ATTACHMENT A to Removal/Fill Permit

Special Conditions for Removal/Fill Permit No. 25248-FP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT. This project may be site inspected by the Division of State Lands as part of our monitoring program. The Division has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the placement of up to 3,000 cubic yards of gravel sand and silt and removal of up to 4,500 cubic yards of silt and clay in T8N, R4W, Sections 15 and 22, Tax Lots 3 and 4 in wetlands and Columbia River, Columbia County for power generation facility, transmission line, and water intake station upgrades, as outlined in the attached permit application, map and drawings, dated April 11, 2002 (Application). Removal-fill activity for wastewater discharge line and river outfall is specifically not authorized by this permit.

2. This permit authorizes removal and fill activities necessary to complete the required compensatory mitigation.

3. TURBIDITY/EROSION CONTROLS. The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands and floodplains, valley bottoms and other low-lying and/or relatively flat land.

   For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. These projects may also be subject to additional reporting requirements.

   Turbidity shall be monitored during active in-water work periods. Monitoring points shall be at an undisturbed site (representative background) 100 feet upstream from the turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

   Practicable erosion control measures which shall be implemented, as appropriate, include but are not limited to the following:

a. Place fill in the water using methods that avoid disturbance to the maximum practicable extent (e.g. placing fill with a machine rather than end-dumping from a truck).
b. Prevent all construction materials and debris from entering waterway;
c. Use filter bags, sediment fences, sediment traps or catch basins, silt curtains, leave strips or berms, Jersey barriers, sand bags, or other measures sufficient to prevent movement of soil;
d. Use impervious materials to cover stockpiles when unattended or during rain event;
e. Erosion control measures shall be inspected and maintained daily to ensure their continued effectiveness;
f. No heavy machinery in a wetland or other waterway;
g. Use a gravel staging area and construction access;
h. Fence off planted areas to protect from disturbance and/or erosion; and
i. Flag or fence off wetlands adjacent to the construction area.

4. Erosion control measures shall be maintained as necessary to ensure their continued effectiveness, until soils become stabilized. All erosion control structures shall be removed when project is complete and soils are stabilized and vegetated.

5. Fill and removal activities in the Columbia River shall be conducted between November 1 and February 28, unless otherwise coordinated with ODFW and approved in writing by ODSL.

6. Petroleum products, chemicals, or other deleterious materials shall not be allowed to enter waters of the state.

7. No fresh concrete shall be allowed to come into contact with waters of the state unless otherwise coordinated with ODFW and approved in writing by ODSL.

8. Waste materials and spoils shall be placed in a stable upland location above the top of bank and shall be suitably stabilized to prevent erosion.

9. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).

10. The Division of State Lands retains the authority to temporarily halt or modify the project within the scope of the site certificate issued by the Energy Facility Siting Council in case of unforeseen damage to natural resources.

11. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Division.

Compensatory Wetland Mitigation

The following conditions apply to the actions described in the Application, Appendix J-3, Wetland Mitigation Plan, dated May 2002 (Mitigation Plan). The issuance of this permit is contingent upon the successful compensatory wetland mitigation for the loss of 0.41 acres of wetlands resulting from power generating facility development and up to 0.02 acres of wetlands resulting from construction of transmission towers for a total of 0.43 acres impact.

12. On-site compensatory mitigation for the loss of 0.43 acres of palustrine emergent, seasonally saturated (PEMc) and scrub-shrub (PSSc), riverine flow-through (RFT)/depressional wetland, shall consist of 1.5 acres of enhancement to PEMc, PSSc, palustrine forested (PFO), RFT/depressional wetland.

13. Mitigation for temporary impacts (0.03 acres) resulting from water supply line installation shall consist of rehabilitation to original ground contours and re-vegetation with appropriate wetland seed mix upon re-establishment of original contours. Similar rehabilitation shall also be provided for any temporary wetland impacts associated with transmission towers installation (e.g., equipment ruts, tracks). During trenching or excavation, the top layer of soil shall be separated from the rest of the excavated material and put back on top when the trench or pit is back-filled. If the native underlying soils are not used as bedding material, and a coarser, non-native soil or other material is used, preventative measures such as clay or concrete plugs shall be used so that underground hydraulic piping does not occur and de-water the site and adjacent wetlands. Failure to comply with this condition may result in additional compensatory mitigation.

14. Mitigation shall be completed prior to or concurrent with the wetland fill project and otherwise consistent with Mitigation Plan, Section 10, Vegetation Management.

15. The wetland enhancement area shall be graded to the elevations described in Mitigation Plan, Section 10 and Figures J-3.5 and J-3.6.

16. Prior to any site grading, the surveyed boundaries of the wetland mitigation area and the avoided wetlands shall be surrounded by silt fencing at all times during construction of the project. There shall be no heavy equipment in this area except during mitigation construction.

17. An as-built survey shall be provided to the Division of State Lands within 60 days of mitigation site grading.

18. The mitigation site shall be planted in types, numbers and zones described in Mitigation Plan, Plant Schedule (Figure J-3.5). No existing trees shall be removed within the wetland mitigation area. Any significant variation in the plant schedule shall be referred to the Division for approval prior to execution. In the event that Cottonwood does not volunteer in the mitigation area in numbers/density consistent with the reference site by the end of the 3rd year, the planting plan shall be supplemented with cottonwood plantings. Proposed numbers shall be provided to the Division for approval prior to execution.

19. Removal or control of invasive, non-native plant species shall be done by means including preliminary site grading, mowing, herbicide application and/or by-hand removal, as appropriate. Livestock grazing shall not be allowed in the mitigation area.

20. The mitigation site shall be irrigated as necessary to avoid water stress for two years after the completion of planting.

21. Large woody debris shall be placed at the mitigation site locations identified in the Mitigation Plan, Figure J-3.6.

Success Criteria

To be deemed successful, the mitigation areas shall meet the following success criteria:

22. Cover of planted herbaceous material and desirable native wetland recruits (FAC+ or wetter) in designated PEMc areas shall be at least 80% after the 3rd year (as measured by cover in representative plots) and remain at least 80% for the remainder of the monitoring period.

23. Survival of planted trees and shrubs (by species) shall be at least 80% for the duration of the monitoring period (as measured by total stem counts). Should cottonwood not volunteer into the mitigation area in numbers consistent with the reference site by year 3, remedial action shall be taken in consultation with the Division.

24. There shall be no more than 30 percent cover of non-native species at any time during the monitoring period.

25. Mitigation site micro-topography shall meet grading design per Mitigation Plan, Figures J-3.5 and J-3.6 and including large woody debris placement pursuant to Mitigation Plan, Figure J-3.6.

26. The mitigation site shall exhibit characteristics of PFO/PSS wetland (0.9 acres) and PEMc wetland (0.6 acres) consistent with Cowardin definitions for said wetland types by the end of the monitoring period.

Mitigation Monitoring

27. The permittee shall monitor the mitigation site to determine success for a minimum period of five (5) years. The annual monitoring report is due by December 31 of each year and shall include the following information:

- Permit number, permittee's name, project name
- Location of mitigation site: describe and show on current map.
- Location of impact site
- Description of all activities that have occurred on the mitigation site during the past year (i.e. grading, re-grading, planting, re-planting, weed eradication, etc.).
- Documentation that success criteria are being met and statements regarding criteria listed in conditions 22 through 26, above.
- Results of hydrologic monitoring to be conducted during early growing season including depth to saturation, extent of inundation and presence of secondary hydrologic indicators in the mitigation area.
- Qualitative comparison/discussion of the mitigation site performance relative to the reference site.
- Photographs from a minimum of three fixed photo-monitoring locations.
- Recommendations for remedial or maintenance actions, as necessary
- Other information necessary or required to document compliance with mitigation plan.

The monitoring period will start when the permittee has demonstrated that hydrology has been established and initial plantings have been accomplished. Failure to submit a monitoring report at the above date may result in an extension of the monitoring period and/or enforcement action.

Contingency

28. In the event that non-native plant cover exceeds 30% at any time during the monitoring period or less than 80% coverage/80% survival occurs in the emergent/shrub-tree area, the permittee shall submit to the Division, for

approval, a contingency plan describing specific actions and timeframes to return the site to design conditions.

29. Removal of the berm across the existing drainage channel shall only occur with the prior approval of the Division and shall be based on demonstration of successful hydrologic conditions and cover of desirable emergent species.

30. The Division retains the authority to extend the mitigation monitoring period and require corrective action in the event the success criteria are not accomplished for two consecutive years (without re-planting for failure to meet survival or cover criteria) within the 5-year monitoring period.

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