



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregonstatelands.us.

December 7, 2010

RECEIVED

DEC 14 2010

State Land Board

RWK600/45957

COLUMBIA RIVER CROSSING PROJECT

ATTN STEVE MORROW

700 WASHINGTON ST STE 300

VANCOUVER WA 98660

Columbia River Crossing

Theodore R. Kulongoski

Governor

Kate Brown

Secretary of State

Ted Wheeler

State Treasurer

RE: General Authorization for Certain Transportation-Related Structures
DSL Application Number 45957-GA, Columbia River Crossing Borings
T. 2N, R. 1E, Section 34, Tax Lot ROW, Portland, Multnomah County

Dear Steve:

On November 30, 2010, we received your complete application to conduct removal or filling in Columbia River for transportation-related structure purposes. Based on our review of your application, and comments provided by interested resource agencies, we authorize the project, subject to the conditions outlined in OAR 141-089-0190 (enclosed) and to the following additional conditions:

1. Fill and removal activities in Columbia River shall be conducted between January 1 and February 28, unless otherwise coordinated with the Oregon Department of Fish and Wildlife and approved in writing by the Oregon Department of State Lands.

This authorization permits only the work described in the application. Please notify the Department of State Lands when the work is complete. If additional work needs to be done in the future, a new application must be submitted.

This authorization expires when the work identified in the application is completed. The work must be completed by January 1, 2012. Please be aware that this authorization is not a land use approval. You must also receive authorization, when required, from the local planning department and the U.S. Army Corps of Engineers before beginning construction. If you have any questions regarding this authorization or its conditions, please contact me at (503) 986-5244.

Sincerely,

Russell W. Klassen

Southern Region Resource Coordinator

Wetlands and Waterways Conservation Division

Oregon Department of State Lands

Enclosure

RWK:jar

cc: Jaimee Davis, Portland Corps of Engineers
Brad Livingston, ODOT



Department of State Lands

Division 141-089

GENERAL AUTHORIZATIONS

Effective: March 1, 2009

RECEIVED

DEC 14 2010

Columbia River Crossing

General Authorization for Certain Transportation-Related Structures

141-089-0170

Purpose and Applicability

(1) This rule sets forth conditions under which an applicant may, without obtaining an individual removal-fill permit, place or remove material from waters of this state (as described in OAR 141-085), except within the Pacific Ocean, for certain transportation related structures including roads, railroads, culverts, bridges, boat ramps, airport runways and taxiways, bicycle lanes and trails.

(2) A letter of authorization from the Department is required prior to any person commencing an activity authorized by this general authorization. The term and conditions of issuance shall be stated in the letter of authorization. The term shall not exceed the expiration date of this general authorization. A letter of authorization is transferable to another person in accordance with OAR 141-085.

(3) This general authorization is made pursuant to ORS 196.850 and is based upon the determination that the authorized activities are similar in nature and when conducted in accordance with this general authorization rule will not result in long-term harm to water resources of the state, and will cause only minimal individual and cumulative environmental effects.

(4) This general authorization does not apply to activities or waters exempt from the removal-fill law as described in OAR 141-085.

(5) Other structures, uses or activities included in any application for this general authorization that are subject to another general authorization under OAR 141-089 or individual permit under OAR 141-085 will not be authorized or covered by this general authorization. An application encompassing multiple activities must obtain an individual removal-fill permit under OAR 141-085.

(6) Unless otherwise specified, the terms used in this general authorization are defined in OAR 141-085.

(7) In the event a dispute arises as to the applicability of this general authorization to any project application, the Department shall make the final determination. The Department shall rely upon the applicant's project application and supporting documentation for its decision.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800 - 196.990

(d) The project involves stream channel relocation, other than temporary diversions approved by the Department.

(e) The project includes any structure, use or activity subject to another general authorization under OAR 141-089 or individual removal-fill permit under OAR 141-085, unless it is incidental to the project or is necessary to provide compensatory mitigation, compensatory wetland mitigation, fish passage or for the structural integrity of the project.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800 - 196.990

141-089-0180

Mandatory Requirements

The Department shall review each application to ensure that a project complies with the following mandatory standards:

(1) If the project is within a State Scenic Waterway, a scenic waterway removal-fill permit must have been obtained from the Department in accordance with OAR 141-100; and,

(2) If wetlands may be affected by the proposed activity, a previously approved, unexpired wetland delineation report, less than five (5) years old, that meets the requirements in OAR 141-090-0005 to 0055 is required for a complete application. If the project and mitigation site, if different do not have a previously approved, unexpired wetland delineation report, a delineation report must be submitted to the Department at least 120 days in advance of the anticipated GA application submittal.

(3) A compensatory mitigation plan or compensatory wetland mitigation plan is required pursuant to OAR 141-085 to mitigate for any reasonably expected adverse effects to water resources of the state or navigation, fishing and public recreation uses.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800 - 196.990

141-089-0185

Application Requirements; Public Notice; Review Process

(1) An application for a general authorization under this rule shall be submitted on an application form available from the Department. A complete application is one that contains all the information required in the application packet provided by the Department.

(2) The Department shall notify the applicant within fifteen (15) calendar days of receipt of the application if the application is incomplete or ineligible; otherwise the application will be considered complete. If the application is deemed incomplete, the Department shall notify the applicant and identify the missing, inaccurate or insufficient information. The Department will not process an incomplete application. To re-initiate the application review process the applicant may submit an amended application at any time within twelve (12) months of the original application date. The applicant must resubmit an entire amended application for reconsideration, unless instructed by the Department to do otherwise. Submission of an amended application commences a new review period.

(3) Once the application is deemed complete, the Department shall provide notice of the application to the adjacent property owners, the local planning department, the local Soil

floodway. All other necessary approvals and permits shall be obtained before commencing with the authorized project. All necessary approvals and permits shall be obtained before commencing the project under this general authorization.

(2) The authorization holder shall obtain all necessary access permits or rights-of-way prior to entering lands owned by another for the purposes of completing a project authorized under this general authorization.

(3) The authorization holder shall conduct the activity during the time period recommended by the Oregon Department of Fish and Wildlife, unless after consultation with ODFW, a waiver is granted by Department for a longer or alternative time period.

(4) The authorization holder shall ensure that the activity will not interfere with fish passage, as required by the Oregon Department of Fish and Wildlife.

(5) When listed species are present, the authorization holder shall comply with the state and Federal Endangered Species Acts. If previously unknown listed species are encountered during the project, the authorization holder shall contact the Department as soon as possible.

(6) The authorization holder shall not disturb or destroy known archeological sites unless authorized under a permit issued by the State Historic Preservation Office. When previously unknown occurrences of archeological sites are discovered during construction, the authorization holder shall immediately cease work at the discovery site and contact the Department.

(7) The authorization holder shall ensure that the authorized work does not unreasonably interfere with or create a hazard to recreational navigation.

(8) The authorization holder shall ensure that woody vegetation removal is limited to the minimum amount needed to complete the project including construction access and keying in of structures.

(9) The authorization holder shall ensure that areas disturbed in the course of completing the authorized work are revegetated with the same mix of native herbs, shrubs and/or trees in approximately the same numeric proportion as were removed from the site, unless otherwise approved by the Department, except that grass seed mixes of exotics certified free of noxious weeds that will hold the soil and not persist are permitted.

(10) The authorization holder shall ensure that no petroleum products, chemicals or deleterious materials are allowed to enter the waters of this state.

(11) The authorization holder shall adhere to all applicable Department of Environmental Quality (DEQ) water quality requirements. If a 401 Water Quality Certification (WQC) is issued by DEQ in conjunction with a US Army Corps of Engineers 404 permit for the same project, the water quality conditions in the 401 WQC will govern water quality requirements pertaining to the authorized removal-fill activity. In this event, a copy of the 401 Water Quality Certification shall be retained on site.

(12) Stormwater from any authorized activity, conveyed or discharged to a water of the state, including wetlands, must be treated by a facility specifically designed to remove stormwater contaminants before entering streams, wetlands, or other waters of this state, including mitigation wetlands, so as to minimize pollutants entering those water bodies.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800- 196.990

141-089-0195

Violation of General Authorization; Enforcement

Violations of the terms and conditions of any general authorization are subject to administrative and/or legal action which may result in revocation of the authorization. The authorization holder is responsible for the activities of all contractors or other operators involved in work done at the site or under the authorization.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800 - 196.990 & 390.805 - 390.925

141-089-0200

Expiration; Review of General Authorization

(1) This general authorization shall be reviewed by the Department on or before January 1, 2011, at which time it shall be modified, reissued or rescinded. The review will include public notice and opportunity for public informational hearing. An approval issued prior to expiration of this General Authorization shall remain in effect until January 1, 2012; and

(2) Any activities authorized by a letter of authorization issued prior to January 1, 2006 are authorized until the activity is completed or until January 1, 2012, whichever comes first. All conditions of issuance continue to be in force. Activities authorized by this General Authorization that are not completed by January 1, 2012, shall require the submittal of a new application in order to complete the proposed activities. However, a one time 90-day extension will be allowed by the Department, if the applicant provides the Department with a written notice that states that the activities authorized by this General Authorization will be completed within 90 days of January 1, 2012. The Department shall acknowledge and approve in writing the one time 90-day extension.

Stat. Auth.: ORS 196.850

Stats. Implemented: ORS 196.800 - 196.990