



# Oregon

John A. Kitzhaber, MD, Governor

## Department of State Lands

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lwd410/RF 14923  
COYOTE ISLAND TERMINAL LLC  
ATTN: JOHN THOMAS  
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SALT LAKE CITY UTAH 84101

State Land Board

John A. Kitzhaber, MD  
Governor

RE: Propriety issues associated with Removal-Fill Permit 49123

Kate Brown  
Secretary of State

Dear Mr. Thomas:

Ted Wheeler  
State Treasurer

This letter is to provide information regarding the proprietary requirements of the project associated with the removal-fill permit application RF-49123. The Columbia River is a state-owned waterway managed by the Department and there may be proprietary issues associated with both the Port of Morrow and Port Westward docks. The following is a summary of information needed to evaluate the question of DSL proprietary jurisdiction associated with this project, pursuant to OAR 141-082-0250.

**Port of Morrow Dock:** Initially the Department determined that no proprietary authorizations were required for construction and operation of the coal transfer/transloading facility at the Port of Morrow. Upon further review of the application and site plan, it appears that a portion of the operation will be located over state-owned submerged and submersible lands (below the ordinary high water line of the Columbia River prior to the John Day dam) and proprietary authorization will be required. To determine the type of authorization required, the Department requests additional information related to the proposed operation, such as potential staging areas or other activities that might be conducted within the state ownership boundary.

**Port Westward:** According to the information previously provided to the Department, while each four-barge tow is being unloaded at Port Westward, the transport tug with the remaining barges will be occupying an as yet to be determined area in the Columbia River near the mouth of Bradbury Slough. Our understanding is another barge and tow will be scheduled to arrive around the time the first is unloaded and departing for the upstream trip. This implies that one or another tug and tow unit up to 650' long will be motoring in the current (or possibly anchored, this is not clear) essentially all the time. See the Environmental Review Document for 49123-RF. Vol. I, Page 2-13 through 2-18 and Vol. II for the graphic representation of the transloading process for more information. A lease for marine industrial use would be needed for this activity in a yet-to-be-determined area. The Department will need specific dimensions of the off-shore area to be used as a staging area, with specific information about how vessels will be kept stationary within that area (anchoring, mooring, motoring in-place?); and the frequency of use of that area (occupied 10%, 50%, 90% of the time?), particularly given the apparent shift in operations anticipated with dock improvements.

Also, according to the application, the floating transloader will be moored to the dock on occasions when there is no Ocean Going Vessel (OGV) being loaded. Further, it will be permanently "tethered" to the dock by a floating shore power cable which will trail out behind the transloader at all times. This activity would require a lease of an as yet-to-be-determined type and area. There are also questions over the effects of the electric field around the cable and its visibility to other boaters in the area. Specific dimensions of the entire area for the use of the transloader and tether are needed, both for when it is sitting idle and during peak of operation.

The Department is also interested to know whether the improvements to the Port Westward dock for the Cascade Kelly facility have resulted in any changes in operation for the coal transloading activities. If so, please provide an updated operation description to the Department.

The area of the Port Westward dock/wharf is currently under a lease to the Port of St. Helens which operates Port Westward. The lease may be changed in part or in whole to an as yet-to-be-determined type and area. There is the potential for some portions of the dock/wharf area to be leased for Marine Industrial Use depending on the specific nature of each dock/wharf users' activities.

The Department requests a meeting with you to discuss the details of the operation at both locations so that we can clearly understand what is being proposed. If you could provide the requested information prior to the meeting, it would facilitate a productive conversation. Please contact me at (503)986-5271 or [lori.warner-dickason@state.or.us](mailto:lori.warner-dickason@state.or.us) to arrange a meeting.

Sincerely,



Lori Warner-Dickason  
Operations Manager  
Land Management Division  
Department of State Lands

Cc: Charles Redon, Oregon Department of State Lands  
Mark Schumock, Oregon Department of Justice