

# DSL's new regulations now in effect for Removal and Fill permits

Effective January 15, 2003, the Division of State Lands has adopted revised rules related to the state's Removal-Fill Law. The purpose of the revision was to reorganize content in a more logical format, clarify vague language and incorporate changes in law made by the 2001 Legislature.

Removal-Fill permits generally are needed to remove or fill 50 cubic yards or more of material in waters of the state.

Examples of recent changes include:

- Provisions to make the permit application process easier for small projects.
- Revisions to general au-

thorization applications (a blanket permit for certain categories of small projects) that make them easier to understand and the creation of a 40-day permit processing deadline for these authorizations.

- Authority for outside interests and persons to be involved under certain conditions in formal appeals of agency decisions to approve or deny a permit.

- Clarification of guidelines pertaining to replacement of wetlands affected by projects.

- Efforts to coordinate state and federal agency requirements related to removal and fill activities.

Prior rule revisions incorporated provisions of SB 529, passed by the 2001 Legislature, which requires DSL to determine whether a removal-fill permit application is complete within 40 days of receipt and to issue a decision within 90 days of the completeness determina-

tion. The revised rules, a summary of the recent major changes and responses to major comments are posted on the DSL Web site at <www.oregonstatelands.us> For printed copies, call (503) 378-3805 ext. 239.

Groups or organizations wanting a presentation on the revised rules should contact Monte Turner, communications coordinator, (503) 378-3805 ext. 247.

Oregon's Removal-Fill Law requires people who plan to excavate, grade or place fill in waters of the state to obtain a permit from DSL. Waters of the state include natural waterways, estuaries, the Pacific Ocean within the three-mile territorial boundary, constantly flowing and intermittent streams, lakes, wetlands and other bodies of water.

Permits from DSL are required for projects involving re-

moval or fill of 50 cubic yards or more of materials from these waters. However, permits are required for removal or fill of any amount of material in state scenic waterways and streams designated as essential salmon habitat.

Many projects that require a state permit also will require a federal permit from the Army Corps of Engineers. The two agencies use a joint application form, but may have different requirements.

Anyone who is planning to work in waterways or wetlands should contact the DSL natural resource coordinator for the county where the project is located. The agency Web site lists coordinators by county. The information is also available by phone; call (503) 378-3805 for counties west of the Cascades, or (541) 388-6112 for counties east of the Cascades.



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