

**Department of State Lands Technical Report,
“Wetlands, Estuaries, Dredge, Fill and Inwater Construction”**

Comment Log

Comments Incorporated

Stakeholder Comment: DSL is not adequately responsive to citizen reports of alleged Removal-Fill violations. DSL needs to focus more attention on the coast to assure that regulated projects in jurisdictional waters are properly permitted.

DSL: Comments addressed under Section A.1. (*Discussion*) and Sections B.1. - B.6. (*Compliance Monitoring and Enforcement*) See also, *Interagency Coordination in Removal-Fill Permitting*. When the State Programmatic General Permit (SPGP) is implemented in January 2006, the Corps and DSL will be cooperating on permit compliance at unprecedented levels. This effort combined with the EPA-grant funding requested (discussed in our report) will improve overall Corps/DSL agency responsiveness.

NMFS Comment: Provide map showing Essential Salmon Habitat.

DSL: Web link provided.

NMFS Comment: Describe/explain revenue derived from state owned lands. What would be the impact of declining revenues from instream gravel mining due the effects on anadromous fish?

DSL: Comments addressed under Section A.1. (*Summary*) and A.7. (*Funding Mechanisms*). Nearly 90% of the revenue that the Department derives from sand and gravel royalties comes from royalties derived for Columbia River sand taken from the navigation channel.

NMFS Comment: Elaborate on staffing under the SPGP and 404 assumption.

DSL: SPGP-staffing issues are discussed under *Interagency Coordination in Removal-Fill Permitting*. Discussion of 404 assumption-staffing issues is premature, as the state does not have authority to assume the program at this time. However, current staffing as planned in the Governor's 05-07 Budget will be adequate.

NMFS Comment: Concerns were expressed about DSL's Asset Management Plan. Requested further detail on how removal-fill program will minimize effects to salmon.

DSL: Revenue comments addressed under Section A.1. (*Summary*) and A.7. (*Funding Mechanisms*). Large section added in Sections B.1. - B.6 (*Oregon's Nonregulatory Program*) to address in considerably more detail how DSL is addressing its goals of no-net-loss of freshwater wetlands and net gain in estuarine wetland and a variety of other topics brought up by NMFS.

NMFS Comment: Request more information on enforcement.

DSL: Comments addressed under Section A.1. (*Discussion*) and Sections B.1. - B.6. (*Compliance Monitoring and Enforcement*) See also, *Interagency Coordination in Removal-Fill Permitting*. When the State Programmatic General Permit (SPGP) is implemented in January 2006, the Corps and DSL will be cooperating on permit compliance at unprecedented levels. See also Table 2 and Figure 6. Table 2 has been refined. Table 3 has been refined to provide more detail on enforcement activities. Table 4 has been added.

NMFS Comment: Request more information on Payment-to-Provide. Request more detailed information on types of projects permitted in the ESU, and on other types of compensatory mitigation required (other than wetland mitigation) for in-water projects.

DSL: Comments addressed under Sections B.1. - B.6. (*Statewide Trends in Permits Issued and Compensatory Mitigation*). Table 7 has been added to show permits issued in the ESU only from 1997-2004.

NMFS Comment: Provide more information on Gravel Mining and impacts from mining.

DSL: Comment addressed by expanded section on Gravel Mining Operations in Sections B.1. - B.6. The dialogue between DSL and the Independent Multidisciplinary Science Team (IMST) will continue. DSL and IMST are working towards answering the other questions raised by NMFS, but DSL does not have sufficient information at this time to respond to all the NMFS concerns.

Comments Not Incorporated

NMFS Comment: Address the affects of the 50 cubic yard exemption on coho habitat.

DSL: All the coho streams in the ESU are designated Essential Indigenous Anadromous Salmonid Habitat (ESH). The 50 cubic yard

exemption only applies to activities customarily associated with agriculture. DSL has no data on the effect of the agricultural exemptions on coho habitat.

NMFS Comment: Explain data discrepancies between the wetland loss data in APPENDIX I, Table 1. and other data.

DSL: APPENDIX I was prepared by the Oregon Natural Heritage Information Center (ORNHIC) to provide more accurate information on historic wetland loss. To our knowledge, none of the other data that exists from other sources is as accurate as the ORNHIC data. This may help explain discrepancies. Delving further into the nuances of the wetland data is beyond the scope of this Technical Paper, but would be a good exercise to pursue during recovery planning.

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