



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

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

STATE LAND BOARD

April 14, 2020

10:00 am – 12:00 pm

Teleconference Meeting

**The meeting audio will be livestreamed on the
[Department of State Lands YouTube Channel](#)**

AGENDA

Consent Items

1. Request for approval of the minutes of the February 4, 2020, State Land Board Meeting.
2. Request for approval of a term easement for fiber optic cables and associated conduits in the Territorial Sea, landing in Lincoln County at Driftwood Beach State Recreation Site.

Action Items

3. Request for approval of a direct sale of 34.06 acres of subsurface minerals and geothermal rights located in Tillamook County.
4. Request for approval of a permanent easement for a bridge crossing on John Day River Road over the John Day River in Clatsop County.

Informational Items

5. Other

Continued on next page

Meeting audio will be livestreamed at:

<https://www.youtube.com/channel/UCQA7FHTWwl-gjJkQeYPJ1IA>

If you need assistance to participate in this meeting due to a disability, please notify Arin Smith at (503) 986-5224 or arin.n.smith@state.or.us at least two working days prior to the meeting.

Public Testimony - The State Land Board places great value on information received from the public. The Board accepts comments on **consent and action agenda items only**.

When providing testimony, please:

- Provide written summaries of lengthy, detailed information
- Recognize that substance, not length, determines the value of testimony or written information
- Endorse rather than repeat the testimony of others

Providing Public Testimony During Teleconference Meetings – When the Board meets via teleconference, the public may submit written testimony to be read aloud during the meeting, time permitting and at the discretion of the Chair. Testimony may be submitted before or during the meeting.

Email testimony to: landboard.testimony@state.or.us

When providing testimony for a teleconference meeting, please:

- Include your name, organizational affiliation (if any).
- Indicate which consent or action agenda item your testimony relates to
- Indicate if you would like your testimony read aloud during the teleconference. Testimony that exceeds the standard time limit of three minutes per individual may not be read in its entirety.
- If you are submitting testimony while the meeting is in progress, please do so before the agenda item your testimony relates to is discussed.

Please note: The standard time limit is three minutes for each individual. The Board cannot accept testimony on a topic for which a public hearing has been held and the comment period has closed.



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

The State Land Board (Land Board or Board) met in regular session on February 4, 2020, in the Land Board Room at the Department of State Lands (DSL or Department), 775 Summer Street NE, Salem, Oregon.

State Land Board

Kate Brown

Governor

Present were:

Kate Brown

Governor

Bev Clarno - Excused

Secretary of State

Tobias Read

State Treasurer

Bev Clarno

Secretary of State

Land Board Assistants

Jason Miner

Governor's Office

Andrea Chiapella

Secretary of State's Office

Ryan Mann

State Treasurer's Office

Tobias Read

State Treasurer

Department Staff

Vicki Walker

Bill Ryan

Jean Straight

Mary French

Ken Armstrong

Arin Smith

Lani Ahmadian

Lee Hullinger

Eric Metz

Meliah Masiba

Department of Justice

Matt DeVore

Governor Brown called the meeting to order at 10:02 a.m. The topics discussed and the results of those discussions are listed below. To view the Land Board (Board) meeting in its entirety, please visit our YouTube page: <https://www.youtube.com/watch?v=Tj7MikcpRFw&t=9s>

Consent Items

1. Minutes

Treasurer Read made a motion to approve the minutes for the December 10, 2019, Land Board meeting.

The consent item was approved at 10:04 a.m.

Action Items

2. Agenda item 2 was withdrawn and will be moved to the April 2020 agenda.

3. Proposed Legislative Concepts

Director Walker requested that the Board authorize the Department to proceed with drafting of the 20-21 legislative concepts and submittal to the Department of Administrative Services (DAS) for review and drafting in preparation for pre-session filing.

Director Walker then gave an overview of the proposed legislative concepts.

Questions were taken from Governor Brown.

Governor Brown made a motion to approve the request.

Questions were taken from Treasurer Read.

Treasurer Read seconded the Chair's motion to approve.

The action item was approved at 10:16 a.m.

4. Trust-Estates Annual Report

10:16 a.m.

Director Walker introduced Claudia Ciobanu, Trust Property Manager, to present the reports.

Claudia gave descriptions of the Trust Property and Estates programs and an overview of the annual reports.

Comments were taken from Governor Brown.

5. Oregon Department of Forestry Annual Report on Common School Forest Lands

10:35 a.m.

Director Walker invited ODF Director Peter Dougherty and Division Chief Liz Dent to the table to give an overview of their report.

Questions were taken from Treasurer Read and Governor Brown.

6. Aquatic Resource Management Sustainability Report

10:54 a.m.

Director Walker introduced Deputy Director Bill Ryan to present the report.

Comments and questions were taken from the Board.

7. Common School Fund Audit Summary

11:14 a.m.

Director Walker invited Tanya Moffitt with Merina and Company to give an overview of the Common School Fund Audit.

8. Other

11:19 a.m.

- Description of South Slough Reserve's Forest and Fire Management Project
- Jordan Cove Energy Project Update

11:34 a.m.
Public testimony was taken

The meeting was adjourned at 11:49 a.m.

Kate Brown, Governor

Vicki L. Walker, Director

DRAFT



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

State Land Board

Kate Brown

Governor

Bev Clarno

Secretary of State

Tobias Read

State Treasurer

State Land Board

Regular Meeting

April 14, 2020

Agenda Item 2

SUBJECT

Request for approval of a term easement for fiber optic cables and associated conduits in the Territorial Sea, landing in Lincoln County at Driftwood Beach State Recreation Site.

ISSUE

Whether the State Land Board should approve a request from Oregon State University for a 20-year easement to maintain the fiber optic cables and conduits crossing the Territorial Sea.

AUTHORITY

Article VIII, Section 5 of the Oregon Constitution; requiring the Land Board to “manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.”

ORS 273.171; relating to the duties and authority of the Director.

OAR 141-122-0010 to 141-122-0120; establishing procedures for granting easements and rights-of-way on trust and non-trust lands and requiring Land Board approval of easements granted in perpetuity.

PUBLIC INVOLVEMENT

The application was circulated to adjoining property owners, various state and federal resource and permitting agencies, and tribal entities. Two comments were received. One comment, from a landowner adjacent to the landing site, was supportive of the project. Another comment was received from the Oregon Department of Fish and Wildlife (ODFW) with recommendations that were incorporated into the easement terms.

The Applicant has coordinated with the Fisherman Involved in Natural Energy Committee (FINE), a committee of individuals appointed to represent the spectrum of fisheries potentially impacted by the placement of ocean wave energy facilities off the coast of Lincoln County, Oregon, to ensure that local fisheries would be considered during construction and operations of the PacWave South project.

BACKGROUND

The easement is for the right to construct, maintain, operate, and replace a fiber optic communication cable and associated conduits over, upon, and under the territorial sea.

Oregon State University is developing a wave energy test site, PacWave South. The test site will be located approximately 7 miles off the coast south of Newport, OR. The site will be on the Outer Continental Shelf. Five subsea cables will connect the test site to the cable landing site in the parking lot of the Driftwood Beach State Recreation Site (Driftwood), North of Waldport. From the test site to about 0.8 miles offshore, the cables will be buried below the seafloor using a jet plow or similar technique. From that point to Driftwood, the cables will enter individual, buried conduits, which will be installed using horizontal directional drilling (HDD). At the cable landing site in the Driftwood parking lot, the subsea cables will transition to terrestrial cables. These cables will run in an underground, HDD-installed conduit to an OSU-owned property on NW Wenger Lane in Seal Rock. A Utility Connection and Monitoring Facility (UCMF) will be constructed on Wenger Lane and conditioned power will run to the Central Lincoln People's Utility District distribution system on Highway 101.

The criteria for selecting the offshore wave energy test site included: open ocean; approximately 2 square nautical miles in area; depth of 200-300 ft; soft or sandy seafloor; minimal impact to existing ocean uses and users; and proximity to facilities for deployment, port for service vessels capable of conducting onboard maintenance and facilities for dockside repair. Newport was selected as the location for the project and the test site location itself was identified by Lincoln County's Fishermen Involved in Natural Energy committee.

The criteria for selecting the cable landing site included: proximity to the test site (i.e.

shortest distance possible for marine cabling); proximity to the coast (i.e. west of Highway 101 preferred); availability of land; suitable size of area for HDD operations and construction footprint; ability to bury cables and splice vaults; and proximity to onshore grid interconnection infrastructure.

The cable route selection was based on avoidance of sensitive habitat; maximization of the likelihood of successful cable burial; geophysical and geotechnical data; and, the shoreside cable landing site location.

Alternative cable routes, cable landing sites and UCMF locations were considered but rejected as they did not meet the required and/or preferred criteria.

The Department received the application fee of \$5,000.00 on September 9, 2019. Pursuant to OAR 141-123-0060(6)(b), gas, electric, and communication line easements located outside of city limits are exempt from compensation; however, easements issued pursuant to 141-083-0850 may be subject to a term-based payment or annual rental payments subsequently established by the Land Board pursuant to governing law for use of state-owned submerged and submersible land. No compensation is required at this time. In the past, some entities applying for a Territorial Sea easement have paid a consideration fee to remove a future imposition clause from the leasing agreement; however, in this case Oregon State University has elected to not do so.

RECOMMENDATION

The Department of State Lands recommends that the State Land Board approve a term easement to Oregon State University to maintain and operate fiber optic cables and associated conduits on, over, under or across the Territorial Sea, landing at the Driftwood Beach State Recreation Site, south of Newport in Lincoln County pursuant to the terms and conditions of the easement 62235-EA (Appendix A).

APPENDICES

- A. Draft Easement: 62235-EA
- B. Maps

STATE OF OREGON
Department of State Lands

COMMUNICATION CABLE EASEMENT AGREEMENT
62235-EA

THIS COMMUNICATION CABLE EASEMENT AGREEMENT (this "Agreement"), effective as of _____, 20____, is made by and between the State of Oregon, by and through its Department of State Lands ("GRANTOR"), and Oregon State University ("GRANTEE").

1. **Grant of Easement.** Pursuant to ORS 758.010 and OARs 141-083 and 141-122 (as may be amended at any time and from time to time), GRANTOR hereby grants to GRANTEE an easement (the "Easement") to construct, maintain, operate and replace 5 subsea cables, in, over, under and across GRANTOR-owned submerged and submersible land of the Pacific Ocean, in or adjacent to Lincoln County, Oregon, described as the Easement Parcels in Section 2 below. This Agreement does not convey an estate in fee simple of the Easement Parcels. The grant contained herein is for an easement only, and title to the Easement Parcels remain in GRANTOR.

2. **Easement Parcels.** The Easement runs in, over, under and across a twenty foot (20') wide corridor of shore and seabed located ten feet (10') on either side of each of the five proposed centerlines described below (the "Easement Parcels"). The Easement Parcels include the "Shore Area" (GRANTOR'S submersible land, i.e. from the Ordinary High Tide to the Ordinary Low Tide, pursuant to ORS 390.615) and the "Territorial Sea Area" (GRANTOR'S submerged land, i.e. from the Ordinary Low Tide to the three-mile limit of the Territorial Sea as defined in ORS 196.405(5) and OAR 141-083- 0280(11) and pursuant to ORS274.710). The proposed centerlines of the five Easement Parcels are further described below (note: all latitudes and longitudes are in decimal degrees). The Easement Parcels are labelled from 1 to 5 with #1 referencing the most Northerly of the five Easement Parcels and #5 referencing the most Southerly. All the Easement Parcels begin within the parking lot of Driftwood Beach State Recreation Site located at 5400 NW Pacific Coast Highway, Seal Rock, Lincoln County, Oregon 97376 (Map Taxlot: 13-12-01-D0-01500-00; approximate latitude/longitude location: 44.464286, -124.079882):

Easement Parcel 1 begins within the Driftwood parking lot at Point H1.1 located at 44.464453, -124.080156 (the start of the horizontal direction drilling [HDD]);

thence to Point H1.2/C1.0 located at 44.468836, -124.098338 (the approximate end of HDD and start of the direct cable burial);

thence to Point C1.1 located at 44.471195, -124.103706;

thence to Point C1.2 located at 44.484245, -124.119888;

thence to Point C1.3 located at 44.493965, -124.132312;

thence to Point C1.TS/OCS located at 44.513263, -124.161994, the seaward extent of the Territorial Sea.

Containing 13.0 acres (565,000 square feet), more or less.

Appendix A

Easement Parcel 2 begins within the Driftwood parking lot at Point H2.1 located at 44.464398, -124.080156 (the start of the horizontal direction drilling [HDD]);

thence to Point H2.2/C2.0 located at 44.468299, -124.098502 (the approximate end of HDD and start of the direct cable burial);

thence to Point C2.1 located at 44.469670, -124.102500;

thence to Point C2.2 located at 44.470709, -124.104444;

thence to Point C2.3 located at 44.482012, -124.119312;

thence to Point C2.4 located at 44.489902, -124.128846;

thence to Point C2.5 located at 44.492578, -124.134466;

thence to Point C2.TS/OCS located at 44.510345, -124.162778, the seaward extent of the Territorial Sea.

Containing 12.8 acres (558,000 square feet), more or less.

Easement Parcel 3 begins within the Driftwood parking lot at Point H3.1 located at 44.464346, -124.080168 (the start of the horizontal direction drilling [HDD]);

thence to Point H3.2/C3.0 located at 44.467764, -124.098667 (the approximate end of HDD and start of the direct cable burial);

thence to Point C3.1 located at 44.470438, -124.106230;

thence to Point C3.2 located at 44.483835, -124.128306;

thence to Point C3.3 located at 44.488861, -124.137091;

thence to Point C3.4 located at 44.493691, -124.143874;

thence to Point C3.TS/OCS located at 44.506368, -124.163511, the seaward extent of the Territorial Sea.

Containing 12.4 acres (540,000 square feet), more or less.

Easement Parcel 4 begins within the Driftwood parking lot at Point H4.1 located at 44.464292, -124.080173 (the start of the horizontal direction drilling [HDD]);

thence to Point H4.2/C4.0 located at 44.467229, -124.098832 (the approximate end of HDD and start of the direct cable burial);

thence to Point C4.1 located at 44.468045, -124.102957;

Appendix A

thence to Point C4.2 located at 44.482280, -124.130657;

thence to Point C4.3 located at 44.491962, -124.144859;

thence to Point C4.TS/OCS located at 44.501951, -124.163808, the seaward extent of the Territorial Sea.

Containing 12.1 acres (525,000 square feet), more or less.

Easement Parcel 5 begins within the Driftwood parking lot at Point H5.1 located at 44.464234, -124.080156 (the start of the horizontal direction drilling [HDD]);

thence to Point H5.2/C5.0 located at 44.466693, -124.098998 (the approximate end of HDD and start of the direct cable burial);

thence to Point C5.1 located at 44.467365, -124.103397;

thence to Point C5.2 located at 44.481546, -124.131365;

thence to Point C5.3 located at 44.491622, -124.147617;

thence to Point C5.TS/OCS located at 44.499774, -124.163784, the seaward extent of the Territorial Sea.

Containing 11.9 acres (518,000 square feet), more or less.

Total number of acres: 62.2 acres or 2,706,000 square feet, more or less, and as shown on the attached Exhibits A1 - 5.

This description is used to establish the approximate location and extent of the area subject to this Department of State Lands authorized use and was not prepared by a licensed surveyor. All locations, bearings, and distances were developed in the Oregon Coordinate Reference System Standard; Oregon Statewide Lambert Conformal Conic, NAD 1983, International Feet, GRS 1980 Spheroid.

3. Payment. GRANTEE understands and acknowledges that the Easement may be granted at no charge, pursuant to current Oregon state law and GRANTOR'S administrative rules, but that, if Oregon state law changes during the term of this Agreement, GRANTEE may be subject to future imposition, by GRANTOR, of a consideration payment and/or usage fee that would be established by the Oregon State Land Board as authorized by law.

4. Term. The term of this Agreement is twenty (20) years.

5. Renewal. GRANTEE, subject to continued compliance with the terms and conditions of this Agreement, shall have the right to renew this Agreement for an additional twenty (20) -year term, in accordance with the governing law and applicable rules of GRANTOR at the time of renewal.

Appendix A

6. Construction of Cable.

(a) Construction of the Cable shall conform to standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard.

(b) Any blasting which may be necessary for the construction of the Cable shall be performed according to the laws of the State of Oregon and the rules of its agencies, including, without limitation, Oregon Department of Fish and Wildlife's in-water work windows.

(c) GRANTEE shall supply to GRANTOR an as-laid survey for the Cable within ninety (90) days after completion of construction, including diagrams showing the location of any unburied cable segments as well as a description of the equipment used to secure or protect the unburied cable segments.

7. Surety Bond. GRANTEE shall furnish to GRANTOR a surety bond in the amount of \$20,000.00 (or, in lieu of the surety bond, an equivalent cash deposit or certificate of deposit), which names the State of Oregon as co-owner, to ensure that GRANTEE performs construction of the Cable in accordance with all terms and conditions of this Easement, to be held until construction of the Cable is completed.

8. Maintenance and Repair in Shore Area. If maintenance or repair is required within the Shore Area, GRANTEE shall follow and adhere to the Oregon Parks and Recreation Department OARs 736-020 – Beach Construction/Alteration Standards (as may be amended at any time and from time to time).

9. Inspection. GRANTEE shall inspect the Cable and related fixtures at least every five (5) years and after any major geologic event, such as subduction-zone earthquakes, to ensure continued burial (from the entry of the Cable on the Shore Area to the end of HDD) and location integrity of non-buried cable (from the end of the HDD to the remainder of the Cable on the Easement Parcel). GRANTEE shall promptly perform any maintenance or repair shown to be necessary after such inspections, to ensure continued burial or location integrity of the Cable.

10. Restoration. The Easement Parcel shall be restored to a condition acceptable to GRANTOR, in GRANTOR'S discretion, as soon as construction or maintenance is completed.

11. Vegetation and Mineral Resources.

(a) Except as expressly authorized in writing by GRANTOR, GRANTEE shall not:

- (i) cut, destroy or remove, or permit to be cut, destroyed or removed, any vegetation from the Easement Parcel (provided, however, that routine right-of-way maintenance, including vegetation trimming, is allowed without GRANTOR'S express authorization); or
- (ii) remove from the Easement Parcel any sand and gravel, or other mineral resources, for commercial use or sale.

(b) GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel, or other mineral resources, in the Easement Parcel that must be removed during or after construction or maintenance of the Cable, or which cannot be developed because of GRANTEE'S use of the Easement Parcel.

Appendix A

12. Damage; Fines.

(a) GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to the Easement Parcel or surrounding seabed or shoreline caused by construction or maintenance of the Cable.

(b) GRANTEE shall be responsible for the payment of any fines or penalties charged against the Easement Parcel resulting from GRANTEE'S failure to comply with laws or regulations affecting the Easement Parcel.

13. Conservation. GRANTEE shall conduct all operations within the Easement Parcel in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests.

14. Compliance with Other Agreement and GRANTEE'S Applications. In all of its activities related to the Easement, including construction, maintenance and repair, GRANTEE shall strictly comply with the following:

(a) Agreement between Lincoln County and Oregon State University relating to the PacWave South wave energy test site, dated February 13, 2020 and attached as Exhibit B.

(b) All of the information provided by or on behalf of GRANTEE in GRANTEE'S "Easement Application Form for 'Territorial Sea' Fiber Optic Cable," dated September 3, 2019;

(c) All of the information provided by or on behalf of GRANTEE in GRANTEE'S "Joint Permit Application," dated September 5, 2019.

15. Prior Notification to GRANTOR. GRANTEE shall notify GRANTOR in writing at least ninety (90) days:

(a) prior to any pre-planned change in the location of the Cable;

(b) prior to any change in ownership of the Cable;

(c) after discovery of any change in the location of the Cable resulting from accidental contact or geologic or other natural causes; or

(d) prior to an abandonment or termination of the use of the Cable.

16. Prior Consent from GRANTOR. GRANTEE may not, without prior written approval from GRANTOR:

(a) change the type of use authorized by this Agreement;

(b) expand the number of authorized developments or uses of the Easement;

(c) change the location of the Easement Parcel; or

Appendix A

(d) permit other persons to utilize the Easement Parcel for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.

17. No Interference. Nothing in this document may be construed as permission, except during construction or maintenance periods, to GRANTEE to interfere with navigation or fisheries, or reduce the public's rights to the free and unimpeded use of the navigable waters of the State of Oregon within the area of the Easement Parcel; provided, however, that to the extent necessary to facilitate construction and maintenance of the Cable, GRANTEE may so interfere, but shall keep such interference to an absolute minimum. GRANTEE shall perform and complete all such construction and maintenance of the Cable as promptly as is reasonable.

18. Requirements of Regulatory Agencies. In its activities related to the Easement, GRANTEE shall comply with all applicable requirements of the regulatory agencies of the State of Oregon, including, without limitation, the Oregon Department of Fish and Wildlife.

19. Assessments. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the Easement Parcel, whether or not such assessments have been levied against the Easement Parcel or GRANTOR by the assessing agency.

20. Nondiscrimination. GRANTEE shall use the Easement Parcel only in a manner, or for such purposes, that assure fair and nondiscriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.

21. Permits. GRANTEE shall ensure that all state, federal and local permits are consistent and compatible with this authorization prior to work commencing.

22. Nonuse. If the Easement Parcel is not used for a period of five (5) consecutive years, this Agreement may be terminated by written notice from GRANTOR to GRANTEE at its last known address. Upon termination or expiration of this Agreement, GRANTEE shall have one (1) year to remove the Cable and appurtenances from the Easement Parcel. However, if GRANTEE demonstrates to GRANTOR'S satisfaction that removal of the Cable will be more detrimental to the Easement Parcel than leaving it in place, GRANTEE shall be permitted to abandon the Cable in place.

23. Hold Harmless. To the extent of lawfully available funds, GRANTEE shall indemnify, defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered as a result of GRANTEE'S use of the Easement.

24. Open to Public. The Easement Parcel shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by GRANTOR.

25. GRANTOR'S Reservation of Rights.

(a) GRANTOR reserves the right to lease or otherwise utilize the Easement Parcel in a manner and for uses that will not be incompatible with the primary use for which the Easement is granted.

(b) GRANTOR has the right to grant additional easements within the Easement Parcel, subject to the provisions of the administrative rules governing the granting of easements.

Appendix A

(c) GRANTOR and its employees, agents and contractors shall have the right to enter into and upon the Easement Parcel at any time for the purposes of inspection or management.

26. Assignment of Agreement. This Agreement may be assigned, pursuant to the provisions of OAR 141-122-0080.

27. Default. A "Grantee Default" shall occur if:

(a) GRANTEE fails to comply with or fulfill any term, condition or obligation of this Agreement (except with regard to Section 17 above), within thirty (30) days after notice from GRANTOR specifying the nature of the failure with reasonable particularity or, in the event such failure cannot reasonably be cured within such thirty (30) -day period, then within such time as the failure can be cured with reasonable good faith and diligence; provided, however, that such cure period shall not exceed one hundred eighty (180) days; or

(b) GRANTEE fails to comply with Section 17 above within ten (10) days after notice from GRANTOR specifying the nature of the failure with reasonable particularity; or, in the event such failure cannot reasonably be cured within such 10-day period, then within such time as the failure can be cured with reasonable good faith and diligence; provided, however, that such cure period shall not exceed thirty (30) days.

28. Remedies. Upon any Grantee Default, GRANTOR may exercise any one or more of the following remedies:

(a) Subject to the availability of lawful funds, at GRANTEE'S cost and expense, GRANTOR may perform GRANTEE'S unperformed obligations that gave rise to the Grantee Default, and charge all such costs and expenses to GRANTEE pursuant to this Agreement, which GRANTEE shall pay within thirty (30) days after GRANTOR delivers an invoice therefor, together with reasonable supporting documentation of such costs and expenses.

(b) GRANTOR may terminate this Agreement.

(c) GRANTOR may sue periodically to recover damages as they accrue without barring a later action for further damages.

(d) GRANTOR shall be entitled to recover from GRANTEE any and all damages arising from a Grantee Default, including all costs and expenses of curing Grantee Default, with any amounts due and owing to accrue interest at the rate of eight percent (8%) per annum.

(e) The foregoing remedies in this Section 28 shall be in addition to and shall not exclude any other remedy available to GRANTOR in law or equity.

29. Governing Law; Consent to Jurisdiction. This Agreement is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, suit action or proceeding ("Claim") between GRANTOR (or any other agency or department of the State of Oregon) and GRANTEE that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the jurisdiction of the Circuit Court of Marion County in the State of Oregon. In no event shall this Section 29 be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. GRANTOR and

Appendix A

GRANTEE each hereby consents to the exclusive jurisdiction of such court, waives any objection to venue and waives any claim that such forum is an inconvenient forum.

[Remainder of page intentionally left blank]

DRAFT



GRANTOR:

STATE OF OREGON,
acting by and through its Department of State Lands

Name: _____

Title: _____

Signature: _____

STATE OF OREGON)
) ss
County of Marion)

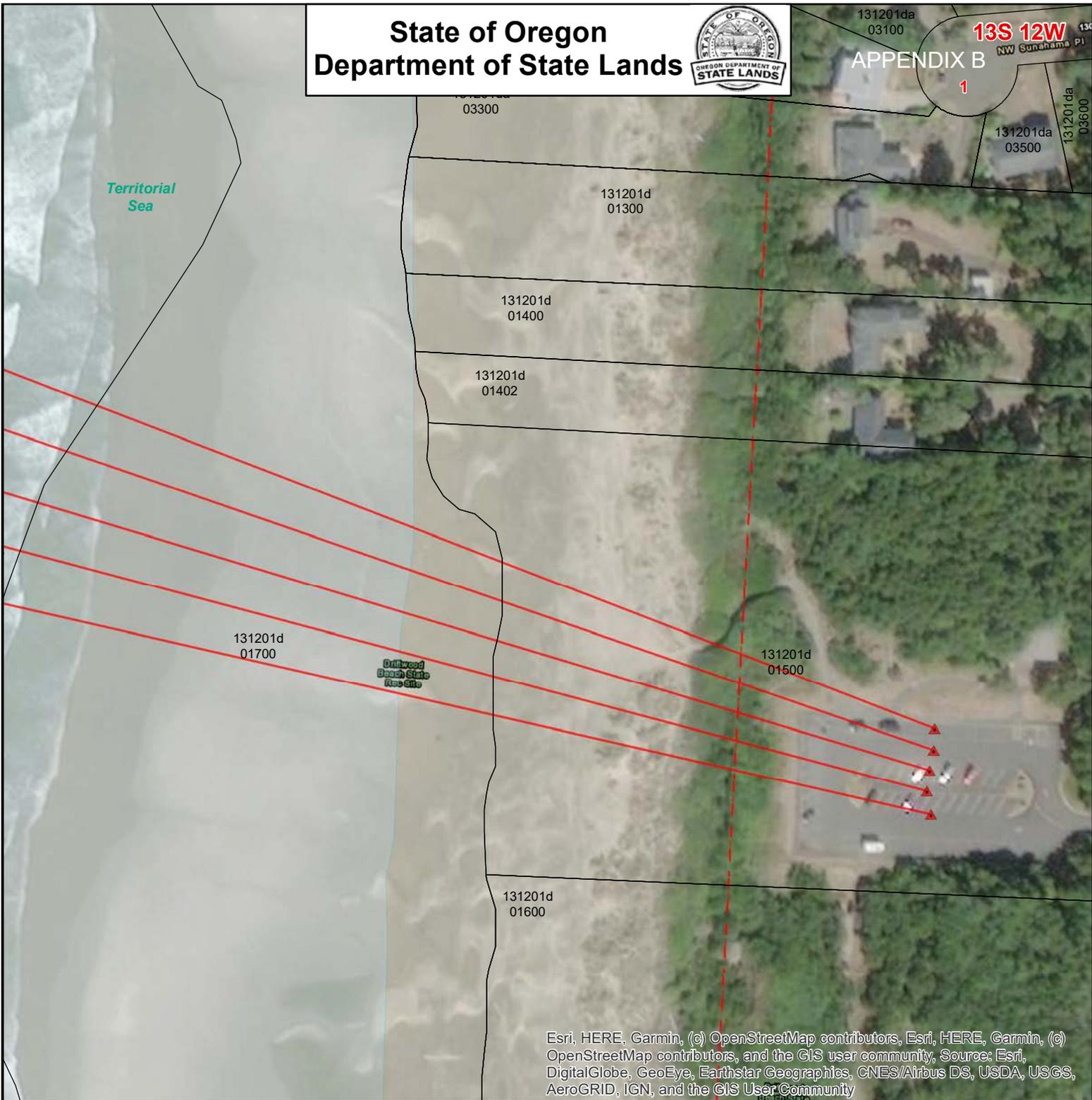
The foregoing instrument was acknowledged before me this ____ day of _____,
20__, by _____, the _____ of the
Department of State Lands.

Signature
My Commission Expires _____, 20__.

State of Oregon Department of State Lands



131201da
03100
13S 12W
NW Sunnyside Pl
APPENDIX B
1
131201da
03500
131201da
03600



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT A

**62235-EA
Beginning in
T13S, R12W Section 1
Driftwood State Recreation Cable Landing Site
Lincoln County**

-  Points of Beginning
-  Description lines

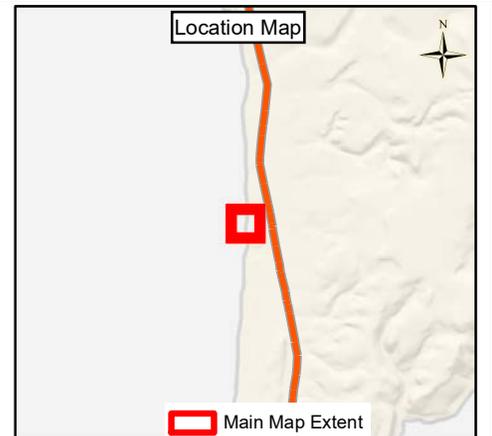
This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 60 120

Feet

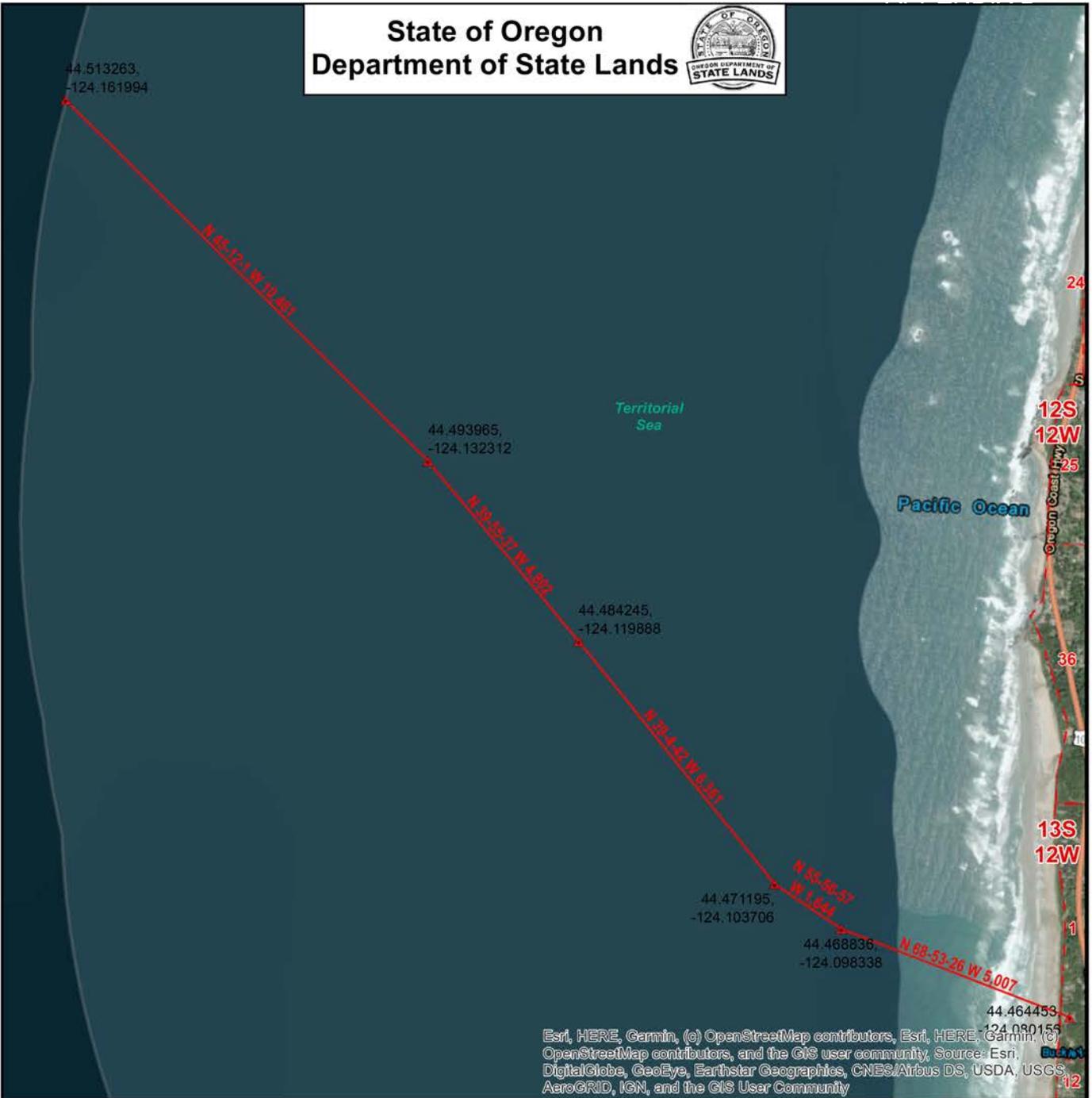


Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 4/3/2020



 Main Map Extent

State of Oregon
Department of State Lands



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT A-1

62235-ML, Cable 1
Territorial Sea
566,802 Square Feet
Lincoln County

- ▲ Points of Beginning
- Description lines
- Use Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 1,300 2,600

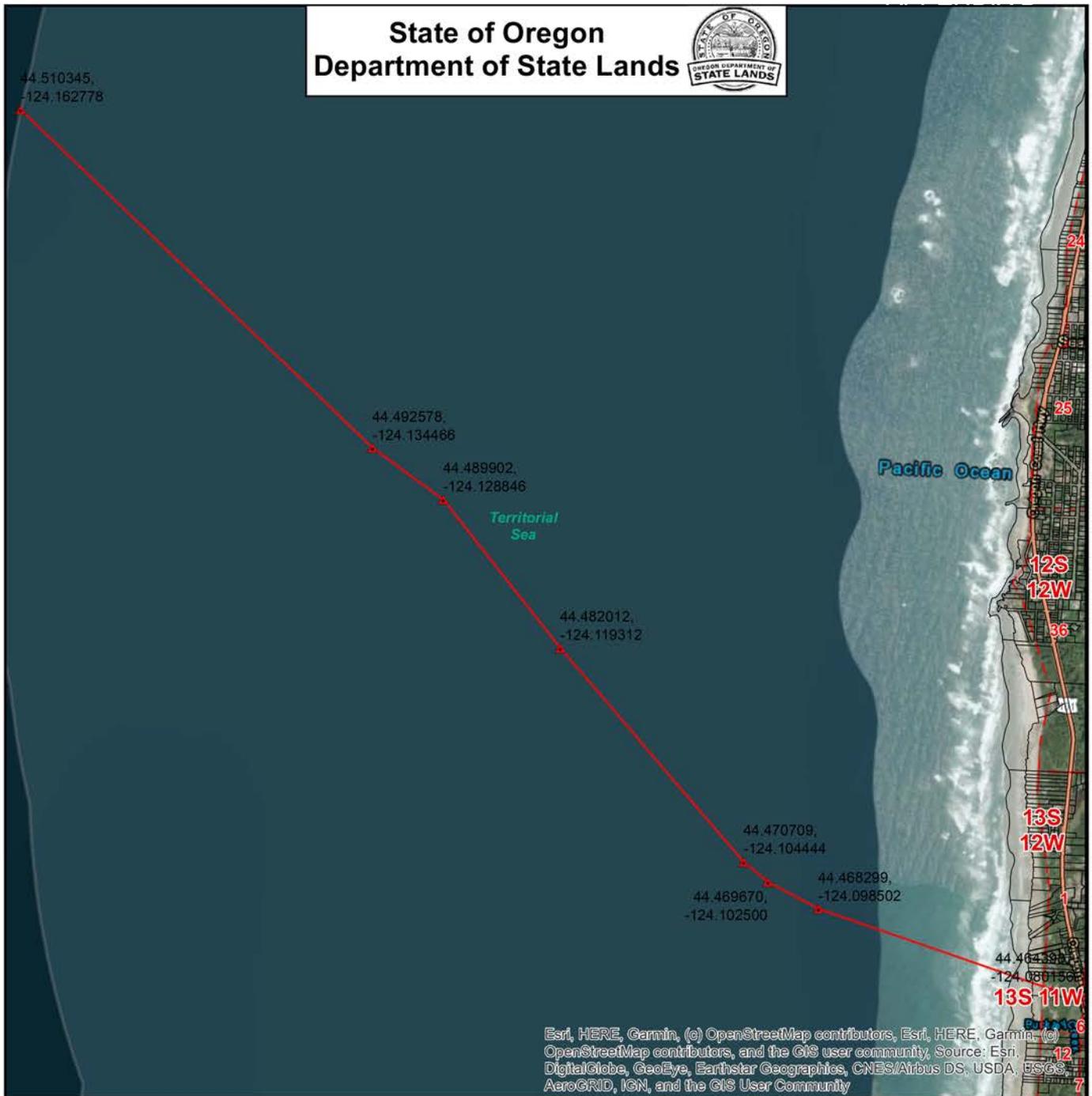
Feet



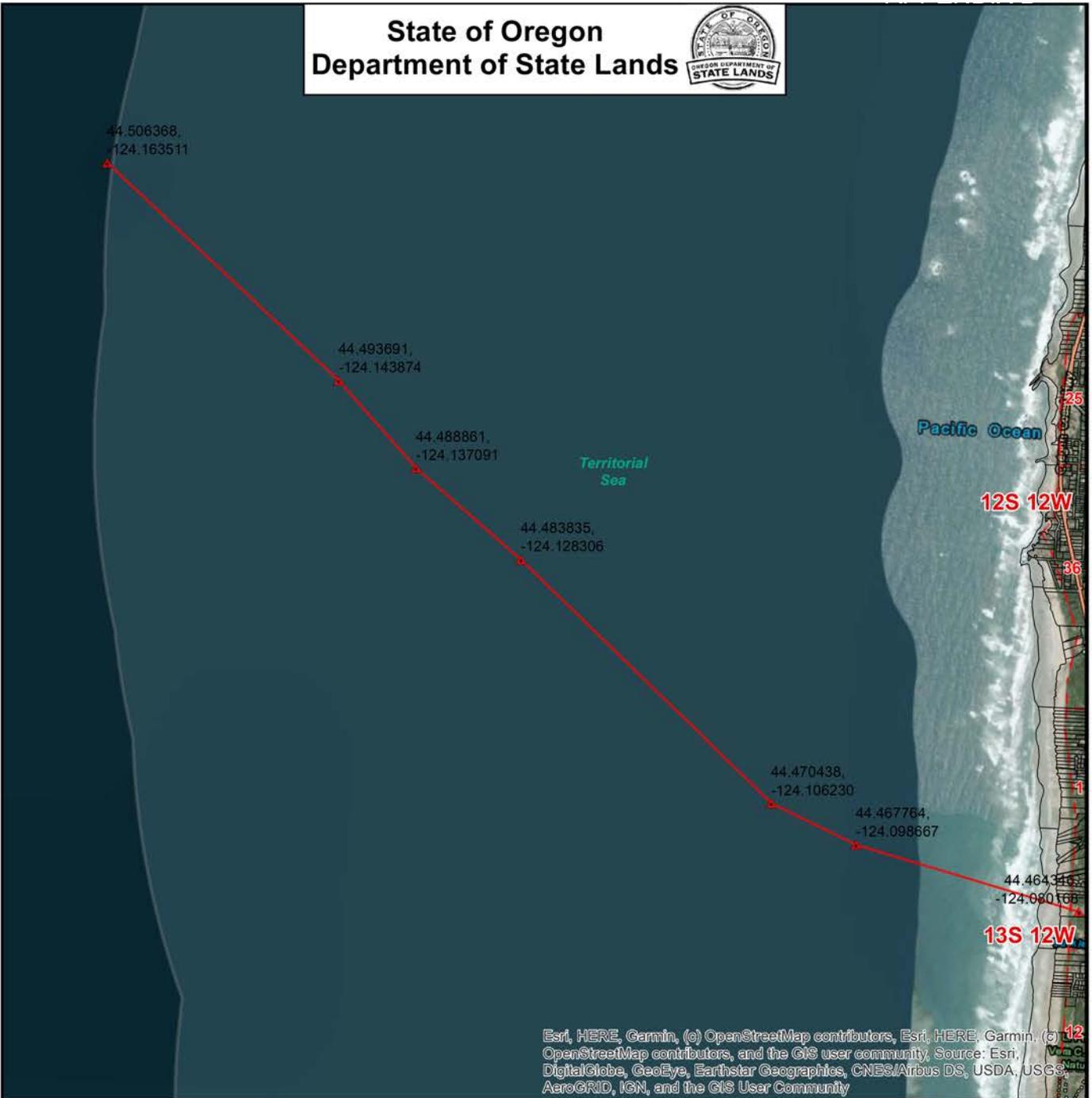
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 10/9/2019



State of Oregon
Department of State Lands



State of Oregon
Department of State Lands



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT A-3

62235-EA, Cable 3
Territorial Sea
545,807 Square Feet
Lincoln County

- ▲ Points of Beginning
- Description lines
- Use Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 1,400 2,800

Feet

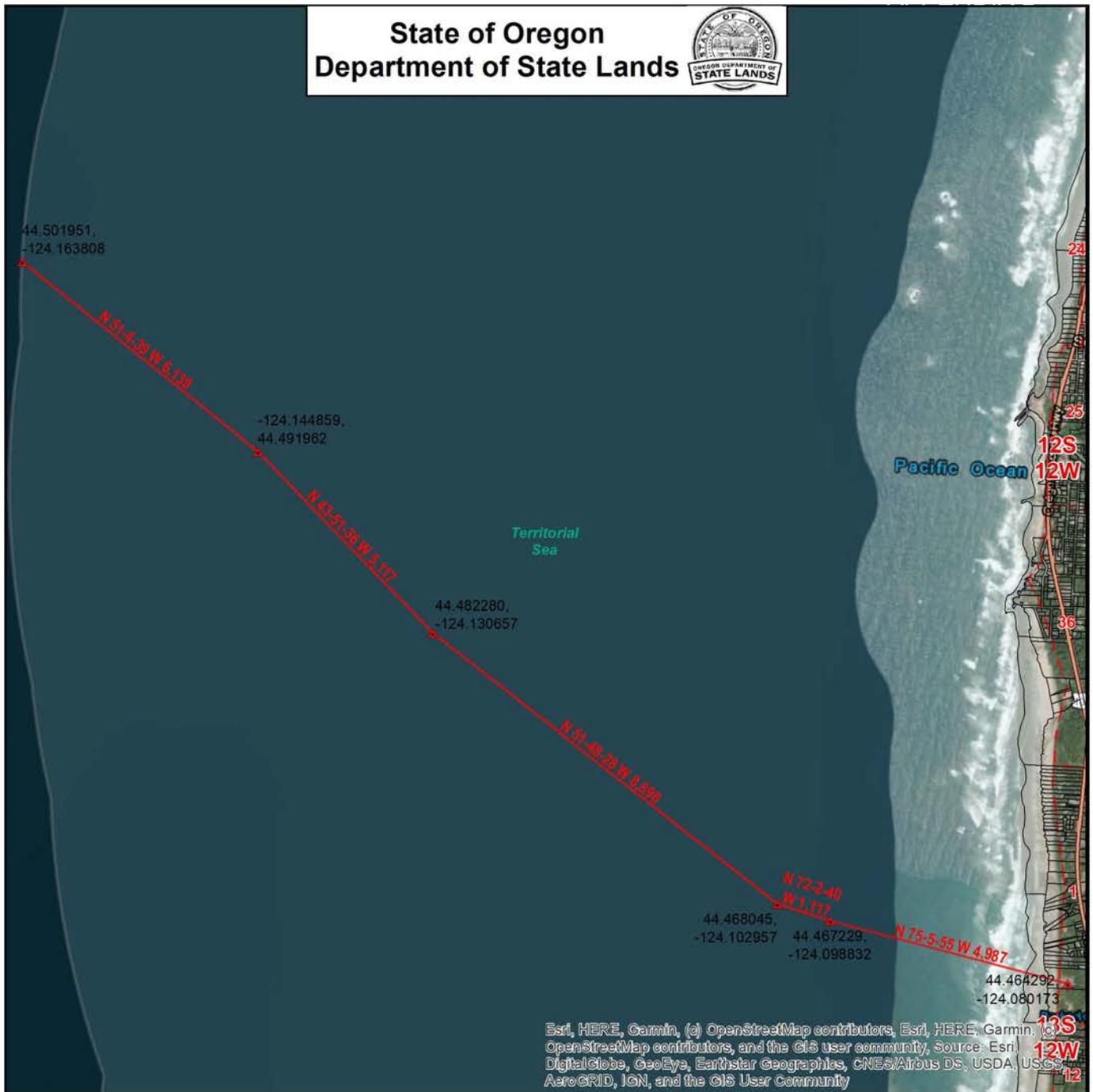


Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 10/10/2019



State of Oregon
Department of State Lands

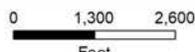


Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT A-4
62235-EA, Cable 4
Territorial Sea
527,076 Square Feet
Lincoln County

- ▲ Points of Beginning
- Description lines
- Use Area

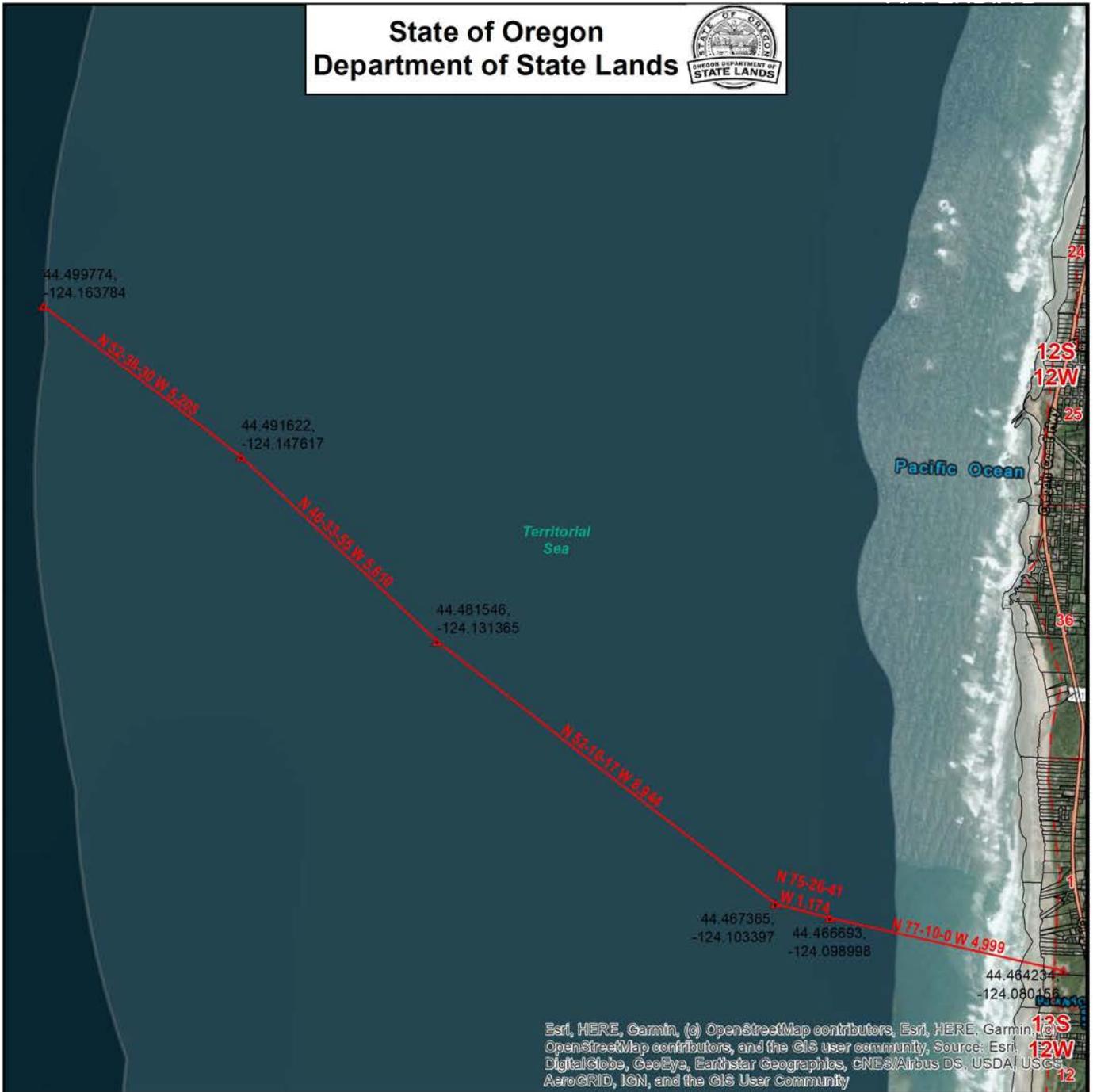
This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 11/4/2019



State of Oregon
Department of State Lands



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT A-5

**62235-EA, Cable 5
Territorial Sea
520,106 Square Feet
Lincoln County**

- ▲ Points of Beginning
- Description lines
- Use Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 1,300 2,600

Feet



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 11/4/2019





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

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

State Land Board

Regular Meeting
April 14, 2020
Agenda Item 3

SUBJECT

Request for approval of a direct sale of 34.06 acres of subsurface minerals and geothermal rights located in Tillamook County, Township 2 South, Range 10 West, Section 1, a portion of Tax Lots 1000, 1100 and 1200, LAS File #61926.

ISSUE

Whether the State Land Board should authorize the direct sale of 34.06 acres of subsurface minerals and geothermal rights in Tillamook County (Appendix A).

AUTHORITY

- Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.
- ORS 273.055; relating to the power to acquire and dispose of real property.
- ORS 273.171; relating to the duties and authority of the Director.
- ORS 273.775 – 273.790; relating to Mineral and Geothermal Resource Rights
- OAR 141-067-0320; relating to procedures for the sale, exchange, or release and transfer of mineral and geothermal resources.
- Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012.

SUMMARY

On May 21, 2019, DSL received an application from North Coast Land Conservancy, requesting the release of approximately 34.06 acres of subsurface mineral and geothermal rights held by the State Land Board (Appendix A). The applicant is purchasing the surface rights of the property through federal and Oregon Watershed Enhancement Board (OWEB) grants. The property has been owned by the Tillamook Shooters Association and is being purchased for permanent conservation and salmon habitat restoration through improvements to tidal wetland functions and hydrology. In order to receive the federal and OWEB grants to purchase the property for conservation, the Conservancy must acquire the mineral rights from DSL.

DSL has received a report from DOGAMI on the mineral resource potential. The report conclusion states that the property has low mineral resource potential.

ORS 273.780 (3) states, "Except as provided in ORS 273.787, the mineral and geothermal resource rights shall be retained by the state in the absence of a finding by the State Land Board upon adequate facts presented to it that their sale or exchange is for the purpose of obtaining the greatest benefit for the people of this state, consistent with the conservation of lands under its jurisdiction under sound techniques of land management."

The sale of the mineral rights for this property will provide the greatest benefit for the people of this state through a sale to the North Coast Land Conservancy to improve tidal wetland functions and hydrology to improve and conserve salmon habitat.

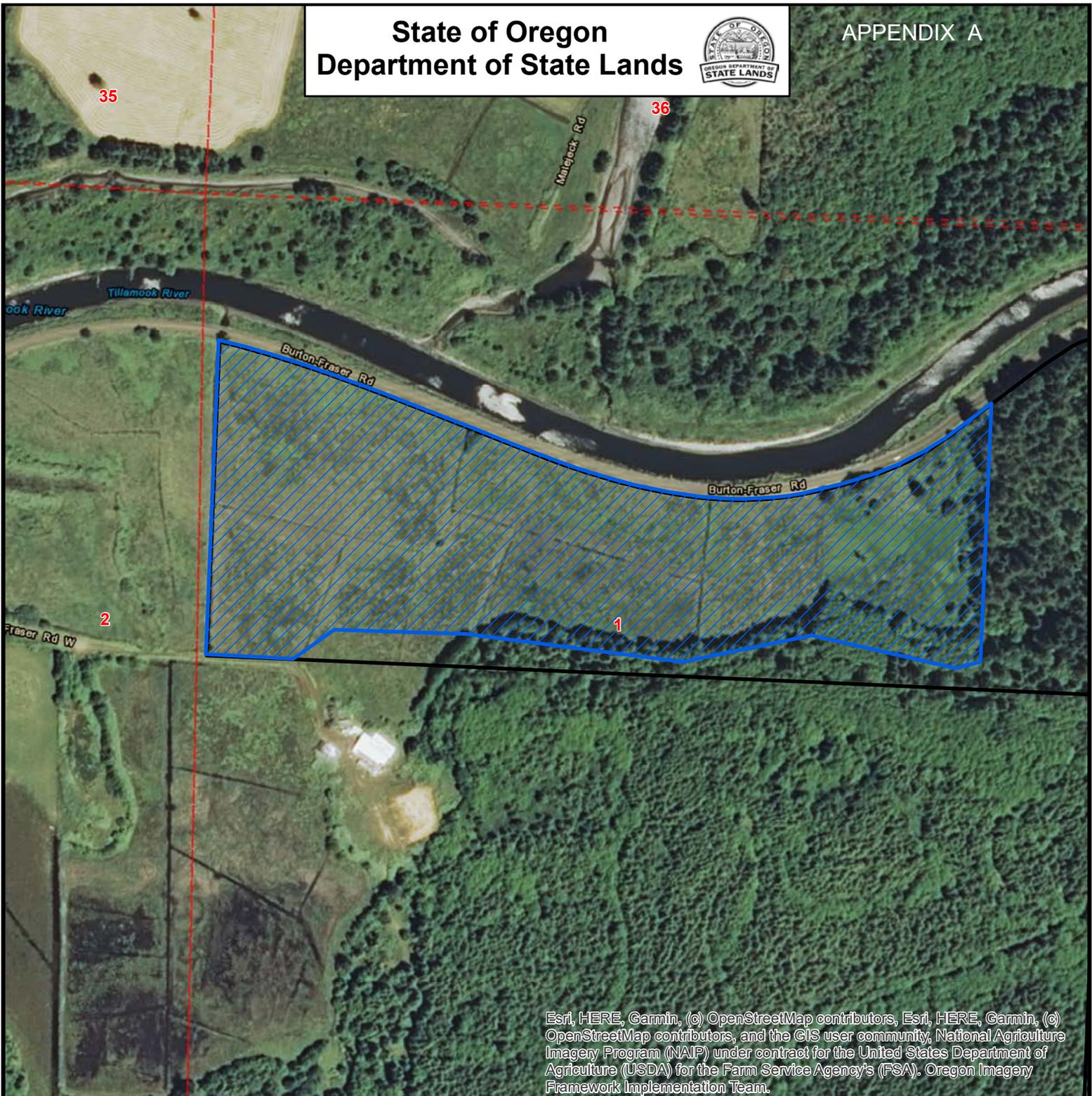
Department policy is to sell subsurface minerals and geothermal rights with de minimis value at the rate of \$10 per acre. The sale price for this transaction is \$340.00.

RECOMMENDATION

The Department recommends the State Land Board approve the direct sale of the subsurface minerals and geothermal rights to the North Coast Land Conservancy, located in Tillamook County at Township 2 South, Range 10 West, Section 1, a portion of Tax Lots 1000, 1100 & 1200.

APPENDICES

- A. Site Map
- B. August 2019 Land Board Agenda Item 2
- C. DOGAMI Mineral Review



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, National Agriculture Imagery Program (NAIP) under contract for the United States Department of Agriculture (USDA) for the Farm Service Agency's (FSA). Oregon Imagery Framework Implementation Team.

61926-LS Appendix A

T02S, R10W Sec. 01
Tillamook County
Land Sale

-  Minerals Sale Area - 34.06 Acres
-  DSL_Minerals
-  Sections

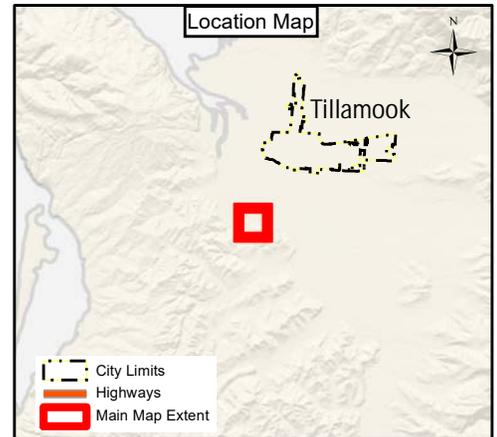
This product is for informational purposes only and has not have been prepared for, nor is suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 280 560

Feet



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 7/9/2019





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

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

State Land Board

**Regular Meeting
August 13, 2019
Agenda Item 2**

SUBJECT

Request for initial approval of the due diligence studies for a potential sale of subsurface mineral rights of 34.06 acres located in Tillamook County next to Burton Fraser Road at Township 2 South, Range 10 West, Sec 1, Tax Lot 1000, 1100 & 1200, LAS #61926.

ISSUE

Whether the Land Board should authorize the initial due diligence studies for the potential sale of the mineral rights in Tillamook County (see Appendix A).

AUTHORITY

- Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.
- ORS 273.055; relating to the power to acquire and dispose of real property.
- ORS 273.171; relating to the duties and authority of the Director.
- ORS 273.780; relating to the retention of mineral rights.
- OAR 141-067; relating to the sale, exchange and purchase of state land.
- Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012.

SUMMARY

The North Coast Land Conservancy (Conservancy) is purchasing the surface rights for this Tillamook County property through federal and Oregon Watershed Enhancement Board (OWEB) grants. The property has been owned and operated as a shooting range by the Tillamook Shooters Association. The property is being purchased for permanent conservation to improve the tidal wetland functions and hydrology for salmon habitat improvements. In order to receive the federal and OWEB grants to purchase the property for conservation, the Conservancy must acquire the mineral rights from DSL.

ORS 273.780 (3) states, "the mineral and geothermal resource rights shall be retained by the state in the absence of a finding by the State Land Board upon adequate facts presented to it that their sale or exchange is for the purpose of obtaining the greatest benefit for the people of this state, consistent with the conservation of lands under its jurisdiction under sound techniques of land management."

The due diligence studies for the site will include a DOGAMI study of the site's potential for valuable minerals. The report will assist the State Land Board in making a finding whether to sell the subsurface mineral rights to the property.

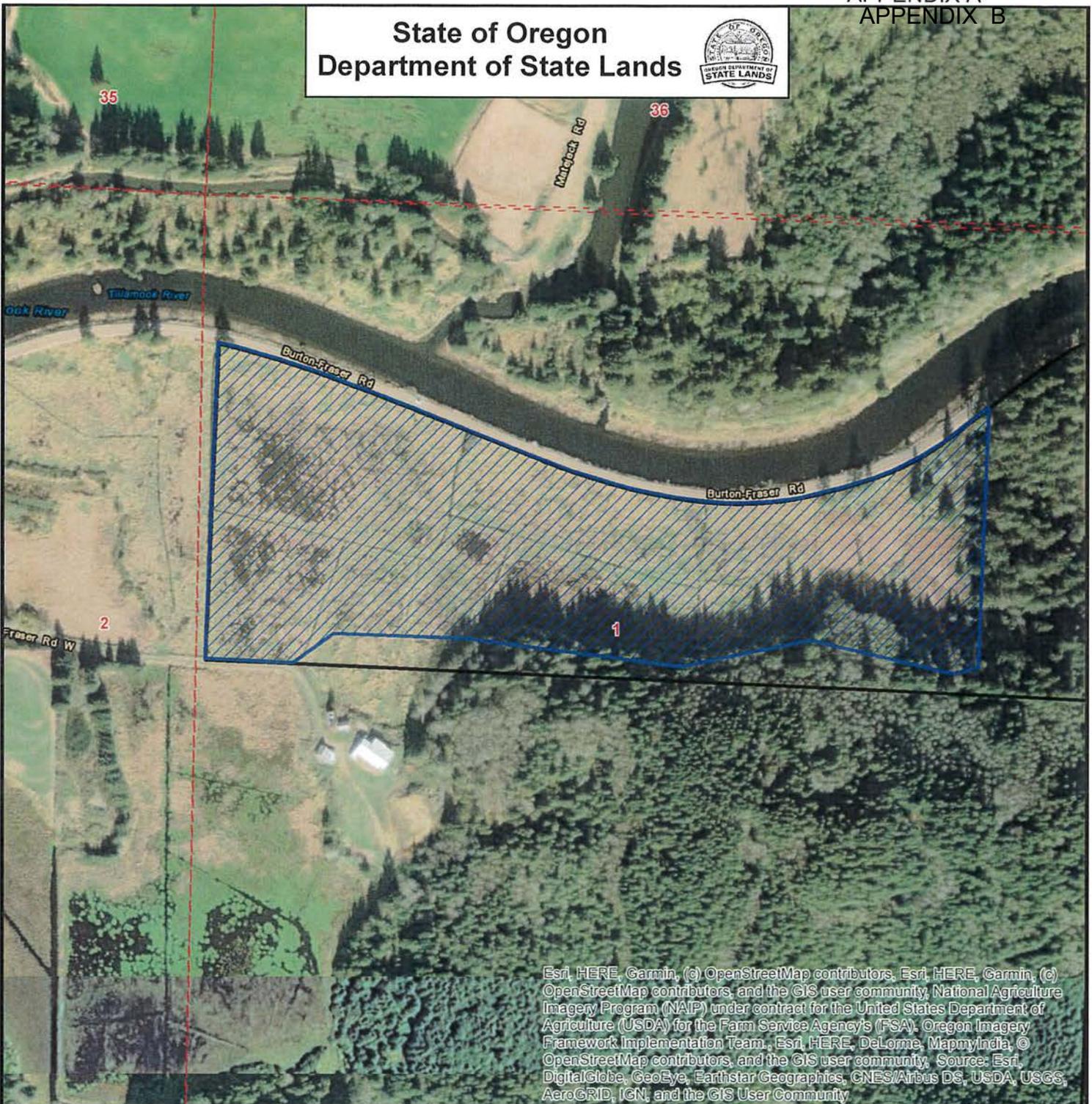
RECOMMENDATION

The Department recommends that the State Land Board authorize the initial due diligence for the potential sale of subsurface mineral rights in Tillamook County on 34.06 acres located at Township 2 South, Range 10 West, Section 1, Tax Lots 1000, 1100 & 1200.

APPENDIX

A. Map of Property

State of Oregon
Department of State Lands



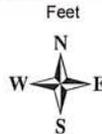
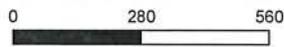
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, National Agriculture Imagery Program (NAIP) under contract for the United States Department of Agriculture (USDA) for the Farm Service Agency's (FSA), Oregon Imagery Framework Implementation Team, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

61926-LS Appendix A

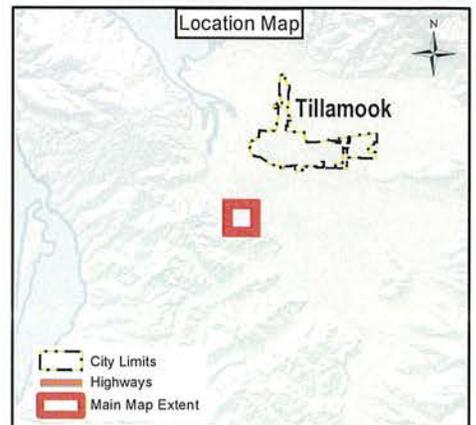
T02S, R10W Sec. 01
Tillamook County
Mineral Sale

-  Minerals Sale Area - 34.06 Acres
-  DSL_Minerals
-  Sections

This product is for informational purposes only and has not have been prepared for, nor is suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 7/22/2019



State of Oregon
Oregon Department of Geology and Mineral Industries
Brad Avy, Director and State Geologist

MINERAL RESOURCE ASSESSMENT REPORT
BURTON-FRASER PARCEL
TILLAMOOK COUNTY, OREGON

by Ian P. Madin

for

Nancy Pustis
Manager, Bend Field Office
Oregon Department of State Lands



2020

DISCLAIMER

The Oregon Department of Geology and Mineral Industries is not liable for any claimed damage from the use of this information.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication.

For additional information:
Administrative Offices
800 NE Oregon Street, Suite 965
Portland, OR 97232
Telephone (971) 673-1555
Fax (971) 673-1562
<http://www.oregongeology.org>
<http://www.oregon.gov/dogami/>

TABLE OF CONTENTS

Summary	3
1.0 Introduction	4
1.1 Instructions	4
1.2 Layout of Report	4
2.0 Physical Setting	6
Results 9	
2.1 Status of Mineral Surveys.....	9
2.2 Mining Claims/Leases.....	9
2.3 Mineral Setting	10
2.4 Known Mineral Occurrences	10
2.4.1 Study Area.....	12
2.4.2 Burton-Fraser Parcel.....	13
2.5 Mineral Resource Interpolation	14
3.0 Literature Sources.....	16
4.0 Methods and Limitations	18
4.1 Levels of Resource Potential (modified from Goudarzi, 1984)	19
4.2 Levels of Certainty of Assessment (Goudarzi, 1984)	19

LIST OF FIGURES

Figure 2-1 Vicinity map for the Burton-Fraser Parcel 7
Figure 2-2 Map of land ownership in the study area..... 8
Figure 3-1 Simplified geologic map of the study area..... 12
Figure 3-2 Mineral occurrences in the study area 14

LIST OF TABLES

Table 2-1. Burton-Fraser Parcel physical setting. 6
Table 3-1. Minerals occurrences within the study area and in and on the Burton-Fraser Parcel 11
Table 3-2 Mineral resource potential in the Burton-Fraser Parcel 15

SUMMARY

This document describes the mineral resource assessment of state-owned Tax Lots, 1000, 1100 and 1200 in T. 2 S., R. 10 W., Sec. 1, Tillamook County, Oregon (herein called the Burton-Fraser Parcel). The Oregon Department of Geology and Mineral Industries (DOGAMI) conducted this study at the request of Nancy Pustis, Bend Field Office Manager at the Oregon Department of State Lands (DSL).

The DSL contacted DOGAMI on December 11, 2019 requesting a mineral resource assessment report for the Burton-Fraser Parcel. An email from DSL was received January 15, 2020 with authorization to proceed. A desktop mineral resource assessment was completed on January 28, 2020. The format of this report and its contents follows the requirements of the DSL-DOGAMI Interagency Agreement (DSL #19-180) for the 2019-2023 biennia.

The term “aggregate” used in the report includes gravel (and by association sand) and all consolidated stone used for construction and roads. Stone may be further classified as crushed (rock that has been broken into smaller fragments) and blocks.

This review is a low-level, qualitative assessment, designed to provide DSL with general information about the mineral resource potential of the Burton-Fraser Parcel. A geographically specific and technically detailed assessment was beyond the scope for this work. The occurrence of minerals within the “study area”, an approximately 10 miles (16 km) radius area that borders the Burton-Fraser Parcel, is summarized below:

Type of Commodity	Study Area (Mineral Occurrences)	Burton-Fraser Parcel (Mineral Occurrences)
Aggregate (sand and gravel; stone, crushed and block; borrow/fill/topsoil)	87	0
Industrial mineral (silica sandstone, clay)	5	0
Metals/minerals (black sand placer)	2	0
Coal	0	0
Uranium and thorium	0	0
Geothermal features	0	0
Oil and gas wells (abandoned)	3	0

The Burton-Fraser Parcel's mineral resource potential is summarized below:

Type of Commodity	Resource Potential†	Level of Certainty**
Sand and gravel (borrow/fill/topsoil)	low	B
Construction Material (crushed/block stone- basalt)	low	B
Limestone	low	B
Clay	low	B
Pumice	low	B
Silica sandstone	low	B
Bentonite	low	B
Metals (precious, base metals)	low	B
Coal	low	B
Uranium and thorium	low	B
Geothermal	low	B
Oil & Gas	low	B
Others industrial minerals: (gemstone materials, perlite, zeolite, manganese, titanium, zirconium)	low	B

The Burton-Fraser Parcel has a low potential, level of certainty B (Goudarzi, 1984; see Sections 5.1 and 5.2 in the report) for the following commodities or mineral fuels: industrial minerals, metals; coal, uranium, and thorium; geothermal; and oil and gas.

1.0 INTRODUCTION

This report describes the mineral resource assessment of the Burton-Fraser Parcel, comprised of tax lots 1000, 1100 and 1200 in T. 2 S., R. 10 W., Sec. 1, Tillamook County, Oregon. The Burton-Fraser Parcel covers ~34 acres.

1.1 Instructions

The DSL contacted DOGAMI on December 11, 2019 requesting a mineral resource assessment report for the Burton-Fraser Parcel. An email from DSL was received January 15, 2020 with authorization to proceed. A desktop mineral resource assessment was completed on January 28, 2020. The format of this report and its contents follows the requirements of the DSL-DOGAMI Interagency Agreement (DSL #19-180) for the 2019-2023 biennia.

1.2 Layout of Report

For the convenience of the reader, this report is divided into the following five sections:

- Section 1 is the introduction. It contains the project's instructions and the layout of report.
- Section 2 is a description of the physical and geologic setting.
- Section 3 is the desktop assessment part and describes the Burton-Fraser Parcel's potential mineral resources.

- Section 4 is a list of references; some of which were consulted as a part of this review but may not be cited in the text body because they contain no information on the Burton-Fraser Parcel.
- Section 5 contains a brief description of the methods and limitations of the study, along with two reference tables: Levels of Resource Potential and Levels of Certainty. These tables provide a dual scheme that expresses the favorability of the subject area for a given resource and confidence from which the level of resource potential was assigned.

2.0 PHYSICAL SETTING

The Burton-Fraser Parcel is located in Tillamook County in northwest Oregon, on the southern shore of the Tillamook River and 1.5 miles SSW of the City of Tillamook. The Burton-Fraser Parcel covers an area of ~34 acres. Table 2-1 describes the physical setting of the Burton-Fraser Parcel; Figure 2-1 shows its location and extent. The parcel's elevation ranges from approximately 5 to 60 feet, with the majority consisting of very gently sloping floodplain, descending from 11 feet to 5 feet from east to west. Along the southeast edge of the parcel, the elevation abruptly rises into the hills surrounding the Tillamook floodplain. The "study area", is an approximately 10 mile (16 km) radius area centered on the Burton-Fraser Parcel.

Because of its location on the Tillamook River floodplain, the entire site except the small area of hillside in the SE corner is in the FEMA 100-year Flood Zone (Figure 2-1).

Table 2-1. Burton-Fraser Parcel physical setting.

Size	34 acres
Topography	Floodplain
Shape	irregular
Zoning	Agriculture, Farm Zone F-1 (from Oregon Explorer; http://spatialdata.oregonexplorer.info/geoportal/details?id=02e3325e2c7c46f19bc01ae23ed9fb17)

Tillamook has a cool wet climate with warm dry summers and cold rainy winters. The January mean low temperature is approximately 37° F and the July mean high is 68 F. Precipitation is heavy and consistent during the late fall to early-summer wet season; with rainfall an average of 193 days a year and average annual precipitation of 88 inches. Snowfall is minimal except at the highest elevations in the Coast Range. Most of the surrounding County is heavily forested.

The Burton-Fraser Parcel is accessible from state Hwy 131 via Fraser Road W and Burton Fraser Road.

Land ownership within the study area is predominantly private, with large areas of State and Federal forest land in the Coast Range east and south of the parcel, and scattered blocks of Municipal or County watershed and park land. (Figure 2-2). The Burton-Fraser Parcel owned by DSL is completely surrounded by private land.

Figure 2-1 Vicinity map for the Burton-Fraser Parcel (red shade). Blue dot indicates the location of geotechnical boring TILL_52887, blue shading is FEMA 100 year flood zone. Basemap is scanned version of a 1:24,000 scale USGS topographic map. Source is NGS Esri Online.

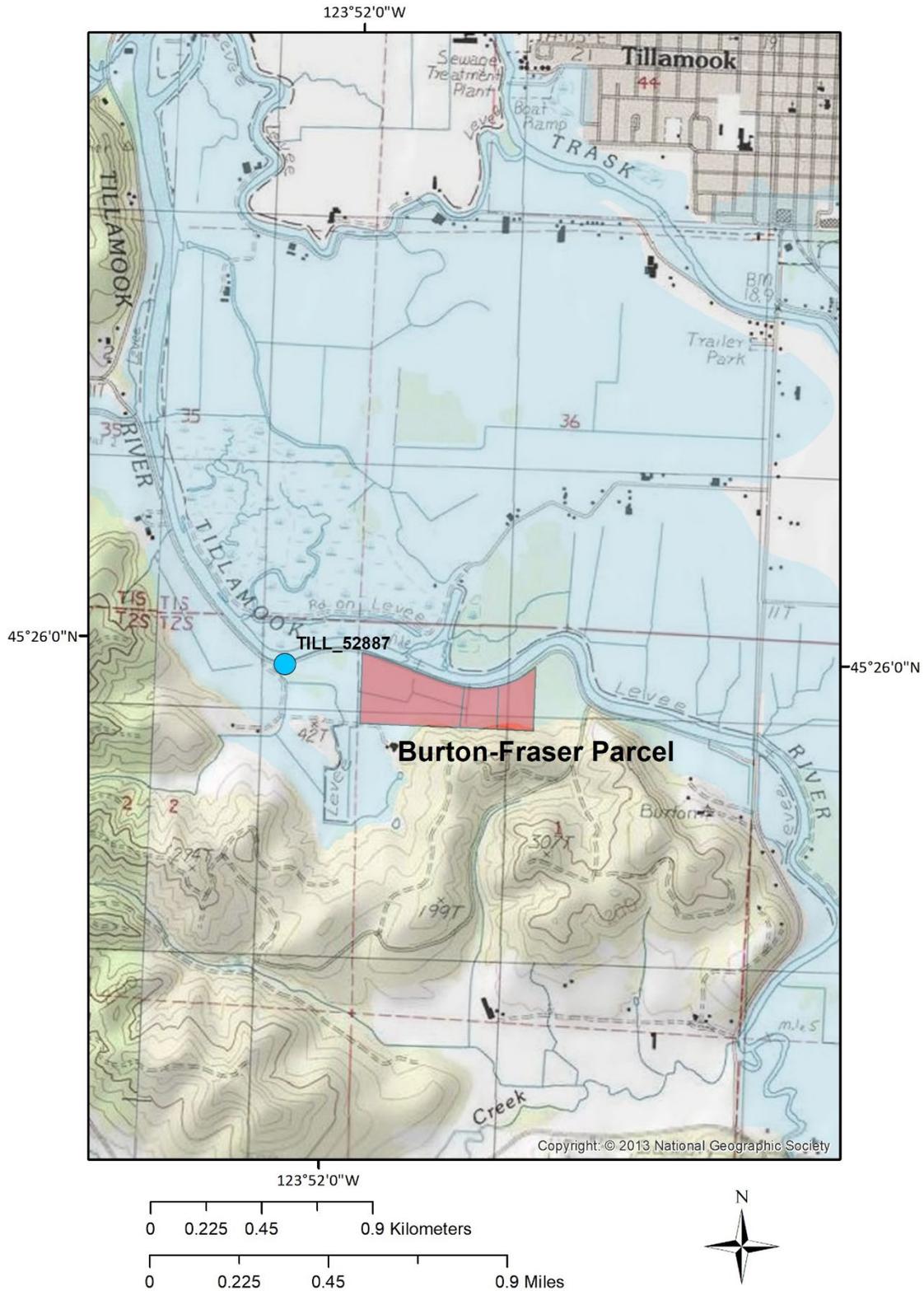
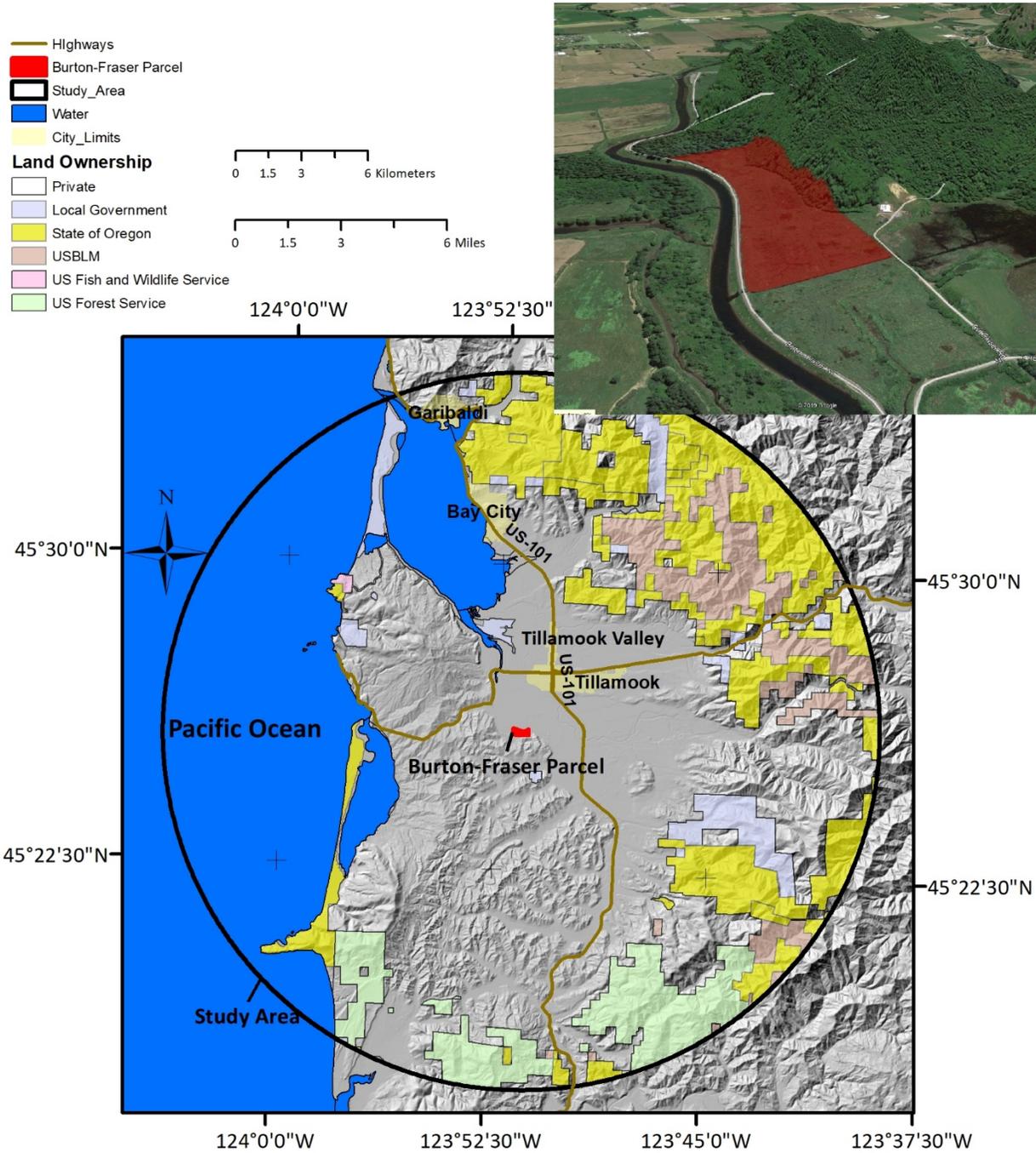


Figure 2-2 Map of land ownership in the study area. The black circle which defines the study area is a 10-mile radius around the Burton-Fraser Parcel. The map base is a 1m lidar DEM hillshade. Inset is an oblique view of the parcel looking east-southeast. Imagery from Google Earth.



RESULTS

This section presents the results of the mineral resource scoping of the Burton-Fraser Parcel. While the focus of this assessment is the Burton-Fraser Parcel, the larger study area will be assessed to provide context for the site. A study area of this size provides a greater level of information about the identified occurrence of minerals and the Parcel's mineral setting.

Where this report indicates a potential mineral resource might exist, it is important to understand what a "resource" is and means. According to the U.S. Bureau of Mines and U.S. Geological Survey (USGS) Circular 381, "Principles of a Resource/Reserve Classification System, (1980)" "resource" means, "[a] concentration of naturally occurring solid, liquid, or gaseous material in or on the Earth's crust in such form and amount that economic extraction of a commodity from the concentration is currently or potentially feasible" (p. 1). An identified resource is a "resource whose location, grade, quality, and quantity are known or estimated from specific geologic evidence" (p. 1).

A resource or identified resource does not infer or imply a "reserve base" or "reserve" exists. A "reserve base" is "that part of an identified resource that meets specific minimum physical and chemical criteria related to current mining and production practices, including those for grade, quality, thickness, and depth" (p. 2). The meaning of a "reserve" is "that part of the reserve base which could be economically extracted or produced at the time of determination" (p. 2).

The non-fuel mineral commodities evaluated for this assessment include aggregate, industrial minerals (clay, silica sand, pumice, and limestone), and metals (precious, oxide, and base). Mineral fuel commodities evaluated are coal, uranium/thorium, geothermal, oil, and gas. Occurrences of other commodities (gem material, dimension stone, other clays (bentonite), perlite, zeolites, manganese, titanium, zirconium, etc.) will be reported as industrial minerals when encountered as part of this evaluation.

The term "aggregate" includes gravel (and by association sand) and all consolidated stone used for construction and roads. Stone may be further classified as crushed—rock that has been broken into smaller fragments—and blocks. Also, no distinction is made between a mineral occurrence and mineral deposit. The term "mineral occurrence" applies to both and is used to refer to a concentration of a mineral that could be considered valuable by someone somewhere or that is of scientific or technical interest.

2.1 Status of Mineral Surveys

Coastal Tillamook County was included in a regional mineral survey (Schlicker and others, 1972) which did not identify any mineral occurrences on or near the Burton-Fraser Parcel.

2.2 Mining Claims/Leases

DOGAMI does not maintain records pertaining to public claims or private mineral leases. As mentioned earlier, land ownership within the study area is a mix of private, State-owned, and Federal lands (see Figure 2-2). The BLM does make some records of mining claims on Federal lands easily available to the public on its LR2000 website (www.blm.gov/lr2000/index.htm) (LR2000, 2013). Only certain types of mineral discoveries can be claimed; these minerals are broadly known as "locatable" (possessing a distinct and special value) and include such things as precious metals, gems, high-value industrial minerals,

uranium, etc. Locatable minerals generally do not include construction aggregate, common industrial minerals, oil, gas, coal, or geothermal resources.

No claims were located on the Burton-Fraser Parcel. There are 10 closed claims in the study area. Two lode claims and a placer claim for unknown commodities in the highlands NW of Tillamook, and 7 placer claims for an unknown commodity in the large dune field south of Cape Lookout, SW of the Parcel.

2.3 Mineral Setting

Wells and others (1995) provided the most current and detailed geological mapping in the study area. Later Smith and Roe (2015) compiled that work into a statewide digital geologic map. This compilation is used to illustrate the geology of the study area in Figure 3-1.

The geology of the study area consists primarily of a sequence of Eocene to Miocene marine sedimentary rocks deposited on top of submarine and subaerial basalt and subaerial rhyolite and tuff of the Eocene Tillamook Volcanics. The entire sequence dips to the west and is offset left laterally several kilometers along a WNW-trending fault along the NE side of the Tillamook valley. Small areas of Miocene Columbia River Basalt overlie the marine sedimentary rocks to the west and southeast of the Burton-Fraser Parcel, and these flows are associated with large scale landslides. Extensive areas of Quaternary alluvial and estuarine deposits fill the broad Tillamook valley.

The majority of the parcel is underlain by the Quaternary alluvial and estuarine deposits that fill the Tillamook valley. Bedrock beneath and along the southern edge of the parcel consists of the Eocene Netarts Bay member of the Astoria Formation, which includes carbonaceous micaceous sandstone and mudstone, representing a marine shelf environment. Immediately west of the parcel, a geotechnical boring log (TILL 52887, Figure 2-1) provides details of the site geology. The boring penetrates 65 feet of silt, 23 feet of sandy silt, and 12 feet of gravel. The entire 100 foot boring is within the estuarine and alluvial fill of the Tillamook Valley, and is probably Holocene in age.

2.4 Known Mineral Occurrences

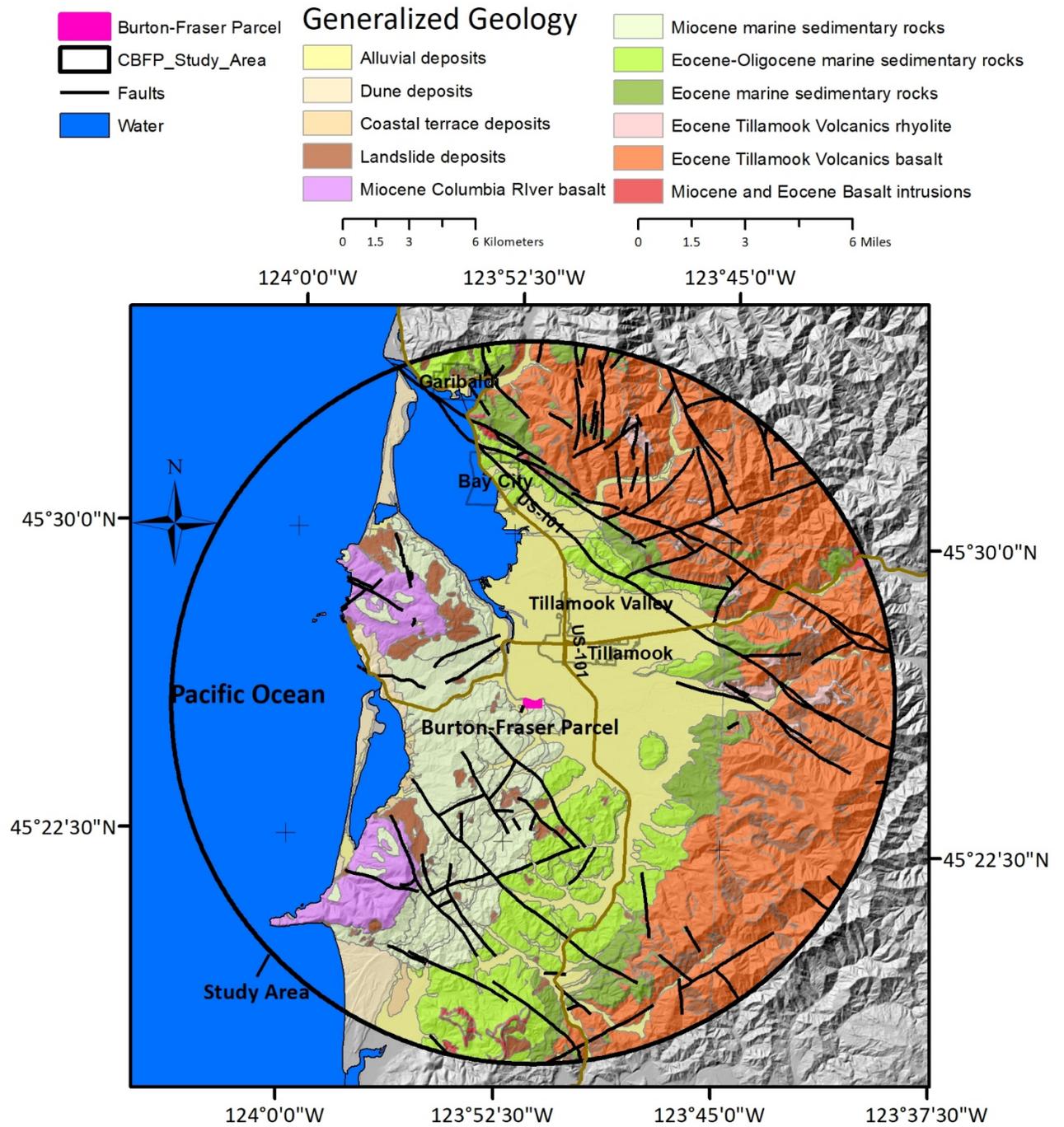
In this report, no distinction is made between a mineral occurrence and mineral deposit. The term “mineral occurrence” applies to both and is used to refer to a concentration of a mineral that could be considered valuable by someone somewhere or that is of scientific or technical interest. The known mineral occurrences, geothermal features, and oil and gas exploratory wells in the study area, are tabulated below in Table 3-1 and shown in Figure 3-2. There are none in within the Burton-Fraser Parcel, and the closest are 3 miles from the parcel.

Table 3-1. Minerals occurrences within the study area and in the Burton-Fraser Parcel.

Type of Commodity	Study Area (Mineral Occurrences*)	Burton-Fraser Parcel (Mineral Occurrences*)
Aggregate (sand and gravel; stone, crushed and block)	87	0
Industrial mineral (clay, zeolite, agates)	5	0
Metals/minerals (black sand placers)	2	0
Coal	0	0
Uranium and thorium	0	0
Geothermal features	0	0
Oil and gas wells (abandoned)	3	0

*Mineral occurrence information queried from two spatial databases (see Section 4).

Figure 3-1 Simplified geologic map of the study area. The map base is a 1m lidar DEM hillshade; the geology is modified from Smith and Roe (2015) OGDC6.



A brief description of the known mineral occurrences in the study area is provided below.

2.4.1 Study Area

- There are 87 aggregate sites (some points on Figure 3-2 overlap) of which 23 are sand and gravel or sand deposits. The other 54 sites produced crushed stone, block, or both. These low-

unit-value, high-bulk commodities serve local markets. Specific site conditions or restrictions associated with each site are unknown.

- Other mineral occurrences consist of 6 sites, one deposit of black sand placers hosting iron, titanium, chromium and zirconium bearing minerals, one gemstone site hosting agates, and the other four of industrial minerals, two zeolite, and one each limestone and clay. The limestone deposit (Brooks, 1989) includes a 4 foot thick bed extending at least 300 ft along Mill Creek in section 9, T.9S., R.2, W. In 1914, 500 tons were quarried and burned for lime to make whitewash and mortar, and single sample of the limestone was reported to contain 82.4% CaCO_3 and 2.8% MgCO_3 .
- 3 exploratory wells have been drilled in the study area for oil or natural gas (Olmstead, 1989). One, drilled in 1910, has no records of shows or productions, the other two, drilled in 1975 and 1980 had no shows of oil or gas.

2.4.2 *Burton-Fraser Parcel*

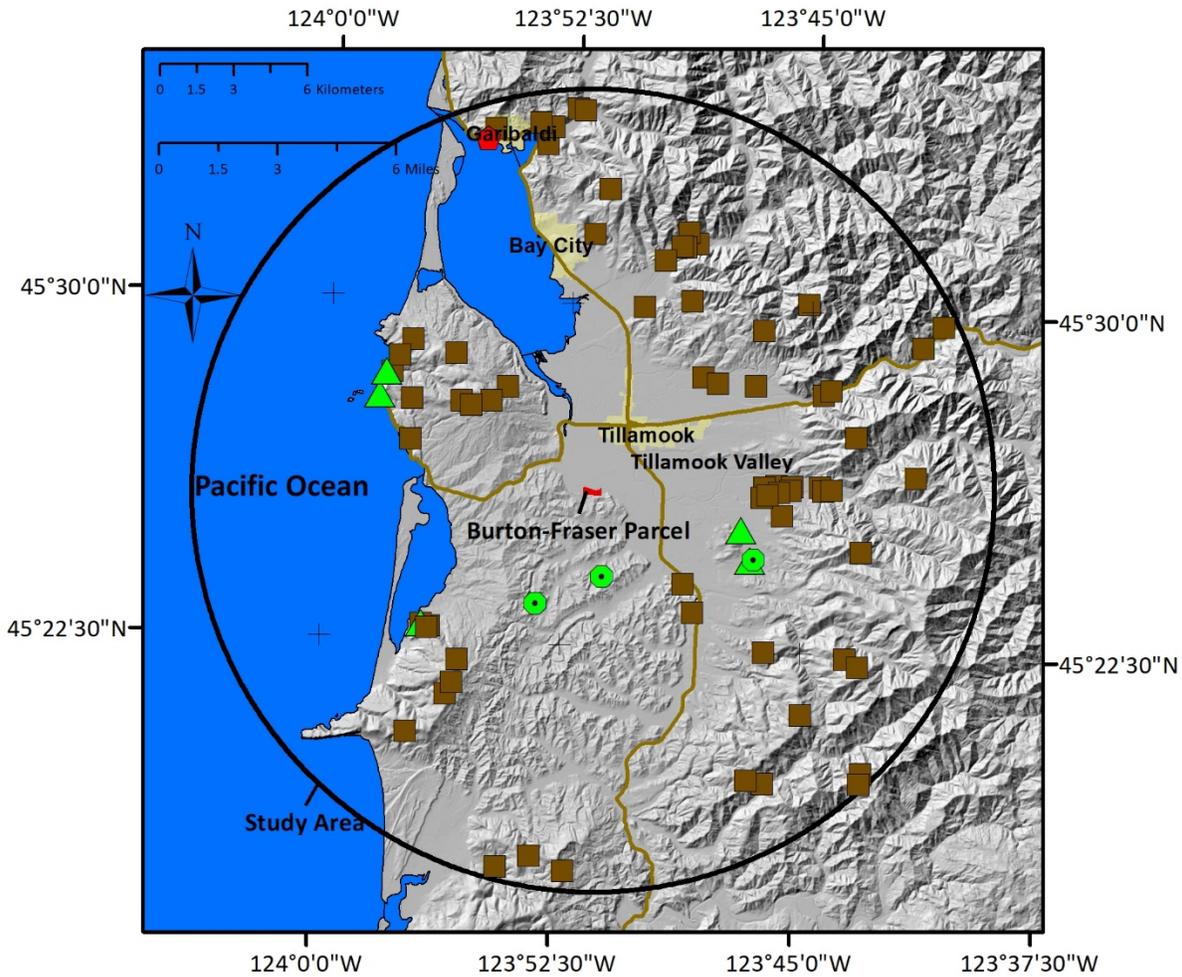
There are no known mineral occurrences, including geothermal features and oil and gas test wells, in and on the Burton-Fraser Parcel.

Figure 3-2 Mineral occurrences in the study area (grey circle). The map base is a 1-m lidar DEM hillshade.

Some aggregate point locations overlap.

Known Mineral Occurrences

- Burton-Fraser Parcel
- aggregate
- Study_Area
- industrial mineral
- Oil and Gas wells
- metal
- Water



2.5 Mineral Resource Interpolation

The mineral resource potential is based on the interpolation of the study area’s mineral inventory. Each type of commodity was rated based on the criteria explained by Goudarzi (1984) (see Section 5). These criteria were adapted for this report so as to determine relative levels of resource potential and relative levels of certainty of assessment within the Burton-Fraser Parcel. A field assessment was not conducted

in the preparation of this report. The mineral resource potential in and on the Burton-Fraser Parcel is summarized below and listed in Table 3-2:

- The Burton-Fraser Parcel has low potential for an undiscovered industrial mineral resource, level of certainty B.
- The Burton-Fraser Parcel has a low potential for an undiscovered aggregate resource, level of certainty B.
- The Burton-Fraser Parcel has low potential for undiscovered resources of the following commodities or mineral fuels: metals; coal, and uranium, and thorium, level of certainty B.
- The Burton-Fraser Parcel has low potential for undiscovered geothermal or oil and gas resources, level of certainty B.

Table 3-2 Mineral resource potential in the Burton-Fraser Parcel.

Type of Commodity	Resource Potential‡	Level of Certainty**
Sand and gravel (borrow/fill/topsoil)	low	B
Construction Material (crushed/block stone- basalt)	low	B
Limestone	low	B
Clay	low	B
Pumice	low	B
Silica sandstone	low	B
Bentonite	low	B
Metals (precious, base metals)	low	B
Coal	low	B
Uranium and thorium	low	B
Geothermal	low	B
Oil & Gas	low	B
Others industrial minerals: (gemstone materials, perlite, zeolite, manganese, titanium, zirconium)	low	B

‡See Section 5.1 for description of levels of resource potential

**See Section 5.2 for descriptions of levels of certainty

3.0 LITERATURE SOURCES

Some references below were consulted as a part of this review but may not be cited in the text body because they contain no information on the Burton-Fraser Parcel.

- Dicken, S.N., 1965, Oregon geography: The people, the place, and the time (4th ed.): Ann Arbor, Mich., Edwards Brothers, 147 p.
- Baker, D.L., 2002, Holocene (2-16 ka) sedimentation in the Columbia River estuary: Portland, Oreg., Portland State University, M.S. thesis, 261 p
- Brooks, H.C., 1989, Limestone deposits in Oregon: Oregon Department of Geology and Mineral Industries Special Paper SP-19
- Ferns, M.L., McConnell, V.S., Madin, I.P., and Johnson, J.A., 2010, Geology of the Upper Grande Ronde River Basin, Union County, Oregon: Oregon Department of Geology and Mineral Industries Bulletin 107, 65 p. <http://www.oregongeology.org/pubs/B/p-B-107.htm>
- Geitgey, R.P., and Baxter, G.L., 1990, Silica in Oregon: Oregon Department of Geology and Mineral Industries Special Paper SP-22, 28 p., scale 1:500,000. <http://www.oregongeology.org/pubs/sp/SP-22.pdf>
- Goudarzi, G.H. (compiler), 1984, Guide to preparation of mineral survey reports on public lands: U.S. Geological Survey Open-File Report 84-787. <http://pubs.usgs.gov/of/1984/0787/report.pdf>
- Gray, J.J., Geitgey, R.P., and Baxter, G.L., 1989, Bentonite in Oregon: Occurrences, analysis, and economic potential: Oregon Department of Geology and Mineral Industries Special Paper SP-20, 28 p., scale 1:500,000. <http://www.oregongeology.org/pubs/sp/SP-20.pdf>
- LR2000, 2013, Land and Mineral Legacy Rehost 2000 system website: Bureau of Land Management, www.blm.gov/lr2000/index.htm
- Mason, R.S., 1961, Oregon's mineral industry in 1961: The Ore Bin, v. 24, no. 1, 16 p. <http://www.oregongeology.org/pubs/og/OBv24n01.pdf>
- Mason, R.S., and Erwin, M.I., 1955, Coal resources of Oregon: U.S. Geological Survey Circular 362, 7 p. <https://pubs.er.usgs.gov/publication/cir362>
- Niewendorp, C.A., and Geitgey, R.H., 2010, Mineral Information Layer for Oregon, release 2 (MILO-2): Oregon Department of Geology and Mineral Industries. <http://www.oregongeology.org/pubs/dds/p-MILO-2.htm>
- Niewendorp, C.A., Ricker, T.R., Rabjohns, K.W., and Brodie, S.H., 2012, Geothermal Information Layer for Oregon (GTILO-2): Oregon Department of Geology and Mineral Industries, <http://www.oregongeology.org/sub/gtilo/index.htm>.
- Olmstead, D.L., 1989, Hydrocarbon exploration and occurrences in Oregon: Oregon Department of Geology and Mineral Industries Oil and Gas Investigation OGI-15, 78 p. <http://www.oregongeology.org/pubs/ogi/OGI-15.pdf>
- Oregon Department of Geology and Mineral Industries, 2018, Mineral Land Reclamation and Regulation database.
- Oregon Department of Geology and Mineral Industries, unpublished, Oil and Gas database.
- Orr, E.L., Orr, W.N., and Baldwin, E.M., 1992, Geology of Oregon (4th ed.): Dubuque, Iowa, Kendall/Hunt, 254 p.
- Schlicker H.G., Deacon, R.J., Beaulieu, J.D., and Olcott, G.W., 1972, 164 p. Environmental geology of the coastal region of Tillamook and Clatsop Counties: Oregon Department of Geology and Mineral Industries Bulletin 74

- Smith, R.L., and Roe, W.P., 2015, Oregon Geologic Data Compilation [OGDC], release 6: Oregon Department of Geology and Mineral Industries Digital Data Series OGDC-6.
- Swanson, D.A., Anderson, J.L., Camp, V.E., Hooper, P.R., Taubeneck, W.H., and Wright, T.L., 1981, Reconnaissance geologic map of the Columbia River basalt group, northern Oregon and western Idaho: U.S. Geological Survey Open-File Report 81-797, 35 p. <https://pubs.er.usgs.gov/publication/ofr81797>
- U.S. Bureau of Mines and U.S. Geological Survey, 1980, Principles of a resource/reserve classification for minerals, Circular 831, 5 p. <https://pubs.er.usgs.gov/publication/cir831> <http://pubs.usgs.gov/circ/1980/0831/report.pdf>
- U.S. Geological Survey, National Geospatial Program, 2018, USGS National Hydrography Dataset (NHD) Best Resolution 20180816 for Oregon State or Territory Shapefile Model Version 2.2.
- Weis, P.L., Gualtieri, J.L., Cannon, W.F., Tucheck, E.T., McMahan, A.B., and Federspiel, F.E., 1976, Mineral resources of the Eagle Cap Wilderness and adjacent areas, Oregon: U.S. Govt. Print. Off. Bulletin 1385-E, 100 p. <https://pubs.er.usgs.gov/publication/b1385E>
- Wells, R. E., Snavely, P. D., MacLeod, N.S., Kelly, M.M., Parker, M.J., Fenton, J.S., and Felger, T.J., 1995 Geologic Map of the Tillamook Highlands, Northwest Oregon Coast Range: A Digital Database: U.S. Geological Survey Open File Report 95-670.

4.0 METHODS AND LIMITATIONS

The Scope-of-Work for this assessment did not include a site visit or field work. The objective of the examination was only to determine and/or confirm through desk-top research that a potential mineral resource exists or there is the potential for one. Data compilation efforts for the assessment includes, but is not limited to the following: published and unpublished geology and mineral/material resource literature available at DOGAMI.

A core part of the mineral inventory process is the review of six datasets:

- MILO-2 (Mineral Information Layer for Oregon, Release 2).
- GTILO-2 (Geothermal Information Layer for Oregon, Release 2).
- MLRR (Mineral Land Reclamation and Regulation program of DOGAMI) databases.
- LR2000, the Federal Bureau of Land Management's (BLM) electronic database for claims (inactive, closed).
- An unpublished DOGAMI database of oil and gas wells in Oregon.
- OGCD-6 (Oregon Geologic Data Compilation, Release 6).

The collection and presentation of data is facilitated through GIS. This report of findings is tailored to address the required items listed in the Intergovernmental Agreement (IGA), DSL #19-180.

This examination did not include activities such as sampling and systematic geological, geophysical, and geochemical mapping as the basis for determination or confirmation that a mineral resource potential, deposit, or mineral occurrence exists.

A desktop inventory of mineral occurrences cannot alone determine the following:

- The accurate identification of the concentration and occurrence of material in relation to its particular geographical controls.
- The volume of valuable mineral or rock present or removed, and reserves remaining.
- The applicable extraction and processing methods and market factors for its products.

Also, this low-level mineral assessment cannot be the sole basis for an appraisal or the basis for other generally accepted industrial standard for placing a value on and with a resource and the land itself. Users of this report are advised to consult with DOGAMI to gain a better understanding of the inherent limitations of the information herein and its scope of inference.

Provided below are definitions for levels of mineral resource potential and certainty of assessment (modified from Goudarzi, 1984). Under this system, the level of mineral resource potential assigned to a commodity is based on geologic, geochemical, and geophysical characteristics.

An inventory of mineral occurrences cannot be used solely for appraisal purposes or the basis for other generally accepted industrial standard for placing a value on and with resource and the land.

4.1 Levels of Resource Potential (modified from Goudarzi, 1984)

HIGH	HIGH mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics indicate a geologic environment favorable for resource occurrence, where interpretations of the data indicate high degree of likelihood for resource accumulation, where data support mineral-deposit models indicating presence of resource, and where evidence indicates that mineral concentration has taken place. Assignment of high resource potential to an area requires some positive knowledge that mineral-forming processes have been active in at least part of the area.
MEDIUM	MEDIUM mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics indicate a geologic environment favorable for resource occurrence, where interpretations of the data indicate high degree of likelihood for resource accumulation, where and (or) where an application of mineral-deposit models indicates favorable ground for the specified type(s) of deposits.
LOW	LOW mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics define a geologic environment in which the existence of resources is permissive. This broad category embraces areas with dispersed but insignificantly mineralized rock, as well as areas with obvious site limitations and little or no indication of having been mineralized.
NO	NO mineral resource potential is a category that should be reserved for a specific type of resource in a well-defined area.
UNKNOWN	UNKNOWN mineral resource potential is assigned to areas where information is inadequate to assign a low, moderate, or high level of resource potential.

4.2 Levels of Certainty of Assessment (Goudarzi, 1984)

A	Available information is not adequate for determination of the level of mineral resource potential.
B	Available information suggests the level of mineral resource potential.
C	Available information gives a good indication of the level of mineral resource potential.
D	Available information clearly defines the level of mineral resource potential.



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

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

State Land Board

Regular Meeting
April 14, 2020
Agenda Item 4

SUBJECT

Request for approval of a permanent easement for a bridge over submerged and submersible lands in the John Day River within Clatsop County, in Section 19, Township 8 North, Range 8 West, Willamette Meridian.

ISSUE

Whether the State Land Board should approve a request from Clatsop County for a permanent easement to build, operate and maintain a bridge crossing of the John Day River on John Day River Road near Astoria.

AUTHORITY

Article VIII, Section 5 of the Oregon Constitution; requiring the Land Board to “manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.”

ORS 273.171; relating to the duties and authority of the Director.

OAR 141-123-0010 to 141-123-0120; establishing procedures for granting easements and rights-of-way on trust and non-trust lands and requiring Land Board approval of easements granted in perpetuity.

BACKGROUND

Clatsop County applied for a permanent easement for construction, operation and maintenance of a fifty-five (55) foot concrete bridge at the crossing of John Day River Road over the John Day River near Astoria.

The proposed bridge will replace two (2) forty-eight (48) inch culverts. Replacing the culverts will provide better upriver passage of salmonid species and allow for emergency vehicle and public access to property along John Day River Road and Schultz Lane.

The proposed easement is thirty (30) feet wide on each side of the centerline of the proposed bridge. The easement will allow Clatsop County to operate and maintain the bridge.

In agreement with OAR 141-123-0060(11), no compensatory payment was paid for the easement area. The bridge is county owned and falls outside of city limits.

PUBLIC INVOLVEMENT

As allowed in OAR 141-123-0050(6)(a), the easement application was not circulated for public comment. The corresponding removal fill application, 60859-RF, was circulated for thirty (30) days beginning January 26, 2019 and ending February 24, 2019. The Department received a comment from the Tribal Historic Preservation Office (THPO) of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO). The THPO “has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE).” The THPO recommended that the County put in place an “Inadvertent Discovery Plan for human remains, items of cultural patrimony, and intact archaeological deposits in place in advance of Project implementation, and that construction crews are trained/briefed on the contents and importance of the IDP.” This comment was addressed through the terms and conditions of the County’s removal fill permit, 60859-RF. Special Condition 14 of permit 60859-RF states if “any archaeological resources, artifacts or human remains are encountered during construction, all construction activity must immediately cease” and the County must contact the State Historic Preservation Office.

RECOMMENDATION

The Department of State Lands recommends that the State Land Board approve the permanent easement to Clatsop County, file number 62338-EA, to build, maintain and operate a bridge over and across the John Day River, on John Day River Road, Clatsop County, Oregon.

APPENDICES

- A. 62338-EA DRAFT Easement
- B. Locator Map

DRAFT

STATE OF OREGON Department of State Lands

EASEMENT NO. 62338-EA S&S Bridge

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of \$N/A, hereby grants to GRANTEE,

NAME of GRANTEE:
Clatsop County

ADDRESS:
1100 Olney Ave
Astoria, OR 97103

a single use easement and right to construct, install, operate and maintain, a bridge over, upon, and across all state-owned submerged and submersible lands located in the John Day River within Section 19, Township 8 North, Range 8 West of the Willamette Meridian, Clatsop County, Oregon and more particularly described in the attached Exhibit A and as shown on Exhibits B and B-1.

Containing 0.11 acres or 4,895 square feet, more or less, and as shown on the attached Exhibit "B".

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
 - a) Changing the type of use authorized by this easement;
 - b) Expanding the number of authorized developments or uses;
 - c) Changing the authorized area; and/or
 - d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.
3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.

5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
 - a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or
 - b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

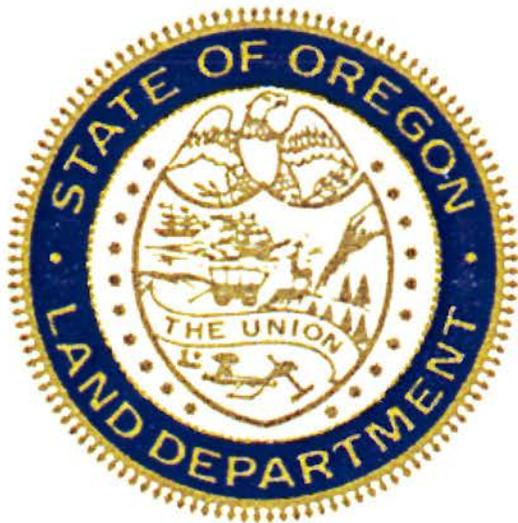
Routine right-of-way maintenance including vegetation trimming shall be allowed.

6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
8. GRANTEE shall obtain a surety bond in the amount of \$N/A to ensure compliance with the terms and conditions of this easement.
9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.
11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: as needed.
12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
13. If this easement authorizes the use of state-owned submerged and/or submersible land:

- a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
 - b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
 15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
 16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
 17. GRANTEE shall ensure that all state, federal and local permits are consistent and compatible with this authorization prior to work commencing.
 18. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

[remainder of page intentionally left blank]

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.



STATE OF OREGON, acting by and through its Department of State Lands

DSL Authorized Signature/Printed Name

Date

STATE OF OREGON)
)ss
County of Marion)

This foregoing instrument was acknowledged before me this ____ of _____, 20 , by _____, the _____ of the Department of State Lands.

Signature
My commission Expires _____, 20__.

CERTIFICATE OF APPROVAL OF CONVEYANCE
(ORS 93.808)

Clatsop County, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from Oregon Dept. of State Lands, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this 27 day of JANUARY, 2020.

Clatsop County,
Grantee

By: Ted McLean

Name: Ted McLean

Title: Public Works Director

STATE OF OREGON)
) ss.
County of Clatsop)

On this 27th day of January, 2020, before me personally appeared Ted McLean, who being duly sworn stated that he/she is the Public Works Director of Clatsop County, Grantee, and acknowledged the foregoing instrument to be the voluntary act of said Grantee and that he/she executed the foregoing instrument under authority granted by said Grantee.

[Signature]

NOTARY PUBLIC FOR OREGON
My commission Expires: 03/23/2021

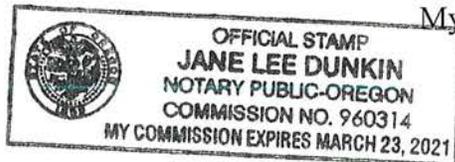


EXHIBIT A**Easement Legal Description**

A strip of land lying in the Southwest Quarter of the Southwest Quarter of Section 19, Township 8 North, Range 8 West, W.M., Clatsop County, Oregon and located within a portion of the right-of-way of County Road #100, also known as John Day River Road; said strip of land even in width, lying on each side of the John Day River Road as-built centerline is described as follows:

Beginning at a 5/8 inch rebar with an orange plastic cap stamped "MENDENHALL LS 2001", as set in Partition Plat 2007-30; said point lies on the centerline of John Day River Road as dedicated by Max C. Bigby and Judith A. Bigby in a Deed of Dedication for County Road Right-of-Way in Instrument #200709033, Clatsop County Deed Records; said point as per said Partition Plat lies N49°51'39"E, a distance of 928.91 feet from the Section Corner common to Sections 24 and 25 Township 8 North, Range 9 West and Sections 19 and 30 Township 8 North, Range 8 West, W.M.;

Thence N74°16'51"W, a distance of 284.30 feet to the **True Point of Beginning** of this description; said point being along the as-built centerline as determined in September 2016;

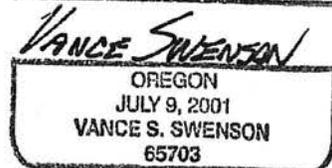
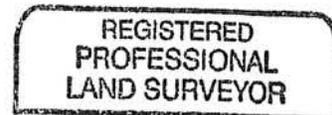
Thence along said centerline S77°55'03"W, a distance of 83.00 feet to the **Terminus of the description**; said point being N80°27'26"E, a distance of 359.80 feet from point of beginning.

The width in feet of said strip of land is as follows:

Width on the North side of as-built centerline 30'

Width on the South side of as-built centerline 30'

Acreage = 0.114 Acre



RENEWS 7-1-2020



24
8N 9W

19
8N 8W



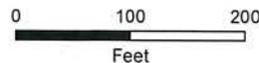
25

30

Source: Esri, DigitalGlobe, GeoEye,
Earthstar Geographics, CNES/Airbus, the GIS User Community

EXHIBIT B-1

62338-EA Waterway Easement
T08N, R08W Section 19
4,965 Square Feet
John Day River, Clatsop County



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 12/18/2019



This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

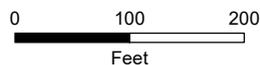


Source: Esri, DigitalGlobe, GeoEye,
Earthstar Geographics, CNES/Airbus, the GIS User Community

EXHIBIT B-1

**62338-EA Waterway Easement
T08N, R08W Section 19
4,895 Square Feet
John Day River, Clatsop County**

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 12/18/2019

