

Department of State Lands  
951 SW Simpson Avenue, Suite 104  
Bend, OR 97702  
☎ 541-388-6112

Permit No.:	<u>63051-RF Renewal</u>
Permit Type:	<u>Removal/Fill</u>
Waters:	<u>Cottonwood Creek</u>
County:	<u>Grant</u>
Expiration Date:	<u>March 11, 2023</u>

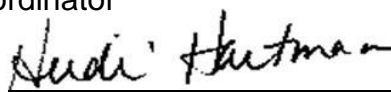
**MONUMENT SOIL & WATER CONSERVATION DISTRICT (SWCD)**

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

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

**NOTICE:** If removal is from state-owned submerged and submersible land, the permittee must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this permit. This permit does not relieve the permittee of an obligation to secure appropriate leases from DSL, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 541-388-6112.

Heidi Hartman,, Aquatic Resource Coordinator  
Aquatic Resource Management  
Oregon Department of State Lands

  
Authorized Signature

February 24, 2022  
Date

## ATTACHMENT A

Permit Holder: Monument SWCD

Project Name: Cottonwood Creek - Cole-Engle Fish Passage Improvements

Special Conditions for Removal/Fill Permit No. 63051-RF Renewal

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

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. A copy of this permit must be available at the work site whenever authorized operations are being conducted.

1. **Responsible Party:** By proceeding under this permit, Monument SWCD agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by DSL. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the following waterway impacts: 405 linear feet of temporary material removal and 80 linear feet of permanent material removal and 40 linear feet of temporary fill and 247.5 linear feet of permanent removal in T10S R27E Section 26AA, Tax Lot 2502, in Grant County, as referenced in the application, map and drawings (See Attachment B for project location(s)), dated March 1, 2021.
3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of Cottonwood Creek must be conducted between July 15 and August 31, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. If fish eggs are observed within the project area, work must cease, and DSL contacted immediately.
4. **Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation or operating conditions to comply with conditions imposed by other permits resulting in removal-fill activity must be approved by DSL prior to implementation.
5. **DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project or require rectification in case of unforeseen adverse effects to aquatic resources or permit non-compliance.
6. **DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

### **Pre-Construction**

7. **Stormwater Management Approval Required Before Beginning Work:** Prior to the start of construction, the permittee must obtain a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), if one is required by DEQ.

8. **Pre-construction Resource Area Fencing or Flagging:** Prior to any site grading, the boundaries of the avoided wetlands, waterways, and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

### **General Construction Conditions**

9. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
10. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) must be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
- a. All exposed soils must be stabilized during and after construction to prevent erosion and sedimentation.
  - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands.
  - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
  - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the work, they must be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
  - e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch must be used so the seed does not wash away before germination and rooting.
  - f. Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands.
  - g. Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
  - h. All erosion control structures must be removed when the project is complete, and soils are stabilized and vegetated.
11. **Fuels, Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Machinery and equipment staging, cleaning, maintenance, refueling, and fuel storage must be at least 150 feet from OHW or HMT and wetlands to prevent contaminants from entering waters of the state. Refueling is to be confined to a designated area to prevent spillage into waters of this state. Barges must have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this

state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

12. **Archaeological Resources:** If any archaeological resources, artifacts or human remains are encountered during construction, all construction activity must immediately cease. The State Historic Preservation Office must be contacted at 503-986-0674. You may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.
13. **Construction Corridor:** There must be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Fig. 2 & Sheet(s) 4).
14. **Hazards to Recreation, Navigation or Fishing:** The activity must be timed so as not to unreasonably interfere with or create a hazard to recreational or commercial navigation or fishing.
15. **Operation of Equipment in the Water:** Heavy equipment may be positioned below ordinary high water if the area is isolated from the waterway and aquatic organism salvage is completed, as shown in (Sheet(s) 4) of the application. All machinery operated below ordinary high water (OHW) elevation must use vegetable-based hydraulic fluids, be steam cleaned and inspected for leaks prior to each use, and be diapered to prevent leakage of fuels, oils, or other fluids below OHW elevation. Any equipment found to be leaking fluids must be immediately removed from and kept out of OHW until repaired.
16. **Work Area Isolation:** The work area must be isolated from the water during construction in accordance with the work area isolation plan in the application. All structures and materials used to isolate the work area must be removed immediately following construction and water flow returned to pre-construction conditions.
17. **Fish Salvage Required:** Fish must be salvaged from the isolation area. Permits from NOAA Fisheries and Oregon Department of Fish and Wildlife, Fish Research are required to salvage fish. Fish salvage permit information may be obtained by contacting ODFW Fish Research at 503-947-6254 or [Fish.Research@state.or.us](mailto:Fish.Research@state.or.us).
18. **Fish Passage Required:** The project must meet Oregon Department of Fish and Wildlife requirements for fish passage, as required in ORS 509.585. Contact the local ODFW District Fish Biologist to ensure your project meets the state's fish passage requirements.
19. **Raising or Redirecting Water:** The project must not cause water to rise or be redirected and result in damage to structures or property on the project site as well as adjacent, nearby, upstream, and downstream of the project site.
20. **Temporary Ground Disturbances:** All temporarily disturbed areas must be returned to original ground contours at project completion.
21. **Pre-construction Elevations Must Be Restored Within the Same Construction Season:** Construction activities within areas identified as temporary impact must not exceed two construction seasons and rectification of temporary impacts must be completed within 24 months of the initiation of impacts. However, if the temporary impact only requires one construction

season, re-establishment of pre-construction contours must be completed within that same construction season, before the onset of fall rains.

**22. Woody Vegetation Planting Required:** Planting of native woody vegetation must be completed before the next growing season after re-establishment of the pre-construction contours as shown on Sheet 9.

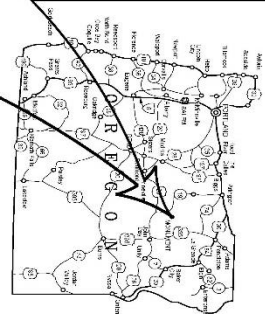
# ATTACHMENT B

Permit Holder: Monument SWCD

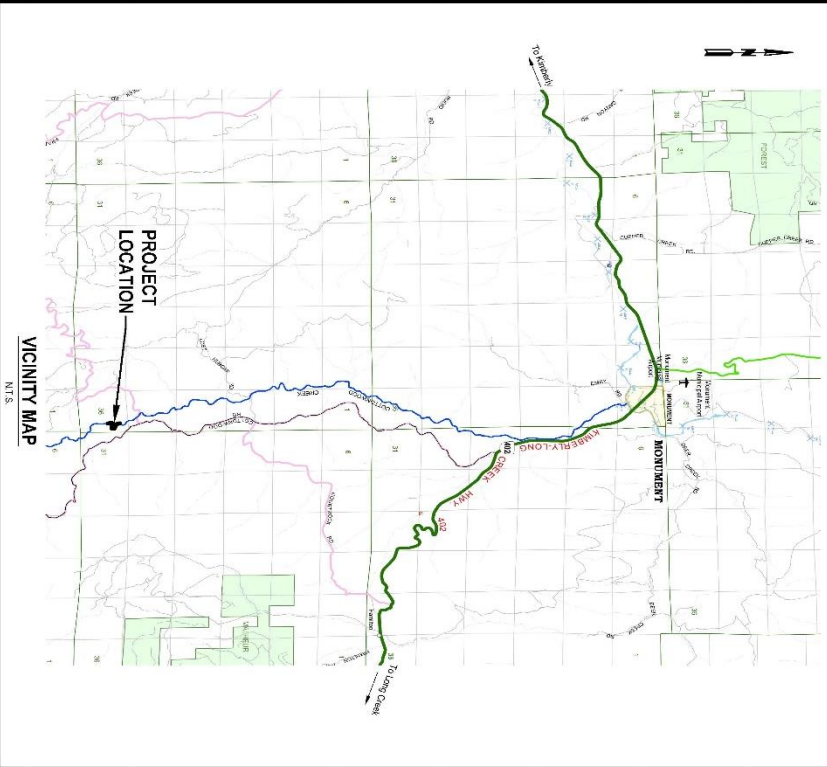
Project Name: Cottonwood Creek - Cole-Engle Fish Passage Improvements

Maps and Drawings for Removal/Fill Permit No. 63051-RF Renewal

# MONUMENT SOIL AND WATER CONSERVATION DISTRICT COTTONWOOD CREEK COLE - ENGLE FISH PASSAGE IMPROVEMENTS 2020



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**BOARD OF DIRECTORS**  
 JILL BAERBERG, Chairman  
 TROY COX, Vice Chairman  
 JEFF THOMAS, Secretary/Treasurer  
 AIDY WATKINS, Director  
 BRIAN CAMPBELL, Director

**DISTRICT MANAGER**  
 OREGON HILL

**FOR REVIEW ONLY  
NOT FOR CONSTRUCTION**

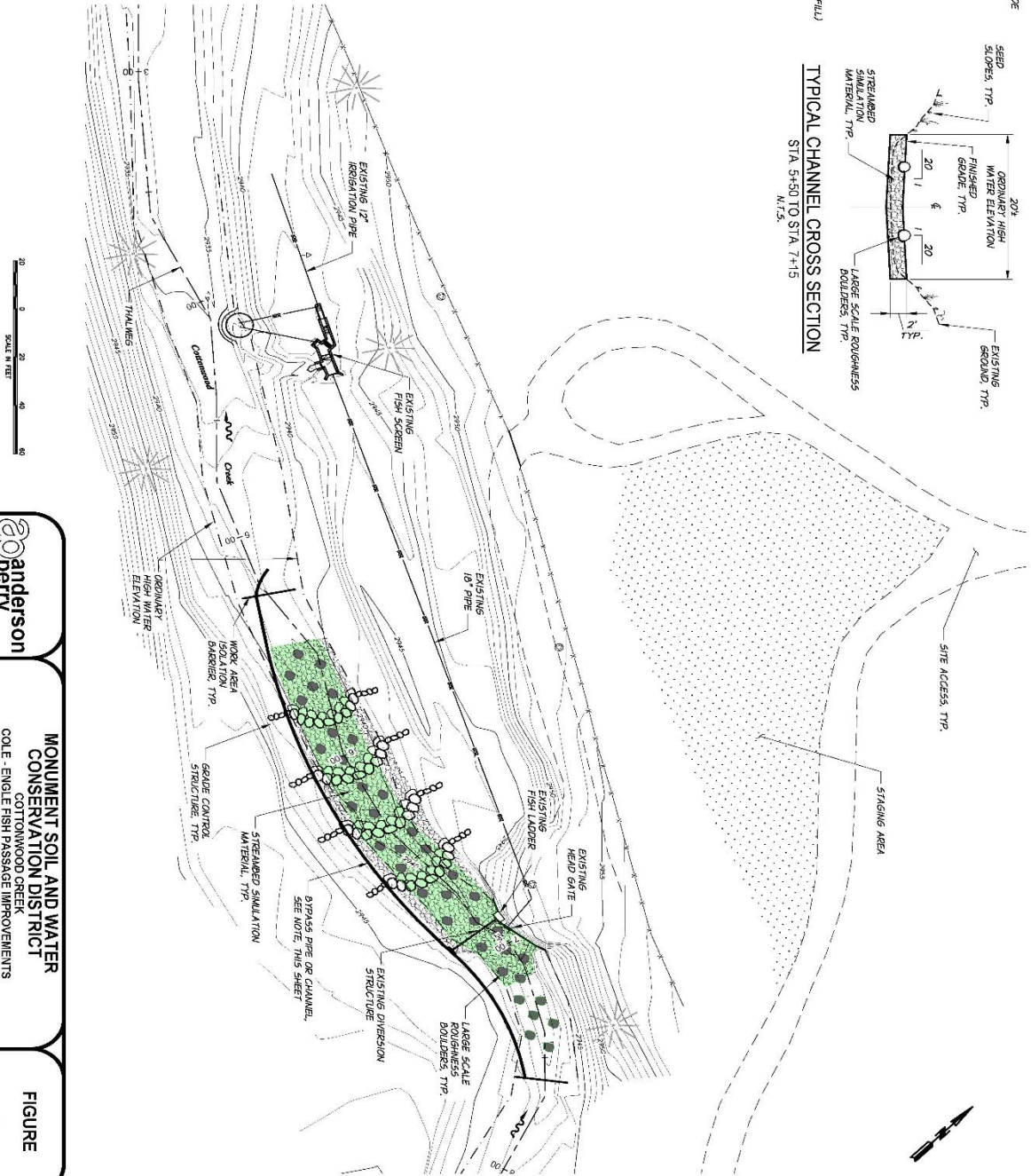
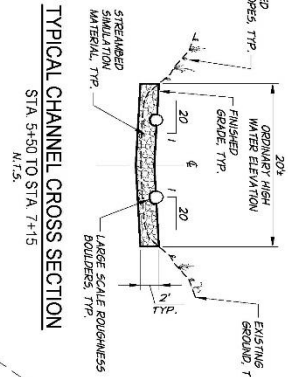
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 Phone: 503.325.1111  
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**PERMANENT REMOVAL**  
 NATIVE STREAMBED MATERIAL TO MAKE SPACE FOR GRADE CONTROL STRUCTURES  
 AREA = 20'6" x 20'5" = 420 SF  
 VOLUME = 20'6" x 1.5' x 13' = 320 SF  
 TOTAL VOLUME = 12 CY (420 + 320)  
**PERMANENT FILL**  
 STREAMBED GRAVELS AND ROUGHNESS BOLLERS  
 AREA = 165'20" x 2'25" = 372 SF (FILL)  
 VOLUME = 165'20" x 2'25" x 2' = 745 CY (FILL)  
 GRADE CONTROL STRUCTURES  
 AREA = 20'6" x 120'5" = 2485 SF (FILL)  
 VOLUME = 20'6" x 120'5" x 25' = 6210 CY (FILL)  
 FISH LADDER METAL PLATES  
 AREA = 234'3.9" x 9'13.5" = 2155 SF  
 VOLUME = 234'3.9" x 9'13.5" x 0.007' = 148 CY (FILL)  
**TEMPORARY REMOVAL**  
 NATIVE STREAMBED MATERIAL TO MAKE SPACE FOR STREAMBED GRAVELS AND ROUGHNESS BOLLERS  
 AREA = 165'20" x 3'30" = 546 SF  
 VOLUME = 165'20" x 3'30" x 61' = 3380 CY (CUT)  
 SOIL TO CONSTRUCT BYPASS CHANNEL  
 AREA = 240'4" x 9'0" = 2164 SF  
 VOLUME = 240'4" x 9'0" x 71' = 1530 CY (CUT)  
**TEMPORARY FILL**  
 STREAMBED GRAVELS AND ROUGHNESS BOLLERS  
 AREA = 40'4" x 160'5" = 6485 SF  
 VOLUME = 40'4" x 160'5" x 24' = 2480 CY (FILL)

**NOTE**  
 LOCATION OF BYPASS PIPE OR CHANNEL IS APPROXIMATE. CONTRACTOR TO ADJUST LOCATION OF BYPASS PIPE OR CHANNEL TO BEST LOCATION OF TEMPORARY REMOVAL IS CALCULATED BELOW OHWE TO BE CONSERVATIVE.

FILL AND REMOVAL AREA BELOW OHWE (COTTONWOOD CREEK)



**Anderson**  
 & Associates, Inc.

**MONUMENT SOIL AND WATER CONSERVATION DISTRICT**  
 COTTONWOOD CREEK  
 COLE - ENGLE FISH PASSAGE IMPROVEMENTS  
 JOINT PERMIT APPLICATION

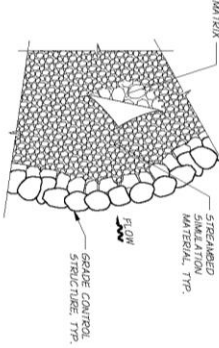
**FILL AND REMOVAL BELOW OHWE**

**FIGURE 5**

R:\Monument\_SWCD\599-06 Cottonwood 16\Drafting\599-06-060C-200PWP.dwg SITE PLAN AND PROFILE 4/17/2020 3:56 PM dchristman

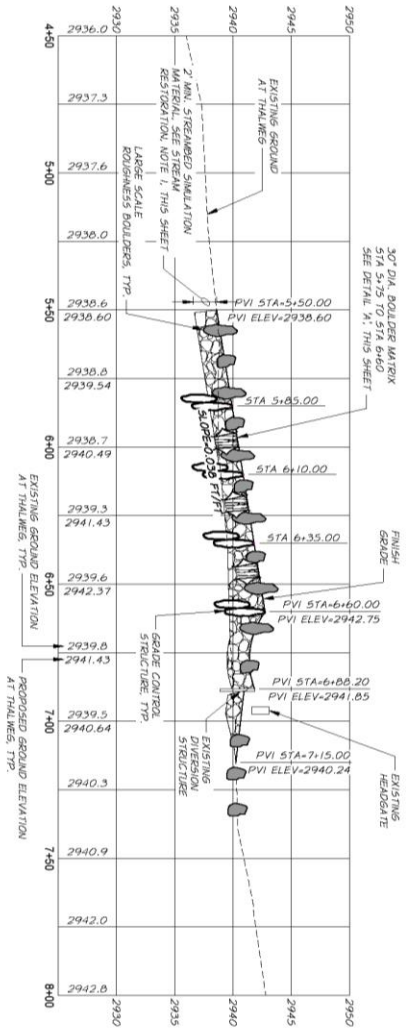
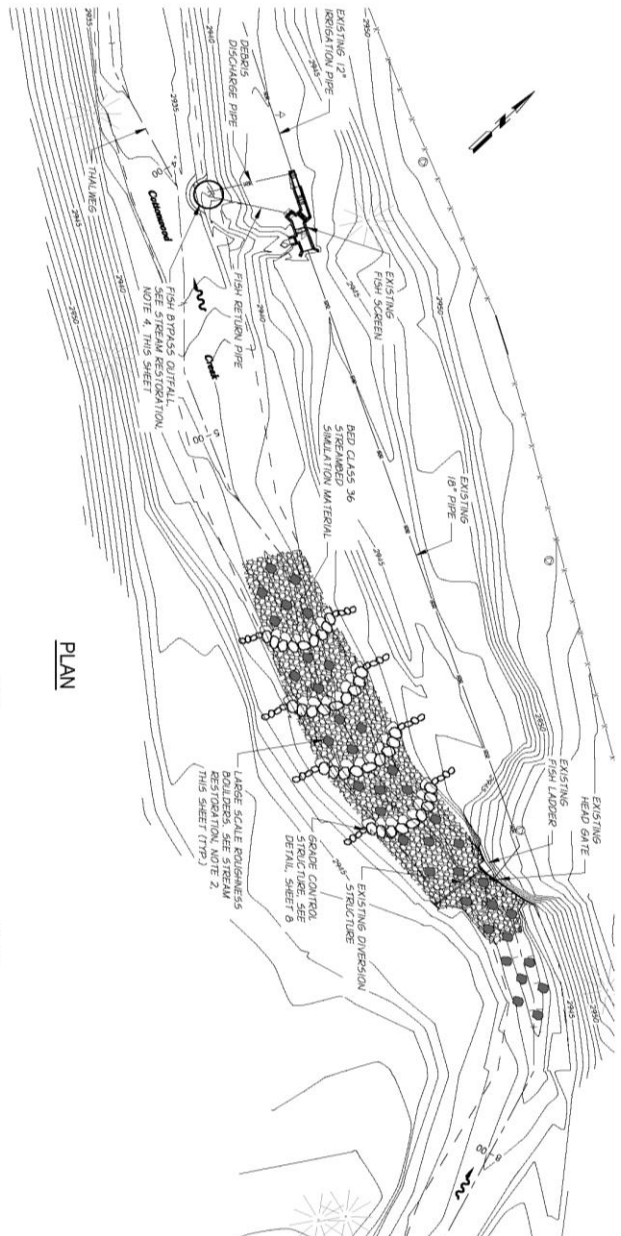
**STREAM RESTORATION NOTES:**

1. STREAMED SIMULATION MATERIAL SHALL BE PLACED 6" ABOVE DESIGN FINISHED GRADE SHOWN ON THE DRAWINGS PER ENGINEER'S DIRECTION TO ACCORD WITH THE STREAM RESTORATION MANUAL. THE LARGEST MATERIAL SHALL THEN BE USED TO FILL THE VIDS BETWEEN THE LARGE MATERIAL. FROGNETS SETTING FOR FLOODING THE CHANNEL INTO WATER TO WASH THE FIBER MATERIAL INTO REMAINING VIDS. FINES SHALL CONTINUE TO BE ADDED AND WASHED INTO THE STREAM UNTIL WATER POOLS ON THE STREAMED SURFACE.
2. LARGE BOLLERS RANGING IN SIZE FROM 24" TO 36" SHALL BE PLACED APPROXIMATELY 60% TO ACHIEVE LARGE SCALE HYDRAULIC ROUGHNESS AND BESTING LOCATIONS FOR FISH. BOLLERS SHALL BE ON AVERAGE APPROXIMATELY 10' O.C. LOCATIONS OF BOLLERS TO BE DETERMINED IN THE FIELD UNDER THE DIRECTION OF THE ENGINEER.
3. CONTRACTOR SHALL PLACE 30" DIAMETER BOLLER MATRIX PRIOR TO PLACING STREAMED SIMULATION MATERIAL. CONTRACTOR SHALL INCORPORATE BED CLASS 6 STREAMED SIMULATION MATERIAL INTO BED CLASS 24 STREAMED SIMULATION MATERIAL. BOLLERS SHALL BE PLACED UNDER THE BOLLER MATRIX. THE BOLLERS SHALL BE PLACED ON A PREPARED BED TO ENSURE THE BOLLERS ARE PLACED UP TO THE STREAM CHANNEL. THE BOLLERS SHALL BE PLACED AS SHOWN, AS NOT SHOWN ON THE PLAN VIEW FOR CLARITY.
4. MERRY STREAM CHANNEL TO PROVIDE A 10-FOOT DIAMETER 2-FOOT DEEP POOL AT FISH RETURN OUTFALL. POOL SHALL BE FREE OF EDDIES/REVERSE FLOW. INSTALL OUTFALL EXTENSION PIPE WHEN REQUIRED DURING LOW FLOW.



NOTE:  
30" DIA BOLLER MATRIX SHALL BE INSTALLED IN ONE CONTINUOUS LAYER WITH STREAMED SIMULATION MATERIAL INSTALLED TO FILL IN THE VIDS. SEE STREAM RESTORATION NOTE 3, THIS SHEET.

**DETAIL 'A'**  
N.T.S.



**PROFILE**

<p>DATE: 5 FEBRUARY 2019 DRAWN BY: D. CLINE CHECKED BY: J. HEBRON</p>	<p>PROJECT: 599-06 SHEET: 5</p>	<p>FOR REVIEW ONLY NOT FOR CONSTRUCTION</p>	<p><b>Anderson Perry &amp; Associates, Inc.</b> ENGINEERS &amp; ARCHITECTS</p>	<p><b>MONUMENT SOIL AND WATER CONSERVATION DISTRICT</b> COTTONWOOD CREEK SOLE - ENGLE FISH PASSAGE IMPROVEMENTS</p>	<p>SITE PLAN AND PROFILE</p>	<p>SHEET 5</p>
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