

Revisions to the October 10, 2023 State Land Board Meeting Packet

The October 10, 2023 State Land Board meeting packet now reflects the following revisions:

- Item 1 (August 2023 Meeting Minutes) was replaced with a new version on October 3, 2023, at 5 p.m.
- Item 4 (West Hayden Island Settlement Agreement) was replaced with a new version on October 3, 2023, at 5 p.m.



Oregon

Tina Kotek, 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

Tina Kotek

Governor

State Land Board

October 10, 2023
9:45 am – 12:00 pm
Meeting Agenda

LaVonne Griffin-Valade

Secretary of State

Public Wi-Fi logon: LandsDSL

Tobias Read

State Treasurer

*This is a hybrid meeting that can be attended in-person at **775 Summer St. NE, Suite 100, Salem, OR 97301-1279** or online through the Department of State Lands' livestream video:
www.youtube.com/@oregonstatelands*

State Land Board Awards Presentation

The State Land Board will present the annual Land Board Awards to:

- **Wetland Award:** Palensky-McCarthy Creek Restoration Project
- **Stream Award:** Wade Creek Restoration
- **Stream Award:** Wilson Haun Wallowa River Project: Restoring Natural Processes for Salmon and Steelhead
- **Partnership Award:** Trailkeepers of Oregon
- **Catalyst Award:** Peggy Lynch, League of Women Voters of Oregon

CONSENT ITEMS

1. Request for approval of the minutes of the August 8, 2023, State Land Board Meeting
2. Request for approval to adopt the Attorney General's Model Rules of Procedures by reference.
Public testimony will be accepted on this item.

Continued on the next page

ACTION ITEMS

3. Request for approval to adopt rules regarding periodic closures of state-owned property, based on water levels determined by the Department of State Lands, located within and around Crump Lake in Lake County.
Public testimony will be accepted on this item.
4. Request for approval to enter into a settlement agreement to exchange quitclaim deeds and perpetual access easements at West Hayden Island in Multnomah County between the Department of State Lands and the Port of Portland.
Public testimony will be accepted on this item.

INFORMATIONAL ITEMS

5. Common School Fund Annual Review
No public testimony will be taken on this item.
6. Department of State Lands 2022-2027 Strategic Plan Update
No public testimony will be taken on this item.
7. Elliott State Forest transition process: Updates on Advancing the Elliott State Research Forest
No public testimony will be taken on this item.
8. Other
No public testimony will be taken on this item.

WATCH THE MEETING ONLINE

Meeting video and audio will be livestreamed, and the recording available after the meeting, on the DSL YouTube Channel: www.youtube.com/@oregonstatelands

ATTEND IN-PERSON

This meeting will be held in a facility that is accessible for persons with disabilities. If you need assistance to participate in this meeting due to a disability, please notify Arin Smith at arin.n.smith@dsl.oregon.gov at least two working days prior to the meeting.

Visitors are **NOT permitted to bring backpacks, bags, or large purses** into the State Lands building prior to, during, or following Land Board meetings. Purses, medical bags, and diaper bags are permitted, but may be subject to inspection by the Oregon State Police.

PROVIDE PUBLIC TESTIMONY

The State Land Board places great value on information received from the public. The public may provide written or spoken (online or in-person) testimony regarding consent and action agenda items, time permitting and at the discretion of the Chair.

- **Providing Written Testimony:** Testimony received by 10 a.m. on the Monday before the meeting will be provided to the Land Board in advance and posted on the meeting website. Submit your input in writing to: landboard.testimony@dsl.oregon.gov. Testimony received after this deadline may not be provided to the Land Board prior to a vote. Please indicate the agenda item your testimony relates to.
- **Providing Spoken Testimony by Video/Phone or In Person:** Advanced sign-up is required for the public to provide spoken testimony (in-person or by Zoom). The sign-up deadline is 10 a.m. the day before the meeting.

Please note: When the number of people interested in speaking exceeds the time allotted for an agenda item, speakers are randomly selected for testimony slots to ensure all have an equal opportunity to testify. Speakers have the same chance of being randomly selected whether they plan to testify in person or by Zoom. The testimony order will be posted to the State Land Board Meetings webpage the day before the meeting, and everyone who signed up to testify will be notified of the testimony order via email. Be aware there may not be time for everyone who signs up to speak.

Additional Testimony Information

- Testimony on action items is taken during the item's presentation, before the Land Board votes. Please review the meeting agenda and be present and prepared to provide testimony at the appropriate time.
- The Board typically accepts testimony on consent and action items only.
- The standard time limit is three minutes for each individual; the actual time available for testimony during Land Board meetings is at the discretion of the Chair.
- The Board may not be able to accept testimony on items for which a formal comment period has closed, such as a rulemaking comment period. The meeting agenda indicates whether testimony will be accepted on an item.



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State Land Board

M E M O R A N D U M

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Date: October 10, 2023

To: Governor Tina Kotek
Secretary of State LaVonne Griffin-Valade
State Treasurer Tobias Read

Tobias Read

State Treasurer

From: Vicki L. Walker, Director

Subject: The 19th Annual State Land Board Awards

Overview

Every year, the State Land Board honors exceptional projects and partners for their contributions to protecting and enhancing Oregon's treasured natural resources.

Established in 2004, the State Land Board Awards are an annual celebration of Oregonians working together to help lands, waters, and wetlands thrive. To date, more than 40 awards have been presented, recognizing extraordinary efforts in every region of Oregon.

Land Board Award Winners

Today, in the 19th year of the State Land Board Awards, we are presenting two Stream Awards, a Wetland Award, a Partnership Award, and a Catalyst Award to recognize exemplary projects and people.

Stream Award – Wade Creek Restoration, Clackamas County. This project, which restored the historic course of the creek and opened passage for fish, was essential to achieving Estacada's multi-year vision to enhance habitat, improve water quality, and create a library, park, and community gathering space.

Stream Award – Wilson Haun Wallowa River Project: Restoring Natural Processes for Salmon and Steelhead, Wallowa County. This project used inspiring and effective techniques to create habitat for the endangered Snake River spring Chinook salmon, Snake River summer steelhead, and bull trout as part of a broader vision for restoring biological diversity of plants and animals on both water and land.

Wetland Award – Palensky-McCarthy Creek Restoration Project, Multnomah County. Located in the Palensky Wildlife Area, this restoration project's innovative techniques fully reconnected more than 280 acres of floodplain habitat back to Multnomah Channel, improving survival odds for young salmon species and supporting increased amphibian and reptile populations.

Partnership Award – Trailkeepers of Oregon. A passionate and enthusiastic partner to South Slough Reserve, Trailkeepers of Oregon shares both resources and expertise – hosting regular “trail parties,” building the 1,500-foot Hidden Creek boardwalk, and offering hands-on skills courses for volunteers.

Catalyst Award – Peggy Lynch, League of Women Voters of Oregon. People can make a difference in their communities and their state – and for more than four decades, Peggy Lynch has been doing just that through endless connection and collaboration, generously sharing knowledge, and tirelessly encouraging and supporting public participation in government.



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State Land Board

Tina Kotek

Governor

The State Land Board (Land Board or Board) met in regular session on August 8, 2023, in the Land Board Room at the Department of State Lands (DSL), 775 Summer Street NE, Salem, Oregon. The meeting audio and video was livestreamed on the DSL YouTube channel.

LaVonne Griffin-Valade

Secretary of State

Present were:

Tina Kotek

Tobias Read

LaVonne Griffin-Valade

Governor

State Treasurer

Secretary of State

Tobias Read

State Treasurer

Land Board Assistants

Geoff Huntington

Jessica Ventura

Jessica Howell

Governor's Office

Secretary of State's Office

State Treasurer's Office

Department Staff

Vicki Walker

Arin Smith

Bill Ryan

Jean Straight

Katrina Scotto di Carlo

Ali Ryan Hansen

Ted Bright

Linda Safina-Massey

Department of Justice

Matt DeVore

Governor Kotek called the meeting to order at 10:00 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: [August 8, 2023 Land Board Meeting](#)

Consent Items

1. Minutes

Treasurer Read made a motion to approve the minutes for the April 11, 2023, Land Board meeting.

Secretary Griffin-Valade seconded the motion.

The item was approved at 10:01 a.m.

Action Items

2. Request for approval of a temporary easement for a fiber optic cable in Tillamook County

The Department of State Lands recommended that the State Land Board approve the temporary twenty (20) year term easement to AMCS, LLC to construct, maintain, operate and replace a fiber optic cable on, over, under or across Oregon's territorial sea in Tillamook County.

Director Walker invited Dario Frisone, Proprietary Coordinator, to the table to assist in answering questions from the Board.

10:31 a.m.

Sarah McComb and Chris Brungardt, representatives from Amazon, joined the conversation via Zoom to answer questions from the Board.

10:46 a.m.

Scott McMullen, Chair of the Oregon Fishermen's Cable Committee, came to the table to show an example of a cable and talk about the committee's involvement in the undersea cable process.

The Board engaged in extensive discussion regarding the terms and conditions of the proposed easement. Governor Kotek read an alternative motion she had prepared which the Board discussed but did not introduce. Discussion continued.

Treasurer Read made a motion to approve the action item as recommended by staff. Secretary Griffin-Valade seconded the motion. The item was approved at 11:07 a.m.

3. Request to initiate rulemaking to restrict use of vehicles and discharge of firearms on state lands at Sandy River Delta in Multnomah County

Director Walker introduced Bethany Harrington, Interim Northern Operations Manager, who joined the meeting via Zoom and Captain Doug Asboe with Multnomah County Sheriff's Office, who joined at the table to assist in presenting the agenda item.

The Department recommended the State Land Board authorize the Department to initiate rulemaking within OAR 141-088 to consider permanent restrictions on use of vehicles and discharge of firearms on state lands at Sandy River Delta.

Treasurer Read made a motion to approve the action item. Secretary Griffin-Valade seconded the motion. The item was approved at 11:23 a.m.

Informational Item

4. South Slough Reserve Land Transfer

Director Walker introduced Dr. Bree Yednock, Manager of the South Slough Reserve, to assist in presenting the informational item.

5. Legislative Update

11:29 a.m.

Director Walker introduced Chris Castelli, Legislative Coordinator, to give the update.

6. Other

11:50 a.m.

- Hood River timber sale update
- Strategic Plan update
 - Wasson Creek Restoration Project Funding
 - DEI Plan Progress

The meeting was adjourned at 11:59 p.m.

Tina Kotek, Governor

Vicki L. Walker, Director



Oregon

Tina Kotek, Governor

Department of State Lands

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State Land Board

State Land Board

Regular Meeting

October 10, 2023

Agenda Item 2

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

SUBJECT

The Department of State Lands requests approval to permanently adopt and enact specific rules of the Attorney General's Model Rules of Procedures under the Administrative Procedures Act:

- OAR 141-001-0005, Model Rules for Rulemaking,
- OAR 141-001-0007, Model Rules of Procedures for Contested Case Hearings, and
- OAR 141-001-0020, Model Rule for Mediation Confidentiality.

ISSUE

Whether the State Land Board should approve the adoption by reference of the Attorney General's Model Rules for Rulemaking ([OAR 137-001](#)), Model Rules of Procedure for Contested Cases ([OAR 137-003](#)), and Model Rule of Mediation Confidentiality ([OAR 137-005-0052](#)).

AUTHORITY

ORS 183.341, Model rules of procedure; establishment; compilation; publication; agencies required to adopt procedural rules, authorizes state agencies to adopt the Attorney General's Model Rules of Procedures.

ORS 273.045, Administrative policies; rules, authorizes the State Land Board and Department and the Department of State Lands to promulgate rules necessary to carry out the policies of the Department.

BACKGROUND

The Attorney General prepares model rules of procedures to be used by state agencies. The model rules are the result of an intensive review by the Department of Justice (DOJ), agency personnel, and members of the public. These rules provide certainty when Administrative Procedures Act (APA) requirements are ambiguous or vague.

In turn, state agencies are required to adopt model procedures regulating rulemaking and contested case hearings. Given the great range of substantive and procedural concerns and structural arrangements among state agencies, the model rules focus on points of common interest. Adoption offers guidance to Department staff and transparency with the public.

The proposed rule language amends our current Model Rules of Procedures to specifically adopt the Model Rules of Rulemaking and the Model Rules of Procedures for Contested Cases. In doing so, the State Land Board and the Department are adopting by reference those Model Rules of Procedures which apply to the Department.

OAR 141-001-0020, Model Rule for Mediation Confidentiality, is proposed to be amended to adopt the model rule by reference. Currently, the rule is a reiteration of the model rule's rule text.

In consultation with the DOJ, all three rules include the statement "in effect January 1, 2023," to ensure the State Land Board and the Department are adopting the most recent version of each model rule referenced as the rules within the Model Rules Divisions have been amended at various points in time prior to January 1, 2008.

PUBLIC INVOLVEMENT

Under ORS 183.341, agencies are not required to convene a Rulemaking Advisory Committee (RAC), file a Notice of Proposed Rulemaking, have a public comment period, or hold a public rule hearing in order to adopt all or part of the model rules by reference. As previously mentioned, these model rules have already undergone the rulemaking process and public involvement.

RECOMMENDATION

The Department recommends that the Land Board adopt the proposed rule language for permanent adoption of OAR 141-001-0005, Model Rules for Rulemaking, 141-001-0007, Model Rules of Procedures for Contested Case Hearings, and 141-001-0020, Model Rule for Mediation Confidentiality.

APPENDIX

A. Final Rules

Appendix A. Division 001 - Final Rule Text

141-001-0005

Model Rules for Rulemaking

Pursuant to ORS 183.341, the Department of State Lands and the State Land Board adopt by reference the Attorney General's Model Rules for Rulemaking (OAR 137-001) in effect January 1, 2023.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Department of State Lands.]

Statutory/Other Authority: ORS 183.341, 273.045

Statutes/Other Implemented: ORS 183.333, 183.341

History:

DSL 6-2008, f. & cert. ef. 12-10-08

DSL 4-2005, f. 11-3-05, cert. ef. 11-15-05

DSL 3-2005(Temp), f. 5-18-05, cert. ef. 5-19-05 thru 11-15-05

DSL 3-2002, f. & cert. ef. 4-24-02

DSL 7-1998, f. & cert. ef. 7-15-98

LB 1-1994, f. & cert. ef. 4-13-94

LB 2-1992, f. & cert. ef. 6-15-92

LB 4-1989, f. & cert. ef. 7-25-89

LB 4-1983, f. & ef. 12-23-83

LB 1-1982, f. & ef. 2-25-82

LB 1-1980, f. & ef. 2-20-80

LB 2-1978, f. & ef. 4-20-78

LB 35, f. & ef. 1-6-76

LB 13, f. 1-21-74, ef. 2-11-74

LB 10, f. 11-15-71, ef. 12-1-71

141-001-0007

Model Rules of Procedures for Contested Case Hearings

Pursuant to ORS 183.341, The Department of State Lands and the State Land Board adopt by reference the Attorney General's Model Rules of Procedures for Contested Cases (OAR 137-003) in effect January 1, 2023.

Statutory/Other Authority: ORS 183.341, 273.045

Statutes/Other Implemented: ORS 183.333, 183.341

141-001-0020

Model Rule for Mediation Confidentiality

Pursuant to ORS 183.341 and ORS 36.224, the Department of State Lands and the State Land Board adopt by reference the Attorney General's Model Rule for Mediation Confidentiality (OAR 137-005-0052) in effect January 1, 2023.

Appendix A. Division 001 - Final Rule Text

Statutory/Other Authority: ORS 36.224, 183.341, 273.045

Statutes/Other Implemented: ORS 36.224, 36.228, 36.230 & 36.232

History:

DSL 6-2008, f. & cert. ef. 12-10-08

DSL 4-2005, f. 11-3-05, cert. ef. 11-15-05

DSL 3-2005(Temp), f. 5-18-05, cert. ef. 5-19-05 thru 11-15-05



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State Land Board

State Land Board

Regular Meeting

October 10, 2023

Agenda Item 3

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

SUBJECT

The Department of State Lands requests approval to permanently adopt OAR 141-088-0250, Periodic Closure for State-Owned Property on Crump Lake in Lake County. This rule would periodically restrict public access to Crump Lake, beginning at the southern boundary of Township 38 South, terminating at Stone Bridge located at 42.354731 degrees North, 119.838867 degrees West, in Lake County.

ISSUE

Whether the State Land Board should approve adopting rules for periodic closure restricting public use within and around Crump Lake, based on water levels determined by the Department of State Lands. Restricting access during times when the dry lakebed is exposed will support protection of natural and cultural resources.

AUTHORITY

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing Common School Fund lands.

ORS 273.041 to 273.071; authorizes the Department of State Lands to exercise the administrative functions of the State Land Board; relating to the general powers and duties of department and board.

ORS 274.025; describes state jurisdiction over submersible and submerged lands generally.

OAR 141-088; relates to the public recreational use of state-owned property and provides the Department, in consultation with the State Land Board, authority to restrict

the use of state-owned lands when the closure is necessary to protect human life, health, or safety; to prevent loss of, or damage to property; to protect natural, historical, cultural, or archeological resources; or to prevent damage to the environment.

BACKGROUND

On February 7, 2023, the State Land Board approved initiation of rulemaking to determine how public use restrictions on state-owned lands in and around Crump Lake could protect cultural and natural resources. Since 2014, the Department has received reports from State Police, community members, and local Tribes regarding property damage, vandalism, and looting of cultural artifacts. Frequent droughts expose the lakebed, making these issues worse.

Crump Lake is part of the Warner Valley closed basin system and connected to a series of shallow lakebeds that flow south to north. The area has experienced many, long-lasting droughts in recent years, causing roughly 13,500 of 15,000 acres to dry out completely. The exposed lakebed can take several years to fill back up, and conversely, multiple years to dry out. The variability of the water levels is significant over time.

During these dry years, people are able to travel by foot and vehicle across the exposed lakebed. Since 2014, DSL Directors have implemented temporary emergency restrictions to all public uses during low water conditions. Those temporary measures have been effective at mitigating negative impacts and have been lifted when the water levels are high enough that cultural and natural resources are once again protected.

The Department has been using satellite imagery to track the water levels at Crump Lake. That data informed the rulemaking process, specifically in establishing water level conditions and indicators for the initiation or removal of public access restrictions. These rules will allow access for government personnel, emergency responders, permitted big-game hunters, lessees and adjacent landowners when needed for property inspection or maintenance.

PUBLIC INVOLVEMENT

The Department took into consideration public comment, input from the Rulemaking Advisory Committee, and input from other local and state agencies, Tribal governments, and affected stakeholders during this rulemaking process.

Rulemaking Advisory Committee (RAC)

A hybrid (in person and virtual) RAC was convened in Lakeview, Oregon twice, in April and May 2023, to review and provide input on the proposed rule, development of a notice of proposed rulemaking, and an evaluation of fiscal impact and racial equity statements. The following individuals served as members of the RAC:

- James Williams, Lake County Commissioner
- Blake Dornbusch, Bureau of Land Management
- Les Anderson, Klamath Tribes

- Ryan Tague, Oregon State Police
- Ryan Niehus, Oregon State Police
- Joshua Novac, Oregon State Police
- Joe Cahill, Local Citizen/DSL Lessee
- Tyler Dungannon, Oregon Hunters Association
- Mike Totey, Oregon Hunters Association

The RAC detailed boundaries of the closure, established exceptions for hunters, and identified appropriate water levels that would trigger periodic closures.

Public Review and Comment Period

After the RAC reviewed and approved the impact statements and rule language, a Notice of Proposed Rulemaking was filed with the Secretary of State's office on June 26, 2023. The public review and comment period was held from July 1, 2023, to July 31, 2023, with a hybrid public hearing held online and in-person at Lake County Courthouse on July 26, 2023.

The Department issued a news release to Oregon media and a public notice to interested parties and stakeholders regarding the public review and comment period. The Department also notified Senate President Wagner, Speaker Rayfield, Senator Findley, and Representative Owens. All information (statements, draft rules, RAC meeting recordings and summaries) was posted to the DSL website:
<https://www.oregon.gov/dsl/Laws/Pages/Rulemaking.aspx>.

In total, the Department received one written comment, which can be found in Appendix C. The comment received opposed the closure and questioned the validity of cultural resource concerns of the area. No oral comments were made during the public rule hearing.

RECOMMENDATION

The Department recommends that the Land Board adopt OAR 141-088-0250, to establish the periodic closure for State-Owned Property located within and around Crump Lake. If adopted, the proposed rule will go into effect on November 1, 2023.

APPENDICES

- A. Final Rule
- B. Notice of Proposed Rulemaking including the Statement of Need and Fiscal Impact and Draft Rule
- C. Public Comments
- D. Crump Lake Map

Department of State Lands, Chapter 141, Division 088

RULES GOVERNING THE ESTABLISHMENT OF RESTRICTIONS ON THE PUBLIC RECREATIONAL USE OF STATE-OWNED LAND

RULE TITLE

141-088-0250 - Periodic Closure for State-Owned Property on Crump Lake in Lake County

RULE SUMMARY

Restricts public access on and around Crump Lake in Lake County, Oregon, periodically during dry conditions.

RULE TEXT

(1) All state-owned lands under the jurisdiction of the Oregon Department of State Lands that are located within and around Crump Lake, beginning at the southern boundary of Township 38 South, terminating at Stone Bridge located at 42.354731 degrees North, 119.838867 degrees West, are closed to:

(a) All access by motorized vehicles or pedestrian traffic. Excepted from this restriction are government personnel on official business, vehicles and persons involved in rescue or emergency activities, adjacent landowners inspecting or maintaining fences, and hunters on foot in possession of valid controlled hunt tags for Beatys Butte Wildlife Management Unit, actively engaged in scouting or hunting deer or antelope, or unless otherwise authorized by the department in writing through the Real Property Program.

(b) The collection, removal, defacement, or destruction of any archaeological site, objects, or artifacts, including arrowheads, as defined by ORS 358.905(1)(a), unless otherwise authorized by the Department in writing and consistent with permit issued by the State Historic Preservation Office (SHPO) under ORS 390.235.

(2) The Department will determine closure based on when the water is no longer touching the foundational rocks located along the parallel line of Tern Island, located at 42.284049 degrees North. The Department has sole discretion to determine when the water level meets the criteria for closure. The closure will be posted on all designated public access routes. Upon posting, the official closure through this rule becomes effective.

(3) The Department will determine when to lift the closure based on when the water level refills and is again touching the foundational rocks described above. The Department has sole discretion to determine when the water level meets the criteria to lift the closure. The Department will provide notice that the closure is lifted by replacing the closure signs with signs confirming access is open. In the absence of signs, the public will assume the closure is in place unless confirmed in writing by the Department.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 273, ORS 274

STATUTES/OTHER IMPLEMENTED: ORS 273, ORS 274

OFFICE OF THE SECRETARY OF STATE
 CHERYL MYERS
 ACTING SECRETARY OF STATE
 & TRIBAL LIAISON



ARCHIVES DIVISION
 STEPHANIE CLARK
 DIRECTOR

800 SUMMER STREET NE
 SALEM, OR 97310
 503-373-0701

NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 141
 DEPARTMENT OF STATE LANDS

FILED

06/28/2023 2:58 PM
 ARCHIVES DIVISION
 SECRETARY OF STATE

FILING CAPTION: [Corrected] This rule enacts periodic closures for state-owned property on Crump Lake, Lake County.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/31/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Danielle Boudreaux
 503-798-6846
 dsl.rules@dsl.oregon.gov

775 Summer St NE
 Suite 100
 Salem, OR 97301

Filed By:
 Danielle Boudreaux
 Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/26/2023

TIME: 2:00 PM

OFFICER: Danielle Boudreaux

HEARING LOCATION

ADDRESS: Memorial Hall, 513 Center St., Lakeview, OR 97630

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-444-9171

CONFERENCE ID: 2508868653

SPECIAL INSTRUCTIONS:

Web passcode: w#EnJ067

Phone passcode: 87671005

NEED FOR THE RULE(S)

Over the course of several years beginning in 2014, the Department of State Lands Director has enacted emergency restrictions of public use of Crump Lake in southern Lake County. The Department has received numerous reports from local law enforcement, tribal members, and local citizens about activities associated with damaging natural resources and removing cultural resources. Activities of concern are driving vehicles across the lakebed, removing and defacement of cultural and archaeological resources. Most recently, in August of 2022, an emergency closure order was issued by DSL Director Vicki Walker. The adoption of this permanent rule is needed to address illegal and nuisance activity on state-owned land. These activities include but are not limited to removal and damage to natural and cultural resources; driving vehicles across the lakebed; damage to riparian vegetation and wildlife habitat; interference with property; and damage to property.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 273 and 274 are available on the Oregon Legislature's website:
https://www.oregonlegislature.gov/bills_laws/pages/ors.aspx

OAR 141-088 is available on the Secretary of State's website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Oregon Department of State Lands is committed to the fair, just, and unbiased treatment of people of all races. Actively identifying and addressing inequities to ensure inclusive public service is one of the Department's five core values. Evaluating who a proposed administrative rule will impact, and how the rule may impact some groups of people differently than others, is essential to providing equitable service. During the Restrictions for State-Owned Property on Crump Lake in Lake County rulemaking process, the Department and the Rulemaking Advisory Committee examined the following to ultimately determine the impacts the rule may have on racial equity:

- What persons and groups are subject to the rule? RAC discussion identified a number of groups affected by the rule, they include, small businesses, recreational users, guides and outfitters, law enforcement, the nine Federally recognized Tribes of Oregon, and other local agencies.
- What issues is the rule seeking to address? Which racial groups are likely to be affected by those issues? The rule seeks to address nuisance issues on state-owned property.
- Ultimately, what impacts does this rule have on racial equity? The Department has determined, in agreement with the RAC and through careful consideration and evaluation, that this rule is unlikely to impact racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

The Department does not anticipate this rulemaking to pose significant fiscal and economic impact to public or private interests. The proposed rule seeks to address illegal and nuisance activities on state-owned land. There are no developed or authorized uses at these locations outside of grazing. The proposed rule language takes into consideration and makes exceptions for "Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property." The draft rule language is consistent with existing recreational restrictions in OAR 141-088, will protect state-owned lands from damage, and will assist in the posting of sites around Crump Lake from use during low water periods throughout the year. The permanent use restrictions are one element of a long-term solution for ensuring a healthy environment and protection of natural and cultural resources.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Department does not believe that the proposed changes to this rule, if adopted, will have any substantial economic impact on the public, or state or local government agencies. Possible economic impacts include but are not limited to: (1) Increased costs to the Department for the manufacture and placement of signs, and the publication of public notices describing the restrictions on, or closure to, public recreational use; (2) Increased costs to state and local law enforcement, as any restriction or closure is another activity that state and local law enforcement must monitor. State and local law enforcement were informed of the restrictions and are in support of the proposed rule.

(2)(a) Only small businesses that use state-owned land for recreational purposes may be impacted by any restrictions or closures imposed on recreational use—and only if such restrictions or a closure were imposed on a site, parcel, or area of state-owned land which a small business currently uses or may want to use in the future. It is not feasible to estimate the number of such small businesses, however, it is unlikely that there will be any significant cost for small businesses to comply with the proposed rule.

(2)(b) The Department does not believe that the proposed rule, if adopted, will result in increased costs for reporting, recordkeeping, and other administrative activities conducted by small businesses.

(2)(c) The Department does not believe that the proposed rule, if adopted, will result in increased costs for equipment, supplies, labor, or administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Department staff extended invites to small businesses in the communities to participate on the Rulemaking Advisory Committee (RAC); however, none chose to participate. One member of the RAC owns a cattle ranch and leases land from the Department, representing both lessees and small ranches.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

ADOPT: 141-088-0250

RULE SUMMARY: This rule enacts periodic closures of state-owned land on Crump Lake when the lakebed is dry.

CHANGES TO RULE:

141-088-0250

Periodic Closure for State-Owned Property on Crump Lake in Lake County

(1) All state-owned lands under the jurisdiction of the Oregon Department of State Lands that are located within and around Crump Lake, beginning at the southern boundary of Township 38 South, terminating at Stone Bridge located at 42 Degrees, 21 Minutes, 17.032 Seconds North, 119 Degrees, 50 Minutes, 19.9203 Seconds West, are closed to:

(a) All access by motorized vehicles or pedestrian traffic. Excepted from this restriction are government personnel on official business, vehicles and persons involved in rescue or emergency activities, adjacent landowners inspecting or maintaining fences, and hunters on foot in possession of valid controlled hunt tags for Beatys Butte Wildlife Management Unit, actively engaged in scouting or hunting deer or antelope, or unless otherwise authorized by the department in writing through the Real Property Program.

(b) The collection, removal, defacement, or destruction of any archaeological site, objects, or artifacts, including arrowheads, as defined by ORS 358.905(1)(a), unless otherwise authorized by the Department in writing and consistent with permit issued by the State Historic Preservation Office (SHPO) under ORS 390.235.

(2) The Department will determine closure based on when the water is no longer touching the foundational rocks located along the parallel line of Tern Island, located at 119 Degrees, 50 Minutes, 38.46 Seconds West. The Department has sole discretion to determine when the water level meets the criteria for closure. The closure will be posted on all designated public access routes. Upon posting, the official closure through this rule becomes effective.

(3) The Department will determine when to lift the closure based on when the water level refills and is again touching the foundational rocks described above. The Department has sole discretion to determine when the water level meets the criteria to lift the closure. The Department will provide notice that the closure is lifted by replacing the closure signs with signs confirming access is open. In the absence of signs, the public will assume the closure is in place unless confirmed in writing by the Department.

Statutory/Other Authority: ORS 183, ORS 273, ORS 274

Statutes/Other Implemented: ORS 273, ORS 274

OAR 141-088-250 Rulemaking Public Comments



The public comment period was open from July 1, 2023, through July 31, 2023, at 5:00 PM. The Department received 1 comment in total, which was received via the online comment form.

Comment Received

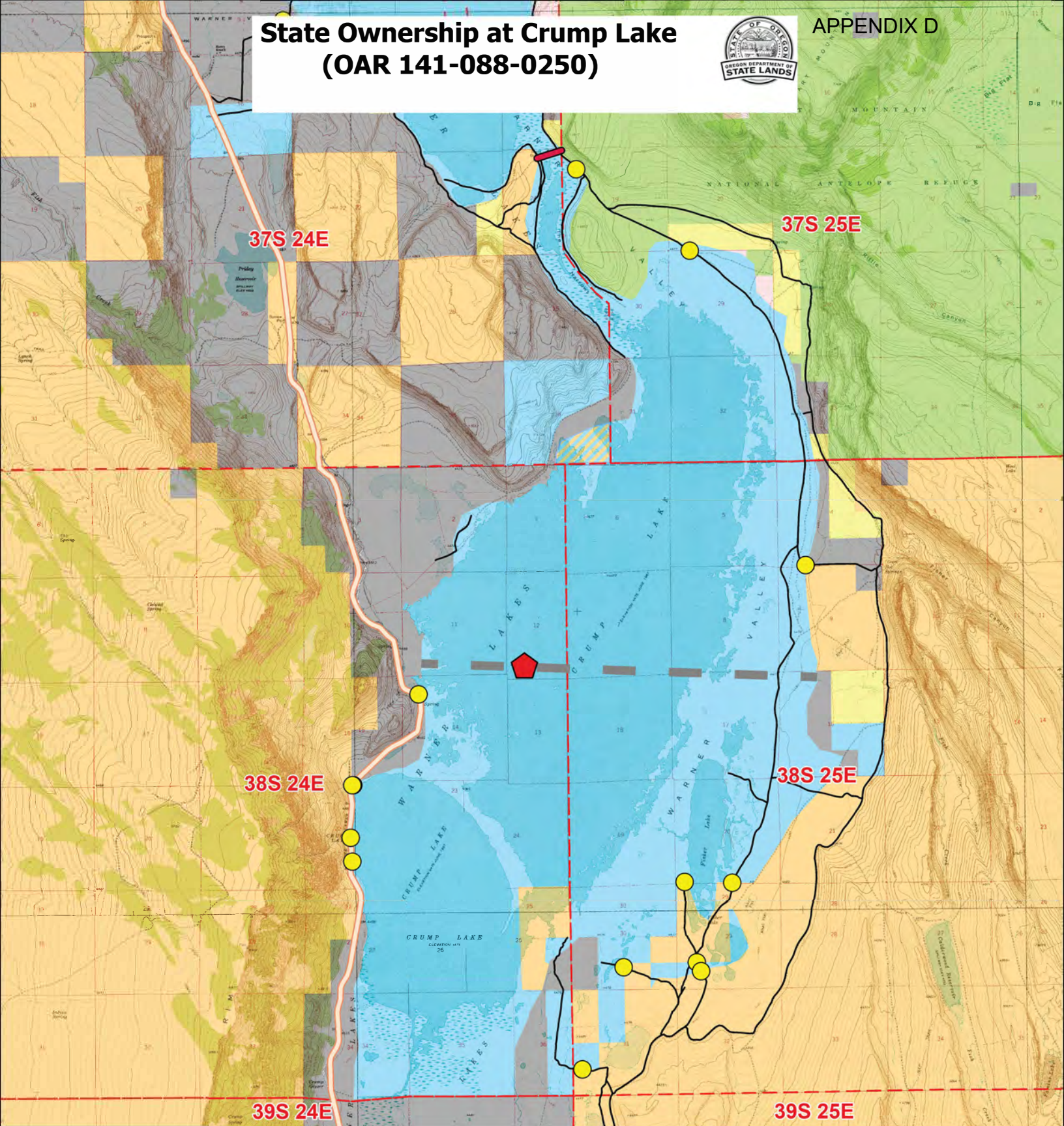
David Hummel – July 30

Crump Lake is public land. Therefore DSL should keep it open to the public. It is too bad that the tribes can throw out the words sacred or ceremonial and you take their word without evidence to back it up. the artifacts exposed during dry years have no archeological value since their [sic] is no stratigraphy. They are just pieces that were used and lost for centuries. I have lost many items at Crump myself. A pair of sunglasses, car keys, pocket knives, pliers and numerous shotgun shells. are they sacred? Surface hunting arrowheads is not looting. Digging is. Enforce that if seen. The tribes dont [sic] care about arrowheads whatsoever. If they did they would request the local landowners to keep livestock off the lakebed. Cows break so many artifacts at Crump it is ridiculous. So what is the solution? 1. keep open as always and enforce digging if seen. 2. Treat Crump Lake like a hunt unit. Permits would have to be purchased and proceeds could be used for enforcement, access points, signage etc. 3. Sell it to the tribes and let them do whatever they see fit.

State Ownership at Crump Lake (OAR 141-088-0250)



APPENDIX D



- Closure Sign Locations
- Plush-Adel Road
- Unimproved Access Roads
- Northmost Restrictions
- ⬠ Tern Island
- Trigger Location

Estimated Ownership

Owner

- BLM
- DSL
- DSL or BLM
- Conservation Organization
- Private
- USFWS
- Unknown



0 0.75 1.5
Miles





Oregon

Tina Kotek, 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

State Land Board

**Regular Meeting
October 10, 2023
Agenda Item 4**

Tina Kotek
Governor

LaVonne Griffin-Valade
Secretary of State

Tobias Read
State Treasurer

SUBJECT

Request for approval to enter into a settlement agreement to exchange quitclaim deeds and perpetual access easements between the Department of State Lands and the Port of Portland at West Hayden Island in Multnomah County (DSL file 55904-LE). The land is classified as historic fill and is located at Township 2 North, Range 1 East, Sections 19, 28, 29 and 30, and Township 2 North, Range 1 West, Section 24.

ISSUE

Whether the State Land Board should authorize the Department to sign a settlement agreement to exchange perpetual access easements and quitclaim deeds with the Port of Portland to clarify disputed ownership boundaries of Department property and Port of Portland property located on the "South Shore," the "North Shore" and "Government Lot 4" of West Hayden Island.

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 274.915; relating to the sale, lease or trade of submersible and submerged lands.

OAR 141-068; relating to the sale, exchange or reservation of historically filled land.

Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012

BACKGROUND

Since statehood, West Hayden Island has been altered by artificial fill, dredging of the Columbia River, and natural deposits or erosion related to the movement of the river and North Portland Harbor (Oregon Slough). Although there have been several ownership studies completed in the past, the dividing line between The Port of Portland's deeded ownership and DSL's ownership of previously submerged waterway, that is now historical fill, in certain portions of West Hayden Island have remained unclear.

In 2021, DSL received an application from the Port of Portland to clear title of disputed properties and to request a land exchange at West Hayden Island. On October 12, 2021, the State Land Board approved DSL's request to conduct due diligence related to the Port of Portland's application.

During the due diligence process, both DSL and the Port conducted their own historical research regarding the disputed properties. Both parties provided their evidence of artificial fill or dredging that had occurred within state-owned submerged and submersible lands, and evidence of natural movement of the waterway that resulted in creation of additional land on the island.

Once the parties agreed on which properties were owned by each party, the Port of Portland commissioned a survey of each of the properties to describe the boundaries included in the quitclaim deeds. Both parties discussed establishing permanent access to each respective party's property, and both agreed that including access easements in a settlement agreement would clear up all concerns regarding property rights moving forward.

STAFF FINDINGS

The in-depth historical ownership reviews by both DSL and the Port of Portland, determined that the filled lands in question are DSL ownership; the Port will provide a quitclaim deed for those lands to DSL. To clarify Port ownership on Government Lot 4, DSL will provide a quitclaim deed to the Port. The Port and DSL agreed to enter into a settlement agreement which can be recorded with the county and formally establish a line where the Port's ownership ends, and DSL's ownership begins on West Hayden Island.

Port Quitclaim Deed to DSL

As a result of the settlement agreement, the Port will quitclaim approximately 65 acres of historic artificially filled lands, and lands that have been added to the island due to accretion on the South Shore to DSL. These lands are located in Township 2 North, Range 1 East, Section 19, a portion of Government Lots 5 and 6, and Section 30, a portion of Government Lots 8 and 9.

On the North Shore, the Port will quitclaim to DSL approximately 8 acres of historic artificially filled lands and lands that have been added due to accretion in Township 2

North, Range 1 East, Section 29, a portion of government lot 8 and a portion of the NW1/4.

In Government Lot 4 of Section 28, the Port will quitclaim to DSL approximately 5 acres of historic artificially filled lands, and lands that have been added to the island due to accretion in Township 2 North, Range 1 East. Initially, the Port was claiming Government Lot 4 to the current high water line, including filled lands. DSL's analysis of ownership, and the Port's subsequent review of DSL's analysis, ultimately resulted in agreement that the Port had no title to the filled lands.

DSL Quitclaim Deed to the Port

In Government Lot 4 of Section 28, DSL will quitclaim to the Port approximately 12 acres of land in Township 2 North, Range 1 East. This is upland that was originally granted by the federal government to a private party and eventually purchased by the Port. DSL and the Port have agreed the survey from 1908 used for Government Lot 4 was the most accurate description of the ownership boundary prior to any placement of fill. Quitclaim of these 12 acres clarifies Port ownership.

Easement Access

Additionally, both parties will grant each other access easements to their respective properties allowing uninterrupted continuation of land management for both parties.

PUBLIC INVOLVEMENT

The Department circulated the proposed exchange for public review and comment from November 24, 2021 – December 24, 2021. Notice for the public comment period was sent to interested parties, government agencies, and other affected stakeholders. This request was circulated to the local affected Tribes, all surrounding property owners, local governments, State and Federal wildlife and natural resource managers. The Department received three comments:

- An adjoining landowner expressed concern over the impact a land exchange may have on their ownership of their property. DSL addressed the concern by informing the commentor that the applicants' property ownership was not in question and was not associated with the subject land exchange request.
- A request was made for additional descriptors of the property to identify the subject properties more clearly for public review. DSL made the necessary changes to the maps.
- A DSL staff member commented regarding removal/fill law, indicating that a portion of the properties listed in the proposed transaction contain State protected mitigation sites. Any proposed work with the mitigation sites would most likely require State removal/fill authorization.

As the form of land transaction had shifted from a proposed exchange to a settlement agreement, the Department initiated a second public review and comment period from April 10, 2023 – May 10, 2023. This notice was sent to the same interested parties as the previous notice with the updated information, clarifying this is for a settlement

agreement. One comment was received, and the interested party raised concerns to ensure lands were not released that the Department has claim over.

RECOMMENDATION

The Department recommends that the State Land Board authorize the Department entering into a settlement agreement to exchange quitclaim deeds and permanent access easements with the Port of Portland to clear title of portions of West Hayden Island and establish the state ownership boundaries.

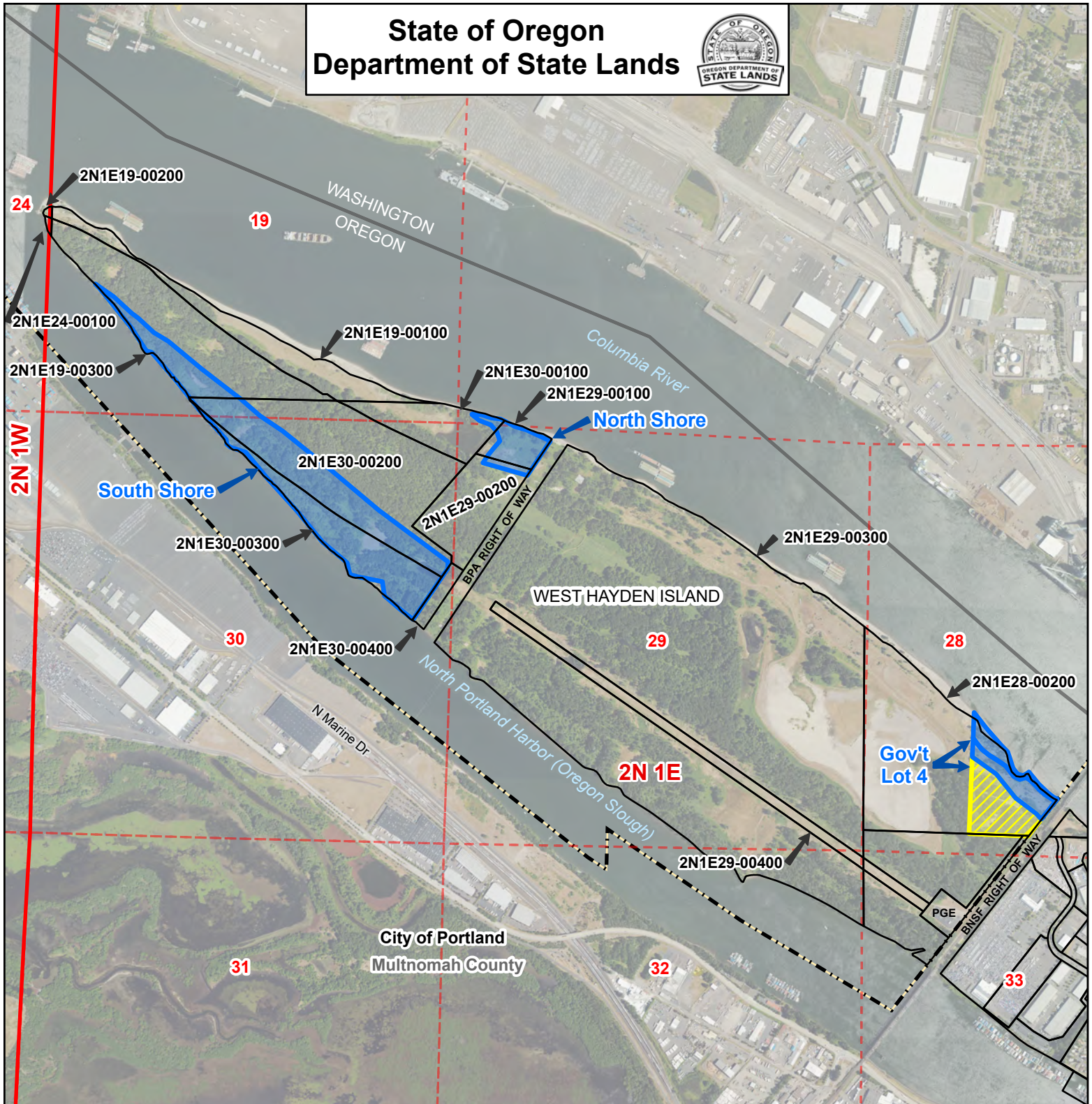
APPENDICES

Appendix A - Map

Appendix B – Draft Settlement Agreement

Appendix C – Public Comments

State of Oregon Department of State Lands



APPENDIX A

55904-LE Settlement Agreement
Between DSL and Port of Portland
T2N, R1E, Sec. 19, 28, 29, 30, and T2N, R1W, Sec. 24
Multnomah County

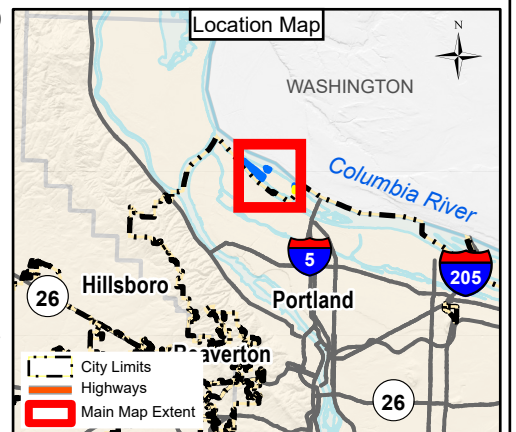
- Proposed Port of Portland Deed to DSL
- Proposed DSL Deed to Port of Portland
- Tax Lots
- Townships
- Sections
- City Limits

This map depicts the approximate location of a Department of State Lands settlement agreement. 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 1,000 2,000
Feet



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
951 SW Simpson Ave, Ste 104
Bend, OR 97702
541-388-6112
www.oregon.gov/DSL
Date: 9/15/2023



SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT (hereinafter, "Agreement") is made and entered into by and between the **PORT OF PORTLAND**, a Port district of the State of Oregon ("Port") and the State of Oregon, acting by and through the Department of State Lands ("State").

RECITALS

A. The Port is the owner of property known as "West Hayden Island" in Portland, Oregon.

B. The State is the owner of property on and adjacent to West Hayden Island.

C. The ownership of certain areas of West Hayden Island have been in dispute or in doubt for a number of years since the Port acquired its property on West Hayden Island from the James River Paper Company, Inc. in 1994 and Portland General Electric and affiliated entities in 1996.

D. The uncertainty relating to the ownership of certain areas of West Hayden Island is related to certain navigational improvements to flow in adjacent Oregon Slough and Columbia River and river dredging and filling with dredged materials.

E. The certain areas in question are generally identified on **Exhibit A** as the "South Shore", the "North Shore" and "Government Lot 4".

F. The Port and State agree the public interest would be served by clearing title relating to the property boundaries at the South Shore, the North Shore and Government Lot 4.

G. After extensive due diligence, the Port and State desire to settle the property boundaries for the South Shore, the North Shore and Government Lot 4 as stated in this Agreement.

H. Where the property boundary for the North Shore is set at the ordinary high water line, for illustrative purposes only, the property boundary is depicted on quit claim exhibits using the current elevation 20.7 feet, based upon the North American Vertical Datum 1988 (NAVD 88). The Port acknowledges and understands that the elevation of the ordinary high water line may change over time.

I. In addition, the Port desires to grant DSL certain access rights over designated easement areas to assure over-land upland access to DSL's properties from the City of Portland street rightofway to the east of the Burlington Northern Santa Fe railroad right of way and adjacent to certain property owned by Inland Sea Maritime Group LLC.

SETTLEMENT

1. EFFECTIVE DATE

The effective date of this Agreement is October __, 2023 ("Effective Date").

2. SETTLEMENT AND EXCHANGE OF QUIT CLAIM DEEDS

2.1 South Shore

At Closing, the parties agree to settle the ownership dispute over the South Shore by signing and recording the form of quit claim deed attached in **Exhibit B**, consistent with the State James River Paper Co Quit Claim Deed dated June 14, 1993, recorded in the official records of Multnomah County at Book 2714 Page 193.

2.2 North Shore

At Closing, the parties agree to settle the ownership dispute over the North Shore by signing and recording the form of quit claim deed attached in **Exhibit B** relinquishing any Port claim to ownership of property below the ordinary high water line consistent with the State James River Paper Co Quit Claim Deed dated June 14, 1993, recorded in the official records of Multnomah County at Book 2714 Page 193.

2.3 Government Lot 4

At Closing, the parties agree to settle the ownership dispute over Government Lot 4 by exchanging the forms of quit claim deeds attached in **Exhibits B and C** setting the property boundary at upland boundary legally described and depicted in the quit claim deeds. In addition, the Parties shall modify their respective easements, at their own cost, with the City of Portland, Port Agreements Nos. 1997-118 and 1998-149, and DSL Pipeline/Water Right Easement #8639 for the continued presence of the City's publicly owned treatment works facilities, to conform such agreements to the Port and DSL property boundary established under this Subsection 2.3.

3. ACCESS EASEMENT

In addition, the Port agrees to grant DSL certain access to DSL's upland properties on West Hayden Island by entering into the form of Easement and License attached in **Exhibit D**.

4. CONSIDERATION

The consideration for this Agreement is the mutual promises of the parties.

5. CLOSING

This transaction shall be promptly closed after both the State Land Board and the Executive Director of the Port of Portland approve this Agreement.

6. GENERAL PROVISIONS

6.1 Acknowledgment

The parties are entering into this Agreement voluntarily and each party has reviewed this Agreement and understands all of its terms and conditions. Each party acknowledges that they have received independent legal advice with regard to the rights or asserted rights arising out of the relationship between the parties and also with regard to the advisability of making and executing this Agreement. The parties further acknowledge that they have not relied upon any statement or representation, oral or written, made by any other party as to the facts involved nor the law in this matter or as to any of the rights of the parties to this Agreement.

6.2 Counterparts

This Agreement may be signed and notarized in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

6.3 Interpretation

This Agreement has been thoroughly negotiated between the parties; therefore, in the event of ambiguity, there shall be no presumption that such ambiguity should be construed against the drafter.

6.4 Choice of Law

This Agreement shall be governed, construed and enforced in accordance with the laws of the State of Oregon. Jurisdiction shall be with Multnomah County Courts or the Federal Court located in Portland, Oregon.

6.5 Severability

If any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions, or the application of such provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected, and each provision in this Agreement shall be valid and enforceable to the fullest extent permitted by law.

6.6 Entire Agreement

This Agreement represents the entire agreement between the Port and State relating to the subject matter of the Agreement. No claim for liability shall be asserted based on any claimed breach of any representations or promises not expressed in this Agreement. All oral agreements, if any, are void and expressly waived by the parties.

6.7 Full Authority

Each of the parties and signatories to this Agreement represents and warrants that each has the full right, power, legal capacity and authority to enter into and perform the parties' respective obligations and no approval or consents of any other person are necessary.

6.8 Attorney Fees

If a suit, action, or other proceeding of any nature whatsoever is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law. If the Port or State are required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review. Whenever this Agreement requires either party to defend the other, it is agreed that such defense shall be by legal counsel acceptable to the party to whom such defense is owed.

6.9 Recitals

The Recitals above are correct and incorporated into this Agreement.

[Signature Page Follows]

SIGNATURES

Entered into as of the Effective Date.

**STATE OF OREGON, BY AND
THROUGH THE DEPARTMENT OF
STATE LANDS**

THE PORT OF PORTLAND

By: _____

By: _____

Print Name: Vicki L. Walker

Print Name: Curtis Robinhold

As Its: Director

As Its: Executive Director

Date: _____

Date: _____

APPROVED FOR LEGAL SUFFICIENCY
FOR THE PORT:

By: _____

Counsel for Port of Portland

EXHIBIT A

General Location of Property at Issue

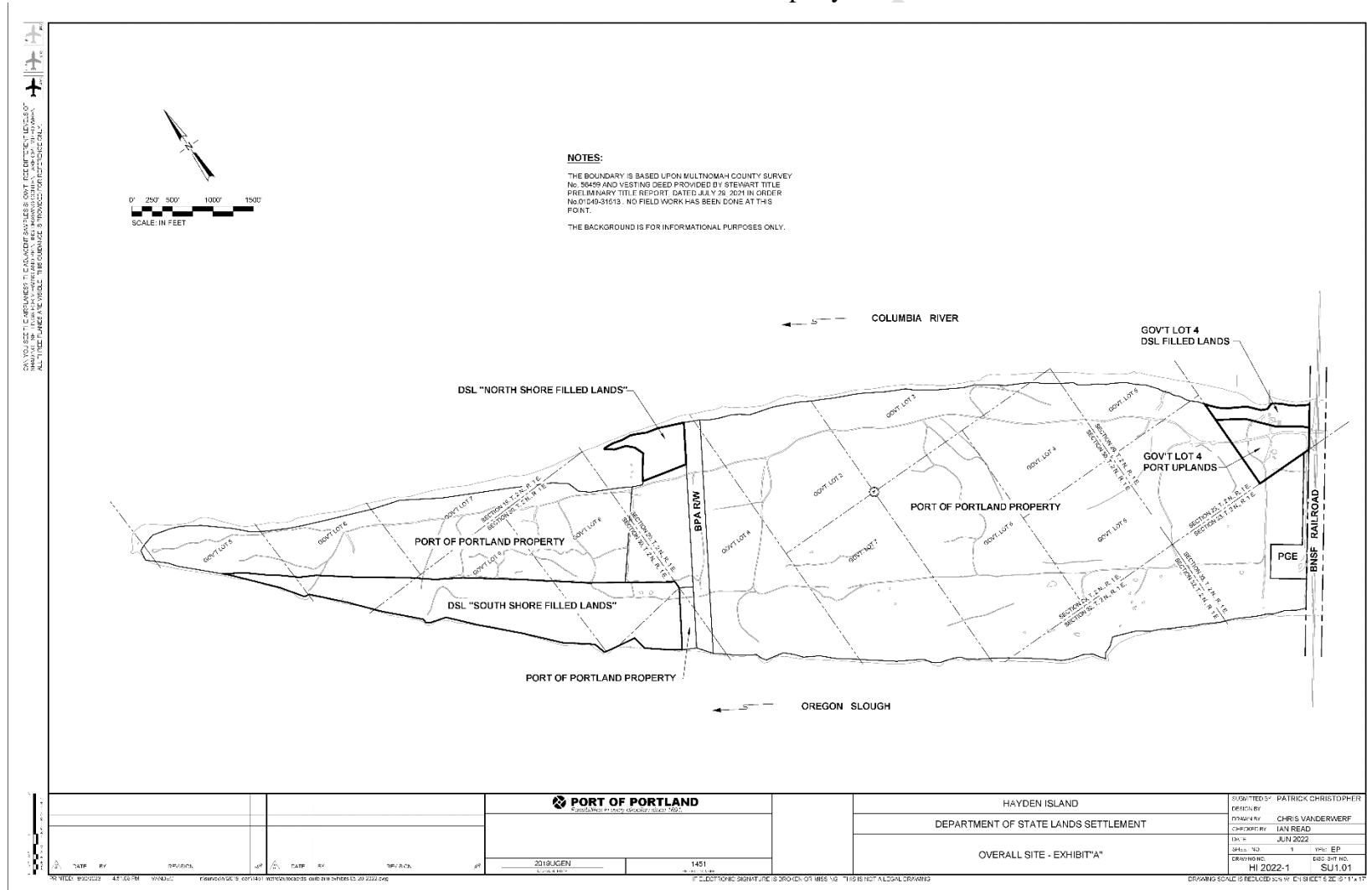


EXHIBIT B

AFTER RECORDING, RETURN TO:

The Department of State Lands
775 Summer St NE #100
Salem, OR 97301
Attention: _____

QUITCLAIM DEED

THE PORT OF PORTLAND, a port district of the State of Oregon, GRANTOR, for valuable and sufficient consideration, does hereby remise, release, and forever quitclaim to The State of Oregon, acting by and through the Department of State Lands, GRANTEE, all right, title, and interest, in and to portions of a Columbia River Island, also known as Hayden Island, situated in Sections 19, 28, 29 and 30 of Township 2 North, Range 1 East of the Willamette Meridian in Multnomah County, Oregon: said portions of Hayden Island being more particularly described in the following attachments:

Exhibit A – South Shore West of Bonneville Power Administration ("BPA") Right of Way
Exhibit B – North Shore West of BPA Right of Way
Exhibit C – Govt Lot 4 of Section 28

The elevation of the Ordinary High Water Line is approximately 20.7 feet, per the North American Vertical Datum of 1988 (NAVD88), or as it may be reestablished now or in the future.

This quitclaim deed does not guarantee that any particular use of the property can be made. GRANTEE must check with the appropriate local planning agency for determination of such uses.

GRANTOR:

THE PORT OF PORTLAND

By: _____

Name: _____

Its: _____

Dated: _____

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this _____ day of _____, 20____, this instrument was acknowledged before me by _____, as _____ of The Port of Portland, a Port District of the State of Oregon.

Notary Public for Oregon
My Commission Expires

APPROVED FOR LEGAL SUFFICIENCY
FOR THE PORT OF PORTLAND:

By: _____
Counsel for The Port of Portland

EXHIBIT A
South Shore West of BPA

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOTS 5 AND 6, SECTION 19 AND A PORTION OF GOVERNMENT LOTS 8 AND 9, SECTION 30, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

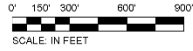
BEGINNING AT A 3-3/4-INCH DIAMETER BRASS DISK MONUMENT STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE MOST NORTHERLY CORNER OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT No. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE ALONG SAID SECTION LINE NORTH 01°38'54" EAST, 87.83 FEET TO A 1-1/2" IRON PIPE; THENCE, LEAVING SAID SECTION LINE AND RUNNING ALONG A LINE 30.00 FEET NORTH OF THE ORDINARY HIGH WATER LINE AS ESTABLISHED IN 1899 AND SHOWN ON THAT SURVEY PERFORMED BY MCQUINN & POWERS, DATED MARCH-APRIL 1922, (MULTNOMAH COUNTY SURVEY No. "G2/14") THE FOLLOWING COURSES AND DISTANCES: NORTH 53°22'47" WEST, 616.14 FEET TO A 3/4" IRON PIPE; THENCE NORTH 53°22'47" WEST, 457.26 FEET; THENCE NORTH 49°51'47" WEST, 773.53 FEET; THENCE NORTH 50°58'47" WEST, 773.35 FEET; THENCE NORTH 56°27'47" WEST, 340.04 FEET; THENCE NORTH 48°49'47" WEST, 310.30 FEET; THENCE NORTH 52°20'47" WEST, 609.34 FEET; THENCE NORTH 50°13'47" WEST, 548.42 FEET; THENCE NORTH 59°00'47" WEST, 210.50 FEET; THENCE NORTH 47°19'47" WEST, 263.56 FEET; THENCE NORTH 53°09'47" WEST, 100.00 FEET; THENCE NORTH 47°20'47" WEST, 309.64 FEET; THENCE NORTH 55°16'47" WEST, 275.31 FEET TO THE CURRENT ORDINARY HIGH WATER LINE; THENCE, LEAVING SAID 30.00-FOOT OFFSET TO THE 1899 ORDINARY HIGH WATER LINE AND RUNNING UPSTREAM ALONG THE ORDINARY HIGH WATER LINE OF THE RIGHT BANK OF THE OREGON SLOUGH, THE FOLLOWING TWENTY-TWO (22) COURSES: 1) SOUTH 43°10'18" EAST, 77.94 FEET; 2) SOUTH 39°02'36" EAST, 208.97 FEET; 3) SOUTH 38°44'27" EAST, 435.59 FEET; 4) SOUTH 32°47'54" EAST, 328.50 FEET; 5) SOUTH 77°24'28" EAST, 65.23 FEET; 6) SOUTH 40°53'44" EAST, 477.70 FEET; 7) SOUTH 38°08'24" EAST, 445.65 FEET; 8) SOUTH 42°11'23" EAST, 510.27 FEET; 9) SOUTH 04°10'45" EAST, 54.55 FEET; 10) SOUTH 49°11'59" EAST, 55.98 FEET; 11) SOUTH 71°55'26" EAST, 203.11 FEET; 12) SOUTH 39°27'52" EAST, 416.03 FEET; 13) SOUTH 42°11'42" EAST, 546.07 FEET; 14) SOUTH 39°34'26" EAST, 359.88 FEET; 15) SOUTH 39°46'44" EAST, 149.28 FEET; 16) SOUTH 49°52'05" EAST, 400.77 FEET; 17) SOUTH 12°51'15" EAST, 150.41 FEET; 18) SOUTH 75°05'39" EAST, 92.51 FEET; 19) SOUTH 78°27'49" EAST, 319.69 FEET; 20) SOUTH 08°00'37" EAST, 176.33 FEET; 21) SOUTH 48°57'08" EAST, 234.85 FEET; 22) SOUTH 51°49'33" EAST, 228.12 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 2; THENCE, DEPARTING THE ORDINARY HIGH WATER LINE OF THE OREGON SLOUGH AND RUNNING ALONG THE WESTERLY LINE OF SAID PARCEL 2, NORTH 34°22'50" EAST, 764.47 FEET TO THE **POINT OF BEGINNING**, CONTAINING 65.0 ACRES MORE OR LESS.

THE ORDINARY HIGH WATER LINE IS APPROXIMATELY AT ELEVATION 20.7 FEET, BASED UPON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), OR AS IT MAY BE RE-ESTABLISHED NOW OR IN THE FUTURE.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY No. 53696.



CAN YOU SEE THE AIRLINES? THE AIRLINES SHOW THREE OFFSHORE LEVELS OF SHALING. SETTINGS FOR VIBRATION AND PIVOT DRIVING COUPLER ARE OPTIMIZED WHEN ALL THREE AIRLINES ARE VISIBLE. THE AIRLINES ARE PROVIDED FOR REFERENCE ONLY.



SOUTH SHORE PROPERTY WEST OF BPA

A PORTION OF GOVERNMENT LOTS 5 AND 6, SECTION 19 AND A PORTION OF GOVERNMENT LOTS 8 AND 9, SECTION 30, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3-3/4-INCH DIAMETER BRASS DISK MONUMENT STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE MOST NORTHERLY CORNER OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT NO. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE ALONG SAID SECTION LINE NORTH 01°38'54" EAST, 67.83 FEET TO A 1-1/2" IRON PIPE; THENCE, LEAVING SAID SECTION LINE AND RUNNING ALONG A LINE 30.00 FEET NORTH OF THE ORDINARY HIGH WATER LINE AS ESTABLISHED IN 1989 AND SHOWN ON THAT SURVEY PERFORMED BY MCQUINN & POWERS, DATED MARCH-APRIL 1922, (MULTNOMAH COUNTY SURVEY NO. "G214") THE FOLLOWING COURSES AND DISTANCES: NORTH 53°22'47" WEST, 616.14 FEET TO A 3/4" IRON PIPE; THENCE NORTH 53°22'47" WEST, 457.26 FEET; THENCE NORTH 49°51'47" WEST, 773.53 FEET; THENCE NORTH 50°58'47" WEST, 773.35 FEET; THENCE NORTH 50°27'47" WEST, 340.04 FEET; THENCE NORTH 48°49'47" WEST, 310.30 FEET; THENCE NORTH 52°20'47" WEST, 609.34 FEET; THENCE NORTH 50°13'47" WEST, 548.42 FEET; THENCE NORTH 59°00'47" WEST, 210.50 FEET; THENCE NORTH 47°19'47" WEST, 263.59 FEET; THENCE NORTH 53°09'47" WEST, 100.00 FEET; THENCE NORTH 47°20'47" WEST, 309.64 FEET; THENCE NORTH 55°16'47" WEST, 275.31 FEET TO THE CURRENT ORDINARY HIGH WATER LINE; THENCE, LEAVING SAID 30.00-FOOT OFFSET TO THE 1989 ORDINARY HIGH WATER LINE AND RUNNING UPSTREAM ALONG THE ORDINARY HIGH WATER LINE OF THE RIGHT BANK OF THE OREGON SLOUGH, THE FOLLOWING TWENTY-TWO (22) COURSES: 1) SOUTH 43°10'18" EAST, 77.94 FEET; 2) SOUTH 39°02'38" EAST, 208.97 FEET; 3) SOUTH 38°44'27" EAST, 435.59 FEET; 4) SOUTH 32°47'54" EAST, 328.50 FEET; 5) SOUTH 77°24'28" EAST, 65.23 FEET; 6) SOUTH 40°53'44" EAST, 477.70 FEET; 7) SOUTH 38°08'24" EAST, 445.65 FEET; 8) SOUTH 42°11'23" EAST, 510.27 FEET; 9) SOUTH 04°10'45" EAST, 54.55 FEET; 10) SOUTH 49°11'59" EAST, 55.98 FEET; 11) SOUTH 71°55'28" EAST, 203.11 FEET; 12) SOUTH 39°27'52" EAST, 416.03 FEET; 13) SOUTH 42°11'42" EAST, 546.07 FEET; 14) SOUTH 38°34'28" EAST, 359.88 FEET; 15) SOUTH 39°48'44" EAST, 149.28 FEET; 16) SOUTH 49°52'06" EAST, 400.77 FEET; 17) SOUTH 12°51'15" EAST, 150.41 FEET; 18) SOUTH 75°05'39" EAST, 92.51 FEET; 19) SOUTH 78°27'49" EAST, 319.69 FEET; 20) SOUTH 08°00'37" EAST, 176.33 FEET; 21) SOUTH 48°57'08" EAST, 234.85 FEET; 22) SOUTH 51°49'33" EAST, 228.12 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 2; THENCE, DEPARTING THE ORDINARY HIGH WATER LINE OF THE OREGON SLOUGH AND RUNNING ALONG THE WESTERLY LINE OF SAID PARCEL 2, NORTH 34°22'50" EAST, 764.47 FEET TO THE **POINT OF BEGINNING**, CONTAINING 65.0 ACRES MORE OR LESS.

THE ORDINARY HIGH WATER LINE IS APPROXIMATELY AT ELEVATION 20.7 FEET, BASED UPON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), OR AS IT MAY BE RE-ESTABLISHED NOW OR IN THE FUTURE.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NO. 53696.

NOTES:

THE BOUNDARY IS BASED UPON MULTNOMAH COUNTY SURVEY NO. 53696 & 56450 AND VESTING DEED PROVIDED BY STEWART TITLE PRELIMINARY TITLE REPORT, DATED JULY 29, 2021 IN ORDER NO. 01049-31513.

NO FIELD WORK HAS BEEN DONE AT THIS POINT.

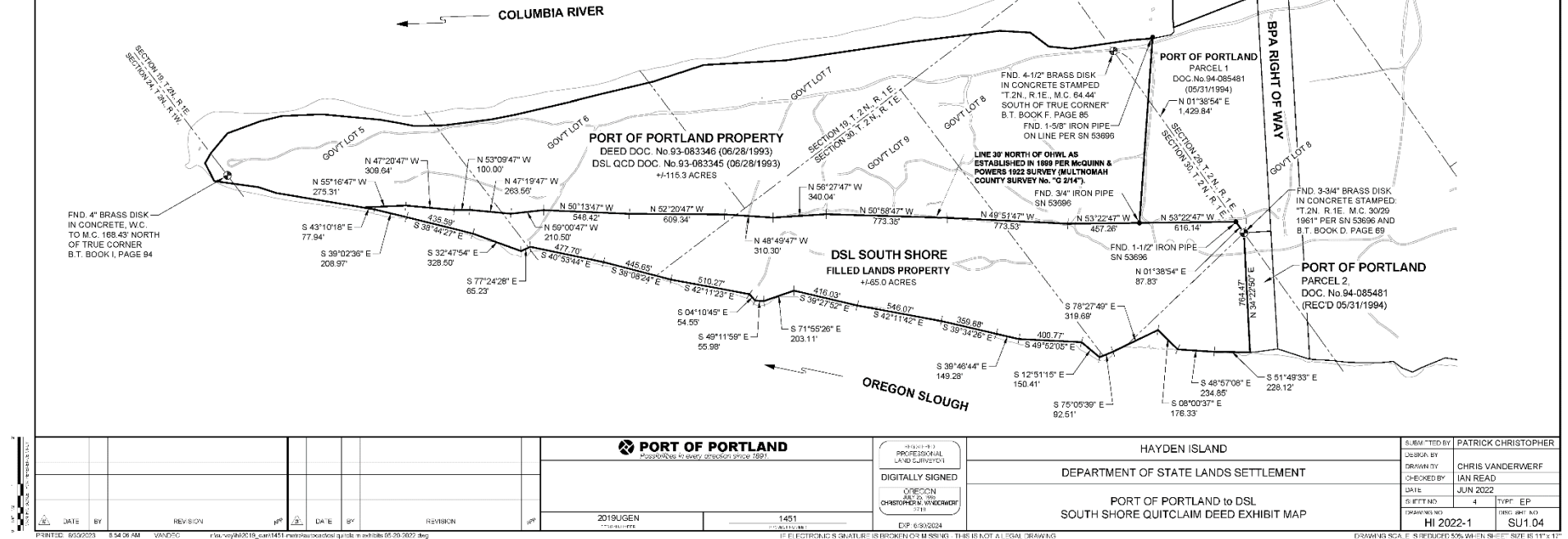


EXHIBIT B
North Shore West of BPA

LEGAL DESCRIPTION

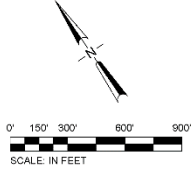
A PORTION OF GOVERNMENT LOT 8 AND THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, LYING ABOVE THE ORDINARY HIGH WATER LINE THAT IS NORTHERLY OF THE GLO MEANDER LINE AND WESTERLY OF THE BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-3/4-INCH DIAMETER BRASS DISK MONUMENT STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE MOST SOUTHERLY-SOUTHWEST CORNER OF PARCEL 1 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT No. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE, ALONG THE MEANDER LINE OF THE RIGHT BANK OF THE OREGON SLOUGH, SOUTH 56°38'31" EAST, 172.68 FEET TO THE WESTERLY LINE OF THE U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY LINE, NORTH 33°56'45" EAST, 1511.83 FEET TO A POINT ON THE GLO MEANDER LINE OF THE LEFT BANK OF THE COLUMBIA RIVER AND THE **TRUE POINT OF BEGINNING**; THENCE, DEPARTING SAID WESTERLY LINE AND RUNNING ALONG SAID MEANDER LINE, NORTH 74°05'22" WEST, 571.77 FEET TO THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER; THENCE, DEPARTING SAID MEANDER LINE AND RUNNING ALONG SAID ORDINARY HIGH WATER LINE THE FOLLOWING EIGHTEEN (18) COURSES: 1) NORTH 32°12'35" EAST, 57.56 FEET; 2) THENCE NORTH 35°43'06" EAST, 61.95 FEET; 3) THENCE NORTH 37°18'57" EAST, 47.19 FEET; 4) THENCE NORTH 40°26'44" EAST, 63.43 FEET; 5) THENCE NORTH 40°14'39" EAST, 112.62 FEET; 6) THENCE NORTH 18°05'04" WEST, 125.43 FEET; 7) THENCE NORTH 41°41'24" WEST, 110.85 FEET; 8) THENCE NORTH 69°51'28" WEST, 150.45 FEET; 9) THENCE NORTH 51°23'10" WEST, 120.33 FEET; 10) THENCE NORTH 14°53'54" EAST, 6.24 FEET; 11) THENCE NORTH 73°07'37" EAST, 15.75 FEET; 12) THENCE SOUTH 82°43'20" EAST, 102.59 FEET; 13) THENCE SOUTH 73°03'51" EAST, 132.33 FEET; 14) THENCE SOUTH 82°35'13" EAST, 110.80 FEET; 15) THENCE SOUTH 65°09'02" EAST, 70.52 FEET; 16) THENCE SOUTH 61°15'02" EAST, 131.82 FEET; 17) THENCE SOUTH 73°46'48" EAST, 147.48 FEET; 18) THENCE SOUTH 65°05'25" EAST, 330.97 FEET TO THE WESTERLY LINE OF SAID U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY LINE; THENCE, DEPARTING SAID ORDINARY HIGH WATER LINE AND RUNNING ALONG SAID WESTERLY LINE, SOUTH 33°56'45" WEST, 515.41 FEET TO THE **POINT OF BEGINNING**, CONTAINING 8.0 ACRES MORE OR LESS.

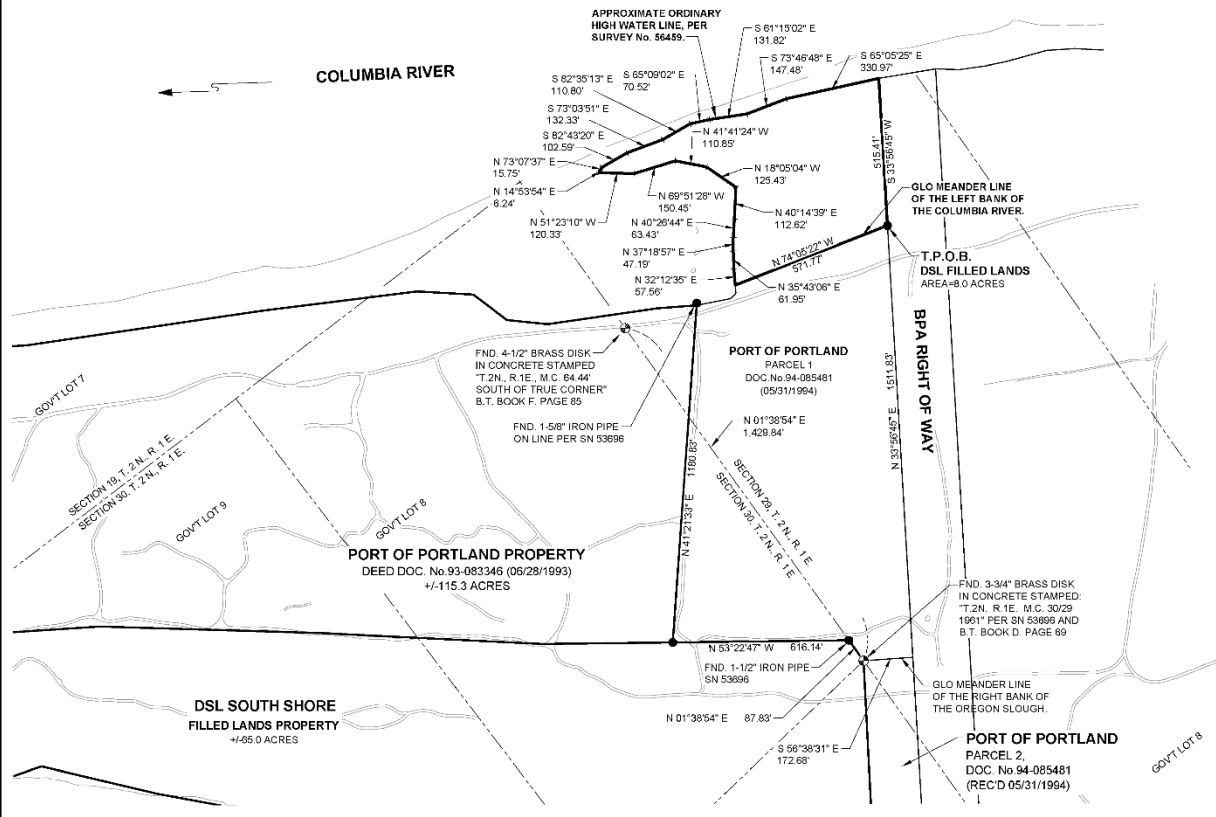
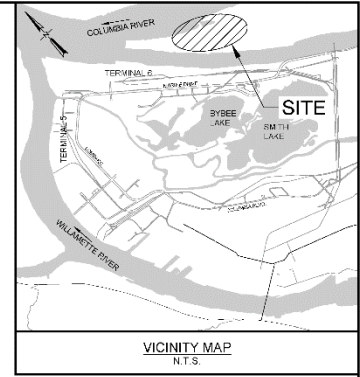
THE ORDINARY HIGH WATER LINE IS APPROXIMATELY AT ELEVATION 20.7 FEET, BASED UPON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), OR AS IT MAY BE RE-ESTABLISHED NOW OR IN THE FUTURE.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY No. 56459.

CAUTION: SEE THE APPROPRIATE "SOURCES" TABS FOR THE THREE DIFFERENT LEVELS OF SHADING. BEARING FOR EMBLING AND PRINTING DRAWING CONTENT ARE OBTAINED WHEN ALL THREE TABS ARE VISIBLE. THIS DRAFT IS PROVIDED FOR INFORMATION ONLY.



NOTES:
THE BOUNDARY IS BASED UPON MULTNOMAH COUNTY SURVEY No. 53696 & 56459. NO FIELD WORK HAS BEEN DONE AT THIS POINT.
THE VESTING DEEDS IN THIS DRAWING ARE BASED UPON STEWART TITLE PRELIMINARY TITLE REPORT, DATED JULY 29, 2021 IN ORDER No.01049-31513.
THE BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.



NORTH SHORE DSL PROPERTY WEST OF BPA

A PORTION OF GOVERNMENT LOT 8 AND THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, LYING ABOVE THE ORDINARY HIGH WATERLINE THAT IS NORTHERLY OF THE GLO MEANDER LINE AND WESTERLY OF THE BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-3/4-INCH DIAMETER BRASS DISK MONUMENT STAMPED "T.2N. R.1E. M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE MOST SOUTHERLY-SOUTHWEST CORNER OF PARCEL 1 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT No. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS, THENCE, ALONG THE MEANDERLINE OF THE RIGHT BANK OF THE OREGON SLOUGH, SOUTH 56°38'31" EAST, 172.68 FEET TO THE WESTERLY LINE OF THE U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY LINE, NORTH 33°56'45" EAST, 1511.83 FEET TO A POINT ON THE GLO MEANDERLINE OF THE LEFT BANK OF THE COLUMBIA RIVER AND THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID WESTERLY LINE AND RUNNING ALONG SAID MEANDERLINE, NORTH 74°05'22" WEST, 571.77 FEET TO THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER; THENCE, DEPARTING SAID MEANDERLINE AND RUNNING ALONG SAID ORDINARY HIGH WATER LINE THE FOLLOWING EIGHTEEN (18) COURSES: 1) NORTH 32°12'35" EAST, 57.58 FEET; 2) THENCE NORTH 35°43'08" EAST, 61.95 FEET; 3) THENCE NORTH 37°18'57" EAST, 47.19 FEET; 4) THENCE NORTH 40°26'44" EAST, 63.43 FEET; 5) THENCE NORTH 40°14'39" EAST, 112.62 FEET; 6) THENCE NORTH 18°05'04" WEST, 125.43 FEET; 7) THENCE NORTH 41°14'24" WEST, 110.85 FEET; 8) THENCE NORTH 69°51'28" WEST, 150.45 FEET; 9) THENCE NORTH 51°23'10" WEST, 120.33 FEET; 10) THENCE NORTH 14°53'54" EAST, 6.24 FEET; 11) THENCE NORTH 73°07'37" EAST, 15.75 FEET; 12) THENCE SOUTH 82°43'20" EAST, 102.59 FEET; 13) THENCE SOUTH 73°03'51" EAST, 132.33 FEET; 14) THENCE SOUTH 82°35'13" EAST, 110.80 FEET; 15) THENCE SOUTH 65°09'02" EAST, 70.52 FEET; 16) THENCE SOUTH 61°15'02" EAST, 131.82 FEET; 17) THENCE SOUTH 73°46'48" EAST, 147.46 FEET; 18) THENCE SOUTH 65°05'25" EAST, 330.97 FEET TO THE WESTERLY LINE OF SAID U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY LINE, THENCE, DEPARTING SAID ORDINARY HIGH WATER LINE AND RUNNING ALONG SAID WESTERLY LINE, SOUTH 33°56'45" WEST, 515.41 FEET TO THE POINT OF BEGINNING, CONTAINING 8.0 ACRES MORE OR LESS.

THE ORDINARY HIGH WATER LINE IS APPROXIMATELY AT ELEVATION 20.7 FEET, BASED UPON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), OR AS IT MAY BE RE-ESTABLISHED NOW OR IN THE FUTURE.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY No. 56459.

DATE				BY				REVISION				DATE				BY				REVISION			
2019JUGEN				1451				2019JUGEN				1451				2019JUGEN				1451			
PRINTED: 8/23/2023				8:57:54 AM				VANDOC				r:\survey\2023\19_sam1451\multnomah\exhibit b to quitclaim deed 05-20-2023.dwg				2019JUGEN				1451			
SUBMITTED BY				DESIGN BY				DRAWN BY				CHECKED BY				DATE				DATE			
PATRICK CHRISTOPHER				CHRIS VANDERWERF				IAN READ				JUN 2022				DATE				DATE			
HI 2022-1				SU1.06				DATE				DATE				DATE				DATE			
HI 2022-1				SU1.06				DATE				DATE				DATE				DATE			

EXHIBIT C
Govt Lot 4 of Section 28

LEGAL DESCRIPTION

ALL OF THAT LAND LYING ABOVE THE EXISTING ORDINARY HIGH WATER LINE AND BELOW THE ORDINARY HIGH WATERLINE AS ESTABLISHED BY THE W.H. BELL SURVEY DATED OCTOBER, 1908 IN MULTNOMAH COUNTY SURVEY No. "G2-9" IN GOVERNMENT LOT 4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN MULTNOMAH COUNTY, OREGON, AND LYING WESTERLY OF THAT 200-FOOT-WIDE STRIP OF LAND DESCRIBED IN DEED TO BURLINGTON NORTHERN SANTA-FE RAILROAD COMPANY (FORMERLY PORTLAND & PUGET SOUND RAILROAD COMPANY), RECORDED AUGUST 2, 1890, IN DEED BOOK 145, PAGE 112, MULTNOMAH COUNTY DEED RECORDS, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHWEST CORNER OF SAID SECTION 28 AND SHOWN IN B.T. BOOK "G", PAGE 12; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28, SOUTH 87°35'39" EAST, 1,315.29 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4; THENCE, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4, NORTH 02°24'03" EAST, 955.48 FEET TO THE ORDINARY HIGH WATERLINE AS ESTABLISHED BY SAID W.H. BELL SURVEY AND THE **TRUE POINT OF BEGINNING**;

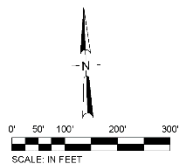
THENCE, CONTINUING ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4, NORTH 02°24'03" EAST, 236.43 FEET TO THE EXISTING ORDINARY HIGH WATERLINE OF THE LEFT BANK OF THE COLUMBIA RIVER; THENCE, ALONG THE EXISTING ORDINARY HIGH WATERLINE THE FOLLOWING COURSES: 1) SOUTH 34°33'25" EAST, 19.34 FEET; 2) SOUTH 36°20'33" EAST, 51.20 FEET; 3) SOUTH 39°15'28" EAST, 110.00 FEET; 4) SOUTH 50°53'37" EAST, 117.36 FEET; 5) SOUTH 58°21'42" EAST, 98.29 FEET; 6) SOUTH 57°18'40" EAST, 83.96 FEET; 7) SOUTH 52°29'13" EAST, 59.73 FEET; 8) SOUTH 39°44'31" EAST, 57.66 FEET; 9) SOUTH 38°09'33" EAST, 106.77 FEET; 10) SOUTH 62°37'17" EAST, 81.23 FEET; 11) NORTH 73°19'39" EAST, 82.04 FEET; 12) SOUTH 56°25'52" EAST, 53.16 FEET; 13) SOUTH 47°32'05" EAST, 97.97 FEET; 14) SOUTH 40°56'24" EAST, 71.18 FEET; 15) SOUTH 48°27'36" EAST, 48.83 FEET; 16) SOUTH 50°51'55" EAST, 43.75 FEET; 17) SOUTH 56°32'59" EAST, 105.56 FEET; 18) SOUTH 59°35'59" EAST, 54.22 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN SANTA-FE RAILROAD PROPERTY; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 38°13'42" WEST, 285.48 FEET TO THE SAID W.H. BELL SURVEYED ORDINARY HIGH WATERLINE THE FOLLOWING FOUR (4) COURSES: 1) NORTH 42°46'39" WEST, 89.90 FEET; 2) NORTH 52°35'39" WEST, 326.00 FEET; 3) NORTH 38°50'39" WEST, 383.00 FEET; 4) NORTH 54°35'39" WEST, 366.60 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.614 ACRES MORE OR LESS.

TOGETHER WITH ALL OF THAT LAND LYING BELOW THE EXISTING ORDINARY HIGH WATERLINE ALONG THE LEFT BANK OF THE COLUMBIA RIVER ADJACENT TO SAID GOVERNMENT LOT 4.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NO. 56459.

DRAFT

THIS MAP IS A PRELIMINARY TITLE REPORT. IT IS NOT A LEGAL DOCUMENT. IT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.



PORT OF PORTLAND to DSL QUITCLAIM DEED

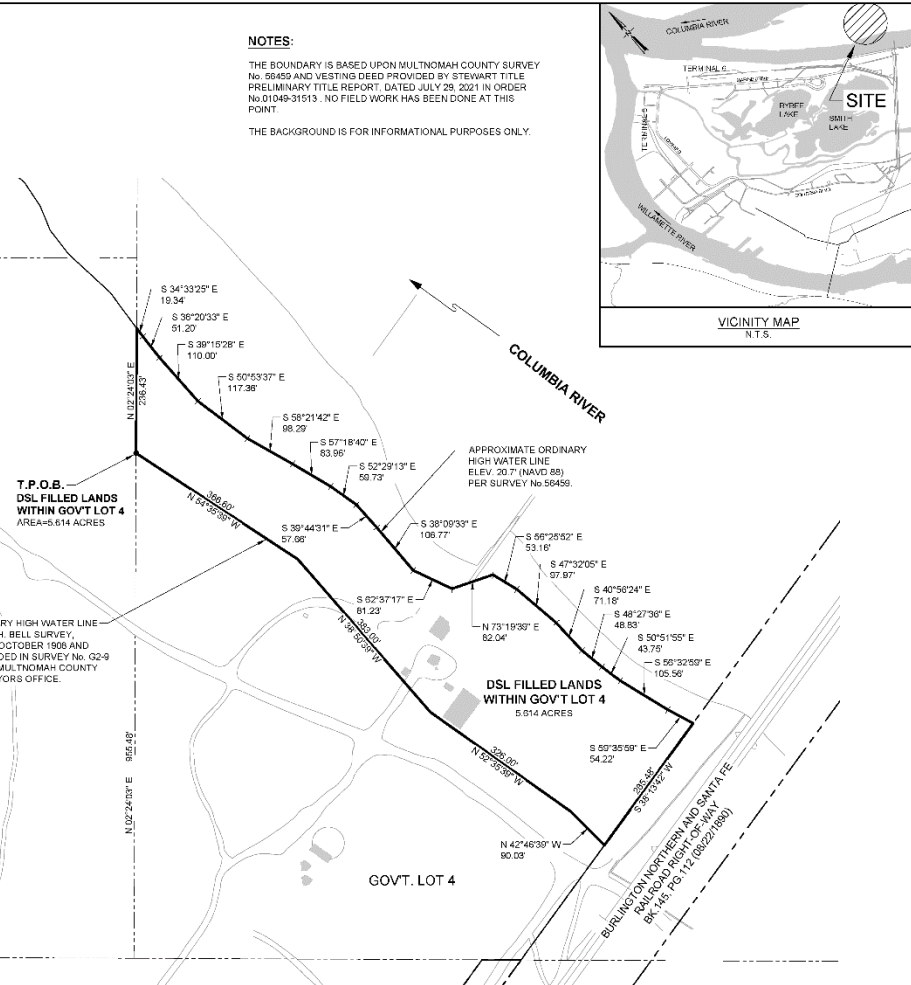
ALL OF THAT LAND LYING ABOVE THE EXISTING ORDINARY HIGH WATER LINE AND BELOW THE ORDINARY HIGH WATERLINE AS ESTABLISHED BY THE W.H. BELL SURVEY DATED OCTOBER, 1908 IN MULTNOMAH COUNTY SURVEY No. "G2-9" IN GOVERNMENT LOT 4 OF SECTION 28 TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN MULTNOMAH COUNTY, OREGON, AND LYING WESTERLY OF THAT 200-FOOT-WIDE STRIP OF LAND DESCRIBED IN DEED TO BURLINGTON NORTHERN SANTA-FE RAILROAD COMPANY (FORMERLY PORTLAND & PUGET SOUND RAILROAD COMPANY), RECORDED AUGUST 2, 1890, IN DEED BOOK 145, PAGE 112, MULTNOMAH COUNTY DEED RECORDS, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHWEST CORNER OF SAID SECTION 28 AND SHOWN IN B.T. BOOK "G", PAGE 12, THENCE ALONG THE SOUTH LINE OF SAID SECTION 28, SOUTH 87°35'39" EAST, 1,315.29 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4, THENCE, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4, NORTH 02°24'03" EAST, 955.45 FEET TO THE ORDINARY HIGH WATERLINE AS ESTABLISHED BY SAID W.H. BELL SURVEY AND THE TRUE POINT OF BEGINNING.

THENCE, CONTINUING ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4, NORTH 02°24'03" EAST, 238.43 FEET TO THE EXISTING ORDINARY HIGH WATERLINE OF THE LEFT BANK OF THE COLUMBIA RIVER, THENCE, ALONG THE EXISTING ORDINARY HIGH WATERLINE, THE FOLLOWING COURSES: 1) SOUTH 34°33'29" EAST, 19.34 FEET; 2) SOUTH 36°20'33" EAST, 51.20 FEET; 3) SOUTH 39°15'28" EAST, 110.00 FEET; 4) SOUTH 50°53'37" EAST, 117.36 FEET; 5) SOUTH 58°21'42" EAST, 98.28 FEET; 6) SOUTH 67°18'40" EAST, 83.96 FEET; 7) SOUTH 52°29'13" EAST, 59.73 FEET; 8) SOUTH 39°44'31" EAST, 57.66 FEET; 9) SOUTH 38°09'33" EAST, 106.77 FEET; 10) SOUTH 62°37'17" EAST, 81.23 FEET; 11) NORTH 73°19'39" EAST, 82.04 FEET; 12) SOUTH 58°28'52" EAST, 53.19 FEET; 13) SOUTH 47°32'05" EAST, 97.97 FEET; 14) SOUTH 40°56'24" EAST, 71.19 FEET; 15) SOUTH 46°27'36" EAST, 48.83 FEET; 16) SOUTH 50°51'55" EAST, 43.75 FEET; 17) SOUTH 55°32'59" EAST, 105.56 FEET; 18) SOUTH 59°35'59" EAST, 54.22 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN SANTA-FE RAILROAD PROPERTY; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 38°13'42" WEST, 285.48 FEET TO THE SAID W.H. BELL SURVEYED ORDINARY HIGH WATERLINE THE FOLLOWING FOUR (4) COURSES: 1) NORTH 42°46'39" WEST, 50.03 FEET; 2) NORTH 82°35'39" WEST, 328.00 FEET; 3) NORTH 38°50'39" WEST, 383.00 FEET; 4) NORTH 54°35'39" WEST, 388.60 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.614 ACRES MORE OR LESS.

TOGETHER WITH ALL OF THAT LAND LYING BELOW THE EXISTING ORDINARY HIGH WATERLINE ALONG THE LEFT BANK OF THE COLUMBIA RIVER ADJACENT TO SAID GOVERNMENT LOT 4.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NO. 56459.



PORT OF PORTLAND <small>possibilities in every direction since 1891</small>				HAYDEN ISLAND				SUBMITTED BY: PATRICK CHRISTOPHER			
DIGITALLY SIGNED				DEPARTMENT OF STATE LANDS SETTLEMENT				DESIGNED BY: CHRIS VANDERWERF			
2019UGEN				PORT OF PORTLAND to DSL				CHECKED BY: IAN READ			
1451				GOVT LOT 4 QUITCLAIM DEED EXHIBIT MAP				DATE: JUN 2022			
DATE: 06/20/22				SHEET NO: 3				TYPE: EP			
DATE: 06/20/22				DRAWN BY: HI-2022-1				DATE: 06/20/22			
DATE: 06/20/22				SHEET NO: 3				TYPE: EP			
DATE: 06/20/22				DRAWN BY: HI-2022-1				DATE: 06/20/22			

EXHIBIT C

AFTER RECORDING, RETURN TO:

Port of Portland
PO Box 3529
Portland, LR 97208

QUITCLAIM DEED

THE STATE OF OREGON, acting by and through the Department of State Lands, GRANTOR, for valuable and sufficient consideration, does hereby remise, release, and forever quitclaim to The Port of Portland, a port district of the State of Oregon, GRANTEE, all right, title, and interest, in and to portions of a Columbia River Island, also known as Hayden Island, situated in Township 2 North, Range 1 East of the Willamette Meridian in Multnomah County, Oregon: said portions of Hayden Island being more particularly described on attached Exhibit A.

This quitclaim deed does not guarantee that any particular use of the property can be made. GRANTEE must check with the appropriate local planning agency for determination of such uses.

Approved by the State Land Board at its regular meeting of _____.

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

By:

Title:

Dated this ____ day of _____,
20____

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On this _____ day of _____, 20____, this instrument was acknowledged before me by
_____, as _____ for the
Department of State Lands, on behalf of the State of Oregon.

Notary Public for Oregon
My Commission Expires

EXHIBIT A
Gov't Lot 4, Section 28

LEGAL DESCRIPTION

ALL OF THAT LAND LYING ABOVE THE ORDINARY HIGH WATER LINE IN GOVERNMENT LOT 4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN MULTNOMAH COUNTY, OREGON, AS ESTABLISHED BY THE W.H. BELL SURVEY DATED OCTOBER, 1908 IN MULTNOMAH COUNTY SURVEY No. "G2-9" AND LYING WESTERLY OF THAT 200-FOOT-WIDE STRIP OF LAND DESCRIBED IN DEED TO BURLINGTON NORTHERN SANTA-FE RAILROAD COMPANY (FORMERLY PORTLAND & PUGET SOUND RAILROAD COMPANY), RECORDED AUGUST 2, 1890, IN DEED BOOK 145, PAGE 112, MULTNOMAH COUNTY DEED RECORDS, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

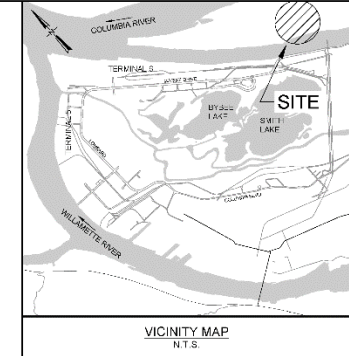
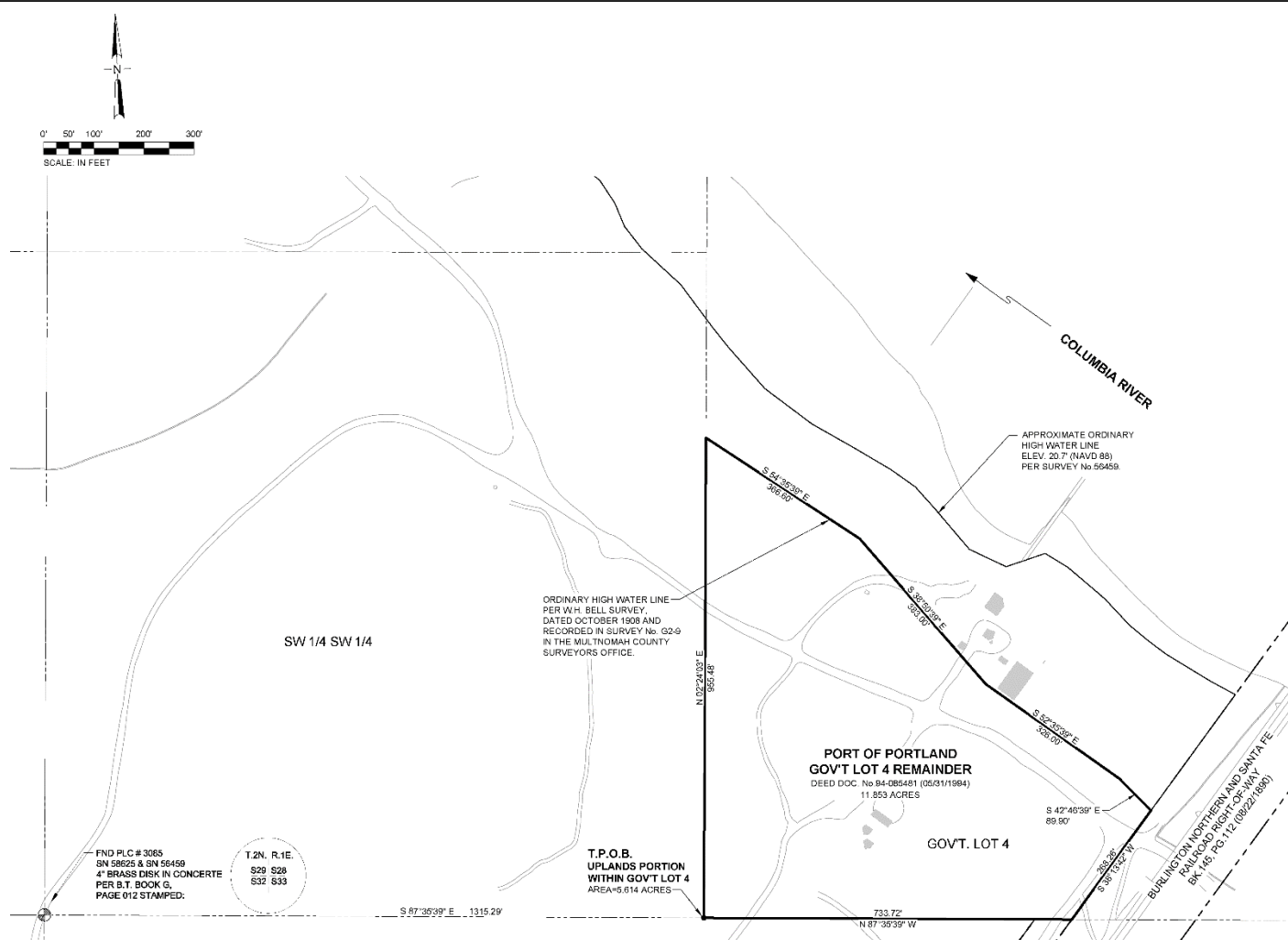
COMMENCING AT A 4-INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHWEST CORNER OF SAID SECTION 28 AND SHOWN IN B.T. BOOK "G", PAGE 12; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28, SOUTH 87°35'39" EAST, 1,315.29 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4 AND THE **TRUE POINT OF BEGINNING**; THENCE, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4, NORTH 02°24'03" EAST, 955.48 FEET TO THE ORDINARY HIGH WATERLINE AS ESTABLISHED BY SAID W.H. BELL SURVEY; THENCE, ALONG THE W.H. BELL SURVEYED ORDINARY HIGH WATERLINE THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 54°35'39" EAST, 366.60 FEET; 2) SOUTH 38°50'39" EAST, 383.00 FEET; 3) SOUTH 52°35'39" EAST, 326.00 FEET; 4) SOUTH 42°46'39" EAST, 89.90 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN SANTA-FE RAILROAD PROPERTY; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 38°13'42" WEST, 268.26 FEET TO THE SOUTH LINE OF SAID SECTION 28; THENCE, ALONG THE SOUTH LINE OF SAID SECTION 28, NORTH 87°35'39" WEST, 733.72 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 11.853 ACRES MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NO. 56459.

DO NOT SCALE THIS MAP. THE ADJACENT SURVEYS SHOWN HEREIN ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN TO IDENTIFY THE LOCATION OF THE SUBJECT PROPERTY. THE ADJACENT SURVEYS SHOWN HEREIN ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN TO IDENTIFY THE LOCATION OF THE SUBJECT PROPERTY.



0' 50' 100' 200' 300'
SCALE: IN FEET



DSL to PORT OF PORTLAND QUITCLAIM DESCRIPTION

ALL OF THAT LAND LYING ABOVE THE ORDINARY HIGH WATER LINE IN GOVERNMENT LOT 4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN MULTNOMAH COUNTY, OREGON, AS ESTABLISHED BY THE W.H. BELL SURVEY DATED OCTOBER, 1908 IN MULTNOMAH COUNTY SURVEY No. 55459 AND LYING WESTERLY OF THAT 200-FOOT-WIDE STRIP OF LAND DESCRIBED IN DEED TO BURLINGTON NORTHERN SANTA-FE RAILROAD COMPANY (FORMERLY PORTLAND & PUGET SOUND RAILROAD COMPANY), RECORDED AUGUST 2, 1880, IN DEED BOOK 145, PAGE 112, MULTNOMAH COUNTY DEED RECORDS, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHWEST CORNER OF SAID SECTION 28 AND SHOWN IN B.T. BOOK 151, PAGE 12; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28, SOUTH 87°35'39\"/>

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NO. 56459.

NOTES:

THE BOUNDARY IS BASED UPON MULTNOMAH COUNTY SURVEY NO. 56459 AND VESTING DEED PROVIDED BY STEWART TITLE PRELIMINARY TITLE REPORT, DATED JULY 28, 2021 IN ORDER NO. 01049-31513. NO FIELD WORK HAS BEEN DONE AT THIS POINT.

THE BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.

PORT OF PORTLAND
PORTLAND, OREGON

PROFESSIONAL
LAND SURVEYOR
DIGITALLY SIGNED
CHRISTOPHER V. VANDERWERF
2733

HAYDEN ISLAND

DEPARTMENT OF STATE LANDS SETTLEMENT

DSL to PORT OF PORTLAND
GOVT LOT 4 QUITCLAIM DEED EXHIBIT MAP

SURVEYED BY: PATRICK CHRISTOPHER
DESIGN BY:
DRAWN BY: CHRIS VANDERWERF
CHECKED BY: IAN READ
DATE: JUL 2023
SHEET NO: 2 OF 2
DATE: HI 2022-1
DATE: SU 102

EXHIBIT D

DSL Access Easement and License

After recording return to:

The Department of State Lands
775 Summer St NE #100
Salem, OR 97301
Attention: _____

ACCESS EASEMENT AND LICENSE

This ACCESS EASEMENT AND LICENSE ("Easement and License") is made between The Port of Portland, a port district of the State of Oregon ("Port"), and the State of Oregon, by and through the Department of State Lands ("DSL").

RECITALS

A. Port is the owner of the real property located in Multnomah County, Oregon, and described and depicted on attached Exhibit A (the "Port Property") along with other property on West Hayden Island to the west of the Bonneville Power Right of Way across West Hayden Island.

B. The Port also holds easement rights through the Burlington Northern Santa Fe ("BNSF") right of way adjacent to the Port Property, by virtue of the Quitclaim Deed between Burlington Northern Railway Company and Glacier Park Company dated January 20, 1989, recorded in the official records of Multnomah County at Book 2220 Page 761 (the "Port's BNSF Easement") and through the property owned by Inland Sea Maritime Group LLC by virtue of the Easement Agreement between J. Michael Gray and Mary H. Gray and Columbia Willamette Development Company recorded in the official records of Multnomah County at Book 2780 Page 2208 (the "Port's Inland Sea Easement") (collectively "Exhibit B").

C. The Port desires to grant DSL a perpetual, nonexclusive easement for ingress and egress over the Port Easement Areas depicted on Exhibit C.

D. The Port also desires to grant DSL a nonexclusive license to use the Port's BNSF Easement and the Port's Inland Sea Easement, Exhibit B, subject to all of the terms and conditions, and for the duration, of the Port's BNSF Easement and the Port's Inland Sea Easement.

AGREEMENT

7. EFFECTIVE DATE

This Easement and License is effective _____, 2023 ("Effective Date").

8. GRANT OF ACCESS EASEMENTS AND LICENSE

8.1 Access Easement for Port Property

Port grants DSL and its Representatives a nonexclusive, perpetual access easement, subject to all existing easements, encumbrances and restrictions of record, in, on, under, over, and across the Easement Areas legally described and depicted on Exhibit C for the purpose of ingress and egress to and from the DSL Property.

8.2 Use of Port BNSF Easement and Port Inland Sea Easement

The Port also grants DSL and its Representatives a nonexclusive license to use the easement area covered by the Port's BNSF Easement recorded at Book 2220, Page 761 and the Port's Inland Sea Easement recorded at Book 2780, Page 2208, attached as Exhibit B (the "Licensed Area"), subject to all of the terms and conditions, and for the duration, of the Port's BNSF Easement and the Port's Inland Sea Easement and all existing easements, encumbrances and restrictions of record on the Port's BNSF Easement and the Port's Inland Sea Easement. In the event DSL fails to comply with the terms, conditions and duration of the Port's BNSF Easement and the Port's Inland Sea Easement, the Port may terminate the license granted in this Subsection 8.2, after reasonable notice and a reasonable right to cure such noncompliance.

9. ACCESS

The Port grants DSL and its Representatives (defined in Section 10) the right to use the Easement Areas and the Licensed Area for ingress and egress to and from the DSL Property. DSL shall exercise these rights in common and in coordination with use of the Easement Areas by the Port as the land owner, the United States Bonneville Power Administration, Portland General Electric and other owners of property adjacent to the Easement Areas. and other authorized users of the Easement Areas, except when emergency use is necessary ("Permitted Use").

10. REPRESENTATIVES

The rights granted by this Easement are for the benefit of DSL and its board, directors, employees, agents, invitees, contractors, and DSL's legal successors and assignees (the "Representatives").

11. REPAIR AND RESTORATION OF DAMAGE

In the event DSL or its Representatives damage the Easement Areas or the Licensed Area, reasonable wear and tear excepted, DSL must repair and restore the Easement Areas or Licensed Area to a reasonably functional condition consistent with such Easement Areas or Licensed Area's condition prior to the damage. In the event either Party's property outside the Easement Areas or Licensed Area is damaged by either Party or either Party's Representatives in connection with their use of the Easement Areas or the Licensed Area, the Party responsible for its or its Representatives' damage must promptly repair and restore the impacted property to its condition prior to the damage.

12. OBLIGATION NOT TO UNREASONABLY IMPEDE ACCESS USE OF EASEMENT AREAS AND LICENSED AREA

DSL and its Representatives must not use the Easement Areas or the Licensed Areas so as to unreasonably impede the Port's ingress and egress to and from its other property.

13. MAINTENANCE

DSL, at DSL's sole cost and expense, may maintain, repair or improve the Easement Areas or the Licensed Area in connection with DSL's use, without the right of contribution from the Port. Notwithstanding anything to the contrary in this Section 13, each Party shall be solely responsible, at such Party's sole cost and expense, to repair any damage to the Easement Areas or Licensed Area arising from any damage caused or negligent use by such Party or such Party's Representatives.

14. AS IS; NO REPRESENTATIONS OR WARRANTIES; WETLANDS; HOLD HARMLESS

The Easement Areas and the Licensed Area are made available in "as is" condition. The Port makes no representations, warranties or guarantee, express or implied, of any nature whatsoever, concerning the current or future physical condition of the Easement Areas, Licensed Area or adjacent property. The Easement Areas or Licensed Area may contain wetlands and if DSL adversely impacts any wetlands or allows its Representatives adversely to impact any wetlands, DSL must defend, indemnify and hold harmless the Port from any consequences of such adverse impact.

15. WARRANTY OF TITLE

The Port represents and warrants to DSL that it holds fee title to the Easement Areas, subject to any encumbrances of record in the official records of Multnomah County.

16. GENERAL PROVISIONS

16.1 Modification or Termination

No modification or termination of this Easement and License shall be effective except in writing signed by the parties.

16.2 Enforcement

In the event of a breach of any term, covenant, restriction or condition of this Easement and License by a Party, the other Party shall have, in addition to the right to collect damages, the right to enjoin such breach or threatened breach in a court of competent jurisdiction.

16.3 Running of Benefits and Burdens

All provisions of this Easement and License, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the Parties and their respective legal successors and assignees.

16.4 Attorneys' Fees

If any legal action is instituted to interpret or enforce the provisions of this Easement and License, the Party prevailing shall be entitled to recover, in addition to costs, reasonable attorneys' fees incurred in preparation or in prosecution or defense of such suit, or action as determined by the trial court, and if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

16.5 Partial Invalidity

If any provision of this Easement and License shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Easement and License shall not be in any way impaired.

16.6 Governing Law

This Easement and License shall be governed by and construed in accordance with the laws of the State of Oregon and the Parties shall not object to the jurisdiction and venue of any legal action being the Multnomah County courts or the federal district court in Portland.

16.7 Entire Agreement

This Easement and License contains the entire agreement and understanding of the Parties with respect to the subject matter of this Easement.

Entered into as of the Effective Date.

Port:

The Port of Portland

By: _____

Name: _____

Its: _____

APPROVED FOR LEGAL SUFFICIENCY
FOR THE PORT:

By: _____

Counsel for Port of Portland

DSL:

STATE OF OREGON
Department of State Lands

By: _____

Name: _____

Its: _____

{Notary Pages Follow}

State of Oregon)
)ss.
County of _____)

This instrument was acknowledged before me on _____, 2023, by
_____, as _____ of The Port of Portland.

Notary Public for the State of Oregon
My Commission Expires: _____

State of Oregon)
)ss.
County of _____)

This instrument was acknowledged before me on _____, 2023, by
_____, as _____ for the Department of State
Lands, on behalf of the State of Oregon.

Notary Public for the State of Oregon
My Commission Expires: _____

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

The following described property located in Sections 29 and 30, Township 2 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon:

Beginning at a point on the meander line of the left bank of the Columbia River, South 75°39' East 242.51 feet distance from the meander corner in the line between Sections 29 and 30 of Township 2 North, Range 1 East of the Willamette Meridian, Multnomah County, Oregon, and running thence South 75°39' East tracing said meander line of the left bank of the Columbia River upstream for a distance of 747.80 feet to the Westerly property line of land belonging to the U.S. Bonneville Power Administration; thence South 32°27'00" West tracing said Westerly property line of land belonging to the U.S. Bonneville Power Administration a distance 1513.41 feet to the meander line on the right bank of the Oregon Slough; thence North 58°21' West tracing said meander line on the right bank of the Oregon Slough 175.69 feet to the meander corner monument set in the line between Sections 29 and 30 of Township 2 North, Range 1 East of the Willamette Meridian; thence tracing said line between Sections 29 and 30, North 0°05'17" East a distance of 88.0 feet to an iron pipe set 30 feet Northerly of the ordinary high water line of the Oregon Slough; thence North 54°52'43" West paralleling and 30 feet Northerly of the ordinary high waterline a distance of 616.67 feet to an iron pipe; thence North 39°52'17" East 1208.44 feet to the place of beginning, EXCEPT that portion and the rights conveyed to the Western Lumber Co., in deed recorded December 13, 1899 in Book 263, Page 16, Deed Records.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

PARCEL 2

The following described property located in Sections 29 and 30, Township 2 North, Range 1 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon:

Beginning at the meander corner monument set in the line between said Sections 29 and 30; thence South 58°21' East, tracing the original meander line, a distance of 175.69 feet to a point in the Westerly line of that tract of land belonging to U. S. Bonneville Power Administration; thence South 32°27' West, tracing said Westerly line, 830 feet, more or less, to the ordinary high water line on the right bank of the Oregon Slough; thence downstream, along the ordinary high water line on the right bank of said Oregon Slough, 184 feet, more or less, to a point which is South 32°48' West from the point of beginning; thence North 32°48' East, 795 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

Doc. 0110011221 00000102

LEGAL DESCRIPTION

Parcel 3

A parcel of land located on Hayden Island in fractional Sections 28, 29, 30, 32 and 33, Township 3 North, Range 1 East, Willamette Meridian, Multnomah County, Oregon, TOGETHER WITH those certain previously submerged river beds lying below the 1860 Ordinary High Water Government Meander Line, whose rights, title and interest were deeded to Portland General Electric Company by the State of Oregon, acting by and through the Division of State Lands, by Quitclaim Deed recorded November 5, 1985, in Deed Book 1862, at Page 2157, records of said county, said aggregate parcel more particularly described as follows:

Beginning at an iron rod located at the Southeast corner of the Southwest one-quarter of the Southwest one-quarter of said Section 28, said beginning point bears South 87°36'07" East 1315.10 feet from a brass cap monument marking the corner common to Sections 28, 29, 32 and 33 of said Township and Range; thence from said true beginning point North 2°23'52" East along the East line of said Southwest one-quarter of the Southwest one-quarter 1157 feet, more or less, to the Ordinary High Water Line on the left bank of the Columbia River, as it exists on the date of the execution of this instrument and as it may exist in the future due to the natural processes of accretion and erosion or process of reliction; thence in a Westerly direction along said Ordinary High Water Line of the Columbia River 6370 feet, more or less, to a point that is the intersection of the Easterly boundary line of the Bonneville Power Administration Ross-St. Johns Transmission Line Right-of-Way, and said Ordinary High Water Line; thence leaving said Ordinary High Water Line of the Columbia River and running South 34°01'20" West along said right-of-way line 2795 feet, more or less, to the Ordinary High Water Line on the right bank of the North Portland Harbor (Oregon Slough), as it exists on the date of the execution of this instrument and as it may exist in the future due to the natural processes of accretion and erosion or process of reliction; thence in an Easterly direction along said Ordinary High Water Line of the North Portland Harbor 7900 feet, more or less, to a point that is the intersection of the Northwesterly line of the Spokane Portland & Seattle Railway Company 200 foot width right-of-way, and said Ordinary High Water Line; thence leaving said Ordinary High Water Line of the North Portland Harbor and running North 38°14'15" East along said right-of-way line 436 feet, more or less, to a point that bears South 38°14'15" West along said right-of-way line 1595.68 feet from the intersection of said right-of-way with the North line of said Section 33; thence leaving said right-of-way line and running North 51°45'45" West 445.00 feet; thence North 38°14'15" East 420.00 feet; thence South 51°45'45" East 385.00 feet to a point that is 60.00 feet Northwesterly of, when measured at right angles to, the said Northwesterly railway company's right-of-way line; thence North 38°14'15" West running parallel with said right-of-way line 1132.34 feet to the said North line of Section 33; thence North 87°36'07" West 659.81 feet to the said true point of beginning.

LEGAL DESCRIPTION

PARCEL 4:

All of Government Lot 4 in Section 28, Township 2 North, Range 1 East of the Willamette Meridian, Multnomah County, Oregon, lying West of the 200.00 foot wide strip of land being 100.0 feet wide on each side of Burlington Northern Railroad Company's Main Track centerline, as now located and constructed.

EXCEPTING therefrom the ownership of the State of Oregon in that portion lying below the line of mean high water.

TOGETHER with an easement for access over that portion of the above referenced Burlington Northern right of way lying under Columbia River Bridge No. 9.6 as more specifically described in instrument recorded July 17, 1989, Book 2220, Page 761, on the terms set forth in such instrument. Grantor hereby reserves Grantor's interest in said easement on the same terms as set forth in such instrument, as respects Grantor's property to the East of said easement.

EXHIBIT B

BOOK 2220 PAGE 761

QUITCLAIM DEED

BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, GRANTOR, in confirmation of, and pursuant to, the Asset Transfer Agreement and Deed as of May 26, 1988 between Grantor and Grantee, releases and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to GLACIER PARK COMPANY, a Delaware corporation, of 1011 Western Avenue, Suite 700, Seattle, Washington 98104, GRANTEE, all right, title and interest in and to the real property described on Exhibit "A" attached hereto and made a part hereof, situated in Multnomah County, Oregon, together with all after acquired title of Grantor therein.

Grantor further grants unto the Grantee the right of access upon, over and across the 200.0 foot wide right-of-way as herein described and excepted on said Exhibit "A"; provided, however, that the exact location of said access upon, over and across Grantor's 200 foot right of way shall be limited to that portion of said right of way under Grantor's Columbia River Bridge No. 9.6 and shall be determined by Grantor in its sole discretion.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses.

The true consideration for this conveyance is \$0.00.

Dated this 20th day of January, 1989.

BURLINGTON NORTHERN RAILROAD COMPANY

BY [Signature]
S. H. Ilkka
Director - Title Services

ATTEST:

BY [Signature]
Anita D. Wells
Assistant Secretary

7-17-89

After Recording Return to:
 Ball, Janik & Novack
 101 S.W. Main Street, Suite 1100
 Portland, OR 97204-3274
 Attention: Christopher M. Walters

EASEMENT AGREEMENT

DATED: November 8, 1993

BETWEEN: J. MICHAEL GRAY and MARY H. GRAY ("Gray")
 4640 SW Macadam Avenue
 Suite 10
 Portland, Oregon 97201

AND: COLUMBIA WILLAMETTE DEVELOPMENT COMPANY ("CWDC")
 121 SW Morrison Street
 Suite 500
 Portland, Oregon 97204

Recitals:

A. Gray is the owner of a private road (the "Road") on real property in Multnomah County, Oregon more particularly described in Exhibit A hereto (the "Gray Property"). The current location of the Road is shown on Exhibit B hereto.

B. CWDC is the owner of real property in Multnomah County, Oregon more particularly described in Exhibit C hereto ("CWDC Property").

C. CWDC desires to obtain from Gray, and Gray desires to grant to CWDC, an easement for vehicular and pedestrian ingress and egress over and across the Road, the right to reconstruct and widen the Road and other appurtenances, and the right to install and maintain a monument sign, on the terms and conditions of this Easement Agreement (this "Agreement").

NOW, THEREFORE, for valuable consideration, the parties agree as follows:

Agreements:SECTION 1 GRANT OF EASEMENT

1.1 Gray hereby grants and conveys to CWDC the following easements (collectively, the "Easements"):

1.1.1 An easement and right-of-way on, over, across, and along a path 60 feet in width, with its center line being the center line of the Road ("Easement Area"), subject to adjustment

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as to width and location as provided in Section 2, for vehicular and pedestrian ingress and egress.

1.1.2 An easement and right to install, maintain, replace and repair utility lines serving the CWDC Property under, across and along the Easement Area.

1.1.3 An easement to locate and park construction vehicles and equipment within and immediately adjacent to the Easement Area, during periods of construction, improvement, or repair of the Road, provided, however, that CWDC agrees not to allow parking of such vehicles at improved areas of the Gray Property without Gray's approval (which shall not unreasonably be withheld), nor in a manner which would unreasonably interfere with use of the Gray Property.

1.1.4 An easement for construction, maintenance replacement and repair of a monument sign at a location within or immediately adjacent to the Easement Area to be determined by CWDC at the time of its improvement of the Road. The parties agree to record an amendment to this Agreement establishing the location of the monument sign when the monument sign has been so located.

1.2 Use of the Easements shall be on a regular, continuous, nonexclusive, nonpriority basis benefiting CWDC, its employees, contractors, tenants, customers, guests, and invitees.

SECTION 2 LOCATION: REMODELING AND RECONFIGURATION

2.1 CWDC shall have the right to alter, widen, reconstruct and reconfigure the Road, including installation of landscaping, berms, sidewalks, curbs, medians, striping and lighting, so long as the Road is not widened beyond the Easement Area.

2.2 Any alterations to the Road by CWDC shall be subject to Gray's prior approval, which shall not unreasonably be withheld. Gray shall provide written approval or disapproval of any requested alteration within 15 days after written request therefor. Any disapproval shall be accompanied by a statement of reasons for disapproval, together with a statement of specific modifications to such proposed alterations which would make them acceptable to Gray. CWDC shall be entitled to injunctive relief and specific performance of this Section 2.2 in the event Gray unreasonably withholds approval, without establishing inadequacy of remedies at law, and without prejudice to its other remedies.

2.3 If CWDC constructs utility lines within the Easement Area, CWDC shall, to the extent permitted by applicable governmental authorities, during the course of its construction stub such utility lines to two locations along the Easement Area designated by Gray in writing reasonably in advance of such construction, at no expense to Gray.

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2.4 The Easement Area may be expanded to 80 feet in width upon mutual agreement of the parties; provided CWDC shall not be obligated to pay any additional consideration for such widening.

2.5 Prior to reconstruction of the Road by CWDC, Gray may request, on reasonable advance written notice to CWDC, that the path of the Easement Area be relocated in whole or in part to another portion of the Gray Property in order to facilitate development of the portion of the Gray Property to the south of the Road. CWDC will agree to such relocation so long as the same does not materially interfere with CWDC's development of the CWDC Property or the Road. If the relocation of the Road occurs during reconstruction of the Road by CWDC pursuant to Section 2.1, CWDC shall carry out and bear the costs of relocation; otherwise, Gray shall be responsible for the relocation and shall bear such costs.

SECTION 3 INDEMNITY

CWDC hereby indemnifies, defends, protects and holds harmless Gray and their officers, employees, agents, contractors, tenants, successors and assigns from and against any loss, liability, claim, damage or expense (including reasonable attorneys' fees) arising out of or related to any usage of the Easements by CWDC, its employees, contractors, tenants, customers, guests, and invitees. CWDC accepts the Easement Area in its "as is" condition, with all faults, and hereby releases and waives any and all claims that CWDC, its members or guests may have or hereafter acquire in connection with usage of the Easement Area.

SECTION 4 USE

4.1 The Easement Area may be used for ingress and egress of construction vehicles developing the Road and other improvements to the Easement Area, as well as any improvements being constructed on the CWDC Property, and for access to and from the CWDC Property by its owners, employees, tenants, guests, customers, and invitees.

4.2 CWDC shall not allow any vehicle to be left in a dismantled or inoperable condition on or about the Easement Area.

4.3 Any failure by CWDC to use the Easement Area on a continuous basis shall not cause CWDC's rights in the Easements to lapse. However, CWDC may abandon the Easements at any time and, upon recording a quitclaim of its rights in the Gray Property, shall have no further rights or obligations hereunder, except for completion of any construction already commenced under Section 2.1 and fulfillment of any obligation under Section 2.3.

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SECTION 5 EXPENSES

Except as otherwise provided herein, costs and expenses related to the Easement Area shall be allocated as follows.

5.1 Preconstruction

Until the Construction Date (defined below), CWDC shall have no responsibility for any property taxes, maintenance costs, or other expenses applicable to the Easement Area.

5.2 Postconstruction

From and after the Construction Date, CWDC shall pay all real estate property taxes applicable to the Easement Area, and shall maintain the Easement Area in good condition and repair at CWDC's expense (except to the extent of repairs required due to the acts of Gray or Gray's employees, contractors, tenants, customers, guests or invitees, for which Gray shall remain responsible).

5.3 Construction Date

The "Construction Date" shall be the date CWDC commences construction of improvements to widen the Road from its current 30 foot width. Acts of normal maintenance or repair of the Road shall not be considered such commencement of construction.

5.4 Tax Allocation

If the Easement Area is not separately assessed for taxation purposes, property taxes attributable to the Easement Area shall be calculated based on the per-square foot assessed value of land within the Gray Property.

SECTION 6 CONDEMNATION

In the event any portion of the Easement Area is taken by power of eminent domain, or is conveyed under threat of condemnation, CWDC may relocate the Road to a portion of the Gray Property which has not been so taken but which has not been improved with a structure. Proceeds from such condemnation shall belong to Gray; provided, however, that CWDC may assert a claim in such condemnation proceedings for any relocation expenses incurred pursuant to this Section 6 and for any diminution in value of the CWDC Property arising from such condemnation.

SECTION 7 BREACH OF OBLIGATIONS

If either party shall fail to perform its obligations under this Agreement, the other party shall be entitled to require such performance by suit for specific performance or,

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where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law or under this Agreement.

SECTION 8 MISCELLANEOUS

8.1 Waiver

Failure of either party at any time to require performance of any provision of this Agreement shall not limit such party's right thereafter to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach or a waiver of such provision itself.

8.2 Severability

If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

8.3 Exhibits

All exhibits attached to this Agreement are incorporated herein by this reference.

8.4 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

8.5 Attorneys' Fees

If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Contract or to interpret or enforce any rights hereunder, the prevailing party shall be entitled to recover its attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law.

8.6 Complete Agreement

This Agreement constitutes the complete agreement of the parties with respect to the subject matter of this Agreement, and supersedes and replaces all prior oral and written agreements.

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8.7 Notices

Notices under this Agreement shall be in writing and shall be effective when actually delivered by personal delivery or facsimile transmission, or two business days after deposit in the United States mail, certified, return receipt requested, directed to the other party at the address set forth above, or to such other address as such party may indicate by written notice to the other party.

8.8 Counterparts

This Agreement may be executed in counterparts, which when taken together shall constitute an original.

8.9 Runs with the Land

The Easements granted hereunder shall run with the land as to all property burdened and benefitted by such Easements, including any division or partition of such property. The rights, covenants and obligations contained in this Agreement shall bind, burden and benefit each party's successors and assigns. A party shall be bound by this Agreement only during the period such party owns or holds a contract vendee's interest in the real property burdened or benefitted by this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this document as of the year and date first hereinabove written.

CWDC:

COLUMBIA-WILLAMETTE DEVELOPMENT
COMPANY, an Oregon corporation

By William A. Schuchbach
Its Controller

Gray:

J. Michael Gray
J. Michael Gray

Mary H. Gray
Mary H. Gray

Exhibit A - Gray Property
Exhibit B - Diagram of Road
Exhibit C - CWDC Property

NOV - 8 1993

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on
this 8 day of November, 1993 by J. Michael Gray, individually
and as attorney-in-fact for Mary H. Gray



Margaret M. Niskirk
Notary Public for Oregon
My Commission Expires: 3-18-95

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on
this _____ day of _____, 19__ by Mary H. Gray.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on
this 8 day of November, 1993 by William J. Howard,
who is the Controller of CWDC on behalf of
the corporation.



Margaret M. Niskirk
Notary Public for Oregon
My Commission Expires: 3-18-95

NOV - 8 1993

EXHIBIT A
TO
EASEMENT AGREEMENT

BOOK 2780 PAGE 2215

Gray Property

All of Government Lot 4 in Section 28, Township 2 North, Range 1 east of the Willamette Meridian, Multnomah County, Oregon, lying east of the 200 foot wide strip of land being 100 feet wide on each side of Burlington Northern Railroad Company's main track center line, as now located and constructed.

W122/26/0405-1A/01

NOV - 8 1993

BOOK 2780 PAGE 2216

EXHIBIT B
TO
EASEMENT AGREEMENT
Diagram of Road

W122/26/0405-1D/01

NOV - 8 1993

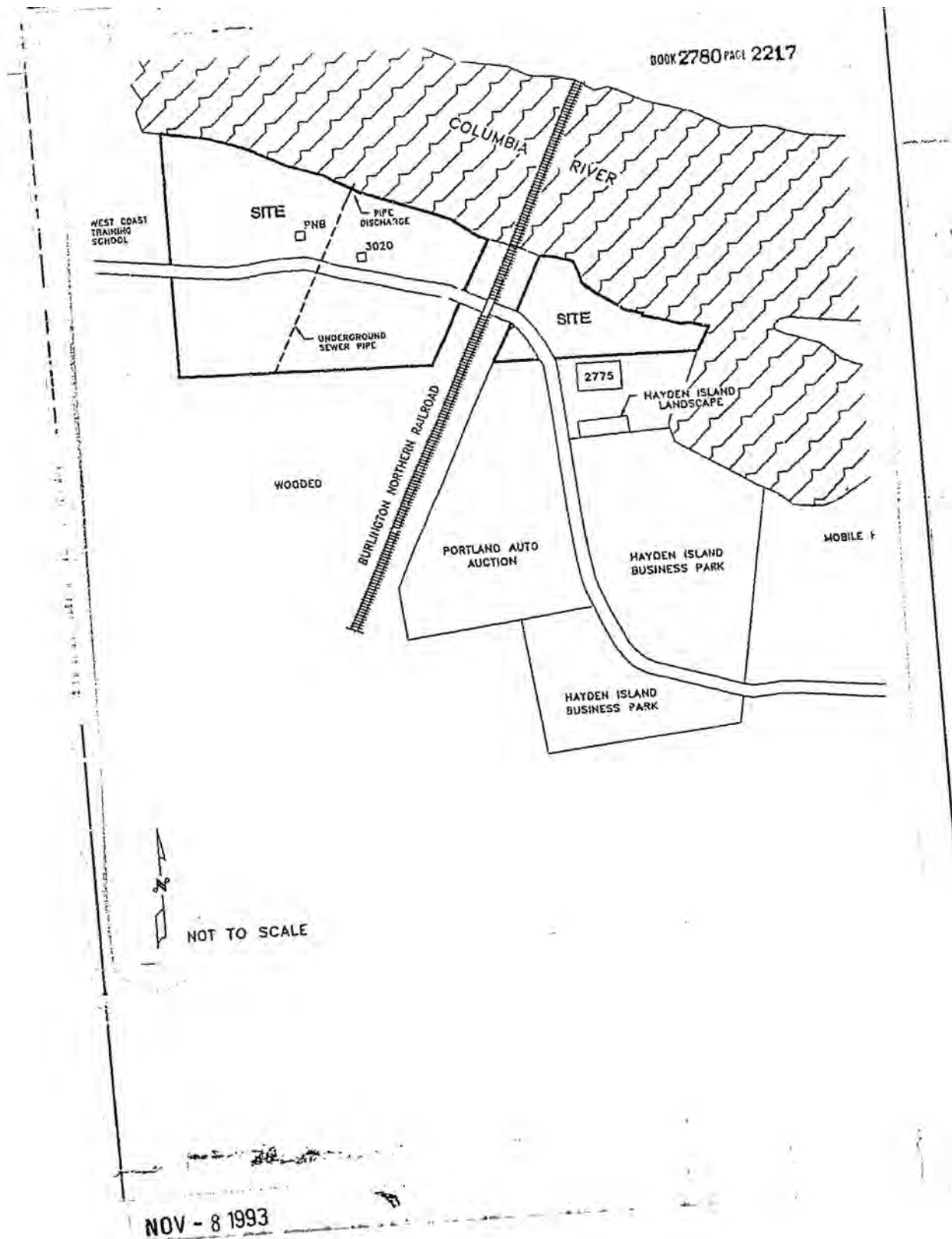


EXHIBIT C
TO
EASEMENT AGREEMENT

CWDC Property

All of Government Lot 4 in Section 28, Township 2 North, Range 1 east of the Willamette Meridian, Multnomah County, Oregon, lying west of the 200 foot wide strip of land being 100 feet wide on each side of Burlington Northern Railroad Company's main track center line, as now located and constructed, constituting approximately 28.59 acres.

The easement rights herein also shall run to the benefit of property to the west of the aforementioned property, currently owned by Portland General Corporation, and Portland General Corporation shall be deemed a grantee of the easement rights herein.

W122/26/0405-1C/01

153011

15

STATE OF OREGON
Multnomah County

I, Deputy for the Recorder of Combinations, in and for Multnomah County, do hereby certify that the within instrument of Easement Agreement was duly executed and recorded in the records of said County.

93 NOV - 8 PM 4: 03

RECORDING SECTION
MULTNOMAH CO. OREGON

On Page

In Book

BOOK 2780 PAGE 2208

Witness my hand and seal of office this 11th day of November 1993.

Recorder of Combinations

C. Swick
Recorder

55
23

NOV - 8 1993

EXHIBIT C

Easement Area

ACCESS EASEMENT CROSSING PORT OF PORTLAND PROPERTY

A 50.00-FOOT STRIP OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, ALL OF SECTION 29, NORTHEAST ONE-QUARTER OF SECTION 32 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, CROSSING THOSE PROPERTIES DESCRIBED IN DEED TO THE PORT OF PORTLAND, ON MAY 31, 1994 IN DOCUMENT NUMBERS 94-085481 AND 94-085482, MULTNOMAH COUNTY DEED RECORDS, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE DESCRIPTION:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK MONUMENT IN CONCRETE STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE NORTHWEST CORNER OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT NO. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE, SOUTH 42°22'08" EAST, 383.56 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY AND THE **TRUE POINT OF BEGINNING**; THENCE, DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE, SOUTH 64°59'31" EAST, 105.12 FEET; THENCE SOUTH 54°53'27" EAST, 386.46 FEET; THENCE SOUTH 36°51'14" EAST, 101.34 FEET TO A POINT OF CURVATURE; THENCE 113.26 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 32°26'49" (THE LONG CHORD BEARS SOUTH 53°04'39" EAST, 111.75 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 69°18'03" EAST, 298.30 FEET; THENCE SOUTH 48°40'20" EAST, 258.75 FEET; THENCE SOUTH 18°39'08" EAST, 172.16 FEET; THENCE SOUTH 31°55'58" EAST, 153.83 FEET TO A POINT OF CURVATURE; THENCE 88.83 FEET ALONG THE ARC OF A 100.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 50°53'55" (THE LONG CHORD BEARS SOUTH 57°22'54" EAST, 85.94 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 82°49'51" EAST, 253.74 FEET TO A POINT OF CURVATURE; THENCE 207.46 FEET ALONG THE ARC OF A 500.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 23°46'24" (THE LONG CHORD BEARS SOUTH 70°56'39" EAST, 205.98 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 59°03'27" EAST, 746.95 FEET; THENCE SOUTH 54°32'27" EAST, 1,919.77 FEET; THENCE SOUTH 57°00'23" EAST, 1,296.82 FEET; THENCE SOUTH 53°59'12" EAST, 748.77 FEET TO A POINT OF CURVATURE; THENCE 135.34 FEET ALONG THE ARC OF A 100.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 77°32'48" (THE LONG CHORD BEARS NORTH 87°14'25" EAST, 125.25 FEET) TO A POINT OF TANGENCY; THENCE

NORTH 48°28'01" EAST, 80.71 FEET; THENCE NORTH 38°24'05" EAST, 955.40 FEET; THENCE NORTH 16°44'22" EAST, 32.01 FEET TO A POINT OF CURVATURE; THENCE 147.71 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 42°18'56" (THE LONG CHORD BEARS NORTH 37°53'50" EAST, 144.38 FEET) TO A POINT OF TANGENCY; THENCE NORTH 59°03'18" EAST, 160.41 FEET; THENCE NORTH 39°27'33" EAST, 142.27 FEET TO **POINT "A"**; THENCE SOUTH 64°07'11" EAST, 147.02 FEET; THENCE SOUTH 51°37'26" EAST, 325.04 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THAT PROPERTY DESCRIBED IN DEED TO BURLINGTON NORTHERN AND SANTA FE RAILROAD, RECORDED AUGUST 22, 1890 IN DEED BOOK 145, PAGE 112, MULTNOMAH COUNTY DEED RECORDS AND THE **POINT OF TERMINUS**.

TOGETHER WITH THE FOLLOWING 50.00-FOOT STRIP, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

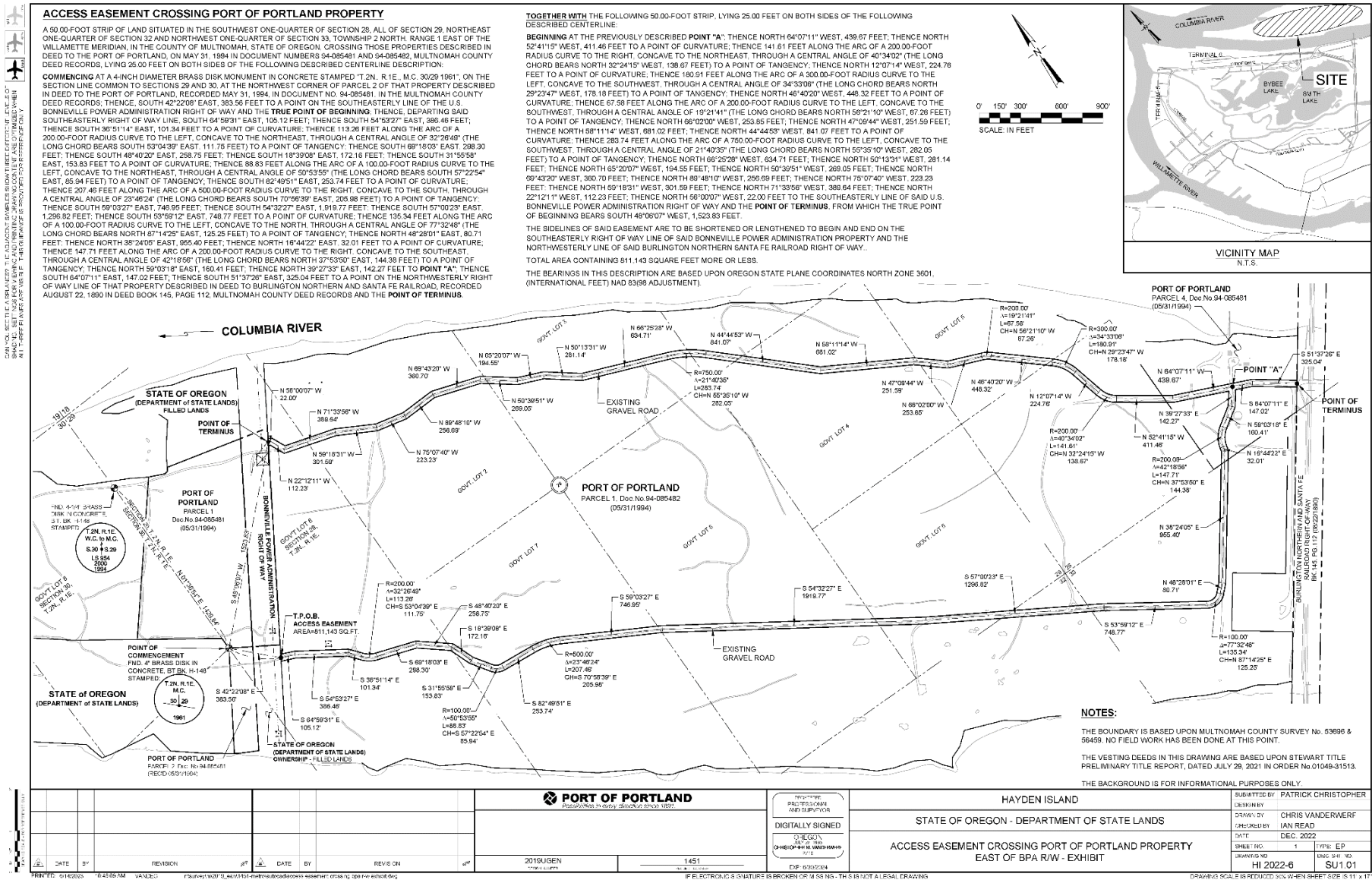
BEGINNING AT THE PREVIOUSLY DESCRIBED **POINT "A"**; THENCE NORTH 64°07'11" WEST, 439.67 FEET; THENCE NORTH 52°41'15" WEST, 411.46 FEET TO A POINT OF CURVATURE; THENCE 141.61 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 40°34'02" (THE LONG CHORD BEARS NORTH 32°24'15" WEST, 138.67 FEET) TO A POINT OF TANGENCY; THENCE NORTH 12°07'14" WEST, 224.76 FEET TO A POINT OF CURVATURE; THENCE 180.91 FEET ALONG THE ARC OF A 300.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 34°33'06" (THE LONG CHORD BEARS NORTH 29°23'47" WEST, 178.18 FEET) TO A POINT OF TANGENCY; THENCE NORTH 46°40'20" WEST, 448.32 FEET TO A POINT OF CURVATURE; THENCE 67.58 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°21'41" (THE LONG CHORD BEARS NORTH 56°21'10" WEST, 67.26 FEET) TO A POINT OF TANGENCY; THENCE NORTH 66°02'00" WEST, 253.85 FEET; THENCE NORTH 47°09'44" WEST, 251.59 FEET; THENCE NORTH 58°11'14" WEST, 681.02 FEET; THENCE NORTH 44°44'53" WEST, 841.07 FEET TO A POINT OF CURVATURE; THENCE 283.74 FEET ALONG THE ARC OF A 750.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 21°40'35" (THE LONG CHORD BEARS NORTH 55°35'10" WEST, 282.05 FEET) TO A POINT OF TANGENCY; THENCE NORTH 66°25'28" WEST, 634.71 FEET; THENCE NORTH 50°13'31" WEST, 281.14 FEET; THENCE NORTH 65°20'07" WEST, 194.55 FEET; THENCE NORTH 50°39'51" WEST, 269.05 FEET; THENCE NORTH 69°43'20" WEST, 360.70 FEET; THENCE NORTH 89°48'10" WEST, 256.69 FEET; THENCE NORTH 75°07'40" WEST, 223.23 FEET; THENCE NORTH 59°18'31" WEST, 301.59 FEET; THENCE NORTH 71°33'56" WEST, 389.64 FEET; THENCE NORTH 22°12'11" WEST, 112.23 FEET; THENCE NORTH 56°00'07" WEST, 22.00 FEET TO THE SOUTHEASTERLY LINE OF SAID U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY AND THE **POINT OF TERMINUS**, FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 48°06'07" WEST, 1,523.83 FEET.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO BEGIN AND END ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID

BONNEVILLE POWER ADMINISTRATION PROPERTY AND THE NORTHWESTERLY
LINE OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT OF WAY.

TOTAL AREA CONTAINING 811,143 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON OREGON STATE
PLANE COORDINATES NORTH ZONE 3601, (INTERNATIONAL FEET) NAD 83(98
ADJUSTMENT).



ACCESS EASEMENT CROSSING PORT OF PORTLAND PROPERTY

A 50.00-FOOT STRIP OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, ALL OF SECTION 29, NORTHEAST ONE-QUARTER OF SECTION 32 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, CROSSING THOSE PROPERTIES DESCRIBED IN DEED TO THE PORT OF PORTLAND, ON MAY 31, 1994 IN DOCUMENT NUMBERS 94-085481 AND 94-085482, MULTNOMAH COUNTY DEED RECORDS, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE DESCRIPTION:

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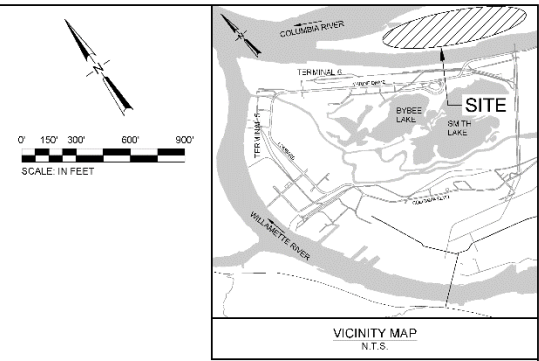
TOGETHER WITH THE FOLLOWING 50.00-FOOT STRIP, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE PREVIOUSLY DESCRIBED **POINT "A"**, THENCE NORTH 64°07'11" WEST, 439.67 FEET, THENCE NORTH 52°41'15" WEST, 411.46 FEET TO A POINT OF CURVATURE, THENCE 141.81 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 40°34'02" (THE LONG CHORD BEARS NORTH 52°24'15" WEST, 138.67 FEET) TO A POINT OF TANGENCY, THENCE NORTH 12°07'14" WEST, 224.76 FEET TO A POINT OF CURVATURE, THENCE 180.91 FEET ALONG THE ARC OF A 300.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 34°33'08" (THE LONG CHORD BEARS NORTH 29°23'47" WEST, 178.18 FEET) TO A POINT OF TANGENCY, THENCE NORTH 48°40'20" WEST, 448.32 FEET TO A POINT OF CURVATURE, THENCE 67.58 FEET ALONG THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°21'41" (THE LONG CHORD BEARS NORTH 58°21'10" WEST, 87.28 FEET) TO A POINT OF TANGENCY, THENCE NORTH 68°02'00" WEST, 253.85 FEET, THENCE NORTH 47°09'44" WEST, 251.59 FEET, THENCE NORTH 58°11'14" WEST, 681.02 FEET, THENCE NORTH 44°44'53" WEST, 841.07 FEET TO A POINT OF CURVATURE, THENCE 283.74 FEET ALONG THE ARC OF A 750.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 21°40'35" (THE LONG CHORD BEARS NORTH 55°35'10" WEST, 282.05 FEET) TO A POINT OF TANGENCY, THENCE NORTH 66°25'28" WEST, 634.71 FEET, THENCE NORTH 50°13'31" WEST, 281.14 FEET TO A POINT OF TANGENCY, THENCE NORTH 66°25'28" WEST, 634.71 FEET, THENCE NORTH 50°39'51" WEST, 269.05 FEET, THENCE NORTH 69°43'57" WEST, 380.70 FEET, THENCE NORTH 88°48'10" WEST, 256.59 FEET, THENCE NORTH 78°07'40" WEST, 223.23 FEET, THENCE NORTH 59°18'31" WEST, 301.59 FEET, THENCE NORTH 71°33'56" WEST, 388.64 FEET, THENCE NORTH 22°12'11" WEST, 112.23 FEET, THENCE NORTH 58°00'07" WEST, 22.00 FEET TO THE SOUTHEASTERLY LINE OF SAID U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY AND THE **POINT OF TERMINUS**, FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 48°06'00" WEST, 1,523.83 FEET.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO BEGIN AND END ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID BONNEVILLE POWER ADMINISTRATION PROPERTY AND THE NORTHWESTERLY LINE OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT OF WAY.

TOTAL AREA CONTAINING 811.143 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON OREGON STATE PLANE COORDINATES NORTH ZONE 3601, (INTERNATIONAL FEET) NAD 83/98 ADJUSTMENT.



NOTES:

THE BOUNDARY IS BASED UPON MULTNOMAH COUNTY SURVEY NO. 53698 & 56459. NO FIELD WORK HAS BEEN DONE AT THIS POINT.

THE VESTING DEEDS IN THIS DRAWING ARE BASED UPON STEWART TITLE PRELIMINARY TITLE REPORT, DATED JULY 29, 2021 IN ORDER NO. 01049-31513.

THE BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.

PORT OF PORTLAND PORTLAND, OREGON				HAYDEN ISLAND			
DIGITALLY SIGNED				SUBMITTED BY: PATRICK CHRISTOPHER			
DATE: 2021.08.14				DESIGNED BY: CHRIS VANDERWERF			
DATE: 2021.08.14				DRAWN BY: IAN READ			
DATE: 2021.08.14				CHECKED BY: DEC 2022			
DATE: 2021.08.14				DATE: 2022.12.01			
DATE: 2021.08.14				DATE: 2022.12.01			
DATE: 2021.08.14				DATE: 2022.12.01			
DATE: 2021.08.14				DATE: 2022.12.01			
DATE: 2021.08.14				DATE: 2022.12.01			

ACCESS EASEMENT CROSSING PORT OF PORTLAND PROPERTY

A 50.00-FOOT STRIP OF LAND SITUATED IN GOVERNMENT LOT 8 AND THE NORTHWEST QUARTER OF SECTION 29 AND THE NORTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE DESCRIPTION:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK MONUMENT IN CONCRETE STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE NORTHWEST CORNER OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT NO. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 2, SOUTH 34°22'50" WEST, 125.63 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE, DEPARTING SAID NORTHWESTERLY LINE OF PARCEL 2, SOUTH 57°07'44" EAST, 173.66 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL 2 AND THE **POINT OF TERMINUS**, CONTAINING 8,683 SQUARE FEET MORE OR LESS.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO BEGIN AND END ON THE NORTHWESTERLY AND SOUTHEASTERLY LINES OF SAID PORT OF PORTLAND PARCEL 2 PROPERTY.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON OREGON STATE PLANE COORDINATES NORTH ZONE 3601, (INTERNATIONAL FEET) NAD 83(98 ADJUSTMENT).



ACCESS EASEMENT CROSSING PORT PROPERTY

NW OF BPA RIGHT OF WAY

A 50.00-FOOT STRIP OF LAND SITUATED IN GOVERNMENT LOT 8 AND THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON, CROSSING THAT PROPERTY DESCRIBED IN THAT PORT OF PORTLAND PARCEL 1 DEED, RECORDED MAY 31, 1994, IN DOCUMENT No. 94-085481, MULTNOMAH COUNTY DEED RECORDS, LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE DESCRIPTION:

COMMENCING AT A 4-INCH DIAMETER BRASS DISK MONUMENT IN CONCRETE STAMPED "T.2N., R.1E., M.C. 30/29 1961", ON THE SECTION LINE COMMON TO SECTIONS 29 AND 30, AT THE NORTHWEST CORNER OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED MAY 31, 1994, IN DOCUMENT NO. 94-085481, IN THE MULTNOMAH COUNTY DEED RECORDS; THENCE, NORTH 40°08'02" EAST, 1,369.99 FEET TO A POINT THAT IS 25.00 FEET NORTHWESTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO THE NORTHWESTERLY LINE OF THE U.S. BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY AND THE **TRUE POINT OF BEGINNING**; THENCE, PARALLEL TO AND 25.00 FEET NORTHWESTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE, NORTH 33°56'45" EAST, 143.45 FEET TO THE NORTHERLY LINE OF SAID PORT OF PORTLAND PARCEL 1 AND THE **POINT OF TERMINUS**, CONTAINING 7,172 SQUARE FEET MORE OR LESS.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO END ON THE NORTHERLY LINE OF SAID PORT OF PORTLAND PARCEL 1.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON OREGON STATE PLANE COORDINATES NORTH ZONE 3601, (INTERNATIONAL FEET) NAD 83(98 ADJUSTMENT).

From: [SERRA Erin * DSL](#)
To: [ZUMWALT Shawn * DSL](#)
Cc: [MCKERNAN Amber * DSL](#); [RAY Rhonda * DSL](#)
Subject: 55904-LE West Hayden Island - PRP Comment
Date: Thursday, April 20, 2023 3:42:29 PM
Attachments: [image.png](#)
[Ports lot 4 WHI \(2\).JPG](#)
[pge Meets and bound excluding gateway triangle \(1\).tif](#)

Hi Shawn,

This forward is a comment on the PRP for 55904-LE West Hayden Island.

Regards,

Erin Serra (she/her)

Ownership Specialist

Oregon Department of State Lands

Office: 541-388-6290 | Cell: 971-707-8105

www.oregon.gov/dsl

From: Wine Fauve <fauvewine@gmail.com>

Sent: Thursday, April 20, 2023 1:49 PM

To: STEVENSON Chris * DSL <Chris.Stevenson@dsl.oregon.gov>; SERRA Erin * DSL <erin.serra@dsl.oregon.gov>; PELTON Melissa * DSL <Melissa.Pelton@dsl.oregon.gov>

Subject: Here are documents. I want to speak at hearing. the only Quit claim the Port has on this property is on an unused right of way..

Bill or Secretary of State The Port owns only on the North Shore what it bought from PGE whether it is above or below the HTL or HWM. (The State of Oregon uses the same way of calculating the HTL and the HWM. But those measurements are not important to this issue because, DSL has in property transfers reserved the land it has not alienated on WHI.

Other than easements DSL has sold property on WHI only twice. Once to PGE and once to Fort James INC.

At the time of state hood all of WHI was between the Low and High tide lines and was deeded in trust to the people of Oregon by the Federal government. If DSL has not sold a part of WHI, it belongs to the people of Oregon.

The PGE sale was particularly interesting. DSL gave a Quit claim deed to PGE for property inside the specified boundaries. Those boundaries do not include the gateway triangle despite the misrepresentation of the Port. In return PGE gave a quitclaim deed for all the property outside the limits of the specified boundaries to DSL to the thread of the Columbia River. The Port has no claim to lands filled outside the DSL specified boundaries whether it is filled or not, because the Port only bought what PGE owned. The rest of the East end filled or not was deeded to DSL by the only entity, PGE, with a claim to riparian lands. While it is true that after the land outside the boundaries was filled the Port had a first right of ownership for a short time. **That time is past.**

The filled land outside the DSL quit claim now will have to be listed and advertised at fair market value. If the Port claims land that belongs to DSL that it now tries to create planning for, I think DSL should investigate and should notify the State Attorney General of the fraud.

The Port would set itself outside the normal metes and bounds of legal process by parlaying DSL's grant of an easement into ownership. The Port has filled this land without a removal fill permit. DSL Keeps easements in one set of books and alienation in an other. nowhere is title to the Gateway triangle transferred.

The Port intends to use a 1988 Quit claim deed for a never used railroad easement not even to the Port to prevent public access to the rest of WHI. This quit claim is illegal by it self

For DSL to allow a City of Portland process to apply a patina of regularity to what in my mind is fraud is a betrayal of DSL,s duty as trustee of the Public trust. If DSL does not take action the Common School fund will be deprived of funds and the Public will be excluded from WHI. An easement is proof that the owner is not the person that required an easement.

If I am incorrect please let me know. If I am correct please make your intentions known to me and to the Port, in the secret meetings you are conducting with the Port concerning ownership issues on WHI.

There are also other instances of the Port claiming ownership on WHI properties not deeded by DSL.

I hope to hear from you soon. If I am sending this email to the wrong person please let me know.

William "Mikey" Jones

The attached documents

1. Part of the Port's own representation of it's quit claim to PGE. Please notice the gateway triangle is outside the crosshatches that represent the limits of PGE's property and hence the Ports northern boundary on the west end. The Northern edge of the quitclaim is at 17 ft. NGVD as it was in the 1980's. The 17 ft. NGVD line on the northeast side was made a projection by a DSL employee to clarify the northeast boundary.
2. The same document color coded to make recognition of the Gateway triangle easy. It is blue.
3. Legal description of DSL's quit claim deed.

Here are the documents I was able to attach to my comments. I want to speak at the hearing. .The only Quit claim the Port has on this property is on an unused right of way. By a defunct railroad. That documentA right of way document is proof you don't own the property even if it were legally obtained is abdication of your duties lined out in State Constitution and is theft from the Common school fund.

Most of this property is below high tide or illegally filled. It is the only route of access to West Hayden Island.

William Jones

if this email is misdirected lese help me redirect it.

From: [TAYLOR Clara * DSL](#)
To: [Gretchen Shanks](#)
Subject: RE: Information on Hayden Island Land Exchange
Date: Wednesday, December 8, 2021 1:24:00 PM

Gretchen,

No, the only property in which the ownership is in question is in the blue area on the map. Your ownership is not at all in question.

Again, as we proceed with this project, we will keep you and your tenant informed as to any new proposals. And if you or your tenant have any questions or concerns with the project, please don't hesitate to contact me.

Sincerely,

Clara

Clara Taylor
Real Property Analyst
Oregon Department of State Lands (DSL)
775 Summer Street NE, Ste. 100
Salem, OR 97301

Cell # (503) 569-7675
Hours: Mon-Thurs. 8:30-6:00 Fri. 8:00-noon

From: Gretchen Shanks <gretchenk1@comcast.net>
Sent: Wednesday, December 8, 2021 9:00 AM
To: TAYLOR Clara * DSL <Clara.TAYLOR@dsl.oregon.gov>
Subject: RE: Information on Hayden Island Land Exchange

Understand this review is at beginning. Our property is not marked on blue due diligence areas, so going to assume it is not in question.

We have owned property for decades, with proper title research and documentation. I would like to get back to our tenant with a reassurance, so are you able to confirm this?

On Multnomah County Property tax records, our property description: 3000 NW/N Hayden Is Drive, Section 33 2N 1E, TL 100 (3.79 Acres) Account #R323481.

Gretchen

On 12/08/2021 8:07 AM TAYLOR Clara * DSL <clara.taylor@dsl.oregon.gov> wrote:

Gretchen,

At this point, we have no idea if we can reach agreement on what we own, let alone work out a land exchange. So no, I cannot say. All I can say is that we are working slowly through all of the issues and will inform all interested parties if we propose a land exchange. And we will want your input on any proposal.

Thank you again for your interest.

Respectfully,

Clara

Clara Taylor
Real Property Analyst
Oregon Department of State Lands (DSL)
775 Summer Street NE, Ste. 100
Salem, OR 97301

Cell # (503) 569-7675
Hours: Mon-Thurs. 8:30-6:00 Fri. 8:00-noon

From: Gretchen Shanks <gretchenk1@comcast.net>
Sent: Wednesday, December 8, 2021 8:01 AM
To: TAYLOR Clara * DSL <Clara.TAYLOR@dsl.oregon.gov>
Subject: Re: Information on Hayden Island Land Exchange

My Husband and I own approximately 4 acres that we lease to a tenant. Our tenant also received this notice, contacted us and are concerned that this land exchange could effect the property they lease from us. (we are concerned as well)

The map your agency sent looks like it just effects land to the west of our property. Can you tell me at this point if a land exchange occurred, would there be any significant effects on adjacent properties? On Multnomah County Property tax records, our property description: 3000 NW/N Hayden Is Drive, Section 33 2N 1E,TL 100 (3.79 Acres) Account #R323481. Some neighboring businesses are also inquiring.

Thank you for responding so quickly. I can also be reached at: 503-807-8778

Gretchen Shanks (Liston)

On 12/07/2021 6:00 PM TAYLOR Clara * DSL

<clara.taylor@dsl.oregon.gov> wrote:

Hi Gretchen,

Could you be more specific about what information you are looking for? At this time, we are at the very beginning of a land exchange. The first step of this is to figure out the ownership of the land on West Hayden Island which is extremely complex. We are combing through historical maps, dredge spoil records and aerial photos. If the Port and DSL are able to agree on the conclusions from these maps, we will exchange quit claim deeds to establish the ownership of the land. From there, we would have a starting point with which to work out an exchange.

Both DSL and the Port intend for the entire process to be an open and transparent process. We will send out another notice if we intend to move forward with an exchange. And we will keep the Land Board informed of our progress.

Sincerely,

Clara

**Clara Taylor
Real Property Analyst
Oregon Department of State Lands (DSL)
775 Summer Street NE, Ste. 100
Salem, OR 97301**

**Cell # (503) 569-7675
Hours: Mon-Thurs. 8:30-6:00 Fri. 8:00-noon**

From: myaliasisbbh@aol.com
To: [DSL Listmaster * DSL](#); [DSL Realproperty * DSL](#)
Subject: Re: DSL Proposed Land Exchange
Date: Sunday, November 28, 2021 8:49:00 AM

Please consider using additional descriptors of the parcel and location of the parcel in question. Traditional survey measurements and location references are accurate but very cumbersome to use. Please add Assessor/Tax collector account number(s), GPS coordinates, addresses and an inline map showing property boundaries and adjoining parcels for visual reference. Make the DSL transaction reference id into a link to the proper page on the DSL website.

Thank you for your consideration of this request.

Bruce Harlan

-----Original Message-----

*From: Oregon Department of State Lands <listmaster@dsl.state.or.us>
To: myaliasisbbh@aol.com
Sent: Wed, Nov 24, 2021 12:14 pm
Subject: DSL Proposed Land Exchange*

DSL Proposed Land Exchange

Notice of State Land Exchange
[View this email in your browser](#)

We are reaching out to inform you the following parcels of state-owned filled land at West Hayden Island in Multnomah County are being considered for final ownership determination and potential land exchange:

Township 2 North, Range 1 East, Section 19, Tax Lot 200; Township 2 North, Range 1 East, Section 28, Tax Lot 200; Township 2 North, Range 1 East, Section 29, Tax Lot 100; Township 2 North, Range 1 East, Section 30, Tax Lot 100; and Township 2 North, Range 1 West, Section 24, Tax Lot 100.

The agency transaction number for this exchange is 55904-LE.

You may provide public comment on the proposed exchange by December 24, 2021. For current information and to submit a comment, please visit the Oregon Department of State Lands webpage at: webpage at:

<https://www.oregon.gov/dsl/Land/Pages/Sales.aspx>

On October 12, 2021, the Oregon State Land Board directed its administrative agency, the Oregon Department of State Lands to examine the potential future exchange of the property. The property under consideration is classified as Historically Filled Land, formerly submerged land that was newly created with fill before 1963.

In addition to public comment, numerous studies will be undertaken such as ownership determination, survey, archaeological impacts and appraisal.

Once the public comment period has ended and reports from the studies have been received, the Department will make a recommendation to the State Land Board on whether to exchange the land. The State Land Board, composed of the Governor, Secretary of State and the State Treasurer, will then decide to exchange the land or not.

If you have any questions or concerns, you may email the Department of State Lands Real Property Program at realproperty@state.or.us, or contact the Real Property Program in writing at:

Oregon Department of State Lands
Real Property Program
951 SW Simpson Avenue, Suite 104
Bend, OR 97702

About the Department of State Lands: The Department of State Lands manage 2.8 million acres of state-owned lands, including the beds and banks of state-owned rivers and streams, on behalf of the State Land Board. Land management includes the sale, lease, or trade of state-owned lands, the proceeds from which go into the Oregon Common School Fund for the benefit of K-12 schools (ORS 274.915).

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If you are receiving this email, you have signed up through our website.

Our mailing address is:

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

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Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#)

From: [DSL Realproperty * DSL](#)
To: [TAYLOR Clara * DSL](#)
Subject: FW: Land Transaction Comment Form
Date: Monday, November 29, 2021 10:13:00 AM
Attachments: [formsubmission.csv](#)

From: oregon-gov-web-services@egov.com <oregon-gov-web-services@egov.com>

Sent: Monday, November 29, 2021 8:06 AM

To: DSL Realproperty * DSL <Realproperty.DSL@dsl.oregon.gov>

Subject: Land Transaction Comment Form

First name	Melinda
Last name	Butterfield
Email	melinda.butterfield@dsl.oregon.gov
Transaction number	55904-LE
Comment	A portion of the properties listed in this transaction contains state protected compensatory mitigation sites. The transfer of ownership does not alter the level of protection. Any work proposed within compensatory mitigation areas likely requires a State Removal/Fill authorization.

Submission ID: 9757c0fb-9c18-4487-99a8-613031d49751

Record ID: 112



Oregon

Tina Kotek, 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

M E M O R A N D U M

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Date October 10, 2023

To: Governor Tina Kotek
Secretary of State LaVonne Griffin-Valade
State Treasurer Tobias Read

Tobias Read

State Treasurer

From: Vicki L. Walker
Director

Subject: Common School Fund Annual Review

The Oregon Investment Council formulates policies for the investment and reinvestment of funds under the control and administration of the Department of State Lands, known as the Common School Fund. This investment policy provides guidance to Oregon State Treasury staff and advisors regarding approved asset classes, asset allocation, and reporting requirements for the Common School Fund.

The investment objective for this fund is to maximize risk-adjusted return, while remaining consistent with goals as established by the State Land Board to generate returns in support of funding education for Oregon's school kids.

At the State Land Board meeting, the Oregon State Treasury will be presenting on the performance of the Common School Fund's investments for fiscal year 2023. The key items that will be addressed are as follows:

- Fund Objectives
- Common School Fund: Current Asset Allocation
- Common School Fund: Performance of portfolios:
 - Global Equity
 - Fixed Income
 - Private Equity
 - Real Estate

- Real Assets
- Diversifying Strategies

Common School Fund Distribution Policy Objective

The Common School Fund distributes 3.5% of the average three trailing years NAV to the Department of State Lands which in turn distributes those funds to the Department of Education to support the State's K-12 education programs. In addition, with the passage of SB 1566, certain funds (subject to a formula) are distributed to the State to pay down some of the unfunded PERS liability.

APPENDICES

Appendix A – Common School Fund Annual Review

October 10, 2023

Common School Fund Annual Review

Michael Langdon

Director of Private Markets

Louise Howard

Senior Investment Officer

Wil Hiles

Investment Officer



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Agenda

Common School Fund Objectives

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Total Fund Asset Allocation

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Total Fund & Asset Class Performance

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Accomplishments & Strategic Priorities

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Total Fund Net Asset Value (NAV)

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Common School Fund Objectives

Investment Policy

- The Oregon Investment Council (OIC) formulates policies for the investment of funds under the control and administration of the Department of State Lands, known as the Common School Fund (the Fund)
- Investment policy provides guidance to Oregon State Treasury staff and investment consultants regarding approved asset classes, asset allocation, and reporting requirements
- The primary objective of the Common School Fund is to generate a real (inflation-adjusted) rate of return that is sufficient to support the mission of the Fund and its spending needs into perpetuity

Distribution Policy

- On an annual basis, the Common School Fund distributes 3.5% of the Fund's trailing three-year average market value to the Department of Education to support the State's K-12 education programs
- In addition, with the passage of SB 1566, certain funds (subject to a formula) are distributed to the State to pay down some of the PERS unfunded liability

Total Fund Asset Allocation

Asset Class	Benchmark	Market Value	Current Allocation	Interim Target	Long-Term Target	Active Weight	Approved Range
Global Equity	MSCI ACWI IMI (Net)	\$1.1B	51.3%	47.5%	45.0%	6.3%	40% - 50%
Private Equity	Russell 3000 + 300 bps	\$178.1M	8.1%	12.5%	15.0%	-6.9%	10% - 15%
Fixed Income	Bloomberg US Aggregate Bond Index	\$552.5M	25.1%	22.5%	20.0%	5.1%	15% - 25%
Real Estate	NCREIF ODCE QTR Lag (Net)	\$204.9M	9.3%	10.0%	10.0%	-0.7%	5% - 15%
Real Assets	CPI + 4%	\$37.4M	1.7%	2.5%	5.0%	-3.3%	0% - 10%
Diversifying Strategies	HFRI FOF: Consv Index	\$80.2M	3.6%	5.0%	5.0%	-1.4%	0% - 10%
Cash	N/A	\$18.3M	0.8%	0.0%	0.0%	0.8%	0% - 3%
Total Fund		\$2.2B	100%				
Total Fund						Long-Term Target	
10-Year Expected Nominal Return						7.1%	
10-Year Expected Standard Deviation						12.5%	

Performance – Total Fund

- For the year ended June 30, 2023, the Common School Fund (Total Fund) returned 7.0%, slightly underperforming its benchmark, while providing positive to flat results over longer trailing time periods
- Global Equity and Real Assets provided strong absolute returns over the prior the year, while returns for Private Equity, Real Estate and Diversifying strategies were negative
- The Fund's three-year relative outperformance is also driven primarily by the Global Equity allocation

	Market Value	1 Year	3 Years	5 Years	10 Years
Total Fund	\$2.2B	7.0%	8.9%	6.3%	7.3%
Policy Benchmark		7.1%	7.6%	6.3%	7.3%
Excess Return		-0.2%	1.2%	0.0%	0.0%



Performance – Global Equity

- For the year ended June 30, 2023, the Global Equity portfolio slightly outperformed its benchmark and is outperforming over longer, trailing time periods
- Global equities rallied on positive economic data and cooling inflation, after a difficult calendar year in 2022
- The U.S. stock market (represented by the S&P 500) gained 19.6%, while developed international countries (MSCI World Ex US Index) gained 17.4% and emerging markets (MSCI EM Index) gained a meager 1.8%
- Large cap stocks outperformed their small cap counterparts in developed markets, while smaller cap stocks outperformed in emerging markets
- Growth outperformed Value oriented stocks in developed markets, while Value outperformed in emerging markets

	Market Value	1 Year	3 Years	5 Years	10 Years
Global Equity	\$1.1B	16.5%	14.1%	8.4%	9.3%
MSCI ACWI IMI (Net)		16.1%	11.0%	7.7%	8.6%
Excess Return		0.3%	3.1%	0.7%	0.7%



Performance – Fixed Income

- For the year ended June 30, 2023, the Fixed Income portfolio outperformed its benchmark and is also outperforming over longer, trailing time periods
- A combination of sector allocation (favoring spread sectors over Treasuries) and modestly tightening credit spreads contributed to recent outperformance
- Interest rates across the U.S. Treasury curve moved higher into June 2023, most notably in the short end of the curve, as the Federal Reserve attempts to combat inflation (2% target) through on-going quantitative tightening (+0.25% in May and skip in June)
- The U.S. economy remains resilient although, signs of the impact of higher interest rates are starting to emerge

	Market Value	1 Year	3 Years	5 Years	10 Years
Fixed Income	\$552.5M	0.5%	-3.5%	1.2%	2.1%
Bloomberg US Agg Bond Index		-0.9%	-4.0%	0.8%	1.6%
Excess Return		1.4%	0.4%	0.4%	0.5%



Performance – Private Equity

- For the year ended June 30, 2023, the Private Equity (PE) portfolio underperformed its benchmark and is also underperforming over longer, trailing time periods
- The PE market has begun to emerge with a slightly more favorable view towards the back half of '23 with concerns of a looming recession somewhat lessening
- IPO markets have re-opened, albeit, still somewhat weak, aided in part by the S&P 500 and Nasdaq rallying through the first half of '23
- Fundraising has continued to slow, and fund closings timeframes have lengthened
- Deal volume through the first half of 2023 was down nearly 60% when compared to the same period in 2022
- General Partners (GPs), who had tremendous fund raises over recent years, will eventually face pressure to deploy capital. Coupled with a backlog of un-exited portfolio companies, Limited Partners (LPs) are starting to face depressed liquidity levels as they await capital to be returned from GPs

	Market Value	1 Year	3 Years	5 Years	10 Years
Private Equity	\$178.1M	-8.0%	19.1%	13.6%	13.5%
Russell 3000 + 300 bps Qtr Lag		-5.8%	22.0%	13.7%	15.1%
Excess Return		-2.1%	-2.9%	-0.2%	-1.5%



Performance – Real Estate

- For the year ended June 30, 2023, the Real Estate portfolio outperformed its benchmark, and is also outperforming over longer, trailing time periods
- The Real Estate portfolio is currently comprised of 6 managers – evenly split between Core/Core-plus and Non-Core
- In the Core portfolio, further increases in capitalization and discount rates continued to drive depreciation
- Non-Core Funds are yet to post meaningful results, as all funds are early in their investment periods, with the bulk of capital remaining to be called

	Market Value	1 Year	3 Years	5 Years	10 Years
Real Estate	\$204.9M	-2.2%	8.7%	7.2%	N/A
NCREIF ODCE QTR Lag (Net)		-3.9%	7.5%	6.6%	N/A
Excess Return		1.7%	1.3%	0.6%	N/A



Performance – Real Assets

- For the year ended June 30, 2023, the Real Assets portfolio outperformed its benchmark and is also outperforming over the 3-year period
- The Real Assets portfolio is currently comprised of 2 Infrastructure managers and 2 Natural Resources manager
- The Real Assets portfolio is still early in its lifecycle (initial funding in 2018), with approved managers still calling capital, resulting in an underweight to its long-term target allocation (currently 1.7% vs. 5.0% target)
- Additional managers/funds are expected to be approved and funded over the remainder of the year

	Market Value	1 Year	3 Years	5 Years	10 Years
Real Assets	\$37.4M	9.7%	14.5%	N/A	N/A
CPI + 4%		7.1%	10.0%	N/A	N/A
Excess Return		2.6%	4.5%	N/A	N/A



Performance – Diversifying Strategies

- For the year ended June 30, 2023, the Diversifying Strategies portfolio underperformed its benchmark, with mixed results over longer time periods
- The Diversifying Strategies portfolio is still relatively early in its lifecycle (initial funding in 2018) and is nearing its long-term target allocation (currently 3.6% vs. 5.0% target)
- The Diversifying Strategies portfolio has been successfully restructured and is now diversified across 9 managers
- Commodity Trading Advisor (CTA), also known as (managed futures) Hedge Funds, and to a lesser extent, style premia managers continue to drive shorter term performance, while medium-term (3 and 5 year) performance can almost entirely be attributed to pronounced long/short Value style factor exposures

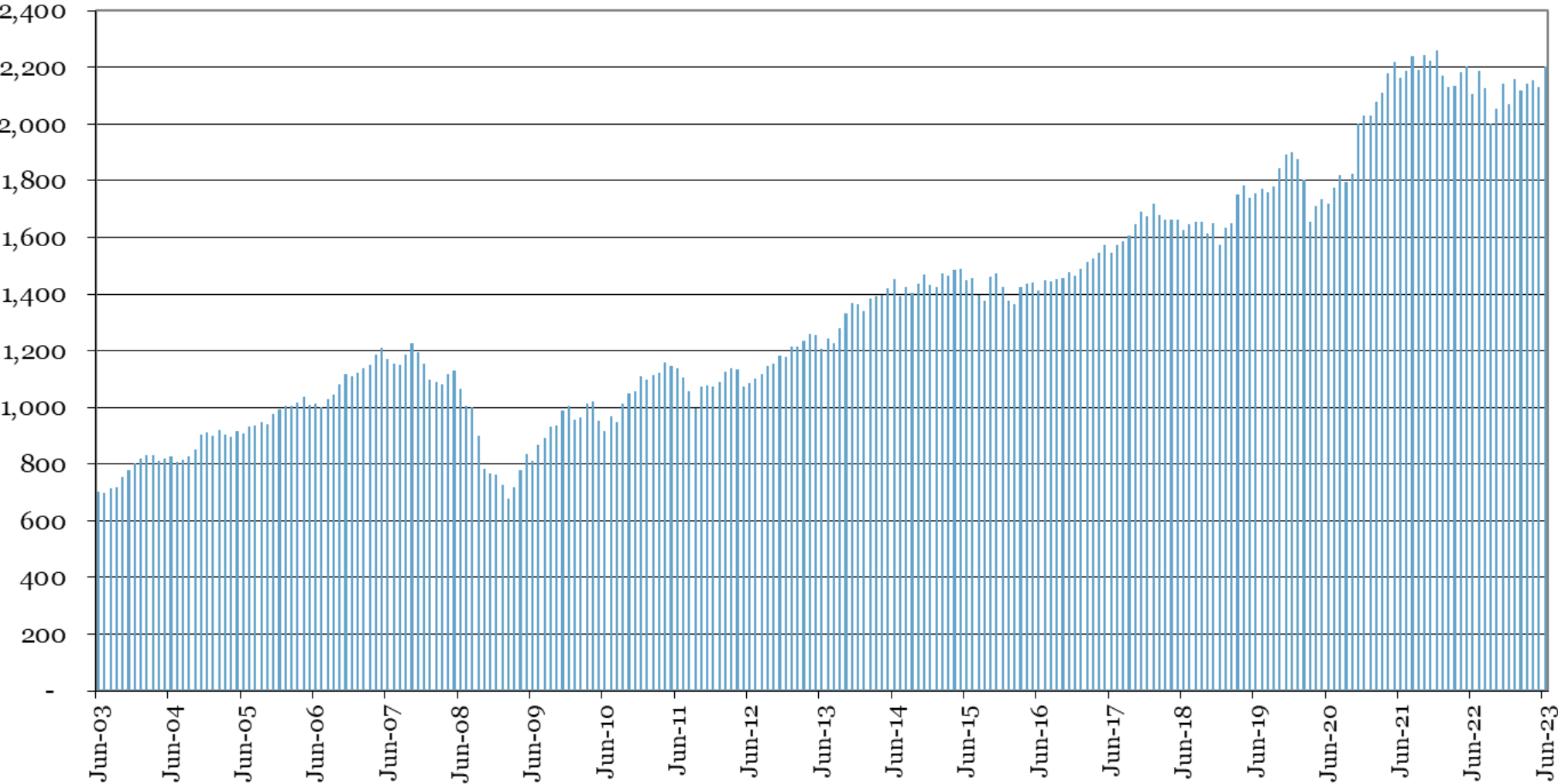
	Market Value	1 Year	3 Years	5 Years	10 Years
Diversifying Strategies	\$80.2M	-2.6%	6.2%	-1.7%	N/A
HFRI FOF: Conservative Index		3.5%	6.0%	3.9%	N/A
Excess Return		-6.1%	0.2%	-5.6%	N/A



Accomplishments and Strategic Priorities

- Implement new asset allocation (approved by the OIC in July 2022) – notably, funding up Real Assets and Private Equity, while reducing Global Equity and Fixed Income exposure
- The Real Assets and Diversifying Strategies portfolios have been restructured, reducing manager concentration risk
- Review portfolio construction with asset class teams to refine investment manager composition
- Previously Finalized Investment Policy Statement with intent to consolidate asset class guidelines

Total Fund NAV (\$ Millions)



Oregon State Treasury Team



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Michael Langdon

Director of Private Markets

Tenure: 2015

As the Director of Private Markets, Mike manages teams with oversight of OPERF's private equity, real estate, real asset and opportunities portfolios with current net asset value of nearly \$50 billion.

- ❖ Oversee \$5-7 billion per annum of commitment pacing
- ❖ Chair OST's internal investment committee for private market portfolio
- ❖ Day to day portfolio manager for OPERF's ~\$24 billion private equity portfolio
- ❖ Manage select, strategic external manager relationships

Education: BS Clemson University, CFA Charterholder



Wil Hiles

Investment Officer

Tenure: 2016

As Investment Officer, Wil supports the Public Equity team's day-to-day activities surrounding OPERF by serving as a key contact for internal groups, external investment managers, the custodian bank, and other third-party providers. Wil also assists in overseeing the Oregon Common School Fund and the Oregon Savings Growth Plan. Duties assigned include:

- ❖ Monitors and evaluates current and prospective investment managers
- ❖ Evaluates portfolio structure and makes recommendations to improve risk-adjusted returns
- ❖ Coordinates new account fundings, terminations, portfolio transitions, and cash raise activity
- ❖ Assist in overseeing proxy voting and commission recapture programs
- ❖ Conducts market research and analysis
- ❖ Serves as internal equity portfolio manager and trader

Education: BA in Finance from Linfield College; Master of Science in Finance (MSF) from Pacific University



Louise Howard

Senior Investment Officer

Tenure: 2022

As Senior Investment Officer, Louise leads the Public Equity team on the oversight of the OPERF public equity portfolio, the Common School Fund, and the Oregon Savings Growth Plan. She also:

- ❖ Leads the oversight of the \$25 billion OPERF public equity program comprised of a mix of 34 internal and external investment strategies
- ❖ Directs the management of five internally managed portfolios totaling approximately \$9.6 billion
- ❖ Leads the monitoring and evaluation efforts for the external and prospective investment managers
- ❖ Evaluates portfolio structure and makes recommendations to improve risk-adjusted returns
- ❖ Responsible for managing and coordinating the liquidity needs of OPERF by liquidating public equity assets for pension payments and private market capital calls
- ❖ Participates in private market Committee Meetings (Real Estate, Private Equity, Alternative, and Opportunistic)

Education & Certifications: BA University of New Orleans, MBA University of New Orleans, CFA Charterholder, CAIA Charterholder





OREGON STATE TREASURY

Tobias Read
Oregon State Treasurer

16290 SW Upper Boones Ferry Road
Tigard, OR 97224

oregon.gov/treasury



Oregon

Tina Kotek, 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

M E M O R A N D U M

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Date: October 10, 2023

To: Governor Tina Kotek
Secretary of State LaVonne Griffin-Valade
State Treasurer Tobias Read

Tobias Read

State Treasurer

From: Vicki L. Walker
Director

Subject: Strategic Action Plan Update

A companion to our 2022-27 Strategic Plan, the two-year Action Plan identifies specific strategic projects the Department of State Lands is working on in FY 23 and 24.

Focus Project Updates

The Action Plan's five Focus Projects are major initiatives that significantly contribute to multiple strategic goals and related progress metrics, and support achieving many outcomes within each goal. Focus projects have defined major tasks for FY 23 and 24, as well as target completion date.

Modern Permitting and Information System

What Does this Project Do? Replaces a system developed in the '90s with a powerful database and an easy-to-use online service center. Oregonians will be able to apply for permits, search for documents and data, access public records, make payments, and more online. This project helps the DSL team deliver service more efficiently, and ensures reliable and accessible data for use in decision making and reporting performance.

Status of Major Tasks. This project has four tracked tasks:

- Contractor retained – Complete in 2022

- Complete master build plan – Complete in 2022
- System meets all specifications, customer and agency use requirements – In progress and on track within extended project timeline
- System fully configured and ready to launch – Not started

Overall Status. The project timeline has been extended, with the system now expected to be live in October 2025 rather than March 2024. The updated completion target is, by November 1, 2025, the system is live and working as envisioned.

Waterway and Wetland Programs Costs

What Does This Project Do? Ensures removal-fill permitting and waterway use programs protect Oregon's wetlands and waters without subsidy by the Common School Fund. This project includes eight distinct strategic initiatives related to changing fee structures, addressing the costly and ongoing issue of abandoned and derelict vessels and long-term waterway camping, and ensuring insurance and bonding requirements and contract terms and conditions adequately protect the Common School Fund and natural resources.

Status of Major Tasks. This project has four tracked tasks:

- Develop legislative concept to a) set removal-fill fees via rule and b) create an exemption from personal property holding requirements to reduce the cost and risk associated with waterway cleanups – Complete in 2023, with successful legislation
- Rulemaking to update waterway use rate structures – In progress and on track
- Reduce waterway lease risks – In progress and on track
- Establish program to address abandoned and derelict vessels – In progress and on track

Overall Status: This project is on track to meet the January 1, 2026, target for all fee structures being updated via rulemaking; risk being reduced through lease term, insurance, and financial assurance changes; and a program being established to address abandoned and derelict vessels and long-term camping.

South Slough Wasson Creek Watershed Restoration

What Does This Project Do? Restores more than 500 acres of forest and wetlands to improve forest health and stream habitat, reestablish native plants, protect cultural resources, and demonstrate the importance and value of restoration work. Working collaboratively with local, state, and Tribal experts, the project is using innovative approaches and best practices for restoring forests and wetlands that will be shared through extensive outreach and education.

Status of Major Tasks. This project has four tracked tasks:

- Develop restoration plan for forested uplands – Complete in 2021
- Update restoration plan for wetlands – Complete in 2022
- Pre-restoration monitoring – In progress and on track
- Complete forested uplands restoration work – In progress and on track

Overall Status: This project is on track to meet the December 31, 2025, target date for completing the restoration project.

Elliott State Research Forest

What Does This Project Do? Satisfies the Elliott State Forest's financial obligations to the Common School Fund and transforms the forest into a publicly owned, world-class research forest overseen by an independent state agency – the Elliott State Research Forest Authority – and managed by Oregon State University.

Status of Major Tasks. This project has six tracked tasks, all of which are actions required by SB 1546 to establish the Elliott State Research Forest and new state agency.

- Financial obligations to the Common School Fund met – Complete in April 2022
- State Land Board votes to decouple the forest from the Common School Fund – Complete in December 2022
- DSL approves OSU financial plan for the forest – In progress and on track
- State Land Board approval of OSU Forest Management Plan – In progress and on track
- Habitat Conservation Plan submitted to federal agencies – In progress and on track
- OSU Board of Trustees authorizes university participation – In progress and on track

Overall Status: This project is on track to meet the December 31, 2023, statutory deadline for completing all enabling actions to establish the research forest and new agency.

Oregon's School Lands: Asset Management Plan

What Does This Project Do? Creates a framework for managing Common School Fund land assets and sets metrics for evaluating performance and value of those school lands. The plan will guide the overall approach to management of school lands, including both day-to-day and long-term decisions, and is being developed in a process that includes evaluation of current practices for managing school lands, market trends, economic forecasts, and extensive public and stakeholder engagement.

Status of Major Tasks. This project has five tracked tasks:

- Report on achievements of the previous plan and frame process for developing the next plan – Complete in June 2022
- Gather initial perspectives from the public and stakeholders – Complete in Summer 2023
- Conduct research and analysis – Complete in Summer 2023
- Develop a draft plan for public review and comment – In progress and on track
- Present the proposed plan to the State Land Board for consideration – Not started

Overall Status: The project is on track for completion by June 30, 2024, with the plan anticipated to be before the Land Board for consideration in February or April 2024.

Outcomes Advanced Highlights

All Action Plan projects help the Department make progress toward a specific outcome – we'll meet our strategic goals by achieving those 11 outcomes, each of which is mapped to a specific goal.

Recent highlights:

Outcome: Increased Revenue for the Common School Fund

- **Improving the Financial Performance of School Forestlands.** DSL's forester led multiple efforts to reduce costs and increase revenue, including transitioning forest lands in southeast Oregon from Oregon Department of Forestry management to DSL management at a cost savings of \$200,000 annually; and overseeing the first DSL-led timber sale, a 70-acre thin in Hood River that generated \$652,000 for the Common School Fund.

Outcome: Enhanced Lands and Waters

- **Reducing Wildfire Risk on School Lands.** DSL's forester led the successful implementation of 137 acres of fuels reductions projects. Additionally, the Department used grant funds provided through Senate Bill 762 (2021) to conduct landscape-level efforts to reduce wildfire risk in southeast Oregon, including through 25 miles of roadside noxious weed spraying and 7,700 acres of noxious weed herbicide treatment.

Outcome: Improved Service

- **Examining and Improving Service.** DSL's Support Services Team is poised to launch a ticketing system to receive, route, and track requests for administrative services and information. In addition to improving service to staff, customers, and

the public, the new system will provide data about processing times, work rhythms, types of requests, and other information that will help the Support Services Team report on performance and ensure consistently excellent service.



Oregon

Tina Kotek, 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

M E M O R A N D U M

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Date: October 10, 2023

To: Governor Tina Kotek
Secretary of State LaVonne Griffin-Valade
State Treasurer Tobias Read

Tobias Read

State Treasurer

From: Vicki L. Walker
Director

Subject: Elliott State Forest transition process: Updates on Advancing the Elliott State Research Forest.

Since 2019, the Oregon Department of State Lands (DSL) and Oregon State University (OSU) have worked together at the Land Board's direction to transform the Elliott State Forest into a publicly owned state research forest.

The Oregon Legislature in 2022 passed Senate Bill 1546, which provides a path to create the Elliott State Research Forest and an independent state agency, the Elliott State Research Forest Authority, to govern the forest with transparency and public accountability. The bill also codified commitments to research-based management in partnership with OSU, as well as commitments to conservation, recreation, education, financial viability, forest products, local economies, Tribal engagement, and more.

SB 1546 contains six clearly defined enabling actions that must be completed for the Elliott State Research Forest and its new governing agency to officially exist. This past legislative session, through SB 161, the Legislature updated the deadline for completing those required SB 1546 actions to December 31, 2023.

Status of Actions Required by SB 1546

Two actions are complete:

The forest's financial obligations to the Common School Fund have been satisfied. A down payment of \$100 million was made to the Common School Fund in 2019, through the sale of legislatively approved bonds. In 2022, the Legislature provided the remaining \$121 million in general funding to satisfy the Common School Fund obligation.

The Land Board voted to decouple the forest from the Common School Fund. In December 2022 the Land Board voted to decouple the Elliott from the Common School Fund, thereby freeing the forest of its obligation to generate revenue for K-12 public schools. In December 2022 the Land Board also authorized further actions necessary to transfer the forest to its new research forest path, such as defining which lands were included in the transfer.

The remaining four enabling actions that must be completed prior to December 31, 2023, are on track. Those actions are:

Submission of a final Habitat Conservation Plan (HCP) for the research forest to federal agencies. The HCP is in the revised draft phase, and is on track for submission by the statutory deadline of December 31. Upon receipt, federal agencies will then complete the federal environmental review process and decide on the issuance of programmatic permits to the State. Those permits would allow for operation of the research forest in compliance with the Endangered Species Act for an 80-year term. An HCP is foundational to effectively operating a public research forest of this nature. A final federal decision and issuance of Endangered Species Act permits are anticipated in summer 2024.

Land Board approval of a Forest Management Plan (FMP). Development of the FMP is being led by OSU and is currently in the public comment and review phase. The FMP is anticipated to be before the Land Board for consideration at its December meeting.

The FMP is the implementation plan for the Elliott State Research Forest that directs research operations and management. Guidance, objectives, and direction in the FMP will be in alignment with the OSU research design outlined in the Elliott State Research Forest Research Proposal accepted by the Land Board in April 2021, as well as HCP commitments. Per SB 1546, the FMP is a legally binding document, subject to review and oversight by the new Elliott State Research Forest Authority's board, and will be implemented through biennial operations plans and budgets approved by the Authority's board. While the FMP will integrate commitments of the Habitat Conservation Plan, it is not an 80-year document like that plan is. The FMP may be revised periodically, with amended versions coming to the Authority's board as well as the Land Board for approval.

A formal vote by Oregon State University's Board of Trustees to participate in management of the Elliott State Research Forest. OSU is planning to convene its Board of Trustees in December of this year to address this action.

DSL affirms the financial viability of research forest operations and management. SB 1546 requires DSL to contract for independent third-party expertise to provide input on OSU's plan to address the financial viability of operations and management of the research forest. An [initial independent review was completed](#) in October 2022 by Newton Forestry LLC.

Work and discussion on a revised plan is in progress. DSL has reengaged Newton Forestry, LLC to review OSU's revised plan, with DSL's analysis and financial viability determination expected to be complete in November, ahead of the December 12 State Land Board meeting. Review will consider projected operational costs and revenues, including ongoing costs and start-up costs.

SB 1546 provides multiple alternatives for funding the research forest, including a potential forest carbon market project. The bill authorizes such a project, so long as such a project is consistent with the other management directives for the research forest. Through a competitive contracting process, DSL engaged Anew Climate LLC, an international firm with extensive experience in the carbon market, to explore a potential project. Anew will provide an update on the first phase of their work, a feasibility study, during Land Board's October 10, 2023, meeting.

DSL, OSU, the Authority's prospective board, and stakeholders are working collaboratively toward completion of the four remaining actions. We look forward to providing another update during the December Land Board meeting and presenting the FMP for Land Board consideration as an action item.