

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

DSL File No.  
Type:  
Waterway:  
County:  
Expiration Date:

**64379-PW**  
**Permit Waiver**  
**Willamette River**  
**Multnomah**  
**May 23, 2024**

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**NW Natural**

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**IS AUTHORIZED IN ACCORDANCE WITH OAR 141-085-0595(1) and ORS 465.315(3) TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE NOTICE, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This Permit Waiver does not authorize trespass on the lands of others. The Permit Waiver holder must obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. All work done under this Permit Waiver must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
3. Violations of the terms and conditions of this Permit Waiver are subject to administrative and/or legal action, which may result in revocation of the Permit Waiver or damages. The Permit Waiver holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this Permit Waiver.
4. Employees of the Department of State Lands and all duly authorized representatives of the Director must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this Permit Waiver.
5. In issuing this Permit Waiver, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the Permit Waiver notice, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
6. Permit Waiver holder must defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
7. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the Waiver holder must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this Permit Waiver. This Permit Waiver does not relieve the waiver holder of an obligation to secure appropriate leases from DSL, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 503-986-5200.

Bethany Harrington,, Interim Northern Operations Manager  
Aquatic Resource Management  
Oregon Department of State Lands

*Bethany Harrington*  
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**Authorized Signature**

5/23/2023

## ATTACHMENT A

Permit Waiver Holder: NW Natural

Project Name: Former Portland Gas Manufacturing (PGM) Long-Term Monitoring and Contingency Action

Substantive Requirement for DSL File No. 64379-PERMIT WAIVER

### READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT WAIVER

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. A copy of this Permit Waiver must be available at the work site whenever authorized operations are being conducted.

- 1. Responsible Party:** By signature on the notice, Robert Wyatt is acting as the representative of NW Natural. By proceeding under this waiver, NW Natural agrees to comply with and fulfill all terms and conditions of this waiver, unless the waiver is officially transferred to another party as approved by DSL.
- 2. Authorization to Conduct Removal and/or Fill:** This permit authorizes 0.0 acres of wetland and 0.64 acres and 730 linear feet of waterway impact(s) with associated removal and fill of material in T01N R01E Section 34, Tax Lot(s) 1200, in Multnomah County, as referenced in the application, map and drawings (See Attachment B for project location(s)), dated April 21, 2023.

Waterway Name	Permanent			Temporary		
	Linear Ft.	Removal (cy)	Fill (cy)	Linear Ft.	Removal (cy)	Fill (cy)
Willamette River	730	0.1	(up to) 1,970	730	7	0
<b>Total:</b>	<b>730</b>	<b>0.1</b>	<b>1,970</b>	<b>730</b>	<b>7</b>	<b>0</b>

- 3. Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of Willamette River must be conducted between July 1 and October 31, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. If fish eggs are observed within the project area, work must cease and DSL contacted immediately.
- 4. Changes to the Project or Inconsistent Requirements from Other Permits:** It is NW Natural's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits resulting in removal/fill activity must be reviewed by DSL prior to implementation.

### General Construction Conditions

- 5. Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.

- a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
  - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.
  - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
  - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
  - e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
  - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
  - g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
  - h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.
6. **Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, material treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
7. **Archaeological Resources:** If any archaeological resources, artifacts or human remains are encountered during construction, all construction activity must immediately cease. The State Historic Preservation Office must be contacted at 503-986-0674. You may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.
8. **Construction Corridor:** There must be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Figure(s) 1).
9. **Hazards to Recreation, Navigation or Fishing:** The activity must be timed so as not to unreasonably interfere with or create a hazard to recreational or commercial navigation or fishing.

**10. Operation of Equipment in the Water:**

Heavy equipment may not be positioned on or traverse areas below ordinary high water or highest measured tide at any time.

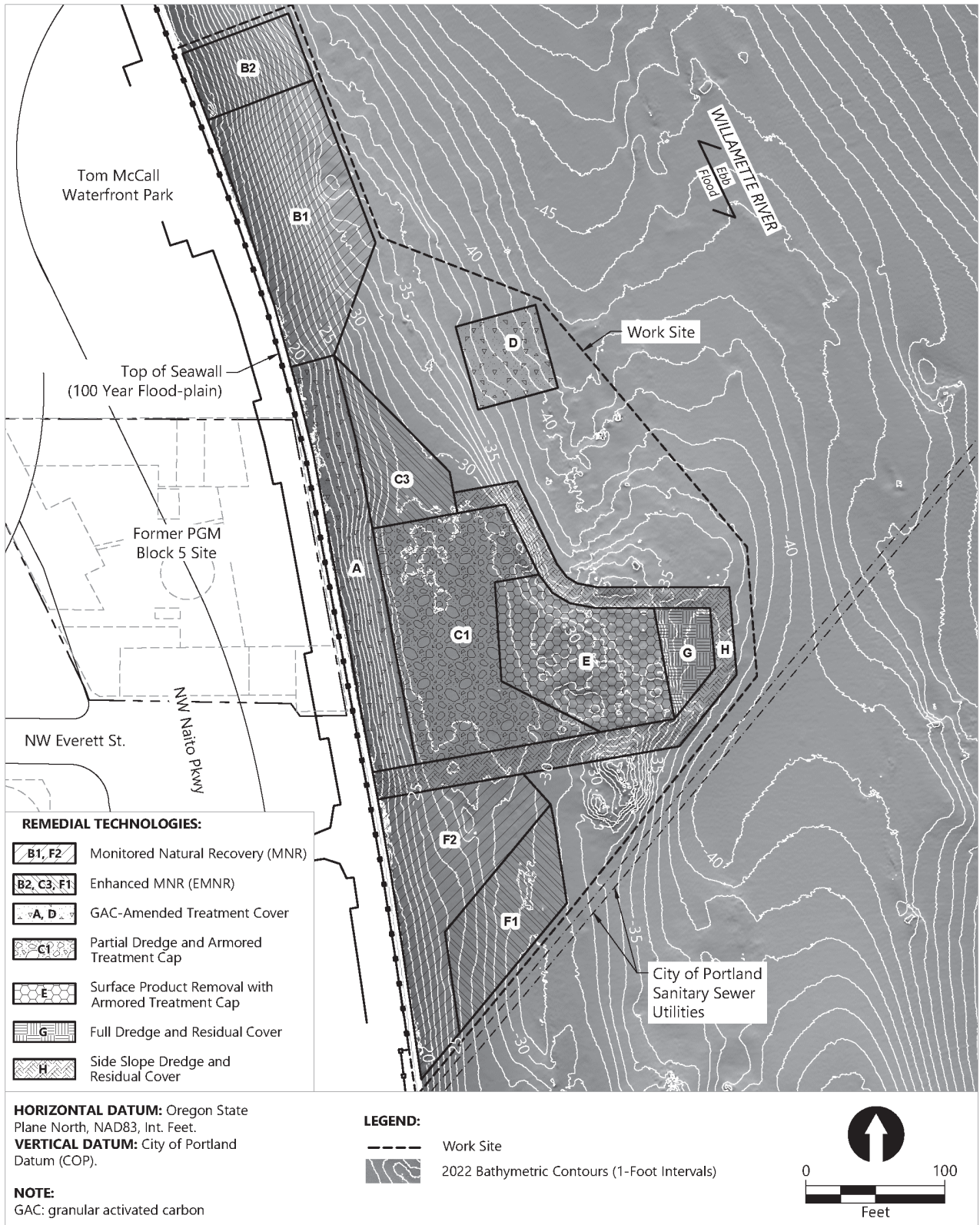
**11. Fish Salvage Required:** Fish must be salvaged from the isolation area. Permits from NOAA Fisheries and Oregon Department of Fish and Wildlife, Fish Research are required to salvage fish. Fish salvage permit information may be obtained by contacting ODFW Fish Research at 503-947-6254 or Fish.Research@state.or.us.

**12. Fish Passage Required:** The project must meet Oregon Department of Fish and Wildlife requirements for fish passage, as required in ORS 509.585. Contact the local ODFW District Fish Biologist (Charles Barr, Charles.M.BARR@odfw.oregon.gov) to ensure your project meets the state's fish passage requirements.

**13. Raising or Redirecting Water:** The project must not cause water to rise or be redirected and result in damage to structures or property on the project site as well as adjacent, nearby, upstream, and downstream of the project site.

**14. Temporary Ground Disturbances:** All temporarily disturbed areas must be returned to original ground contours at project completion.





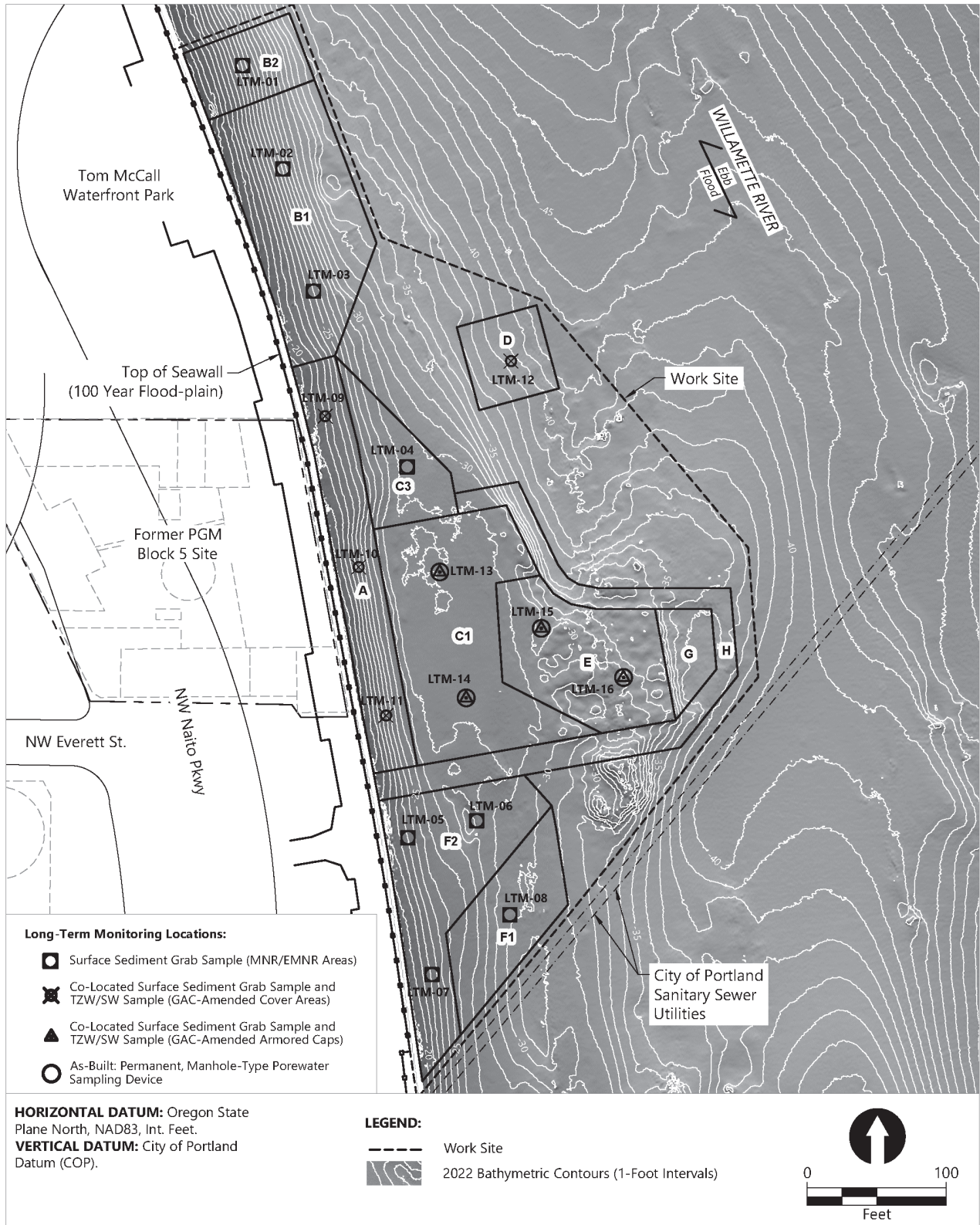
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 Filepath: K:\Projects\0029-NW Natural Gas Co\Portland Gas Manufacturing Site\Permitting\0029-PM-056 (SDUs-JPA-2023).dwg Figure 2

Date: February 2023



**Figure 2**  
**Site Map and Remedial Technology Application Areas**

Joint Permit Application  
 NW Natural - Former Portland Gas Manufacturing Site Long Term Monitoring and Maintenance  
 Portland, Oregon



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Date: February 2023



**Figure 3**  
**Long-term Monitoring Locations**

Joint Permit Application  
 NW Natural - Former Portland Gas Manufacturing Site Long Term Monitoring and Maintenance  
 Portland, Oregon