject to slumping, slides or movement.
 - e. High seasonal water table or impermeable soils.
 - f. Areas having severe soil erosion potential.
 - g. Areas having severe weak foundation soils.
 - h. Significant wildlife habitat or vegetation.
 - i. Rock outcroppings.
 - j. Information necessary to comply with Chapter 20.770 VMC, Tree Conservation, where applicable.

Critical Area Ordinance (CAO) Approval

SUBMITTAL REQUIREMENTS (CONT'D)

C. Proposed site development plan. The proposed site plan shall be drawn at the same scale as the existing conditions plan and shall include the following information:

1. The proposed site and its dimensions and area, orientation relative to north.
2. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.
3. The location and dimensions of proposed development, including the following:
 - a. Streets and other rights-of-way and public or private access easements on and adjoining the site;
 - b. Vehicle, pedestrian and bicycle parking and circulation areas, including handicapped parking stalls and disembarking areas, accessible route of travel, proposed ramp and signage as required by WAC 51-40;
 - c. Loading and service areas;
 - d. Active or passive recreational or open space features;
 - e. Above-ground utilities;
 - f. Existing structures to be retained on the site and their distance from property lines;
 - g. Proposed structures on the site, including signs, fences, etc., and their distance from property lines;
 - h. The location and type of proposed outdoor lighting and existing lighting to be retained; and
 - i. The size and location of solid waste and recyclables storage areas.
4. Summary table which includes parcel zone, total site area, gross floor area by use, (i.e., manufacturing, office, retail, storage), itemized number of full size, compact and handicapped parking stalls and the collective total number, total lot coverage proposed, including residential density calculations.

D. Stormwater and erosion control plans.

E. Architectural plans and elevations.

1. Floor plans showing at least the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained.
2. A description of the proposed and potential uses of each structure or portions of a structure and each outdoor activity area.
3. Typical elevation drawing of each structure.
4. Identify locations of walls, exits and openings.

F. Landscape plan.

1. The location, species and size, i.e., diameter and/or height, of existing landscape material, identifying the material to be removed and to be retained;
2. The location, species, size at planting and spacing of proposed plant materials;
3. The proposed landscape area of the site (i.e., in terms of square feet and a percentage of the net site area);
4. The location, height and material of fences, buffers, berms, walls and other proposed screening;
5. The location and dimensions or area of terraces, decks, shelters, play areas and open spaces; and
6. Surface water management features that are integrated with landscape, recreation or open space areas.

Critical Area Ordinance (CAO) Approval

SUBMITTAL REQUIREMENTS (CONT'D)

G. Tree Plan. As required by 20.770 VMC Tree Conservation. Tree plan may be combined with the landscape plan.

H. Sign plan. Sign drawings are optional. If submitted, sign drawings shall be reviewed for compliance with Chapter 20.960 VMC Signs.

I. Other. Other information shall be provided as needed to show the development complies with other applicable standards and with conditions of approval of related SEPA determinations and land use actions and permits.

PROCEDURES

The initial approval of a PFMP shall be reviewed by means of a Type III procedure heard before the Hearings Examiner as contained in Section 20.210.060 VMC using the approval criteria contained in Section 20.268.050 VMC. Modification(s) to a project or phase of development shall require further review, dependent upon the extent of the modifications(s).

The CRC PMFP will be of the hybrid master plan type. In a hybrid master plan, the applicant provides a detailed master plan of the initial and one or more subsequent phases of development. This approach allows the applicant to obtain approvals for several projects at once, while only requesting conceptual approval for later phases where there currently is inadequate information to project future applicant needs and mitigation measures.

The PMFP site plan approval shall be effective for a period of 5 years from the date of approval. The site plan review approval shall expire if:

- Substantial construction of the approved plan has not begun within a 5-year period; or
- Construction on the site is a departure from the approved plan.

The Planning Official may grant an extension of the approval period not to exceed 1 year by means of a Type I procedure, pursuant to Section 20.210.040 VMC, provided that, upon request, the Planning Official may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 6 years without reapplying for site plan review.

Critical Area Ordinance (CAO) Approval

CRITERIA

Activity shall result in no net loss of functions and values in the critical areas (VMC 20.740.020). The proposal must meet the specific performance standards of Fish and Wildlife Habitat Conservation Areas (VMC 20.740.110), Frequently Flooded Areas (VMC 20.740.120), Geologic Hazard Areas (VMC 20.740.130), and Wetlands (VMC 20.740.140), as applicable. Project must show efforts to avoid and minimize impacts.

- **Fish and Wildlife Habitat Conservation Areas (VMC 20.740.110)**
 - For Shorelines of the State (Columbia River) the Riparian Management Areas are 100 feet wide and the Riparian Buffer is 75 feet wide. Buffers may apply at Burnt Bridge Creek, but they will likely be of the same width.
 - When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.
 - Approval will be based on evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.
 - Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria (VMC 20.740.060).
 - Riparian Management Area. No development or clearing activity is allowed within the Riparian Management Area unless such activity is:
 - A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or
 - A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding.
- **Frequently Flooded Areas (VMC 20.740.120)**
 - Floodway. Encroachments, including fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step-backwater analysis and a conveyance compensation analysis.

Critical Area Ordinance (CAO) Approval

CRITERIA (CONT'D)

- **Geologic Hazard Areas (VMC 20.740.130)**
 - Development in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers (VMC20.740.130(C)(1)(j)) shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements.
 - The applicant has demonstrated that during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 - Will not increase the threat of the geological hazard beyond pre-development conditions; and
 - Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and
 - Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 - The life safety risk is minimal or eliminated; and
 - Are certified by a qualified professional as safe as designed and under anticipated conditions.
- **Wetlands (VMC 20.740.140)**
 - Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas performance standards (VMC 20.740.060).

LOCAL
CITY OF VANCOUVER, COMMUNITY PLANNING DEPARTMENT

Permit Name:	Certificate of Appropriateness
Permit Description:	A Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Clark County heritage register property or a property in a Clark County heritage register historic district.

<p>REGULATORY AGENCY CONTACT Vancouver Community Development Department Jon Wagner, Senior Planner (360) 487-7885 jon.wagner@cityofvancouver.us</p>
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CRC STAFF		
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<p>SUBMITTAL REQUIREMENTS</p> <p>Applications for the certificate must include:</p> <ul style="list-style-type: none"> • A copy of the building's nomination to the register • Photographs of the building's interior and exterior • A brief description of the intended work (includes plans, drawings, maps) • Samples of replacement material for comparison with the existing or the original building or structure • A description of structural integrity, including a statement by a registered structural engineer if needed • Reason or justification for demolition (should include statement of why the property is not salvageable or why it cannot be maintained) • Survey plat • A bona fide list of alternatives to demolition that have been investigated by the property owner/applicant. A bona fide list of alternatives to demolition may include: an economic analysis; offers to lease, sell or dedicate site to a private, public or non-profit entity, and outcome of the offer; relocation of building, etc.
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Certificate of Appropriateness

PROCEDURES

A Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Clark County heritage register property or in a Clark County heritage register historic district. Demolition is subject to review under the State Environmental Policy Act.

The procedures for obtaining a Certificate of Appropriateness are as follows:

- The owner or his/her agent shall attend a pre-application conference with staff to review demolition or alternative plans.
- After the pre-application conference, the owner or agent may apply to the commission for review of the proposed demolition and request a Certificate of Appropriateness through a public hearing. With the application, the applicant shall provide a bona fide list of alternatives to demolition (which includes, but is not limited to, economic analysis; offers to lease, sell or dedicate site to a private, public or non-profit entity, and outcome of the offer; relocation of building, etc.).
- Such review shall last no longer than forty-five (45) days from the date of application, unless the commission finds that an extension of time is necessary. In no case shall the commission extend the review period beyond an additional forty-five (45) days.
- If no alternative to demolition is agreed upon, the commission shall issue a Waiver of Certificate of Appropriateness. The commission may attach to the waiver, pursuant to the public hearing, conditions mitigating the loss of the Clark County heritage register property.
- After demolition of a property, the commission may initiate its removal from the Clark County heritage register.
- Appeal of Approval or Denial of a Certificate of Appropriateness. The commission's decision regarding a Certificate of Appropriateness may be appealed to the Vancouver City Council.

CRITERIA

The code (VMC 17.39.080) does not provide a clear set of decision making criteria. It requires that the applicant submit "provide a bona fide list of alternatives to demolition which includes, but is not limited to, economic analysis; offers to lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer; relocation of building, etc."