

Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

DATE STAMP



**U.S. Army Corps of
Engineers
Portland District**



**Oregon
Department of
State Lands**



**Oregon
Department of
Environmental
Quality**

Action ID Number

DSL Number

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

Corps: ☐ Individual ☒ Nationwide No.: 35 ☐ Regional General ☐ Other (Specify) _____
DSL: ☐ Individual ☐ GP Trans ☐ GP Min Wet ☒ GP Maint Dredge ☐ GP Ocean Energy ☐ No Permit ☐ Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) ☒ Consultant ☐ Contractor
Name (Required) Business Name Mailing Address 1 Mailing Address 2 City, State, Zip	Aaron Bretz Director of Operations Port of Newport 600 SE Bay Blvd Newport, OR 97365		John van Staveren Pacific Habitat Services 9450 SW Commerce Cir, Suite 180 Wilsonville, OR 97070
Business Phone Cell Phone Fax Email	541-265-7758 541-961-3904 abretz@portofnewport.com		503-570-0800 x306 jvs@pacifichabitat.com

(3) PROJECT INFORMATION

A. Provide the project location

Project Name NOAA MOC-P Moorage Maintenance Dredging		Latitude & Longitude* 44.626345, -124.048512		
Project Address / Location 2002 SE Marine Science Drive (dredge site)		City (nearest) Newport		County Lincoln
Township	Range	Section	Quarter/Quarter	Tax Lot
11 South	11 West	17A	NE ¼	300 (dredge site)
11 South	11 West	17A	NE ¼	400 (dredge spoil site)

Brief Directions to the Site:

Follow Highway 20 west; turn left on Highway 101; drive south over the Yaquina Bay Bridge and take the first right on SW Abalone Street, which doubles back under the bridge and becomes SE Marine Science Drive. Continue approximately 0.75 mile on SE Marine Science Drive to the project site.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☐ River / Stream ☐ Non-Tidal Wetland ☐ Lake / Reservoir / Pond
☒ Estuary or Tidal Wetland ☐ Other ☐ Pacific Ocean

Waterbody or Wetland Name** Yaquina Bay	River Mile ~1.5	6 th Field HUC Name Poole Slough – Yaquina River	6 th Field HUC (12 digits) 171002040303
--	--------------------	--	---

* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (check all that apply.)		
☐ Commercial Development	☐ Industrial Development	☐ Residential Development
☐ Institutional Development	☐ Agricultural	☐ Recreational
☐ Transportation	☐ Restoration	☐ Bridge
☒ Dredging	☐ Utility lines	☐ Survey or Sampling
☐ In- or Over-Water Structure	☒ Maintenance	☐ Other:
(4) PROJECT DESCRIPTION		

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

The proposed project will dredge approximately 17,119 cubic yards of accumulated sediment from existing ship berths located at the NOAA Marine Operations Center - Pacific (MOC-P) moorage site to return the facility to its originally permitted dredge depth (Figures 1-4, all figures are in Attachment 1). A 3.69-acre area within the previously established dredge prism (NWP-2009-627(2) and NWP -2013-342(1 and 2), 44908-RF, 54742-RF, 61588-GP) will be dredged during the 2026/2027 preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The project is located along the north, east, and west sides of the existing NOAA MOC-P wharf (Figures 5 and 6). It is anticipated that the proposed project will be authorized under the terms and limitations of the Corps of Engineers' (Corps') Nationwide Permit Number 35 (Maintenance Dredging of Existing Basins) and the State General Permit for Navigational Access Maintenance Dredging (OAR 141-093-0250). It is assumed that the recently accumulated sediment is comprised of silty sand and that the post-dredge surface will be considered suitable for aquatic exposure. The SEF approval is valid until 2030.

Dredging will be conducted using a hydraulic dredge down to a depth of -27.23 feet Mean Lower Low Water (MLLW), which equates to -28 feet North American Vertical Datum (NAVD88). The dredge spoils (sediment and water) will be suctioned into a temporary pipeline and pumped to the existing South Beach dredge disposal site located south of the wharf. Approximately 800 feet of 10 to 12-inch diameter pipe will be floated from the dredge area to the South Beach dredge disposal site to carry the dredge spoils. The pipe will result in approximately 30 cubic yards of temporary fill within the Bay. Three existing eelgrass mitigation areas associated with the original construction of the NOAA MOC-P facility are located along the shore south of the existing wharf, one of which is between the proposed dredge area and the South Beach dredge disposal site. All dredge disposal piping will be placed to avoid potential impacts to these existing eelgrass beds (Figure 7). In addition, given that eelgrass grows in the intertidal zone of the estuary, generally above -5 feet NAVD88, the proposed dredging activity will not impact eelgrass as the proposed depth of dredging is between -15 NAVD88 to -28 feet NAVD88.

Dredging activities will require approximately two weeks of in-water work during the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The exact timing of dredging will be dependent on NOAA's operational schedule.

Flow management: The potential for return water to enter the bay is minimal to none. The dredge spoils will be pumped through a temporary pipe into the upper pond of the South Beach upland disposal area. The water in the pond will likely infiltrate, but excess will flow into the lower pond where the water is clarified. The clarified water will flow through a swale at an elevation of 9 feet with check dams and over a vegetated outflow swale, which has an elevation of about 30 feet. This increase in elevation ensures it is very unlikely there will be turbidity entering the bay or accidental overloads of the system. The distance the water must flow is approximately 389 feet.

B. Describe work within waters and wetlands

Approximately 17,119 cubic yards of sediment will be removed from below the highest measured tide (HMT) of the Yaquina Bay (11.51 feet NAVD88) and then piped to the South Beach dredge disposal site south of the proposed 3.69-acre dredge area. Temporary spud piles for the work barge and a temporary pipeline will result in a total of approximately 35 cubic yards of temporary fill within the Bay. A summary of permanent and temporary waters impacts is provided below (Section 4F-4I). The proposed project will not impact wetlands.

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

The hydraulic dredge will be mounted on a barge using a crane, and then towed into place above the area to be dredged. The barge will result in approximately 5 cubic yards of temporary fill within the Bay associated with the barge's spud piles. Approximately 800 feet of 10 to 12-inch diameter pipe will be floated from the dredge area to the South Beach dredge disposal site to carry dredge spoils. The pipe will result in approximately 30 cubic yards of temporary fill within the Bay. Dredging activities will require approximately two weeks of in-water work during the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The exact timing of dredging will be dependent on NOAA's operational schedule.

The following is a general sequence of proposed project activities:

1. Conduct overall project mobilization and implement erosion and sediment control measures.
2. Re-grade existing dredge disposal site, construct finger dike, and install drain weir.
3. Mobilize suction dredge and install/float disposal pipe.
4. Dredge accumulated sediment along wharf.
5. Place dredged material at South Beach disposal site.
6. Remove disposal piping and other erosion and sediment control measures.

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

The source of the accumulated sediment that will be removed from the project area is from the Yaquina Bay. The material has accumulated since the previous maintenance dredging. The results of previous sediment characterization concluded that accumulated sediment and post-dredge surface were considered suitable for unconfined, aquatic exposure without additional testing. The SEF approval is valid until 2030.

E. Construction timeline.

As stated above, all work conducted below the HMT of Yaquina Bay will occur between November 1 and February 1 of the ODFW-preferred IWWW for the Yaquina River estuary. The proposed project will require approximately two weeks of in-water work.

What is the estimated project start date? November 1, 2026

What is the estimate project completion date? February 1, 2027

Is any of the work underway or already complete?
If yes, describe.

☐ Yes

☒ No

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to Remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft)	Area (sq.ft. or acres)	Volume (c.y.)		
Dredging of Sediment	1,500	50-100	Max 10	3.69	17,119	Permanent	Silty Sand
G. Total Removal Volumes and Dimensions							
Total Removal to Wetland and Other Waters				Length (ft)	Area (sq. ft. or ac.)	Volume (c.y.)	
Total Removal to Wetlands							
Total Removal Below Ordinary High Water							
Total Removal Below <u>Highest Measured Tide</u>				1,500	3.69	17,119	
Total Removal Below <u>High Tide Line</u>							
Total Removal Below <u>Mean High Water Tidal Elevation</u>							
H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name *	Fill Dimensions					Time Fill is to Remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft)	Area (sq.ft. or acres)	Volume (c.y.)		
Installation of floating disposal piping	800	540	2	0.02	30	Temporary	Steel piping
Temporary work barge	1	1	4-6	2 sq. ft.	5	Temporary	Spud piles
I. Total Fill Volumes and Dimensions							
Total Fill to Wetland and Other Waters				Length (ft)	Area (sq. ft. or ac.)	Volume (c.y.)	
Total Fill to Wetlands							
Total Fill Below Ordinary High Water							
Total Fill Below <u>Highest Measured Tide</u>				801	0.02	35	
Total Fill Below <u>High Tide Line</u>							
Total Fill Below <u>Mean High Water Tidal Elevation</u>							
* If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A"). ** Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months, or years the fill or removal is to remain. *** Example: soil, gravel, wood, concrete, pilings, rock etc.)							

(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

Purpose and Need: The purpose of the proposed project is to remove up to 17,119 cubic yards of accumulated sediment from existing ship berths located at the NOAA Marine Operations Center - Pacific (MOC-P) moorage site to return the facility to its originally permitted dredge depth. Sediment has accumulated above the required and permitted moorage depth that the Port of Newport (Port) is obligated to maintain along the wharf. It is imperative that the accumulated sediment be removed as soon as possible to maintain safe ship berthing and to allow the Port to fulfill its contractual obligation to NOAA. Previous sediment removal efforts (NWP-2013-342 (1 and 2), 54742-RF, and 61588-GP) have been conducted since the MOC-P facility was originally permitted (NWP-2009-627(2), 44908-RF, 2013-342/3). It is anticipated that the proposed project will be authorized under the terms and limitations of the Corps of Engineers' (Corps') Nationwide Permit Number 35 (Maintenance Dredging of Existing Basins) and the State General Permit for Navigational Access Maintenance Dredging (OAR 141-093-0250). Dredging last occurred in the 2022/2023 in-water work period.

The original MOC-P facility permit estimated the design sedimentation rate for the dredge area to be approximately 0.4 feet per year, requiring maintenance dredging of 30,000 to 40,000 cubic yards of accumulated sediment every 10 to 15 years; however, the actual sedimentation rate observed within the project area has been much higher and as such, will require more frequent maintenance dredging. A sedimentation study indicated that the MOC-P facility's position in Yaquina Bay on the convex side of a channel bend is likely the largest contributing factor to the observed excessive sediment accumulation. As this channel position and the resulting flow hydrodynamics and excessive sedimentation will not change, the Port anticipates the need to conduct maintenance dredging periodically throughout the lifetime of the NOAA contract.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

Yaquina Bay: The Yaquina Bay estuary is approximately 4,329 acres in size and drains a watershed of approximately 253 square miles. The geomorphology of the area is that of a drowned river mouth estuary. The Yaquina estuary provides critical spawning and rearing habitat for a variety of forage fish, including Pacific herring (*Clupea pallasii*), Northern anchovy (*Engraulis mordax*), longfin smelt (*Spirinchus thaleichthys*), whitebait smelt (*Allosmerus elongatus*), and surf smelt (*Hypomesus pretiosus*). Pacific herring spawn in the shallow waters of the tidal flats and larvae begin rearing in the estuary. Pacific herring are selective pelagic plankton feeders and during low tide cycles they are concentrated in deepwater habitats of the lower estuary. In marine waters, species such as Pacific herring, anchovies and smelt species provide food for commercial fish such as hake, salmon (*Oncorhynchus* sp.), rockfish, halibut, and lingcod (*Ophiodon elongatus*). In Yaquina Bay, forage fish are prey for California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), brown pelicans (*Pelecanus occidentalis*) and many other species.

This area of the estuary is considered the deep subtidal zone. Deep subtidal estuarine habitat is critical to estuary-dependent marine species as well as to anadromous salmonids transitioning between freshwater and saltwater. Deepwater estuarine habitat is also important to the production of forage fish. Native species that use deepwater habitat in the estuary include fall Chinook salmon (*O. tshawytscha*), coho salmon, steelhead (*O. mykiss*), chum salmon (*O. keta*), sea-run cutthroat trout (*O. clarkii*), topsmelt (*Atherinops affinis*), Pacific herring, longfin smelt, surf smelt, Northern anchovy, lingcod, eulachon (*Thaleichthys pacificus*), starry flounder (*Platichthys stellatus*), English sole, Pacific staghorn sculpin (*Leptocottus armatus*), various gobies, Pacific sand lance (*Ammodytes hexapterus*), shiner sea perch, threespine stickleback (*Gasterosteus aculeatus*), Pacific tomcod (*Microgadus proximus*), white sturgeon (*Acipenser transmontanus*) and green sturgeon (*Acipenser medirostris*) (Emmett *et al.* 1991¹). Dungeness crab, Bay shrimp (*Crangon franciscorum*), gaper and cockle clams (*Tresus capax* and *Clinocardium nuttali*) also occur in Yaquina Bay's deepwater habitats.

The Oregon Department of Land Conservation and Development (DLCD) has classified Yaquina Bay as a Deep Draft Development Estuary. The estuary has jetties and a navigation channel maintained by dredging to -30 feet mean low water (MLLW) or deeper. The Yaquina River Estuary Plan calls for management of the area to provide for public commercial, and industrial uses, including navigation, marinas, aquaculture, and aggregate extraction.

The estuary has been isolated from wave action from the Pacific Ocean by jetties extending into ocean from the mouth of the Yaquina Bay. These jetties were begun in the 1880s and extended to their present length in 1972. Protection of the estuary from direct influence of the Pacific has probably changed sediment transport within the outer estuary over the course of the last century. Present sediment distribution includes nearly clean sand near the mouth of the estuary with finer sediments upstream. Movement of Pacific sand into the estuary with tidal flows is also influenced by the Pacific wave field and by storm surges from the Pacific Ocean.

Throughout the lower portion of Yaquina Bay, the shoreline and aquatic areas are significantly altered with riprap, bulkheads, piers, wharves, piling, floating docks, dredging, and other activities. The mean lower-low water (MLLW) elevation within the project area is 4.57 feet relative to the South Beach, Oregon, NOAA station datum (station #9435380), which corresponds to -0.77 feet NAVD 88. The highest measured tide elevation within the project area is 11.51 feet NAVD88 (NOAA 2026²).

The project area is within previously authorized and executed dredge areas and depths and is comprised of a 3.69-acre dredging area with a dredging depth between approximately -25 feet NAVD88 down to -28 feet NAVD88. The proposed dredging area is located along the north, east, and south sides of the existing NOAA MOC-P wharf, and north of three eelgrass (*Zostera marina*) mitigation areas associated with the original construction of the NOAA MOC-P facility. Eelgrass grows in the intertidal zone of the estuary, generally above -5 feet NAVD88. Temporary dredge pipes will be installed between the proposed dredge area and the South Beach dredge disposal site. These pipes will be placed to avoid existing eelgrass mitigation areas.

¹Emmett, R.L., S.L. Stone, S.A. Hinton, and M.E. Monaco. 1991. Distribution and abundance of fishes and invertebrates in west coast estuaries, Volume II: Species life history summaries. ELMR Report No. 8. NOAA/NOS Strategic Environmental Assessments Division, Rockville, MD, 329 pp.

²NOAA (National Oceanic and Atmospheric Administration). 2026. Tidal elevations at station datum 9435380, South Beach, OR. <http://tidesandcurrents.noaa.gov/datums.html?id=9435380>.

Stream Functional Assessment:

The functions and values of the Yaquina Bay within the project reach were assessed using best professional judgment. The rating for each group level function is based on the Stream Function Assessment Method for Oregon (SFAM, Version 1.1, available online: <https://www.oregon.gov/dsl/WW/Pages/SFAM.aspx>). The SFAM identifies four functional groups that provide the basis for a function-based assessment for streams. The functions and values for the pre-existing condition, temporary site disturbance condition, and post- project proposed condition are listed in the following table.

A discussion of the rationale for the ratings follows.

Table 1. Stream Functional Assessment Results (Best Professional Judgement)

Grouped Functions	Pre-Existing Condition*		Dredging Activity Condition*		Proposed Condition*	
	Group Ratings		Group Ratings		Group Ratings	
	Function	Value	Function	Value	Function	Value
Hydrologic Functions	Moderate to Low	Moderate	Moderate to Low (+)	Moderate	Moderate to Low	Moderate
Geomorphic Functions	Moderate	Moderate	Moderate (-)	Moderate	Moderate	Moderate
Biological Functions	Moderate	Moderate	Moderate (-)	Moderate	Moderate	Moderate
Water Quality Functions	Moderate to Low	Low	Moderate to Low (-)	Low	Moderate to Low	Low

* (-) indicates a localized and/or temporary effect, but no system-wide effect.

(+) indicates a localized benefit, but no system-wide effect.

Hydrologic functions include movement of water through the watershed and the variable transfer and storage of water along the river channel, its floodplain, and associated alluvial aquifer. The hydrologic function was assessed through an evaluation of three specific functions, including surface water storage, sub/surface transfer, and flow variation. The hydrology of the river within the project reach is influenced by daily tidal action, as well as freshwater flow from upstream. Hydrologic function has been altered due to the presence of riprap, bulkheads, piers, wharves, piling, floating docks, dredging, and other activities, which influence local channel

dynamics, resulting in changes in peak flow and timing. In addition, changes in the contributing watershed, including reductions in the riparian reserve, artificial floodplain barriers, and increases in land development in the surrounding landscape, have also influenced hydrologic function within the project reach. As such, the existing hydrologic function of the Yaquina Bay in the project area is Moderate to Low.

Function and value change: The overall effects of the proposed project on the hydrologic function of the Yaquina Bay will be negligible in the context of the overall watershed. There will be a local increase in water storage capacity as a result of the dredging as sediment is removed from the channel. The dredging will restore the project area to the previously authorized depths at the NOAA MOC-P facility. As such, there will be no long-term impacts to the hydrologic function. There will also be no change to the value of the function, which is moderate.

Geomorphic functions encompass hydraulic and sediment transport processes that generate variable forces within the channel and the variable input, transfer, and storage of sediment within the channel and adjacent environs that are generally responsible for channel form at multiple scales. The geomorphic function was assessed through an evaluation of two specific functions, including sediment continuity and substrate mobility. Generally, the project reach has reduced geomorphic function due to the presence of development within the surrounding landscape, including the presence of riprap, bulkheads, piers, wharves, piling, floating docks, dredging, as well as local river uses. The upstream uses along the river have altered the sediment dynamics within the project reach; however, upstream tributaries and local channel dynamics continue to supply sediment. Reductions in the riparian reserve, local docks, and recreational boating activities have modified water currents and movement of sediments, contributing to reduced geomorphic functions. The existing geomorphic function of the Yaquina Bay in the project area is Moderate.

Function and value change: The overall effects of the proposed project on the geomorphic function of the Yaquina Bay are negligible in the context of the overall watershed. There will be a local, minor decrease in the geomorphic function during dredging as sediment is removed from the channel. The project will not result in long term impacts to the geomorphic function as local sediment dynamics will continue within the project area following dredging. There will also be no change in the moderate value of the function.

Biological functions include processes that result in maintenance and change in biodiversity, trophic structure, and habitat within the channel. The biological function was assessed through an evaluation of three specific functions, including maintain biodiversity, create, and maintain habitat (aquatic/riparian), and sustain trophic structure and composition. The reductions in riparian reserve and alterations to the land use in the surrounding landscape have contributed to reduced biological functions within the project reach. Riparian reserves are fragmented and poorly connected. Aquatic habitat in the project area, including substrate, large wood, pool frequency and quality, off-channel habitat, and refugia, are not properly functioning or at risk of not properly functioning. The altered hydrologic and geomorphic functions discussed above contribute to reductions in biological functions within the project reach as riparian and aquatic habitats depend on these functions. Changes in flow due to the influence of surrounding development and land use, including changes in peak flow and timing, negatively affect biological function. Even so, the Yaquina Bay in the project reach supports a wide variety of fish and wildlife species, including ESA-listed salmonids. As such, the existing biological function of the Yaquina Bay in the project area is Moderate.

Function and value change: The overall effects of the project on the biological function of the Yaquina Bay are negligible in the context of the overall watershed. There will a local, temporary decrease in the biological function in the project area resulting from dredging activity. All work below the HMT will be conducted during the in-water work window, a time when ESA-listed salmonids are least likely to be present. Following project completion, the biological function in the project area is expected to remain the same. There will also be no change in the moderate value of the function.

Water quality functions encompass processes that govern the cycling, transfer, and regulation of energy, nutrients, chemicals and temperature in surface and groundwater, and between the channel and associated riparian system. The water quality function was assessed through an evaluation of three specific functions, including nutrient cycling, chemical regulation, and thermal regulation. Water quality is generally poor throughout the Yaquina Bay, as degraded riparian habitat, effluent outfalls, agricultural and urban runoff, and physical disturbances to local stream systems have all led to increased chemical and nutrient contamination. Riparian vegetation within the project reach is limited due to the existing commercial and industrial land use. As such, the existing water quality function of the Yaquina Bay in the project area is Moderate to Low.

Function and value change: The overall effects of the proposed project on the water quality function of the Yaquina Bay are negligible in the context of the overall watershed. There will be a temporary, local decrease in the water quality function in the project area resulting from dredging. The project will result in no changes to local or basin wide nutrient cycling, chemical regulation, or thermal regulation. There will also be no change in the low value of the function.

Sediment Analysis: For the 2022 review, the PSET reviewed Advanced Remediation Technologies, Inc. (ART's) *Sediment Characterization Report, Port of Newport, NOAA Marine Operations Center - Pacific, Newport, Oregon* (SCR) 2022. The chemical analytical results were compared to the marine benthic toxicity screening levels (SEF SLs) published in the 2018 SEF. It was found there were no detections or non-detection (U) exceedances of SEF analytes with marine screening levels in the dredge prism composite sample. As such, the NOAA MOC-P's dredge prism material is suitable for unconfined, aquatic placement, including ocean disposal, per the SEF guidance without further testing. Based on the "Low" management area rank, suitability of the overlying dredge prism sediments, and the assumption the post-dredge surface would be comprised of similar sediments, the PSET inferred the NOAA MOC-P's post-dredge surface is suitable for unconfined, aquatic exposure per the SEF guidance without further testing

Hydraulic Characteristics: The proposed maintenance dredging will remove 17,119 cubic yards of recently accumulated sediment from an area that was previously dredged during construction of the NOAA MOC-P facility and subsequent maintenance dredging. As such, it is anticipated that the proposed dredging will have no significant effect on the hydraulic characteristics of tidal flows at the MOC-P site.

Gaper clam study: As part of DSL's conditions of approval for the original NOAA Facility permit (44908-RF Issued October 22, 2010), the Port was required to cooperate with the Oregon Department of Fish and Wildlife (ODFW) by providing time and materials to support the study of gaper clam recolonization and population dynamics within the project dredge area. A portion of ODFW's gaper clam study area overlaps with the proposed maintenance dredge area; however, communication with ODFW indicates that the gaper clam study is concluded. The results of the study indicate that gaper clams are not recolonizing due to frequent maintenance dredging (email from Jason Kirchner, ODFW, to Rick Fuller, Port of Newport, on May 16, 2016, Attachment 2).

Federally Listed Species: There are four species listed under the Endangered Species Act (ESA) with the potential to occur within the project area (see Table 1). In addition, the project area contains designated Critical Habitat, Essential Fish Habitat (EFH) as defined by the Magnuson-Stevens Act, and Essential Salmonid Habitat (ESH) as defined by the DSL.

Table 1. Federally listed fish species with the potential to occur within the vicinity of the project area⁶.

Species	Population (ESU/DPS)	Federal Status	Closest Designated Critical Habitat	Potential Site Use
Coho salmon <i>Oncorhynchus kisutch</i>	Oregon Coast ESU	Threatened (76 FR 35755)	Yaquina Bay	Rearing and migration
Green sturgeon <i>Acipenser medirostris</i>	Southern DPS	Threatened (71 FR 17757)	Yaquina Bay	Foraging
Eulachon <i>Thaleichthys pacificus</i>	Southern DPS	Threatened (75 FR 13012)	Approximately 30 miles south at Tenmile Creek	Rearing and migration
Marbled murrelet <i>Brachyramphus marmoratus</i>	N/A	Threatened (56 FR 58804)	Approximately 6 miles south of project area	Foraging

⁶Sources: NMFS (National Marine Fisheries). 2026. West Coast Office, Protected Marine Life.

<https://www.fisheries.noaa.gov/region/west-coast#protected-marine-life>.

StreamNet. 2022. Data Query and Critical Habitat Mapper. <http://www.streamnet.org/>.

USFWS (U.S. Fish and Wildlife Service). 2022. Critical Habitat Mapper. <http://criticalhabitat.fws.gov/crithab/>.

It is anticipated that the potential effects of the proposed project on coho salmon, green sturgeon, and eulachon and their habitats will be covered under the existing NMFS 2012 Formal Programmatic Opinion, Letter of Concurrence, and Essential Fish Habitat Consultation for *Revisions to Standard Local Operating Procedures for Endangered Species to Administer Actions Authorized or Carried Out by the U.S. Corps of Engineers in Oregon* (SLOPES IV In-water/Over-water Structures). The project's need for a Section 10 Permit from the U.S. Army Corps of Engineers (Corps) authorizes implementation of the terms and conditions of the SLOPES IV In-water/Over-water Structures to comply with the requirements of Section 7 of the ESA (see Attachment 3: SLOPES IV Action Notification Form, Corps only). Specifically, the proposed project has been designed to comply with the applicable design and construction criteria for *dredging to maintain vessel access*, except for the placement of dredged sediment. SLOPES IV requires that dredged sediment "...must be side cast or returned to the channel..." However, NMFS agreed to grant a project specific variance under SLOPES IV to allow for upland placement of dredged sediment in 2013 and 2016. As such, it is assumed that a project-specific variance under SLOPES IV will be granted for the proposed project.

It is anticipated that the proposed project will have no effect on marbled murrelets under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS). Marbled murrelets were reported as "common" in Yaquina Bay in the early 1900s (USFWS 1997⁷), but they are now rarely reported inside the bay. In recent years, most reported sightings are of marbled murrelets observed between the jetties during strong coastal storms (Roy Lowe, ODFW, pers. comm. with PHS staff in 2009). Given the proposed timing of in-water work (outside the nesting season [April 1 – September 15]) and given that marbled murrelets rarely occur within protected harbors, it is unlikely that marbled murrelets will be present within the action area during maintenance dredging. In addition, based on an initial desktop assessment of potential nesting habitat within the vicinity of the project, it was determined that marbled nesting habitat likely does not occur within 0.25 mile of proposed dredging activities (the farthest distance at which dredging could potentially disturb nesting murrelets).

⁷USFWS (U.S. Fish and Wildlife Service). 1997. *Recovery Plan for the threatened marbled murrelet (Brachyramphus marmoratus) in Washington, Oregon and California*. Portland, Oregon. 203 pp.

Cultural Resources: An archaeological survey of the wharf location was conducted by Archaeological Investigations Northwest (AINW) in 2009⁸. AINW found no archeological materials or deposits in 21 borehole sediment samples analyzed. In the event that any archaeological resources and/or artifacts are encountered during dredging, all activity will immediately cease and the State Historic Preservation Office will be contacted.

⁸AINW (Archaeological Investigations Northwest). 2009. Archaeological Study Summary: NOAA Marine Operations Center, In-water Dock Construction Project. AINW Report No. 2410. October 27, 2009. Available upon request.

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

The Yaquina River Estuary Plan calls for management of the area to provide for public, commercial, and industrial uses, including navigation, marinas, aquaculture, and aggregate extraction. The area of the estuary along the Newport Bay Front is used intensively for shallow and medium draft navigation, moorage of small and large boats, fishing, and recreation. Given that the proposed location of dredging activity (along the existing NOAA MOC-P ship berths [a federal facility]) is off limits to recreational use, it is anticipated that the proposed dredging project will not impact recreational activity within the Bay.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The project consists of removing up to 17,119 cubic yards of accumulated sediment from four of the existing ship berths located at the NOAA Marine Operations Center - Pacific (MOC-P) moorage site to return the facility to its originally permitted dredge depth. Because the purpose of the project is to restore safe operational depths within existing NOAA MOC-P berths, alternative sites would not meet the project purpose. The no-action alternative would leave accumulated sediment in place, would not restore the previously authorized dredge depth, and would not allow the Port to maintain safe ship berthing or fulfill its contractual obligations to NOAA.

As with the previous sediment removal efforts (NWP-2013-342 (1 and 2), 54742-RF, and 61588-GP), it was determined that use of a hydraulic dredge would be the most efficient method of dredging and would result in the least environmental impact given the existing depth and location of required maintenance dredging. Two options were considered for the disposal of dredge spoils including flow-lane disposal within the Bay and upland disposal. Flow-lane disposal of dredged material is the placement of spoils within or adjacent to the navigation channel of the Bay. The flow-lane disposal option would have kept the sediment within the Bay; however, ODFW has stated previously that the disposal of dredge spoils within the Bay would smother benthic invertebrates and is not acceptable. The Port's usual location to dispose of dredge spoils is the existing South Beach dredge disposal site adjacent to the proposed MOC-P facility. This area, which is managed by the Port, is used for the disposal of sediments dredged from the South Beach Marina.

Measures to Minimize Impacts: The proposed project will be conducted in accordance with the General Construction design criteria outlined in the SLOPES IV In-water/Over-water Structures programmatic opinion. As such, the following conservation measure will be employed during the dredging project to avoid and/or minimize potential impacts to water quality, ESA-listed species, and existing eelgrass mitigation areas:

In-water Work Period

- All work conducted below the HMT of Yaquina Bay will occur between November 1 and February 1 of the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window (IWWW) for the Yaquina River estuary.

Dredging

- All dredged sediment will be deposited at the South Beach dredge disposal site in accordance with a project-specific variance under SLOPES IV.
- All dredge disposal piping will be placed so as to avoid potential impacts to existing eelgrass beds located along the shoreline.
- Proposed dredging will not alter the character, scope, size, or location of the project area.

Heavy Equipment

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

- All heavy equipment (i.e., excavators and/or suction dredge) will access the project site via existing roadway, parking area, disturbed upland area, or floating barge; therefore avoiding additional upland disturbance.
- Heavy equipment will be selected and operated as necessary to minimize adverse effects on the environment; and will be used as follows:
 - Inspected daily for fluid leaks before leaving the staging area.
 - Stationary equipment operated within 150 feet of any waterbody will be maintained and protected as necessary to prevent leaks and spills from entering the water.
 - Before operations begin, and as often as necessary during operation, all equipment that will be used below the OHW will be steam cleaned until all visible oil, grease, mud, and other visible contaminants are removed.

Pollution Control

- A Pollution Control Plan (PCP) will be prepared by the Contractor and carried out commensurate with the scope of the project that includes the following:
 - Best management practices to confine, remove, and dispose of construction waste.
 - Procedures to contain and control a spill of any hazardous material.
 - Procedures to contain and control water from the dredged material at to the upland disposal site.
 - Steps to cease work under high flow conditions, except for efforts to avoid or minimize resource damage.
- All conditions of ODEQ's 401 Water Quality Certification will be followed.

The temporary disturbance areas and the South Beach upland disposal site will be flagged, and all temporary erosion control measures will be installed prior to any dredging, temporary pipe placement, or dredged material disposal.

(8) ADDITIONAL INFORMATION			
Are there any state or federally listed species on the project site?	☒ Yes	☐ No	☐ Unknown
Is the project site within designated or proposed critical habitat?	☒ Yes	☐ No	☐ Unknown
Is the project site within a national Wild and Scenic River ?	☐ Yes	☒ No	☐ Unknown
Is the project site within a State Scenic Waterway ?	☐ Yes	☒ No	☐ Unknown
Is the project site within the 100-year floodplain ?	☒ Yes	☐ No	☐ Unknown
If yes to any of the above, explain in Block 6 and describe measures to minimize adverse effects to these resources in Block 7.			
Is the project site within the Territorial Sea Plan (TSP) Area ?	☐ Yes	☒ No	☐ Unknown
If yes, attach TSP review as a separate document for DSL.			
Is the project site within a designated Marine Reserve ?	☐ Yes	☒ No	☐ Unknown
If yes, certain additional DSL restrictions will apply.			
Will the overall project involve ground disturbance of one acre or more?	☒ Yes	☐ No	☐ Unknown
If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).			
Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?	☐ Yes	☐ No	☒ Unknown
Has the fill or dredged material been physically and/or chemically tested?	☒ Yes	☐ No	☐ Unknown
If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).			
Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?	☒ Yes	☐ No	☐ Unknown
Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office?	☐ Yes	☒ No	☐ Unknown

Is the project part of a DEQ Cleanup Site? ☐ Yes ☒ No Permit number _____ DEQ Contact _____			
Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes ☐ No ☒ If yes, the Applicant must submit a post-construction stormwater management plan to DEQ's 401 WQC program for review and approval, see http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidelines.pdf			
Identify any other federal agency that is funding, authorizing or implementing the project.			
Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.			
Agency	Certificate / approval / denial description	Date Applied	
NMFS	SLOPES Concurrence / Variance	2026	
ODEQ	401 Water Quality Certification	2026	
City of Newport	Estuarine Permit	2026	
Other DSL and/or Corps Actions Associated with this Site (Check all that apply):			
☐ Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408).			
☒ State Owned Waterway	DSL Waterway Lease #	61588	
☒ Other Corps or DSL Permits	Corps #	NWP-2009-627(2)	DSL # 54742-RF
		NWP-2013-342 (1, 2)	DSL # 61588-GP
☐ Violation for Unauthorized Activity	Corps #		DSL #
☐ Wetland and Waters Delineation	Corps #		DSL #
Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter.			

(9) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct and indirect impacts.

Permanent/Direct Impacts: Direct impacts will include approximately 17,119 cubic yards of permanent removal associated with proposed dredging in the Yaquina below the HMT. Given that proposed dredging activities will occur within previously authorized and executed dredge prism, it is reasonably certain that the proposed project will not result in any net change in the in-stream or downstream functions (i.e., hydrologic, geomorphic, biological, or chemical/nutrient) of the Yaquina Bay.

Short-term, localized project-related increases in background turbidity levels may occur as a result of activities associated with dredging. Given the existing substrate conditions (silty sand), use of erosion control measures and best management practices during construction, and the proposed method of dredge material removal (via a temporary hydraulic pipeline) it is anticipated that increases in sedimentation associated with proposed dredging activities will be minimized. As such, short-term, localized increases in background turbidity resulting from temporary work below the HMT are not expected to result in any net change in function of the in-stream habitat.

Temporary Impacts: Temporary impacts will include approximately 35 cubic yards of temporary fill associated with the temporary dredging pipeline and the spud piles for the temporary work barge.

Indirect Impacts: The proposed project will result in the alteration of in-water substrates associated with proposed dredging; however, given the significantly altered condition of the project area and existing substrates (primarily silty sand), it is unlikely that the proposed dredging area currently provides preferred foraging or

shoaling habitat for fish species. As such, it is reasonably certain that the proposed alteration to existing substrates will not result in any long-term, significant effect to existing baseline conditions or result in any net change in function of the instream habitat. Forage quantity for juvenile fish may be temporarily reduced within the in-water work areas as benthic organisms become disturbed by dredging; however, re-colonization of benthic organisms will likely occur within a month following project completion (NMFS 2009⁹).

⁹NMFS (National Marine Fisheries Service). 2009. *Endangered Species Act Section 7 Formal Consultation, Informal Conference Report on Green Sturgeon Proposed Critical Habitat, Informal Consultation on Green Sturgeon, and Magnuson-Stevens Act Essential Fish Habitat Consultation on Access Maintenance Dredging and In-Water Disposal by the Portland Yacht Club, Willow Bar Slough, Columbia River Mile 94.4, (HUC 1708000302), Columbia County, Oregon (Corps No.: NWP-1997-548)*. NMFS Reference No. 2008/00648. March 30, 2009.

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

Given that the proposed project will only remove recently accumulated sediment from the ship berths and will dispose of dredged sediments within a designated upland disposal site, site restoration/rehabilitation efforts are not anticipated.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

- ☐ Permittee-responsible Onsite Mitigation ☐ Permittee-responsible Offsite Mitigation ☐ Mitigation Bank or in-lieu fee program ☐ Payment to Provide (not approved for use with Corps permits)

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

The proposed maintenance dredging project will remove up to 17,119 cubic yards of recently accumulated material from below the HMT of Yaquina Bay to return the NOAA MOC-P facility to its originally permitted dredge depth. It is anticipated that mitigation will not be required given that the original project permit for construction and operation of the NOAA MOC-P facility included an approved mitigation plan.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: N/A
Type of credits to be purchased: N/A

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- ☐ **Yes.** Submit the plan with this application and complete the remainder of this section.
☐ **No.** A mitigation plan will need to be submitted (*for DSL, this plan is required for a complete application*).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description		Mitigation Site Address		Tax Lot #
County		City		Latitude & Longitude (in DD.DDDD format)
Township	Range	Section	Quarter/Quarter	

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE*

☐ Pre-printed mailing labels of adjacent property owners attached

HATFIELD MARINE SCIENCE
CENTER
2030 SE MARINE SCIENCE DRIVE
NEWPORT OR 97365

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT OR 97365

VEAL CONNECTION
CORPORATION
PO BOX 2247
SANTA ROSA CA 95405

TRIDENT SEAFOODS
CORPORATION
ATTN ROBERT L DALLY
5303 SHILSHOLE A VE NW
SEATTLE WA 98107

GOLBEK SHARON J
325 SW BAY BLVD
NEWPORT OR 97365

CS PROPERTIES HOLD CO LLC
ATTN MANAGER
1211SW6TH AVE
PORTLAND OR 97204

NEWPORT FISHERIES GROUP INC
922 NW COAST ST
NEWPORT OR 97365

UNITED STATES OF AMERICA C/O
US COAST GUARD , DISTRJCT 13
915 2nd AVE
SEATTLE WA 98104

PACIFIC CHOICE SEAFOOD CO
ATTN PACIFIC SHRIMP CO
PO BOX 1230
NEWPORT OR 97365

PICKENS STANLEY S TRUST
PICKENS STANLEY S TRUSTEE
PO BOX 128
NEWPORT OR 97365

YOST PROPERTIES LLC
189 LIBERTY ST NE
SALEM OR 97301

MCENTEE CINDY M TRUSTEE &
DIXON JUDITH A & DIXON KEVIN
& DIXON SHELLEY & TAMMI, ETAL
622 SW BAY BLVD
NEWPORT OR 97365

FRONT ST MARINE LLC
113 SE BAY BLVD
NEWPORT OR 97365

OCEANS EDGE LLC
ATTN MATHEWS DON & FRANCES
345 SW BAY BLVD
NEWPORT OR 97365

(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations.
- ☐ This project is consistent with the comprehensive plan and land use regulations.
- ☐ This project is consistent with the comprehensive plan and land use regulations with the following:
- ☐ Conditional Use Approval
 - ☐ Development Permit
 - ☐ Other Permit (explain in comment section below)
- ☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
- ☐ Plan Amendment
 - ☐ Zone Change
 - ☐ Other Approval or Review (see comment section)

An application or variance request has ☐ has not ☐ been filed for approvals required above.

Local planning official name (print)	Title	City / County
--------------------------------------	-------	---------------

Signature	Date
-----------	------

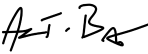
Comments:

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon Coastal Zone](#), the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print/Type Applicant Name Aaron Bretz	Title Deputy Director, Port of Newport
Applicant Signature 	Date 30JUN2027

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing [fee](#) does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$

Applicant Signature (required) Must match name in Block 2

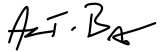
Print Name

Aaron Bretz

Title

Deputy Director, Port of Newport

Signature



Date

30JUN2027

Authorized Agent Signature

Print Name

Title

Signature

Date

Landowner Signature(s)*

Landowner of the Project Site (if different from applicant)

Print Name

Title

Signature

Date

Landowner of the Mitigation Site (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on [state-owned submerged and submersible lands](#), DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

Signature

Date

* Not required by the Corps.

(14) ATTACHMENTS

☒ Drawings

- ☒ Location map with roads identified (**Attachment 1, Figure 1**)
- ☒ U.S.G.S. topographic map (**Attachment 1, Figure 1**)
- ☒ Tax lot map (**Attachment 1, Figure 2**)
- ☒ Site plan(s) (**Attachment 1, Figure 5**)
- ☒ Cross section drawing(s) (**Attachment 1, Figure 6**)
- ☒ Recent aerial photo (**Attachment 1, Figure 3**)
- ☐ Project photos
- ☒ Erosion and Pollution Control Plan(s), if applicable (**Attachment 1, Sheet C2.0**)
- ☐ DSL/Corps Wetland Concurrence letter and map, if approved and applicable
- ☒ Pre-printed labels for adjacent property owners (Required if more than 5)
- ☐ Incumbency certificate if applicant is a partnership or corporation
- ☐ Restoration plan or rehabilitation plan for temporary impacts
- ☐ Mitigation plan
- ☐ Wetland functional assessment, if applicable
 - ☐ Cover Page
 - ☐ Score Sheets
 - ☐ ORWAP OR , F, T, & S forms
 - ☐ ORWAP Reports
 - ☐ Assessment Maps
 - ☐ ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- ☐ Stream Functional Assessment, if applicable
 - ☐ Cover Page
 - ☐ Score Sheets
 - ☐ SFAM PA, PAA, & EAA forms
 - ☐ SFAM Report
 - ☐ Assessment Maps
 - ☐ Aerial Photo, Site Map, and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- ☐ Compensatory Mitigation (CM) Eligibility & Accounting [Worksheet](#)
 - ☐ Matching Quickguide Sheet(s)
 - ☐ CM Eligibility & Accounting Sheet
- ☐ Alternatives analysis
- ☐ Biological assessment (if requested by Corps project manager during pre-application coordination)
- ☐ Stormwater management plan (may be required by the Corps or DEQ)
- ☒ Other: Please Describe:
 - ☒ **Attachment 2: Gaper Clam Study Communication**
 - ☒ **Attachment 3: SLOPES Action Notification Form (Corps Only)**

For U.S. Army Corps of Engineers send application to:

USACE Portland District

ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
503-808-4373
portlandpermits@usace.army.mil

U.S. Army Corps of Engineers

ATTN: CENWP-ODG-E
211 E. Seventh Ave., Suite 105
Eugene, OR 97401-2722
541-465-6868
portlandpermits@usace.army.mil

For Department of State Lands send application to:

West of the Cascades:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
503-986-5200

Counties:

Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam,
Grant, Hood River, Jefferson Lincoln, Linn, Malheur,
Marion, Morrow, Multnomah, Polk, Sherman,
Tillamook, Umatilla, Union, Wallowa, Wasco,
Washington, Wheeler, Yamhill

Counties:

Coos, Crook, Curry, Deschutes, Douglas, Jackson,
Josephine, Harney, Klamath, Lake, Lane

East of the Cascades:

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
541-388-6112

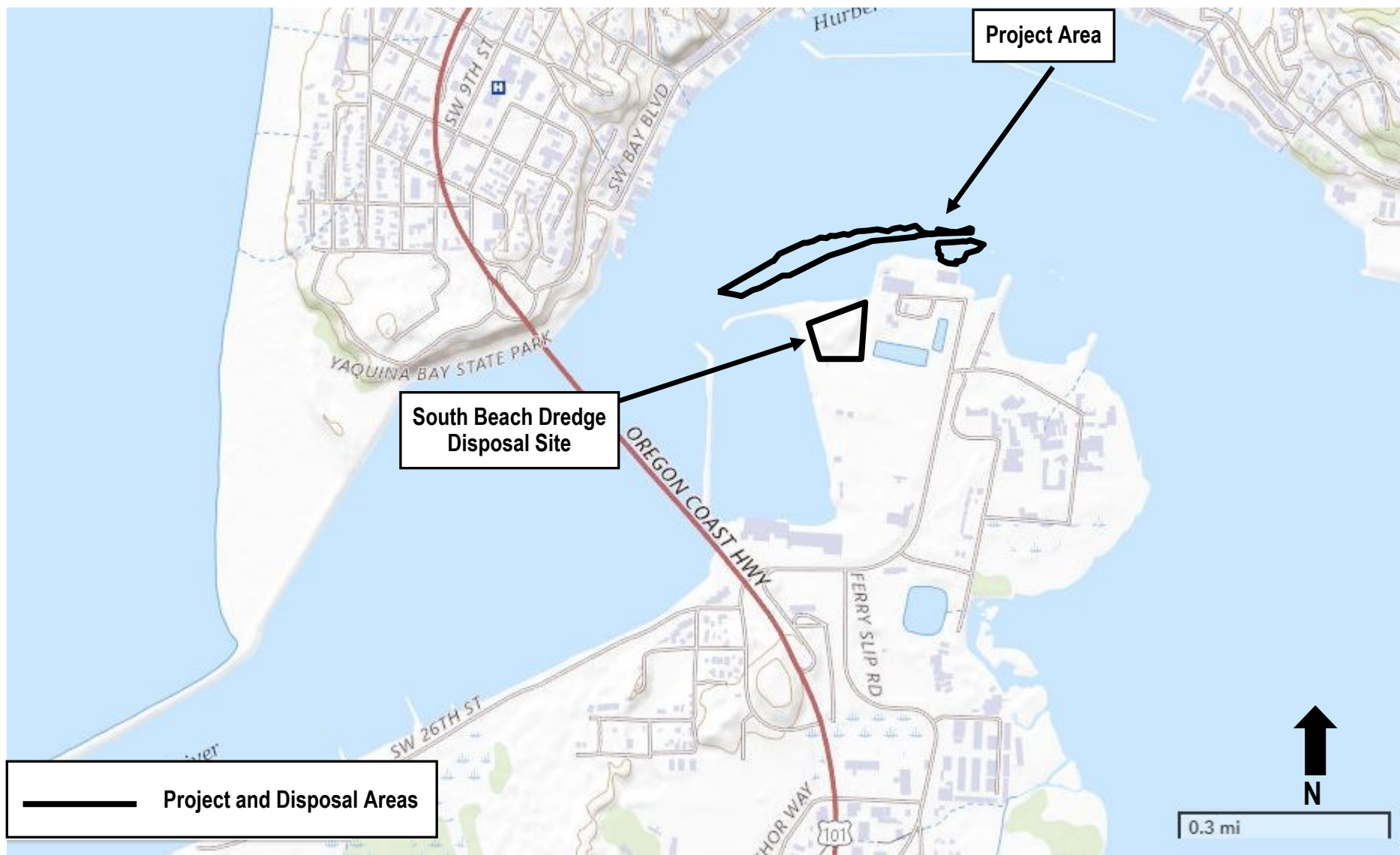
For Department of Environmental Quality email application to:

ATTN: DEQ 401 Certification Program
Water Quality
700 NE Multnomah St, Suite 600
Portland, OR 97232
401applications@deq.state.or.us

Attachment 1

Figures





Project #7985
6/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

General Location and Topography
NOAA MOC-P Maintenance Dredging in Newport, Oregon
United States Geological Survey (USGS) Newport North and South Oregon 7.5 quadrangle, 2020
(viewer.nationalmap.gov/basic)

FIGURE

1

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 100 200 300 400 Feet

N.E. 1/4 SEC. 17 T. 11S. R. 11W. W.M.
LINCOLN COUNTY
1" = 200'

11 11 17 A
NEWPORT

Cancelled
400-21
400-22
400-L5
400-L6
700-31
900-31
1100-31

South Beach Dredge
Disposal Site

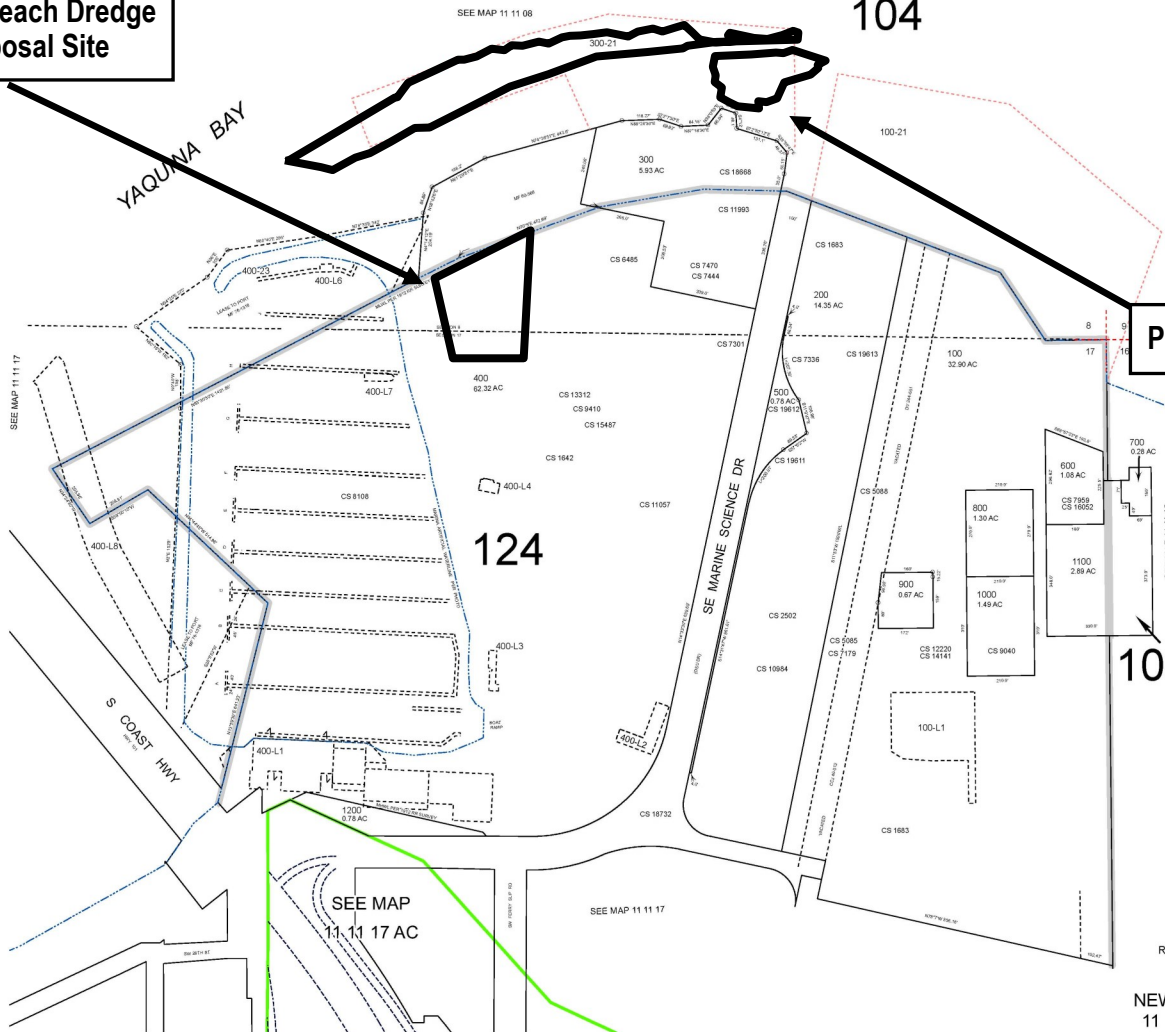
YAQUANA BAY

104

Project Area

124

104



Revised SEB
02/23/2021

NEWPORT
11 11 17 A



Project #7985
6/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Tax Lot Map
NOAA MOC-P Maintenance Dredging in Newport, Oregon
The Oregon Map (ormap.net)

FIGURE
2



Project #7985
6/2024

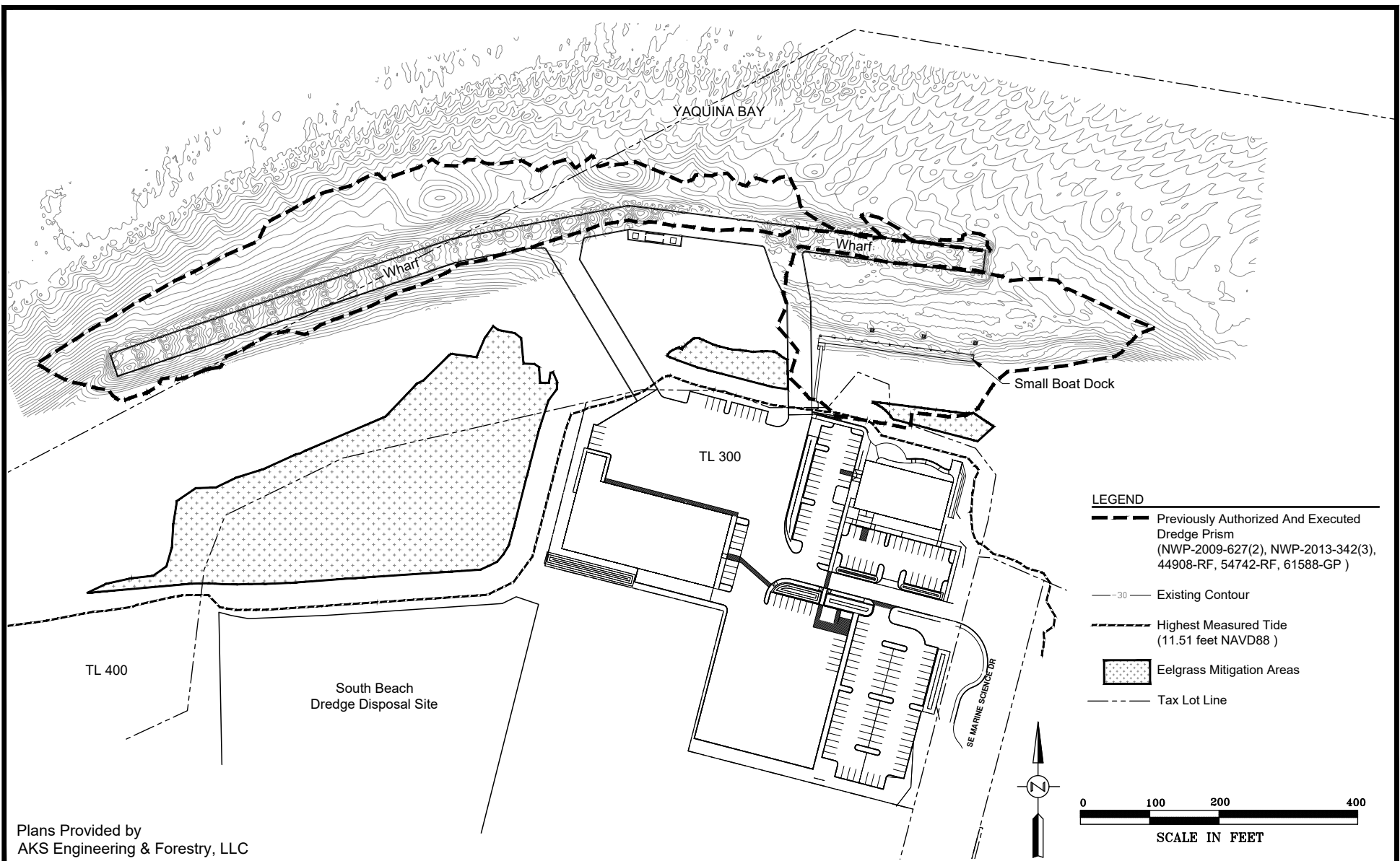


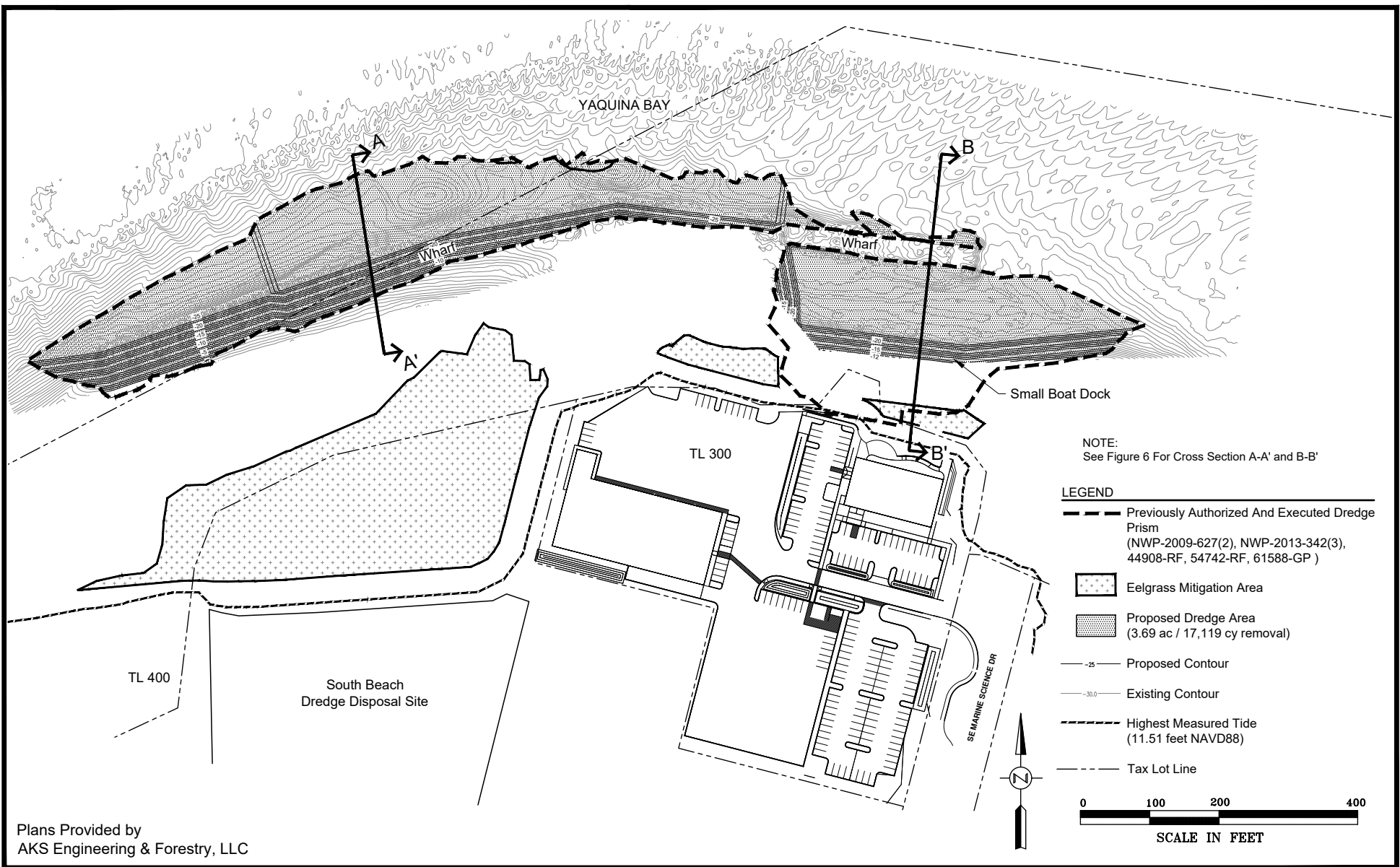
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Aerial Photo
NOAA MOC-P Maintenance Dredging in Newport, Oregon
GoogleEarth, 2020

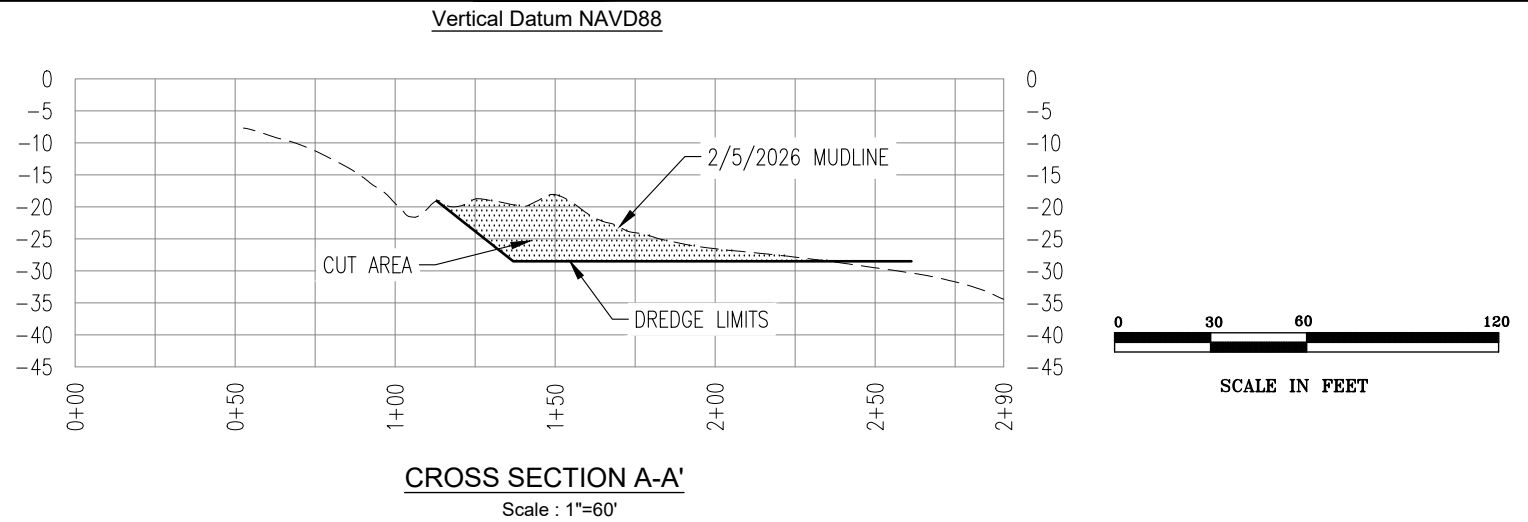
FIGURE

3

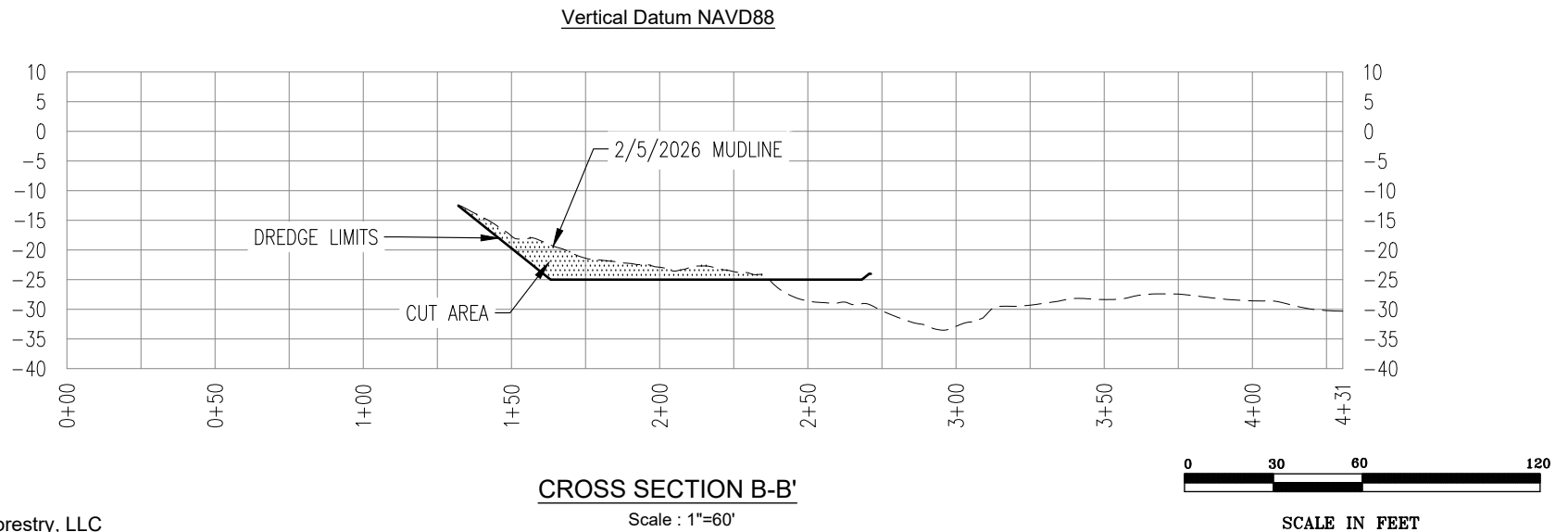




Plans Provided by
AKS Engineering & Forestry, LLC



Removal / Dredge
17,119 cy



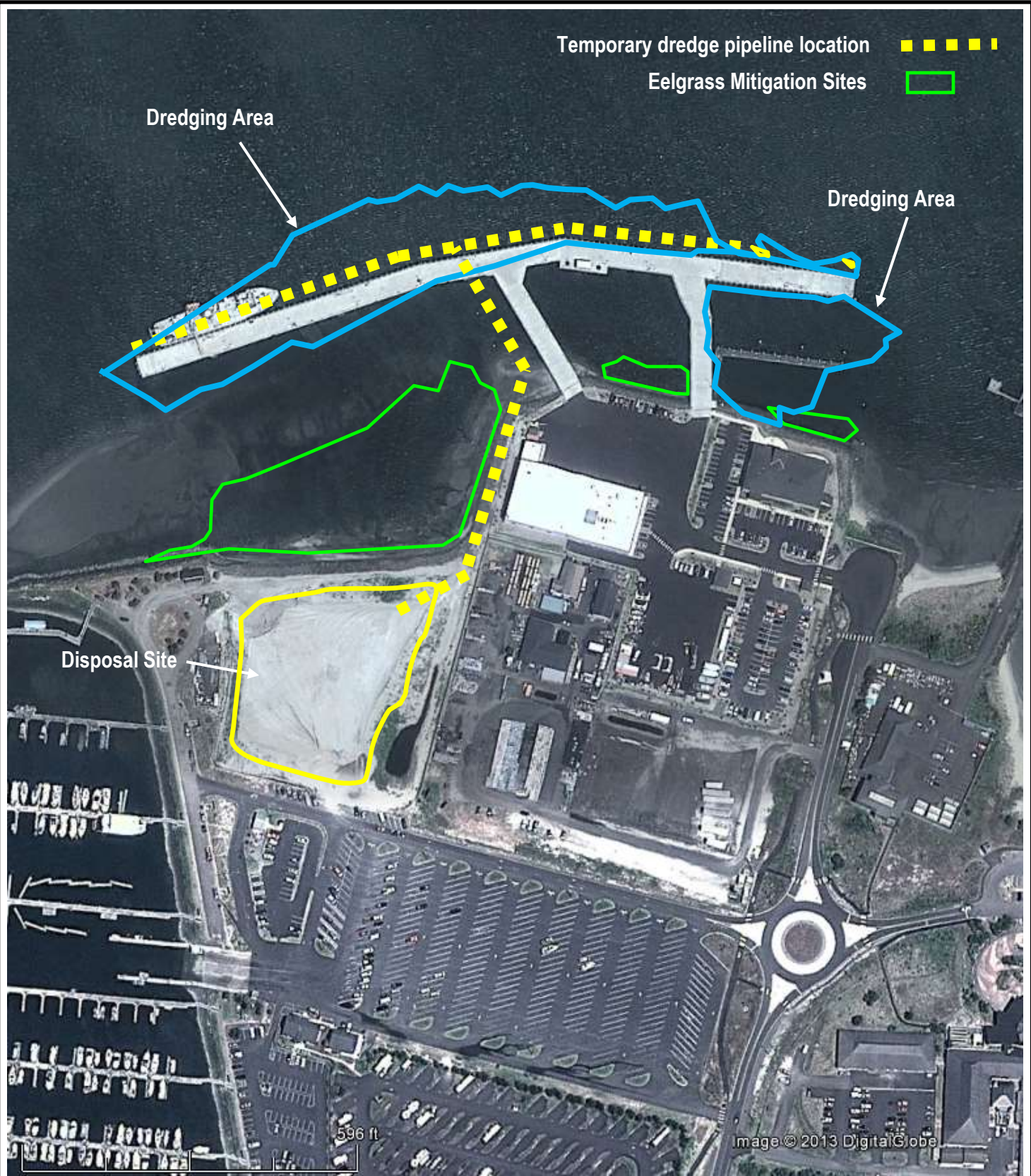
Section Provided by
AKS Engineering & Forestry, LLC



Proposed Dredge Prism Cross Section A-A' and B-B'
NOAA Marine Operations Center-Pacific - Yaquina Bay, Newport Oregon

FIGURE
6

6-25-2026



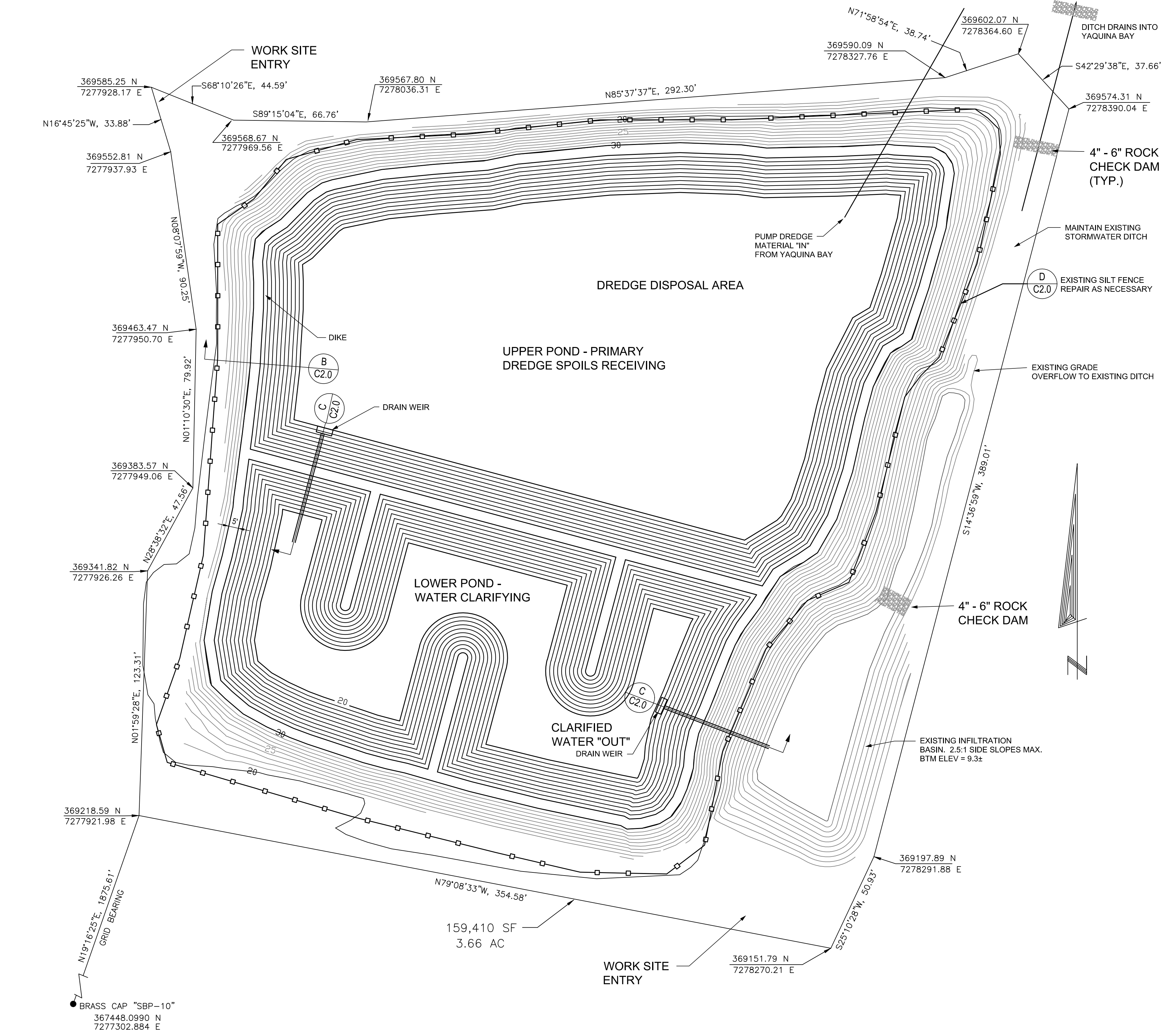
7985
June 2024



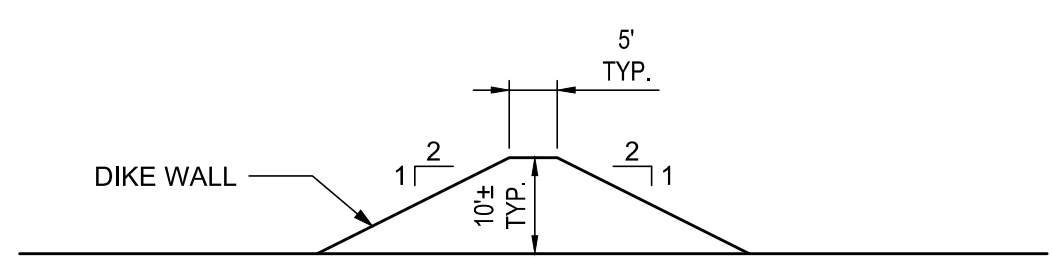
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Temporary Dredge Pipe Locations for the NOAA MOC-P Dredging Project
Newport, OR
(Google Earth)

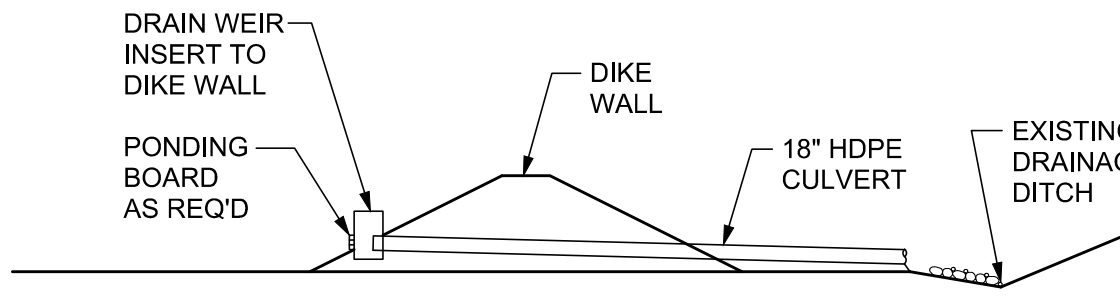
FIGURE
7



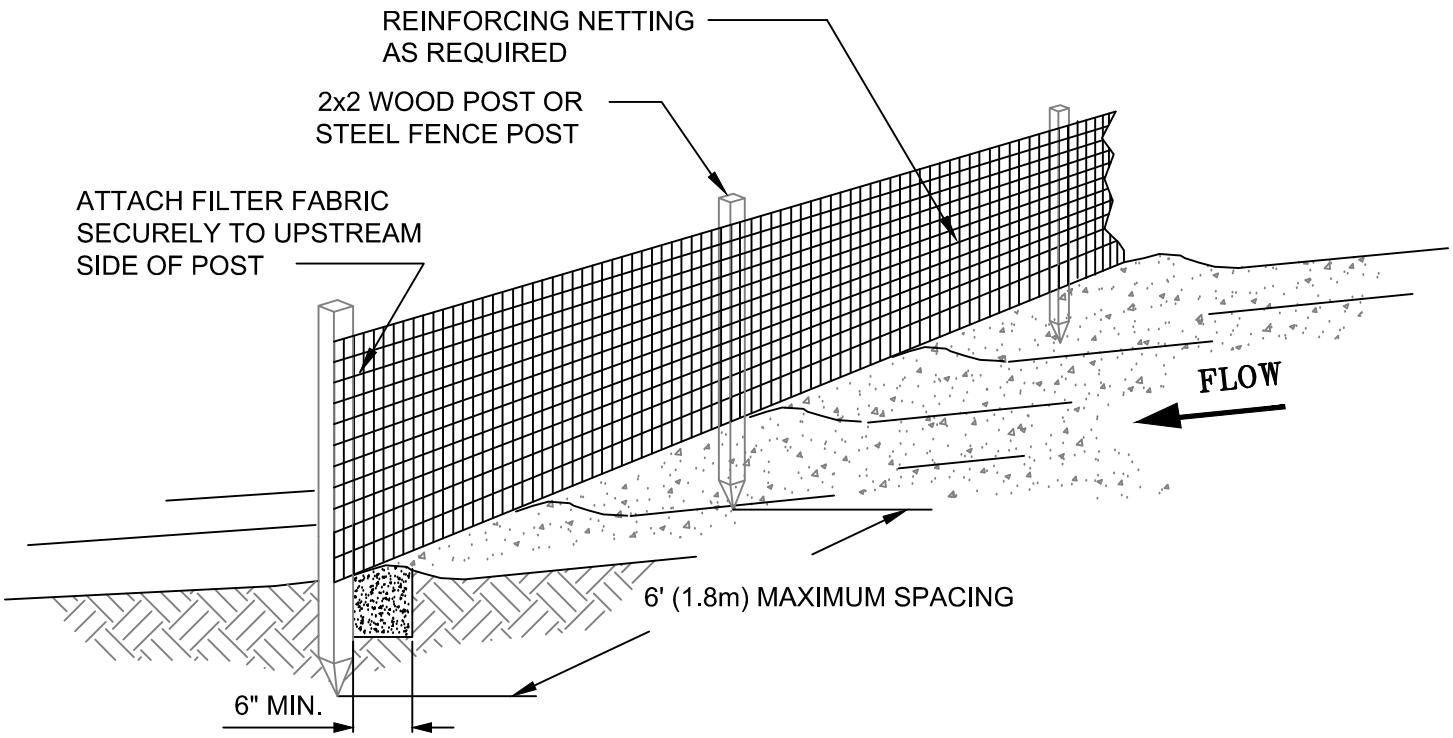
A SITE PLAN
C2.0
SCALE: 1" = 30'



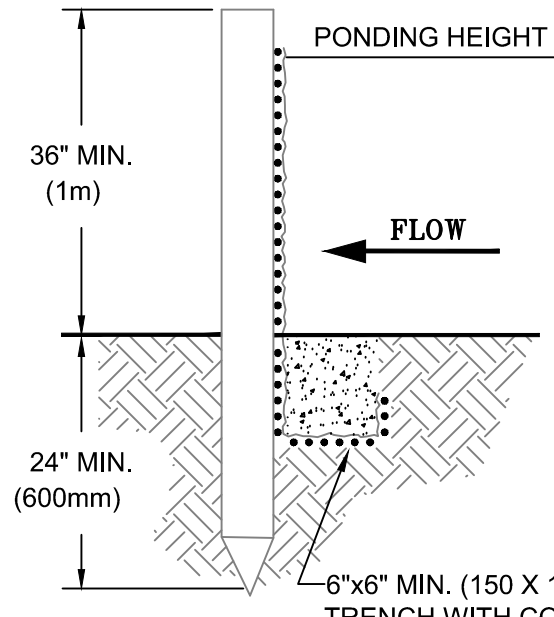
B DIKE WALL CROSS SECTION
C2.0
SCALE: N.T.S.



C OUTFALL CROSS SECTION
C2.0
SCALE: N.T.S.



D SEDIMENT FENCE
C2.0
SCALE: N.T.S.



E TRENCH DETAIL
NOTES:
1. INSTALLATION SHALL FOLLOW THE MANUFACTURERS RECOMMENDATIONS.
2. FILTER FABRIC - USE MINIMUM OF 36" WIDE ROLLS.

ESCP DRAWING STANDARD NOTES

- Hold a pre-construction meeting of project construction personnel that includes the inspector to discuss erosion and sediment control measures and construction limits. (Schedule A.8.c.i.(3))
- All inspections must be made in accordance with DEQ 1200-C permit requirements.
- Inspection logs must be kept in accordance with DEQ's 1200-C permit requirements.
- Retain a copy of the ESCP and all revisions on site and make it available on request to DEQ, Agent, or the local municipality. During inactive periods of greater than seven (7) consecutive calendar days, retain the ESCP at the establishment site or at another location. (Schedule B.2.a)
- All permit registrants must implement the ESCP. Failure to implement any of the control measures or practices described in the ESCP is a violation of the permit. (Schedule A.8.a)
- The ESCP measures shown on this plan are minimum requirements for anticipated site conditions. During the construction period, upgrade these measures as needed to comply with all applicable local, state, and federal erosion and sediment control regulations. (Schedule A.8.c.ii.(1)(c))
- Submission of all ESCP revisions is not required. Submittal of the ESCP revisions is only under specific conditions. Submit all necessary revision to DEQ or Agent. (Schedule A.12.c.ii)
- Phase clearing and grading to the maximum extent practical to prevent exposed inactive areas from becoming a source of erosion. (Schedule A.8.c.ii.(1)(d))
- Identify, mark, and protect (by fencing off or other means) critical riparian areas and vegetation including important trees and associated rooting zones, and vegetation areas to be preserved. Identify vegetative buffer zones between the site and sensitive areas (e.g., wetlands), and other areas to be preserved, especially in perimeter areas. (Schedule A.8.c.i.(1) & (2))
- Preserve existing vegetation when practical and re-vegetate open areas. Re-vegetate open areas when practicable before and after grading or construction. Identify the type of vegetative seed mix used. (Schedule A.7.b.iii(1) and A.7.b.iii(3))
- Erosion and sediment control measures including perimeter sediment control must be in place before vegetation is disturbed and must remain in place and be maintained, repaired, and promptly implemented following procedures established for the duration of construction, including protection for active storm drain inlets and catch basins and appropriate non-stormwater pollution controls. (Schedule A.7.d.i and A.8.c)
- Establish concrete truck and other concrete equipment washout areas before beginning concrete work. (Schedule A.8.c.i.(6))
- Apply temporary and/or permanent soil stabilization measures immediately on all disturbed areas as grading progresses and for all roadways including gravel roadways. (Schedule A.8.c.ii.(2))
- Establish material and waste storage areas, and other non-stormwater controls. (Schedule A.8.c.i.(7))
- Prevent tracking of sediment onto public or private roads using BMPs such as: graveled (or paved) exits and parking areas, gravel all unpaved roads located onsite, or use an exit tire wash. These BMPs must be in place prior to land-disturbing activities. (Schedule A.7.d.ii.(1) and A.8.c.i.(4))
- When trucking saturated soils from the site, either use water-tight trucks or drain loads on site. (Schedule A.7.d.ii. (3))
- Use BMPs to prevent or minimize stormwater exposure to pollutants from spills; vehicle and equipment fueling, maintenance, and storage; other cleaning and maintenance activities; and waste handling activities. These pollutants include fuel, hydraulic fluid, and other oils from vehicles and machinery, as well as debris, leftover paints, solvents, and glues from construction operations. (Schedule A.7.e.i.(2))
- Implement the following BMPs when applicable: written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures, spill kits in all vehicles, regular maintenance schedule for vehicles and machinery, material delivery and storage controls, training and signage, and covered storage areas for waste and supplies. (Sch A 7.e.iii.)
- Use water, soil-binding agent or other dust control technique as needed to avoid wind-blown soil. (Schedule A 7.b.ii)
- The application rate of fertilizers used to reestablish vegetation must follow manufacturer's recommendations to minimize nutrient releases to surface waters. Exercise caution when using time-release fertilizers within any waterway riparian zone. (Schedule A.9.b.ii)
- If a stormwater treatment system (for example, electro-coagulation, flocculation, filtration, etc.) for sediment or other pollutant removal is employed, submit an operation and maintenance plan (including system schematic, location of system, location of inlet, location of discharge, discharge dispersion device design, and a sampling plan and frequency) before operating the treatment system. Obtain plan approval before operating the treatment system. Operate and maintain the treatment system according to manufacturer's specifications. (Schedule A.9.d)
- Temporarily stabilize soils at the end of the shift before holidays and weekends, if needed. The registrant is responsible for ensuring that soils are stable during rain events at all times of the year. (Schedule A 7.b)
- At the end of each workday soil stockpiles must be stabilized or covered, or other BMPs must be implemented to prevent discharges to surface waters or conveyance systems leading to surface waters. (Schedule A 7.e.ii.(2))
- Construction activities must avoid or minimize excavation and creation of bare ground during wet weather. (Schedule A.7.a.i)
- Sediment fence: remove trapped sediment before it reaches one third of the above ground fence height and before fence removal. (Schedule A.9.c.i)
- Other sediment barriers (such as biobags): remove sediment before it reaches two inches depth above ground height, and before BMP removal. (Schedule A.9.c.ii)
- Catch basins: clean before retention capacity has been reduced by fifty percent. Sediment basins and sediment traps: remove trapped sediments before design capacity has been reduced by fifty percent and at completion of project. (Schedule A.9.c.iii & iv)
- Within 24 hours, significant sediment that has left the construction site, must be remediated. Investigate the cause of the sediment release and implement steps to prevent a recurrence of the discharge within the same 24 hours. Any in-stream clean up of sediment shall be performed according to the Oregon Division of State Lands required timeframe. (Schedule A.9.b.i)
- The intentional washing of sediment into storm sewers or drainage ways must not occur. Vacuuming or dry sweeping and material pickup must be used to cleanup released sediments. (Schedule A.9.b.ii)
- The entire site must be temporarily stabilized using vegetation or a heavy mulch layer, temporary seeding, or other method should all construction activities cease for 30 days or more. (Schedule A.7.f.i)
- Provide temporary stabilization for that portion of the site where construction activities cease for 14 days or more with a covering of blown straw and a tackifier, loose straw, or an adequate covering of compost mulch until work resumes on that portion of the site. (Schedule A.7.f.ii)
- Provide permanent erosion control measures on all exposed areas. Do not remove temporary sediment control practices until permanent vegetation or other cover of exposed areas is established. However, do remove all temporary erosion control measures as exposed areas become stabilized, unless doing so conflicts with local requirements. Properly dispose of construction materials and waste, including sediment retained by temporary BMPs. (Schedule A.7.b.iii(2) and A.8.c.iii)

6/16/2020

REVISIONS		DESCRIPTION
No.	DATE	

PROJECT:

PORT OF NEWPORT
DREDGE DISPOSAL SITE

LOCATION:

PORT OF NEWPORT
NEWPORT, OR

SHEET TITLE:

EROSION CONTROL PLAN
AND DETAILS

CLIENT:

PORT OF NEWPORT

STABILITY
ENGINEERING
1600 SW WESTERN BLVD, SUITE 260
P.O. BOX 2646, CORVALLIS, OR 97339
TEL: (541)223-5380 FAX: (541)223-5278

JOB NO.

12-0409

DATE:

12/12/2012

DRAWN:

CCS.CR

SCALE:

AS SHOWN

SHEET

C2.0

Attachment 2

Gaper Clam Study Communication



Tina Farrelly

From: John van Staveren <jvs@pacifichabitat.com>
Sent: Monday, May 16, 2016 11:47 AM
To: Tina Farrelly
Subject: FW: NOAA Permit-Gaper clam study conclusion
Attachments: DSL #54742 ODFW comments 9-26-13.pdf

From: Jason Kirchner [<mailto:Jason.A.Kirchner@coho2.dfw.state.or.us>]
Sent: Monday, May 16, 2016 11:24 AM
To: Rick Fuller; LANDRUM Carrie; JARVIE Kirk
Cc: Jim Durkee; John Van Staveren (jvs@pacifichabitat.com); Tony F DAndrea; Steven S Rumrill; Derek Wilson
Subject: RE: NOAA Permit-Gaper clam study conclusion

Hi Rick,

Thank you for the reminder, apologize for the delay, been real busy over here with staff changes and unfilled positions. Yes, the gaper clam study has been concluded from our perspective but the final call may need to come from Department of State Lands (Carrie Landrum) as they are the regulatory agency for the mitigation. We completed the last survey during the 2015 season. As outlined in my attached comments from 2013, recommendation #4 we are ok with ending the gaper study, "If sedimentation rates are found that will require frequent dredging (e.g.<10 years), then the gaper clam study should be completed at the next maintenance dredge cycle. Two dredging cycles should be enough to determine if the dredging cycle at this location allows for gaper clam recolonization." Based on what we have found conducting the gaper clam study, gaper clams are not recolonizing due to frequent maintenance dredging.

The final gaper clam research report is on the shellfish team's queue and will likely get written up this fall/winter after their summer sampling season. Let us know if you have any other questions or concerns with the gaper clam study.

I also wanted to check in with you on the current status of completing the remaining recreational mitigation commitments?

Thank you.

Jason Kirchner
Oregon Department of Fish and Wildlife
District Wildlife Biologist
2040 SE Marine Science Dr.
Newport, OR 97365
541-867-0300 ext 281

From: Rick Fuller [<mailto:rfuller@portofnewport.com>]
Sent: Monday, May 16, 2016 9:54 AM
To: Jason Kirchner (jason.a.kirchner@state.or.us) <jason.a.kirchner@state.or.us>

Cc: Jim Durkee <jim@portofnewport.com>; John Van Staveren (jvs@pacifichabitat.com) <jvs@pacifichabitat.com>
Subject: RE: NOAA Permit-Gaper clam study conclusion

Jason,

Please see the request below that I sent in January for written confirmation that the gaper clam study has been concluded. Can you or Steve please send response for our files?

Rick Fuller
Director of Operations
Port of Newport
600 S.E. Bay Blvd.
Newport, OR 97365
O 541.265.7758
M 541.961.3904
rfuller@portofnewport.com

From: Rick Fuller
Sent: Monday, January 11, 2016 9:45 AM
To: Jason Kirchner (jason.a.kirchner@state.or.us) <jason.a.kirchner@state.or.us>
Cc: Jim Durkee (jim@portofnewport.com) <jim@portofnewport.com>
Subject: NOAA Permit-Gaper clam study conclusion

Jason,

Per our discussion last week, could you please write a letter summarizing the conclusion of the gaper clam study for DSL permit 44908-RF-Modified per attachment A, condition #58 & #59 (see attached) Please let me know if you need further assistance from me regarding this issue.

Rick Fuller
Director of Operations
Port of Newport
600 S.E. Bay Blvd.
Newport, OR 97365
O 541.265.7758
M 541.961.3904
rfuller@portofnewport.com

Attachment 3

SLOPES Action Notification Form (Corps Only)



SLOPES IV PROGRAMMATIC – IN-WATER OVER-WATER STRUCTURES ACTION NOTIFICATION FORM

Submit this completed action notification form with the following information to NMFS at slopes.nwr@noaa.gov. The SLOPES IV Programmatic e-mail box is to be used for **Incoming Only**.

NMFS Review and Approval. All actions must be individually reviewed and approved by NMFS as consistent with this opinion before that action is authorized. NMFS will notify the Corps within 30 calendar days if the action is approved or disqualified. Attach engineering designs and the results of a site assessment for contaminants to identify the type, quantity, and extent of any potential contamination.

Attach a copy of the erosion and pollution control plan, if required.

DATE OF REQUEST: June, 2024

NMFS Tracking #:

Statutory Authority: ☐ ESA ONLY ☐ EFH ONLY ☒ ESA & EFH INTEGRATED

Lead Action Agency: Corps of Engineers

Action Agency Contact: Tyler Krug Individual Corps Permit #: _____

Applicant: Port of Newport Individual DSL Permit #: _____

Action Title: NOAA Marine Operations Center - Pacific Maintenance Dredging

6th Field HUC & Name: Poole Slough – Yaquina River (#171002040303)

Latitude & Longitude
(including degrees,
minutes, and seconds) 44.626345 / -124.048512

Proposed Project: *Start Date:* November 1, 2024 *End Date:* February 1, 2025

Action Description:

The proposed project will dredge up to 19,111 cubic yards of accumulated sediment from existing ship berths located at the NOAA Marine Operations Center - Pacific (MOC-P) moorage site to return the facility to its originally permitted dredge depth (Figures 1-4, all figures are in Attachment 1 of the Joint Permit Application (JPA)). A 3.69-acre area within the previously established dredge prism (NWP-2009-627(2) and NWP -2013-342 (1 and 2), 44908-RF, 54742-RF, 61588-GP) will be dredged during the 2022/2023 preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The project is located along the north, east, and west sides of the existing NOAA MOC-P wharf (Figures 5 and 6). It is anticipated that the proposed project will be authorized under the terms and limitations of the Corps of Engineers' (Corps') Nationwide Permit Number 35 (Maintenance Dredging of Existing Basins) and the State General Permit for Navigational Access Maintenance Dredging (OARS 141-093-0250). It is assumed that the recently accumulated sediment is comprised of silty sand and that the post-dredge surface will be considered suitable for aquatic exposure. The Port has submitted a Sampling Analysis Plan (SAP) (prepared by Advanced Remediation Technologies, Inc) to the Portland Sediment Evaluation Team (PSET) and, once the SAP is approved, will evaluate the dredge material and the post-dredge surface material to confirm this assumption (additional details are provided in Section 6 of the JPA).

Dredging will be conducted using a hydraulic dredge down to a depth of -27.23 feet Mean Lower Low Water (MLLW), which equates to -28 feet North American Vertical Datum (NAVD). The dredge spoils (sediment and water) will be suctioned into a temporary pipeline and pumped to the existing South Beach dredge disposal site located south of the wharf. Approximately 800 feet of 10 to 12-inch diameter pipe will be floated from the dredge area to the South Beach dredge disposal site to carry the dredge spoils. The pipe will result in approximately 30 cubic yards of temporary fill within the Bay. Three existing eelgrass mitigation areas associated with the original construction of the NOAA MOC-P facility are located along the shore south of the existing wharf, one of which is between the proposed dredge area and the South Beach dredge disposal site. All dredge disposal piping will be placed so as to avoid potential impacts to these existing eelgrass beds (Figure 7). In addition, given that eelgrass grows in the intertidal zone of the estuary, generally above -5 feet NAVD88, the proposed dredging activity will not impact eelgrass as the proposed depth of dredging is between -15 NAVD88 to -28 feet NAVD88.

Dredging activities will require approximately two weeks of in-water work during the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The exact timing of dredging will be dependent on NOAA's operational schedule.

Construction Methods

The hydraulic dredge will be mounted on a barge using a crane, and then towed into place above the area to be dredged. The barge will result in approximately 5 cubic yards of temporary fill within the Bay associated with the barge's spud piles. Approximately 800 feet of 10 to 12-inch diameter pipe will be floated from the dredge area to the South Beach dredge disposal site to carry dredge spoils. The pipe will result in approximately 30 cubic yards of temporary fill within the Bay. Dredging activities will require approximately two weeks of in-water work during the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window for the Yaquina River estuary (November 1 – February 1). The exact timing of dredging will be dependent on NOAA's operational schedule.

As discussed above, dredge spoils will be pumped through a temporary pipe to the South Beach upland disposal area. Prior to dredging activity, the existing deposition of material at the South Beach dredge disposal site will be re-graded to form a dewatering pond, with a finger dike to slow water velocity and promote turbidity settlement (Sheet C2.0, Attachment 1). It is anticipated that sediments (i.e. silty sand) will settle within the disposal area, and water will dissipate through the existing disposal pile. It is also anticipated that most of the water will infiltrate into the substrate of the dewatering pond; however, a drain weir will be installed in the wall of the southernmost dewatering pond to control water outflowing to the existing South Beach stormwater infiltration basin prior to re-entering Yaquina Bay.

The following is a general sequence of proposed project activities:

1. Conduct sediment testing per PSET-approved SAP.
2. Conduct overall project mobilization and implement erosion and sediment control measures.
3. Re-grade existing dredge disposal site, construct finger dike, and install drain weir.
4. Mobilize suction dredge and install/float disposal pipe.
5. Dredge accumulated sediment along wharf.
6. Place dredged material at South Beach disposal site.
7. Remove disposal piping and other erosion and sediment control measures.

Measures to Minimize Impacts: The proposed project will be conducted in accordance with the General Construction design criteria outlined in the SLOPES IV In-water/Over-water Structures programmatic opinion. As such, the following conservation measure will be employed during project construction to avoid and/or minimize potential impacts to water quality, ESA-listed species, and existing eelgrass mitigation areas:

In-water Work Period

- All work conducted below the HMT of Yaquina Bay will occur between November 1 and February 1 of the Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window (IWWW) for the Yaquina River estuary.

Dredging

- All dredged sediment will be deposited at the South Beach dredge disposal site in accordance with a project-specific variance under SLOPES IV.
- All dredge disposal piping will be placed so as to avoid potential impacts to existing eelgrass beds located along the shoreline.
- Proposed dredging will not alter the character, scope, size, or location of the project area.

Heavy Equipment

- All heavy equipment (i.e., excavators and/or suction dredge) will access the project site via existing roadway, parking area, disturbed upland area, or floating barge; therefore, avoiding additional upland disturbance.
- Heavy equipment will be selected and operated as necessary to minimize adverse effects on the environment; and will be used as follows:
 - Inspected daily for fluid leaks before leaving the staging area.
 - Stationary equipment operated within 150 feet of any waterbody will be maintained and protected as necessary to prevent leaks and spills from entering the water.
 - Before operations begin, and as often as necessary during operation, all equipment that will be used below the OHW will be steam cleaned until all visible oil, grease, mud, and other visible contaminants are removed.

Pollution Control

- A Pollution Control Plan (PCP) will be prepared by the Contractor and carried out commensurate with the scope of the project that includes the following:
 - Best management practices to confine, remove, and dispose of construction waste.
 - Procedures to contain and control a spill of any hazardous material.
 - Procedures to contain and control water from the dredged material at to the upland disposal site.
 - Steps to cease work under high flow conditions, except for efforts to avoid or minimize resource damage.
- All conditions of ODEQ's 401 Water Quality Certification will be followed.

The temporary disturbance areas and the South Beach upland disposal site will be flagged, and all temporary erosion control measures will be installed prior to any dredging, temporary pipe placement, or dredged material disposal.

Type of Action:

Identify the type of action proposed.

- ☐ In-water Over-water Structure
- ☒ Access Maintenance
- ☐ Piling Installation or Removal

- What is the number of impact hammer strikes per pile?
NA
- What is the number of hours/minutes required to drive one pile and all piles?
NA
- What is the number of hours per day pile driving will occur?
NA
- What is the depth of water and type of substrate the piles will be driven in?
NA
- If an impact hammer is used, will it be the entire pile or the last few hits per pile?
NA
- What is the diameter of the piles?
NA
- Will pile-driving be continuous?
NA
- Will be pile be driven straight or battered?
NA
- Will a template be used?
NA
- Pile type (H, round, etc)?
NA
- When is pile-driving proposed?
NA
- What life-stages are known to occur within the action area.
Rearing and migration.
- If provided, what is the source of hydroacoustic assumptions?
NA
- Installation plan/ schematics included?
NA
- Pile spacing?

Residential Dock

- *Is the proposed dock within 100 ft of a tributary that supports a run of ESA listed fish?*
NA
- *Is the pier leading to the float wider than 8 ft?*
NA

NMFS Species/Critical Habitat Present in Action Area:

Identify the species found in the action area:

Species:

- ☐ Lower Columbia River Chinook
- ☐ Upper Willamette River spring-run Chinook
- ☐ Upper Columbia spring-run Chinook
- ☐ Snake River spring/summer run Chinook
- ☐ Snake River fall-run Chinook
- ☐ Columbia River chum
- ☐ Lower Columbia River coho
- ☒ Oregon Coast coho salmon
- ☐ Southern Oregon/Northern California coasts coho
- ☐ Snake River sockeye
- ☐ Lower Columbia River steelhead
- ☐ Upper Willamette River steelhead
- ☐ Middle Columbia River steelhead
- ☐ Upper Columbia River steelhead
- ☐ Snake River Basin steelhead
- ☒ Southern Green sturgeon
- ☒ Eulachon

- ☒ Steller sea lion

EFH

- ☒ Salmon
- ☐ Coastal Pelagics
- ☐ Groundfish

Aquatic Vegetation

Is the project in a saltwater influenced area (estuary)? Yes ☒ No ☐
Has an aquatic vegetation survey been completed? Yes ☐ No ☒

If yes, include the results of the survey

If no, explain below why a survey was not conducted: All proposed construction activities will be conducted within the previously authorized dredge prism (NWP-2013-342/3, 61588-GP).

Terms and Conditions:

Check the Terms and Conditions from the biological opinion that will be included as conditions on the permit issued for this proposed action. Please attach the appropriate plan(s) for this proposed action.

Administrative

- ☒ 5. Site access
- ☐ 6. Salvage notice
- ☒ 7. Action completion report
- ☐ 8. Site restoration/mitigation report

Construction

- ☒ 11. Pollution/erosion control
- ☐ 12. Stormwater management
- ☐ 13. Site restoration
- ☐ 14. Compensatory mitigation
- ☐ 15. Preconstruction activity
- ☐ 16. Site preparation
- ☒ 17. Heavy equipment
- ☒ 18. In-water work period
- ☐ 19. Work area isolation
- ☐ 20. Capture and release
- ☐ 21. Piling installation
- ☐ 22. Impact hammer usage
- ☐ 23. Pile driving near Stellar sea lions
- ☐ 24. Piling removal
- ☐ 25. Broken or intractable piling
- ☐ 26. Treated wood
- ☐ 27. Treated wood removal

Action Type**In-water Over-water Structure**

- ☐ 28. Boat ramps
- ☐ 29. Educational signs
- ☐ 30. Flotation material
- ☐ 31. New or replacement floats
- ☐ 32. Piscivorous birds
- ☐ 33. Relocation of existing structures
- ☐ 34. Repair/replacement of covered moorage/boat houses

Access Management

- ☒ 35. Maintenance dredging

Minor Discharge

- ☐ 36. Functionality Dredging/Minor discharge