



# Oregon

Tina Kotek, Governor

**Department of State Lands**

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**State Land Board**

Tina Kotek

Governor

## State Land Board

**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



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**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.

0 225 450

Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet  
State of Oregon  
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Date: 11/27/2023





# Oregon

Kate Brown, Governor

## Department of State Lands

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**State Land Board**

DATE: October 22, 2021  
TO: INTERESTED PARTIES  
FROM: OREGON DEPARTMENT OF STATE LANDS  
RE: PROPOSED LAND SALE

Kate Brown  
Governor

Dear Interested Party,

Shemia Fagan  
Secretary of State

We are reaching out to inform you the following parcel of state-owned filled land in Clatsop County is being considered for sale:

Tobias Read  
State Treasurer

**0.70 acres in Township 8 North, Range 9 West, Section 7 CA, Tax Lots 401 and 402.**

You may provide public comment on the proposed sale by 5:00 pm on November 20, 2021. For current information and to submit a comment, please visit the Oregon Department of State Lands' webpage at: <https://www.oregon.gov/dsl/Land/Pages/Sales.aspx>.

**Our transaction number for this sale is 63360-LS.**

On October 12, 2021, the Oregon State Land Board directed its administrative agency, the Oregon Department of State Lands to examine the potential future sale of the property. The parcel is classified as New Land, formerly submerged land that was newly created with fill after 1963.

In addition to public comment, numerous studies will be undertaken such as 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 sell the parcel. The State Land Board, comprised of the Governor, Secretary of State and the State Treasurer, will then decide to sell the parcel or not.

If you have any questions or concerns, you may email the Department of State Lands Real Property Program at [Realproperty.DSL@dsl.oregon.gov](mailto:Realproperty.DSL@dsl.oregon.gov), or contact the Real Property Program in writing at:

Oregon Department of State Lands  
Real Property Program  
951 SW Simpson Ave., Ste. 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).