

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

Permit No.:	<u>62278-GP</u>
Permit Type:	<u>Transportation-Related Structures</u>
Waters:	<u>Wetland/Hedges Creek</u>
County:	<u>Washington</u>
Expiration Date:	<u>January 31, 2021</u>

**CITY OF TUALATIN**

**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, 503-986-5200.

Anita Huffman, Aquatic Resource Coordinator  
Aquatic Resource Management  
Oregon Department of State Lands

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

January 31, 2020

## ATTACHMENT A

Permit Holder: City of Tualatin

Project Name: Garden Corner Curves Improvement Project

Special Conditions for Removal/Fill Permit No. 62278-GP

### 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 signature on the application, Sherilyn Lombos is acting as the representative of City of Tualatin. By proceeding under this permit, City of Tualatin 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 removal and fill of material in T02S R01W Sections 27D/27DD, Tax Lots 100, 200, ROW/1300, 1400, in Washington County, as referenced in the application, map and drawings (See Attachment B for project locations), with a final date of November 26, 2019 and summarized as follows:

#### Summary of Authorized Wetland Impacts

Wetland #	Permanent			Temporary		
	Acres	Removal (cy)	Fill (cy)	Acres	Removal (cy)	Fill (cy)
Wetland A	0.02	36	109	---	---	---
<b>Total:</b>	<b>0.02</b>	<b>36</b>	<b>109</b>	<b>---</b>	<b>---</b>	<b>---</b>

#### Summary of Authorized Waterway Impacts

Waterway Name	Permanent			Temporary		
	Linear Ft.	Removal (cy)	Fill (cy)	Linear Ft.	Removal (cy)	Fill (cy)
Hedges Creek	240	514	455	135	23	23
<b>Total:</b>	<b>240</b>	<b>514</b>	<b>455</b>	<b>135</b>	<b>23</b>	<b>23</b>

- 3. Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of Hedges Creek must be conducted between July 15 and September 30, 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. **Authorization to Use Property for Linear Projects:** For linear facility projects, the removal-fill activity cannot occur until the person obtains:
  - a. The landowner's consent;
  - b. A right, title or interest with respect to the property, that is sufficient to undertake the removal or fill activity; or
  - c. A court order or judgment authorizing the use of the property
9. **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

10. **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.
11. **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.

**12. 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.

**13. 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.

**14. Construction Corridor:** There must be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Figures 5A, 5B).

**15. 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.

**16. Operation of Equipment in the Water:** Heavy equipment may be positioned on or traverse the area below ordinary high water or highest measured tide only when the area is free of flowing or standing water.

All machinery operated below ordinary high water (OHW) or highest measured tide (HMT) 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 or HMT elevation. Any equipment found to be leaking fluids must be immediately removed from and kept out of OHW or HMT until repaired.

**17. 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.

18. **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).
19. **Fish Passage Required:** The project must meet Oregon Department of Fish and Wildlife requirements for fish passage.
20. **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.
21. **Temporary Ground Disturbances:** All temporarily disturbed areas must be returned to original ground contours at project completion.
22. **Riprap Placement Methods:** Riprap/rock must be placed under the following conditions:
  - a. Only clean, erosion resistant rock from an upland source must be used as riprap. No broken concrete or asphalt must be used.
  - b. Riprap rock must be placed in a manner that does not increase the upland surface area.
  - c. Riprap must be placed in a way as to minimize impacts to the active stream channel.
  - d. Gravel or filter fabric should be placed behind the riprap rock, including the toe trench rock, as a filter blanket.
  - e. All riprap rock must be placed, not dumped, from above the bank line.
63. **Large Wood Placement:** Large wood must be incorporated into the rip-rap revetment in the form and manner described in the application.
23. **Riprap Must Be Covered:** Riprap above ordinary high water elevation must be covered and the voids filled with soil, gravel, and / or mulch sufficient to allow the performance standards to be achieved and wildlife to move across it naturally.
24. **Planting in Riprap Required:** Riprap must be planted as shown in the application, (Figure 5H). Seeding of the riprap placement area must occur immediately following establishment of final contours. Planting of native woody vegetation must be completed during the time of year that provides the optimal chances of survival immediately following construction.
25. **Post-construction Report Required:** A post-construction report demonstrating as-built conditions and discussing any variation from the approved plan must be provided to DSL within 90 days of revegetation. The post-construction report must include:
  - a. A scaled drawing, accurate to 1-foot elevation, clearly showing the following:
    1. Finished contours of the site.
    2. Current tax lot and right-of-way boundaries.
    3. Photo point locations.

- b. Photos from fixed photo points. This should clearly show the site conditions, and any signage, and fencing required.
- c. A narrative that describes any deviation from the approved planting plan.

### **Compensatory Mitigation**

**26. Mitigation Bank Credit Purchase:** Mitigation for the unavoidable loss of 0.02 acres of slope, Palustrine Emergent (PEM) wetland has been accomplished via purchase of 0.02 credits from the Butler Wetland Mitigation Bank, per the proof of purchase.

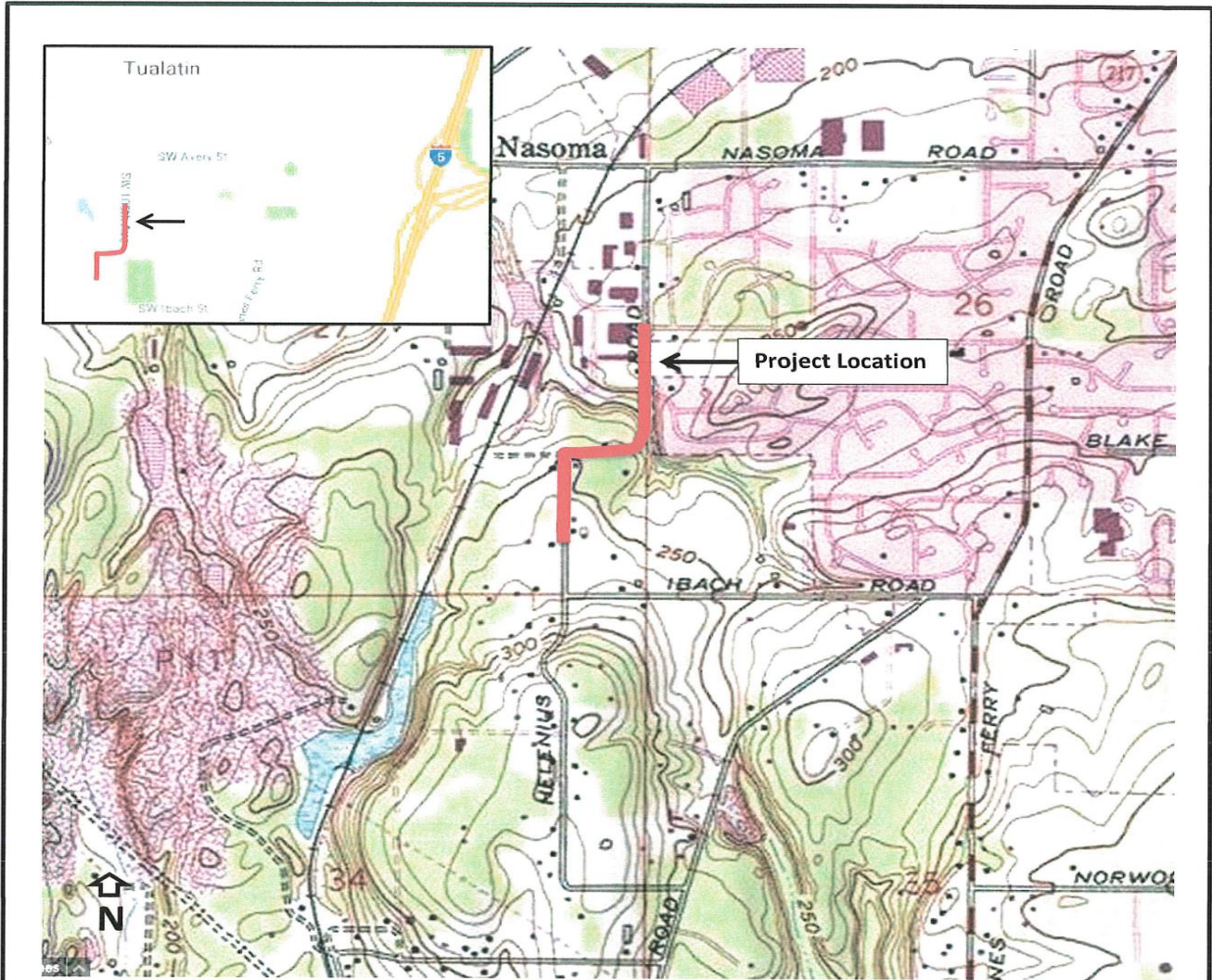


**ATTACHMENT B**

**Permit Holder: City of Tualatin**

**Project Name: Garden Corner Curves Improvement Project**

**Maps and Drawings for Removal/Fill Permit No. 62278-GP**



**Figure 1: Location Map**

Garden Corner Curves Improvement Project

(USGS 2018)





**Figure 3: Aerial Photograph**  
Garden Corner Curves Improvement Project  
(Google Earth 2018)



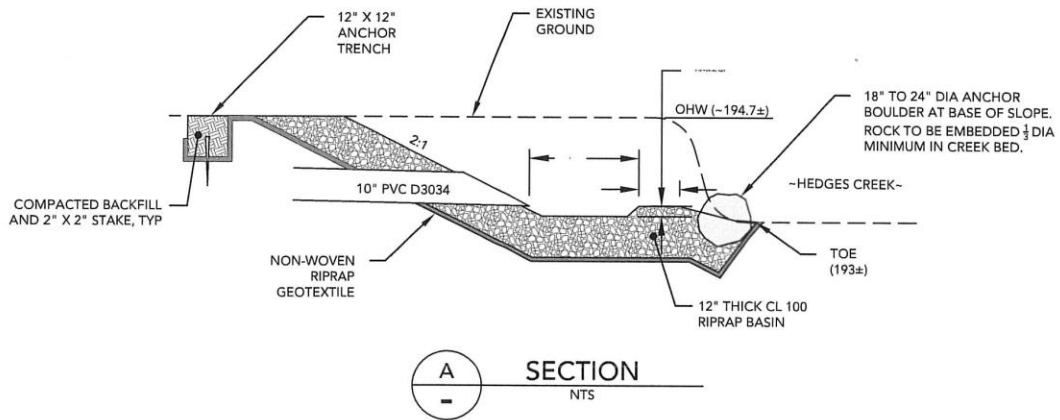
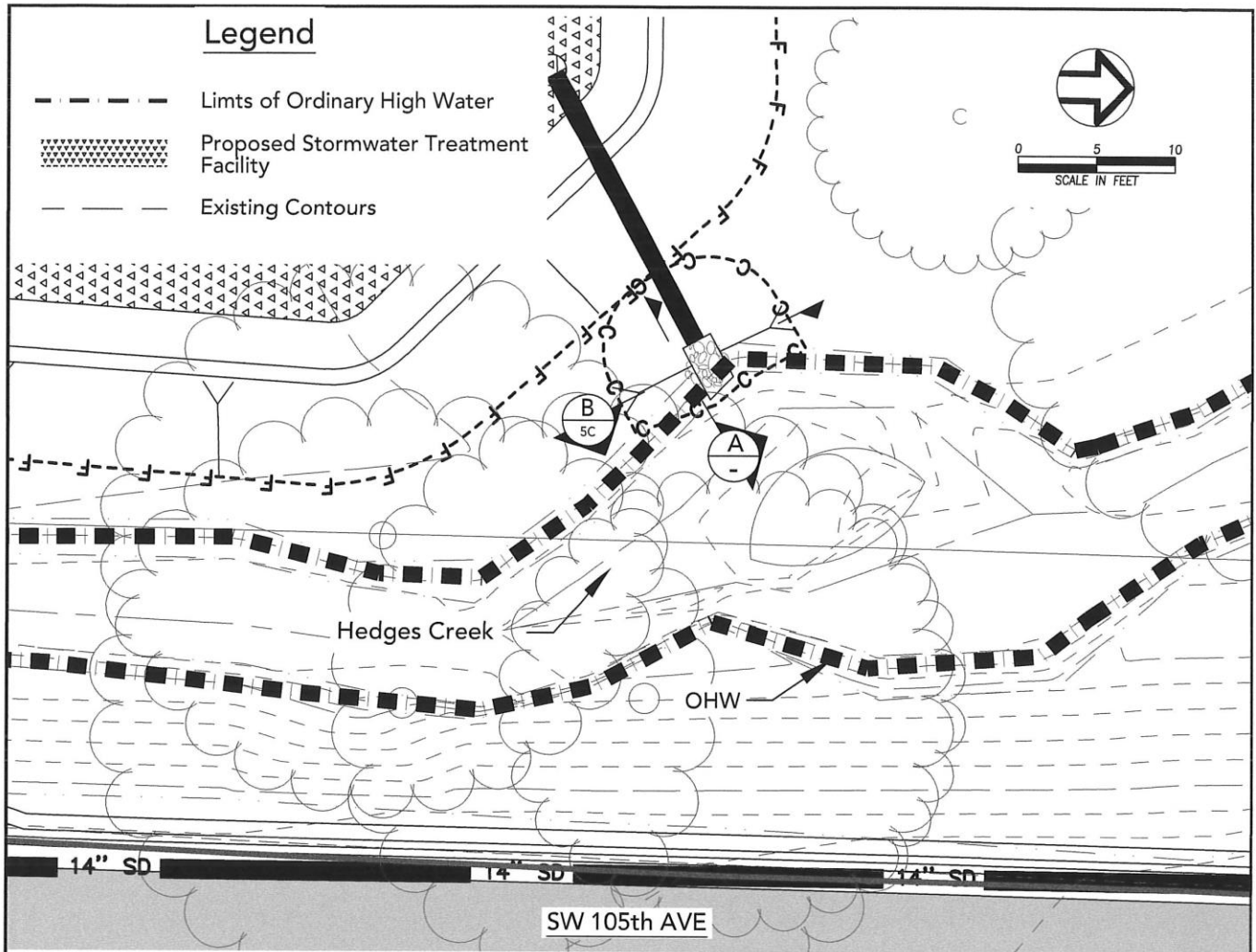


Figure 5B

Permanent Waters Impacts:  
 Total Removal 96SF, 6CY  
 Total Fill 96SF, 4CY

## Stormwater Outfall - Removal Fill

City of Tualatin  
 Garden Corner Curves

P:\14\1470A\_Garden\_Corner\_Curves\_1mp\_P1\500\_DWG\502\_Existing\Environment\Removal Fill -rail\_garden.dwg, -----, Chad Koye

WE:1470A

9/3/19