

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

Permit No.:	<u>63235-RF Renewal</u>
Permit Type:	<u>Removal/Fill</u>
Waters:	<u>Columbia River</u>
County:	<u>Clatsop</u>
Expiration Date:	<u>October 12, 2025</u>

***PORT OF ASTORIA***

**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.

Carrie Landrum, Aquatic Resource Coordinator  
Aquatic Resource Management  
Oregon Department of State Lands

  
Authorized Signature

July 23<sup>rd</sup>, 2024  
Date Issued

## ATTACHMENT A

Permit Holder: Port of Astoria

Project Name: East Mooring Basin Causeway Replacement

Special Conditions for Removal/Fill Permit No. 63235-RF

### **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, Matt McGrath is acting as the representative of the Port of Astoria. By proceeding under this permit, the Port of Astoria 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 8,688 square feet of waterway impacts with associated removal and fill of material to replace a partially collapsed causeway n T8N R9W Section 9AB/9AC, Tax Lots 300, 400, 500/6200, in Clatsop County, as referenced in the application, map and drawings (See Attachment B for project location), dated March 22, 2021. Removal of the collapsed causeway portion was authorized under an emergency authorization, September 23, 2021.
- 3. Work Period in Jurisdictional Areas:** Fill or removal activities below the highest measured tide elevation of the Columbia River must be conducted between September 24, 2021 to February 28, 2022 and November 1 to February 28 the following years 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. **Local Government Approval Required Before Beginning Work:** Prior to the start of construction, the permittee must submit an Impact Assessment and obtain a flood permit from the City of Astoria.
8. **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.

### **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. **Fuels, Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, material 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.
11. **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.
12. **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.
13. **Operation of Equipment in the Water:** All machinery operated below 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 HMT elevation. Any equipment found to be leaking fluids must be immediately removed from and kept out of HMT until repaired.

### **Pilings/Dock Structures**

14. **Piling Placement and/or Removal Location:** Piling must be placed and/or removed from locations depicted in the application, (Figure 3).
15. **Method of Piling Placement:** Pilings must be placed by means of vibratory hammer.

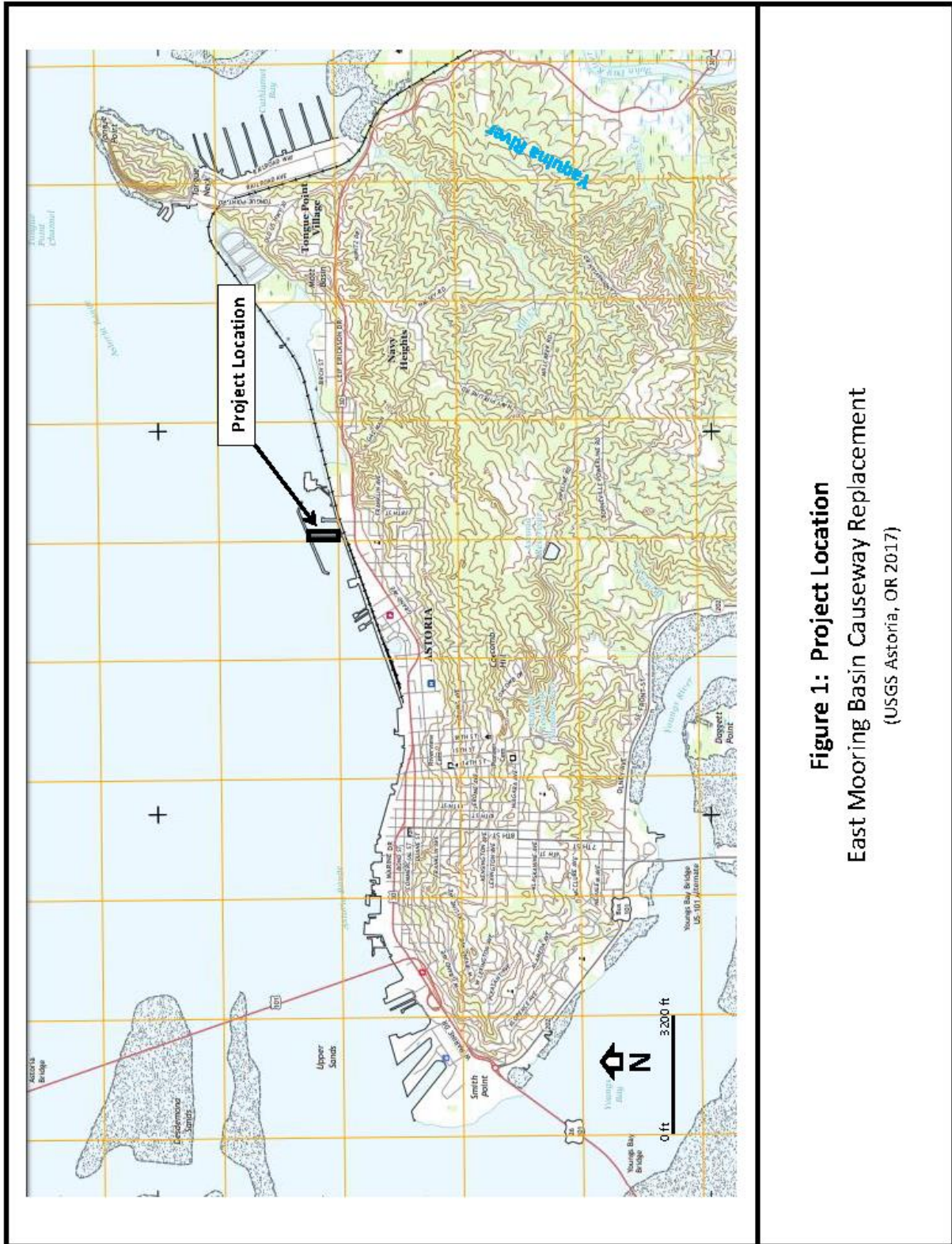
- 16. Method of Piling Removal:** Removal of pile must be conducted by means of vibratory removal.
- a. Piling must not intentionally be broken by twisting or bending;
  - b. Upon removal, piling must be handled to effectively contain all adhering sediment. All return flows must meet state water quality standards; and
  - c. Piling and containment materials must be disposed in an approved upland disposal site.
- 17. Broken Piles:** If piling breaks above or below the bed surface within an area of uncontaminated sediment, piling must be cut at least two feet below the bed surface or otherwise pushed into that depth, then covered with a cap of clean substrate.
- 18. Piling Placement Equipment Location:** Pilings must be placed using barge-mounted equipment or equipment located above the top of bank.
- 19. Sound Reduction:** A vibratory hammer must be used whenever feasible. If an impact hammer must be used to drive or proof steel piles, sound attenuation measures including cushion blocks (wood blocks between pile and hammer) and bubble curtains operated to distribute air bubbles around 100 percent of the piling for the full depth of the water column must be used:
- a. If water velocity is 1.7 miles per hour or less, an unconfined bubble curtain may be used; or
  - b. If water velocity is greater than 1.7 miles per hour, a confined bubble curtain (e.g., bubble ring surrounded by fabric or metal sleeve) must be used.
- 20. Leachable Preservatives Prohibited:** There must be no products treated with creosote or other leachable preservatives in the new or replaced piles or structure.
- 21. Waste Pilings Disposal:** Old piling and other waste material must be disposed of in a disposal facility approved for this purpose. There must be no temporary storage of piling or other waste material below top of bank or in any wetland, Federal Emergency Management Administration designated floodway, or an area historically subject to landslides.
- 22. Anti-Perching Devices Required:** Pilings must be fitted with devices to effectively prevent perching by fish eating bird species.
- 23. Collapsed Causeway Removal:** Approximately 260 linear feet of collapsed causeway must be removed during 2021 following the Preliminary Work Plan as outlined in the Appendix B of application received September 28, 2021.

# ATTACHMENT B

Permit Holder: Port of Astoria

Project Name: East Mooring Basin Causeway Replacement

Maps and Drawings for Removal/Fill Permit No. 63235-RF



**Figure 1: Project Location**  
East Mooring Basin Causeway Replacement  
(USGS Astoria, OR 2017)





**Figure 3: Aerial Photograph**  
**East Mooring Basin Causeway Replacement**  
(Google Earth 2018)



