Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

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Tillamook, Oregon 97141
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Land of Cheese, Trees and Ocean Breeze

ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT #851-22-000124-PLNG: TILLAMOOK COUNTY MEMALOOSE BOAT LAUNCH MAINTENANCE PROJECT

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

NOTICE OF ADMINISTRATIVE REVIEW
Date of Notice: March 30, 2022

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-22-000124-PLNG: Review of an Estuary/Floodplain Development Permit to perform maintenance activities at the Memaloose Boat Ramp, a Tillamook County Parks Department recreation facility. The project area is along the Tillamook River shoreline and Tillamook Bay Estuary and is located in the Water-Dependent Development (WDD) Zone, Estuary Conservation 1 (EC1) Zone and Flood Hazard Overlay (FH) Zone. The County park facility location is west of the City of Tillamook along Bayocean Road, a County road, and is designated as Tax Lot 100 of Section 22 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Applicant is JoAnn Woelfle, Director, Tillamook County Parks Department. Property owner is Tillamook County.

Written comments received by the Department of Community Development prior to 4:00 p.m. on April 13, 2022, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, April 14, 2022.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which the application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: https://www.co.tillamook.or.us/commdev/landuseapps and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please contact the Department of Community Development at 503-842-3408 x 3317 or sabsher@co.tillamook.or.us.

Sincerely,

Sarah Absher

Sarah Absher, CFM, Director
Enc. Maps, Applicable Ordinance Criteria

REVIEW CRITERIA

TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY ZONE

(14) DEVELOPMENT PERMIT PROCEDURES

(b) Development Permit Review Criteria

(1) The fill is not within a Coastal High Hazard Area.

(2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) The fill is necessary for an approved use on the property.

(4) The fill is the minimum amount necessary to achieve the approved use.

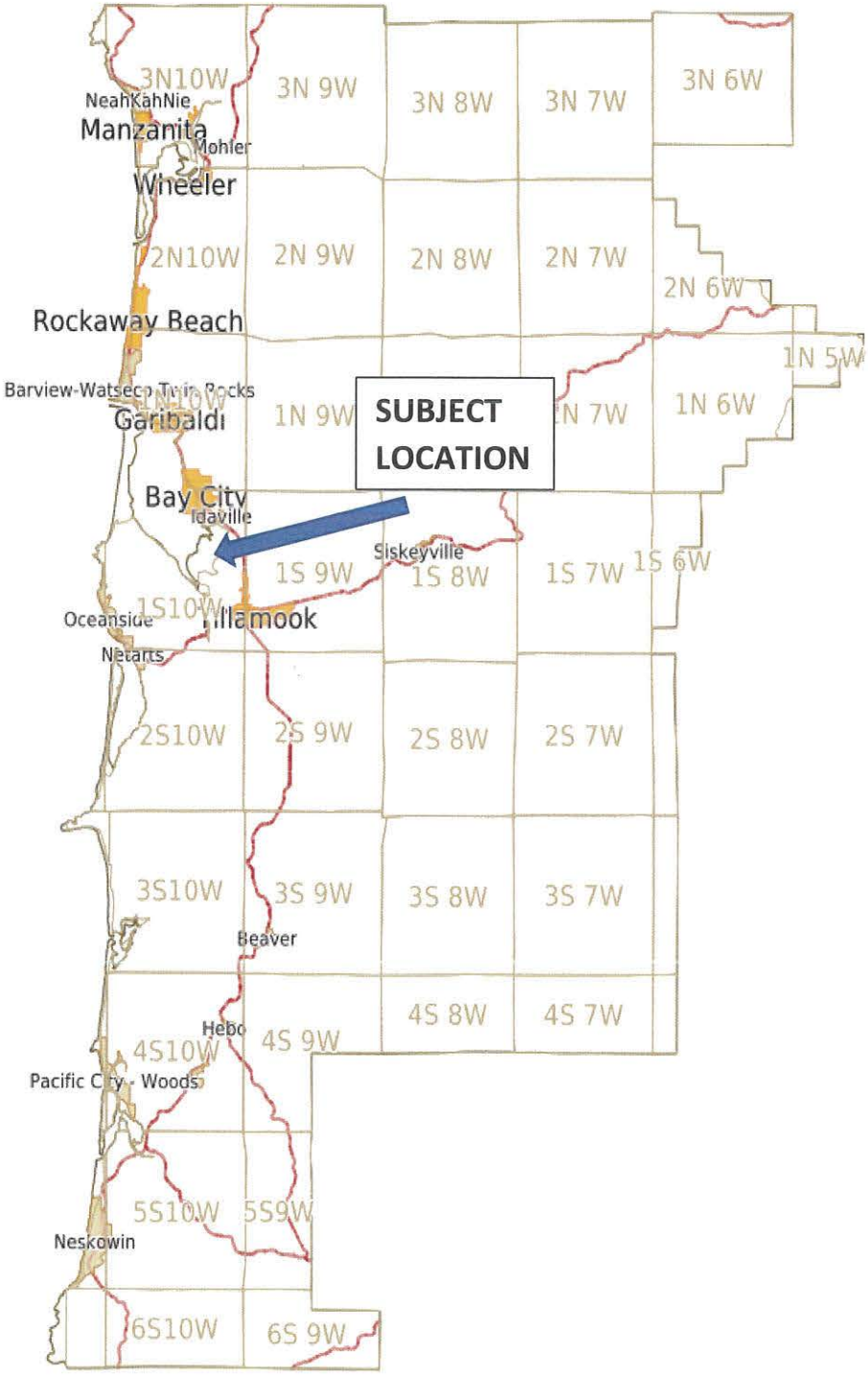
(5) No feasible alternative upland locations exist on the property.

(6) The fill does not impede or alter drainage or the flow of floodwaters.

(7) If the proposal is for a new critical facility, no feasible alternative site is available.

Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.

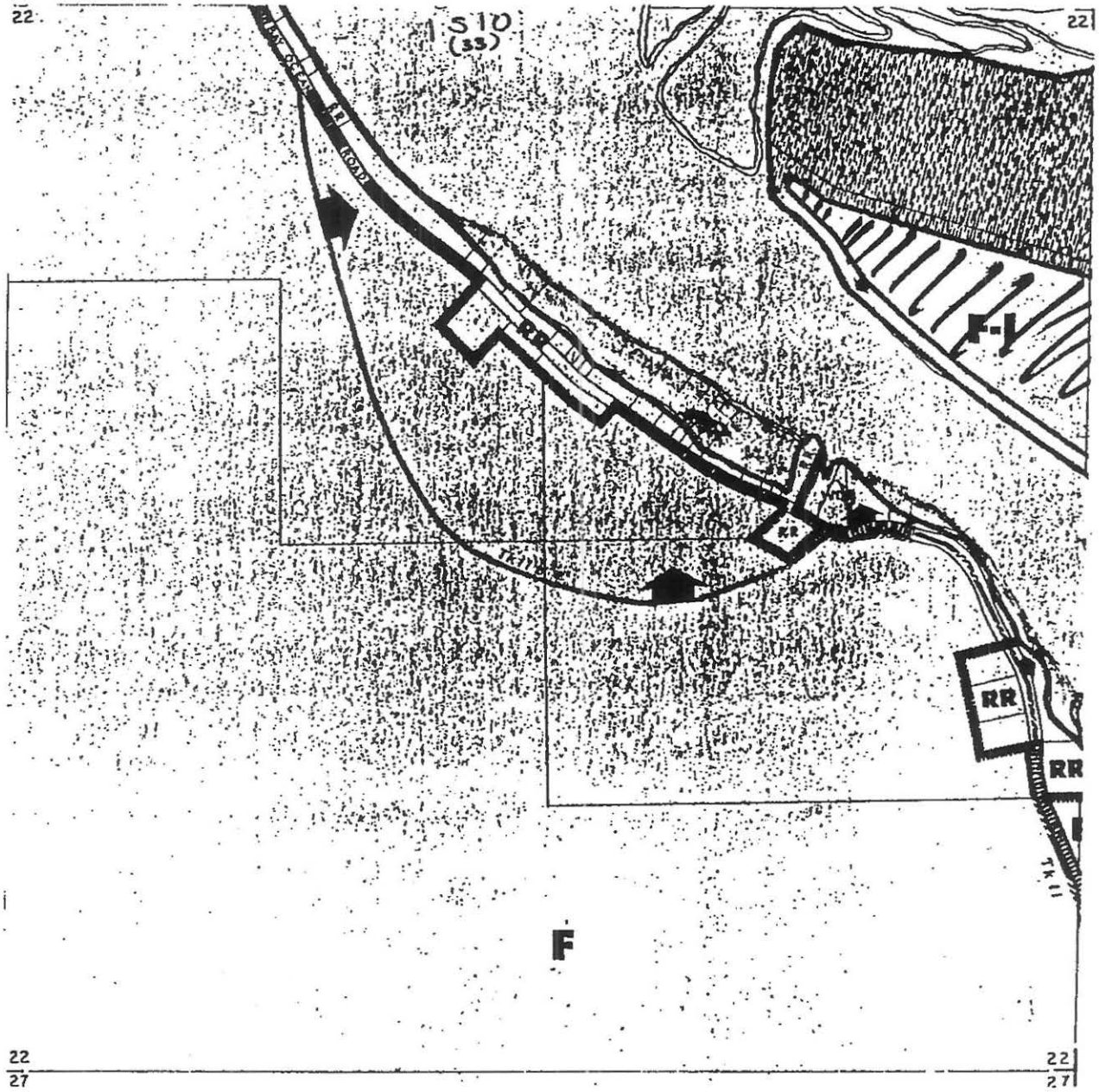
VICINITY MAP



#851-22-000124-PLNG: TILLAMOOK COUNTY MEMALOOSE BOAT LAUNCH MAINTENANCE PROJECT

Map

Generated with the GeoMOOSE Printing Utilities



1510 22

Tillamook County Department of Community Development
1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

OFFICE USE ONLY
Date Stamp
☐Approved ☐Denied
Received by:
Receipt #:
Fees: 983
Permit No: 851-22-00024PLNG

Applicant x *(Check Box if Same as Property Owner)*

Name: JoAnn Woelffle Phone: 503.322.3477 ext 4 Tillamook County Parks Dept.

Address: POBox 633

City: Garibaldi State: OR Zip: 97118

Email:

Property Owner

Name: Phone:

Address:

City: State: Zip:

Email:

Request: Approval to dredge 1,200 cubic yards of material at the Memaloose Boat Ramp.

Type II
- ☐ Farm/Forest Review
- ☐ Conditional Use Review
- ☐ Variance
- ☐ Exception to Resource or Riparian Setback
- ☐ Nonconforming Review (Major or Minor)
- ☒ Development Permit Review for Estuary Development
- ☐ Non-farm dwelling in Farm Zone
- ☐ Foredune Grading Permit Review
- ☐ Neskowin Coastal Hazards Area

Type III
- ☐ Appeal of Director's Decision
- ☐ Extension of Time
- ☐ Detailed Hazard Report
- ☐ Conditional Use (As deemed by Director)
- ☐ Ordinance Amendment
- ☐ Map Amendment
- ☐ Goal Exception

Type IV
- ☐ Appeal of Planning Commission Decision
- ☐ Ordinance Amendment
- ☐ Large-Scale Zoning Map Amendment
- ☐ Plan and/or Code Text Amendment

Location:

Site Address: 1972 Bay Ocean Road

Map Number: 1S (Township) 10W (Range) 22 (Section) 100 (Tax Lot(s))

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

JoAnn Woelffle — 3-28-2022
Property Owner Signature (Required) — Date

Applicant Signature — Date

Applicant: Tillamook County Parks

Project Name: Memaloose Boat Ramp Dredging

Location: 1S 10W 22 TL 100

Zoning: EC1

3.120(5) IMPACT ASSESSMENT

(a) The type and extent of alterations expected.

Reponses: The proposed development will dredge the existing fairway to the Memaloose boat ramp to -6.0 ft to restore its navigational depth and width. Maintenance dredging of the existing fairway will require excavation of 1,200 cubic yards of sand, silt, and muck from 0.23 ac below high tide line to maintain site access by providing adequate depth for boat ingress and egress. Dredging depth is -6 ft with side slopes varying between 2H:1V and 1H:1V.

The proposed dredge material contains recently deposited, previously disturbed sediment. The dredge apparatus is anticipated to be a grab dredge crane or backhoe operated from the boat ramp or adjacent jetty; however, a barge-mounted clamshell dredging equipment may be used. Any barge used will be operated and maneuvered carefully to avoid grounding on the streambed considered tidal fluctuation and the reduced water depths occurring in the shoaled work area. Dredge material will be limited to the navigation fairway, which will be enclosed by silt curtains.

The dredge spoils will be dewatered and temporarily stored on-site at T1S R10W Section 22, Tax Lot 100. The decanting weir will remain in place to ensure that the spoils do not develop wetland characteristics. Spoils will be seeded with tuft forming grasses to stabilize the spoils and minimize potential erosion. After the spoils are fully dewatered, they will be removed and wasted on County-owned upland property adjacent to the boat ramp.

In-water work will be scheduled during ODFW in-water work window for Tillamook Bay tributaries (July 1 through September 15).

(b) The type of resource(s) affected including, but not limited to aquatic life and habitats, riparian vegetation, water quality and hydraulic characteristics.

Response:

Aquatic life and habitats: Because it is located in the high-traffic area adjacent to the boat ramp, the project area lacks vegetation and does not provide significant habitat functions or values to the riparian or aquatic environment. Occurrence of fish or wildlife in the project area is incidental and transitory.

Riparian vegetation: The Tillamook River riverbank throughout this reach of the river is substantially armored with riprap revetments. A narrow bank (<10 ft) of riparian vegetation lies between the riprap bank and the dredge disposal area. Riparian vegetation in the vicinity of the project is dominated by Himalayan blackberry (*Rubus discolor*) with sparse grasses and weeds. No trees are present in the project area.

Water quality: Water quality in this reach of the river can be characterized as impaired, as it is on DEQ's Integrated Report of water quality limited and Section 303(d) listed waters for E. coli, biological criterial, fecal coliform, and summer temperature parameters.

Hydraulic characteristics: The project area is located near the mouth of the Tillamook River. The water at the site is relatively slow moving, with flows primarily controlled by the tidal fluctuation of Tillamook Bay. The bay effectively controls the hydrology of the lower river, where flows often reverses with water moving upstream during flood tide. Winter floods discharge high volumes of sediment through the estuary and can combine with high tides to create high water conditions, being as high as 11 feet. Low summer stream flows allow seawater inflow to dominate the lower estuary and during low tide water levels can be very, about -1 ft.

The project area is a currently used public boating access and consists of an existing navigation fairway and concrete boat ramp that is flanked by riprap riverbank. Because of maintenance dredging that has occurred over the years and the heavy boat traffic, there are no plants, woody material, or any part of the natural streambed in the project area.

Because it is located in the high-traffic area adjacent to the boat ramp, the project area lacks vegetation and does not provide significant habitat functions or values to the riparian or aquatic environment. Occurrence of fish or wildlife in the project area is incidental and transitory.

The adjacent uplands include a paved parking area and restroom building that serve the boat ramp.

(c) The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.

Response:

Water quality: Dredging activities may suspend or introduce sediment and contaminants into the river. Water quality may be degraded in the short term as a result of turbidity created by sediment removal and disposal. Polycyclic aromatic hydrocarbon chemicals are found in emissions from generators and motorized equipment used in dredging activities and have some potential to degrade environmental quality. Dredging and spoil disposal will occur during low water to minimize the effects of inwater work. A floating silt curtain and sediment fence will be used to as needed to isolate the work area from the waterway, contain disturbed soils, and minimize turbidity increase in the waterway. Dredge spoils will be placed in a manner that minimizes potential for negative water quality effects such as turbidity increases. Spoils will be contained within the on-site containment berm, away from the active flow of the river channel. At that location, spoils will be dewatered and stored pending future relocation to an offsite, upland disposal location.

Physical characteristics of the estuary: Only the ramp fairway will be dredged, and there would be no change to the physical character of the estuary.

Living resources: Because of maintenance dredging that has occurred over the years and the heavy boat traffic, there are no plants, woody material, or any part of the natural streambed in the project area. The project has been designed to comply with NOAA Fisheries' Standard Local Operating

Procedures for Endangered Species (SLOPES IV) In-water and Over-water Structures Biological Opinion. SLOPES contains conservation measures that must be employed to minimize impacts. The intent of SLOPES is to document compliance with the Endangered Species Act for actions which are authorized by Nationwide Permits affecting aquatic endangered species.

Recreation and Aesthetic Use: Memaloose Boat Ramp is identified in Commercial and Recreation Boating Facilities in Oregon Estuaries Shoreland areas. The Tillamook County Parks Department estimates that over 10,000 boat launches occur from Memaloose Point Boat Ramp every year. The Memaloose Point Boat Ramp provides access to the Tillamook Bay or its tributaries. This is the most visited boat launch when the salmon and steelhead fishing is strong in the Tillamook Bay. Sediment accretion at Memaloose Boat Launch has closed both launch lanes at low tide. Boaters are advised that launching is only available at high tide.

"We know this is going to be an inconvenience to the fishing community," said Tillamook County Commissioner Mary Faith Bell. "We had hoped dredging would be done in time for this year's fall fishing season. We want to get this information out now, so that fishermen can plan accordingly, and not be surprised when they arrive at the boat launch."

In 2019, local recreationists and visitors spent $737 million in Tillamook County (Earth Economics 2021). Recreational opportunities include, but were not limited to: ocean sports, hiking, fishing, and kayaking. Water access and boat launch facilities are an important component to these recreational opportunities. Because of Tillamook's close proximity to Portland and the Willamette Valley, as Oregon's population increases, barring events such as worsening economic conditions or further salmon stock depletion, there will continue to be an increase demand for these types of recreational activities.

Navigation: Tillamook River is federally designated navigable waterway. Accumulated sediment in the fairway has limited boat access, particularly during low water conditions. The project will restore the boat ramp fairway navigational depth and width. Dredging depth is -6 ft with side slopes varying between 2H:1V and 1H:1V.

(d) The methods which could be employed to avoid or minimize adverse impacts.

Response: The project has been designed to comply with NOAA Fisheries' SLOVES IV In-water and Over-water Structures Biological Opinion. SLOPES contains conservation measures that must be employed to minimize impacts. Dredging is proposed to be conducted during ODFW in-water work window for Tillamook Bay tributaries (July 1 through September 15).

Silt removal will be limited to the navigation fairway, which will be enclosed by silt curtains. No part of the natural streambed or banks will be disturbed by the dredging activities. The dredging operation will be done by lowering the grab bucket to the bottom, closing the gram, raising the fill gram to the surface and placing spoils into the containment basin. The dredge spoils will be dewatered and temporarily stored on-site at T1S R10W Section 22, Tax Lot 100. The decanting weir will remain in place to ensure that the spoils do not develop wetland characteristics. Spoils will be seeded with tuft forming grasses to stabilize the spoils and minimize potential erosion. After the spoils are fully dewatered, they will be removed and wasted on County-owned upland property adjacent to the boat ramp.

Additional measures that will implemented during construction to minimize adverse impacts include:

- Timing of work will be coordinated to occur at times of low water or at low tide to the extent possible.

- Care will be taken to prevent any petroleum products, chemicals, or deleterious materials from entering the water during this project.
- Silt curtains will be placed around the dredge area to minimize turbidity increase in the water.
- Silt fences and adequate berms will contain the dredged materials within the existing, designated disposal site.
- Work will not inhibit fish passage. Fish will be able to move upstream/downstream past the work area uninhibited.
- No maintenance or refueling activities involved with land-based dredging equipment will occur within or near the waterway.

(6) REQUIREMENTS FOR RESOURCE CAPABILITY DETERMINATIONS: Uses and activities for which a resource capability determination is required by Section 3.140, shall be allowed only if they are found to be consistent with the resource capabilities of the management unit(s) and the purposes of the zone(s) in which they are to be located. An activity will be found to be consistent with the resource capabilities of a management unit (as described in Section 2 of the Estuarine Resources Element of the Tillamook County Comprehensive Plan) when either (1) the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or; (2) that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner consistent with the purposes of the zone. The resource capability determination shall be based on information generated by the impact assessment.

Response: The Memaloose Boat Ramp is an identified allowed recreation facility in Estuarine under Goal 16 of the Tillamook County Comprehensive Plan that may require maintenance dredging. Memaloose Point Boat Ramp identified as a project requiring maintenance dredging needs. Disposal is best suited at Site #5A and Site #5B, using clamshell equipment

The Tillamook River is a designated shoreline of the county. Tillamook County Boat Launch (Memaloose) at T 1S, R 10W, S 22 is classified as needed for water-dependent and water-related uses under Goal 17 of the Tillamook County Comprehensive Plan. Tillamook County public boat launch is identified in Commercial and Recreation Boating Facilities in Oregon Estuaries Shoreland areas at this site and has been included in the Water-Dependent Development (WDD) Zone.

(7) SIGNIFICANT DEGRADATIONS OR REDUCTIONS OF ESTUARINE NATURAL VALUES:

(a) Definition: Significant degradations or reductions of estuarine natural values include dredging, fill, and other activities which will cause significant off site impacts as determined by the impact assessment (Section 3.120 (5)).

Response: No significant impacts have been identified from the impact assessment. The project will restore the fairway navigation and open the boat ramp up for recreational use again (beneficial effect). There would be no significant impact to riparian or aquatic habitats because of past maintenance dredging that has occurred over the years and the heavy boat traffic, there are no plants, woody material, or any part of the natural streambed in the project area. The project has been designed to comply with SLOPES IV which contains conservation measures that minimize impacts to aquatic species.

(b) Requirements: Dredging and fill must comply with the standards in Section 3.140 (Subsections (5) and (7) respectively). Other reductions and degradations of estuarine natural values shall be allowed only if: (1) A need (i.e. a substantial public benefit) is demonstrated and the use or

alteration does not unreasonably interfere with public trust rights; and (2) No feasible alternative upland locations exist; and (3) Adverse impacts are minimized as much as feasible.

Response: See Section 3.140 for compliance with development standards.

3.140 Estuary Development Standards

(5) DREDGING IN ESTUARINE WATERS, INTERTIDAL AREAS AND TIDAL WETLANDS: These standards shall apply only to dredging in excess of 50 c.y. within a 12-month period or dredging of 50 c.y. or less which requires a Section 10 permit from the U. S. Army Corps of Engineers.

(a) When dredging in estuarine waters, intertidal areas or tidal wetlands is proposed, evidence shall be provided by the applicant and findings made by the County that:

(1) The dredging is necessary for navigation or other water dependent uses that require an estuarine location, or is specifically allowed by the management unit or zone; and,

(2) A need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;

(3) If no feasible alternative upland locations exist; and,

(4) If adverse impacts are minimized.

Response: The Memaloose Boat Ramp is an identified allowed recreation facility in Estuarine under Goal 16 of the Tillamook County Comprehensive Plan that may require maintenance dredging. Memaloose Point Boat Ramp identified as a project requiring maintenance dredging needs. Disposal is best suited at Site #5A and Site #5B, using clamshell equipment

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(b) Dredging projects shall meet all requirements of the State Fill and Removal Law (ORS 541.605 - 541.665), Section 10 of the Rivers and Harbors Act of 1899, and other applicable State and Federal laws. These requirements shall be enforced by State and Federal agencies with regulatory authority over dredging projects.

Response: The project meets the State Fill and Removal Law as Oregon Department of State Lands has issued the permit for the dredging (63362-GP).

The County has applied for a new permit from the US Army Corps of Engineers (Corps). The County has previously received permits form the Corps for maintenance dredging. Conversations with the Corps indicated that they will be issuing a permit for the proposed dredging (Kinsey Friesen pers comm March 3, 2022), implying compliance with Section 10 of the Rivers and Harbors Act.

(c) Existing water quality, quantity and rate of flow shall be maintained or improved. Minimum stream flow requirements shall be maintained. Water Quality policies shall apply.

Response: The County received email verification that DEQ will be issuing Section 401 water quality certification by March 22, 2022.

(d) Flushing capacity of estuaries shall be maintained. A hydrologic report from a professional registered hydrologist or engineer may be required by the Planning Department to ensure that this standard has been met.

Response: N/A

(e) Dredging shall be timed in order to minimize the effects of sedimentation and turbidity and to minimize impacts on fish, shellfish, and recreational and commercial fishery activities. The work periods specified in the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (ODFW, 2000) shall be followed unless approval of alternative work periods has been obtained from the O.D.F.W.

Response: Dredging is proposed to be conducted during ODFW in-water work window for Tillamook Bay tributaries (July 1 through September 15).

(f) Evidence shall be provided by the applicant and findings made by the County that projects requiring dredging are sited and designed so that initial and maintenance dredging are minimized.

Response: Goal 16 of the Tillamook County Comprehensive Plan identified that the Memaloose Boat Ramp may require maintenance dredging.

(g) Dredging proposals shall provide at least a five-year program for disposal of dredged materials. Programs for disposal of dredged material shall be consistent with Dredged Material Disposal standards.

Response: The fairway has been regularly dredged since a boat ramp was constructed on the site in 1948. In recent years the rate of sediment deposition has required dredging on an approximate 5-year interval. The site was likely dredged when the boat ramp was rebuilt in 1991. The was previously dredged in 1995, 2000, 2006, and 2015.

(h) Dredging proposals requiring mitigation shall include a mitigation plan consistent with Mitigation Standards.

Response: N/A

(i) New dredging projects shall not be allowed in areas where insufficient data are available to assess the relative biological value. Under these circumstances, the applicant may arrange to provide the necessary information with the technical assistance of State and Federal resource agencies.

Response: N/A

(j) When dredging for the purpose of on-site maintenance of existing facilities is proposed, evidence shall be presented by the applicant and findings made by the County that: (1) The dredging is necessary to maintain proper operation of the facility. (2) The amount of dredging proposed is confined to the geographic area of the existing facility, and is the minimum amount necessary to fulfill the need. In cases where dredging or ditching for the purpose of tidegate or land drainage network maintenance is proposed, this findings requirement may be met by a brief statement from the local Soil and Water Conservation Service stating that: (1) Dredging or ditching is necessary to maintain proper operation of the tidegate and/or the associated land drainage network behind the

dike. (2) The amount of dredging or ditching proposed is confined to the geographic area of the tidegate or drainage new work, and is the minimum amount necessary to fulfill the need.

Response: Goal 16 of the Tillamook County Comprehensive Plan identified that the Memaloose Boat Ramp that may require maintenance dredging.

(k) Excavation to create new water surface area shall be subject to the standards listed above and to the following standards: (1) Provision shall be made for stabilization of new bank lines prior to the connection of the new water body to existing water bodies. Excavation of as much as is practical of the new water body shall be completed before it is connected to existing water bodies. (2) Toxic substances or other pollutants shall not leak into the water as a result of the excavation. (3) Erosion of adjacent shoreland areas and excessive sedimentation and turbidity in adjacent aquatic areas shall be avoided. (4) Excavation shall occur at a time that will minimize its impact on aquatic life. (5) Excavated materials shall not be disposed of in estuarine waters, intertidal areas, or tidal wetlands, except as part of an approved fill project subject to fill standards.

Response: N/A

(l) Dredging for the purpose of bankline or stream alteration (i.e. realignment of a stream bank or the entire stream, either within or without its normal high water boundaries) shall be subject to the standards listed above and to following standards: (1) Alignments should make maximum use of natural or existing deep water channels provided that pockets of stagnant water are not created. (2) Erosion of adjacent shoreland areas and excessive sedimentation and turbidity in adjacent aquatic areas shall be avoided. (3) Temporary stabilization (mulching or sodding), sediment basins or other performance equivalent structures may be required at the discretion of the Planning Department. (4) Provision shall be made for stabilization of new banklines. Shoreline Stabilization standards shall apply. (5) Adverse impacts on fish spawning, feeding, migration and transit routes and wildlife habitat shall be evaluated and minimized. (m) An impact assessment shall be conducted during local, State and Federal review of permit applications for dredging in estuarine waters, intertidal areas or tidal wetlands. The impact assessment shall follow the procedures outlined in Section 3.020. Identified adverse impacts shall be minimized to be consistent with the resource capabilities and purposes of the area.

Response: N/A

3.510 FLOOD HAZARD OVERLAY

14.b. Development Permit Review Criteria

(1) The fill is not within a floodway, Coastal High Hazard Area, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.

Response: The project is not within the floodway, Coastal High Hazard Area, wetland, or riparian area. The project is within the EC1 zone. The proposed project is an allowed use in the EC1 zone, see findings in Section 3.140 above. The Memaloose Boat Ramp is an identified allowed recreation facility in Estuarine under Goal 16 of the Tillamook County Comprehensive Plan that may require maintenance dredging. Memaloose Point Boat Ramp identified as a project requiring maintenance dredging needs. "*Disposal is best suited at Site #5A and Site #5B, using clamshell equipment.*"

All spoils will be placed in the existing, previously authorized upland disposal area adjacent to the ramp. Material will be dewatered within the containment berm of the disposal area, where a weir will be used to form a small settling pond. After the suspended solids have settled out, the water will be

returned to the dredged area, which will be enclosed by the floating silt curtain. No wetlands are present in the project area or the authorized disposal site. Disturbed areas will be restored to pre - work conditions, including use of native plant species where appropriate. Adjacent wetland and riparian areas will be clearly marked to ensure these areas are avoided and not impacted by maintenance activities.

No fill will be placed in the floodway. As seen in the FEMA Firm panel above, the project is not with the floodway.

The dredge spoils will be dewatered and temporarily stored on-site at T1S R10W Section 22, Tax Lot 100. The decanting weir will remain in place to ensure that the spoils do not develop wetland characteristics. Spoils will be seeded with tuft forming grasses to stabilize the spoils and minimize potential erosion. After the spoils are fully dewatered, they will be removed and wasted on County-owned upland property

(2) The fill is necessary for an approved use on the property.

The existing Memaloose Point public boat launch facility, located at the mouth of Tillamook River, includes a navigation fairway, created to allow recreational boat access to the main river channel from the boat ramp. Regular maintenance dredging is required to remove hazardous shoals and to provide

continued boating access to the waterway. This project will restore the fairway to depths necessary for boat ramp ingress /egress, as previously authorized, by removing accumulated sediment deposits from the fairway.

Flooding, run -off and high sediment loads in the Tillamook River watershed have contributed to excessive siltation and shoaling at this site. The current shallow water condition restricts public access to the site and poses a safety hazard to recreational boaters using the Memaloose Point County Park boat ramp facility. This silt removal project is essential to eliminate potential navigation and safety hazards and to maintain much needed public boating access to the Tillamook River and Bay.

This facility serves as the primary launch -load point for motorized boats accessing upper Tillamook Bay and the lower reaches of the Wilson, Trask and Tillamook Rivers. The ramp is heavily used during the busy fall fishing season. Tillamook County Parks Department estimates that over 10,000 boat launches occur from this boating facility each year. Failure to maintain adequate water depth in the fairway creates a severe navigation hazard and will result in closure of this popular facility.

(3) The fill is the minimum amount necessary to achieve the approved use.

The fairway has been regularly dredged since a boat ramp was constructed on the site in 1948. In recent years the rate of sediment deposition has required dredging on an approximate 5-year interval. Maintenance dredging of the existing fairway will require excavation of 1,200 cubic yards of sand, silt, and muck from 0.23 ac below high tide line to maintain site access by providing adequate depth for boat ingress and egress. Dredging depth is -6 ft with side slopes varying between 2H:1V and 1H:1V.

(4) No feasible alternative upland locations exist on the property.

This project is for the maintenance of an existing facility, therefore no alternative site exists. Project alternatives considered include:

- Minimize depth of dredging activity - Avoid overdredging, which is commonly used in anticipation of future deposition to extend the time between dredging events. A reduced dredge depth results in fewer spoils and avoids disturbance of previously undisturbed streambed materials.
- Minimize width of dredging activity - A reduced dredge width results in fewer spoils and avoids potential disturbance of bank stabilization materials.
- Use native vegetation for stabilization and erosion control - Spoils remaining in the dewatering/ disposal area longer than 30 days will be seeded with native vegetation.

These elements have been incorporated into the final design to avoid additional impacts to the waterway.

In-water Disposal or sidecasting was also considered since NOAA Fisheries has advised that naturally occurring sediment material should remain in-water and be available for downstream habitat and SLOPES IV requires that any dredged materials must be suitable and approved for in -water disposal. Being very fine - grained material, the sediment is not well suited for this and DSL has advised that must be disposed of in uplands. Creation of an alternate navigational fairway, or establishment of a replacement disposal site at a different location would have greater environmental and wetland impacts and would be more costly. Therefore, no other feasible project alternative exists.

(5) The fill does not impede or alter drainage or the flow of floodwaters.

The Tillamook River flows through a wide and mildly sloping basin. Major tributaries include Hoquarton Slough, Dougherty Slough and Trask River. Stream characteristics in this reach are primarily the result of historical channelization efforts resulting from dike and tidegate construction for reclamation of tidelands for agricultural uses and construction of flood control levees which tend to result in a narrow channels with limited floodplain connectivity. The project site is located at the mouth of Tillamook River, within HUC 1710020308. The water at the site is relatively slow moving, with flows primarily controlled by the

tidal fluctuation of Tillamook Bay. The bay effectively controls the hydrology of the lower river, where flow often reverses with water moving upstream during flood tide. Winter floods discharge high volumes of sediment through the estuary and can combine with high tides to create high water conditions, being as high as 11 feet MLLW. Low summer streamflows allow seawater inflow to dominate the lower estuary and during low tide water levels can be very low, about - 1 foot MLLW.

The amount and the timing of freshwater inputs into estuaries are critical in maintaining the hydrological regime that supports the delicate estuarine balance. When either the amount or timing of freshwater input is altered, several results are possible: inundation of floodplains; increased sedimentation; decreased residence time of water, which reduces the filtering benefits of estuaries; altered fish community dynamics; increased stress on juvenile fish, nekton or other animals.

Compounding the problem, changes in hydrological regimes can make estuaries prone to invasive species. Hydrology of the site has been substantially modified, primarily by historical drainage and diking efforts. The proposed activity will restore the site to greater subtidal depths required for boat access. This change in depth will have no substantive effect on overall hydrology of the waterway.

Development can restrict the natural ability of streams and riparian habitats to meander over time, limiting these habitats. Floodplains have been converted to other uses. Urban development has led to stream channelization and vegetation loss in some areas. Spoils will be dewatered and temporarily stored in the established spoils disposal site, which is located within the floodplain; however, the flood plain function of the disposal site was lost when it was initially constructed and filled more than 15 year ago. No other floodplain functions will be affected by the project.


Barview Jetty County Campground
Legend
Barview Jetty
Barview Jetty County Campground
Dredge spoils permanent diposal site location
Trailer Park Rd
Barview Jetty Park Rd
Dredge spoils permanent diposal site location
Barview Jetty
Barview Jetty County Campground
Grove's Bayview
Barview
N
1000 ft
Google Earth

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.

May 28, 2021

U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands	Oregon Department of Environmental Quality
Corps Action ID Number nwp-2021-355	DSL Number	

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

Corps: ☐ Individual ☒ Nationwide No.: 35 + 16 ☐ Regional General _____ ☐ Other _____

DSL: ☐ Individual ☒ General Permit Maint. Dredge ☐ General Permit ☐ No State Permit Required ☐ Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (submerged)	
Name (Required) Business Name Mailing Address 1 Mailing Address 2 City, State, Zip	TILLAMOOK COUNTY PARKS P.O. BOX 633 GARIBALDI, OR 97118		
Business Phone Cell Phone Fax Email	(503) 322-3477 x4 (503) 322-0212		

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name		Latitude & Longitude*
Memaloose dredge		45.471740°, -123.890880°

Project Address / Location	City (nearest)	County
1972 Bay Ocean Rd	Tillamook	Tillamook

Township	Range	Section	¼ ¼	Tax Lot #
1S	10W	22	NESE	100

Brief Directions to the Site
Memaloose Point, 2 mi. NW of Tillamook on Bay Ocean Rd.

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**	River Mile	6th Field HUC
Tillamook River	0	171002030800 Tillamook Bay

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

☐ Commercial Development ☐ Industrial Development ☐ Residential Development
☐ Institutional Development ☐ Agricultural ■ Recreational
■ Transportation ☐ Restoration ☐ Bridge
■ Dredging ☐ Utility lines ☐ Survey or Sampling
☐ In- or Over-Water Structure ■ Maintenance ☐ Other:

(4) PROJECT DESCRIPTION

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

The existing fairway to the Memaloose boat ramp will be dredged to -6.0 ft to restore its navigational depth and width.

Dredge spoils will be disposed of in the adjacent spoil disposal facility as previously authorized by DSL permit RF 32692 and COE# NWP 2000-240.

The fairway has been regularly dredged since a boat ramp was constructed on site in 1948. In recent years the rate of sediment deposition has required dredging on an approximate 5-year interval. The site was likely dredged when the boat ramp was rebuilt in 1991. The site was previously dredged in 1995, 2000, 2006. Due to the difficulty of obtaining regulatory approval and lack of funding resources, subsequent dredging was delayed until 2015, when the site was dredged to a depth of -7.0 ft.

B. Describe work within waters and wetlands.

EXCAVATION: Maintenance dredging of the existing fairway will require excavation of 1200 cubic yards (cy) of sand, silt, and muck from 0.233 acre below the high tide line to maintain site access by providing adequate depth for boat ingress and egress. Dredging depth is -6.0 ft with side slopes varying between 2H:1V and 1H:1V.

Silt removal will be limited to the navigation fairway, which will be enclosed by silt curtains. No plants, woody material, or any part of the natural streambed or banks will be disturbed in this process. The proposed dredge area contains recently deposited, previously disturbed sediment. Because it is located in the high-traffic area adjacent to the boat ramp, the sediment does not provide any significant habitat for benthic, aquatic, or other wildlife species.

FILL: No fill is proposed. All dredge spoils will be placed in uplands and will be confined in the same onsite spoil disposal facility routinely used for the past several decades. Approximately 1200 cy of spoils will be placed above the high tide line. All spoils will be placed in the existing, upland disposal area adjacent to the ramp. Material will be dewatered within the containment berm of the disposal area, where a weir will be used to form a small settling basin, which allows the dredged material to settle so the excess water or return water can be drained back to the receiving water body. After the suspended solids have settled out, the excess water will flow over the weir and be returned to the dredged area, which will be enclosed by the floating silt curtain.

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

The dredge apparatus is anticipated to be a grab (clamshell) dredge crane or backhoe operated from the boat ramp or adjacent jetty; however, barge-mounted clamshell dredging equipment may be used. Any barge used will be operated and maneuvered carefully to avoid grounding on the streambed considering tidal fluctuation and the reduced water depths occurring in the shoaled work area.

The dredging operation will be done by lowering the grab/bucket to the bottom, closing the grab, raising the filled grab to the surface and placing the spoils into the spoil containment basin. The capacity of the bucket may vary between 1 and 5 CY.

The dredge spoils will be dewatered and temporarily stored onsite in, T1S R10W Sec 22, Tax Lot 100, Tillamook County, within the area as shown on the Proposed Site Plan (Drawing Sheet 3). The decanting weir will remain in place to ensure that the spoils do not develop wetland characteristics. Spoils will be seeded with turf forming grasses to stabilize the spoils and minimize potential erosion. After the spoils are fully dewatered, they will be removed and wasted on County-owned upland property at a location to be determined at that time.

TIMING OF CONSTRUCTION –All inwater work will be scheduled outside of fisheries timing windows designed to protect resident fish species during sensitive life periods.

BEST MANAGEMENT PRACTICES - Measures to be employed to minimize waterway effects.

The following measures will be used to protect the water resources:

- Adjacent wetland and riparian areas will be clearly marked to ensure these areas are avoided and not impacted by maintenance activities.
- All in-water work will be performed during the approved ODFW in-water work period for Tillamook Bay tributaries (7/1 through 9/15) or Tillamook Bay (11/1 through 2/15) as determined in consultation with the local ODFW Fish Biologist.
- Timing of the work will be coordinated to occur at times of low water and/or at low tide to the extent possible.
- Care will be taken to prevent any petroleum products, chemicals, or deleterious materials from entering the water during this project.
- Disturbed areas will be restored to pre-work conditions, including use of native plant species where appropriate.
- Dredged materials will be dewatered using a weir and a settling basin as needed to prevent solids from returning to the waterway.
- Impacts will be confined to the minimum area necessary to complete the work.
- No fill will be placed in spawning areas or areas with submerged aquatic vegetation.
- Silt curtains will be placed around the dredge area to minimize turbidity increases in the water.
- Silt fences and adequate berms will contain the dredged materials within the existing, designated disposal site.
- Work will be completed using equipment having the least impact.
- Work will not inhibit fish passage. Fish will be able to move upstream/downstream past the work area.

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

Onsite storage of spoils is temporary to allow dewatering before removal for permanent offsite disposal. Any contaminated spoils will be placed in a designated disposal facility as needed to comply with DEQ requirements. No specific disposal facility has yet been selected. Uncontaminated spoils removed from the spoil disposal facility will be stockpiled offsite and/or used as upland fill when and where needed. The exact location of such stockpile or permanent upland fill sites is not currently known. Spoils are not suitable for structural fill other beneficial use, so will not be used as an article of commerce. Refuse materials, if any, will go to an established waste Disposal Site or Material Recovery Facility per DEQ requirements.

E. Construction timeline.
What is the estimated project start date? Jul 1
What is the estimated project completion date? Sep 15
Is any of the work underway or already complete? Yes_XX_ No_____
If yes, describe. Onsite spoil disposal facility constructed and in use since 1995 or earlier

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.)	Volume (c.y.)		
Tillamook River	156	65	3.2	10140	1200	permanent	silt

G. Total Removal Volumes and Dimensions

Total Removal Impacts to Wetlands and Other Waters	Length (ft.)	Area (sq. ft.)	Volume (c.y.)
Total Removal to Wetlands			
Total Removal Below Ordinary High Water			
Total Removal Below Highest Measured Tide	1556	10140	1200
Total Removal Below High Tide Line	1556	10140	1200
Total Removal Below Mean High Water Tidal Elevation	1556	10140	1200

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

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

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters	Length (ft.)	Area (sq. ft)	Volume (c.y.)
Total Fill to Wetlands			
Total Fill Below Ordinary High Water			
Total Fill Below Highest Measured Tide			
Total Fill Below High Tide Line			
Total Fill Below Mean High Water Tidal Elevation			

*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.

I. Establish the project need (state the problem)

Boaters cannot safely use the boat launch during low water. Sediment accumulation has decreased the depth of the fairway such that parts of it are impassable to recreational boats at typical low water elevations.

II. Identify the project purpose (give the solution)

The project purpose is to maintain vessel access to a permitted dock and boat ramp by maintaining an existing dredge prism.

III. Identify the minimum requirements to achieve the project purpose

Restore adequate depth for safe passage of typical boats throughout the typical range of water elevations. Remove accumulated sediment to a depth of -6.0 ft.

(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.

SUMMARY

There are no freshwater or estuarine wetlands and no aquatic vegetation within the project area, which is an existing navigation fairway and concrete boat ramp. The project area is a maintained navigational fairway that is flanked by riprap and contains a dock and a concrete boat ramp. The adjacent waterway is identified on the NWI map as Cowardin class E1UBL: [E] Estuarine, [1] Subtidal, [UB] Unconsolidated Bottom, [L] Subtidal.

The project area is currently a public boating access site. The aquatic habitat near the project area consists of a boat ramp and armored riverbank. The existing boat ramp and the associated upland amenities are subject to frequent human activity. Because of the frequent disturbance, lack of vegetative cover, and highly disturbed character, this site does not currently provide significant habitat functions or values to the riparian or aquatic environment. Occurrence of fish or wildlife individuals within the project area is incidental and transitory.

The Tillamook River adjacent to the project area may function as a rearing area and/or migration route for species of anadromous fish, including chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), chum salmon (*Oncorhynchus keta*), cutthroat trout (*Oncorhynchus clarki*) and

steelhead (*Oncorhynchus mykiss*). Abundance is low and period of use is year-round for all species.

The Tillamook River shoreline throughout this reach of the river is substantially armored with riprap revetments. The project area is a navigation fairway connecting the boat ramp to the main river channel. The shoreline is riprap. A narrow band (<10 ft.) of riparian vegetation lies between the riprap bank and the dredge disposal area. Riparian vegetation in the vicinity of the project area is dominated by blackberry (*Rubus discolor*), grasses, and weeds. Trees are notably absent from the riparian area throughout the lower river reaches.

Uplands adjacent to the project include an oyster processing facility as well as the paved parking area and restroom building that serve the boat ramp. Due to the level of human activity and development in the area, neither the project area nor the surrounding area provides significant habitat value or functions to any fish, wildlife, or plant populations or individuals. Wildlife typically do not occur in the project area, though they may occur in the surrounding areas.

GEOGRAPHY

The Tillamook River flows through a wide and mildly sloping basin. Major tributaries include Hoquarten Slough, Dougherty Slough, and Trask River. Stream characteristics in this reach are primarily the result of historical channelization efforts including dike and tide gate construction for reclamation of tidelands for agricultural uses and construction of flood control levees which tend to result in narrower channels with reduced floodplain connectivity. Streamflow is tidal with perennial year-round flow.

The channel, though moderately wide, is restricted in movement as a result of confinement by manmade features, particularly levees and armored streambanks, which tend to result in a narrowed channel that limits the development of a wide tidal plain. The channel is moderately entrenched, is primarily a single thread channel, and generally displays low channel sinuosity.

The project area is located near the mouth of Tillamook River, within HUC 1710020308. The water at the site is relatively slow moving, with flows primarily controlled by the tidal fluctuation of Tillamook Bay. The bay effectively controls the hydrology of the lower river, where flow often reverses with water moving upstream during flood tide. Winter floods discharge high volumes of sediment through the estuary and can combine with high tides to create high water conditions, being as high as 11 feet. Low summer streamflows allow seawater inflow to dominate the lower estuary and during low tide water levels can be very low, about -1 foot.

No field indicators were used to identify the Ordinary High Water Mark (OHWM). Being tidal, work is subject to federal jurisdiction to MHHW and state jurisdiction to highest measured tide per OAR141-085-0515. Water level elevations are estimated from a topographic site survey.

The project area includes a concrete boat ramp, not eroded, 14% slope. The banks adjacent to the project area are stable; armored with riprap and sloped 3H:1V. The site elevation is -6 to 13 feet.

The substrate is primarily unconsolidated, fine-grained silt and muck. The substrate at the project location appears to be seasonally variable, with increasing sand intrusion on flood tides during summer when river currents tend to be weaker and deposition of fine silts and mud are reduced.

No vegetation is present within the project area. The adjacent riparian zone is occupied by riprap bank armor and a dredge spoil disposal site. The concrete boat ramp, spoil disposal area, and bank armor cover the riparian zone and prevent emergence of any substantive vegetation. Riparian vegetation existing in the immediate vicinity of the project is primarily limited to non-native annual grasses with a minor occurrence of blackberries. Vegetation is moderately healthy. Plants in undeveloped areas downstream from the launch ramp are typical of a native salt marsh community.

The Soil Survey of Tillamook County notes that most lowland soils in the area are deep, poorly drained soils occurring on floodplains. Native vegetation communities have been substantially replaced by pastures or rural residential and urban development. Precipitation averages 90 inches annually. The average annual snowfall is 1.5 inches. The average annual high temperature is 59.2° F. The average annual low temperature is 41.9° F.

HABITAT

The aquatic habitat of the Tillamook River near the boat ramp consists of a channelized river enclosed by armored shoreline, with an oyster processing facility and public boating facility on the left bank. The site is near the river's confluence with Tillamook Bay. The boat ramp site and the adjacent dock are subject to frequent human activity. Because of the frequent disturbance, lack of vegetative cover and disturbed character, the project area does not provide substantive, functioning habitat to any fish or wildlife species. For the same reasons this area of Tillamook River estuary does not meet its full potential in providing habitat functions and values to the aquatic environment.

Game birds, geese and ducks occur frequently near the Tillamook River, which may also provide habitat for bald eagle (*Haliaeetus leucocephalus*). Roosevelt elk (*Cervus elaphus*) and blacktail deer (*Odocoileus hemionus*) are both common and widespread in the region but were not common in coastal Douglas-fir forests prior to settlement and forest harvest. Black bear (*Ursus americanus*), cougar (*Felis concolor*), bobcat (*Lynx rufus*) and coyotes (*Canis latrans*) are also common species. Like the elk and deer, cougar and bobcat were not common prior to forest harvest. Spotted owl (*Strix occidentalis caurina*) and murrelet (*Brachyramphus marmoratus marmoratus*) were common species in old growth coastal forests, but they are now listed as threatened species under the Endangered Species Act of 1973. Nutria (*Myocastor coypus*) and opossum (*Didelphis marsupialis*), both non-native species, are common in and near waterways in this region. The silver spot butterfly (*Speyeria zerene hippolyta*) is found only in this region though its distribution is very limited. This region also lies within the range of mountain beaver (*Aplodontia rufa*), which is found only in uplands of the Northern Pacific coast.

The waterway is used for migration of Pacific lamprey (*Entosphenus tridentatus*) and American shad (*Alosa sapidissima*), which are common in the summer months. Shad are very abundant during migration and lamprey are moderately abundant. Other species common in the bay include staghorn sculpin (*Leptocottus armatus*), surf smelt (*Hypomesus pretiosus*), shiner perch (*Cymatogaster aggregate*), English sole (*Parophrys vetulus*), Pacific herring (*Clupea harengus pallasi*), and threespine stickleback (*Gasterosteus aculeatus*). These species are generally quite abundant in the bay and may be present at times at or near the river mouth, though that is not their primary habitat.

Due to its proximity to Tillamook Bay, the site may be accessible to green sturgeon (*Acipenser medirostris*), Pacific eulachon (*Thaleichthys pacificus*). No documentation exists on the use of the project area by green sturgeon; however, the site is within their accessible range, and may be used infrequently for foraging. There is no evidence of green sturgeon spawning in the Tillamook River; therefore, juvenile sturgeon are not likely to be present at the project area. In summer months, when estuary water temperatures are more than 4°F warmer than coastal waters, nonspawning adult and subadult green sturgeon aggregate in the estuaries of certain nonnatal rivers between central California and the Fraser River, British Columbia and may be present in Tillamook Bay. If present in the project area, sturgeon likely occur primarily as isolated individuals.

The world's largest eulachon run occurs on the Columbia River and tributaries Cowlitz River, Grays River, Skamokawa Creek, Elochoman River, Kalama River, Lewis River, and Sandy River. Because they are poor swimmers, the extent of eulachon migration is generally limited to lower reaches of rivers in their range, within the zone of tidal influence. This project is located on the lower Tillamook River, which is subject to tidal influence. Despite the relatively short distance to the Columbia River, no documentation exists on the use of the project area by eulachon, though the site is within their accessible range. Eulachon apparently do not occur in Tillamook Bay (per NOAA's 2010 *Status Review of Eulachon*); therefore, neither eulachon nor their eggs are likely to be present at the project area.

The project is within an estuary that serves as important habitat for juvenile salmonids during outmigration, where smolts may spend a week or more acclimating to saltwater prior to entering the ocean. Salmon species found in the waterway include chinook salmon, (*Oncorhynchus tshawytscha*), chum salmon, (*Oncorhynchus keta*), coho salmon, (*Oncorhynchus kisutch*), cutthroat trout, (*Oncorhynchus clarki*), and steelhead trout, (*Oncorhynchus mykiss*). Peak outmigration of coho, steelhead, and cutthroat generally occurs in April and May with chinook migrating in the fall. The Tillamook River estuary is also

an important freshwater acclimation zone for returning adult salmon prior to upstream migration in the fall and is used year-round for rearing juveniles.

Oregon Department of Fish and Wildlife has prepared a report describing the current status of native fish in Oregon. ODFW's report, entitled "Oregon Native Fish Status Report", is the primary source for the following information on fish type and abundance estimates in the waterway adjacent to the project area. As of December 2020 the report is available at https://www.dfw.state.or.us/fish/ONFSR/report.asp. Estimates are based on a variety of data methods, including surveys of redds, snorkel surveys of live and dead fish, and counts of returning adults at fish traps or other locations. Though the estimates are somewhat dated and the connection between estimates of abundance from spawner surveys and actual spawner abundance is somewhat tenuous, there are no better methods to obtain accurate population estimates.

Abundance estimates of adult salmonids compiled by ODFW.

Species	Population	30 Year Average	Abundance by Return Year					Estimate Basis
			2000	2001	2002	2003	2004	
Coho	Tillamook	NA	1,734	1,416	13,733	14,042	4,584	*a*
Chum	Tillamook	302	68	496	446	293	249	*b*
Winter Steelhead	Trask	NA	NA	NA	NA	26.8	35.3	*c*
Spring Chinook	Tillamook	8.1	2.7	2.7	4.5	3.6	9.2	*d*
Fall Chinook	Tillamook	63	17	65	74	61	66	*e*

a. Wild Abundance. Approx. 5,700 spawners needed to produce maximum smolts
b. Counts of spawners per mile (peak)
c. Redds per mile in random surveys.
d. Data presented as number of adults counted per hole in resting hole counts. Naturally and hatchery produced fish not differentiated.
e. Peak counts (in fish per mile) of live and dead fish.

The Tillamook population of coho salmon consists of fish from all the rivers emptying into Tillamook Bay including the Tillamook, Wilson, Trask, Kilchis, and Miami rivers as well as Netarts Bay. Coho salmon in these areas declined significantly during the 1980s and 1990s. In the decade prior to 2001, abundance of Tillamook coho averaged less than 1000 fish, though the population was estimated to be 1400 fish in 2002 and 2003.

Overall densities of cutthroat trout in the region have remained stable or increased. In previous decades coastal cutthroat trout experienced a sharp decline in abundance, apparently a result of poor ocean survival conditions. Population densities have increased significantly since 2000.

Tillamook Bay is the southernmost location that supports substantial chum salmon populations in recent times. The Tillamook chum population was significantly reduced in the 1950s and never recovered. In response to declines of the runs in Tillamook Bay, the commercial chum fishery was closed in 1962. Chum enter Tillamook Bay in October and November though spawning may continue into late December. Chum salmon populations in Tillamook Bay, Netarts Bay, and the Nestucca River were once the most substantial populations in Oregon, with Tillamook Bay having estimated escapements of 10,500 adults in 1992 and 7,500 adults in 1993.

The Tillamook population of spring chinook includes fish from Tillamook Bay tributaries, primarily the Wilson, Kilchis, and Trask rivers. It is considered to have a lowered abundance because resting hole counts have been decreasing since the 1980s despite increased smolt releases. A large portion of the population consists of hatchery fish. Spawning surveys in 2004 showed that 53% of spawners were of hatchery origin.

The Tillamook population of fall chinook includes fish from all tributaries to Tillamook Bay plus Netarts Bay tributaries. From the early 1980s through the 1990s, juvenile fall chinook were very abundant and

well distributed in Tillamook Bay. Population densities were so high at times that little room was left for additional population growth. Abundance of fall chinook has varied significantly over the last 50 years from near zero fish per mile in 1955 and 1975 to 160 fish per mile in 1987 surveys. Counts in recent years have been between 60 and 80 fish per mile.

ENVIRONMENTAL QUALITY

Water quality in this reach of the river can be characterized as impaired. The Tillamook River at the mouth (waterway adjacent to project location) is on DEQ's Integrated Report of water quality limited and Section 303(d) listed waters for E. coli, Biological Criteria, Fecal Coliform, and Summer Temperature parameters. Upstream waters in the Trask and Tillamook Rivers are on DEQ's 303(d) List for low dissolved oxygen levels in summer.

The overall condition of Tillamook Bay is rated good based on the four indices of estuarine condition used by the National Coastal Assessment (NCA) and US EPA. The water quality index is rated fair, and the sediment quality, benthic, and fish tissue contaminants indices are rated good.

Eutrophication assessments typically use a set of primary indicators for dissolved inorganic nutrients, chlorophyll, dissolved oxygen, and secondary information such as physical water data. The water quality index for Tillamook Bay is rated fair using five component indicators: dissolved inorganic nitrogen (DIN) dissolved inorganic phosphorus (DIP), chlorophyll a, water clarity, and dissolved oxygen. Most (69%) of the estuarine area was rated fair because of limited water clarity and moderate levels of DIP.

Concentrations of Dissolved Nitrogen were rated good in 100% of the estuarine area, and Phosphorus concentrations were rated fair in 97% of the area.

Concentrations of chlorophyll a in Tillamook Bay are rated good. Three percent of the estuarine area was rated fair and 97% rated good.

Water clarity in Tillamook Bay is rated poor for 43% of estuary, and 25% of the area was rated fair, while 100% of the estuary rated good for dissolved oxygen; however, some areas of the Bay may still experience hypoxic conditions at night. Eutrophication and low dissolved oxygen concentrations have not been a problem in Tillamook Bay; however, low dissolved oxygen levels have been observed in some of the Bay's lowland sloughs and tributaries. Although the NCA data noted good dissolved oxygen concentrations throughout the Bay, low dissolved oxygen levels may occur in Tillamook Bay sloughs.

Low water temperatures in the Bay's streams are important for maintaining the area's salmon habitat; however, water temperatures in the Wilson, Trask, and Tillamook rivers exceed water quality standards for temperature.

Although not part of the NCA's water quality index, bacterial contamination is the priority water quality issue in Tillamook Bay and its tributaries. Sewer outfalls, leaking or malfunctioning septic tanks, and runoff from the watershed's dairy farms contribute fecal coliform bacteria to the Bay. Fecal coliform bacteria levels frequently result in water quality standard exceedances in the Bay's tributaries and periodic closures of the Bay's oyster shellfishing industry. All five of Tillamook Bay's main tributary rivers routinely violate Oregon's bacteria water quality standard for water contact recreation; bacteria concentrations peak during the summer low-water period and during some fall, winter, and spring storms; and the Tillamook River routinely has the highest bacteria concentrations of the five rivers. Bacterial contamination primarily results from non-point source pollution, such as manure from pastures, failing septic systems, and STP overflows.

Sediment Quality is rated good based on sediment toxicity, sediment contaminants, and sediment Total Organic Carbon. No area of the Bay exceeded thresholds for any of these component indicators and each is rated good. The sediment at the project area was evaluated in 2005 for sediment composition, metals, total inorganic carbon, PAHs, phenols, phthalates, chlorinated hydrocarbons, and polychlorinated biphenyls. The Sediment Evaluation did not identify any contaminants having sediment concentrations that exceeded screening levels presented in NOAA Screening Quick Reference Tables.

Tillamook Bay has lost roughly 85% of its intertidal wetlands to agricultural and residential development.

Function of the remaining habitat types are as follows.

The overall condition of benthic invertebrate communities in Tillamook Bay is rated good based on analysis of collected benthic samples. Specifically, 24 sites, representing 86% of the area, were rated good; 3 sites, representing 11% of the estuary, were rated fair; and 1 site, representing about 3% of the estuary, was rated poor based on a lower-than-predicted species richness.

The fish tissue contaminants index for Tillamook Bay is rated good, with 8% exceeding EPA Advisory Guidance values for whole-fish contaminant concentrations. The typical contaminant found in fish was total PCBs.

Fish species composition in the estuary has been relatively stable since the mid-1970s, indicating invasion of Exotic Species is relatively low in Tillamook Bay.

Environmental baseline conditions of this portion of the waterway are typical of those found in the basin, which are at risk or not properly functioning based on the following indicators: temperature, turbidity, chemical contamination/nutrients, substrate, large woody debris, pool frequency, pool quality, off-channel habitat, refugia, width-to-depth ratio, floodplain connectivity, peak/base flows, drainage network, road density, and riparian reserves.

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

Tillamook County Parks Department has estimated that over 10,000 boat launches occur from Memaloose Point launch ramp (the project area) each year. Boaters using this site engage in fishing, crabbing, and other water sports. Tillamook River is a federally designated navigable waterway, from its mouth upstream five miles to Beaver Creek. Navigational use is limited to small vessels due to the small size and limited depth of the waterway. Most use is recreational boaters fishing in Tillamook Bay or its tributaries. Tillamook River anglers primarily target fall chinook, winter steelhead, and cutthroat trout.

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

Project Criteria

The objective of the project is to maintain a safe, functional public access to the waterway for boaters in motorized boats. To successfully accomplish this objective the fairway must provide boat ramp ingress and egress (1) in all conditions normally encountered at the site during the boating season, and (2) for all types and sizes of boats that typically use the launch.

The project must be designed to remove sediment throughout the fairway length to a depth of at least -6 ft and 46 ft width in alignment with the existing boat ramp.

Spoil disposal must occur in a location where sediments will not be returned to the dredged area.

NOAA Fisheries has recommended that all naturally occurring sediment that is removed or excavated to maintain normal use of over-water or in-water structures be sidecast or returned to the water where it will continue to provide aquatic habitat function. NOAA Fisheries' SLOPES IV In-water Over-water Structures Biological Opinion includes the following additional dredging criteria:

- All dredged materials and subsequent leave surface must be suitable and approved for in-water disposal based on criteria in the Sediment Evaluation Framework.
- 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.
- The dredging must not alter the character, scope, size, or location of the project area or previously authorized dredge prism.

The project must be designed to meet NOAA's criteria except that retaining naturally occurring silt and muck deposits in the waterway are not essential to prevent loss of habitat forming materials. The material to be dredged is very fine-grained silt and muck. Because the sediment is easily resuspended, inwater disposal of it causes water quality exceedances for turbidity standards. Unlike gravel in spawning streams, the muddy material is overly abundant in the upper bay and is not a limiting factor in habitat function. Since the spoil material has no unique habitat valuable and is not well-suited for side casting in the water it must be disposed of in uplands.

Alternative Project Locations: This project is for the maintenance of access to an existing boat ramp; therefore, no alternative site exists.

Alternative Site Layouts or Configurations
Dredging alternatives considered to fulfill these objectives include:

1. Remove sediment to maintain access to boat ramp and dispose of sediment in the water
2. Remove sediment to maintain access to boat ramp and dispose of sediment on tidelands
3. Remove sediment to maintain access to boat ramp and dispose of sediment in uplands
4. Relocate the boat ramp to a place where sediment accumulation is not likely to block access to the river
5. Take no action

Accumulated sediment in the fairway limits usability of the boating access site, particularly during low water conditions. Under Alternative 1, the dredge spoils would be removed to -6 ft and disposed of in the Tillamook River channel adjacent to Memaloose Point, in accordance with the NOAA Fisheries criterion. The accumulated sediments would be removed from the Memaloose Point fairway to restore boat access. The dredge spoils would be placed in the bay or the flow lane of the river, to retain habitat forming materials in the waterway.

Environmental effects of sediment starvation would be minimized because bed and bank forming materials would be retained in the waterway. Using an in-water disposal method would increase the project's harmful effects, resulting in greater short-term water quality effects on the waterway, particularly increases in turbidity and suspended solids. This option would facilitate boat launching or retrieval during low water, since the accumulated sediments would be removed. Short-term water quality effects would be increased for the long-term habitat value of sediment retention, making this the alternative that most closely mimics natural stream functions. Alternative 1 satisfies all project objectives but is not the preferred alternative because instream disposal would cause excessive turbidity and degrade water quality in violation of state water quality standards; therefore, it fails to minimize environmental effects to the greatest extent practicable.

Alternative 2 - The channel would be dredged to -6 ft and dredge spoils relocated to the riverbank near the boat ramp, the adjacent salt marsh, or other tideland or mudflat in the vicinity in accordance with NOAA Fisheries' criterion. The accumulated sediments would be removed from the fairway to restore boat access. The dredge spoils would be placed below HTL on adjacent tidelands, in an effort to reduce potential adverse effects of habitat material loss on the waterway, including impacts to aquatic and benthic habitats. SLOPES IV design criteria would be met because native materials would be retained in the waterway.

Since spoils contain significant amounts of highly erodible silt and muck, their habitat forming ability is likely of limited value. Using an in-channel disposal site would increase the affected project area, resulting in greater short-term project effects on the waterway, including impacts to the wetlands and tidelands from equipment operation and spoil placement in those sensitive areas. The spoils would likely impair tideland function and degrade tidal habitat by altering its elevation and/or vegetation composition.

This option would facilitate boat ramp access during low water, since the accumulated sediments would be removed. The improvement may be short-lived as fine-grained spoils material would be easily scoured from the marsh, banks, or flats and may return to the dredged area. Alternative 2 does not satisfy all project objectives. It was not chosen because it is not a viable long-term solution and it does not minimize

environmental effects to the greatest extent practicable.

Alternative 3 - The fairway would be dredged to -6 ft to restore access and dredged material would be disposed of in an existing, upland spoil disposal area adjacent to the fairway. Removal of sediment would restore entrance channel functionality at low water, maintain access to and from the ramp, and improve usability of the ramp. Upland disposal would avoid possible harm or modification to estuarine habitats and water quality. Fisheries biologists have advised that naturally occurring sediments provide vital habitat functions to protected fish species, the loss of such sediments adversely affects fish species, and in order to avoid harm to the species, dredge spoils must be retained in the stream. However, the overly abundant, muddy spoil material has no unique habitat valuable and instream disposal would result in excessive turbidity and degrade water quality; therefore, it must be disposed of in uplands.

Alternative 3 satisfies all project objectives and is the preferred alternative since spoils cannot reasonably be disposed of in the water. Though this alternative does not meet SLOPE IV design criteria for maintenance dredging, it is the best alternative to meet the overarching goal of ESA habitat protection. This alternative is chosen as the long-term solution that minimizes environmental effects to the greatest extent practicable.

Alternative 4 - Relocate the boat ramp and dock to a location where sediments would not block the ramp, thereby restoring low water access to the river from the ramp while avoiding the need for future dredging. The existing launch ramp would be demolished and replaced in a new location. A new replacement ramp would be rebuilt where boaters could access the river directly from the boat ramp without the need for a fairway. The substantially greater adverse effects of construction of a new boat ramp in the waterway, including impacts to aquatic and benthic habitats, would be partially offset by eliminating future dredging needs. In the absence of accumulated sediment, boating access would be maintained. Usability of the boat ramp and dock would be improved by upgrading it to current design standards and ADA accessibility guidelines.

This reach of the river is subject to high wind and waves. Construction of a boat ramp in a location that places boats directly in rough water during launch or retrieval would result in dangerous conditions that may jeopardize public safety and decrease usability of the boat ramp. Boat ramps constructed in such locations are also subject to more frequent hydraulic damage, requiring more frequent repairs than boat ramps in sheltered locations. This increased frequency of inwater repair work suggests that such ramps have a greater potential to adversely affect the waterway, compared to facilities without frequent maintenance activities. Ramp repairs at such sites are often required at one- to three-year intervals, while dredging at this site is required at approximately 5-year intervals.

Preliminary planning for ramp replacement has been ongoing since 2014. No suitable ramp relocation design has been identified at Memaloose Point, nor is funding available for replacement of the boat ramp and dock. Construction of a replacement boat ramp would have significantly greater adverse effects than dredging and would likely require construction or repair actions more frequently than dredging the existing facility. For these reasons, it appears that the substantially greater short-term effects of boat ramp replacement would not be offset in the long-term by elimination of dredging; therefore, while this option would eliminate future dredging needs, it was not selected because it is not currently feasible and is assumed to represent greater overall adverse effects to the environment.

A no action alternative (Alternative 5) was also considered. Under a no action alternative, Tillamook County would not pursue maintenance dredging at this location at this time. The County would continue to allow public use of the facility for launching recreational boats only while the fairway does not constitute an immediate threat to public safety, after which the facility may be closed to public use. Closure of the facility would eliminate the County's only public boat ramp in this reach of the Tillamook River. The ramp provides vital access for Marine Patrol deputies and search and rescue operations on Tillamook Bay. Loss of river access in this area would severely hamper emergency response capability and would jeopardize the health, safety, and welfare of the public. Because this alternative reduces public access and threatens to jeopardize public health, safety, and welfare, it was eliminated from further consideration.

Alternative Summary

Alternative	Restore Depth to at least -6 feet	Exclude Spoils from Dredged Area	Retain Sediments in the Waterway	Avoid / Minimize Effects
Alternative 1, Inwater disposal	YES	YES	YES	NO
Alternative 2, Tideland disposal	YES	NO	YES	NO
Alternative 3, Upland disposal	YES	YES	NO	YES
Alternative 4, Ramp relocation	NO	NO	YES	NO
Alternative 5, No Action	NO	NO	YES	YES

(8) ADDITIONAL INFORMATION

Are there state or federally listed species on the project area?	☐ Yes	☐ No	■ Unknown
Is the project area within designated or proposed critical habitat?	☐ Yes	☐ No	■ Unknown
Is the project area within a national Wild and Scenic River?	☐ Yes	■ No	☐ Unknown
Is the project area within a State Scenic Waterway?	☐ Yes	■ No	☐ Unknown
Is the project area within the 100-year flood plain?	■ Yes	☐ No	☐ Unknown
*** If yes to any of the above, explain in Block 6 and describe minimization measures for adverse effects in Block 7.**			
Is the project area within the Territorial Sea Plan (TSP) Area?	☐ Yes	■ No	☐ Unknown
*** If yes, attach TSP review as a separate document for DSL.**			
Is the project area 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?	☐ Yes	■ No	
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			

(8) ADDITIONAL INFORMATION (continued)

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

Agency Name	Contact Name	Phone Number	Most Recent Contact

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application. For example, certain activities that require a Corps permit also
require 401 Water Quality Certification from Oregon DEQ. All projects that qualify for a Nationwide 401 WQC will be invoiced a fee. Projects that do not qualify for the Nationwide certification will be invoiced based on project complexity. See http://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Fees.aspx

Agency	Certificate/ approval / denial description	Date Applied

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.

☐ State owned waterway DSL Waterway Lease # _____

■ Other Corps Permits #2000-240 (1/6/06 & 6/7/00), 95-633 (11/29/95) & 071-OYA-2-004387 (6/30/86)

■ Other DSL Permits #32692RP (Sept. 2004), RP-7841 (4/3/2000 & 9/9/96), & RP-4343 (7/3/86)

☐ Violation for Unauthorized Activity Corps # DSL #

☐ Wetland and Waters Delineation Corps # DSL #

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and

(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.

Activities such as excavation and fill associated with dredging and spoil disposal have the potential to disturb riparian and aquatic habitat. These activities may alter or destabilize the bed and banks of waterbodies, and can also reduce shade, large wood supply, and other characteristics of riparian vegetation.

Disturbance within the riparian area and waterway has the potential to destabilize the bank or streambed. Bank or bed instability and the resulting increases in sedimentation and loss of riparian vegetation can negatively impact the aquatic environment. The area of proposed dredging is generally subject to accretion, rather than erosion, which is why maintenance dredging is required at the site; consequently, the hazard of erosion in the fairway is slight. The project has been designed to avoid disturbance of the shoreline thus maintaining its stability and reducing future erosion risk.

Modification of riparian vegetation can result in negative short-term and long-term impacts to habitat. Cutting or removal of vegetation and large wood are common short-term effects of construction projects. Development of structures or paved areas can result in permanent displacement of vegetation often causing a long-term reduction in riparian vegetation and large wood.

This project occurs within the water; no vegetation removal will be required. Riparian vegetation outside the project area will be avoided and protected from damage. No large woody debris will be removed. The proposed work involves no new development.

Dredging activities may resuspend or introduce sediment and contaminants into the river. Water quality may be degraded in the short-term as a result of turbidity created by sediment removal and disposal. Polycyclic aromatic hydrocarbon (PAH) chemicals are found in emissions from generators and motorized

equipment used in dredging activities and have some potential to degrade environmental quality. The presence of PAH in the aquatic environment may affect growth, survival, and reproduction of fish.

Dredging and spoil disposal activities may add sediment to the stream or resuspend existing sediment causing turbidity, which has the potential to interfere with feeding and can harm fish. Spoil disposal can alter substrate composition, burying or smothering benthic habitat or organisms and prey. Operation of dredging equipment requires the use of fuel and lubricants that could injure or kill aquatic organisms if spilled into the water or the riparian zone. Herbicides can enter the water from riparian areas where they are sometimes used to clear vegetation. Exposure to herbicides can have detrimental effects on fish.

Dredging and spoil disposal will occur during low water to minimize the effects of inwater work. A floating silt curtain and sediment fence will be used as needed to isolate the work area from the waterway, contain disturbed soils, and minimize turbidity increases in the waterway. Dredge spoils will be placed in a manner that minimizes potential for negative water quality effects such as turbidity increases. Spoils will be contained within the onsite spoil containment berm, away from the active flow of the river channel. At that location spoils will be dewatered and stored pending future relocation to an offsite, upland disposal location. Both temporary and permanent disposal methods will include stabilization measures and BMPs for erosion control and minimization (described in JPA Section 4).

No maintenance or refueling activities involving land-based dredging equipment will occur within or near the waterway. No herbicides will be used for vegetation clearing.

Accepted best management practices appropriate to the project, including those referenced above will be incorporated in the design and implementation of the project to minimize potential adverse environmental and water quality effects associated with the project.

Water quality is currently degraded due to excessive E. coli, fecal coliform, and summer temperature and the stream's inability to adequately support aquatic species. The proposed dredging will have no effect on t waterborne bacteria, water temperature, or the water's ability to support aquatic life without detrimental changes in the resident biological communities.

Notwithstanding the applicant's best efforts to minimize project effects, short-term impacts, e.g., increases in noise levels, traffic, and turbidity, are unavoidable. Such impacts, including those described above, will be limited in scope and duration and will not substantially change the character or function of the water resource.

The goal of this project is to maintain navigational access to and from the existing boat ramp in order to ensure the continued usability of the launch and to maintain its purpose and character of use. This project is limited to a previously developed site and will be implemented using all appropriate minimization measures and best management practices. Therefore, the proposed action is not anticipated to have any substantive long-term adverse effects on the waterway, including water quality, nor will it result in loss or modification of aquatic or riparian habitat.

B. For temporary removal, 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.

Temporary removal or fill: No temporary work in wetlands or waters is proposed. Native riverbed material will be permanently removed. Dredge spoils will be temporarily placed in the upland spoil disposal facility adjacent to the boat ramp, for dewatering pending permanent removal off-site. The exact location of the permanent upland disposal site is not currently known. Though the spoil disposal facility is located near the river, it is not a riparian area per se, because it is contained within a berm that isolates it from the river.

Disturbance of vegetation in waterways, wetlands, or riparian (i.e., streamside) areas: Work is within the unvegetated streambed only. No vegetation in the waterway or wetland areas will be disturbed. No restoration of those areas or their vegetation is proposed. Though the spoil disposal facility is located near the river, it is not a riparian area per se, and its vegetation is primarily grasses intended for stabilization and erosion control of the dredge spoils remaining in the spoil disposal facility.

Site restoration/ timeline: No restoration is proposed.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

☐ Permittee-responsible Onsite Mitigation	☐ Permittee-responsible Offsite mitigation	☐ Mitigation Bank or In-Lieu Fee Program	☐ Payment to Provide (not approved for with Corps permits)

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

Work is restoration of adequate depth in an existing, previously authorized navigational fairway in a previously disturbed area. There should be no need to mitigate for restoration of the existing navigation fairway. Short-term disturbance impacts will be offset through BMPs described above in Section 4c.

Mitigation Bank / In-Lieu Fee Information: Name of mitigation bank or in-lieu fee project: [none]
Type of credits to be purchased: [none]

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 application).

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	Project area Adjacent Property Owners	Mitigation Site Adjacent Property Owners

Owner	**POMPEI, JAYNE L TRUSTEE**
Mailing Address	**15727 S THAYER RD**
City, ST ZIP Code	**OREGON CITY, OR 97045**
Owner	**HARRIS, GLENN M & SUSAN K**
Mailing Address	**1985 BAYOCEAN RD NW**
City, ST ZIP Code	**TILLAMOOK, OR 97141**
Owner	**STIMSON LUMBER COMPANY**
Mailing Address	**520 SW YAMHILL ST STE 700**
City, ST ZIP Code	**PORTLAND, OR 97204-1330**
Owner	**HARRIS, GLENN M & SUSAN K**
Mailing Address	**1985 BAYOCEAN RD NW**
City, ST ZIP Code	**TILLAMOOK, OR 97141**

(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)	Title	City / County (circle one)
Melissa Jenck	Land Use Planner II, CFM	Tillamook

Signature	Date
Melissa Jenck	3/3/2021

Comments:
Estuary Development Permit required before activity may occur. Spoils & removed material must be placed in a location as approved by Tillamook County Comprehensive Plan.
Floodplain Development permit required for conformance with TCLWO Section 3.510 & FEMA requirements

(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 Name	Title

Signature	Date

(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.

DEQ Statements *"The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief"; and "The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time."*

Fee Amount Enclosed [public body base fee $333 + volume fee (500 to 4,999 cy) $166] $

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

Print Name	Title
Mary Faith Bell	Chair, Tillamook County Board of Commissioners
Signature MF Bell	Date March 31, 2021

Authorized Agent Signature

Print Name	Title
JoAnn Woelfle	Director, Tillamook County Parks Department
Signature JoAnn Woelfle	Date March 31, 2021

Landowner Signature(s)

Landowner of the Project area (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

(14) ATTACHMENTS

- ■ **Drawings (items in bold are required)**
  - ■ **Location map with roads identified**
  - ■ **USGS topographic map**
  - ■ **Tax lot map**
  - ■ **Site plan(s)**
  - ■ **Plan view and cross section drawing(s)**
- ■ **Recent aerial photo**
- ■ 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)
- ☐ Restoration plan or rehabilitation plan for temporary impacts
- ☐ Mitigation plan
- ☐ Wetland functional assessment and/or stream functional assessment

☐ 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 Corps project manager during pre-application coordination.)

☐ Stormwater management plan (may be required by the Corps or DEQ)

☐ Other:

Send Completed form to:		Send Completed form to:
U. S. Army Corps of Engineers ATTN: CENW P-OD -G P PO Box 2946 Portland , OR 97208-2946 Phone: 503-808-4373	Counties: Baker, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill	DSL - West of the Cascades: Department of State Lands 775 Summer Street NE, Suite 100 Salem, OR 97301-1279 Phone: 503-986-5200 OR DSL - East of the Cascades: Department of State Lands 1645 NE Forbes Road, Suite 112 Bend, Oregon 97701 Phone: 541-388-6112
OR		
U.S. Army Corps of Engineers ATTN: CENW P-OD -G E 211 E. 7th AVE, Suite 105 Eugene, OR 97401-2722 Phone: 541-465-6868	Counties: Benton, Coos, Crook, Curry, Deschutes, Douglas Jackson, Josephine, Harney, Klamath, Lake, Lane, Linn	Send all Fees to: Department of State Lands 775 Summer Street NE, Suite 100 Salem, OR 97301-1279 Pay by Credit Card by Calling 503-986-5253

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

In the Matter of Removal-Fill Permit Application 63362-GP	) Proposed Permit Decision and Order;) Notice of Right to a Hearing
By Tillamook County	)

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.

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 and 93 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).

Div. 93: General Permits:
OAR 141-093-0100 (General);
OAR 141-093-0103 (Agency Process and Standards for Establishing General Permits);
OAR 141-093-0104 (Project Applicability);
OAR 141-093-0105 (Application Requirements and Completeness Review);
OAR 141-093-0107 (Completeness and Eligibility Review);
OAR 141-093-0110 (Public Review Process);
OAR 141-093-0115 (Department Determinations and Considerations in Evaluating Applications);
OAR 141-093-0120 (Expiration and Annual Billing);
OAR 141-093-0130 (Appeal Process);
OAR 141-093-0135 (General Conditions);
OAR 141-093-0250 (Maintenance Dredging - Purpose);
OAR 141-093-0255 (Maintenance Dredging - Definitions);
OAR 141-093-0260 (Maintenance Dredging - Eligibility Requirements);
OAR 141-093-0265 (Maintenance Dredging - Specific Application Requirements);
OAR 141-093-0270 (Maintenance Dredging - Authorized Activities);
OAR 141-093-0275 (Maintenance Dredging - Specific Conditions); and
OAR 141-093-0280 (Maintenance Dredging - Term and Reporting);

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 May 28, 2021 for the proposed removal-fill activity consisting of maintenance dredging the fairway of the boat ramp by dredging 1200 cubic yards of material to be deposited in upland.
2. The Department circulated the complete application for *15*-day public comment period June 8 to June 22, 2021 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 archeaologist and Robert Bradley, ODFW and forwarded to applicant on July 13, 2021.
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.

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. To provide boater access without dredging this existing established boat ramp fairway would incur a substantial economioc cost to the public to develop another boat ramp at a different location.

c. The application describes four 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 as this is an established boat ramp since 1948. 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 permit is conditioned on future local approval as described in the application's 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.

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.:	**63362-GP**
Permit Type:	**Maintenance Dredging**
Waterway:	**Tillamook River**
County:	**Tillamook**
Expiration Date:	**July 20, 2022**

TILLAMOOK COUNTY

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.

Dan Cary, Aquatic Resource Coordinator
Aquatic Resource Management
Oregon Department of State Lands

Dan Cary
Authorized Signature

July 20, 2021
Date

ATTACHMENT A

Permit Holder: Tillamook County

Project Name: Memaloose Dredge

Special Conditions for Removal/Fill Permit No. 63362-GP

<u>READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.</u>

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, Mary Faith Bell is acting as the representative of Tillamook County. By proceeding under this permit, Tillamook County agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by DSL.

2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes 65 linear feet of waterway impacts with associated removal of material in T1S R10W Section 22DA, Tax Lot 100, in Tillamook County, as referenced in the application, map and drawings (See Attachment B for project location), dated May 28, 2021.

3. **Work Period in Jurisdictional Areas:** Fill or removal activities below the highest measured tide elevation of the Tillamook River must be conducted between July 1 and September 15, as supported by Oregon Department of Fish and Wildlife (ODFW) unless otherwise coordinated with ODFW and approved in writing by DSL. The preferred period is July 1 through August 31 if possible. 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.

<u>Pre-Construction</u>

7. **Local Government Approval Required Before Beginning Work:** Prior to the start of construction, the permittee must obtain an estuary development permit, floodplain development

permit from Tillamook County and the disposal site must be approved by the Tillamook County comprehensive plan.

General Construction Conditions

8. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.

9. **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. 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.
    e. 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.
    f. Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
    g. All erosion control structures must be removed when the project is complete and soils are stabilized and vegetated.

10. **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 refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges must have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

11. **Archaeological Resources:** If any archaeological resources, artifacts or human remains are encountered during construction, all construction activity must immediately cease. The State Historic Preservation Office must be contacted at 503-986-0674. You may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.

12. **Hazards to Recreation, Navigation or Fishing:** The activity must be timed so as not to unreasonably interfere with or create a hazard to recreational or commercial navigation or fishing.

13. **Fish Passage Required:** The project must meet Oregon Department of Fish and Wildlife requirements for fish passage.

Dredging

14. **Extent of Dredging:** Maintenance dredging activity must be limited to the area and depths defined in the application, (Sheet 4).

15. **Return Wastewaters Prohibited:** This permit does not authorize the return of wastewaters from any operation employed to wash or process materials removed under this permit.

16. **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. Accumulated woody debris within the maintenance dredging footprint may be removed to the extent necessary to achieve the target bathymetry.

17. **Removal by Closed Bucket:** To the extent material characteristics allow, the bucket must be sealed in the closed position to minimize sediment re-suspension. Moving material on the bottom to consolidate it before lifting is prohibited.

18. **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.

19. **Placement – General:** Unless otherwise authorized by the governing regulatory agency or agencies, removed material must not be placed in any wetland, waterway, Federal Emergency Management Administration designated floodway, or in an area historically subject to landslides.

20. **Upland Placement:**

    a. Removed material placed in an upland site must meet the Oregon Department of Environmental Quality definition of clean fill or the use must be specifically allowed by the Oregon Department of Environmental Quality by rule, permit, or other authorization.
    b. Waste waters from the upland placement site must have adequate settling time before being discharged into a water of this State. Water discharged from the upland placement site must meet water quality requirements of the Oregon Department of Environmental Quality.

ATTACHMENT B

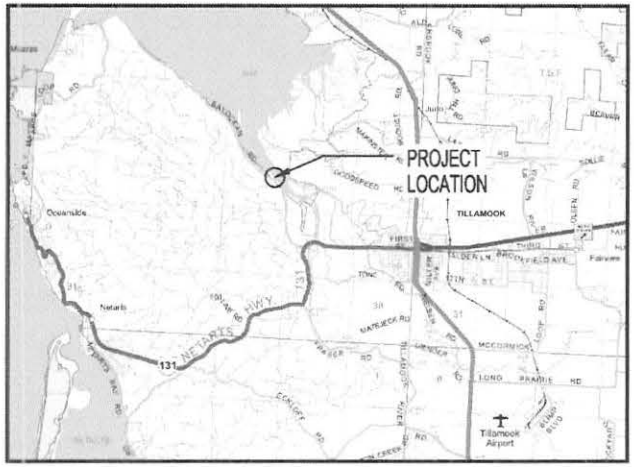
Permit Holder: Tillamook County Parks

Project Name: Memaloose Dredge

Maps and Drawings for Removal/Fill Permit No. 63362-GP

LOCATION MAP

NO SCALE



VICINITY MAP

0 1 2 3 4

SCALE IN MILES

DRAWING INDEX

GEOGRAPHIC LOCATION	
TOWNSHIP:	01 SOUTH
RANGE:	10 WEST
SECTION:	22
TAX LOT:	100
COUNTY:	TILLAMOOK
LATITUDE:	45.472 NORTH
LONGITUDE:	-123.891 WEST
USGS QUAD MAP:	NETARTS

DREDGING PROJECT

MEMALOOSE POINT - TILLAMOOK RIVER
TILLAMOOK COUNTY PARKS DEPARTMENT

REGISTERED PROFESSIONAL ENGINEER
58530
OREGON
JAN. 14, 2003
JEFFERY W. SMITH
EXPIRES: 6-30-22

FINAL CHECK SIGNATURE

DESIGNER: A. CHIOU
DRAWN BY: A. CHIOU
DATE: 12-15-20

PERMIT REVIEW
NOT FOR CONSTRUCTION

OREGON STATE MARINE BOARD

PROJECT LOCATION AND OWNER'S AND/OR OWNER
MEMALOOSE POINT - TILLAMOOK RIVER
TILLAMOOK COUNTY PARKS DEPARTMENT

SHEET DESCRIPTION
TITLE SHEET

SHEET NUMBER
01

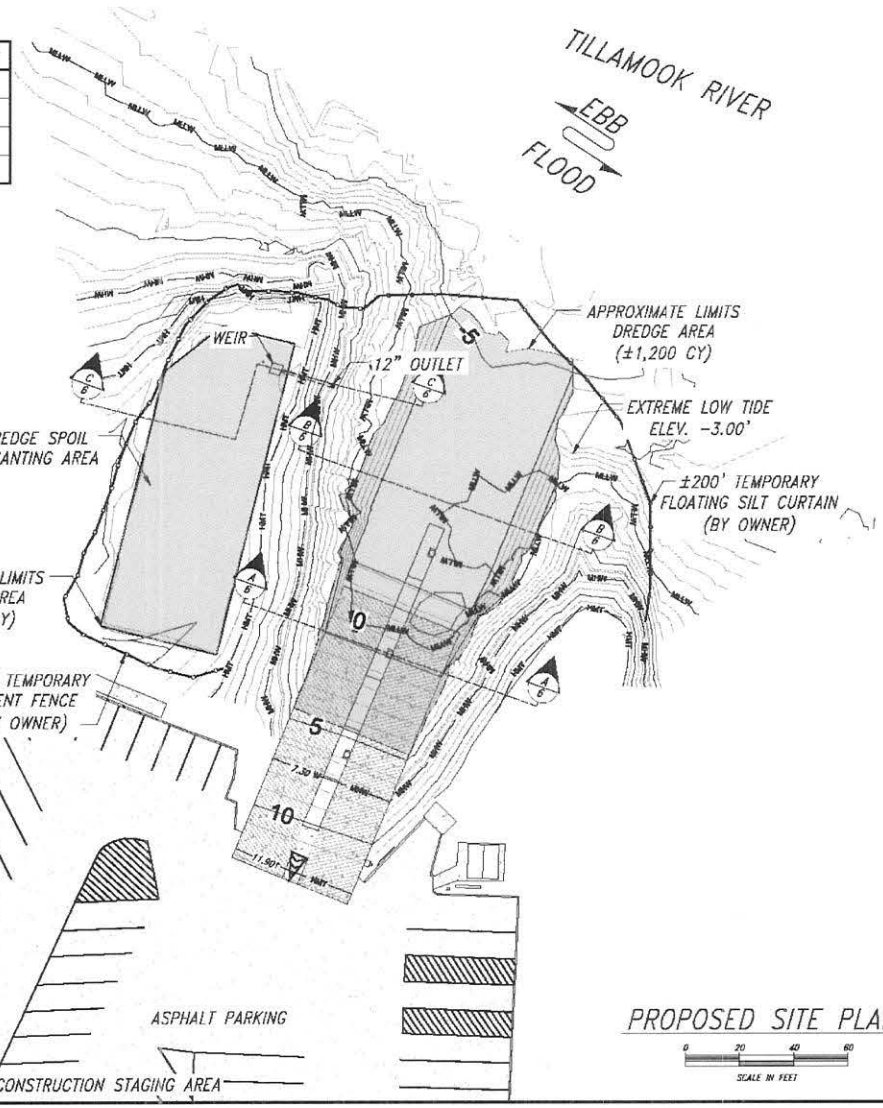
SHEET 01 OF 06

DRAWING NO.
2914 - NG - 01


Google Earth
Imagery Date: 6/22/2017 lat 45.471776° lon -123.890727° elev 0 ft eye alt 297 ft
© 2020 Google
1994

DATUM	ELEVATION
HIGHEST MEASURED TIDE (HMT)	11.9'
MEAN HIGH WATER (MHW)	7.3'
MEAN LOWER LOW WATER (MLLW)	0.0'
EXTREME LOW TIDE (ELT)	-3.0'

NOTE:
ELEVATIONS ARE BASED ON MLLW.



PROPOSED SITE PLAN

0 20 40 60
SCALE IN FEET

DESIGN ENGINEER
REGISTERED PROFESSIONAL ENGINEER
58930
OREGON
JAN. 14, 2003
JEFFERY W. SMITH
EXPIRES: 6-30-22

FINAL CHECK SIGNATURE

DESIGNER: A. CHIOU
DRAFTER: A. CHIOU
DATE: 12-16-20

SHEET STATUS
PERMIT REVIEW
NOT FOR CONSTRUCTION

OREGON STATE MARINE BOARD

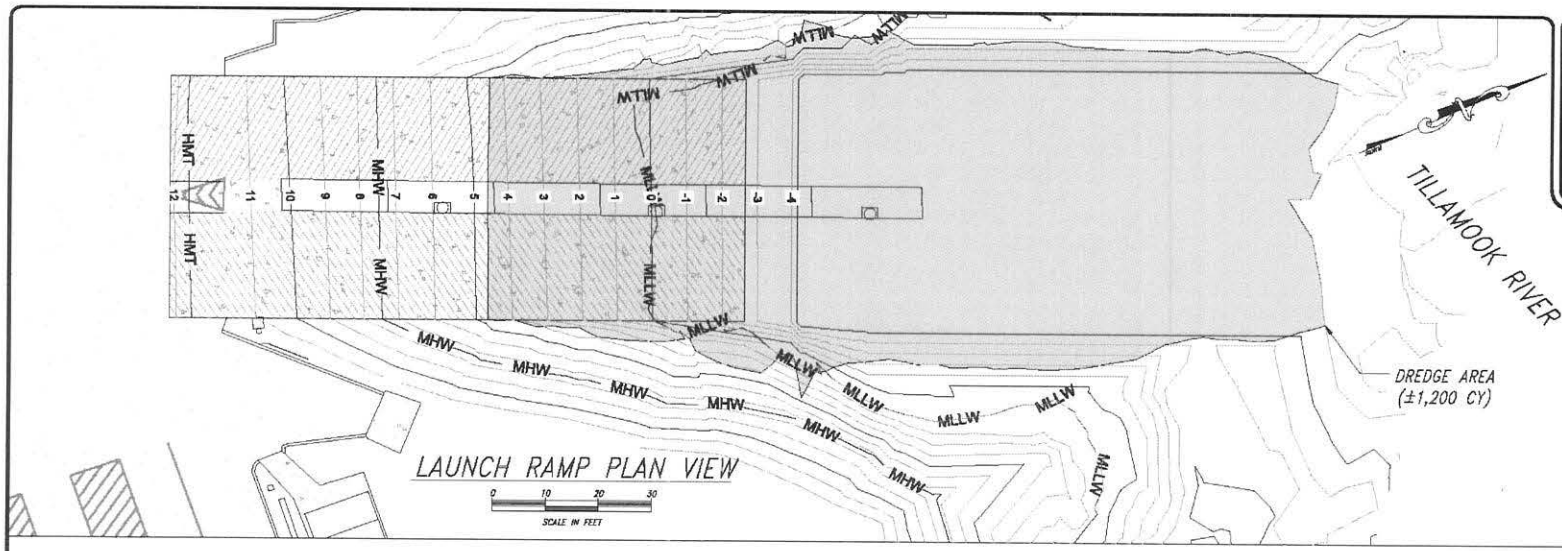
PROJECT LOCATION, WATERBODY & TAX LOT OWNER:
MEMALOOSE POINT - TILLAMOOK RIVER
TILLAMOOK COUNTY PARKS DEPARTMENT

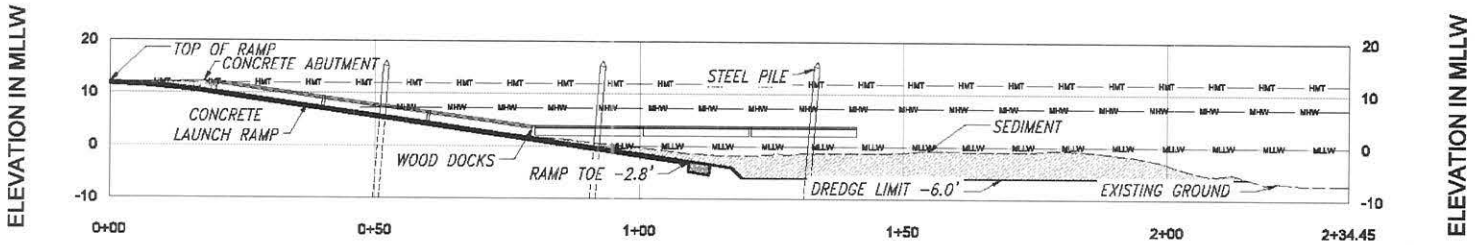
SHEET DESCRIPTION:
PROPOSED SITE PLAN

SHEET NUMBER
03

SHEET 03 OF 06

DRAWING NO.
2914 - NG - 03





LAUNCH RAMP PROFILE

0 10 20 30
SCALE IN FEET

DATUM	ELEVATION
HIGHEST MEASURED TIDE (HMT)	11.9'
MEAN HIGH WATER (MHW)	7.3'
MEAN LOWER LOW WATER (MLLW)	0.0'
EXTREME LOW TIDE (ELT)	-3.0'

NOTE:
ELEVATIONS ARE BASED ON MLLW.

DESIGN ENGINEER
REGISTERED PROFESSIONAL ENGINEER
58838
OREGON
JAN. 14, 2003
JEFFERY W. SMITH
EXPIRES: 6-30-22

FINAL CHECK SIGNATURE

DESIGNER: A CHIOU
DRAFTER: A CHIOU
DATE: 12-16-20

SHEET STATUS
PERMIT REVIEW
NOT FOR CONSTRUCTION

OREGON STATE MARINE BOARD

PROJECT LOCATION, WATERBODY & FACILITY OWNER:
MEMALOOSE POINT - TILLAMOOK RIVER
TILLAMOOK COUNTY PARKS DEPARTMENT

SHEET DESCRIPTION:
LAUNCH RAMP PLAN & PROFILE

SHEET NUMBER
04

SHEET 04 OF 06

DRAWING NO.
2914 - NG - 04

Oregon
Kate Brown, Governor

Department of Environmental Quality
Northwest Region Portland Office/Water Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5263
FAX (503) 229-6957
TTY 711

March 18, 2022

JoAnn Woelfle
Tillamook County Parks Department
P.O. Box 633
Garibaldi, Oregon 97118

RE: NWP-2021-355; Tillamook County Parks
Memaloose Boat Launch Maintenance Dredging Project
Section 401 Water Quality Certification

The Department of Environmental Quality (DEQ) has reviewed the U.S. Army Corps of Engineers (USACE) Permit application # 2021-355 (Department of State Lands [DSL] #63362-GP), pursuant to a request for a Clean Water Act Section 401 Water Quality Certification (WQC) received on December 22, 2021. The request for water quality certification was available for public comment from December 9, 2021, through January 8, 2022. DEQ received no comments from the public regarding the project during the public comment period.

The Tillamook County Parks Department (Tillamook, "Applicant") proposes to conduct maintenance dredging to maintain vehicle access at the Memaloose boat ramp. The proposed action will impact the Tillamook River at River Mile (RM) 0 near Memaloose Point. The project is located in on the south bank of the Tillamook River west of Tillamook, Oregon, Tillamook County, Oregon (Section 22 /Township 1S /Range 10W).

Project Description:
The Applicant proposes to dredge up to 1,200 cubic yards (cy) of sand, silt, and organic material from an area measuring approximately 0.24 acres below the High Tide Line (HTL) of Tillamook Bay to maintain vessel access to the Memaloose boat ramp. The existing fairway to the boat ramp would be dredged to a -6.0-foot depth Mean Lower Low Water datum. The applicant would utilize a clamshell dredge crane or backhoe operated from the boat ramp and adjacent jetty or would utilize a barge-mounted clamshell dredge.

Material would be dewatered within a containment berm at the disposal area. A weir would be used to form a small settling basin and dredged material return water would reenter Tillamook Bay after settling within the disposal areas settling basin. The spoils would be seeded with turf grass to stabilize and minimize erosion. After the spoils are completely dewatered, they would be removed and dispersed on County-owned upland property at a location to be determined.

Tillamook seeks a 10-year permit term to conduct periodic maintenance dredging at approximately five-year intervals.

Sediment Characterization:

In email correspondence dated January 5, 2022, the Portland Sediment Evaluation Team (PSET) issued a determination that the dredge material did not require prior sediment testing per Subpart G of the Clean Water Act section 404(b)(1) guidelines (see 40 CFR 230.60-230.61). The determination was made based on Level 1 sediment information provided by the Applicant, past sediment testing data from 2005, and a previous PSET no-test determination from October 2014. The scope of the PSET's sediment evaluation includes excavation and upland placement of sediments related to the maintenance dredging at the boat ramp.

Status of Affected Waters of the State: The project site is located at RM 0 of the Tillamook River as it discharges to Tillamook Bay. The project site is located in the upper mainstem of the Tillamook Bay estuary assessment unit, which is listed on the Section 303(d) list of impaired water bodies for E. coli and dissolved oxygen. Tillamook Bay also has an EPA approved Total Maximum Daily Load (TMDLs) developed for temperature and fecal coliform. The above listed parameters impair the following beneficial uses in Tillamook Bay: fish and aquatic life; water contact recreation; and fishing.

Certification Decision: Based on the information provided by the applicant and USACE, DEQ is reasonably assured that implementation of the project will be consistent with applicable provisions of Sections 301, 302, 303, 306, and 307 of the federal Clean Water Act, state water quality standards set forth in Oregon Administrative Rules Chapter 340 Division 41, and other appropriate requirements of state law, provided the following conditions are incorporated into the USACE permit and strictly adhered to by the Applicant.

401 WQC GENERAL CONDITIONS

1) **Responsible parties:** This 401 WQC applies to the Applicant. The Applicant is responsible for the work of its contractors and sub-contractors, as well as any other entity that performs work related to this WQC.
Rule: *40 CFR 121, OAR 340-048-0015*
Justification: *DEQ must be aware of responsible parties to ensure compliance.*

2) **Work Authorized:** Work authorized by this Order is limited to the work described in the Joint Permit Application signed on March 31, 2021, and additional application materials (hereafter "the permit application materials"), unless otherwise authorized by DEQ. If the project is operated in a manner not consistent with the project description contained in the permit application materials, the Applicant is not in compliance with this 401 WQC and may be subject to enforcement.
Rule: *OAR 340-048-0015*
Justification: *To ensure the project will comply with water quality standards, DEQ must understand all work involved in the construction and operation of the project.*

3) **Duration of Certificate:** This 401 WQC for impacts to waters, including dredge and fill activities, is valid for ten years from the date of issuance of the USACE 404 permit. A new or modified 401 WQC must be obtained prior to any modification of the USACE 404 permit.
Rule: *40 CFR 121*
Justification: *Certification is required for any license or permit that authorizes an activity that may result in a discharge.*

4) A copy of this 401 WQC letter must be kept on the job site and readily available for reference by Applicant or its contractors, as well as by DEQ, USACE, National Marine Fisheries Service (NMFS), Oregon Department of Fish and Wildlife (ODFW), and other appropriate state and local government inspectors.
Rule: *OAR 340-012*
Justification: *All parties must be aware of and comply with the 401 WQC, including on-site contractors.*

5) **Modification:** Any approved modifications to this 401 WQC will incur a Tier 1 fee of $985 at a minimum. Complex modifications may be charged a higher fee.
Rule: *OAR 340-048-0050*
Justification: *To ensure the project will comply with water quality standards, DEQ must understand all work involved in the construction and operation of the project.*

6) The Applicant must notify DEQ of any change in ownership or control of this project and obtain DEQ review and approval before undertaking any change to the project that might affect water quality.
Rule: *OAR 340-048-0050*
Justification: *To ensure the project will comply with water quality standards, DEQ must understand all work involved in the construction and operation of the project.*

7) DEQ may modify or revoke this 401 WQC, in accordance with OAR 340-048-0050, if project changes or project activities are having an adverse impact on state water quality or beneficial uses.
Rule: *OAR 340-048-0050*
Justification: *To ensure the project will comply with water quality standards, DEQ must understand all work involved in the construction and operation of the project.*

8) The applicant and its contractors must allow DEQ access to the project site, staging areas, and mitigation sites to monitor compliance with these 401 WQC conditions, including:
   a. Access to any records, logs, and reports that must be kept under the conditions of this 401 WQC;
   b. To inspect Best Management Practices, monitoring or operational equipment or methods;
   c. To collect samples or monitor any discharge of pollutants.

Rule: *OAR 340-012*
Justification: *DEQ must inspect facilities for compliance with all state rules and laws.*

9) If DEQ determines the Applicant has engaged or is about to engage in activities that constitute a violation of this WQC, DEQ may initiate proceedings, including but not limited to civil or criminal enforcement provisions, to enforce compliance or to restrain further violations, as authorized by ORS 468.100.
Rule: *OAR 340-012*
Justification: *If the project is not being constructed or operated as proposed, it may not be consistent with water quality requirements.*

DREDGING GENERAL CONDITIONS

10) **Spill Prevention:** The Applicant must fuel, operate, maintain and store equipment, in a manner that prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
Rule: *ORS 466.645(1); OAR 340-142-0030(1)(b)(B), OAR 340-041*
Justification: *DEQ must ensure that pollution does not enter waterways and must be protective of beneficial uses, including fish.*

11) **Spill & Incident Reporting**:
   a. In the event that petroleum products, chemicals, or any other deleterious materials are discharged into state waters, or onto land with a potential to enter state waters, the discharge must be promptly reported to the Oregon Emergency Response Service (OERS, 1-800-452-0311). Containment and cleanup must begin immediately and be completed as soon as possible.
   b. If the project operations cause a water quality problem which results in distressed or dying fish, the operator must immediately: cease operations; take appropriate corrective measures to prevent further environmental damage; collect fish specimens and water samples; and notify DEQ, Oregon Department of Fish and Wildlife and other appropriate regulatory agencies.

Rule: *ORS 466.645(1); OAR 340-142-0030(1)(b)(B), OAR 340-041*
Justification: *DEQ must ensure that pollution does not enter waterways and must be protective of beneficial uses, including fish.*

SPECIFIC CONDITIONS FOR IN-WATER WORK

12) **Fish protection/ Oregon Department of Fish and Wildlife timing:** Applicant must perform in-water work only within the Oregon Department of Fish and Wildlife preferred time window as specified in the *Oregon Guidelines for Timing of In-Water Work* to Protect Fish and Wildlife Resources, or as authorized otherwise under a Department of State Lands removal/fill permit. Exceptions to the timing window must be recommended by Oregon Department of Fish and Wildlife and/or the National Marine Fisheries Services as appropriate.
Rule: *OAR 340-041-0011*
Justification: *DEQ must be protective of all water quality standards, including beneficial uses such as fish and aquatic life.*

13) **Turbidity**: The Applicant must implement BMPs to minimize turbidity during in-water work. Any activity that causes turbidity to exceed 10% above natural stream turbidities is prohibited except as specifically provided below:

   a. **Monitoring**: Turbidity monitoring must be conducted and recorded as described below. Monitoring must begin one hour after star of work, and occur at two hour intervals each day during daylight hours when in-water work is being conducted. A properly calibrated turbidimeter is required.

      i. Representative Background Point: Applicant must take and record a turbidity measurement every two hours during in-water work at an undisturbed area 300 feet upcurrent from the in-water disturbance, in order to establish background turbidity levels. The background turbidity, location, date, tidal stage (if applicable) and time must be recorded immediately prior to monitoring downcurrent at the compliance point described below.
      ii. Compliance Point: Monitoring must occur every two hours 100 feet downcurrent from the disturbance and within any visible plume. The turbidity, location, date, tidal stage (if applicable) and time must be recorded for each measurement.

   b. **Compliance**: Applicant must compare turbidity monitoring results from the compliance points must to the representative background levels taken during

each two hour monitoring interval. Pursuant to OAR 340-041-0036, short term exceedances are allowed as followed:

MONITORING WITH A TURBIDIMETER *EVERY 2 HOURS*	
TURBIDITY LEVEL	***Restrictions to Duration of Activity***
0 to 4 NTU above background	No Restrictions
5 to 29 NTU above background	Work may continue maximum of 4 Hours. If turbidity remains 5-29 NTU above background, stop work and modify BMPs. Work may resume when NTU is 0-4 above background.
30 to 49 NTU above background	Work may continue maximum of 2 Hours. If turbidity remains 30-49 NTU above background, stop work and modify BMPs. Work may resume when NTU is 0-4 above background.
50 NTU or more above background	Stop work immediately and inform DEQ

c. **Reporting**:
   i. Record all turbidity monitoring required by subsections (a) and (b) above in daily logs which must include: calibration documentation; background NTUs; compliance point NTUs; comparison of the points in NTUs; and location; date; time; and tidal stage (if applicable) for each reading.
   ii. Keep records on file for the duration of the permit cycle.
   iii. Prepare a narrative discussing all exceedances with subsequent monitoring, actions taken, and the effectiveness of the actions.
   iv. Applicant must make available copies of daily logs for turbidity monitoring to regulatory agencies including DEQ, USACE, NMFS, USFWS, and ODFW upon request. An example turbidity log is attached to this certification.

Rule: *OAR 340-041-0036, OAR 340-041*
Justification: *DEQ must ensure that pollution does not enter waterways.*

SPECIFIC CONDITIONS FOR DREDGING

14) **Work Area Isolation**: To isolate the work area from flowing portions of the river and estuary, Tillamook County and its contractors shall follow the procedures and best management practices described in the Work Area Isolation Plan provided as an attachment to the JPA unless expressly required otherwise by the Conditions of this WQC.
Rule: *ORS 466.645(1); OAR 340-142-0030(1)(b)(B), OAR 340-041*
Justification: *DEQ must ensure that pollution does not enter waterways and must be protective of beneficial uses, including fish.*

15) **Dredging and Erosion Control**: For the duration of the project Tillamook County and its contractors shall follow the procedures and best management practices described in the Pollution and Erosion Control Plan for Dredging provided as an attachment to the JPA unless expressly required otherwise by the Conditions of this WQC.
Rule: *ORS 466.645(1); OAR 340-142-0030(1)(b)(B), OAR 340-041*
Justification: *DEQ must ensure that pollution does not enter waterways and must be protective of beneficial uses, including fish.*

16) **Pre-Dredge Notification**: The Applicant must notify DEQ at least 14 days prior to commencing dredging and disposal activities unless otherwise agreed to by DEQ. The Applicant shall notify DEQ of any pre-dredge coordination meeting.
Rule: *OAR 340-012*
Justification: *DEQ must inspect facilities for compliance with all state rules and laws.*

17) **Post-Dredge Notification**: The Applicant must submit to DEQ a dredge disposal report within 60 days of completing annual dredge disposal activities. The report shall include the following items as applicable: turbidity monitoring data, debris monitoring results, disposal dates, volumes, location maps, photographs, and biological observations.

Rule: *OAR 340-048-0015*
Justification: *To ensure the project will comply with water quality standards, DEQ must understand all work involved in the construction and operation of the project.*

If the applicant is dissatisfied with the conditions contained in this certification, a contested case hearing may be requested in accordance with OAR 340-048-0045. Such request must be made in writing to the DEQ Office of Compliance and Enforcement at 700 NE Multnomah St, Suite 600, Portland Oregon 97232 within 20 days of the mailing of this certification.

The DEQ hereby certifies this project in accordance with the Clean Water Act and state rules, with the above conditions. If you have any questions, please contact Chris Stine at chris.stine@deq.state.or.us, by phone at 541-686-7810, or at the address on this letterhead.

Sincerely,

Steve Mrazik
Water Quality Manager
Northwest Region

cc: Kinsey M. Friesen, US Army Corps of Engineers
Dan Cary, Oregon DSL
Patty Snow, Oregon DLCD

State of Oregon
DEQ Department of Environmental Quality

401 Water Quality Certification Turbidity Monitoring Report

Project Name:	USACE Project #	DSL Project #

Name of Inspector(s):	Turbidimeter Model:	Calibration Standard Type (Circle One) Formazin Solution or Gelex	Calibration Standard Expiration Date:

Sampling Date:	Calibration Values:	*Upstream (Background) Point Location:	*Downstream (Compliance) Point Location:
	_____NTU (Standard) = _____NTU (Reading) _____NTU (Standard) = _____NTU (Reading) _____NTU (Standard) = _____NTU (Reading)	Latitude: Longitude:	Latitude: Longitude:

In-Water Work Start Time:	In-Water Work End Time:	Description of In-Water Work:

Upstream Sample		Downstream Sample		Change in Turbidity (NTU)	Observation of waterbody		NOTES (Describe any modifications made to BMPs)
Time	Turbidity (NTU)	Time	Turbidity (NTU)		Tidal Stage	Note any plume, sheen, floatables, color	

** Include a figure with the turbidity sampling forms showing the sampling locations.*

State of Oregon
DEQ Department of Environmental Quality

401 Water Quality Certification Turbidity Monitoring Report

Turbidity: The Applicant must implement appropriate Best Management Practices (BMPs) to minimize turbidity during in-water work. Any activity that causes turbidity to exceed 10% above natural stream turbidity is prohibited except as specifically provided below:

Monitoring: Turbidity monitoring must be conducted and recorded as described below. Monitoring must begin one hour after star of work, and occur at two hour intervals each day during daylight hours when in-water work is being conducted. A properly calibrated turbidimeter is required unless another monitoring method is proposed and authorized by DEQ.
Representative Background Point: The Applicant must take and record a turbidity measurement every two hours during in-water work at an undisturbed area. A background location shall be established at a representative location approximately 300 feet upcurrent of the in water activity. The background turbidity, location, date, tidal stage (if applicable) and time must be recorded immediately prior to monitoring downcurrent at the compliance point described below.
Compliance Point: The must monitor every two hours. A compliance location shall be established at a representative location approximately 100 feet downcurrent from the disturbance at approximately mid-depth of the waterbody and within any visible plume. The turbidity, location, date, tidal stage (if applicable) and time must be recorded for each measurement.

Compliance: The Applicant must compare turbidity monitoring results from the compliance points to the representative background levels taken during each two – hour monitoring interval. Pursuant to OAR 340-041-0036, short term exceedances of the turbidity water quality standard are allowed as shown in the monitoring table shown here.

MONITORING WITH A TURBIDIMETER *EVERY 2 HOURS*	
TURBIDITY LEVEL	***Restrictions to Duration of Activity***
0 to 4 NTU above background	No Restrictions
5 to 29 NTU above background	Work may continue maximum of 4 hours. If turbidity remains 5-29 NTU above background, stop work and modify BMPs. Work may resume when NTU is 0-4 above background.
30 to 49 NTU above background	Work may continue maximum of 2 hours. If turbidity remains 30-49 NTU above background, stop work and modify BMPs. Work may resume when NTU is 0-4 above background.
50 NTU or more above background	Stop work immediately and inform DEQ

Reporting: The Applicant must record all turbidity monitoring required by subsections (a) and (b) above in daily logs, kept on file for the duration of the permit cycle. The daily logs must include calibration documentation; background NTUs; compliance point NTUs; comparison of the points in NTUs; location; date; time; and tidal stage (if applicable) for each reading. Additionally, a narrative must be prepared discussing all exceedances with subsequent monitoring, actions taken, and the effectiveness of the actions. Applicant must make available copies of daily logs for turbidity monitoring to DEQ, USACE, NMFS, USFWS, and ODFW upon request.

401_WQC_2021_355_TillamookParks_Memaloose

Final Audit Report 2022-03-18

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