

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

Permit No.:	<u>60219-RF Renewal</u>
Permit Type:	<u>Removal/Fill</u>
Waterway:	<u>Columbia River</u>
County:	<u>Clatsop</u>
Expiration Date:	<u>July 20, 2025</u>

PORT OF ASTORIA

IS AUTHORIZED IN ACCORDANCE WITH 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 shall obtain all necessary access permits or rights-of-way before entering lands owned by another. For new linear facility projects, the removal-fill activity cannot occur until the permit holder obtains either the landowner's consent, a right, title or interest with respect to the property that is sufficient to undertake the removal or fill activity, or a court order or judgment authorizing the use of the property.
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 shall 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 shall 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 of State Lands 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 shall 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 shall 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 shall 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 of State Lands, 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

May 29th, 2024
Date

ATTACHMENT A

Permit Holder: Port of Astoria

Project Name: West Basin Marina Piling Replacement

Special Conditions for Removal/Fill Permit No. 60219-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. DSL 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. **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.
2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the permanent placement of up to 119 cubic yards (75 piles) and removal of up to 65 cubic yards (79 piles) and 4 cubic yards of temporary fill (spuds) of material in T08N R09W Section 07CB, Tax Lot 100, within the Columbia River in Clatsop County, as described in the referenced permit application, map and drawings, received April 11, 2023. In the event information in the application conflicts with these permit conditions, the permit conditions prevail. See Attachment B for project location.
3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the highest measured tide (HMT) elevation of the Columbia River shall be conducted between November 1 and February 28, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. Work is prohibited when fish eggs are present within the reach where the authorized activities are being conducted.
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 and/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 damage.
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. **DSL Proprietary Authorization Required Before Beginning Work:** Prior to the start of construction, the permittee shall obtain proprietary approval per Section 3.4 of the current State Waterway Lease 20582-ML.

General Construction Conditions

8. **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.
9. **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 shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall 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 shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
10. **Federally Listed Endangered or Threatened Species:** When listed species are present, the authorization holder shall comply with the Federal Endangered Species Act. If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder shall contact DSL.
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 shall be timed so as not to unreasonably interfere with or create a hazard to recreational or commercial navigation or fishing.
13. **Fluids, Maintenance of Equipment, and Cleaning:** All machinery operated below HMT 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. Any equipment found to be leaking fluids must be immediately removed from and kept out of HMT until repaired. Equipment staging, cleaning, maintenance, refueling, and fuel storage must be separated from HMT and wetlands at a sufficient distance to prevent contaminates from entering waters of the state.

Pilings/Dock Structures

14. **Piling Placement and/or Removal Location:** Piling shall be placed and/or removed from locations depicted in the application, Figure 4.
15. **Method of Piling Placement:** Pilings shall be placed by means of impact or vibratory methods only.
16. **Method of Piling Removal:** Removal of pile shall be conducted by means of vibratory removal.
17. **Piling Placement Equipment Location:** Pilings shall be placed using barge-mounted equipment and equipment located above mean highest tide.

18. **Sound Reduction:** Sound reduction measures, such as vibration dampeners and bubble curtains, shall be used during piling installation.
19. **Barge Grounding Prohibited:** If barge-mounted, the barge shall not at any time be grounded on the bed or banks of the waterway except with spud piles.
20. **Creosote Prohibited:** There shall be no wood products treated with creosote or other leachable preservatives in the new structure.
21. **Waste Pilings Disposal:** Old piling and other waste material shall be disposed of in a disposal facility approved for this purpose. There shall 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 shall be fitted with devices to effectively prevent perching by fish eating bird species.

ATTACHMENT B

Permit Holder: Port of Astoria

Project Name: West Basin Marina Piling Replacement

Maps and Drawings for Removal/Fill Permit No. 60219-RF

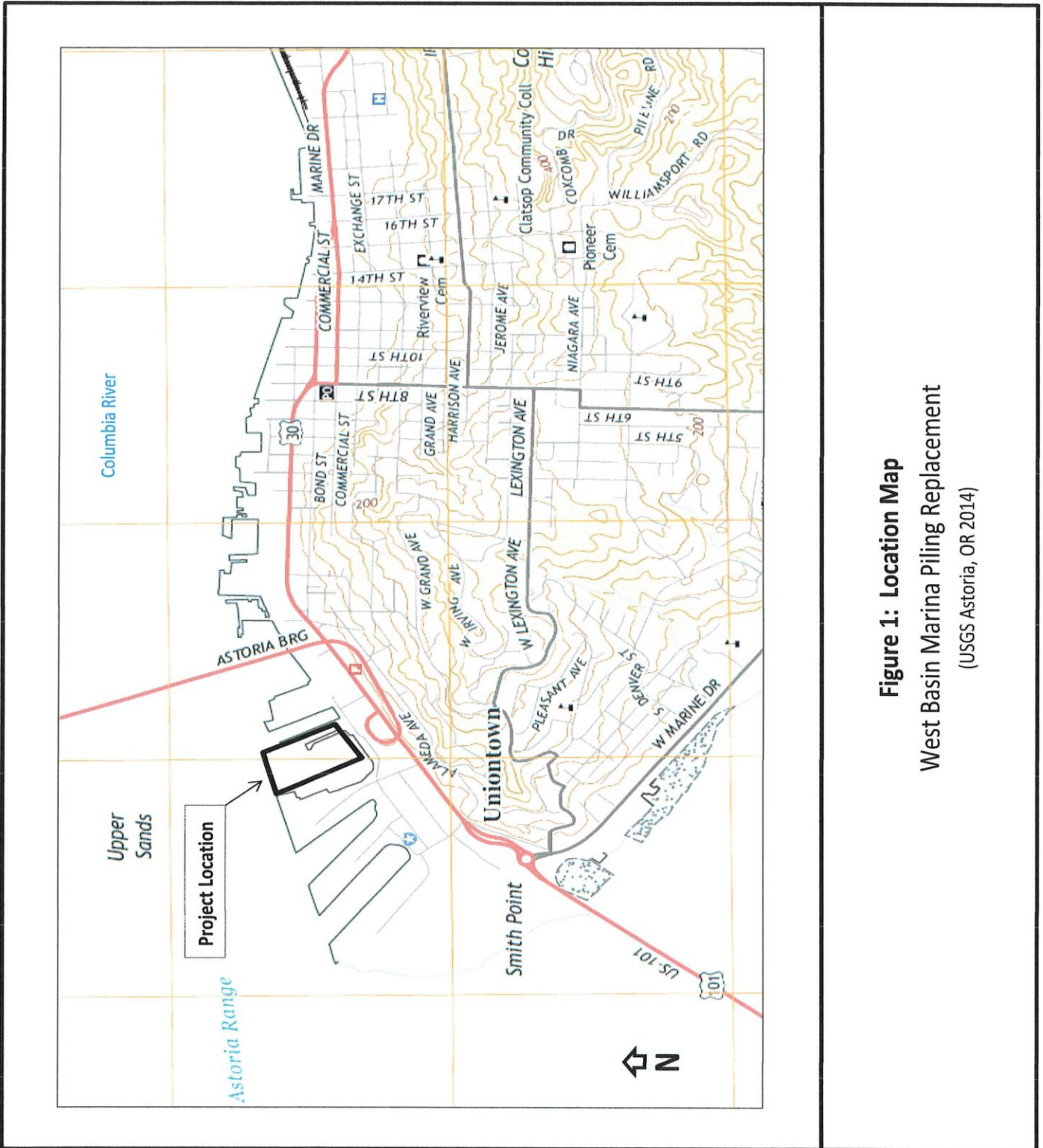


Figure 1: Location Map
West Basin Marina Piling Replacement
(USGS Astoria, OR 2014)

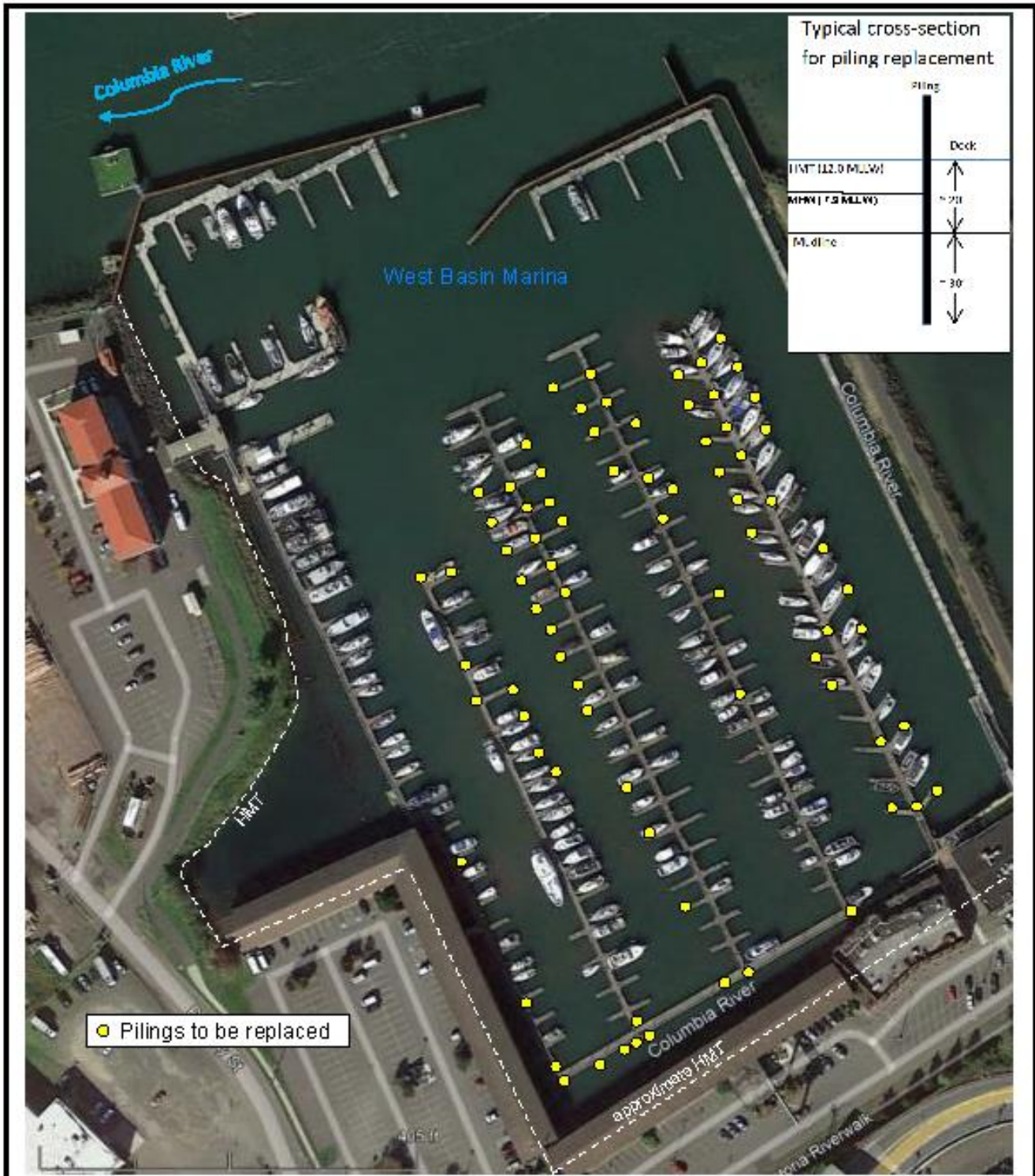


Figure 4: Piling Replacement Plan
West Basin Marina Piling Replacement
(Google Earth 2018)