Letter 9

Oregon

Theodore R. Kulongoski, Governor

Division of State Lands
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State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

November 19, 2003

Philip Sanchez, Superintendent
Umatilla Agency, Bureau of Indian Affairs
P.O Box 520, 46807 B Street
Pendleton, OR 97801

Subject: Wanapa Energy Center, Draft Environmental Impact Statement

Dear Mr. Sanchez:

9-1 Thank you for sending me a copy of the October 2003 Draft EIS for the Wanapa Energy Center. The Division does not oppose the referenced EIS or project. However, the Division of State Lands requires a permit if you plan to remove, fill or alter 50 cubic yards or more of material within the banks of most waters of the state (wetlands, streams, etc.). State designated Essential Salmon Habitat streams and State Scenic Waterways are exceptions in that any amount of removal, fill or alteration typically requires a permit.

After reviewing the Draft EIS it appears that portions of this project may involve fill or removal activities within jurisdictional waterways. These areas potentially include irrigation canals, artificially created wetlands (i.e. irrigation induced), and other wetlands or waterways. A removal-fill permit and/or wetland delineation will need to be submitted to the Division for further evaluation and jurisdictional determination.

If you have any questions about removal-fill permitting or need more information please feel free to call me at (541) 388-6345.

Sincerely,

Kevin Herkamp
Resource Coordinator
Field Operations – Eastern Region

Responses to Letter 9

9-1 Thank you for the clarification on permits and information needed to satisfy the requirements of the Division of State Lands. **Table 1.3-1** and **1.4-1** would be revised to include the recommended permit requirements.