



Oregon

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Department of State Lands

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State Land Board

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Regular Meeting February 13, 2024 Agenda Item 3

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

SUBJECT

The Department of State Lands requests approval of the creation of 1.03 acres of new lands by filling a portion of the State's ownership within the Columbia River in Township 08 North, Range 10 West.

ISSUE

Whether the Land Board should grant permission for the Port of Astoria to create, and subsequently purchase, 1.03 acres of new lands within the Columbia River for the purpose of rehabilitating Pier 2 West. Approval for the purchase of the newly created lands is preliminary, and dependent upon the outcome of a land survey and appraisal.

AUTHORITY

ORS 274.920; relating to the creation of new lands with approval of the owner of the submerged and submersible lands.

ORS 274.932; relating to the right of a public body to purchase new lands created by it.

OAR 141-068-0100; relating to the Land Board's authority to grant permission to create new lands.

OAR 141-068-0110; relating to the sale of new lands.

OAR 141-125; relating to the Department's authority to issue Short-Term Access Agreements

SUMMARY

On October 20, 2023, the Department received a completed application (see Appendix A) from the Port of Astoria (Port) requesting permission to fill in 1.03 acres of submerged land and to create, and subsequently purchase, new lands within the State's ownership of the Columbia River in Township 08 North, Range 10 West. See a map in Appendix B.

The creation of new lands is a significant step in the Port's Pier 2 West Rehabilitation project. The dock and seawall of Pier 2 West is in very poor condition with sixty-two percent of the bents rated as "Urgent" or "Critical" by the Oregon Department of Transportation in 2017. Weight restrictions were imposed, and sections of the dock cordoned off and prohibited from use because of load bearing loss. The selected rehabilitation option is to install a new full height seawall at the face of the existing dock and then backfill behind it, thus creating new land.

OARs 141-068 requires that creation of new lands may only be done with the permission of the owner of the submerged lands on which they are created, as well as the permission of the adjacent upland riparian tax lot owner. At this location, the Port is the upland riparian tax lot owner, and the Department is the owner of the submerged lands.

To begin their project, the Port is requesting permission from the State Land Board to create new lands and preliminary approval of the sale of those new lands to the Port. Per ORS 274.932 a public body that creates new lands has the right to purchase them within one year of their creation. The final sale must be approved by the State Land Board, and the compensation cannot be calculated until the new lands are created and surveyed. Land surveys and appraisals will be at the cost of the applicant.

Looking Ahead to Future Actions

Following approval from the State Land Board for the creation of new land, the Department will issue a Short-term Access Agreement for the construction period of the project. These authorizations are available for limited duration uses of state-owned land that have limited impact on the property.

Prior to any fill activity, the Port will need to apply for and receive a removal-fill permit from the Department. This process will identify potential project impacts on the property, surrounding properties, and health of the watershed. Early consultation with Department staff has identified mitigation sites the Port may consider in meeting state and federal requirements.

Following construction and land surveying, a second request will go before the State Land Board for final approval of the sale of the new lands. This will include a survey of the acreage and the value at which it will be sold.

Public Review and Comment Period

The Department circulated the completed application for public review and comment from December 1, 2023, to December 31, 2023. The notice was circulated to all adjoining property owners, local school district superintendents, county commissioners, Oregon Department of Fish and Wildlife, local Tribes, and other interested stakeholders.

The Department received one comment during the 30-day period. The comment was submitted by the Department's proprietary coordinator regarding the Port's active waterway lease with the Department that covers the area intended for the creation of new land. This lease will require an amendment to reflect the newly filled land upon any completed sale.

RECOMMENDATION

The Department of State Lands recommends the State Land Board approve the Port to create approximately 1.03 acres of new lands, with preliminary approval for the purchase of those lands, within the State's ownership of the Columbia River in Township 08 North, Range 10 West.

APPENDICES

A: Application 64749-LS to Create and Purchase New Lands Within a State-Owned Waterways

B: Exhibit Map

State of Oregon Department of State Lands



8N 9W

8N 10W

Astoria

12

**EXHIBIT A**

64749-LS New Lands
T08N, R10W Section 13
45,274 Square Feet (1.03Acres)
Clatsop County

Legend

Use Area

Tax Lots

Clat_Tax

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

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Feet



Map Projection:
 Oregon Statewide Lambert
 Datum NAD83
 International Feet
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