

Request for Proposals
DESIGN-BUILD SERVICES

Marina Redevelopment Project

Port of Bandon

390 1st Street SW
Bandon, OR 97411
Phone: 541 347-3206
FAX: 541 347-4645

www.portofbandon.com

The Port of Bandon is seeking written Proposals for Design-Build services for a marina redevelopment project. Proposals will be accepted until 5 p.m., October 17, 2022. It is the sole responsibility of the Proposer to ensure that the Port of Bandon receives the Proposal by the specified date and time. Late Proposals will be rejected. PROPOSERS SHALL REVIEW ALL INSTRUCTIONS AND CONTRACT TERMS AND CONDITIONS.

I. Request For Proposals. The Port of Bandon (“Port”) is an Oregon port district organized under the laws of the State of Oregon [ORS chapter 777]. The Port is requesting proposals for design and construction for its Marina Redevelopment Project (“the Project”) on Port property at 301 First Street in Bandon, Oregon.

The Port is a public entity subject to Oregon’s public contracting laws, specifically ORS chapters 279A, 279B, and 279C. Because a portion of the Project is expected to be funded with federal funds, federal requirements may also apply. This solicitation and any resulting contract will be subject to these laws. The Port intends that any contract awarded pursuant to this RFP will be a Design-Build contract, an alternative form of public improvement, as those terms are defined under Oregon law.

Any contract awarded pursuant to this RFP is subject to Oregon’s requirements for the payment of prevailing wages [ORS 279C.800, et seq.]. Qualification-Based Selection (QBS) requirements do not apply.

The deadline for receipt of Proposals is 5 p.m., October 17, 2022, at the office address, 390 First St SW, Bandon Oregon 97411, and/or by email at portmanager@portofbandon.com. Proposals will be opened immediately following the proposal deadline, but proposal contents will not be available for public inspection pending final contract award.

A mandatory pre-offer site visit will be held on September 16, 1 p.m., 2022, at the project site. Proposals will be considered only from individuals or firms represented at the site visit.

II. Project Description. The marina at the Port of Bandon currently provides dock moorage, utilities, fuel, a pump out station, and a floating restroom for all boaters traversing the Coquille River bar to and from the ocean in Bandon. It is the only moorage facility on the Coquille and along this stretch of coastline, with the entrance to Coos Bay about 18 miles to the north. To the south the closest floating dock moorage facility is Gold Beach (Rogue River), approximately 55 miles away. The existing infrastructure supports both commercial and recreational fishing boats, a river and ocean sport charter fishery, tour boat operations, the US Coast Guard Search and Rescue Detachment Team, and serves as a stopover for coastal seafarers traveling up and down the coast. The facility also serves as a harbor of refuge.

The entire existing dock and pile infrastructure is well past its design life and has become an unstable and at times unsafe facility. This Project is to replace the Bandon marina with a new facility with a design that responds to the needs of boaters and meets modern safety and environmental parameters.

The Project will also seek to dredge 20,000 to 39,000 cubic yards of sediment combined from the marina basin and the sport basin. Dredging is proposed as an added alternative to the design and

construction components. Dredging may be excluded from the overall Project and bid separately at a later date if necessary to stay within budget constraints and/or due to permitting delays.

In 2021, the Port completed preliminary engineered plans to the 30% percent design level shown in Appendix B. These plans were then used to apply for all necessary state and federal environmental permits and approvals for the project. The marina redevelopment component of the Project is now fully permitted and conditioned by permits and are hereby made part of this contract (Appendix C). Federal permit approval for the dredging component is still pending (refer to Appendix D for the JPA application, DSL permit, and recent correspondence).

Final design elements include details on dock fabrication design, framing and hardware specifications, utility details, selection of pile driving method, and selection of suction pipe dredging method and approach, all within the approved or assumed permit parameters.

The Port expects that engaging a single firm to complete both the final design and construction will enable the Project to be completed more efficiently and in less time than the traditional design-bid-build form of construction.

The total budget for this combined marina replacement / dredging project is approximately \$6,500,000.

III. Scope Of Work. The Scope of Work will include the following key tasks and deliverables:

- A. Bring the 30% design to 100% by completing all design services as necessary to fully document and describe the details necessary for the construction of a fully functional marina. These services include, but are not necessarily limited to: All architectural, site/civil, mechanical, structural, and electrical engineering necessary to support the requirements of the project and meet contract documents, State and local codes and environmental specifications.
- B. Demolition – removal and disposal of all steel piles, including those that have corroded and broke off below water line, and all creosote timber piles except those along the north half of the fuel docks as shown on the preliminary design plan. Removal and disposal of all docks, and all other items as shown on the plan. Existing kayak dock and fish cleaning stations will be removed and re-purposed by the Port.
- C. Dredging (added alternative) – hydraulic suction dredge both basins up to permitted depth as described in the permit documents. This will involve removal of approximately 7,000 yards in the launch ramp basin (to allowable depth) and approximately 20-30,000 yards in the marina basin. Disposal is anticipated to be via approved flow lane. Recent bathymetry maps are attached (Appendix E).

- D. Furnish and install all steel piles by methods allowable by permits.
- E. Furnish and install concrete breakwater floats and fingers.
- F. Furnish and install HDPE pipe pontoon floats and fingers with FRP grated decking.
- G. Remove and re-install the existing pump out station equipment.
- H. Furnish and install new kayak dock.
- I. Furnish and install 100' west gangway providing ADA accessibility. Reposition east gangway.
- J. Develop and install potable water service system.
- K. Furnish and install two mobile fire units.
- L. Furnish and install electrical service available to all slips, including specific AMP and voltage specifications for transient vessels shown in Appendix F.

IV. Qualifications/Experience. Minimum qualifications for consideration include the following:

- A. Expertise in modern dock design, fabrication, and installation including utility and equipment components. Expertise in steel pile driving methods including socketing and both steel and treated timber pile removal methods such as vibratory hammer. Expertise in hydraulic cutter head suction pipe dredging with flow lane disposal.
- B. Requisite knowledge of application of Oregon and Federal environmental laws concerning in-water work windows, water turbidity management and monitoring, NMFS SLOPES protocol, 401 WQ discharge rules and other relevant laws.
- C. A minimum of five years of experience in marine construction, including demonstrated familiarity with Oregon-based standards.
- D. The project team must include a design professional licensed in Oregon.
- E. In addition to these minimum qualifications, the Port may consider any or all of the evaluation criteria described in Oregon Administrative Rules (OAR) 137-049-0670 (3).

V. Contract Administration. The Contract Administrator for the Port will be Jeff Griffin, General Manager. Proposers must designate a single point of contact for the resulting Contract.

VI. Proposal Instructions.

- A. Submission of Sealed Proposals: Proposers may submit Proposals in hard-copy or electronic format before the deadline for Proposals described in Section I above.

Paper copies must be furnished to the Port in a sealed envelope, labeled “Response to Request for Proposals, Design-Build Marina Project,” and addressed to:

Port of Bandon
390 1st Street SW
Bandon, OR 97411

Electronic submissions must be submitted by email with “Response to RFP, Design-Build Marina Project” in the subject line, to portmanager@portofbandon.com.

- B. RFP as Basis for Proposals: This RFP represents the most definitive statement the Port will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by the Port in evaluating the Proposal. Questions about this Request for Proposals shall be directed to Jeff Griffin by email at portmanager@portofbandon.com, or by telephone at (541) 347-3206.

Any questions which in the opinion of the Port warrant a written reply will result in an RFP amendment that will be made available to all interested parties. To be considered by the Port, questions about this RFP must be submitted no later than 5 p.m. on October 7, 2022.

- C. Information Release: The Port may solicit and secure background information, including references, based upon the information provided in response to this RFP. By submitting a Proposal, the Proposer agrees to such activity and releases the Port from all claims arising from such activity. Proposals submitted are public records under Oregon law, and their contents may be disclosed except to the extent they are exempted from disclosure.

VII. Proposal Contents. The Proposal should contain no more than 60 pages of written material (exclusive of attachments) describing the ability of the Proposer to perform the work requested, as outlined below. No waxed page dividers or non-recyclable materials should be included in the Proposal.

- A. Company Information (not to exceed 10 pages):

- Provide information about the proposing firm or team, including founding date; name; physical address; mailing address (if different); phone number; and email address. Include a brief statement describing the services provided by the proposing entity, and its mission statement (if any).

- Provide the name, phone number, and email address of the individual who would serve as the single point of contact for the contract. Provide the name and a brief job description summary of each individual who would provide design and/or construction services under the contract.
 - Identify each person on the project team who is a design-professional licensed in Oregon. Include with each individual's job description the licenses held by that person that are relevant to this Project. Indicate whether the proposing individual, firm, or subcontractor is registered with the Construction Contractor's Board, and provide the appropriate CCB number. **The Port may not receive or consider a bid for a public improvement contract unless the bidder is licensed by the Construction Contractors Board.**
 - Identify whether the Proposer is a resident bidder, as defined in ORS 279A.120.
 - If the use of subcontractors or subconsultants is proposed, provide the above information for each subcontractor or subconsultant.
 - Include a statement indicating the Proposer's willingness to participate in this RFP, signed by a person authorized to bind the company to contractual agreements.
- B. Validity Period: The Proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect.
- C. Proposed Project Approach (not to exceed 20 pages):
- Describe succinctly and clearly your proposed approach to performing the described work. Clearly identify each proposed alternative approach to completion of the Work. Define the dredging component as a separate alternative. Clearly identify how construction services contracts and subcontracts, if any, will be competitively bid and awarded.
 - Provide a separate estimated timeline for each alternative approach proposed, including each phase of both design and construction.
- D. Company References, Capacity, and Experience (not to exceed 10 pages):
- Describe how the proposing individual or team meets the minimum requirements listed in Section IV of this RFP.
 - List five (5) references for completed projects similar to the work described in this RFP, including at least one in Oregon. Include a brief project description; location of project; and contact name, phone number, and email address.

- E. Cost Proposal (not to exceed 10 pages). Provide an itemized cost sheet, and final proposed cost, for each proposed alternative. Include the dredging component as a separate alternative. Include specific information on how design and construction costs will be apportioned and charged, including a guaranteed maximum price (GMP) for construction services.
- F. Exceptions and Comments (not to exceed 10 pages): To facilitate evaluation of Proposals, all Proposers must adhere to the format outlined in this RFP. Any Proposer wishing to take exception to, or comment on, any specified criteria within this RFP or the Contract Terms may document their concerns in this part of their Proposal. If the Proposer intends for any part of its Proposal to be kept confidential, including but not limited to trade secrets claimed by the Proposer, the Proposal shall describe with specificity the portion of the Proposal which the Proposer requests be kept confidential, and the basis for the request. The Port will take reasonable steps to protect confidentiality of Proposal contents but does not guarantee confidentiality of any submitted information.
- F. Attachments: Attach Proposal security in the amount of ten (10) percent of the highest proposed contract alternative. The security must be in the form of a surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check.

VIII. Key Proposal/Contract Conditions.

- A. Limitation on Award. This RFP does not commit the Port to the award of a contract, nor to pay any costs incurred in the preparation and submission of Proposals in anticipation of a contract. The Port reserves the right to waive minor irregularities, accept or reject any or all Proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. Prevailing Wage Laws. The resulting contract, if one is awarded, will be subject to the payment of Oregon prevailing wage to workers providing construction services under the agreement. The selected Contractor, if any, is required to be familiar with, and to comply with, all requirements of ORS 279C.800, *et seq.* The applicable prevailing wages are those in Region 7, as provided at: [BOLI : Which prevailing wage rate applies to this project? : For Employers : State of Oregon](#).
- C. Performance and Payment Bonds. The successful Proposer shall, at the time of entering into the contract, provide both a performance bond and a payment bond for one hundred percent (100%) of the contract amount, including for the completion of the design and related personal services proposed. The performance bond and payment bond must satisfy the requirements of ORS 279C.380.
- D. Recycled Products. As required by ORS 279A.125, in the performance of this Agreement, Contractor shall use, to the maximum extent economically feasible, recycled products.

- E. Billing Procedures: The billing procedures of the selected firm are subject to the review and prior approval of the Port before payment for services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period and will not be submitted more frequently than once a month. The Port will pay Contractor within forty-five (45) days of receipt of an approved invoice.
- F. Conflict of Interest. By submitting a Proposal, the Proposer certifies thereby that no officer, agent, or employee of the Port has a pecuniary interest in this Proposal or has participated in contract negotiations on behalf of the Port; that the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer for the same call for Proposals; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.
- G. Equal Employment and Nondiscrimination. The Port of Bandon prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, gender, marital status, religion, sexual orientation, genetic information and political beliefs. The Port is an equal opportunity employer.
- H. Consequences for Failure to Perform. The Port's remedies for the contractor's failure to perform the scope of work identified in the RFP or the contractor's failure to meet established performance standards may include, but are not limited to:
- Reducing or withholding payment;
 - Requiring the contractor to perform, at the contractor's expense, additional work necessary to perform the identified scope of work or meet the established performance standards; or
 - Declaring a default, terminating the contract, and seeking damages and other relief available under the terms of the contract or other applicable law.
- I. Insurance. The contractor shall maintain, throughout the term of the contract, all applicable insurance coverages described in Appendix A to this RFP.
- J. Warranty. For both design and construction services, the contractor warrants that the contractor will meet the highest standards prevalent in the industry or business most closely involved in providing the appropriate services, and that the Project will be fit for the purpose for which it was designed and constructed. Contractor further warrants that all products and services provided by the contractor shall be free from defects for at least one (1) year following Project acceptance.
- K. Indemnification. The contractor shall indemnify the Port for any failure by contractor to perform, including professional errors and omissions, design warranties, construction operations, and faulty work claims. The contractor further shall indemnify the Port from and against any and all claims, including third-party claims, arising in whole or in part out of Contractor's acts or

omissions in the performance of the contract. Any indemnification required to be provided by the Port shall be subject to the procedures and limitations of the Oregon Tort Claims Act, ORS 30.260 to 30.300.

- L. Compliance with Laws. In performing work under the contract, the contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to all applicable provisions of ORS chapters 279A, 279B, and 27C, which are incorporated herein by this reference as if fully set forth herein. Specifically, and not by way of limitation, contractor shall comply with Oregon prevailing wage laws, ORS 279C.800, et seq.
- M. U.S.-Manufactured Products. As required by the “Build America, Buy America Act” [Nov. 15, 2021] all iron, steel, manufactured products and construction materials used in federally funded projects must be produced in the United States.

IX. Evaluation of Proposals. Proposals that conform to the RFP instructions will be evaluated by a selection committee established by the Port. Interviews may be requested prior to final negotiations. The Port may contact references listed in Proposal.

Proposals will be evaluated considering the criteria described in OAR 137-049-0670(3), and ranked as follows:

- Proposed timeline of tasks, design approach, sources of supply, methods of fabrication and construction, and related matters (up to 35 points)
- Adequate capacity and experience with similar projects, availability of key personnel, project understanding (up to 25 points)
- References and past performance (up to 15 points)
- Proposed cost (up to 25 points).

The Port reserves the right to negotiate with the highest-ranked proposer, or with next-ranked Proposers if agreement cannot be reached. The award, if any, will be made to the Proposer whose Proposal is most advantageous to the Port. All Proposers will be notified in writing of the Port’s Notice of Intent to Award the contract.

The Port reserves the right, in its sole discretion, to terminate all negotiations at any time prior to entering into a final agreement, and to cancel the solicitation.

X. Appeal of Contract Award. Any Proposer who wishes to appeal the final contract award must do so in writing within seven (7) days of issuance of the Notice of Intent to Award. Appeals must be submitted to the address below and must state the specific deviation of rule or statute in the contract award:

Port of Bandon
390 1st Street SW
Bandon, OR 97411

The Port will issue a written response to the appeal within seventy-two (72) hours of receipt of the written appeal.

XI. Estimated Calendar of Events. The following is the estimated timeline for this contract award, if any. Dates are subject to change:

Bid Advertisement Date	August 26, 2022
Pre-Proposal Site Showing (attendance required)	September 16, 1-3 PM
Questions about RFP no later than	October 7, 5PM
Proposals Due	October 17, 5 PM
Proposal Opening	October 18
Evaluation of Proposals	October 18-22
Contract Awarded	October 27, 2022
Scope of In-Water Work Completed	February 15, 2024
Scope of Work Completed	March 31, 2024

Appendix A – INSURANCE REQUIREMENTS

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

Any Contractor who is a subject employer, as defined in ORS 656.027, shall comply with ORS 656.017 and provide workers' compensation insurance coverage, including employers' liability insurance coverage with limits not less than \$500,000 for those workers, unless exempted under ORS 656.126(2).

COMMERCIAL GENERAL LIABILITY:

The Contractor shall obtain Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the Port. This insurance shall include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this contract, and have no limitation of coverage to designated premises, project or operation. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence. Annual aggregate limit shall not be less than \$2,000,000.

AUTOMOBILE LIABILITY INSURANCE:

Automobile Liability Insurance covering Contractor's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

A. Automobile Liability Broadened Pollution Liability Coverage Endorsement

If Contractor is transporting any type of **hazardous materials** to implement the Project, then endorsements CA 99 48 or equivalent and MSC-90 (if Recipient is a regulated motor carrier) are required on the Automobile Liability insurance coverage.

PROFESSIONAL LIABILITY:

Professional Liability covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Contract in an amount not less than \$1,000,000 per claim. Annual aggregate limit shall not be less than \$2,000,000. If coverage is on a claims-made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or Recipient shall provide continuous claims made coverage as stated below.

POLLUTION LIABILITY:

Pollution Liability Insurance covering Contractor's liability for bodily injury, property damage and environmental damage resulting from sudden accidental and gradual pollution and related cleanup costs incurred by Recipient, all arising out of the Project (including transportation risk) performed under this Contract is required. Combined single limit per occurrence shall not be less than \$1,000,000. Annual aggregate limit shall not be less than \$2,000,000. An endorsement to the Commercial General Liability or Automobile Liability policy, covering Contractor's liability for bodily injury, property damage and environmental damage resulting from sudden accidental and gradual pollution and related clean-up cost incurred by Recipient that arise from the Project (including transportation risk) performed by Recipient under this Contract is also acceptable.

INSTALLATION FLOATER INSURANCE (Required if contract has expensive product installation, such as HVAC.) Contractor shall obtain and keep in effect during the term of this Contract, a Builder's Risk Installation Floater in an amount of no less than the value of the product being installed for coverage of the materials and equipment to be used for completion of the Project performed under this Contract, including materials, supplies and equipment in transit and/or in an off-site storage location. This insurance shall include the Port as a loss payee.

EXCESS/UMBRELLA INSURANCE:

Umbrella insurance coverage in the sum of \$2,000,000 shall be provided and will apply over all liability policies, without exception, including but not limited to Commercial General Liability, Automobile Liability, and Employers' Liability coverage. The amounts of insurance for the insurance required under this Contract, including this Excess/Umbrella insurance requirement, may be met by the Contractor obtaining coverage for the limits specified under each type of required insurance or by any combination of underlying, excess and umbrella limits so long as the total amount of insurance is not less than the limits specified for each type of required insurance added to the limit for this excess/umbrella insurance requirement.

MARINE PROTECTION LIABILITY

Marine Protection and Indemnity Coverage. Combined single limit per occurrence shall not be less than \$ 2,000,000. Annual aggregate limit shall not be less than \$4,000,000.

ADDITIONAL INSURED:

All liability insurance, except for Workers' Compensation, Professional Liability, and Network Security and Privacy Liability (if applicable), required under this Contract must include an additional insured endorsement specifying the Port of Bandon, its officers, employees and agents as Additional Insureds, including additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Contractor's activities to be performed under this Contract. Coverage shall be primary and noncontributory with any other insurance and self-insurance.

PORT OF BANDON BANDON MARINA REDEVELOPMENT



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3	DEMOLITION PLAN
4	PROPOSED FLOAT LAYOUT
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7	ALTERNATE HDPE FLOAT SECTIONS
8	GANGWAY DETAILS
9	PROPOSED WATER UTILITY PLAN
10	ELECTRICAL SERVICE PLAN

PROJECT INFORMATION	
TIDAL DATA	
MEAN HIGHER HIGH WATER (MHHW)	7.10'
MEAN HIGH WATER (MHW)	6.39'
MEAN LOW WATER (MLW)	3.17'
MEAN LOWER LOW WATER (MLLW)	1.19'
MEAN LOWER LOW WATER (MLLW)	0.00'

PROJECT DATA	
UTM ZONE	18Q
EASTING	657,772 N
NORTHING	12,245.5 W
LONGITUDE	124° 24.5' W

DIGITAL SIGNATURE THIS DRAWING SET WAS CREATED AS AN ELECTRONIC DOCUMENT. IF THE ELECTRONIC DOCUMENT DOES NOT OPEN, PLEASE CONTACT THE ENGINEER OF RECORD FOR THE ORIGINAL CERTIFIED ELECTRONIC DOCUMENT.	1710 Fourth Avenue S. Suite 700 Seattle, Washington 98144 P 206.624.1187 www.jardigwright.com	30% LEVEL PRELIMINARY PLANS (REV.1)	
		PORT OF BANDON BANDON MARINA REDEVELOPMENT	TITLE SHEET AND SHEET INDEX
DESIGNED BY: JARDIG WRIGHT ENGINEERS, INC. DRAWN BY: JARDIG WRIGHT ENGINEERS, INC. CHECKED BY: JARDIG WRIGHT ENGINEERS, INC. DATE: JUNE 2022 ISSUE: 01/ ISSUE		SHEET NO: 1 TOTAL SHEETS: 9	TITLE SHEET AND SHEET INDEX



30% LEVEL PRELIMINARY PLANS (REV.1)

PORT OF BANDON
BANDON MARINA REDEVELOPMENT

DEMOLITION PLAN

PROJECT NO.	194022	SHEET NO.	3 of 9
DATE	JUNE 2008	DATE	
SCALE	AS SHOWN	SCALE	
DESIGNED BY		DRAWN BY	
CHECKED BY		IN CHARGE	

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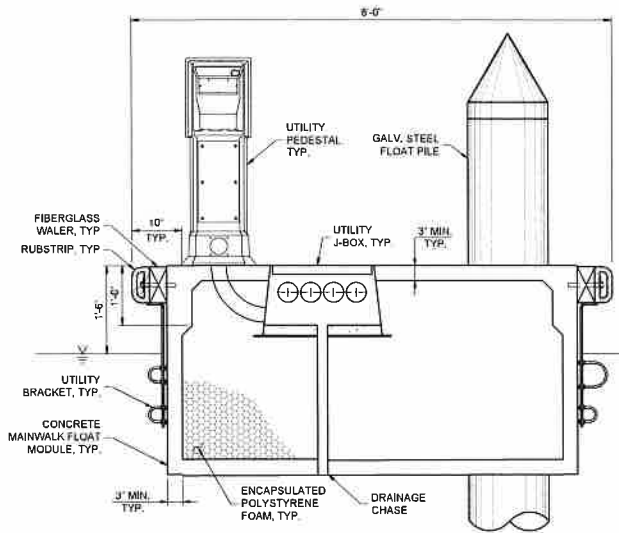
REV.	DATE	DESCRIPTION

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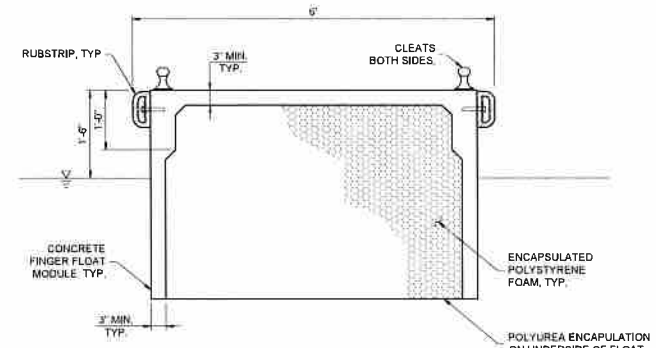
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**FLOAT C
CONCRETE SECTION**
BREAKWATER



**FLOAT C FINGER FLOAT
CONCRETE SECTION**

30% LEVEL PRELIMINARY PLANS (REV.1)

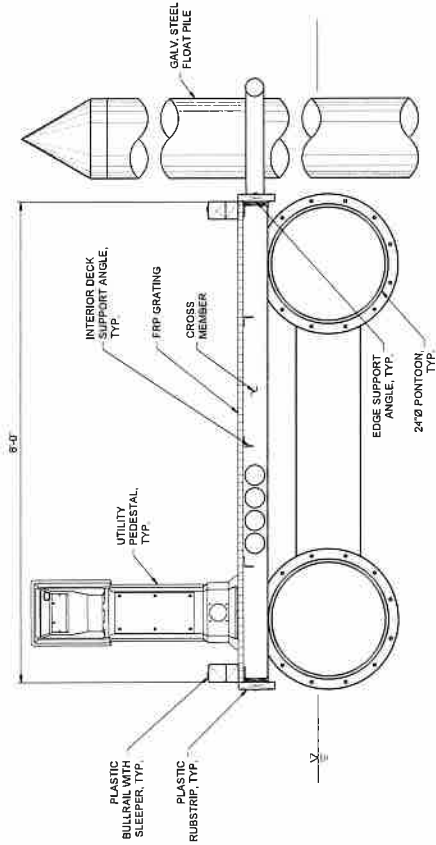


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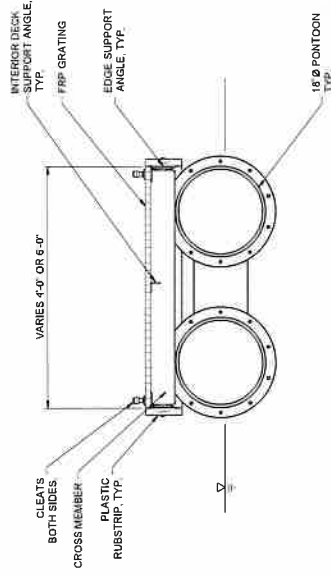
REV.	DATE	DESCRIPTION

PROJECT	PORT OF BANDON BANDON MARINA REDEVELOPMENT		
TITLE	TYPICAL CONCRETE FLOAT SECTIONS		
DESIGNED BY	CA	PROJECT NO.	118022
CHECKED BY	CA	DATE	APRIL 2010
DRAWN BY	RJ	SCALE	NOTED

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**MAINWALK FLOAT
HDPE SECTION**



**FINGER FLOAT
HDPE SECTION**

30% LEVEL PRELIMINARY PLANS (REV.1)

PORT OF BANDON

BANDON MARINA REDEVELOPMENT

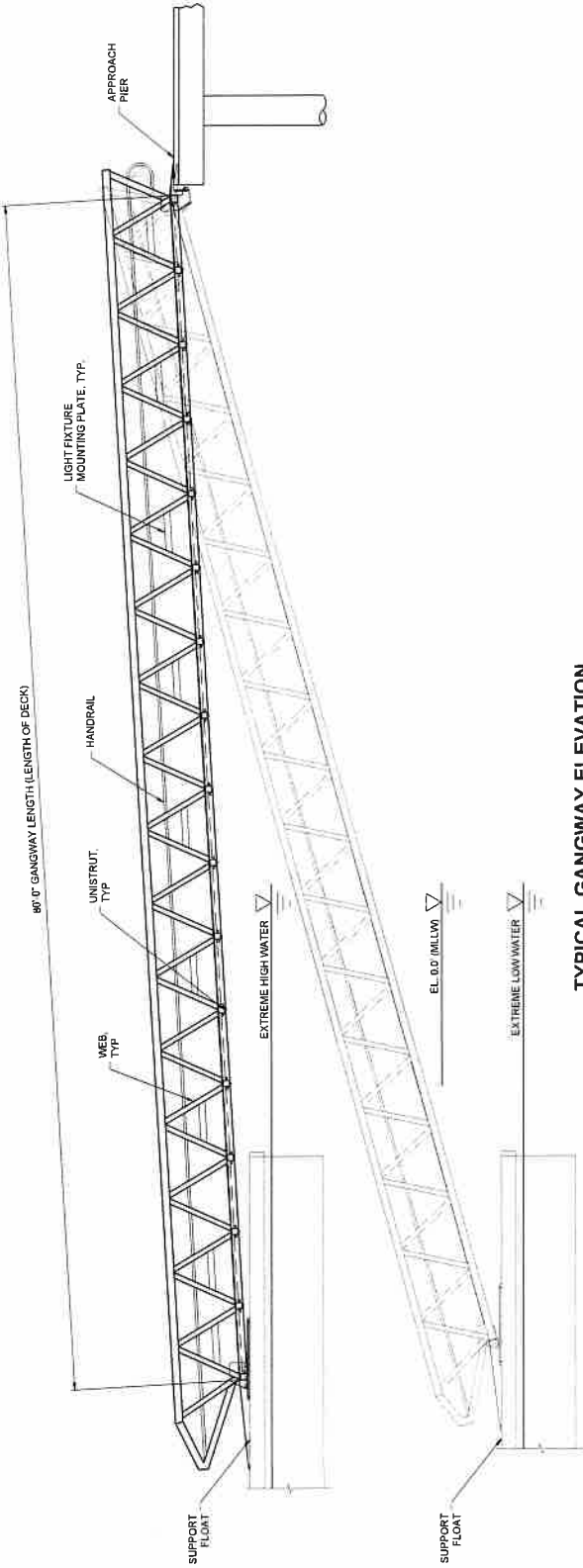
ALTERNATE HDPE FLOAT SECTIONS

PROJECT NO. DATE SCALE SHEET NO.

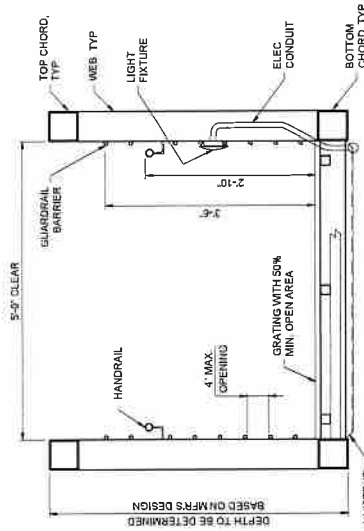
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TYPICAL GANGWAY ELEVATION



TYPICAL GANGWAY SECTION

30% LEVEL PRELIMINARY PLANS (REV.1)

PROJECT: PORT OF BANDON

TITLE: BANDON MARINA REDEVELOPMENT

TITLE: GANGWAY DETAILS

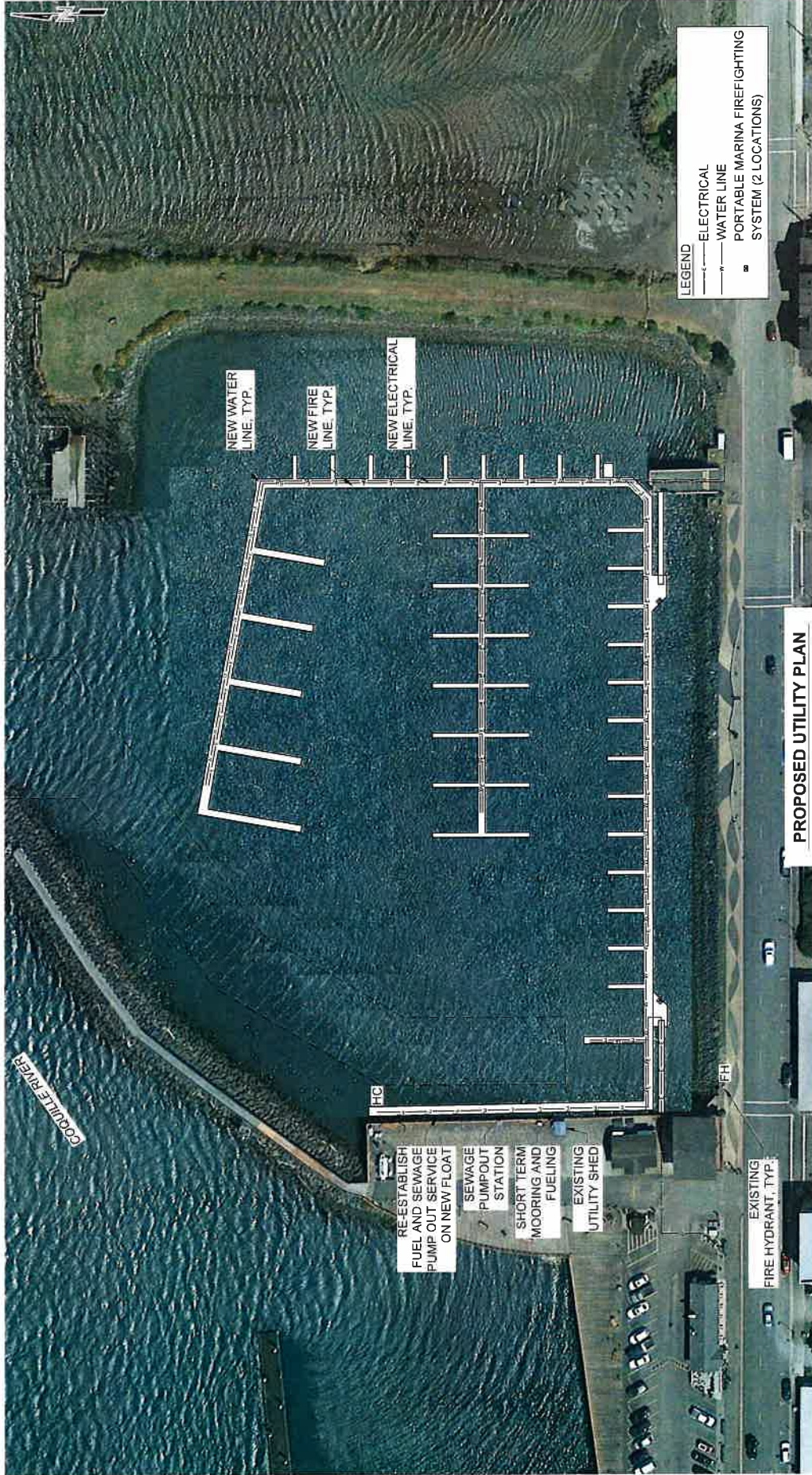
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8 of 9

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PROPOSED UTILITY PLAN
0 20 40 80 120 FT

30% LEVEL PRELIMINARY PLANS (REV.1)

PROJECT	
PORT OF BANDON	
BANDON MARINA REDEVELOPMENT	
PROPOSED WATER UTILITY PLAN	
TITLE	PROJECT NO.
DATE	DATE
SCALE	NOTED
9	9
9	9

NO.	DATE	DESCRIPTION

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PINEPOINT ENGINEERS, INC.

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 Seattle, Washington 98144

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Appendix C



Oregon

Kate Brown, Governor

Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540
Phone (503) 373-0050
FAX (503) 378-6033
www.oregon.gov/LCD/OCMP

December 21, 2020

Jeff Griffin
Port of Bandon
PO Box 206
Bandon, OR 97411

Project: Port of Bandon Marina Replacement/Reconfiguration
Permit: NWP-2019-513 via Letter of Permission (LOP)
Location: Port of Bandon Marina on the Coquille River (43.120459, -124.411329)

Description: Replace the existing Port of Bandon Marina facilities to meet safety and usability standards. The applicant is requesting a 10 year maintenance permit to allow for periodic maintenance of the new facility. The applicant has increased the project scope to include additional mitigation through offsite piling removal.

Decision: **Concurrence.** After reviewing potential coastal effects and applying the enforceable policies of the Oregon Coastal Management Program to the action requiring a federal permit, the OCMP has concurred with the consistency certification for this activity seeking a federal permit. There are no special conditions attached to this concurrence.

Dear Mr. Griffin,

The Oregon Coastal Management Program (OCMP-DLCD) has reviewed the U.S. Army Corps of Engineers (USACE) permit application NWP-2019-513 for consistency with the state's Coastal Management Program (Program). Any federal action in the coastal zone including administering a federal permit or license, like the Section 404/401 permits under the Clean Water Act or Section 10 of the Rivers and Harbors Act, triggers a federal consistency review to comply with the federal Coastal Zone Management Act (CZMA) of 1972. OCMP has reviewed the proposed project and consistency certification pursuant to CZMA Section 307(c)(3) and attendant regulations of 15 CFR part 930.

The CZMA requires an applicant for a federal license or permit affecting any coastal use or resource within a state's coastal zone to comply with the enforceable policies of the State's federally approved coastal management program.

Oregon's federally approved program is a "networked" coastal management program that integrates authorities of local governments and other state agencies as the "enforceable policies" of the Program. To be consistent with the Program, the proposed project must be consistent with:

- 1) Oregon's Statewide Planning Goals;
- 2) Applicable acknowledged city or county comprehensive plan;
- 3) Selected state authorities (*e.g.* selected statute sections).

Findings:


OCMP-DLCD independently evaluated the project against Oregon’s federally approved enforceable policies and has determined that the project is consistent with the Program. Evidence in support of this includes the issuance of the following permits or authorizations:

- Oregon Department of State Lands
 - Removal-Fill permit #62786-RF issued December 16, 2020
 - Submerged and Submersible Lands Lease #22052-ML issued January 27, 2016
- Oregon Department of Fish and Wildlife
 - ODFW submitted comments on September 30, 2020, which have been addressed.

Additional Information:

- The applicant has certified that to the best of their knowledge and belief, the project complies with the enforceable policies of the Program and will be completed in a manner consistent with the Program. The Coastal Zone Certification was signed by Jeff Griffin (applicant) on June 25, 2020 (see signed Block 12 below).
- All Necessary Data and Information (NDI) required to initiate federal consistency review was received on August 24, 2020.
- This project is under consideration for a Letter of Permission (LOP) by the U.S. Army Corps of Engineers.
- The City of Bandon City Manager signed Land Use Affidavit (Block 11 of the JPA) on June 25, 2020, confirming that the proposed project is consistent with the applicable comprehensive plan and land use regulations.
- The 30-day public comment period for this project began on September 3, 2020 and yielded zero public comments.

Certification Statement (JPA, Block 12)

(12) COASTAL ZONE CERTIFICATION	
<p>If the proposed activity described in your permit application is within the <u>Oregon Coastal Zone</u>, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click here.</p>	
CERTIFICATION STATEMENT	
I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.	
Print /Type Applicant Name	Title
Jeff Griffin	Port Manager
Applicant Signature	Date
	6-25-2020

Consistency Decision Details & Conditions

OCMP-DLCD concurs, to the applicant’s certification that the proposal is consistent with the Program. Failure to obtain and abide by all required local, state, or federal permits may constitute a violation of local, state, and/or federal law and subject the applicant to one or more enforcement actions.

Right of Appeal (To Special Conditions)

**There are no special conditions attached to this concurrence.*

If the applicant objects to any conditions within this decision, all parties shall treat DLCD’s concurrence

as an objection. 15 CFR § 930.4(a)(1). Pursuant to 15 CFR § 930.63(e), and within 30 days from receipt of this letter, the applicant may request that the Secretary of Commerce override OCMP-DLCD's conditions/objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to OCMP-DLCD and the federal permitting or licensing agency. The Secretary may collect fees from the applicant for administering and processing their request. 15 CFR § 930.63.

The appellant shall send the Notice of appeal to the Secretary, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230; a copy of the notice of appeal to the OCMP-DLCD; and to the Assistant General Counsel for Ocean Services (GCOS), 1305 East West Highway, Room 6111 SSMC 4, Silver Spring, Maryland 20910.

If you have any questions or comments regarding this coastal zone management consistency finding or the consistency review process, please contact me at 503-956-8163 or by e-mail at: deanna.caracciolo@state.or.us.

Sincerely,



Deanna Caracciolo
Coastal State-Federal Relations Coordinator

Cc: Tyler Krug (USACE)



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

BEFORE THE DIRECTOR OF THE DEPARTMENT OF STATE LANDS OF THE STATE OF OREGON

State Land Board

In the Matter of Removal-Fill Permit)
 Application 62786-RF) Proposed Permit Decision and Order;
) Notice of Right to a Hearing
 By Port of Bandon)

Kate Brown
 Governor

Short and Plain Statement of the Permitting Decision: The permit application is approved because the Department of State Lands (DSL or the Department) has determined that, when carried out in compliance with all terms and conditions outlined in the permit, the proposed removal-fill activity is consistent with the protection, conservation, and best use of the water resources of this state and will not unreasonable interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and recreation. See ORS 196.825.

Shemia Fagan
 Secretary of State

Tobias Read
 State Treasurer

I. **Applicable Law:**

- a. ORS Chapter 196 governs removal fill permits in Oregon. The Department administers Oregon's Removal-Fill Law, Oregon Revised Statutes (ORS) 196.795 to ORS 196.990, which protects the state's wetlands and waterways. See ORS 196.805. Unless an exception applies, a person may not remove material from waters of this state or fill waters of this state without a permit from DSL. ORS 196.810. Waters of this state include the all-natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, the Pacific Ocean that is in the boundaries of this state, and other water bodies. ORS 196.800; Oregon Administrative Rule (OAR) 141-085-0515; OAR 141-093-0100.
- b. Specifically, the statutes that govern removal-fill permits in Oregon, including the permit application at issue in this case, generally include the following:

- ORS 196.795 (Administration of State Removal or Fill Permits; General Permits);
- ORS 196.800 (Definitions);
- ORS 196.805 (Policy);
- ORS 196.810 (Removal from Bed or Banks of Waters; Permits; Exceptions);
- ORS 196.812 (Removal of Large Woody Debris);
- ORS 196.815 (Permit Applications; Fees);
- ORS 196.816 (Removal of Materials for Purpose of Maintaining Drainage and Protecting Agricultural Land);
- ORS 196.817 (Removal or Fill General Permits);
- ORS 196.818 (Wetland Delineation Reports; Fees);
- ORS 196.820 (Smith Lake, Bybee Lake Prohibition);
- ORS 196.825 (Permit Criteria; Consultation with Other Agencies);
- ORS 196.830 (Estuarine Resource Replacement; Other Permit Conditions);
- ORS 196.835 (Issuance of Permits; Procedure);
- ORS 196.845 (Investigations and Surveys of Location); and
- ORS 196.850 (Waiver of Permit Requirement; Notice; Review).

The full text of these statutes may be viewed online at:
https://www.oregonlegislature.gov/bills_laws/ors/ors196.html.

The full text of these statutes may also be inspected in person during normal business hours at:
Oregon Department of State Lands
775 Summer St NE STE 100
Salem, OR 97301.

- c. OAR Chapter 141, Divisions 85 implement the above statutory scheme and govern removal-fill permits in Oregon. The rules that govern removal-fill permits in Oregon, including the permit application at issue in this case, generally include the following:

Div. 85 Removal-Fill Authorizations:

OAR 141-085-0500 (General);
OAR 141-085-0506 (Policy);
OAR 141-085-0510 (Definitions);
OAR 141-085-0515 (Removal-Fill Jurisdiction by Type of Water);
OAR 141-085-0520 (Removal-Fill Jurisdiction by Volume of Material);
OAR 141-085-0525 (Measuring and Calculating Volume of Removal and Fill);
OAR 141-085-0530 (Exemptions for Certain Activities and Structures);
OAR 141-085-0534 (Exemptions for Certain Voluntary Habitat Restoration Activities);
OAR 141-085-0535 (Exemptions Specific to Agricultural Activities);
OAR 141-085-0540 (Types of Authorizations);
OAR 141-085-0545 (Fees; Amounts and Disposition);
OAR 141-085-0550 (Application Requirements for Individual Permits);
OAR 141-085-0555 (Individual Removal-Fill Permit Application Review Process);
OAR 141-085-0560 (Public Review Process for Individual Removal - Fill Permit Applications);
OAR 141-085-0565 (Department Determinations and Considerations in Evaluating Individual Permit Applications);
OAR 141-085-0575 (Permit Appeals);
OAR 141-085-0580 (Discovery in Contested Cases);
OAR 141-085-0585 (Permit Conditions, Permit Expiration Dates and Permit Transfer);
OAR 141-085-0590 (Renewal and Extension of Individual Removal-Fill Permits);
OAR 141-085-0595 (Permit Requirements and Interagency Coordination for Department of Environmental Quality Approved Remedial Action, Corrections Facilities, Solid Waste Land Fills and Energy Facilities);
OAR 141-085-0665 (Expedited Process for Industrial or Traded Sector Sites);
OAR 141-085-0676 (Emergency Authorizations);
OAR 141-085-0680 (Compensatory Mitigation (CM); Applicability and Principal Objectives);
OAR 141-085-0685 (Functions and Values Assessment);
OAR 141-085-0690 (Eligibility Requirements for CM);
OAR 141-085-0692 (Mitigation Accounting);
OAR 141-085-0694 (Special Requirement for CM);
OAR 141-085-0695 (Administrative Protection of CM Sites);
OAR 141-085-0700 (Financial Security for CM Sites);
OAR 141-085-0705 (Requirements for CM Plans);
OAR 141-085-0710 (Monitoring Requirements for CWM);
OAR 141-085-0715 (Mitigation for Temporary Impacts);
OAR 141-085-0720 (Mitigation Banking Purpose, Applicability and Policies);

OAR 141-085-0725 (Process for Establishing Mitigation Banks);
OAR 141-085-0730 (Establishment of Mitigation Credits);
OAR 141-085-0735 (Release, Use and Sale of Mitigation Credits);
OAR 141-085-0740 (Authorization for Mitigation Banks);
OAR 141-085-0745 (In-Lieu Fee Mitigation);
OAR 141-085-0750 (Payments to and Expenditures from the Oregon Removal-Fill Mitigation Fund);
OAR 141-085-0755 (Advance Mitigation); and
OAR 141-085-0768 (Advance Aquatic Resource Plans).

The full text of these rules may be viewed online at:

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=15700>.

The full text of these rules may also be inspected in person during normal business hours at:

Oregon Department of State Lands
775 Summer St NE STE 100
Salem, OR 97301.

II. Findings of Fact and Findings of Ultimate Fact:

1. The Department received a complete, written application from applicant on August 12, 2020 for the proposed removal-fill activity consisting of the removal of the older marina dock and piling infrastructure (106 creosote and 18 metal piling) and replace with a new grated moorage floats supported with 49 new steel pilings within the Port of Bandon marina, Coquille River estuary.
2. The Department circulated the complete application for 30-day public comment period August 20 to September 19, 2020 to parties including, affected local, state and federal agencies, affected tribal governments, adjacent landowners, and other parties requesting notification.
3. Public comments were received from Department Proprietary staff and Coquille Tribe and forwarded to applicant on September 23, 2020.
4. There were no comments that required a response to the Department.
5. Based on all the information in the agency file in this matter, including the complete application, comments received, applicant response to comments, and the agency's own investigations, the Department concludes as to the determinations in ORS 196.825(1) and (4), OAR 141-085-0565(3), and OAR 141-093-0115:
 - a. The project described in the permit application and as conditioned in the proposed permit, is consistent with the protection, conservation, and best use of the water resources of this state as specified in ORS 196.600 to 196.905;
 - b. The project described in the permit application and as conditioned in the proposed permit would not interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation.
 - c. The project results in a substantial fill in an estuary for a water dependent use and is for a public use that satisfies a public need that outweighs any harm to navigation, fishery and recreation and meets all other criteria contained in ORS 196.600 to 196.905.
6. Based on all the information in the agency file in this matter, including the complete application, comments received, applicant response to comments, and the agency's own

investigations, the Department concludes, as to the considerations in ORS 196.825(3), OAR 141-085-0565(4), OAR 141-093-0115.

- a. The applicant is a public body and the Department has relied upon the public body's findings as to local public need and local public benefit.
- b. There is an identified economic cost to the public if the proposed fill or removal is not accomplished. If the marina complex is not updated and replaced soon, it may become a public health and safety issue if the structure fails or becomes unusable as it does not currently meet the standards for safety and usability.
- c. The application describes three alternatives to the project for which the fill or removal is proposed. There are no practicable alternatives with lesser impact to waters of this state.
- d. The application describes no alternative sites for the proposed removal or fill since the purpose and need is to repair an existing marina operation. There are no practicable alternative sites with lesser impact to waters of this state.
- e. The proposed project conforms to sound policies of conservation because adverse effects to the aquatic resources have been reduced to the extent practicable and the proposed permit contains operating conditions for best management practices to further minimize adverse effects. No interference with public health and safety was identified in the application evaluation and public review processes.
- f. There is not a conflict with existing public uses of the affected waters or adjacent land uses identified in the application evaluation and public review processes.
- g. The proposed fill or removal is compatible with the governing comprehensive plan and land use regulations as described in the Land Use Compatibility Statement
- h. The proposed fill and removal is not for streambank protection.
- i. No permanent adverse effects to aquatic resources are expected, therefore, compensatory mitigation is not required. The project provides a net reduction of 75 creosote pilings in waters of this state and new grated dock structures will allow light penetration meeting NOAA recommendations.

III. **Conclusions of Law:**

Based on the factors laid out in ORS Chapter 196 and OAR Chapter 141, Division 85, including ORS 196.825, OAR 141-085-0565, and OAR 141-093-0115, DSL should approve the permit application as conditioned in the proposed permit.

IV. **Proposed Order:**

The Department proposes approving the permit application with conditions and based on the factors laid out in ORS Chapter 196 and OAR Chapter 141, Division 85, including ORS 196.825, OAR 141-085-0565 and OAR 141-093-0130.

As described below, you have the right to request a hearing within 21 days. Prior to the expiration of the 21-day period, this proposed permit decision is not the final agency order on the matter, and the permittee should be aware that the decision could be changed prior to the expiration of the 21-day appeal period—either because the permittee requests a contested case hearing, or as otherwise allowed under the removal fill law. A permittee who begins work under a permit prior to issuance of a final order does so with acceptance of this risk.

V. **Hearing:**

You are entitled to request a hearing based on this Proposed Order as provided by the Oregon Administrative Procedures Act (ORS chapter 183) and the administrative rules implementing the Administrative Procedures Act, OAR Chapter 137, Division 3. See ORS 196.825(7); OAR 141-001-0005; OAR 141-001-0010; OAR 141-085-0575; OAR 141-093-0130.

If you want a hearing, you must file a written request for a hearing with the Department no later than 21 calendar days from the date of the permit decision. See ORS 196.825(7); OAR 141-085-0575; OAR 141-093-0130. If you are a corporation, partnership, limited liability company, unincorporated association, trust, or government body, you must either have an attorney licensed to practice law in Oregon submit a request for a contested case hearing on your behalf or ratify your hearing request within 28 days. See OAR 137-003-0550.

The Department has determined that due to the complexity of removal-fill permitting, a general denial of the matters or a general objection to all permit conditions in the request for a contested case proceeding does not provide sufficient information for a fair and efficient contested case and a more specific request is warranted. OAR 141-085-0575. All requests for a contested case proceeding under this section shall include a specific list of issues for the contested case proceeding. OAR 141-085-0575. The requester may amend their request to include additional issues or clarify existing issues within 15 days of the date that the case is referred to the Office of Administrative Hearings. OAR 141-085-0575.

You may mail a request for a hearing to:
Department of State Lands
Aquatic Resource Management Program
775 Summer Street NE STE 100
Salem, OR 97301.

If you request a hearing, you will be notified of the time and the place of the hearing. See OAR 137-003-0525. You may be represented by legal counsel at the hearing. ORS 183.417; OAR 137-003-0550. Corporations, partnerships, limited liability companies, unincorporated associations, trusts and government bodies must be represented by an attorney except as provided in OAR 137-003-0555 or as otherwise authorized by law. OAR 137-003-0550. Legal aid organizations may be able to represent you if you have limited financial resources. You will be given information on the procedures, right of representation, and other rights of parties relating to the substance and conduct of the hearing before commencement of the hearing. See ORS 183.413.

VI. Jurisdiction and Authority to Hold a Hearing:

The Department has jurisdiction over the issuance of removal-fill permits pursuant to ORS Chapter 196, and specifically, ORS 196.810. A permit decision constitutes an order in a contested case. See ORS 183.310(2)(a); ORS 196.825(7). If timely requested, a hearing is held as laid out in ORS 183.411 to ORS 183.471, OAR Chapter 137, Division 3, ORS Chapter 196, and OAR Chapter 141, Division 85. ORS 196.825(7).

VII. Final Order and Defaults:

If a request for a hearing is not received by the Department within this 21-day period, your right to a hearing shall be waived and this Proposed Order shall become the Final Order by default. See ORS 196.825(7); OAR 141-085-0575; OAR 141-093-0130.

If you request a hearing and then either withdraw your hearing request, notify the Department or administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Department may issue a final order by default. See ORS 183.417.

If the Department issues a final order by default, it designates its file on this matter, including any materials submitted by you that relate to this matter, as the record for purposes of supporting its decision.

If you proceed to a contested case hearing, a Final Order will not be issued until after the hearing concludes. See ORS 183.464; OAR 141-085-0575; OAR 141-093-0130.

VIII. Federal Servicemembers Civil Relief Act:

Active duty servicemembers have a right to stay contested case proceedings under the federal Servicemembers Civil Relief Act. See *generally* 50 USC 3901 *et seq.* For more information, contact the Oregon State Bar (800-452-8260), the Oregon Military Department (503-584-3571), or the nearest United States Armed Forces Legal Assistance Office (<http://legalassistance.law.af.mil>). The Oregon Military Department does not have a toll-free telephone number.

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

Permit No.:	62786-RF Renewal
Permit Type:	Removal/Fill
Waters:	Coquille River
County:	Coos
Expiration Date:	December 16, 2022

PORT OF BANDON

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.

Lauren Brown, Aquatic Resource Coordinator
Aquatic Resource Management
Oregon Department of State Lands

January 19, 2022



Authorized Signature

Date

ATTACHMENT A

Permit Holder: Port of Bandon

Project Name: Port of Bandon Marina Replacement

Special Conditions for Removal/Fill Permit No. 62786-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, Jeff Griffin is acting as the representative of Port of Bandon. By proceeding under this permit, Port of Bandon 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 the removal of up to 124 piling and replacement with 49 new steel pilings to support a new marina dock configuration within the existing Port of Bandon Marina in T28S R14W Section 30BC, Tax Lots 996z1, 900 and 1100, in Coos County, as referenced in the application, map and drawings (See Attachment B for project location), dated August 12, 2020.
3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the highest measured tide elevation of the Coquille River estuary must be conducted between October 1 and February 15, 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.

General Construction Conditions

7. **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.
8. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) must be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
 - a. All exposed soils must be stabilized during and after construction to prevent erosion and sedimentation.
 - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands.
 - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
 - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the work, they must be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
 - e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch must be used so the seed does not wash away before germination and rooting.
 - f. Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands.
 - g. Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
 - h. All erosion control structures must be removed when the project is complete, and soils are stabilized and vegetated.
9. **Fuels, 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 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.

10. **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.
11. **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.
12. **Raising or Redirecting Water:** The project must not cause water to rise or be redirected and result in damage to structures or property on the project site as well as adjacent, nearby, upstream, and downstream of the project site.

Pilings/Dock Structures

13. **Method of Piling Placement:** Pilings must be placed by means of vibratory methods.
14. **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.
15. **Broken Piles:** If wood 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. If wood piling breaks above the bed surface within an area of known contaminated sediment, piling must be cut at the bed surface or otherwise pushed to that depth. If piling breaks in contaminated sediment below the bed surface, no further attempt at removal may be made and the hole must be covered with a cap of clean substrate.
16. **Piling Placement Equipment Location:** Pilings must be placed using barge-mounted equipment or equipment located above the top of bank.
17. **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.
18. **Barge Grounding Prohibited:** If barge-mounted, the barge must not at any time be grounded on the bed or banks of the waterway.
19. **Leachable Preservatives Prohibited:** There must be no wood products treated with creosote or other leachable preservatives in the new structure.

20. **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.
21. **Anti-Perching Devices Required:** Pilings must be fitted with devices to effectively prevent perching by fish eating bird species.
22. **Piling Credits:** 75 net piling advance mitigation credits are proposed by The Port of Bandon as follows: 75 – subtidal; Coquille River estuary. Final crediting will only be granted upon verification of removal by clearly illustrated pre- and post-removal photo documentation. Credits may only be used for future impacts where Port of Bandon is the applicant for a permit. Future applications proposing use of the advance mitigation credit must comply with all applicable DSL statutes and administrative rules relating to the removal-fill program at the time of application. Future applications will be required to identify the number of piling placements, material type, waterway, and habitat type that are proposed to use accumulated credits and a ledger documenting the number of available credits. The granting of advance piling credit does not create the presumption that a proposed future impact to waters of this State will be authorized or that the advance mitigation will be considered suitable. A separate alternatives analysis will be required for each separate removal-fill permit application.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
NORTH BEND FIELD OFFICE
2201 BROADWAY, SUITE C
NORTH BEND, OR 97459-2372

February 18, 2021

Regulatory Branch
Corps No.: NWP-2019-513

Mr. Jeff Griffin
Port of Bandon
PO Box 206
Bandon, Oregon 97411
portmanager@portofbandon.com

Dear Mr. Griffin:

The U.S. Army Corps of Engineers (Corps) received the Port of Bandon's (Port) request for Department of the Army authorization to conduct work above and below the mean high water mark of the Coquille River to remove, install and conduct annual maintenance to docks and pilings. The project is located at the Port marina in Bandon, Coos County, Oregon at Latitude/Longitude: 43.120459°, -124.411329°. This "Letter of Permission" (LOP) permit authorizes your project as depicted on the enclosed drawings (Enclosure 1). The time limit for completing the work authorized by this LOP ends 10 years from the date of this letter.

The Port will remove multiple existing wooden moorage floats, a wooden gangway measuring four feet wide and 40 feet long, 106 creosote treated wooden pilings and 18 galvanized steel pilings. The Port will install new open grated fiber reinforced plastic dock floats supported on high density polyethylene pontoon floats, a concrete breakwater dock, and 49, 16-inch diameter galvanized steel pilings. In addition, the Port will remove 75 wooden pilings measuring approximately 12 to 18 inches in diameter from an area located directly north and outside of the marina to accommodate fisheries and habitat concerns of the National Marine Fisheries Service (NMFS).

The Port will conduct work from the top of bank around the marina or from a vessel operating in the waterway. The Port will remove and install the dock floats via a crane and excavator, and by hand. The Port will remove the existing pilings via a vibratory hammer or by hand. The Port will install the new pilings by vibratory hammer or socket techniques. Annual maintenance of the docks and pilings is authorized subject to reporting per special condition (c) below.

In order for this LOP authorization to be valid, you must ensure the work is performed in accordance with the enclosed Letter of Permission General Conditions (Enclosure 2) and the following special conditions:

a. This Corps permit does not authorize you to take an endangered species in particular those species identified in Enclosure 3. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a biological opinion under ESA Section 7, with "incidental take" provisions with which you must comply). The NMFS SLOPES IV In-water Over-water Structures programmatic biological opinion dated April 5, 2012 (NMFS Reference Number 2011/05585), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is also specified in the opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the applicable mandatory terms and conditions associated with the incidental take statement. Failure to comply with the applicable terms and conditions associated with incidental take of this opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of its opinion and with the ESA.

b. Permittee shall fully implement all applicable Proposed Design Criteria (PDC) of the SLOPES IV In-water Over-water Structures programmatic biological opinion. A detailed list of the PDCs are enclosed (Enclosure 3). The applicable PDCs for the project include numbers: 6, 7, 11, 15-18, 21, 24-27, and 30-33.

c. Permittee shall complete an Action Completion Form consistent with the reporting requirements of the SLOPES IV In-water Over-water Structures programmatic biological opinion for all actions completed below the mean high water mark of Coquille River in relation to the permitted action. The form shall be submitted to the Corps Regulatory Branch and NMFS e-mail inbox at the following addresses: cenwp.notify@usace.army.mil; slopes.nwr@noaa.gov.

d. All in-water work shall be performed during the in-water work period of October 1 to February 15, to minimize impacts to aquatic species. Exceptions to this time period requires specific approval from the Corps and the National Marine Fisheries Service.

e. If human remains or cultural resources are discovered during the performance of the authorized work the permittee shall implement the Inadvertent Discovery Plan procedures (Enclosure 4) and immediately notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch.

f. Permittee shall comply with the conditions specified in the Oregon Department of Land Conservation and Development coastal zone management consistency determination dated December 22, 2020 (Enclosure 5).

g. Permittee shall notify the U.S. Coast Guard District Thirteen of the project by e-mail at: D13-PF-LNM@uscg.mil at least 14 days prior to commencing construction activities, so the project information can be issued in the Local Notice to Mariners.

The requirements of the Endangered Species Act were met through a programmatic biological opinion as listed in the special condition above. The complete text of the biological opinion is available for your review at: <https://www.nwp.usace.army.mil/environment/>. Please note, you must submit an *Action Completion Report* form for each activity undertaken for this project; the *Action Completion Report* form is provided in Enclosure 3. Please submit the report and any other reports associated with this permit to either the letterhead address above or by e-mail to: cenwp.notify@usace.army.mil. For submittals by e-mail, the e-mail subject line shall include the Corps project number listed above and the name of the county where the project is located.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. We have determined the project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

Please note, LOP General Condition 5, Historic Properties / Cultural Resources, details procedures should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

The Coquille River is a water of the U.S. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

If you object to any terms or conditions of this LOP, you may request an administrative appeal under our regulations (33 CFR Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form (Enclosure 6).

This LOP permit is based on the project description and construction methods provided in your permit application. If you propose changes to the project, you must submit revised plans to this office and receive our approval of the revisions prior to performing the work. Failure to comply with all terms and conditions of this LOP invalidates this authorization and could result in a violation of Section 10 of the Rivers

and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Compliance Certification* form (Enclosure 7). We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address:
https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4.

If you have any questions regarding this LOP, please contact Mr. Tyler Krug by telephone at (541) 756-2097 or e-mail at: Tyler.J.Krug@usace.army.mil. This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE COMMANDER, MICHAEL D. HELTON, PMP, COLONEL, CORPS OF ENGINEERS, DISTRICT COMMANDER:

A handwritten signature in black ink, appearing to read 'W. Abadie', with a long horizontal line extending to the right.

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc:

Oregon Department of State Lands (Bob Lobdell, bob.lobdell@state.or.us)
Oregon Department of Environmental Quality (401applications@deq.state.or.us)
Oregon Department of Land Conservation and Development (Patty Snow, patty.snow@state.or.us; Deanna Caracciolo, deanna.caracciolo@state.or.us)
Corps, Waterways Maintenance Section (Casey O'Donnell, casey.p.odonnell@usace.army.mil) (with drawings)



US Army Corps
of Engineers
Portland District

Letter of Permission General Conditions

July 1, 2020

1. Notification. Upon starting the authorized activities, the permittee shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch that the work has started. Notification shall be provided by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include the Corps project number and the project location by county.

2. Contractor Notification of Permit Requirements. The permittee must provide a copy of the Letter of Permission letter, General Conditions, and permit drawings to all contractors and any other parties performing the authorized work, prior to the commencement of any work in waters of the U.S.

3. Navigation.

- a. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- b. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4. Maintenance. Permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. Permittee is not relieved of this requirement if permittee abandons the permitted activity, although permittee may make a good faith transfer to a third party in compliance with General Condition No. 6 below. Should permittee wish to cease to maintain the authorized activity or should permittee desire to abandon it without a good faith transfer, permittee must obtain a modification of this permit from this U.S. Army Corps of Engineers, Portland District, Regulatory Branch, which may require restoration of the area.

5. Historic Properties / Cultural Resources. If permittee discovers any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, permittee must immediately notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch (Corps) of what the permittee has found. The Corps will

initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

6. Transfer of Permit. If Permittee sells the property associated with this permit and the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit, including any special conditions, will continue to be binding on the new owner(s) of the property. The permit can be transferred without changing property ownership. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the transferee shall submit a signed and dated statement accepting the permit as the transferee to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch (Corps). The permit transfer may also be documented on the optional *Permit Transfer* form available from the Corps.

7. Coastal Zone Management. If a conditioned coastal zone consistency concurrence has been issued for the project, permittee must comply with the conditions specified in the concurrence as special conditions to the Letter of Permission permit. For your convenience, a copy of the concurrence is enclosed with the Letter of Permission permit if it contains such conditions.

8. Water Quality. If a conditioned water quality certification has been issued for the project, permittee must comply with the conditions specified in the certification as special conditions to the Letter of Permission permit. For your convenience, a copy of the certification is enclosed with the Letter of Permission permit if it contains such conditions.

9. Access for Inspection. Permittee must allow representatives from the U.S. Army Corps of Engineers to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of permittee's permit.

10. Limits of this Authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

11. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

12. Reliance on Permittee's Data. The U.S. Army Corps of Engineers' determination that issuance of this permit is not contrary to the public interest was made in reliance on information that permittee provided.

13. Reevaluation of Permit Decision. The U.S. Army Corps of Engineers may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Permittee fails to comply with the terms and conditions of this permit.
- b. The information provided by permittee in support of permittee's permit application proves to have been false, incomplete, or inaccurate (see paragraph 8 above).
- c. Significant new information surfaces which the U.S. Army Corps of Engineers did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring permittee to comply with the terms and conditions of permittee's permit and for the initiation of legal action where appropriate. Permittee will be required to pay for any corrective measures ordered by U.S. Army Corps of Engineers (Corps), and if permittee fail to comply with such directive, the Corps may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill permittee for the cost.

14. Time Extensions. The Letter of Permission authorization establishes a time limit for the completion of the activity. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable considerations to a request for an extension of the time limit. If more time is needed to complete the authorized activity, submit a request for a time extension to the U.S. Army Corps of Engineers for consideration at least one month before the time limit is reached.

15. Compliance Certification. Within 30 days of completing the authorized work and the implementation of any required compensatory mitigation, the permittee shall submit a signed *Compliance Certification* form to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch certifying that the work, including any required compensatory mitigation, was conducted in accordance with the provisions of the Letter of Permission.

Endangered Species Act - Section 7 Formal Programmatic Opinion, Letter Of Concurrence

and

Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation

Revisions to Standard Local Operating Procedures for Endangered Species to
Administer Actions Authorized or Carried Out by the U.S. Army Corps of Engineers in Oregon
(SLOPES IV In-water Over-water Structures)

NMFS Consultation Number: 2011/05585

Federal Action Agency: Army Corps of Engineers
Portland District, Operations and Regulatory Branches

Date Issued: April 5, 2012

Affected Species and Determinations

ESA-Listed Species	ESA Status	Is the action likely to adversely affect this species or its critical habitat?	Is this Action likely to jeopardize this species?	Is this Action likely to destroy or adversely modify critical habitat for this species?
Lower Columbia River Chinook salmon	T	Yes	No	No
Upper Willamette River Chinook salmon	T	Yes	No	No
Upper Columbia River spring-run Chinook salmon	E	Yes	No	No
Snake River spring/summer run Chinook salmon	T	Yes	No	No
Snake River fall-run Chinook salmon	T	Yes	No	No
Columbia River chum salmon	T	Yes	No	No
Lower Columbia River coho salmon	T	Yes	No	N/A
Oregon Coast coho salmon	T	Yes	No	No
Southern Oregon/Northern California coasts coho salmon	T	Yes	No	No
Snake River sockeye salmon	E	Yes	No	No
Lower Columbia River steelhead	T	Yes	No	No
Upper Willamette River steelhead	T	Yes	No	No
Middle Columbia River steelhead	T	Yes	No	No
Upper Columbia River steelhead	T	Yes	No	No
Snake River Basin steelhead	T	Yes	No	No
Southern green sturgeon	T	Yes	No	No
Eulachon	T	Yes	No	No
Steller sea lion	T	No	No	N/A

Fishery Management Plan that Describes EFH in the Action Area	Would the action adversely Affect EFH?	Are EFH conservation Recommendation provided?
Coastal Pelagic Species	Yes	Yes
Pacific Coast Groundfish	Yes	Yes
Pacific Coast Salmon	Yes	Yes

**Excerpt from SLOPES IV In-water Over-water Structures General Construction April 5, 2012
Proposed Design Criteria**

1.3.1.2 General Construction

- 11. Pollution and erosion control.** Any action that will require earthwork and may increase soil erosion and cause runoff with visible sediment into surface water, or that will require the use of materials that are hazardous or toxic to aquatic life (such as motor fuel, oil, or drilling fluid), must have a pollution and erosion control plan that is developed and carried out by the applicant, and commensurate with the scale of the action.
- a. The plan must include practices to minimize erosion and sedimentation associated with all aspects of the project (e.g., staging areas, stockpiles, grading); to prevent construction debris from dropping or otherwise entering any stream or waterbody; and to prevent and control hazardous material spills.
 - b. During construction, erosion controls and streams must be monitored and maintained daily during the rainy season and weekly during the dry season as necessary to ensure controls are properly functioning.
 - c. If monitoring shows that the erosion controls are ineffective at preventing visible sediment discharge, the project must stop to evaluate erosion control measures. Repairs, replacements or the installation of additional erosion control measures must be completed before the project resumes.
 - d. Proper maintenance includes removal of sediment and debris from erosion controls like silt fences or hay bales once it has reached on-third of the exposed height of the control.
- 12. Stormwater management.** Any action that will expand, recondition, reconstruct, or replace pavement, replace a stream crossing, otherwise increase the contributing impervious surface within the project area, or create a new stormwater conveyance or discharge facility, must have a stormwater management plan that is developed and carried out by the applicant, commensurate with the scale of the action, and approved by NMFS. The stormwater plan submitted for approval must include all of the information called for by the "Checklist for Submission of a Stormwater Plan" (ODEQ 2008, or most recent version), or an explanation of why any missing information is not applicable to a specific project.
- 13. Site restoration.** Any action that results in significant disturbance of riparian vegetation, soils, streambanks, or stream channel must have a site restoration plan that is developed and carried out by the permittee (or Corps), that is commensurate with the scale of the action. The goal of the plan is to ensure that riparian vegetation, soils, streambanks, and stream channel are cleaned up and restored after the action is complete. No single criterion is sufficient to measure restoration success, but the intent is that the following features should be present in the upland parts of the project area, within reasonable limits of natural and management variation:
- a. Human and livestock disturbance, if any, are confined to small areas necessary for access or other special management situations.
 - b. Areas with signs of significant past erosion are completely stabilized and healed, bare soil spaces are small and well-dispersed.
 - c. Soil movement, such as active rills and soil deposition around plants or in small basins, is absent or slight and local.
 - d. Native woody and herbaceous vegetation, and germination microsites, are present and well distributed across the site.
 - e. Plants are native species and have normal, vigorous growth form, and a high probability of remaining vigorous, healthy and dominant over undesired competing vegetation.

- f. Vegetation structure is resulting in rooting throughout the available soil profile.
- g. Plant litter is well distributed and effective in protecting the soil with little or no litter accumulated against vegetation as a result of active sheet erosion (“litter dams”).
- h. A continuous corridor of shrubs and trees appropriate to the site are present to provide shade and other habitat functions for the entire streambank.
- i. Streambanks are stable, well vegetated, and protected at margins by roots that extend below baseflow elevation, or by coarse-grained alluvial debris.

14. Compensatory mitigation. Any action that will permanently displace riparian or aquatic habitats or otherwise prevent development of properly functioning condition of natural habitat processes will require compensatory mitigation to fully offset those impacts.

- a. Examples of actions requiring compensatory mitigation include construction of a new or enlarged boat ramp or float, the addition of scour protection to a boat ramp, or construction of new impervious surfaces without adequate stormwater treatment.
- b. For displaced riparian and aquatic habitat, the primary habitat functions of concern are related to the physical and biological features essential to the long-term conservation of listed species. Those are water quality, water quantity, channel substrate, floodplain connectivity, forage, natural cover, space, and free passage. Examples of acceptable mitigation for riparian losses includes planting trees or other woody vegetation in the riparian area, removal of existing overwater structures or restoration of shallow-water, off-channel, or beach habitat by adding features such as submerged or overhanging large wood, aquatic vegetation, large rocks and boulders, side channels and undercut banks.
- c. For new impervious surfaces with inadequate stormwater treatment, the primary habitat functions of concern are water quality and water quantity. Examples of acceptable mitigation for inadequate stormwater management includes providing adequate stormwater treatment at an alternate site where it did not exist before or retrofitting an existing but substandard stormwater facility to provide capacity necessary to infiltrate and retain the proper volume of stormwater.
- d. As part of NMFS’s review under clause 3 above, NMFS will determine if the proposed compensatory mitigation fully offsets permanent displacement of riparian or aquatic habitats and/or impacts that prevent development of properly functioning processes.

15. Preconstruction activity. Before alteration of the action area, flag the boundaries of clearing limits associated with site access and construction to minimize soil and vegetation disturbance, and ensure that all temporary erosion controls are in place and functional.

16. Site preparation. During site preparation, conserve native materials for restoration, including large wood, vegetation, topsoil and channel materials (gravel, cobble and boulders) displaced by construction. Whenever practical, leave native materials where they are found and in areas to be cleared, clip vegetation at ground level to retain root mass and encourage reestablishment of native vegetation. Building and related structures may not be constructed inside the riparian management area.

17. Heavy equipment. Heavy equipment will be selected and operated as necessary to minimize adverse effects on the environment (e.g., minimally-sized, low pressure tires, minimal hard turn paths for tracked vehicles, temporary mats or plates within wet areas or sensitive soils); and all vehicles and other heavy equipment will be used as follows:

- a. Stored, fueled and maintained in a vehicle staging area placed 150 feet or more from any waterbody, or in an isolated hard zone such as a paved parking lot.
- b. Inspected daily for fluid leaks before leaving the vehicle staging area for operation within 50 feet of any waterbody.

- c. Steam-cleaned before operation below ordinary high water, and as often as necessary during operation to remain free of all external oil, grease, mud, seeds, organisms and other visible contaminants.
 - d. Generators, cranes and any other stationary equipment operated within 150 feet of any waterbody will be maintained and protected as necessary to prevent leaks and spills from entering the water.
- 18. In-water work period.** All work within the active channel will be completed in accordance with the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife resources (ODFW 2000, or the most recent version), except as follows:
- a. All in-water work in the Willamette River mainstem between Willamette Falls and the confluence with the Columbia River must be completed between July 1 and October 31.
 - b. All in-water work in the Columbia River mainstem below Bonneville Dam, except pile driving, must be completed between November 1 and December 31.
 - c. Pile driving in the Columbia River mainstem below Bonneville Dam must be completed between October 1 and November 31.
 - d. Hydraulic and topographic measurements and encased geotechnical drilling may be completed at any time, if a fish biologist determines that no adult fish are congregating for spawning and no redds are occupied by eggs or pre-emergent alevins within 300 feet of the work site.
- 19. Actions that require work area isolation.** Any action that involves excavation (other than access management), backfilling, embankment construction, or similar work below ordinary high water where adult or juvenile fish are reasonably certain to be present, or 300 feet or less upstream from spawning habitats, must be effectively isolated from the active stream.
- 20. Fish capture and removal.** Whenever work isolation is required and ESA-listed fish are likely to be present, the applicant must attempt to capture and remove the fish as follows:
- a. A fishery biologist experienced with work area isolation and competent to ensure the safe capture, handling and release of all fish will supervise this part of the action, and complete the fish salvage form from Appendix C that will be submitted with the action completion report.
 - b. Any fish trapped within the isolated work area must be captured and released using a trap, seine, electrofishing, or other methods as prudent to minimize the risk of injury, then released at a safe release site.
 - c. If electrofishing is used to capture fish, that work must consistent with NMFS' electrofishing guidelines (NMFS 2000).
- 21. Piling installation.** Pilings may be concrete, steel round pile 24 inches in diameter or smaller, steel H-pile designated as HP24 or smaller, or wood that has not been treated with preservatives or pesticides. Any proposal to use wood pilings treated with preservatives or pesticides is not covered by this consultation and will require individual consultation.
- a. When practical, use a vibratory hammer for piling installation. For pile driving in the Columbia River in the month of October, only a vibratory hammer may be used.
 - b. Jetting may be used for piling installation in areas with coarse, uncontaminated sediments.

- 22. Pile driving with an impact hammer.** When using an impact hammer to drive or proof steel piles, one of the following sound attenuation methods must be used:
- Completely isolate the pile from flowing water by dewatering the area around the pile.
 - If water velocity is 1.6 feet per second or less, surround the piling being driven by a confined or unconfined bubble curtain (see NMFS and USFWS 2006, Wursig *et al.* 2000, and Longmuir and Lively 2001) that will distribute small air bubbles around 100% of the piling perimeter for the full depth of the water column.
 - If water velocity is greater than 1.6 feet per second, surround the piling being driven by a confined bubble curtain (*e.g.*, a bubble ring surrounded by a fabric or non-metallic sleeve) that will distribute air bubbles around 100% of the piling perimeter for the full depth of the water column.
- 23. Pile driving where Steller sea lions may be present.** If the action area is between Bonneville Dam and the mouth of the Columbia River, or outside of the Columbia River but within 10-miles of a Steller sea lion haul-out¹, the following conditions apply:
- A biologist qualified in marine mammal identification will be on site during all pile driving and will notify the operator to cease operations if a Steller sea lion enters the 1,200 foot radius of the pile.
 - Pile driving may not begin if Steller sea lions are within 1,200 feet of the pile being driven.
 - Pile driving must cease if Steller sea lions approach to within 1,200 feet of the pile being driven.
- 24. Pile removal.** Use the following steps to minimize creosote release, sediment disturbance and sediment resuspension:
- Install a floating surface boom to capture floating surface debris.
 - Keep all equipment (*e.g.*, bucket, steel cable, vibratory hammer) out of the water, grip piles above the waterline, and complete all work during low water and low current conditions.
 - Dislodge the piling with a vibratory hammer, when possible; never intentionally break a pile by twisting or bending.
 - Slowly lift the pile from the sediment and through the water column.
 - Place the pile in a containment basin on a barge deck, pier, or shoreline without attempting to clean or remove any adhering sediment – a containment basin for the removed piles and any adhering sediment may be constructed of durable plastic sheeting with sidewalls supported by hay bales or another support structure to contain all sediment and return flow which may otherwise be directed back to the waterway.
 - Fill the holes left by each piling with clean, native sediments immediately upon removal.
 - Dispose of all removed piles, floating surface debris, any sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site.
- 25. Broken or intractable piling.** When a pile breaks or is intractable during removal, continue removal as follows:
- Make every attempt short of excavation to remove each piling, if a pile in uncontaminated sediment is intractable, breaks above the surface, or breaks below the surface, cut the pile or stump off at least 3 feet below the surface of the sediment.
 - If dredging is likely where broken piles are buried, use a global positioning system (GPS) device to note the location of all broken piles for future use in site debris characterization.

¹ Haul outs are located at 3 Arches Rock, Orford Reed, Rogue Reef, Sea Lion Caves, Cape Arago State Park, Oregon Islands National Wildlife Refuge and South Jetty Columbia River.

26. Pesticide-treated wood installation.² Use of lumber, pilings, or other wood products treated or preserved with pesticidal compounds may not be used below ordinary high water, or as part of an in-water or overwater structure.

27. Pesticide-treated wood removal. When it is necessary to remove pesticide-treated wood, the following conditions apply.

- a. Ensure that, to the extent possible, no wood debris falls into the water. If wood debris does fall into the water, remove it immediately.
- b. After removal, place wood debris in an appropriate dry storage site until it can be removed from the project area.
- c. Do not leave wood construction debris in the water or stacked on the streambank at or below the ordinary high water.
- d. Evaluate wood construction debris removed during a project, including pesticide-treated wood pilings, to ensure proper disposal of debris.

1.3.1.3 Types of Actions In-water or Over-water Structures

28. Boat ramps. All boat ramps must consist of pre-cast concrete slabs below ordinary high water, and may be cast-in-place above ordinary high water if completed in the dry. Rock may be used to prevent scouring, down-cutting, or failure at the boat ramp, provided that the rock is no larger than necessary and does not extend further than 4-feet from the edge of the ramp in any direction.

29. Educational signs. To educate the public about pollution from boating activities and its prevention, the Corps shall install (Corps project) or require the following information or its equivalent to be posted on a permanent sign that will be maintained at each permitted facility that is used by the public (e.g., a public boat ramp or marina):

- a. A description of the ESA-listed species which are or may be present in the project area.
- b. Notice that adults and juveniles of these species are protected by the ESA and other laws so that they can successfully migrate, spawn, rear, and complete other behaviors necessary for their recovery.
- c. Therefore, all users of the facility are encouraged or required to: (i) Follow procedures and rules governing use of sewage pump-out facilities; (ii) minimize the fuel and oil released into surface waters during fueling, and from bilges and gas tanks; (iii) avoid cleaning boat hulls in the water to prevent the release of cleaner, paint and solvent; (iv) practice sound fish cleaning and waste management, including proper disposal of fish waste; and (v) dispose of all solid and liquid waste produced while boating in a proper facility away from surface waters.

² For alternatives sources of structural lumber and pilings designed for industrial and marine applications, but not based on pesticide-treated wood, including silica-based wood preservation, improved recycled plastic technology, and environmentally safe wood sealer and stains, see, e.g., Resco Plastics (Coos Bay, Oregon; ph. 541.269.5485) and American Plastic Lumber (Shingle Springs, California; ph. 530.677.7700) for lumber from recycled plastic; Plastic Pilings, Inc. (Rialto, California; ph. 909.874.4080) for structural and non-structural lumber from recycled plastic; Timbersil (Placentia, California; ph. 714.223.1804) for outdoor lumber treated with silica; Kebony (ph. 888.914.9995) for outdoor lumber impregnated with a resin from furfuryl alcohol, a byproduct of sugar production; and Timber Pro Coatings (Portland, Oregon; ph. 503.232.1705) for a silica-based internal wood stabilizer, and a low-VOC wood sealer/stain. The use of trade, firm, or corporation names in this Opinion is for the information and convenience of the action agencies, and does not constitute an official endorsement or approval by the U.S. Department of Commerce or NMFS of any product or service to the exclusion of others that may be suitable.

30. **Flotation material.** All synthetic flotation material must be permanently encapsulated to prevent breakup into small pieces and dispersal in water.

31. **New or replacement floats.** Any new or replacement float must be placed at least 50 feet from the shoreline (100-feet from the shoreline in the Columbia River) as measured at ordinary low water or mean lower low water and may not be placed in an estuarine area with submerged aquatic vegetation. Any float wider than 6-feet must also include (a) an open area of grating that is at least 50% of the total surface area,; or (b) be placed where current velocity is at least 0.7 feet per second year-round. Floats may not exceed 10' in width or 40' in length or a total of 400 square feet.

32. **Piscivorous birds.** All float pilings, mooring buoys, and navigational aids must be fitted with devices to prevent perching by piscivorous birds.

33. **Relocation of existing structures in a marina.** Any existing structure that is relocated in a marina must remain within the existing overall footprint, but no closer than 50 feet of the shoreline (100 feet in the Columbia River) as measured at ordinary low water or mean lower low water.

34. **Repair or replacement of wall and roof components for a covered moorage or boat house.** Any replacement for a roof, wall, or garage door of a covered moorage or boat house must be made of translucent materials or incorporate skylights to allow light penetration.

Dredging

35. **Dredging to Maintain Vessel Access.** When dredging to maintain access to previously authorized docks, wharfs, mooring structures, and boat ramps, the following conditions apply:

- a. All dredged materials and subsequent leave surface must be suitable and approved for in-water disposal using newly acquired or historical data based on criteria in the Sediment Evaluation Framework ((USACE *et al.* 2009).
- b. All dredged sediment and debris must be side cast or returned to the channel within the ordinary high-water line downstream from the dredging site where it will be recruited by the next annual high flow and continue to provide aquatic habitat functions.
- c. The dredging must not alter the character, scope, size, or location of the project area or previously authorized dredge prism.

36. **Dredging to Maintain Functionality.** When discharging or excavating to maintain the functionality of a channel, culvert, intake, or outfall, the following conditions apply:

- a. Either the discharge or excavation may not exceed 25 cubic yards, or include any water intake or point of diversion that does not have a fish screen that is installed, operated and maintained according to NMFS fish screen criteria and meet NMFS fish passage criteria.
- b. All dredged materials and subsequent leave surface must be suitable and approved for in-water disposal using newly acquired or historical data based on criteria in the Sediment Evaluation Framework.
- c. All dredged sediment and debris must be side cast or returned within the annual high flow channel downstream from the dredging site where it will continue to provide aquatic habitat functions.
- d. The dredging must not alter the character, scope, size, or location of the project area.

SLOPES IV PROGRAMMATIC – IN-WATER OVER-WATER STRUCTURES ACTION COMPLETION FORM

Within 60 days of completing all work below ordinary high water (OHW) as part of an action completed under the SLOPES IV In-water Over-water Structures programmatic opinion, submit the completed action completion form with the following information to NMFS at slopes.nwr@noaa.gov. Use the NMFS Public Consultation Tracking System-Consultation Initiation and Reporting System (CIRS) to submit this report when the online system becomes available.

Corps Permit #:

Corps Contact:

Action Title

Start and End Dates for the completion of in-water work:

Start:

End:

Any Dates work ceased due to high flows:

Include With This Form:

1. Photos of habitat conditions before, during, and after action completion
2. Evidence of compliance with fish screen criteria for any pump used
3. A summary of the results of pollution and erosion control inspections, including any erosion control failure, contaminant release, and correction effort
4. Number, type, and diameter of any pilings removed or broken during removal
5. A description of any riparian area cleared within 150 feet of OHW
6. Linear feet of bank alteration
7. A description of site restoration
8. A completed Salvage Reporting Form from Appendix D for any action that requires fish salvage
9. As-Built drawings for any action involving riprap revetment, stormwater management facility, or bridge rehabilitation or replacement.

SLOPES IV PROGRAMMATIC – IN-WATER OVER-WATER STRUCTURES SALVAGE REPORTING FORM

Within 10 days of completing a capture and release as part of an action completed under the SLOPES IV In-water Over-water Structures programmatic opinion, the applicant or, for Corps civil works actions, the Corps must submit a complete a Salvage Reporting Form, or its equivalent, with the following information to NMFS at slopes.nwr@noaa.gov. Use the NMFS Public Consultation Tracking System-Consultation Initiation and Reporting System (CIRS) to submit this report when the online system becomes available.

Corps Permit #:

Corps Contact:

Action Title

Date of Fish Salvage Operation:

**Supervisory Fish Biologist (name,
address & telephone number):**

Include With This Form:

1. A description of methods used to isolate the work area, remove fish, minimize adverse effects on fish, and evaluate their effectiveness.
2. A description of the stream conditions before and following placement and removal of barriers.
3. A description of the number of fish handled, condition at release, number injured, and number killed by species.

SLOPES IV PROGRAMMATIC – IN-WATER OVER-WATER STRUCTURES RESTORATION/ COMPENSATORY MITIGATION REPORTING FORM

By December 31 of any year in which the Corps approves that the site restoration or compensatory mitigation is complete, the Corps, must submit a complete a Site Restoration/Compensatory Mitigation Reporting Form, or its equivalent, with the following information to NMFS at slopes.nwr@noaa.gov. Use the NMFS Public Consultation Tracking System-Consultation Initiation and Reporting System (CIRS) to submit this report when the online system becomes available.

Corps Permit #:

Corps Contact:

Action Title

Type of Activity:

Include With This Form:

1. Photos of habitat conditions before, during, and after action completion
2. Location of Major Hazard (Lat./Long. And 6th Field HUC Code)
3. Start and end date for the work
4. A summary of the results of mitigation or restoration work completed

Inadvertent Discovery Plan

August 22, 2018

1. Introduction

The U.S. Army Corps of Engineers (Corps) completes the requirements of Section 106 of the National Historic Preservation Act (NHPA), as applicable, for projects authorized by a Department of the Army permit. However, cultural resources or historic properties may unexpectedly be encountered during project construction based on the project location or type of work. These unforeseen finds are called an inadvertent discovery. This plan describes requirements should an inadvertent discovery occur.

In accordance with Section 106 of the NHPA, Federal agencies, such as the Corps, are required to take into account the effects of any permitted action to historic properties. The Corps completes these requirements in cooperation with States, local governments, Native American Tribes, and private organizations and individuals. There are numerous federal and state laws and regulations that apply to historic preservation that include, but are not limited to:

National Historic Preservation Act – [54 USC 306108] [36 CFR 60]

Native American Graves Protection and Repatriation Act – [25 USC 3001] [43 CFR 10]

Procedures for the Protection of Historic Properties – [33 CFR 325 – Appendix C]

Consultation and Coordination with Indian Tribal Governments – [Executive Order 13175]

Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts – [ORS 97.740- 97.760]

Oregon Historical and Heritage Agencies, Programs and Tax Provisions; Museums; Local Symphonies and Bands; Archaeological Objects and Sites – [ORS 358.905 – 358.955]

Permits and Conditions for Excavation or Removal of Archaeological or Historical Material; Rules; Criminal Penalty – [ORS 390.235]

2. Background

For thousands of years, Native American Tribes have lived on the lands that now comprise the state of Oregon. Although these lands are under various ownerships, Native Americans still retain a strong connection to their ancestral lands. Tribal archeological and burial sites are not simply artifacts of the Tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American cultural resources, ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony are protected under federal and state laws. Examples of Tribal cultural resources include, but are not limited to: lithic flakes, stone tools, Native American human remains, remnants of structures (e.g. house pits), fish weirs, and/or shell middens.

In addition to potential Tribal-related sites, non-Tribal cultural and historical resources are also protected under federal and state laws. Examples of material that may be found at a historic-period site include, but are not limited to: glass bottles, cans, structural

foundations, machinery or parts, nails and many other items. If material such as this is uncovered during the course of a project, the procedures outlined below are applicable.

3. Inadvertent Discovery – The permittee shall implement the following procedures:

a. Projects that do not require monitoring by a professional archeologist (see permit special conditions):

1) In the event evidence of human burials, human skeletal remains, cultural items, suspected cultural items, or historic properties, as defined by the NHPA, are discovered and/or may be affected during the course of the authorized work, the permittee shall **Immediately Cease All Ground Disturbing Activities** that may cause further disturbance to those remains or resources. The area of the find shall be secured and protected from further disturbance, including an appropriate buffer around the discovery (i.e. 100 feet) using flagging or other visible marker. Sensitive resources, such as human skeletal remains, may not include visual markers in order to avoid attracting attention. The find may be temporarily protected through stabilization or non-destructive covering. Reasonable steps shall be taken to ensure confidentiality of the discovery and restrict access. The permittee or permittee's representative shall immediately notify the Corps and other appropriate agencies as identified in part 3(a)(2) of this plan, below.

2) Notification Procedures:

- Notification to the Corps, Portland District, Regulatory Branch Archeologist shall be made by email to winston.s.zack@usace.army.mil or phone at 503-808-4337 as soon as possible following discovery, but in no case later than 24 hours. The email or call shall clearly specify the purpose is to report a cultural resource discovery, provide the permittee's name, and Corps permit number.
- The permittee shall also notify the Corps representative (by email or telephone) as identified in the permit letter.
- If the inadvertent discovery is identified as human skeletal remains on non-federal or non-tribal public and private lands, the permittee shall report the discovery to the Oregon State Police at (503) 731-4717 and the county medical examiner/coroner in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Oregon State Historic Preservation Office (SHPO) who will then take jurisdiction over the remains.
- In all inadvertent discovery situations, the permittee is also responsible for contacting the SHPO at (503) 986-0690.

3) Failure to stop work immediately and continue such stoppage could result in a violation of federal and state laws. Violators may be subject to civil and criminal penalties. Work shall remain suspended until notified by the Corps that work may proceed.

4) The permittee shall not resume construction in the area surrounding the discovery until the Corps Regulatory Branch re-authorizes project construction, pursuant to 36 CFR Part 800.13.

b. Projects that require monitoring by a professional archeologist (see permit special conditions):

1) The Corps-required archeological monitor has the authority to temporarily stop all ground disturbing activities in the event evidence of human burials, human skeletal remains, cultural items, suspected cultural items, or historic properties, as defined by the NHPA, are discovered and/or may be affected during the course of the authorized work. Upon positive identification of human burials, human skeletal remains, cultural items, suspected cultural items, or historic properties, as defined by the NHPA, the archeological monitor shall notify the permittee of the inadvertent discovery and the permittee shall **Immediately Cease All Ground Disturbing Activities**. The archeological monitor will take actions necessary to secure the discovery location. The permittee or permittee's representative shall immediately notify the Corps and other appropriate agencies as necessary as described in the Notification Procedures above. Work shall remain suspended until notified by the Corps that work may proceed.

2) Before work can proceed, first, the nature of the discovery must be evaluated. If it is determined the discovery contains human remains, then section 4 below shall be initiated. If the discovery contains less than 10 artifacts, then paragraph 3) below shall be followed. If the discovery contains more than 10 artifacts and does not contain human skeletal remains, then the Corps, in consultation with the SHPO and tribes as appropriate, will determine whether the site may be eligible for listing in the National Register of Historic Places (NRHP). If deemed insignificant the Corps will allow work to continue. If deemed significant, the Corps, in consultation with the SHPO, will evaluate whether the continuation of work would constitute an adverse effect. If the Corps determines the effect will not be adverse, or the area can be avoided, then work will be allowed to continue. If the inadvertent discovery location cannot be avoided, and continuing work would have an adverse effect on the site, the Corps, in consultation with the permittee, SHPO, and tribes as appropriate, will need to draft and finalize a Memorandum of Agreement for the treatment of the historic site before work can proceed.

3) If an isolated artifact (defined as fewer than 10 artifacts by the SHPO) is identified, the archeological monitor shall determine: a) whether there is potential for other artifacts to be present in the vicinity of the initial discovery by acquiring a

state-issued archaeological testing permit (pursuant to state law) to conduct additional survey, soil screening, subsurface testing, or other method deemed appropriate, and b) whether the identified artifacts alone are significant. These two considerations will be used to determine if sufficient evidence is present to define a historic site (i.e. potentially eligible for listing in the NRHP). If upon closer examination the materials discovered are not consistent with human burials, human remains, cultural items, suspected cultural items, or historic properties, as defined by the NHPA, the monitoring archeologist shall notify the Corps (via by phone or email message), and can then allow work to proceed but with caution and at a slower rate until the monitor is confident no sites are represented. The isolated finds shall be reported in the archeological monitor's post-construction monitoring report.

4. Human Remains

a. Plan of Action: If human burials and/or human skeletal remains are discovered, the archeological monitor shall ensure all unauthorized personnel have vacated the site location in a safe manner, make reasonable efforts to secure the location, and stabilize the remains if necessary (e.g. prevent remains from falling out of a trench wall). Every reasonable effort will be made by the monitor to ensure the remains are not physically handled or examined by unauthorized personnel until the proper notifications have been made. Reference is made to the Tribal Position Paper on Human Remains found on SHPO's website at:

http://www.oregon.gov/OPRD/HCD/ARCH/docs/Tribal_position_paper_on_Human_Remains.pdf.

b. Treatment Plan: The permittee shall develop a Treatment Plan (TP) in consultation with the Corps, SHPO, and tribe(s), as needed, to ensure the proper handling, protection, or temporary storage of human remains and/or cultural items until the proper tribe or other entity, as appropriate, can be identified and those resources can be repatriated. The TP will define the items found; develop a strategy for handling/moving human remains and/or cultural items, if applicable; develop a strategy for determining whether additional human remains and/or cultural items are endangered; determine if additional testing is necessary to identify site boundaries; and determine the disposition of the human remains and/or cultural items. The TP will be agreed upon by all parties involved before any future ground disturbance activities resume.



**US Army Corps
of Engineers**
Portland District

Compliance Certification

1. **Permit Number:** NWP-2019-513
2. **Permittee Name:** Port of Bandon
3. **County Location:** Coos

Upon completing the activity authorized by the permit, please complete the sections below, sign and date this certification, and return it to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch. The certification can be submitted by email at cenwp.notify@usace.army.mil or by regular mail at the following address:

U.S. Army Corps of Engineers
CENWP-OD-GL
P.O. Box 2946
Portland, OR 97208-2946

4. **Corps-required Compensatory Mitigation (see permit special conditions):**
 - a. Mitigation Bank / In-lieu Fee Credit Transaction Documents:

<input checked="" type="checkbox"/> Not Applicable	<input type="checkbox"/> Submitted	<input type="checkbox"/> Enclosed
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 - b. Permittee-responsible mitigation (e.g., construction and plantings) has been constructed (not including future monitoring). As-built report:

<input checked="" type="checkbox"/> Not Applicable	<input type="checkbox"/> Submitted	<input type="checkbox"/> Enclosed
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5. **Endangered Species Act – Standard Local Operating Procedures (SLOPES)**
(see permit special conditions):
 - a. SLOPES Action Completion Report:

<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Submitted	<input type="checkbox"/> Enclosed
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 - b. SLOPES Fish Salvage Report:

<input checked="" type="checkbox"/> Not Applicable	<input type="checkbox"/> Submitted	<input type="checkbox"/> Enclosed
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 - c. SLOPES Site Restoration / Compensatory Mitigation Report:

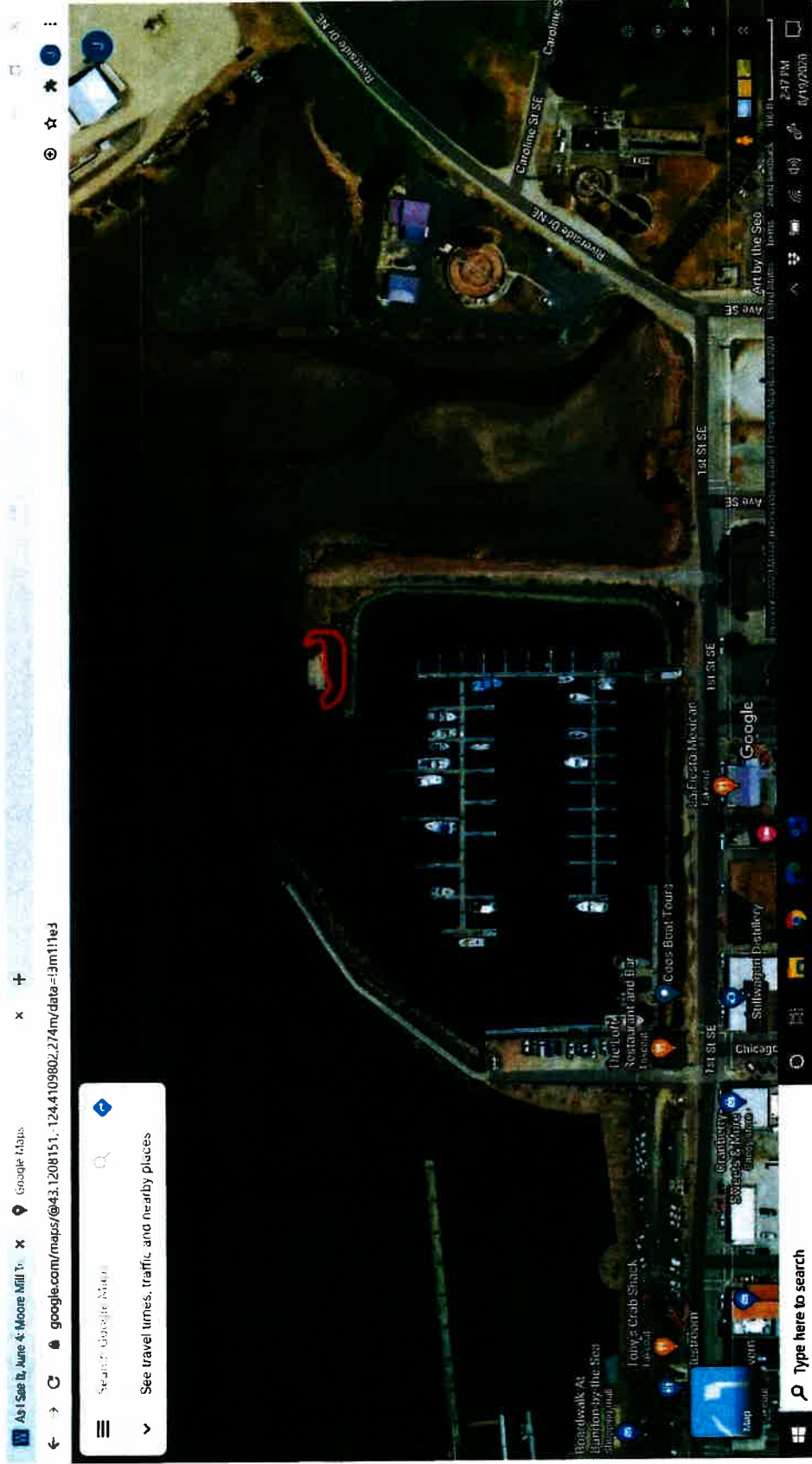
<input checked="" type="checkbox"/> Not Applicable	<input type="checkbox"/> Submitted	<input type="checkbox"/> Enclosed
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I hereby certify the work authorized by the above-referenced permit has been completed in accordance with all of the permit terms and conditions.

Signature of Permittee

Date

*Note: This mitigation work will be performed in-house.



Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.



	U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands		
Action ID Number		Number			

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: Individual Nationwide No.: _____ Regional General Permit _____ Other (specify): LOP__

DSL: Individual GP Trans GP Min Wet GP Maint Dredge GP Ocean Energy No Permit Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Name (Required)	Jeff Griffin	Port of Bandon	
Business Name	Jeff Griffin	Port of Bandon	
Mailing Address 1	Port of Bandon		
Mailing Address 2	PO Box 206		
City, State, Zip	Bandon, OR 97411		
Business Phone	541 347-3206		
Cell Phone	541 366-0115		
Fax			
Email	portmanager@portofbandon.com		

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name Port of Bandon Marina Replacement	<u>Latitude & Longitude*</u> 43°7'11" N – 124°24' 40" W			
Project Address / Location 301 1 st Street SW, Bandon OR	City (nearest) Bandon	County Coos		
Township	Range	Section	Quarter / Quarter	Tax Lot
28S	14W	30BC	SW1/4 NW1/4	996Z1
				900, 1400

Brief Directions to the Site: One block N of H 101, in Bandon, along 1st Street, adjacent to the Coquille River.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

River / Stream Non-Tidal Wetland Lake / Reservoir / Pond

Estuary or Tidal Wetland Other Pacific Ocean

Waterbody or Wetland Name** Coquille River / Estuary	River Mile 0.9	6 th Field HUC Name Coquille, OR	6 th Field HUC (12 digits) 17100305
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* In decimal format (e.g., 44.9399, -123.0283)
 ** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)		
<input checked="" type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input type="checkbox"/> Residential Development
<input checked="" type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input checked="" type="checkbox"/> Recreational
<input checked="" type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bridge
<input type="checkbox"/> Dredging	<input checked="" type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling
<input checked="" type="checkbox"/> In- or Over-Water Structure	<input checked="" type="checkbox"/> Maintenance	<input type="checkbox"/> Other:

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.

The proposed project will replace the existing Port of Bandon Marina facilities located within the Coquille River in Bandon, Oregon. The existing marina structures were built in 1983 and need replacement, as they do not meet standards for safety and usability. We are also requesting a 10 year maintenance permit to allow us to periodically maintain the new facility.

B. Describe work within waters and wetlands.

Work within waters will include the following:

Demolition/Removal

- 1) Demolition and removal of the existing wooden moorage floats and a single 40-foot long gangway;
- 2) Demolition and removal of 106 creosote treated timber piles and 18 corroded non-galvanized steel pilings;

Installation/Replacement

- 1) Installation of new grated moorage floats plus a concrete breakwater that also provides moorage.
- 2) Installation of 49 galvanized steel piles.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished in order to minimize impacts to waters and wetlands.

The existing floats will be removed via crane and excavator operating from the bank or will be floated to the launch ramp and individually trailered out of the water. Once removed, floats will be hauled/towed offsite to an appropriate upland location for recycling or disposal. The existing pilings will be dislodged with vibratory action and slowly lifted from the sediment from a barge, transferred to shore, and placed into a contained area for appropriate upland disposal. No dredging or excavation will be required.

The new moorage floats will be installed with a tugboat and crane or excavator operating from the bank and a floating barge.

Due to the nature of pile installation in loose sediment over shallow sand and siltstone, the contractor may alternate between vibratory hammer and socket installation methods depending on the conditions encountered. Only one installation method will occur at a time.

Measures to Minimize Impacts: The following conservation measures are incorporated into the proposed project design and construction methods to minimize and avoid potential adverse effects to

aquatic species and habitats (the following is based on NMFS SLOPES IV In-water Over-water structures):

1. **Pollution and erosion control.** Any action that will require earthwork and may increase soil erosion and cause runoff with visible sediment into surface water, or that will require the use of materials that are hazardous or toxic to aquatic life (such as motor fuel, oil, or drilling fluid), will have a pollution and erosion control plan that is developed and carried out commensurate with the scale of the action.
 - a. The plan will include practices to minimize erosion and sedimentation associated with all aspects of the project (e.g., staging areas, stockpiles, grading); to prevent construction debris from dropping or otherwise entering any stream or waterbody; and to prevent and control hazardous material spills.
 - b. During construction, erosion controls and streams will be monitored and maintained daily during the rainy season and weekly during the dry season as necessary to ensure controls are properly functioning.
 - c. If monitoring shows that the erosion controls are ineffective at preventing visible sediment discharge, the project will stop to evaluate erosion control measures. Repairs, replacements, or the installation of additional erosion control measures will be completed before the project resumes.
 - d. Maintenance will include removal of sediment and debris from erosion controls like silt fences or hay bales once it has reached one-third of the exposed height of the control.
2. **Preconstruction activity.** Given the staging area is hardscaped and mostly devoid of functioning riparian cover, no impacts are predicted. However, all staging areas will be managed to avoid any soil and vegetation disturbance along the shoreline. If necessary, temporary erosion controls will be in place.
3. **Site preparation.** No functional riparian areas will be impacted. No native materials will be displaced by construction.
4. **Heavy equipment.** Heavy equipment will be selected and operated as necessary to minimize adverse effects on the environment (e.g., minimally-sized, low pressure tires, minimal hard turn paths for tracked vehicles, temporary mats or plates within wet areas or sensitive soils); and all vehicles and other heavy equipment will be used as follows:
 - a. Stored, fueled and maintained in a vehicle staging area placed 150 feet or more from any waterbody, or in an isolated hard zone such as a paved parking lot.
 - b. Inspected daily for fluid leaks before leaving the vehicle staging area for operation within 50 feet of any waterbody.
 - c. Steam-cleaned before operation below ordinary high water, and as often as necessary during operation to remain free of all external oil, grease, mud, seeds, organisms and other visible contaminants.
 - d. Generators, cranes and any other stationary equipment operated within 150 feet of any waterbody will be maintained and protected as necessary to prevent leaks and spills from entering the water.
5. **In-water work period.** All work within the active channel will be completed in accordance with the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife resources (ODFW 2000, or the most recent version), except as follows: Hydraulic and topographic measurements and encased geotechnical drilling may be completed at any time, if a fish biologist determines that no adult fish are congregating for spawning and no redds are occupied by eggs or pre-emergent alevins within 300 feet of the work site.
6. **Piling installation.** Pilings will be steel round pile 24 inches in diameter or smaller, or steel H-pile designated as HP24 or smaller.
 - a. When practical, a vibratory hammer for piling installation will be used.
 - b. Jetting may be used for piling installation in areas with coarse, uncontaminated sediments.

7. **Pile driving with an impact hammer.** Pile driving with an impact hammer will not be utilized.
8. **Pile removal.** The following steps will be used to minimize creosote release, sediment disturbance and sediment resuspension:
 - a. Install a floating surface boom to capture floating surface debris.
 - b. Keep all equipment (e.g., bucket, steel cable, vibratory hammer) out of the water, grip piles above the waterline, and complete all work during low water and low current conditions.
 - c. Dislodge the piling with a vibratory hammer, when possible; never intentionally break a pile by twisting or bending.
 - d. Slowly lift the pile from the sediment and through the water column.
 - e. Place the pile in a containment basin on a barge deck, pier, or shoreline without attempting to clean or remove any adhering sediment – a containment basin for the removed piles and any adhering sediment may be constructed of durable plastic sheeting with sidewalls supported by hay bales or another support structure to contain all sediment and return flow which may otherwise be directed back to the waterway.
 - f. Fill the holes left by each piling with clean, native sediments immediately upon removal.
 - g. Dispose of all removed piles, floating surface debris, any sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site.
9. **Broken or intractable piling.** When a pile breaks or is intractable during removal, continue removal as follows:
 - a. Make every attempt short of excavation to remove each piling, if a pile in uncontaminated sediment is intractable, breaks above the surface, or breaks below the surface, cut the pile or stump off at least 3 feet below the surface of the sediment.
 - b. If dredging is likely where broken piles are buried, use a global positioning system (GPS) device to note the location of all broken piles for future use in site debris characterization.
10. **Pesticide-treated wood installation.**⁴ Use of lumber, pilings, or other wood products treated or preserved with pesticidal compounds will not be used below ordinary high water, or as part of an in-water or overwater structure
11. **Pesticide-treated wood removal.** When it is necessary to remove pesticide-treated wood, the following will apply.
 - a. Ensure that, to the extent possible, no wood debris falls into the water. If wood debris does fall into the water, remove it immediately.
 - b. After removal, place wood debris in an appropriate dry storage site until it can be removed from the project area.
 - c. Do not leave wood construction debris in the water or stacked on the streambank at or below the ordinary high water.
 - d. Evaluate wood construction debris removed during a project, including pesticide-treated wood pilings, to ensure proper disposal of debris.
12. **Flotation material.** All synthetic flotation material will be permanently encapsulated to prevent breakup into small pieces and dispersal in water.
13. **New or replacement floats.** All HDPE floats, regardless of size, will include an open area of grating that is at least 50% of the total surface area. The concrete breakwater float will not exceed 8' in width. Breakwater mooring fingers will not exceed 6' in width.
14. **Piscivorous birds.** All float pilings, mooring buoys, and navigational aids will be fitted with devices to prevent perching by piscivorous birds.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

At the marina site, fill material will consist of 49 galvanized steel pilings. All material removed from below the HMT (i.e., the existing treated wood and steel pilings) will be hauled/towed offsite to an appropriate upland location (selected by the contractor) for recycling or disposal.

E. Construction timeline.

What is the estimated project start date? October 1 (year 2021 earliest, 2025 latest)

What is the estimated project completion date? February 15 (2022 earliest, 2026 latest)

Is any of the work underway or already complete? Yes No
 If yes, please describe.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Coquille River	23.5 x 106	1	-13		72.5	Perm	Treated timber
Coquille River	23.5 x 18	1	-13		12.3	Perm	Steel

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Removal to Wetlands			
Total Removal Below Ordinary High Water			
Total Removal Below <u>Highest Measured Tide 10.5</u>	23.5 x 124		84.8
Total Removal Below <u>High Tide Line 6.38</u>	19.38 x 124		69.9
Total Removal Below <u>Mean High Water Tidal Elevation 7.1</u>	20.1 x 124		71.6

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
Coquille River	23.5 x 49	1.25	-13		60	perm	Steel pile

(4) PROJECT DESCRIPTION (CONTINUED)

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Fill to Wetlands			
Total Fill Below Ordinary High Water			
Total Fill Below <u>Highest Measured Tide</u>	23.5 x 49		60
Total Fill Below <u>High Tide Line</u>	19.38 x 49		49.6
Total Fill Below <u>Mean High Water Tidal Elevation</u>	20.1 x 49		51.5

*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").
 **Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.
 *** Example: soil, gravel, wood, concrete, pilings, rock etc.

(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The purpose of the project is to replace the current marina pile and dock infrastructure with an updated system. The existing marina was built in the early 1980's and is in decay, not keeping up with user demands and requiring escalating levels of maintenance to combat an increased safety risk to users.

The Bandon Marina is a public facility and is an essential infrastructure component of the region's economy, supporting the commercial and recreational fishing and boating industry, USACE and US Coast Guard Vessels.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

The Coquille River rises in Oregon's Coast Range and flows westerly for 100 miles, reaching the Pacific Ocean at Bandon, Oregon, 225 miles south of the Columbia River and 420 miles north of San Francisco Bay. The USACE maintains navigational access across the bar and to and into the marina. The Port of Bandon completed the construction of the marina in 1985 in conjunction with a USACE built protective breakwater and USACE maintained entrance channel under a Section 107 authorization.

The proposed project is located along the south edge of the Coquille River estuary, in an urban waterfront environment, about one mile upstream from the Pacific Ocean. Although the watershed is extensive, the estuary is characterized by a narrow coastal plain and alluvial valleys. Head of tide is about 38 miles from the mouth, the farthest inland of any of Oregon's coastal estuaries. Tide water is brackish, and freshwater flow during winter and spring stratifies and limits marine water especially at surface levels. The shoreline immediately surrounding the marina is jetty rock extending into subtidal soft mud sediments above silt and sandstone. No significant riparian vegetation exists above and behind the jetty rock – the area is mostly hardscaped, although some scotch broom, gorse, and coyote bush occur along the jetty to the east. Basin dredging work was completed in 2015, removing over 20,000 cubic yards of accumulated sediment to a depth of approximately -13 MLLW. A Submerged Aquatic Vegetation survey of the 5 - acre basin was completed prior to dredging in 2014. The survey found 2128 square feet of rockweed in 4 different areas and one small patch (20 square feet) of eelgrass located along the breakwater in the NW portion of the marina. This area will be left undisturbed during the project.

The water at the project site is relatively slow moving, with flows and surface conditions affected by tides and wind. Flow may reverse with water moving upstream during flood tide. Tidal influences are most pronounced during low summer flows. Winter floods discharge high volumes of sediment through this reach. The minimum water depth at the project site is approximately 7 feet at zero tide. The elevation in the project area ranges from approximately -13 feet to 14 feet mean low low water (MLLW). The HMT elevation within the vicinity of the project area is approximately 10.5 feet MLLW. The mean higher high water (MHHW) elevation is 7.1 feet MLLW. The proposed project will not result in an increase in the base flood elevations for the Coquille River.

Marine fish species that may use the site include flounders, perch, sculpin, and forage fish such as anchovies and herring. Anadromous species such as Chinook and coho salmon, steelhead, and coastal cutthroat trout may use the waters for nursery habitat. Invertebrate use may include crab, shrimp, and a variety of marine worms. Birdlife common in the area include gulls, pigeons, herons, cormorants, guillemots, grebes, scooters and loons. The occasional osprey, bald eagle, and peregrine falcon may be found about. Harbor seals forage nearby, and on occasion a sea lion may visit.

There are four species listed under the ESA with the potential to occur within the project area. In addition, the river adjacent to the project area contains designated Critical Habitat for Coho salmon, Essential Fish Habitat (EFH) as defined by the Magnuson-Stevens Act, and Essential Salmonid Habitat (ESH) as defined by the Oregon Department of State Lands (DSL).

ESA-listed species with the potential to occur within the project area.

Common Name	Federal Status	State Status	Occurrence
Marbled Murrelet	Threatened	Threatened	Potential fly over
Coho Salmon	Threatened		Coquille River
Eulachon	Threatened		Coquille River
Green Sturgeon	Threatened		Coquille River

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

Commercial, recreational, and governmental boaters (US Coast Guard) use this marina for moorage, fueling, and pump out. Sport fishing and crabbing is popular in the adjacent river as is access to the nearby Pacific Ocean for crab, rockfish, lingcod, flounders, salmon, and albacore.

Recreational crabbers and fishers also use the surrounding facilities for shore-based activities. Kayaking and paddle boarding are also popular in the nearby waterway.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The purpose of the proposed project is to replace existing marina facilities at the Port of Bandon. The existing marina structures are over 35 years old and need replacement, as they are failing and do not meet current design standards for safety and usability. Typically, during the busy summer and early fall season, use of the current facilities exceeds capacity, therefore the proposal is to reconfigure and marginally increase the overall capacity of the marina, while decreasing total overwater coverage with the use of grated decking wherever possible. The objectives of the project are also to maintain a safe and functional public marina.

As this project is to replace an existing marina, alternative sites were not considered, holding that the construction of a new marina basin in a new location would have far greater impacts than the replacement of existing dock facilities in the existing basin.

Alternative project designs were considered, with the following primary factors applied:

- Meets current safety design standards and use/capacity requirements.
- Minimizes in-water/overwater impact, while also providing a suitable recreational, commercial, and governmental boating facility.
- Provides long-term durability and structural support with minimal maintenance.
- Overall cost of materials and installation.

The alternative to replace with like materials was considered a poor option because they would be made from materials not supported by today's standards. The existing docks are wood based, some with pressure treated lumber, and the timber pilings were treated with creosote. The docks also contain polystyrene flotation that is failing. Replacing the docks with untreated wood was considered but rejected based on a severely limited lifespan. Replacing the docks with all concrete and/or aluminum was considered but in an effort to provide light penetration to improve habitat, the use of open grated Fiber Reinforced Plastic (FRP) decking supported by a High Density Engineered Pipe (HDPE) pontoon flotation was preferred for all but the proposed concrete breakwater dock. Concrete is required for the breakwater dock to attenuate severe wave impacts into the marina. Steel piles were chosen over treated timber as steel will adequately support the new marina.

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

(8) ADDITIONAL INFORMATION

- Are there state or federally listed species on the project site? Yes No Unknown
- Is the project site within designated or proposed critical habitat? Yes No Unknown
- Is the project site within a national Wild and Scenic River ? Yes No Unknown
- Is the project site within a State Scenic Waterway? Yes No Unknown
- Is the project site within the 100-year floodplain? Yes No Unknown

If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.

- Is the project site within the Territorial Sea Plan (TSP) Area? Yes No Unknown

If yes, attach TSP review as a separate document for DSL.

- Is the project site within a designated Marine Reserve? Yes No Unknown

If yes, certain additional DSL restrictions will apply.

- Will the overall project involve ground disturbance of one acre or more? Yes No Unknown

If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).

- Is the fill or dredged material a carrier of contaminants from on-site or off-site spills? Yes No Unknown

- Has the fill or dredged material been physically and/or chemically tested? Yes No Unknown

If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).

- Has a cultural resource (archaeological and/or built environment) survey been performed on the project area? Yes No Unknown

- Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office? Yes No Unknown

If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.

- Is the project part of a DEQ Cleanup Site? No Yes Permit number _____ DEQ contact. _____

- Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes No
 If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see <https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf>

Identify any other federal agency that is funding, authorizing or implementing the project.			
Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.			
Agency	Certificate / approval / denial description		Date Applied
<p>Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)</p> <p>Work proposed on or over lands owned by or leased from the Corps (may require authorization <input type="checkbox"/> pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.</p> <p><input checked="" type="checkbox"/> State owned waterway DSL Waterway Lease #: 22052</p> <p><input type="checkbox"/> Other Corps or DSL Permits Corps # DSL #</p> <p><input type="checkbox"/> Violation for Unauthorized Activity Corps # DSL #</p> <p><input type="checkbox"/> Wetland and Waters Delineation Corps # DSL #</p> <p>Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter</p>			
(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION			
Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.			
<p>The proposed project will result in approximately 72-85 cubic yards of permanent removal and approximately 52-60 cubic yards of permanent fill associated with removal and installation of pilings. This will result in a net removal of 20-25 cubic yards of pile "fill" from the Coquille River. Of the piles removed, 18 are corroded metal piles and 106 are creosote treated wood piles, for a net permanent total removal of 71 pilings.</p> <p>In addition, the proposed new grated and inert marina floats will replace existing solid treated wood floats. The new grated floats will allow for light penetration over an area that was previously blanketed. Grated decking will be used for all HDPE docks, ranging from 8' to 4' in width. Because of the new light allowing component to the project, we calculate a net decrease of over water coverage of 1,899 square feet – from the existing 18,187 square feet to 16,298 square feet of actual physical coverage. While the outline of the new proposed design measures 20,160 square feet, the new FRP decking will provide light penetration over an area of 11,586 square feet that was previously blanketed by wood docks of various widths.</p> <p>The existing wood floats are also buoyed by poorly encapsulated polystyrene foam floatation. This project removes those floats and replaces them with floatation encapsulated by rigid plastics or concrete that meet Oregon's administrative rules (250-010-0705) on materials and methods of encapsulation.</p> <p>Temporary and indirect impacts will be limited to potential placement of two spud piles to stabilize the barge during piling removal and installation, and other portions of in-water/over-water construction.</p>			

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

No temporary fill, removal, or disturbance of vegetation in waterways, wetland, or riparian areas is required or anticipated. If inadvertent temporary disturbance does occur, disturbed soils will be permanently stabilized using appropriate methods (seeding, plants, mulch, fabric, etc.), and restoration/replacement plantings would be installed. No monitoring is proposed.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Permittee-
responsible
Onsite Mitigation | <input type="checkbox"/> Permittee-
responsible Offsite
mitigation | <input type="checkbox"/> Mitigation Bank or
In-Lieu Fee
Program | <input type="checkbox"/> Payment to Provide
(not approved for
use with Corps
permits) |
|---|--|---|--|

D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

We believe it is clear that the proposed project will create net benefits to the environment. Existing baseline conditions include blanketed over-water coverage and use of chemically treated wood products. Improvements proposed use inert materials, allow for light penetration and will result in a decrease in actual over-water physical coverage. Appropriate mitigation has been incorporated into the overall project design proposal.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project:

Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- Yes. Submit the plan with this application and complete the remainder of this section.
 No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #
County	City	Latitude & Longitude (in DD.DDDD format)
Township	Range	Section
		Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

Pre-printed mailing labels of
 adjacent property owners
attached separately.

**Project Site Adjacent Property
Owners**

**Mitigation Site Adjacent
Property Owners**

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**


I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations with the following:
 - Conditional Use Approval
 - Development Permit
 - Other Permit (explain in comment section below)

This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:

- Plan Amendment
- Zone Change
- Other Approval or Review (explain in comment section below)

An application or variance request has has not been filed for the approvals required above.

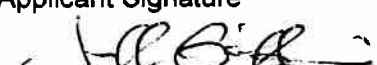
Local planning official name (print) <i>Dan Chandler</i>	Title <i>City Manager</i>	City / County <i>Bandon (City of)</i>
Signature 	Date <i>6-25-20</i>	
Comments:		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name <i>Jeff Griffin</i>	Title <i>Port Manager</i>
Applicant Signature 	Date <i>6-25-2020</i>

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$

Applicant Signature (required) must match the name in Block 2

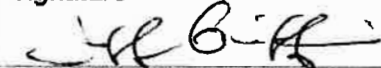
Print Name

Jeff Griffin

Title

Port Manager

Signature



Date

June 25, 2020

Authorized Agent Signature

Print Name

Title

Signature

Date

Landowner Signature(s)***Landowner of the Project Site (if different from applicant)**

Print Name

Title

Signature

Date

Landowner of the Mitigation Site (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

Signature

Date

* Not required by the Corps.

Appendix D

From: Krug, Tyler J CIV USARMY CENWP (USA) <Tyler.J.Krug@usace.army.mil>

Sent: Tuesday, June 14, 2022 1:26 PM

To: 401applications * DEQ <401applications@deq.oregon.gov>; PLUNK Chance * DEQ <Chance.PLUNK@deq.oregon.gov>

Cc: Jeff Griffin <portmanager@portofbandon.com>

Subject: NWP-2001-215/8; Water Quality Certification Request– Reasonable Period of Time for a project in the Coquille River in Coos County, Oregon

This email serves as written notification of the reasonable period of time for the Oregon Department of Environmental Quality (DEQ) to act on a request for water quality certification under Section 401 of the Clean Water Act. The Corps reference number for this project is provided in the subject line above.

The U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit from the Port of Bandon to conduct maintenance dredging and disposal to facilitate vessel navigation. The project is proposed at the Port of Bandon's boat launch and boat basin in the Coquille River estuary, river mile 0.9, in Bandon, Coos County, Oregon at the following latitude/longitude:

- Boat launch area: 43.120514°, -124.413554°
- Boat basin area: 43.120433°, -124.411529°
- Dredged material disposal area: 43.121626°, -124.411408°

The Corps is evaluating the application for authorization by a standard individual permit. A copy of the permit application is attached.

Based on our coordination, DEQ received a request for water quality certification for the proposed project on June 10, 2022. The reasonable period of time for DEQ to act on the certification request for this project is 150 days from the day DEQ received the certification request.

If DEQ fails or refuses to act on the certification request by November 8, 2022, we will consider the requirement to obtain a certification waived unless DEQ or the project proponent has coordinated with the Corps to request a time extension and the Corps has granted a time extension.

Please include the Corps reference number provided in the subject line of this email in all future correspondence. If you have any questions, feel free to contact me by email or by telephone at the number below.

Sincerely,

Tyler Krug

Regulatory Project Manager | USACE Portland District | North Bend Field Office

2201 Broadway Suite C | North Bend, Oregon 97459

Office: 541.756.2097 | Mobile: 541.520.6278 | E-mail: Tyler.J.Krug@usace.army.mil

Corps Portland District Regulatory Branch Website: <http://www.nwp.usace.army.mil/Missions/Regulatory.aspx>

Customer survey - Please let us know how we're doing: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Kathleen Wells - NOAA Federal <kathleen.wells@noaa.gov>

Sent: Friday, April 29, 2022 3:18 PM

To: Krug, Tyler J CIV USARMY CENWP (USA) <Tyler.J.Krug@usace.army.mil>;
portmanager@portofbandon.com

Cc: Kathleen Wells - NOAA Federal <kathleen.wells@noaa.gov>; Kailee McKinney - NOAA Affiliate <kailee.mckinney@noaa.gov>; Frankie Johnson - NOAA Federal <frankie.johnson@noaa.gov>; Sandra Forrester - NOAA Affiliate <sandra.forrester@noaa.gov>

Subject: erification: SLOPES IWOWS– Port of Bandon, Maintenance Dredging, NMFS#: WCRO-2011-00002-4340, Corps# NWP-2001-215/8, Coquille River Estuary, Coos County

Mr. Krug:

I read the notification form submitted to NMFS by the Corps on April 20, 2022, requesting that NMFS review and confirm the action named above is consistent with the SLOPES IWOWS opinion issued to the Corps on Apr 5, 2012.

Based on the materials and documentation submitted by the Corps, the proposed project is likely to adversely affect ESA-listed species, designated critical habitat, and essential fish habitat as a result of maintenance dredging. Potential impacts include:

- Increased turbidity
- In-water construction disturbance
- Dredging disturbance

Based on information submitted by the Corps, the proposed action is consistent with the SLOPES IWOWS opinion for:

- Pollution/erosion control
- Compensatory mitigation
- Preconstruction activity
- Site preparation
- Heavy equipment
- In-water work period
- Maintenance dredging
- All other relevant project design criteria for construction practices

I confirm this action meets the conditions of the SLOPES IWOWS programmatic biological opinion issued on April 5, 2012. A copy of all review materials is on file at NMFS' Oregon-Washington Coastal Office.

Please note that the opinion requires the Corps to submit a project completion report for this project within 60-days of end of project activities.

Reinitiation of consultation on this action is required and shall be requested by the Corps where discretionary Federal involvement or control over the action has been retained or is authorized by law and (a) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (c) the identified action is

subsequently modified in a manner that has an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

My point of contact for this response is Kailee McKinney, who can be reached at (503) 872-2854 or by email at Kailee.McKinney@noaa.gov.

Kate Wells
she/her [Why this is important](#)
Willamette/(Interim) OR Coast Branch Chief
NMFS Oregon Washington Coastal Office
(503)-230-5437

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

Permit No.:	<u>23784-RP Renewal</u>
Permit Type:	<u>Removal</u>
Waters:	<u>Coquille River Estuary</u>
County:	<u>Coos</u>
Expiration Date:	<u>June 18, 2023</u>

PORT OF BANDON

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.

Lauren Brown, Aquatic Resource Coordinator
Aquatic Resource Management
Oregon Department of State Lands


Authorized Signature

May 12, 2022
Date

From: BROWN Lauren * DSL <Lauren.BROWN@dsl.oregon.gov>
Sent: Wednesday, May 18, 2022 11:43 AM
To: 'Jeff Griffin' <portmanager@portofbandon.com>
Cc: GILLOOLY Bryan * DSL <Bryan.Gillooly@dsl.oregon.gov>
Subject: RE: DSL Permit No. 23784RF Renewal, Port of Bandon, Port of Bandon Boat Launch Basin

Hi Jeff-

I updated the application with figures you had submitted. Each year we will reach out to the Port to see if renewal is needed. The port will reply that the project is ongoing and pay the yearly renewal fee. At five years we can determine if a new application would be required or not. If there are no major changes or DSL staff determines a new application is not required we can proceed without an updated application.

Thanks,
Lauren

From: Jeff Griffin <portmanager@portofbandon.com>
Sent: Tuesday, May 17, 2022 10:37 AM
To: BROWN Lauren * DSL <Lauren.BROWN@dsl.oregon.gov>
Cc: GILLOOLY Bryan * DSL <Bryan.Gillooly@dsl.oregon.gov>
Subject: RE: DSL Permit No. 23784RF Renewal, Port of Bandon, Port of Bandon Boat Launch Basin

Hi Lauren,

Thank you for your help with the dredge permit renewal. I had one question... (does) this action allow annual renewals for up to five more years...?

Thank you, Jeff

From: HATTER Kizzy * DSL <Kizzy.Hatter@dsl.oregon.gov>
Sent: Thursday, May 12, 2022 12:48 PM
Subject: DSL Permit No. 23784RF Renewal, Port of Bandon, Port of Bandon Boat Launch Basin

Below is a link to a copy of the renewal authorization. This may be of importance to you. This link will allow you to print and/or save your permit document to PDF.

Applicant or Consultant: Please keep a copy of your permit on-site. This is the only notice you will receive from the Department of State Lands.

Renewal Authorization

Regards,

Kizzy Hatter
Support Services Specialist
Department of State Lands
775 Summer St NE STE 100 | Salem, OR 97301
503-986-5306 (desk)
Email: kizzy.hatter@dsl.oregon.gov

ATTACHMENT A

Permit Holder: Port of Bandon

Project Name: Launch Ramp and Boat Basin Dredging

Special Conditions for Removal/Fill Permit No. 23784-RP

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, Jeff Griffin is acting as the representative of the Port of Bandon. By proceeding under this permit, Permittee 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 removal of material in T28S R14W Section 30, Tax Lot 300 (boat basin) and T28S, R15W, Section 25, Tax Lot 100 (launch ramp), in Coos County, as referenced in the application, map and drawings (See Attachment B for project location), with a final date of March 17, 2014 and summarized as follows:

Summary of Authorized Waterway Impacts (annual)

Waterway Name	Permanent		
	Linear Ft.	Removal (cy)	Fill (cy)
Coquille Estuary (boat basin)	--	37,500	--
Coquille Estuary (launch ramp)	--	12,100	--
Total:	--	49,600	--

3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of Coquille River Estuary must be conducted between October 1 and February 15, 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.

General Construction Conditions

7. **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.
8. **Fuels, 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 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.
9. **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.
10. **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.
11. **Extent of Dredging:** Maintenance dredging activity must be limited to the area and depths defined in the application, Existing Site Plan, Basin Sections
12. **Removal-General:**
- a. To the extent practicable, maintenance dredging activity must be staged from an upland or vessel-mounted position. If necessary to achieve the removal, heavy equipment may be staged on or traverse impervious surfaces in the dry below ordinary high water or highest measured tide. In such case, equipment must use water quality best management practices specified in the DEQ-issued Section 401 Water Quality Certification for the project.
 - b. For vessel-mounted operations, vessels must not be grounded on the bed or banks at any time.
 - c. Only unconsolidated material may be removed. The natural, consolidated riverbed shall not be disturbed.
 - d. Accumulated woody debris within the maintenance dredging footprint may be removed to the extent necessary to achieve the target bathymetry.

13. Removal by Hydraulic Pipeline Dredge:

- a. To the extent practicable and as material characteristics allow, the working end of the dredge ladder must be kept buried at a target depth of at least 24 inches below the bottom of the waterway. The intake may be raised no more than 3-feet above the bed for the minimum time necessary for purging or flushing.
- b. No back-flushing of the pipeline is allowed.
- c. No jetting or mechanical loosening of sediments is allowed.
- d. The pipeline and any anchors or floats must be removed from the waterway immediately upon completion of the maintenance dredging activity unless another minimum necessary timeframe is approved by the Department. In no case will the pipeline, anchors, floats or other equipment be permanently placed in waters of this State.
- e. Pressure in the dredge pipeline must be continuously monitored during operation. In the event of a sudden and sustained pressure drop, dredging activity must immediately stop. Any breach of the pipeline must be repaired prior to restarting dredging operation.

14. Fish Entrainment: The authorization holder must immediately report any fish observed that are entrained by operations to the nearest OR Department of Fish and Wildlife office. The permittee must provide access for OR Department of Fish and Wildlife staff to enter the project site for making fish entrainment observations.

15. Flowlane Placement: Flowlane placement must occur on the ebb tide only and only when there is sufficient current to disperse the material to prevent shoaling. "Flowlane" means that portion of a waterway where sufficient flow velocity and depth exists to disperse placed material and not cause shoaling.

16. Post-Activity Reporting: Within 90 days of maintenance dredging completion, the authorization holder must submit to the Department a scaled drawing illustrating the actual removal area and post-removal depths achieved using the same datum as used in the application.

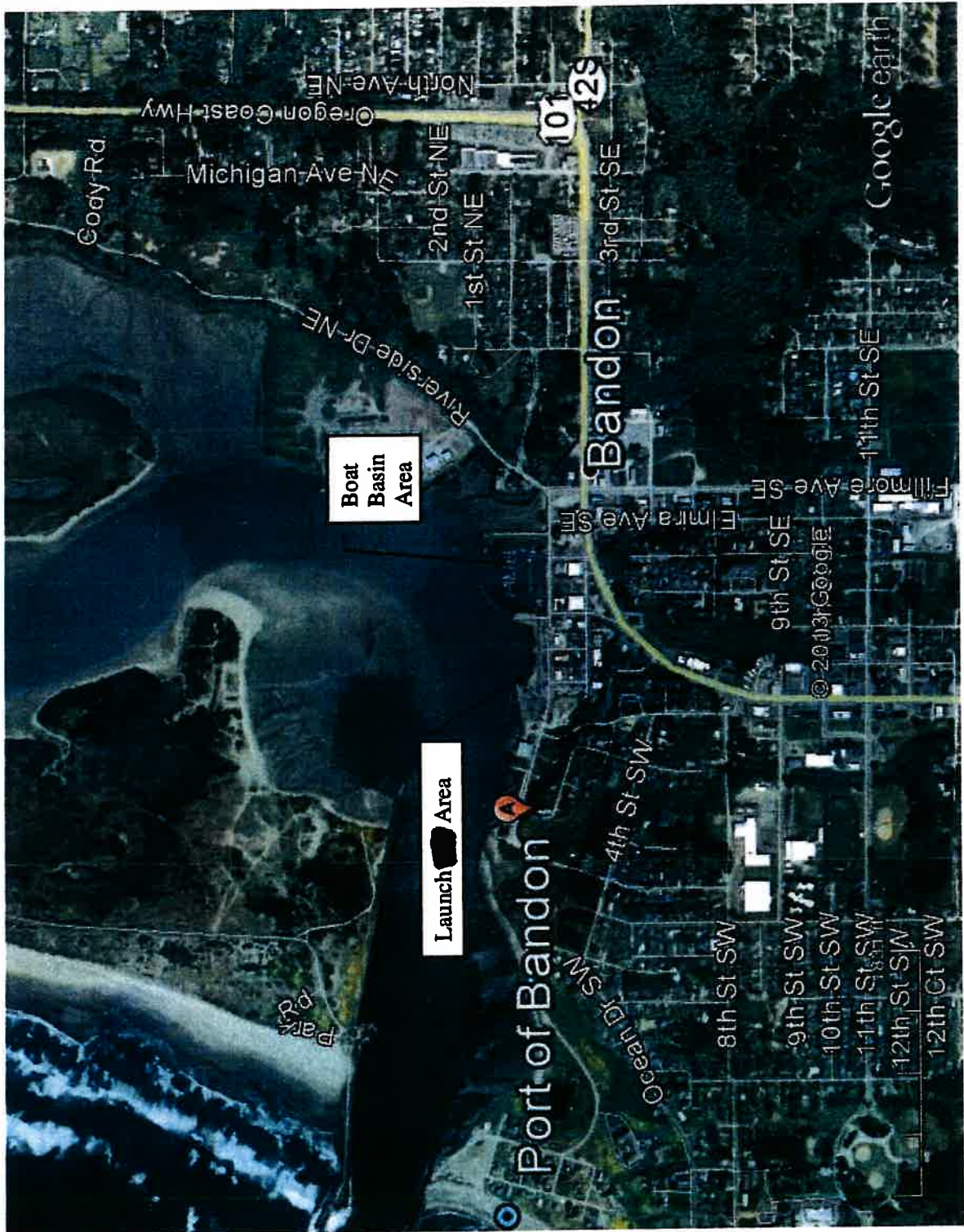
ATTACHMENT B

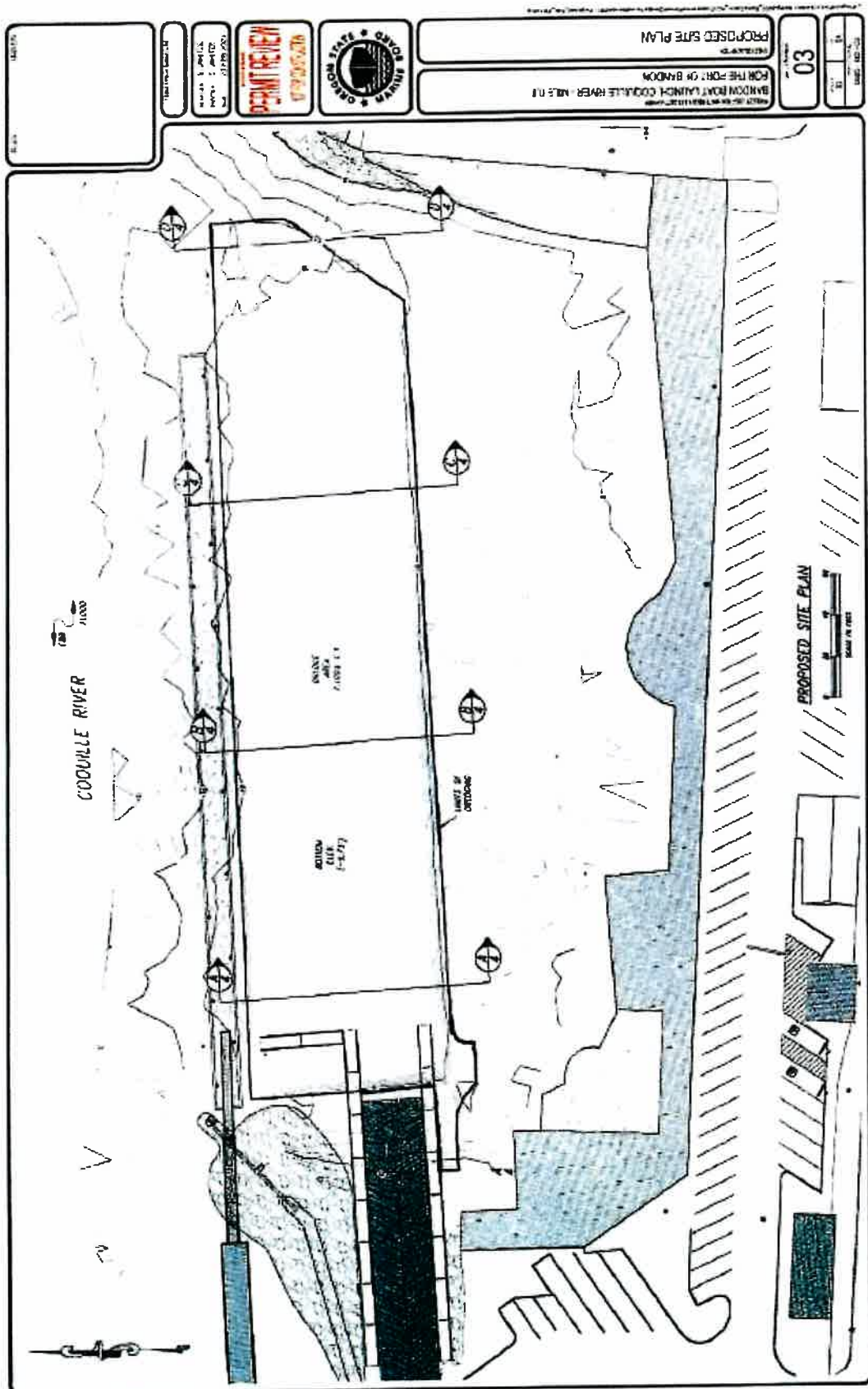
Permit Holder: Port of Bandon

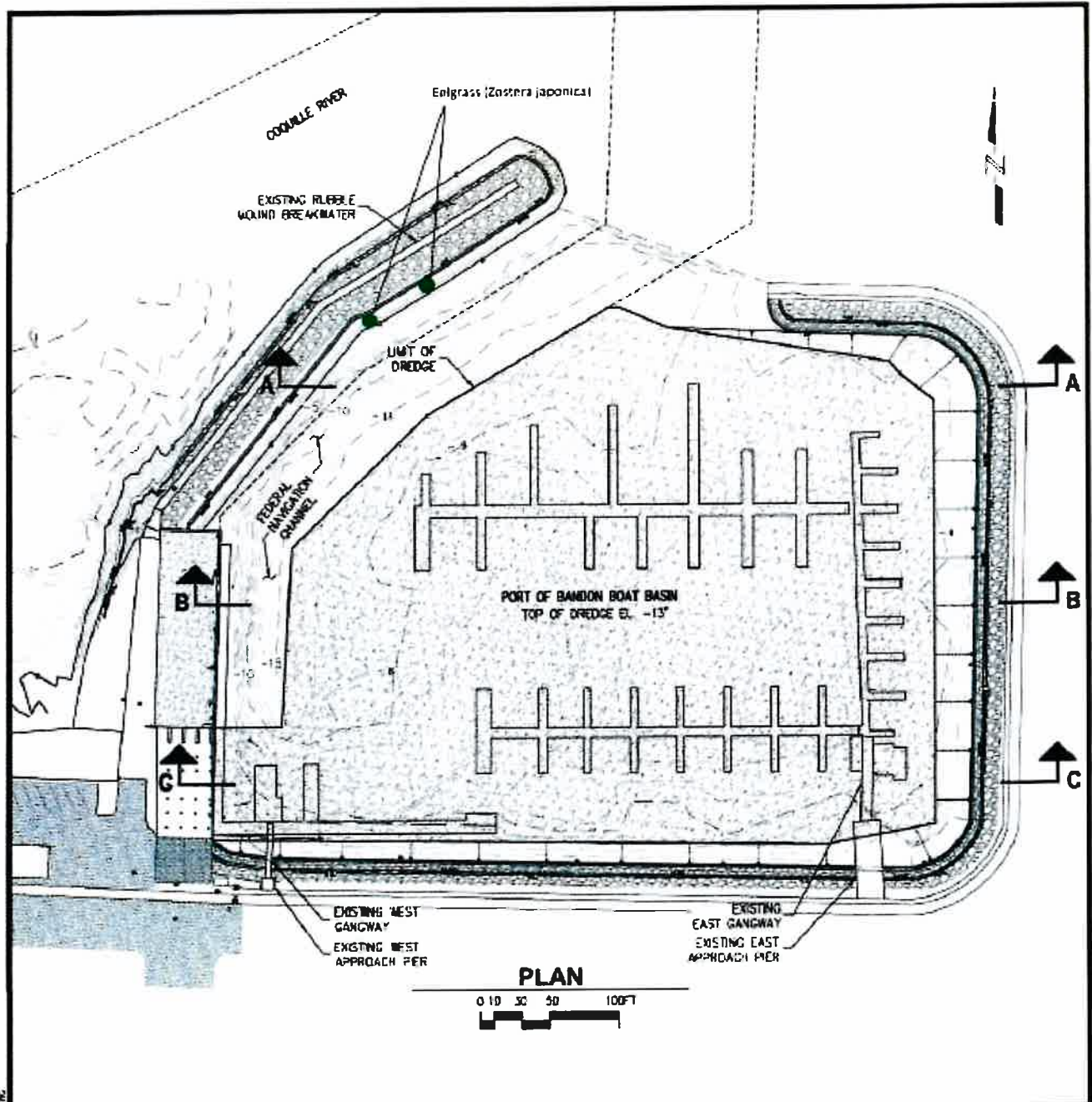
Project Name: Launch Ramp and Boat Basin Dredging

Maps and Drawings for Removal/Fill Permit No. 23784-RP

Vicinity Aerial of Port of Bandon and Surrounding Area, 2013







K:\2021\24013_BANDON (REDONNEVEAU)\24013-03.DWG

PURPOSE: MARINA
 MAINTENANCE DREDGING
 AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
 NONE

LAT: 43.12047N
LONG: -124.41482W

**PORT OF BANDON
 BOAT BASIN
 DREDGE PLAN**

PORT OF BANDON
 390 FIRST STREET
 OREGON, 97411

PROPOSED:
 MAINTENANCE DREDGING

IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
 T28S, R14W, SEC. 25.30

APPLICATION BY:
 PORT OF BANDON

SHEET 3 of DATE: MAR, 2022

Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Received USACE North
Bend Field Office 20
April 2022

		
U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands	Oregon Department of Environmental Quality
Action ID Number	Number	

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: Individual Nationwide No.: _____ Regional General Permit _____ Other (specify): LOP__

DSL: Individual GP Trans GP Min Wet GP Maint Dredge GP Ocean Energy No Permit Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Name (Required)			
Business Name	Jeff Griffin	Port of Bandon	
Mailing Address 1	Port of Bandon		
Mailing Address 2	390 1 st St SW		
City, State, Zip	Bandon, OR 97411		
Business Phone	541 347-3206		
Cell Phone	541 366-0115		
Fax			
Email	portmanager@portofbandon.com		

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name Port of Bandon Maintenance Dredging	<u>Latitude & Longitude*</u> 43.12064 N – 124.41251 W
Project Address / Location 301 1 st Street SW, Bandon OR	City (nearest) Bandon
	County Coos
Township	Range
28S	14W
28S	14W
28S	14W
Section	Quarter / Quarter
30BC	30BC
30BC	30BC
30BC	30BC
Tax Lot	Tax Lot
997Z1	996Z1
996Z1	900, 1400

Brief Directions to the Site: One block N of H 101, in Bandon, along 1st Street, adjacent to the Coquille River.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

River / Stream Non-Tidal Wetland Lake / Reservoir / Pond

Estuary or Tidal Wetland Other Pacific Ocean

Waterbody or Wetland Name** Coquille River / Estuary	River Mile 0.8	6 th Field HUC Name Coquille, OR	6 th Field HUC (12 digits) 17100305
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* In decimal format (e.g., 44.9399, -123.0283)
** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)

<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input type="checkbox"/> Residential Development
<input type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Recreational
<input type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bridge
<input checked="" type="checkbox"/> Dredging	<input type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling
<input type="checkbox"/> In- or Over-Water Structure	<input checked="" type="checkbox"/> Maintenance	<input type="checkbox"/> Other:

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.

The project will conduct maintenance dredging of soft sediments that have naturally deposited over the last 7-8 years into the Port of Bandon's two boat basins located along the lower Coquille River. The project will involve cutter head suction pipe dredging equipment mobilized from shore during the in-water work window.

B. Describe work within waters and wetlands.

The proposed project will conduct maintenance dredging over a ten-year period of up to 89,200 cubic yards (combined) of accumulated sediment in the Port's marina boat basin and boat launch ramp basin. Maintenance dredge depth is -13.0 MLLW for the marina basin and -9.75 MLLW for the launch basin. One large-scale project is planned for the fall/winter of 2022/2023 (this is the earliest possible start date which may be postponed one year) followed by a second one no later than 2031/2032. One or two smaller spot dredge projects may also be required to keep the basins accessible depending on sediment deposition between main dredging events. The resulting dredge material will be deposited within the flow lane of the Coquille River (RM 0.7). Use of equipment, method and approach will be similar if not identical to that used for previous authorized dredging projects at these sites for many years by both the Port and the USACE.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Dredging will be accomplished via hydraulic suction dredge with associated 10-16" discharge pipe and pipeline equipment during the preferred in-water work window for the Coquille River Estuary of October 1 to February 15. The sediment to be dredged was determined to be suitable for unconfined, aquatic placement by the Portland Sediment Evaluation Team using the 2018 interagency Sediment Evaluation Framework for the Pacific Northwest. Dredged sediment is proposed to be discharged in the Coquille River federal channel (flow-lane) during outgoing high tides, beginning no less than a 1/2 hour after high tide and end no less than 1/2 hour before low tide to allow dissipation and outmigration of suspended sediments. The project will also follow applicable Proposed Design Criteria of the SLOPES In-water/Over-water Structures opinion and best management practices.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

No fill material is proposed. Dredged material will be placed in the flow lane of the Coquille River during ebb tides, downstream from the dredging sites. Refer to map on attachment page 12.

E. Construction timeline.

What is the estimated project start date? October 1, 2022 (earliest)
 What is the estimated project completion date? February 15, 2032 (latest)
 Is any of the work underway or already complete? Yes No
 If yes, please describe.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Coquille River							
Marina Basin	~450	~340	-13.5'	3.5 ac.	~32,500	Perm	Soft sediments
Marina Basin	~450	~340	-13.5'	3.5 ac.	~32,500	Perm	Soft sediments
Boat Launch Basin	~380	~100	-9.75'	0.8 ac.	~7,100	Perm	Soft sediments
Boat Launch Basin	~380	~100	-9.75'	0.8 ac.	~7,100	Perm	Soft sediments
Either basin					<5,000	Perm	Soft sediments
Either basin					<5,000	Perm	Soft sediments

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Removal to Wetlands	N/A	N/A	N/A
Total Removal Below Ordinary High Water	830	4.3	89,200
Total Removal Below <u>Highest Measured Tide 10.5</u>	"	"	"
Total Removal Below <u>High Tide Line 7.5</u>	"	"	"
Total Removal Below <u>Mean High Water Tidal Elevation 6.38</u>	"	"	"

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		

(4) PROJECT DESCRIPTION (CONTINUED)

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Fill to Wetlands			
Total Fill Below Ordinary High Water			
Total Fill Below <u>Highest Measured Tide</u>			
Total Fill Below <u>High Tide Line</u>			

Total Fill Below <u>Mean High Water Tidal Elevation</u>			
<p>*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A"). **Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain. *** Example: soil, gravel, wood, concrete, pilings, rock etc.</p>			
(5) PROJECT PURPOSE AND NEED			
<p>Provide a statement of the purpose and need for the overall project.</p> <p>To provide safe and reliable boater access to and from the lower Coquille River and Pacific Ocean in and around the Bandon area.</p> <p>Boating facilities at the Port of Bandon boat launch are public facilities and are an essential infrastructure component of the region's economy, supporting the commercial and recreational fishing and boating industry, USACE, US Coast Guard, and State and County patrol and search and rescue vessels.</p>			
(6) DESCRIPTION OF RESOURCES IN PROJECT AREA			
<p>A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.</p>			
<p>The Coquille River rises in Oregon's Coast Range and flows westerly for 100 miles, reaching the Pacific Ocean at Bandon, Oregon, 225 miles south of the Columbia River and 420 miles north of San Francisco Bay. The USACE maintains navigational access across the bar and up the river branching off into the marina.</p> <p>The proposed project is located along the south edge of the Coquille River estuary, in an urban waterfront environment, about 2/3 mile upstream from the Pacific Ocean. Although the watershed is extensive, the estuary is characterized by a narrow coastal plain and alluvial valleys. Head of tide is about 38 miles from the mouth, the farthest inland of any of Oregon's coastal estuaries. Tide water is brackish, and freshwater flow during winter and spring stratifies and limits marine water especially at surface levels. The shoreline immediately surrounding the facility is jetty rock extending into subtidal soft mud and silt/sand sediments above sandstone. No riparian vegetation exists along the adjacent urban waterfront shoreline.</p> <p>The water at the project site is relatively slow moving, with flows and surface conditions affected by tides and wind. Flow may reverse with water moving upstream during flood tide. Tidal influences are most pronounced during low summer flows. Winter floods discharge high volumes of sediment through this reach.</p> <p>Marine fish species that may use the site include flounders, perch, sculpin, and forage fish such as anchovies and herring. Anadromous species such as Chinook and coho salmon, steelhead, and coastal cutthroat trout may use the waters for migration and nursery habitat. Invertebrate use may include crab, shrimp, and a variety of marine worms. Birdlife common in the area include gulls, pigeons, herons, cormorants, guillemots, grebes, scooters and loons. The occasional osprey, bald eagle, and peregrine falcon may be found about. Harbor seals forage nearby, and on occasion a sea lion may visit.</p> <p>There are four species listed under the ESA with the potential to occur within the project area. In addition, the river adjacent to the project area contains designated Critical Habitat for Coho salmon, Essential Fish Habitat (EFH) as defined by the Magnuson-Stevens Act, and Essential Salmonid Habitat (ESH) as defined by the Oregon Department of State Lands (DSL).</p> <p>Sediment was tested and results approved by PSEST for in-water flow lane placement 12/6/2021</p>			

ESA-listed species with the potential to occur within the project area.

Common Name	Federal Status	State Status	Occurrence
Marbled Murrelet	Threatened	Threatened	Potential fly over
Coho Salmon	Threatened		Coquille River
Eulachon	Threatened		Coquille River
Green Sturgeon	Threatened		Coquille River

A. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

Commercial and recreational fishing and crabbing, governmental patrol, search and rescue and survey, both riverine and open ocean.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The purpose of the project is to maintain use of existing water-dependent structures. Therefore, alternative sites were not considered, as any new replacement sites in the region would require greater expense, higher project risk, and significantly greater impacts to the environment.

The surface area proposed for dredging is the minimum necessary to provide for safe boater egress and ingress. Larger footprint areas were considered but not pursued to avoid and minimize impacts to the waterbody. There is a small extension to the dredge prism added next to the south boarding docks in the launch ramp basin to accommodate a new (replacement) launch ramp facility being proposed separately.

Alternative project methods, such as clam shell and barge dredging or upland sediment disposal, were briefly considered but ruled out early on due to poor efficiencies using these methods, in addition to potentially greater impacts to the waterbody or adjacent uplands.

(8) ADDITIONAL INFORMATION

Are there <u>state</u> or <u>federally</u> listed species on the project site?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within designated or proposed critical habitat?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
Is the project site within a national <u>Wild and Scenic River</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within a <u>State Scenic Waterway</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within the <u>100-year floodplain</u> ?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.

Is the project site within the Territorial Sea Plan (TSP) Area? Yes No Unknown

If yes, attach TSP review as a separate document for DSL.

Is the project site within a designated Marine Reserve? Yes No Unknown

If yes, certain additional DSL restrictions will apply.

Will the overall project involve ground disturbance of one acre or more? Yes No Unknown

If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).

Is the fill or dredged material a carrier of contaminants from on-site or off-site spills? Yes No Unknown

Has the fill or dredged material been physically and/or chemically tested? Yes No Unknown

If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).

Has a cultural resource (archaeological and/or built environment) survey been performed on the project area? Yes No Unknown

Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office? Yes No Unknown

If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.

Is the project part of a DEQ Cleanup Site? No Yes Permit number _____ DEQ contact. _____

Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes No

If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see <https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf>

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
-------------	--------------	--------------	-----------------------------

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency PSET	Certificate / approval / denial description	Date Applied
	Approved for in-water placement 12/6/2021	August 2, 2021

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.

<input checked="" type="checkbox"/> State owned waterway	DSL Waterway Lease #: 31616-LI Tract A,B,C
<input type="checkbox"/> Other Corps or DSL Permits	Corps # _____ DSL # _____
<input type="checkbox"/> Violation for Unauthorized Activity	Corps # _____ DSL # _____
<input type="checkbox"/> Wetland and Waters Delineation	Corps # _____ DSL # _____

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

Some level of water turbidity will likely result from the proposed project.

A minor amount of native eelgrass (*Zostera marina*) that has encroached into the active channel area of the boat launch basin will need to be relocated prior to dredging (refer to map on attachment page 7). The area comprises approximately 600 square feet or .0137 acre. This area was mapped by interpreting images created by drone footage above the basins at low tides during the summer of 2021 as well as visual observations at low tides (refer to map on attachment page 8). Subsurface areas were inventoried by port SCUBA divers along transect lines roughly 10' apart sufficient to cover areas in both basins to confirm presence/absence of eelgrass. These transects were completed in late summer of 2021. No subsurface patches of eelgrass were encountered that were not already mapped via the drone images. All eelgrass planning and inventory work directly involved a port staff member with a degree in marine biology and years of professional experience in environmental planning including previous eelgrass identification and mapping work.

A complete inventory was also conducted for the marina basin. No native eelgrass was present, however there are two small patches (roughly 5' x 5') of non-native eelgrass (*Zostera japonica*) in that basin which is outside of the dredge prism and will be left undisturbed (refer to map on attachment page 10).

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

No temporary removal of fill is anticipated.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Permittee-responsible Onsite Mitigation | <input type="checkbox"/> Permittee-responsible Offsite mitigation | <input type="checkbox"/> Mitigation Bank or In-Lieu Fee Program | <input type="checkbox"/> Payment to Provide (not approved for use with Corps permits) |
|--|---|---|---|

C. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Historic photos do not indicate that eelgrass was present in the Bandon boat launch area prior to developing the site into a boat launch sport basin. The Port also has permits from the Corps and DSL from the 1980's that allowed maintenance dredging of the south half of the basin. This was when the boat launch was in the SW corner of the basin, and before it was moved in or around 1987 to the present location. Maintenance dredging at this point focused more on the north half of the basin, which allowed the south half to slowly fill in with fine sediments and provide a suitable area for eelgrass to colonize. The area now supports a healthy eelgrass bed of well over 1/2 acre.

Unfortunately, a small area has encroached into the active boat channel area with the rising sediment, and has resulted in boater props being tangled by floating eelgrass since there is not enough room in the channel now to navigate to and from the boat launch at low tides, especially when there is boater traffic moving in both directions. Because of this the Port proposes to move approximately 600 square feet of eelgrass, re-planting it within the same basin but out of the active boat channel area.

The Port is also proposing to delineate a permanent boundary for the boat launch basin that will accomplish two objectives: 1) Maintain safe boater access to and from the launch ramp and the Coquille River, and 2) Permanently protect existing eelgrass and allow the population to continue to infill into the remainder of the south half of the boat basin.

The Port will also relocate the removed eelgrass from the active channel area into suitable patches adjacent to the existing eelgrass bed along the south half of the basin using established and recognized techniques including:

- Pre-removal inventory during the summer prior to dredging to sample and document the most current eelgrass coverage and shoot density in the targeted removal area.
- Removal by hand and hand tools by carefully working out the rhizomes from the soft sediments and keeping each removed plant intact. This will be done at extreme low tide by waders, in shallow water by snorkelers, and, if necessary, in deeper water using SCUBA divers.
- Rhizomes will then be wrapped into small individual bundles by shore side workers while keeping the plants cool and wet with estuarine water.
- Bundles will quickly be replanted into adjacent areas using ties and metal stakes pressed into suitable soft sediments at appropriate depths. Planted densities and depths will match densities of removal areas and depths/elevations/substrate of adjacent healthy patches.
- All planted areas will be documented by fixed photographic points sufficient in number and location to ensure 100 percent coverage of the mitigation transplant sites in a scale that allows confirmation. The location of the transplant sites will be marked on a map depicting the location of each photo. An initial "as built" report along with annual monitoring reports for up to 5 years will be provided. Annual monitoring reports will also include estimates of transplant site shoot density.

The Port intends to coordinate these efforts with the local high school district to offer an educational opportunity as well as receive some possible volunteer support.

If annual monitoring indicates that survival of the relocated plants is less than 50% the Port will work with NMFS, DSL, and the USACE regulatory to revise the strategy through a new adaptive management plan.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project:

Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

Yes. Submit the plan with this application and complete the remainder of this section.

No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #
County	City	Latitude & Longitude (in DD.DDDD format)
Township	Range	Section
		Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

<p>Pre-printed mailing labels of <input type="checkbox"/> adjacent property owners attached separately.</p>	<p>Project Site Adjacent Property Owners</p>	<p>Mitigation Site Adjacent Property Owners</p>
---	---	--

Moore Mill & Lumber Co
440 1st Street SE
Bandon, OR 97411

City of Bandon
P.O. Box 67
Bandon, OR 97411

SC Strong Building, LLC
155 Delaware Ave SE
Bandon, OR 97411

Hardin Business Properties, LLC
P.O. Box 1555
Bandon, OR 97411

Lisa Schilling
P.O. Box 796
Bandon, OR 97411

Sam-Turner, LLC
54177 Morrison Rd
Bandon, OR 97411

Storm Queen, LLC
P.O. Box 1740
Bandon, OR 97411

Yong Suk Ko
P.O. Box 347
Bandon, OR 97411

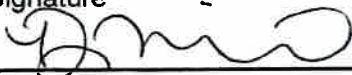
Clayton B. Shaw
280 1st St SE
Bandon, OR 97411

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations with the following:
 - Conditional Use Approval
 - Development Permit
 - Other Permit (explain in comment section below)
- This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
 - Plan Amendment
 - Zone Change
 - Other Approval or Review (explain in comment section below)

An application or variance request has has not been filed for the approvals required above.


Local planning official name (print) Dana Nichols	Title Planning Manager	City / County City of Bandon
Signature 	Date April 6 th , 2022	
Comments:		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name Jeff Griffin	Title Port Manager
Applicant Signature 	Date 4-6-2022

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. **To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.**

Fee Amount Enclosed	\$
----------------------------	----

Applicant Signature (required) must match the name in Block 2

Print Name Jeff Griffin	Title Port Manager
----------------------------	-----------------------

Signature 	Date 4-19-2022
--	-------------------

Authorized Agent Signature

Print Name	Title
------------	-------

Signature	Date
-----------	------

Landowner Signature(s)***Landowner of the Project Site (if different from applicant)**

Print Name	Title
------------	-------

Signature	Date
-----------	------

Landowner of the Mitigation Site (if different from applicant)

Print Name	Title
------------	-------

Signature	Date
-----------	------

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

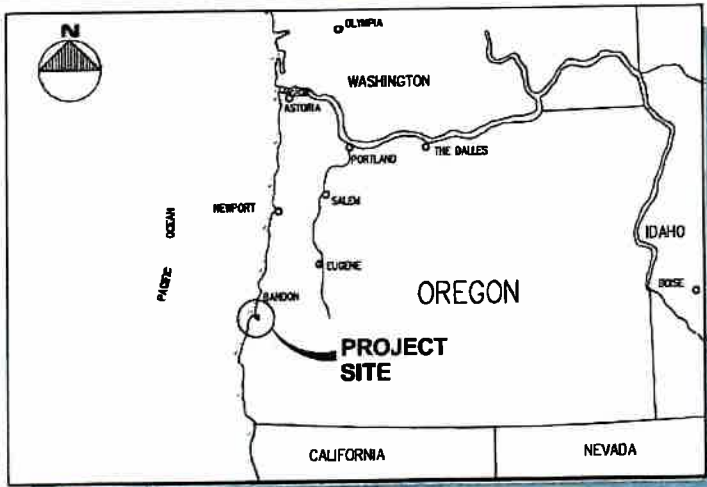
Print Name	Title
------------	-------

Signature	Date
-----------	------

* Not required by the Corps.

(14) ATTACHMENTS

- Drawings
 - Location map with roads identified *1*
 - U.S.G.S topographic map *2*
 - Tax lot map *3*
 - Site plan(s) *4, 4, 9*
 - Plan view and cross section drawing(s) *5, 6, 10, 11*
 - Recent aerial photo *3*
 - Project photos
 - Erosion and Pollution Control Plan(s), if applicable
 - DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- Pre-printed labels for adjacent property owners (Required if more than 5)
- Incumbency Certificate if applicant is a partnership or corporation
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessments, if applicable
 - Cover Page
 - Score Sheets
 - ORWAP OR, F, T, & S forms
 - ORWAP Reports
 - Assessment Maps
 - ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- Stream Functional Assessments, if applicable
 - Cover Page
 - Score Sheets
 - SFAM PA, PAA, & EAA forms
 - SFAM Report
 - Assessment Maps
 - Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- Compensatory Mitigation (CM) Eligibility & Accounting [Worksheet](#)
 - Matching Quickguide sheet(s)
 - CM Eligibility & Accounting sheet
- Alternatives analysis
- Biological assessment (if requested by the Corps project manager during pre-application coordination)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other
 - Please describe:
 - 2* *2019* gross plan and image *7, 8*
 - 2* Dredge Disposal Plan *12*



DATUM	
MLLW	+0.0'
MHW	+6.38'
MHHW	+7.10'
HTL	+7.5'
HMT	+10.5'

43°07'13.75" = 43.120497N
124°29'53.30" = -124.49814°W

VICINITY MAP



PROJECT SITE MAP

PURPOSE: BASIN
MAINTENANCE DREDGING
AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
NONE

LAT: 43.12047N
LONG: -124.41482W

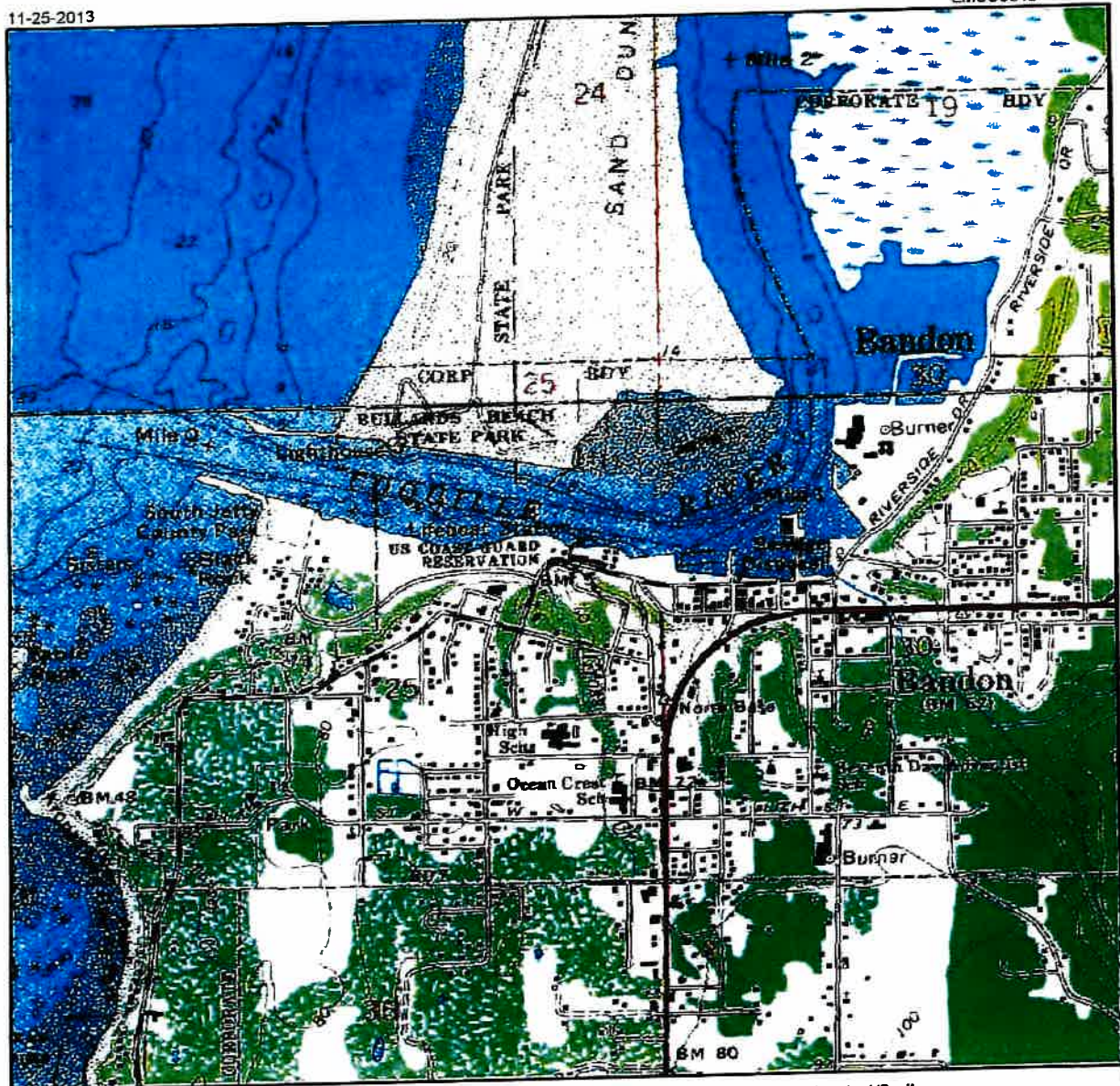
**PORT OF BANDON
VICINITY MAP
AND SITE LOCATION**

PORT OF BANDON
390 FIRST STREET
OREGON, 97411

PROPOSED:
MAINTENANCE DREDGING

IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
T28S, R14W, SEC. 25,30

APPLICATION BY:
PORT OF BANDON
SHEET 1 of DATE: MAR, 2022



Scale: 1.6 inches to 1/2 mile



Longitude: -124° 25' 5.8"
 Latitude: 43° 7' 14.1"
 UTM Easting: 384620 meters
 UTM Northing: 4774967 meters
 UTM Zone: NAD 10

County:

Source: U.S. Dept of Interior, Geological Survey
 BANDON, OR 1970

TOPOGRAPHIC MAP OF THE VICINITY OF THE SUBJECT SITE LOCATED AT
 399 1ST ST SW, BANDON

February 2022 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT



Copyright: © 2013 National Geographic Society, i-cubed | Employment | Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Maxar | Esri Community Maps Contributors, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, US Census Bureau, USDA

SCALE: _____

DATE: _____

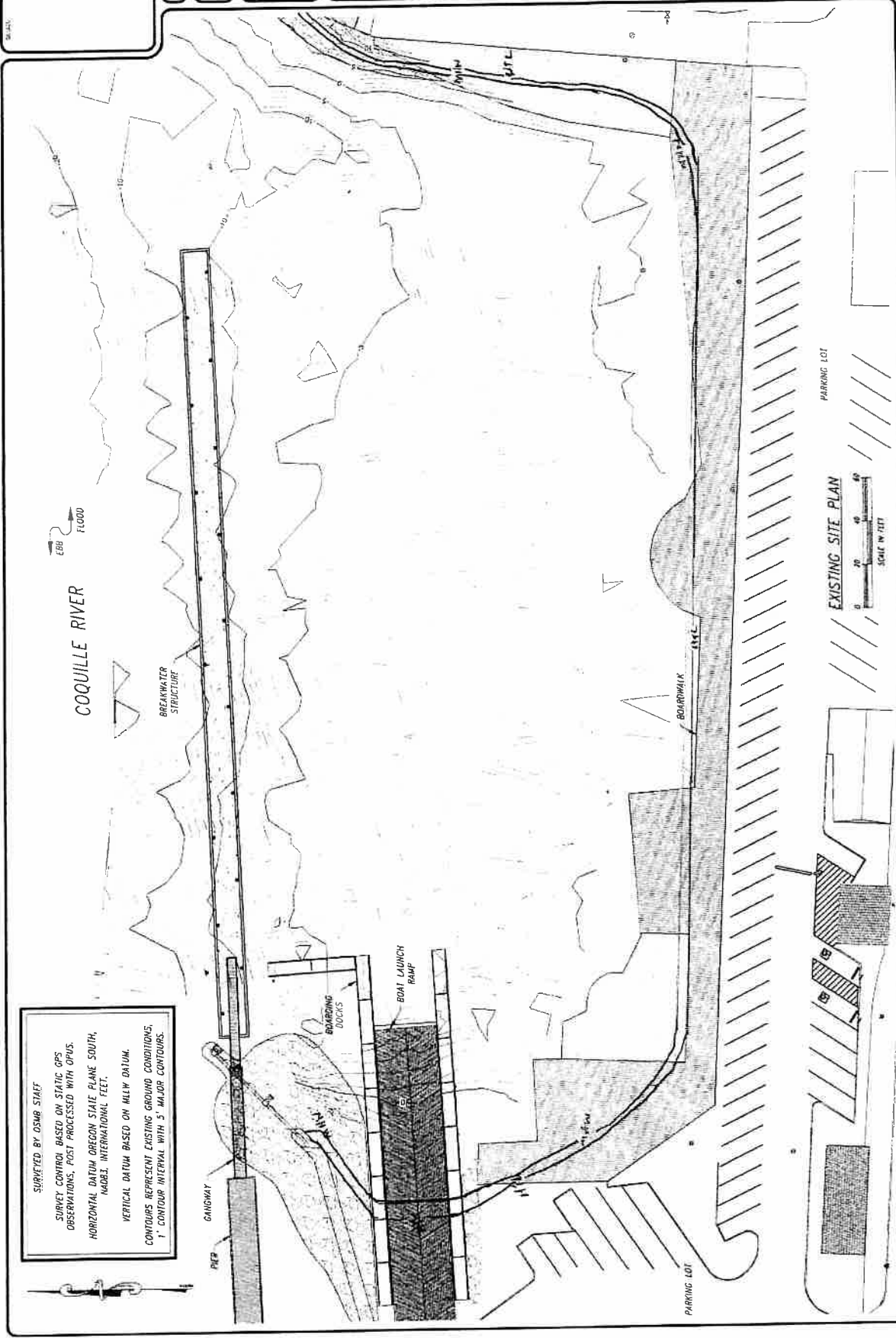
DESIGNED BY
 BOBBI S. JANITZ
 PROJECT: S. JANITZ
 DATE: 23 FEB 2021

PERMIT REVIEW
 NOT FOR CONSTRUCTION

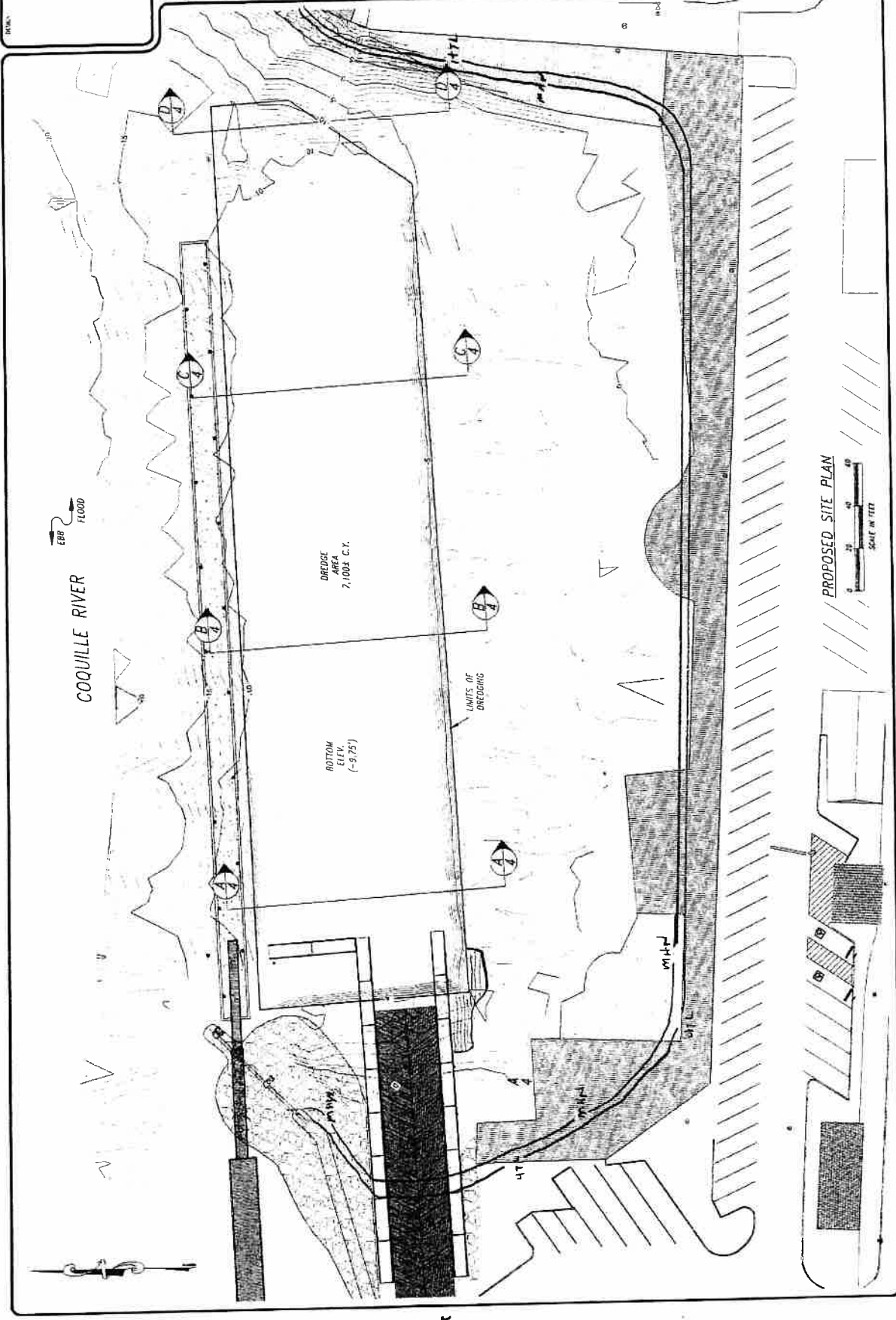


PROJECT: BOAT LAUNCH, COQUILLE RIVER - MILE 0.8
 PORT OF Bandon
 EXISTING SITE PLAN

DATE: 02
 SHEET: 02
 TOTAL SHEETS: 04
 DRAWING NO: 2021-100-002



SURVEYED BY OSMB STAFF
 SURVEY CONTROL BASED ON STATIC GPS
 OBSERVATIONS, POST PROCESSED WITH OPUS.
 HORIZONTAL DATUM OREGON STATE PLANE SOUTH,
 NAD83, INTERNATIONAL FEET.
 VERTICAL DATUM BASED ON MLLW DATUM.
 CONTOURS REPRESENT EXISTING GROUND CONDITIONS.
 1' CONTOUR INTERVAL WITH 5' MAJOR CONTOURS.



ENGINEER

PERMITS

ENVIRONMENTAL

BRIGGS S. JANITZE
REGISTERED PROFESSIONAL ENGINEER
DATE: 21 FEB 2021

PERMIT REVIEW

NOT FOR CONSTRUCTION



PROJECT: BONDON BOAT LAUNCH, COQUILLE RIVER - MILE 0.8
FOR THE PORT OF BONDON

PROPOSED SITE PLAN

03

DATE: 01/24/21

PROJECT NO: 2020-03

PROPOSED SITE PLAN

SCALE: 1/4" = 1'-0"

DATE: 2/23/2021
 DRAWN BY: S. JANITZ
 CHECKED BY: S. JANITZ

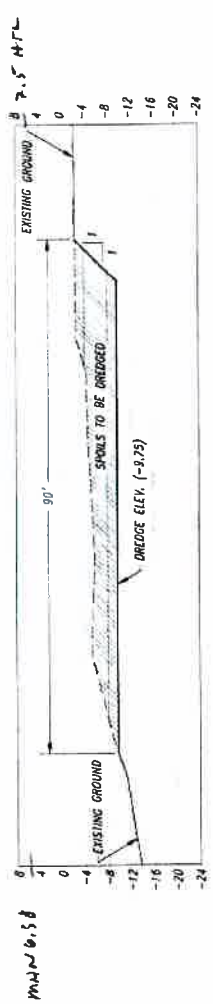
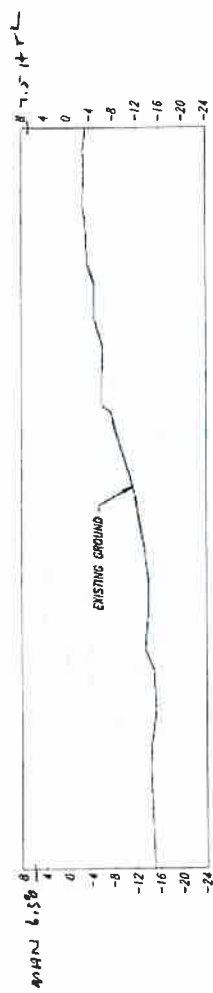
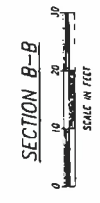
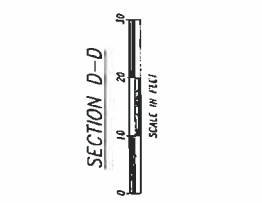
PROJECT: BANDON BOAT LAUNCH, COQUILLE RIVER - MILE 0.8

PERMIT REVIEW
 NOT FOR CONSTRUCTION

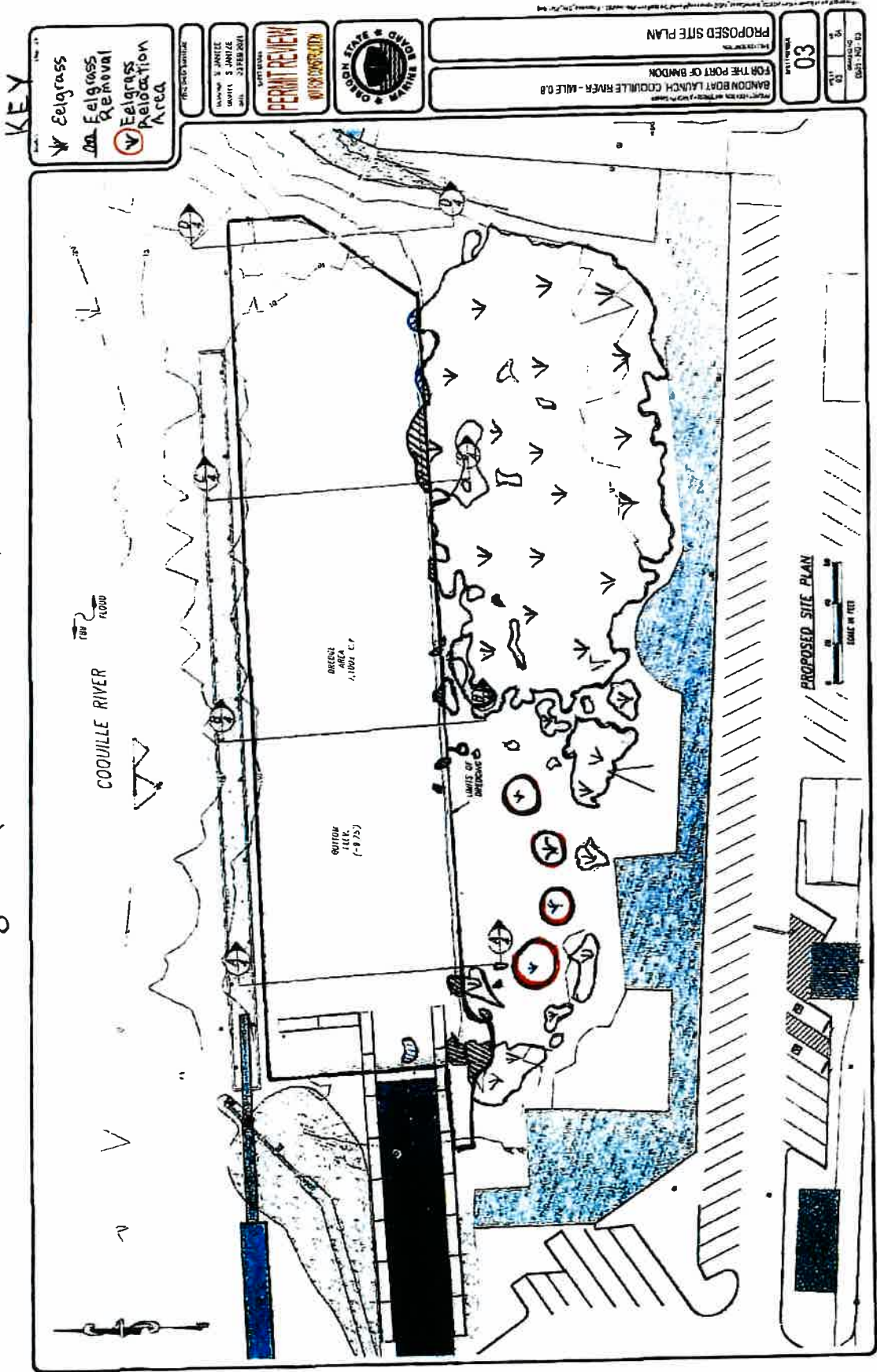


PROPOSED SITE PLAN
 BANDON BOAT LAUNCH, COQUILLE RIVER - MILE 0.8

04
 SHEET NO. OF 04
 PROJECT NO. 0805-103-04

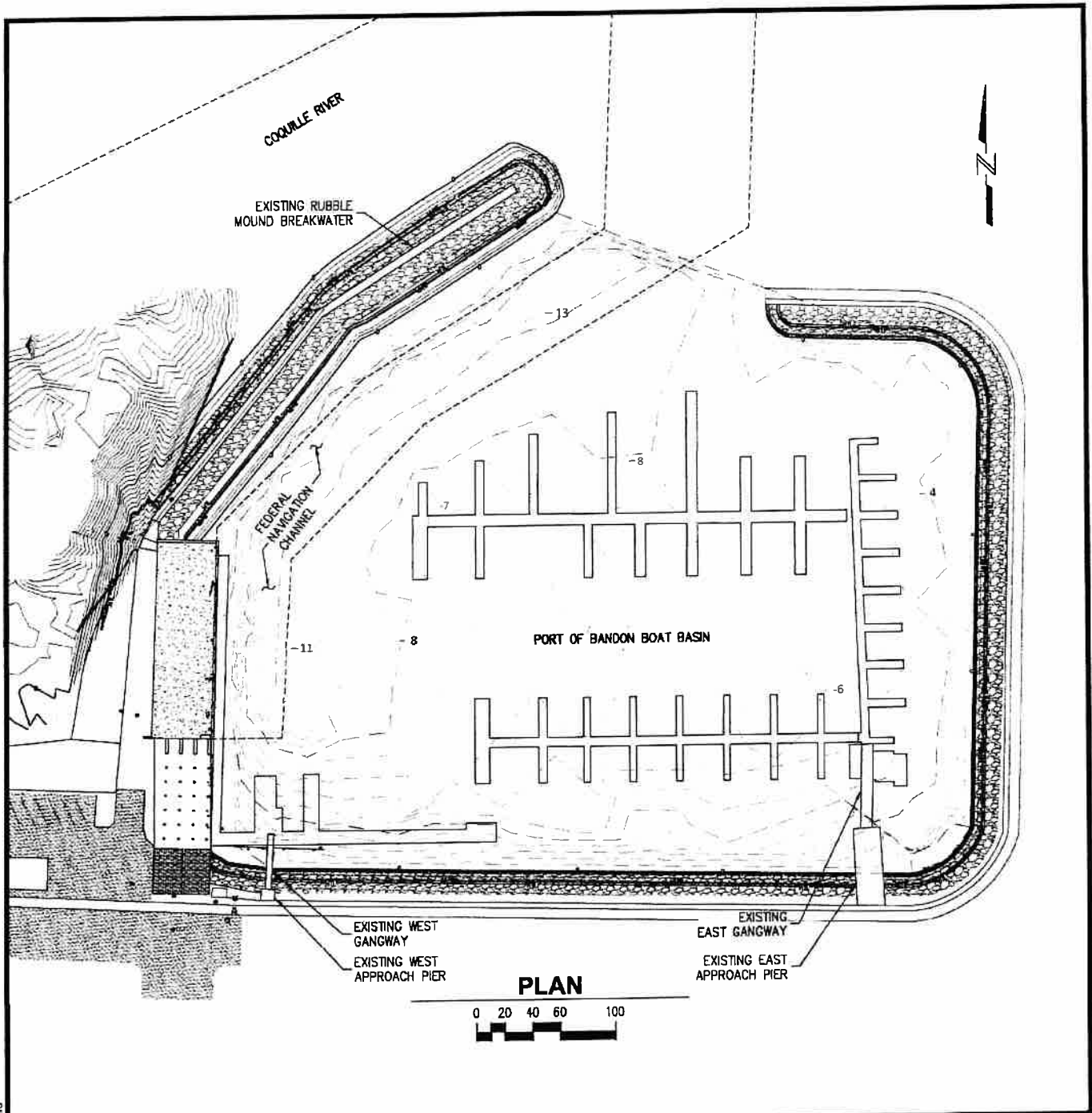


Eelgrass (Zostera marina) Plan



Express photo Interp - July 2021 Drone Imose
- ground truth - Port of Borden





3/10/2022 K:\2022\224013 BANDON DREDGING PERMIT\224013-02.DWG

PURPOSE: MARINA
MAINTENANCE DREDGING
AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
NONE

LAT: 43.12047N
LONG: -124.41482W

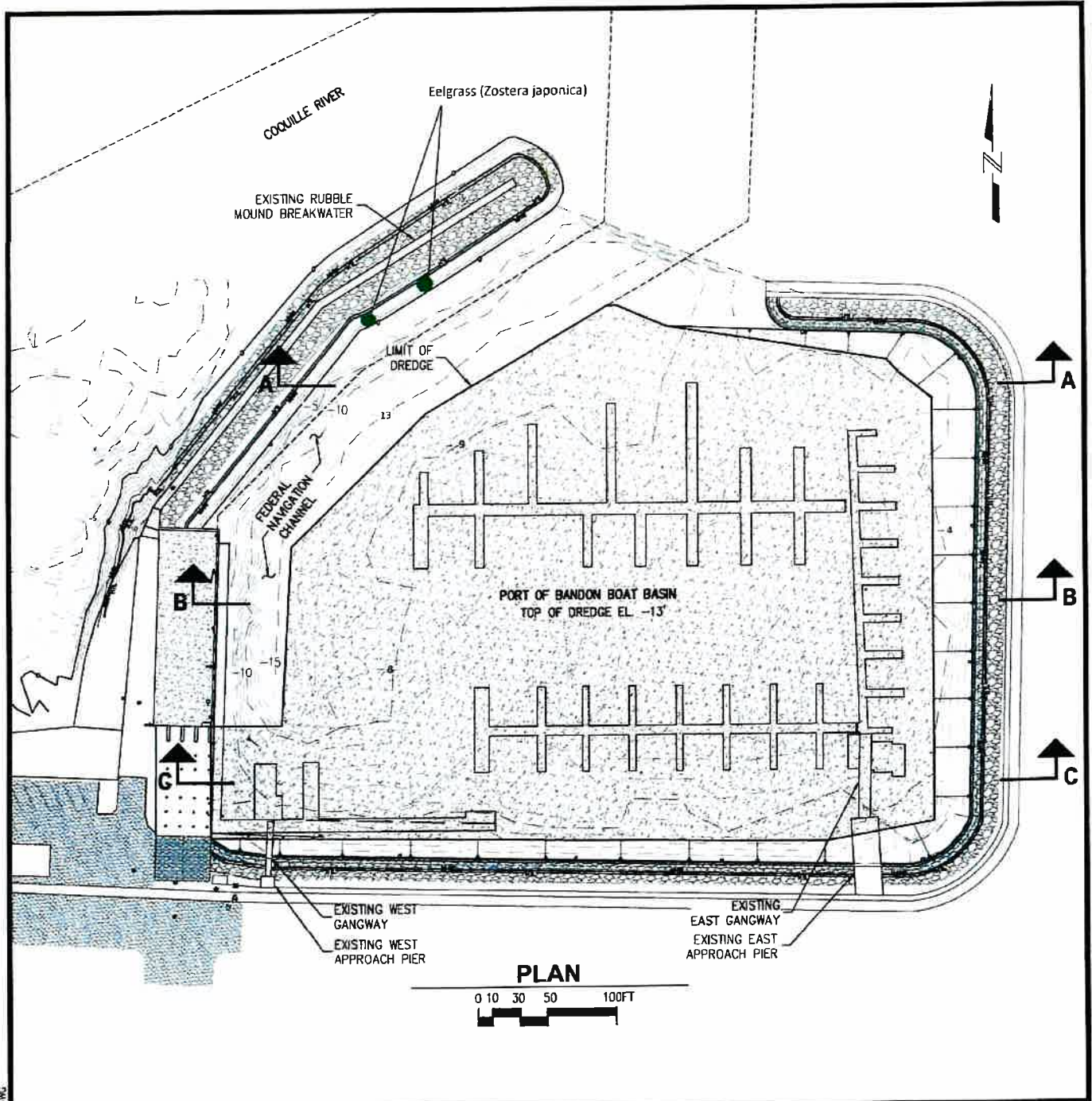
**PORT OF BANDON
BOAT BASIN
EXISTING CONDITIONS**

PORT OF BANDON
390 FIRST STREET
OREGON, 97411

PROPOSED:
MAINTENANCE DREDGING

IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
T28S, R14W, SEC. 25,30

APPLICATION BY:
PORT OF BANDON
SHEET 2 of DATE: MAR, 2022



3/11/2022
K:\2022\224013_BANDON_DREDGING\PERMIT\224013-03.DWG

PURPOSE: MARINA
MAINTENANCE DREDGING
AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
NONE

LAT: 43.12047N
LONG: -124.41482W

**PORT OF BANDON
BOAT BASIN
DREDGE PLAN**

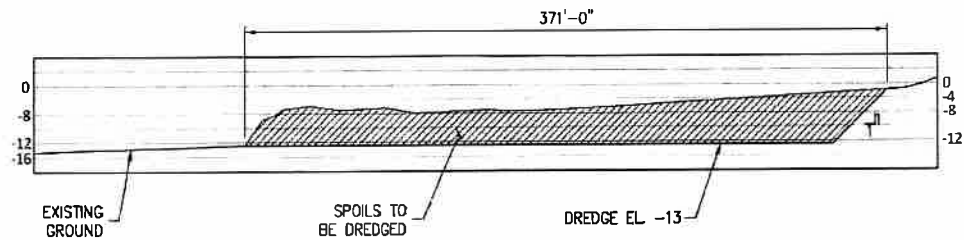
PORT OF BANDON
390 FIRST STREET
OREGON, 97411

PROPOSED:
MAINTENANCE DREDGING

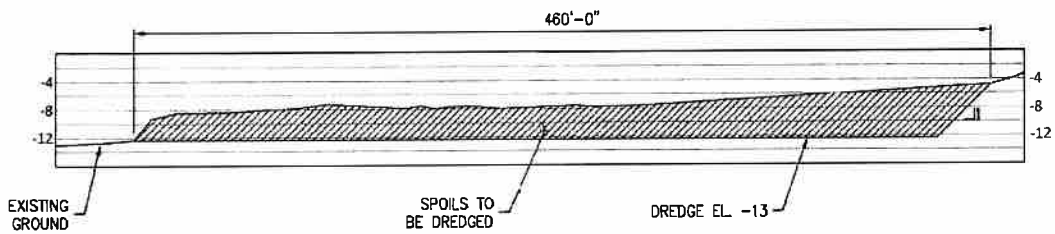
IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
T28S, R14W, SEC. 25,30

APPLICATION BY:
PORT OF BANDON

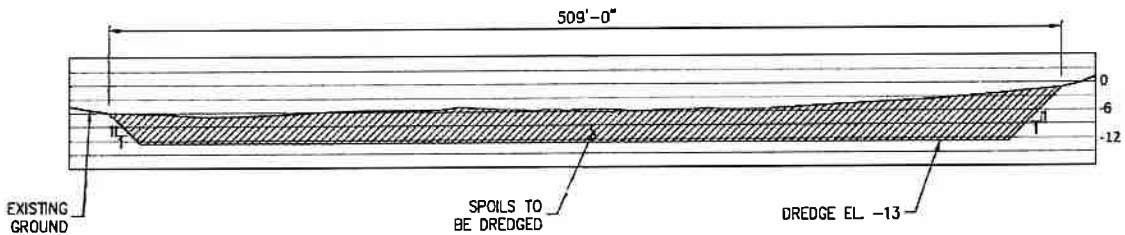
SHEET 3 of DATE: MAR, 2022



SECTION A-A



SECTION B-B



SECTION C-C

NOTE:
ALL SECTIONS ARE 1H:1V SCALE



PURPOSE: MARINA
MAINTENANCE DREDGING
AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
NONE

LAT: 43.12047N
LONG: -124.41482W

**PORT OF BANDON
BOAT BASIN
DREDGE SECTIONS**

PORT OF BANDON
390 FIRST STREET OREGON,
97411

PROPOSED:
MAINTENANCE DREDGING

IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
T28S, R14W, SEC. 25,30

APPLICATION BY:
PORT OF BANDON
SHEET 4 of DATE: MAR, 2022

3/10/2022 K:\2022\224013 BANDON DREDGING\PERMIT\224013-04.DWG



PLAN

0 50 100 150 250FT



DREDGING NOTES:

1. LAUNCH RAMP BASIN IS TO BE DREDGED TO EL. -9.75 FEET MLLW, OR TO OTHERWISE AUTHORIZED DEPTHS AT ANY GIVEN LOCATION WITHIN THE BASIN, WHICH EVER IS SHALLOWER.
2. BOAT BASIN IS TO BE DREDGED TO EL. -13 FEET MLLW, OR TO OTHERWISE AUTHORIZED DEPTHS AT ANY GIVEN LOCATION WITHIN THE BASIN, WHICH EVER IS SHALLOWER.
3. FLUCTUATIONS IN WATER LEVEL, CURRENTS, AND WAVES AT THE PROJECT SITE OCCUR ON A DAILY BASIS. THE CONTRACTOR IS RESPONSIBLE FOR UTILIZING EQUIPMENT AND METHODS APPROPRIATE FOR THE CONDITIONS AT THE TIME OF CONSTRUCTION.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO IMPLEMENT BEST MANAGEMENT PRACTICES (BMP'S) TO ENSURE COMPLIANCE WITH THE WATER QUALITY MONITORING CRITERIA INCLUDED WITHIN THE PROJECT PERMITS
5. PIPE WILL BE SUNKEN BY SEDIMENT, PROVIDE ADDITION ANCHOR TO ENSURE PIPE KEPT ON RIVER FLOOR AND TO PREVENT DRIFTING.
6. ANCHORS SHALL BE "SGA HOOK CLAW", 66.1 LBS MINIMUM.
7. PIPE ANCHORING WILL BEGIN OUTSIDE OF DREDGE HARBOR AS REQUIRED
8. ALTERNATE PIPE ROUTE FROM BOAT BASIN AS SHOWN ON PLAN

3/10/2022 10:00 AM PORT OF BANDON DREDGING OVERVIEW 12271013-09 DWG

PURPOSE: MARINA MAINTENANCE DREDGING AND DISPOSAL

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS: NONE

LAT: 43.12047N
LONG: -124.41482W

**PORT OF BANDON
DREDGE DISPOSAL
OVERVIEW**

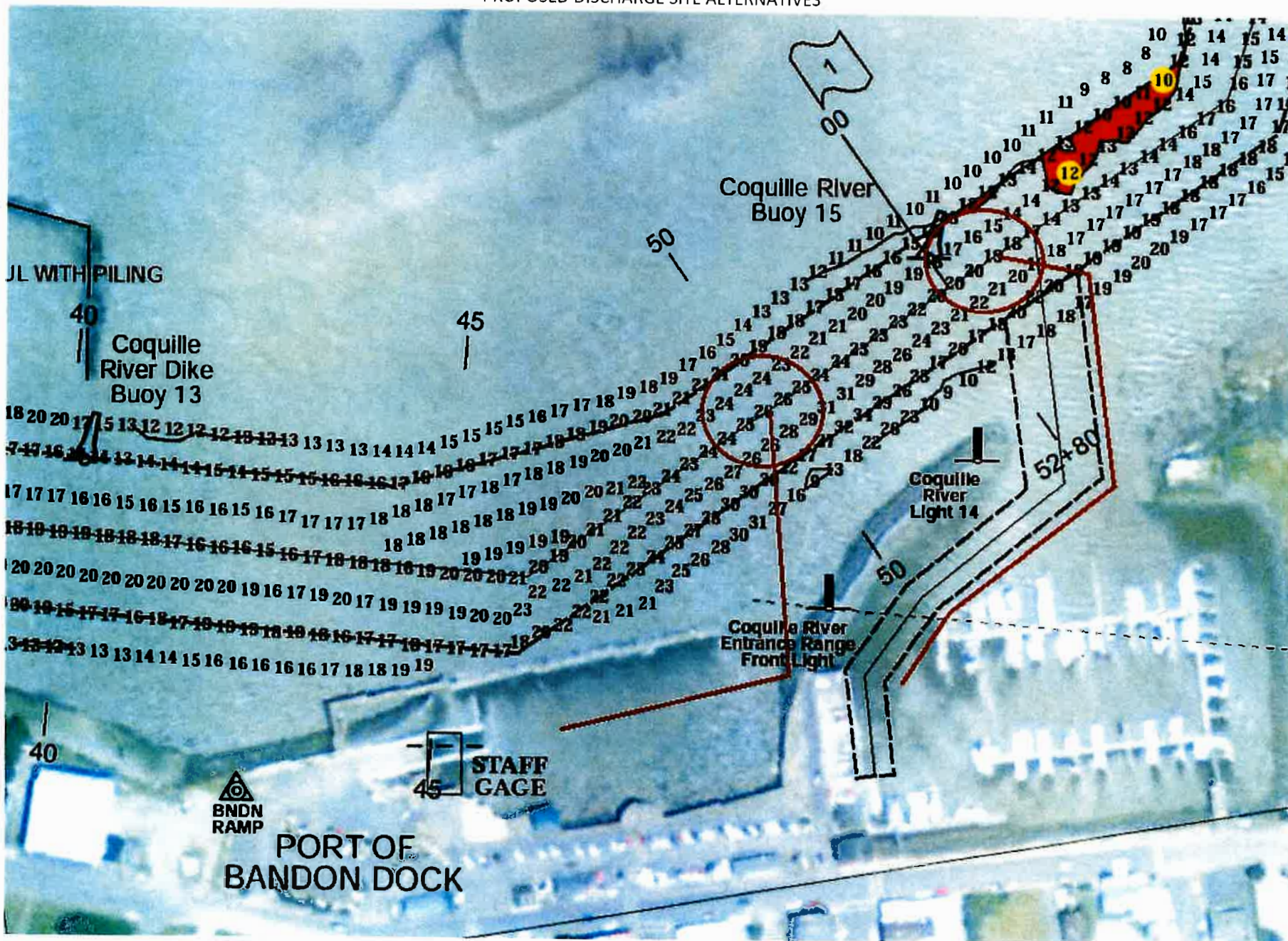
PORT OF BANDON
390 FIRST STREET
OREGON, 97411

PROPOSED: MAINTENANCE DREDGING

IN: COQUILLE RIVER
AT: BANDON, OR COOS CO.
T28S, R14W, SEC. 25,30

APPLICATION BY: PORT OF BANDON
SHEET 5 of DATE: MAR, 2022

AUGUST 2022 CORPS 408 REVIEW
PROPOSED DISCHARGE SITE ALTERNATIVES



Appendix E

Port of Bandon Boat Launch Bathymetric Survey Coquille River July 7, 2022



NORTHWEST HYDRO INC.
14000 W. CREEK RD.
SILVADO, WA 98138
PH: 509.232.2123
WWW.northwesthydro.com

Northwest Hydro Inc. is a professional engineering and surveying firm. All work is performed under the supervision of a Professional Engineer or Professional Surveyor. The information presented herein is based on the data provided to us by the client and is not to be used for any other purpose without the written consent of Northwest Hydro Inc. The information presented herein is not to be used for any other purpose without the written consent of Northwest Hydro Inc.

Port of Bandon Boat Basin

Bathymetric Survey

Coquille River

July 7, 2022



PROJECT: PORT OF BANDON BOAT BASIN
DATE: 7/7/2022
TIME: 10:00 AM
SURVEYOR: JAMES G. MATHIAS
CLIENT: NORTHWEST HYDRO, INC.
PROJECT NO.: 2022-001
JOB NO.: 2022-001-001
DRAWING NO.: 2022-001-001-001
SCALE: AS SHOWN
UNITS: FEET
TIDE: MLLW
COORDINATE SYSTEM: NAD 83
PROJECTION: UTM
DATUM: NAD 83
ELEVATION: FEET
SOUNDING: FEET
DEPTH: FEET
WATER TEMPERATURE: FEET
WIND: FEET
CURRENT: FEET
SURFACE CURRENT: FEET
BOTTOM TYPE: FEET
OBSTRUCTIONS: FEET
REMARKS: FEET
REVISIONS: FEET
APPROVED: FEET
DATE: FEET
BY: FEET
CHECKED: FEET
DATE: FEET
BY: FEET



NORTHWEST HYDRO, INC.
31 COUGAR CREEK RD
SEASIDE, WA 98648
PH: (360) 241-7513
FSM@northwesthydro.com

