

Application No. 071-OYA-2-005294
Name of Applicant PORT OF PORTLAND
Effective Date 30 November 1984
Expiration Date (if applicable) 30 November 1989

DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated 16 February 1984 for a permit to:

() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

~~(X)~~ Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1062; P.L. 92-532);

Port of Portland
P.O. Box 3529
Portland, Oregon 97208

is hereby authorized by the Secretary of the Army:
to

a. Annually dredge approximately 2,000,000 cubic yards of sand from the Columbia River. Approximately 12,000,000 cubic yards of sand is required to complete filling of the remaining 440-acre Rivergate Area, a portion of which are diked wetland areas.

(Cont'd on 1a)

in Columbia River, Mile 101.5 to 105.0, in Multnomah County, near
Portland, Oregon.

at

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

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subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

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Description of Work (Cont'd)

b. Dredging will be accomplished by Port-owned hydraulic dredge with the dredge material being pumped into areas behind existing dikes constructed in accordance with the North Portland Peninsula Plan, dated December 1972.

c. The dredging and disposal areas are shown on the attached drawing.

d. This is a request to renew previously issued Department of the Army Permit No. 071-OYA-2-003158.

e. The dredge and fill operation is part of Port of Portland's continuing development plan for the Rivergate Industrial District.

- b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.
- c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.
- d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.
- e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
- f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.
- i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.
- j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.
- k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.
- l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.
- m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.
- n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.
- o. That if the activity authorized herein is not completed on or before _____ day of _____, 19 _____, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.
- p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.
- q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.
- r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. All construction debris will be disposed of on land in such a manner that it cannot enter the waterway.

b. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

c. All areas along the bank, disturbed or newly created by the construction activity, will be seeded, sodded, revegetated, or given some other equivalent type of protection against subsequent erosion.

d. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.

e. Land disposal of dredged material will be accomplished behind adequately maintained protective berms, which will prevent the material from returning to the waterway.

f. If a hyd-aulic dredge is used, the dredge is to be operated with the intake on or below the surface of the material being removed.

g. Waste water from hydraulic dredging operations shall comply with appropriate water quality standards.

h. The disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.

i. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.

j. Dredging will be limited to -80 feet in Borrow Area I and -55 in Borrow Area II.

k. There will be no dredging within 240 feet of any structure or the ordinary low water line along the bank.

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Special Conditions (Continued):

1. There will be no dredging in areas where the water depth is shallower than -20 feet Columbia River Datum (CRD).

m. Records indicating the amount and location of material removed from the project area including amounts and the source of any alternative fill material placed in fill areas will be submitted to the Portland District at the end of each dredging season to aid in evaluating future permit applications.

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (*ten years unless otherwise indicated*);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.


This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X 
PERMITTEE

11/27/84
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for R. L. Friedenwald
DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

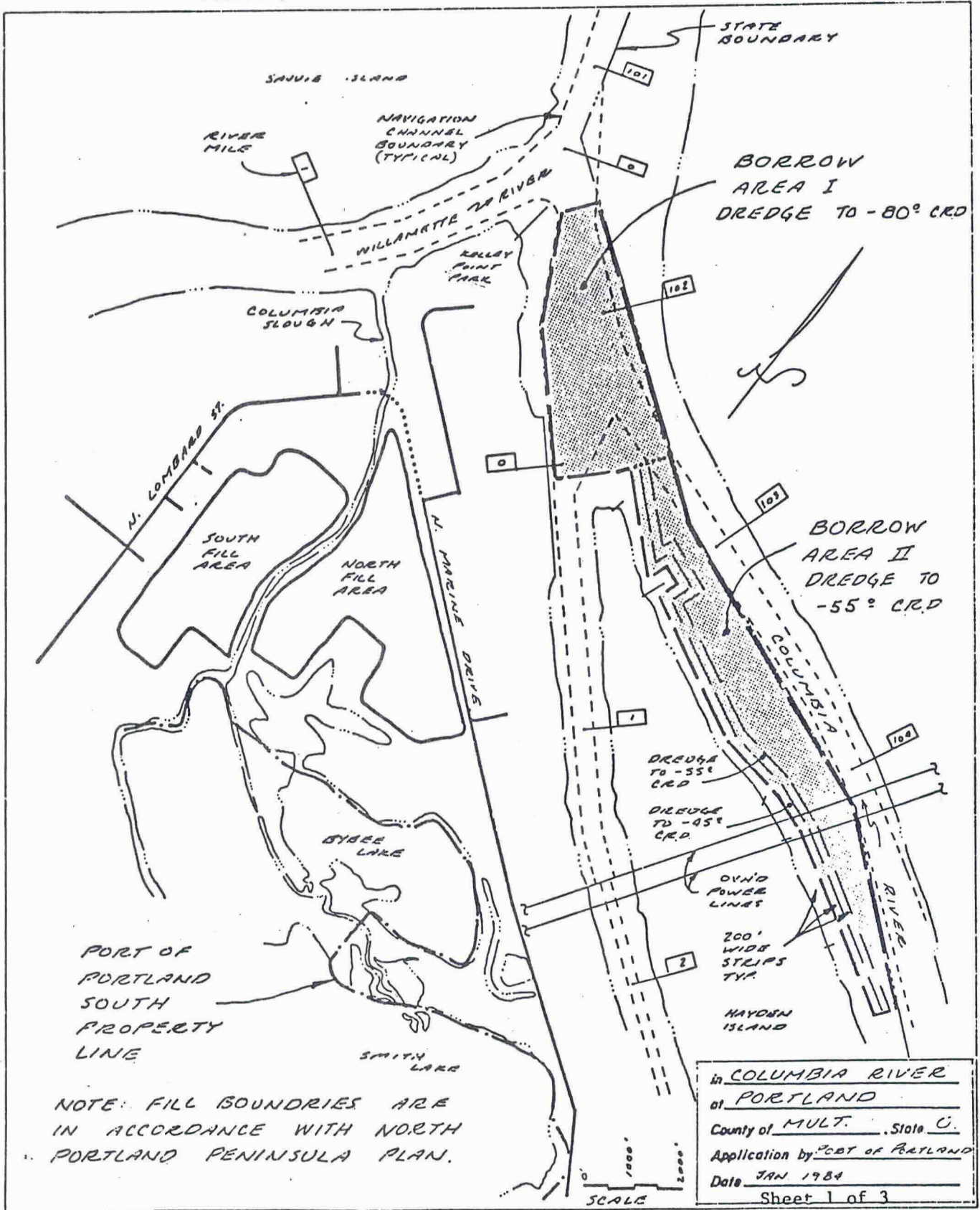
30 November 1984
DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEEE

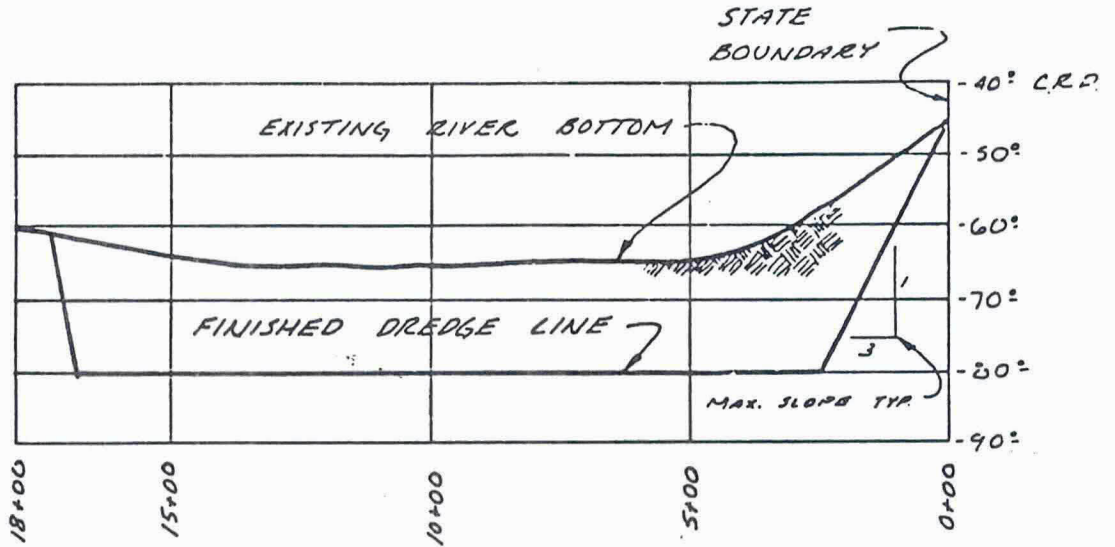
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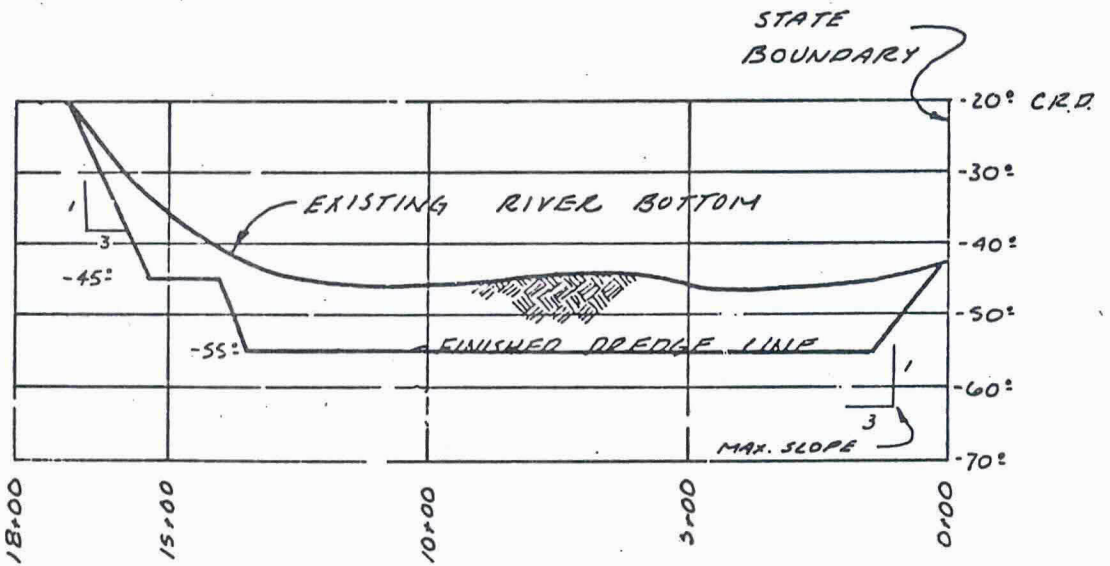


NOTE: FILL BOUNDARIES ARE IN ACCORDANCE WITH NORTH PORTLAND PENINSULA PLAN.

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TYPICAL SECTION
BORROW AREA I

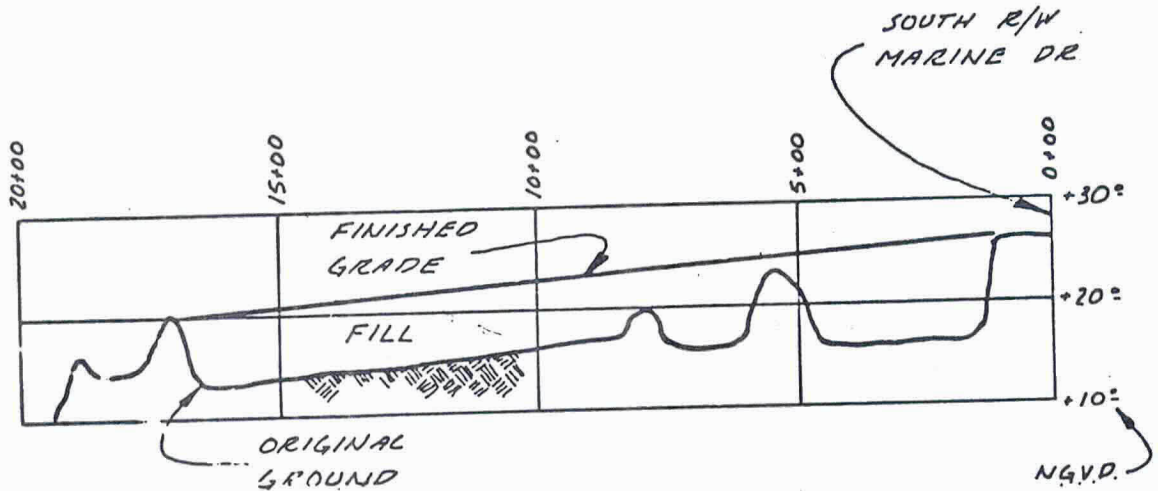


TYPICAL SECTION
BORROW AREA II

NOTE: BORROW ELEVATIONS ARE
BASED ON COLUMBIA
RIVER DATUM (C.R.D.)

In COLUMBIA RIVER
at PORTLAND
County of MULT., State O.
Application by PORT OF PORTLAND
Date JAN. 1984
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TYPICAL SECTION
FILL AREA

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in COLUMBIA RIVER
at PORTLAND
County of MULT., State O
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Date JAN. 1984