



MAUL FOSTER ALONGI

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January 24, 2020
Project No. 8014.01.72

Madi Novak
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232

Re: Annual Site Activity Summary Report—2019
Zidell Waterfront Property, 3121 SW Moody Avenue, Portland, OR
ECSI No. 689

Dear Ms. Novak:

On behalf of ZRZ Realty Company, Zidell Marine Corporation, and Tube Forgings of America, Inc. (collectively referred to in this document as Zidell), Maul Foster & Alongi, Inc. (MFA) has completed an assessment of the overall condition of the Zidell Waterfront Property upland, bank, and in-water remedy. Remedy monitoring and reporting requirements are referred to from the Environmental Management Documents letter,¹ including the site Operations, Monitoring, and Maintenance Plan (OMMP)² and Upland Site Management Plan (SMP).³ The assessment included a compilation of information, contained in multiple inspection reports, provided by various inspection parties. The reporting period for this submittal is the 2019 calendar year, for which required monitoring included upland cap visual inspection and visual inspection of the bank and shore.

SITE CONSTRUCTION

No construction activities were performed at the site in 2019.

INSPECTIONS AND MONITORING

Site inspections and monitoring were completed to record conditions of the bank, sediment, and upland caps and to comply with regulatory requirements. The following events were completed in the calendar year:

¹ MFA. Letter (Re: Environmental Management Documents, Zidell Waterfront Property [ECSI No. 689]) to M. Novak, Oregon Department of Environmental Quality, from E. Bakkom, Maul Foster & Alongi, Inc., Portland, Oregon. April 24, 2018.

² MFA. Bank and Sediment Remedy Operations, Maintenance, and Monitoring Plan, Zidell Waterfront Property, Portland, Oregon. Maul Foster & Alongi, Inc., Portland, Oregon. June 12, 2013.

³ MFA. Zidell upland site management plan, 3121 SW Moody Avenue, Portland, Oregon, ECSI 689. Maul Foster & Alongi, Inc., Portland, Oregon. February 27, 2018.

- The landscape contractor inspected riverbank vegetation to prepare for growing-season landscape-management planning.
- MFA completed the annual site inspection during the third quarter, consistent with previous years. Conditions encountered during the annual inspection were compared to the previous monitoring report conditions to identify changes and progress at the site. Inspections and reporting were completed consistent with the requirements of the site OMMP and the SMP. The inspection noted the following:
 - Bank vegetation above elevation of 16 feet is very dense along the Slipway Reach. A gap in the vegetation immediately above the top of the rock armor was noted, but there was no significant erosion of the soil cap. A vegetation gap immediately above the top of the rock armor was observed in the south bridge reach. Vegetation in the middle bridge reach and north bridge reach was generally dense above the top of the rock armor. Vegetation coverage is dense above an elevation of 10 feet in most areas along the Downstream Reach. Vegetation on the bank area below the Tilikum Crossing bridge envelope is moderately dense and has localized spots of minor erosion where water drips from the overhead structure. 2018 repair areas are revegetating vigorously through the newly placed rock armor, and live stakes installed on lower portions of the bank have become established. Overall, vegetative coverage is good.
 - The greenway cap in the South Slipway is smooth, with no visible erosion exceeding performance criteria. The greenway cap is generally smooth with no visible erosion. Grass vegetation is generally well established, with areas of thinner coverage to the north of the Ross Island Bridge. Recent site activity (public events) resulted in some spots of bare soil, but there was no visible erosion. Grass growth is decent from STA 11+50 to the Tilikum Crossing. Coverage is good from north of the Tilikum Crossing to STA 21+50, then less dense again going north.
 - No notable erosion was observed on the riverbank. Minor erosion at an elevation of 15 feet was noted in two locations corresponding to the north and south sides of the Ross Island Bridge deck. Rock armor appears to be in good shape, with little movement. Rock armor that was placed in 2018 repair areas appears to be in good condition and is stable. Habitat gravel on the repair areas has remained on top of the repairs.
 - The sediment cap is in good condition. Sediment accumulation was observed in the slipway and in the shallow areas of the cap beneath the Tilikum Crossing. Habitat gravel continues to remain generally in place.

- The upland cap, west of the greenway, is in good condition. No changes to the asphalt or gravel caps were observed. The barge building interior is secured and was not accessible during the inspection.
- Irrigation has continued on the bank below elevation of 18 feet throughout the Downstream Reach, helping to maintain growth and vegetative coverage. Live stakes planted in fall of 2018 on the lower bank in the Downstream Reach appear to be growing well at most locations.
- The test vegetation plot in the Middle Downstream Reach is very dense and well-established.
- The stormwater infiltration facility has dense growth along its slopes and bottom.

SITE MAINTENANCE

Maintenance activities on the Zidell site were focused on vegetation management and consisted of the following:

- In November, more than 1,200 live stakes were planted along 1,000 linear feet of the shoreline in the Bridge and Downstream Reaches. Staking occurred in the vegetation gap between elevation 15-feet and 18-feet in the North Bridge Reach. In the Downstream Reach, staking occurred on the lower bank between elevation 9-feet and 11-feet. Stakes were harvested from existing vegetation (willows, dogwood) and planted approximately 3 feet on center. Photos are included in Attachment 1.
- Weeding was periodically performed by Zidell's landscape contractor to manage invasive vegetation. Zidell removed and treated butterfly bush, thorn apple, and Himalayan blackberry.

SAMPLING

Samples to assess environmental performance of the remedy were not required in 2019. Institutional Controls were modified as follows:

- Due to annual significant maintenance issues (e.g., damage to and/or disappearance of buoys), Zidell received approval from the U.S. Coast Guard and the Oregon Department of State Lands to replace the three private aids to navigation (PATON) buoys with shoreline signs directing no anchoring, grounding or use of motorized vessels in the area of the sediment cap (Attachment 2). The replacement signs will be installed during the first quarter of 2020.

No work related to institutional controls was performed at the site in 2019.

OTHER SITE ACTIVITY

Zidell continues to monitor the establishment of camps (by homeless persons or transients) on the site and has cleaned up several camp areas in coordination with the City of Portland police department, neighboring property owner OHSU's security department, and the Oregon Department of State Lands ("DSL"). The DSL 2018 notice of camping ban on the state's property has been an effective enforcement tool, allowing Zidell to post trespassing notices and have campers removed from the site.

2020 PLANNED ACTIVITIES

The following activities are planned for 2020:

- Weeding and vegetation maintenance
- Visual cap and bank armor inspection
- Monitoring of bank erosion areas in North Bridge Reach (quarterly)
- Annual site inspection
- Annual assessment report

SUMMARY

The bank, sediment, and upland caps are in good condition. Repair work completed in 2018 is stable and well vegetated. Zidell has provided additional landscaping to address sparse vegetation at the top of rock armor in the south bridge reach area.

Sincerely,

Maul Foster & Alongi, Inc.



Jacob Faust, PE
Senior Engineer



Erik Bakkom, PE
Principal Engineer

Attachments: Limitations
Figure
Attachment 1 (Bank Planting Photos)
Attachment 2 (Buoy Discontinuance)

cc: Kathryn Silva, Zidell Companies
Alan Park, Zidell Companies

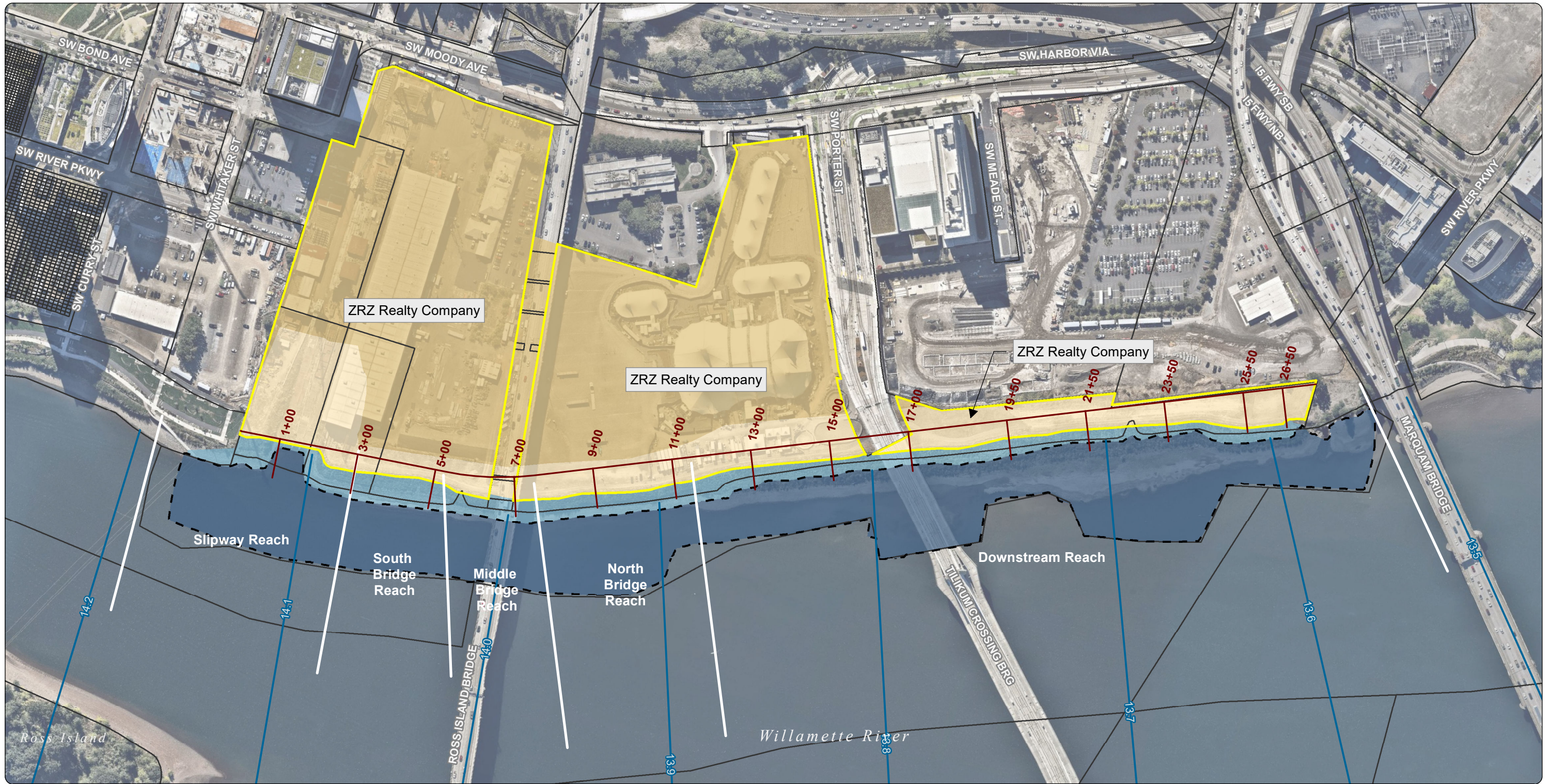
LIMITATIONS

The services undertaken in completing this report were performed consistent with generally accepted professional consulting principles and practices. No other warranty, express or implied, is made. These services were performed consistent with our agreement with our client. This report is solely for the use and information of our client unless otherwise noted. Any reliance on this report by a third party is at such party's sole risk.

Opinions and recommendations contained in this report apply to conditions existing when services were performed and are intended only for the client, purposes, locations, time frames, and project parameters indicated. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report.

FIGURE





Source: Aerial photograph obtained from Mapbox;
property boundary obtained from
survey (2011) conducted by Olson Engineering;
river miles are based on the FEMA Current
Effective Model.

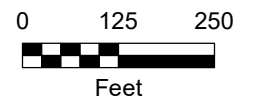


This product is for informational purposes and may not have been prepared for, or be suitable
for legal, engineering, or surveying purposes. Users of this information should review or
consult the primary data and information sources to ascertain the usability of the information.

Legend

- Sediment Cap Area
- Greenway Bank Area
- Greenway Upland Area
- Non-Greenway Upland Area
- Cap Boundary
- Monitoring Station
- River Mile
- Tax Lot Boundary
- ZRZ Realty Company Property Boundary

Figure
Site Features
ZRZ Realty Company
Portland, Oregon



ATTACHMENT 1

BANK PLANTING PHOTOS





PHOTO 1 - New planting along the North side of the Ross Island Bridge at 16 feet elevation.



PHOTO 2: New plantings at the top of armor below the North edge of the Ross Island Bridge.



PHOTO 3: Photo of vegetation coming up through the intact habitat gravel near the Tilikum Crossing.



PHOTO 4: Photo of vegetation from 2018 plantings near Tilikum Crossing.

ATTACHMENT 2

BUOY DISCONTINUANCE



U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Thirteenth District

915 Second Ave., Rm 3510
Seattle, WA. 98174-1067
Staff Symbol: dpw
Phone: (206) 220-7270

16518

11/5/19

Zidell Marine Corporation
Attn: Mr. Bill Gobel, VPCOO
2020 SW 4th Avenue, Suite 600
Portland, OR 97201
bgobel@zidell.com

Dear Mr. Gobel,

Your Private Aids to Navigation (PATON) Application (CG-2554) is enclosed for the following:

- Zidell Regulatory Lighted Buoys (A, B, C)
 - Light List #14959.1, 14959.2, 14959.3
 - Class I

Please reference the following enclosure:

- Approved Private Aids to Navigation Application (CG-2554)

Your application (CG-2554) to discontinue the PATON listed above has been approved. Please notify my representative if you wish to establish any other PATON in the future.

If you have any questions contact my representative, Mr. Timothy Westcott, at (206) 220-7285 or D13-PATON@uscg.mil.

Sincerely,

HARRIS.BRENDAN
AN.J.1013137303

Digitally signed by
HARRIS.BRENDAN.J.1013137303
Date: 2019.11.05 14:50:51 -08'00'

B. J. HARRIS
Commander, U.S. Coast Guard
Chief, Waterways Management Branch

Encl: Approved Private Aids to Navigation application (CG-2554)

DEPARTMENT OF HOMELAND SECURITY
U.S. Coast Guard
PRIVATE AIDS TO NAVIGATION APPLICATION

OMB Approval: 1625-0011
Expiration Date: 05/31/2021

(See attached instructions and copy of Code of Federal Regulations, Title 33, Chap. 1, Part 66)

NO PRIVATE AID TO NAVIGATION MAY BE AUTHORIZED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED (14 U.S.C. 83; 33 CFR. 66. 01-5).

1. ACTION REQUESTED FOR PRIVATE AIDS TO NAVIGATION:	☐ A. ESTABLISH AND MAINTAIN ☒ B. DISCONTINUE ☐ C. CHANGE ☐ D. TRANSFER OWNERSHIP	2. DATE ACTION TO START: 11/05/2019
3. AIDS WILL BE OPERATED:	☐ A. YEAR-ROUND ☐ B. TEMPORARILY UNTIL ☐ C. SEASONAL FROM TO	
4. NECESSITY FOR AID (Continue in Block 8) MARKING A SEDIMENT CAP	5. GENERAL LOCALITY WILLAMETTE RIVER	6. AUTHORIZING PERMIT FOR THIS STRUCTURE OR BUOY USACE ☐ PERMIT AND/OR STATE ☐ PERMIT (Valid Permit Number) N/A

FOR DISTRICT COMMANDERS ONLY		7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS									
LIGHT LIST NUMBER	NAME OF AID	NO. OR LTR (7a)	LIGHT			POSITION (7e)	DEPTH OF WATER (7f)	CANDELA (7g)	FOCAL PLANE HEIGHT (7h)	STRUCTURE	REMARKS (See instructions) (7j)
			FLASH PERIOD (7b)	FLASH LENGTH (7c)	COLOR (7d)					TYPE, COLOR, AND HEIGHT ABOVE GROUND (7i)	
14959.1	ZIDELL REGULATORY LIGHTED BUOY A DISCONTINUED	-A-	4s	0.5	WHT	45-30-09.600N 122-40-02.430W	-	0	-	FLOATING WARNING SIGN	DISCONTINUED
14959.2	ZIDELL REGULATORY LIGHTED BUOY B DISCONTINUED	-B-	4s	0.5	WHT	45-30-20.730N 122-40-08.500W	-	-	-	FLOATING WARNING SIGN	DISCONTINUED
14959.3	ZIDELL REGULATORY LIGHTED BUOY C DISCONTINUED	-C-	4s	0.5	WHT	45-30-24.740N 122-40-13.050W	-	-	-	FLOATING WARNING SIGN	DISCONTINUED

8. ADDITIONAL COMMENTS
ALL THREE BUOYS ARE REMOVED AND DISCONTINUED. TWO SHORE SIDE SIGNS ARE BEING INSTALLED TO WARN VESSELS OF THE SEDIMENT CAP.

9a. NAME AND ADDRESS OF PERSON IN DIRECT CHARGE OF THE AID(S) SAME AS BLOCK 10a	10a. NAME AND ADDRESS OF PERSON OR CORPORATION AT WHOSE EXPENSE THE AID(S) WILL BE MAINTAINED Zidell Marine Corporation Attn: Mr. Bill Gobel, VPCOO 2020 SW 4th Avenue, Suite 600 Portland OR 97201	10b. THE APPLICANT AGREES TO SAVE THE COAST GUARD HARMLESS WITH RESPECT TO ANY CLAIM OR CLAIMS THAT MAY RESULT ARISING FROM THE ALLEGED NEGLIGENCE OF THE MAINTENANCE OR OPERATION OF THE APPROVED AID(S).
9b. TELEPHONE NO. (503) 228-8691		10c. DATE 11/05/2019
9c. E-MAIL ADDRESS bgobel@zidell.com		10d. SIGNATURE AND TITLE OF OFFICIAL SIGNING <i>Bill Gobel V.P.C.O.O.</i>

FOR USE BY DISTRICT COMMANDER		RECD	DATE APPROVED	SIGNATURE (By direction)
SERIAL NO.	CLASSIFICATION OF AIDS(S)	CHART 18526	11/5/19	HARRIS.BRENDAN. J.1013137303
N/A	I	LNLM		

Digitally signed by
HARRIS.BRENDAN.J.1013137303
Date: 2019.11.05 14:51:36 -08'00'

Bill Gobel

To: Timothy.L.Westcott@uscg.mil
Subject: Signed Document
Attachments: 2019_11_05_13_54_42.pdf

Timothy: Please find the signed document. I will be looking for the information on the signage from you.

Thanks Bill

Bill Gobel

VPCOO

Zidell Marine Corporation

2020 SW 4th Avenue, Suite 600

Portland OR 97201

(503) 228-8691

DEPARTMENT OF HOMELAND SECURITY

U.S. Coast Guard

OMB Approval: 1625-0011

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PRIVATE AIDS TO NAVIGATION APPLICATION

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FOR DISTRICT COMMANDERS ONLY		7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS									
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			FLASH PERIOD (7b)	FLASH LENGTH (7c)	COLOR (7d)					TYPE, COLOR, AND HEIGHT ABOVE GROUND (7i)	
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FOR USE BY DISTRICT COMMANDER		RECD	DATE APPROVED	SIGNATURE (By direction)
SERIAL NO.	CLASSIFICATION OF AIDS(S)	CHART 18526		
N/A	I	LNM		

**U.S. COAST GUARD
PRIVATE AIDS TO NAVIGATION APPLICATION
INSTRUCTIONS**

1. The rules, regulations, and procedures pertaining to private aids to navigation are set forth in the excerpt of the Code of Federal Regulations; Title 33, Chapter 1, Part 66 on the following pages.
2. One copy of the application for private aids to navigation shall be forwarded via postal mail, electronic mail, or facsimile to the Commander of the Coast Guard District in which the aids will be located. Sections of charts or sketches showing the work proposed should accompany each application.
3. When making application for private aids to navigation to mark structures and mooring buoys in navigable waters or to mark the excavating or depositing of material therein, evidence is required of the authorization obtained from the U.S. Army Corps of Engineers (USACE), Department of the Army, for such work, (Code of Federal Regulations; Title 33, Part 322.) and/or State Regulatory Agency.
4. The applicant shall complete all of Blocks 1, 2, 3, 4, 5, 9 and 10 for all new applications. When a private aid to navigation is being discontinued, Block 3 need not be completed. Block 6 shall be completed whenever authorization is required to be obtained from Corps of Engineers (See Instruction No. 3). Columns in Block 7 will be completed as follows:
 - a. Unlighted buoy(s) - 7a, 7e, 7f, and 7j.
 - b. Lighted buoy(s) - 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h, and 7j.
 - c. Daybeacon(s) - 7a, 7e, 7f (if applicable), 7h, 7i, and 7j.
 - d. Light(s) on a structure - 7a, 7b, 7c, 7d, 7e, 7f (if applicable), 7g, 7h, 7i, and 7j.

5. When a private aid to navigation is being changed, Block 8 shall be used to describe the nature of the change.
6. The required information for each column includes the following:
 - (7a) Proposed number or letter to be assigned to the private aid to navigation.
 - (7b) Period of light (time in seconds for one complete cycle).
 - (7c) Flash length in seconds. For complex or multiple flashes, explain in column (7j).
 - (7d) Color of light.
 - (7e) Position as determined by Global Positioning System (GPS), differential GPS, professional surveyor, by two or more horizontal angles, or bearing and distance from a prominent charted landmark. If a prominent charted landmark is not available, show latitude and longitude as precisely as the chart permits.
 - (7f) Depth of water at buoy or structure (if marine site). All depths are measured from mean lower low water except on Great Lakes where depths are measured from low water datum.
 - (7g) Candela, if known; otherwise, include the following information in column (7j); lens size, lamp voltage and amperage if electric, or details of other illuminant to be used.
 - (7h) If lighted, the height of the light's optic above the water.
 - (7i) Include details of structure (type, color).
 - (7j) Used for the following specific information, plus any other useful details: a. buoys - size, shape, color, and reflective material used; b. structures - dayboard shape and color; c. sound signal on a buoy or structure - type and model, audible range, and characteristic (number of strokes or blasts, period and blast length).

7. This form may be used to cover more than one private aid to navigation in the same geographic area. Draw a line between each aid as indicated in example below. Attach separate sheet if additional space is required.
8. Attach a section of chart showing the proposed location of the private aid(s) to navigation.
9.
 - a. After receipt of the approved form, the applicant will advise the District Commander by telephone, postal mail, electronic mail, or facsimile when the authorized work is actually accomplished.
 - b. If the private aid(s) to navigation have not been installed within one year of the approval date, the approved application is automatically cancelled.
 - c. Any discrepancy in the operation of the private aid(s) to navigation at any time shall be reported to the District Commander by telephone, postal mail, electronic mail, or facsimile in order that Notices to Mariners may be issued. A discrepancy exists whenever the private aid to navigation is not operating as described in the approved application, i.e., lack of signal, incorrect light characteristic, or improper color, shape, or position of shore structure or buoy. The correction of the discrepancy will also be reported by the same method.
10. All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer.

EXAMPLE OF USE OF APPLICATION

FOR DISTRICT COMMANDERS ONLY		7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS										
LIGHT LIST NUMBER	NAME OF AID	NO. OR LTR (7a)	LIGHT			POSITION (7e)	DEPTH OF WATER (7f)	CANDELA (7g)	FOCAL PLANE HEIGHT (7h)	BUOY/STRUCTURE	REMARKS (See instructions) (7j)	
			FLASH PERIOD (7b)	FLASH LENGTH (7c)	COLOR (7d)					TYPE, COLOR, AND HEIGHT ABOVE GROUND (7i)		
		1	4s	0.4s	Green	dd°mm'ss.sss"N ddd°mm'ss.sss"W	9 Ft			5' lighted buoy, Green		
		2				dd°mm'ss.sss"N ddd°mm'ss.sss"W	8 Ft			Nun buoy, Red		
		3				dd°mm'ss.sss"N ddd°mm'ss.sss"W	7 Ft			Single Pile	2' square dayboard, Green	
		4	2.5s	0.5s	Red	dd°mm'ss.sss"N ddd°mm'ss.sss"W	9 Ft		14 Ft	Multi-Pile	3' triangular dayboard, Red	

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Coast Guard estimates the average burden for this report is 1 hour. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: COMMANDANT (CG-NAV-1), U.S. COAST GUARD STOP 7418, 2703 MARTIN LUTHER KING JR AVE SE, WASHINGTON DC 20593-7418 or OFFICE OF MANAGEMENT AND BUDGET, PAPERWORK REDUCTION PROJECT (1625-0011), WASHINGTON, DC 20590-0001.

FEDERAL REGULATIONS CONCERNING PRIVATE AIDS TO NAVIGATION, 33 CFR 66

§ 66.01-1 Basic provisions.

(a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, will establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant.

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (part 62 of this subchapter) or those operated in State waters for private aids to navigation (subpart 66.05).

(c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

(d) With the exception of radar beacons (racons) and shore based radar stations, operation of electronic aids to navigation as private aids will not be authorized.

§ 66.01-3 Delegation of authority to District Commanders.

(a) Under Section 888 of Pub. L. 107-296, 116 Stat. 2135, the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.

(b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision of the Commandant in any case is final.

§ 66.01-5 Application procedure.

To establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the

Commander of the Coast Guard District in which the aid is or will be located. You can find application form CG-2554 at http://www.uscg.mil/forms/cg/CG_2554.pdf. You must complete all parts of the form applicable to the aid concerned, and must forward the application to the District Commander. You must include the following information:

(a) The proposed position of the aid to navigation by two or more horizontal angles, bearings and distance from charted landmarks, or the latitude and longitude as determined by GPS or differential GPS. Attach a section of chart or sketch showing the proposed position.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will maintain the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, range, effective intensity, height above water, and description of illuminating apparatus. Attach a copy of the manufacturer's data sheet to the application.

(g) For sound signals: Type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.

(i) For racons: Manufacturer and model number of racon, height above water of desired installation, and requested coding characteristic. Equipment must have FCC authorization.

§ 66.01-10 Characteristics.

The characteristics of a private aid to navigation must conform to those prescribed by the United States Aids to Navigation System set forth in subpart B of part 62 of this subchapter.

§ 66.01-11 Lights.

(a) Except for range and sector lights, each light approved as a private aid to navigation must:

(1) Have at least the effective intensity required by this subpart omnidirectionally in the horizontal plane, except at the seams of its lens-mold.

(2) Have at least 50% of the effective intensity required by this subpart within $\pm 2^\circ$ of the horizontal plane.

(3) Have a minimum effective intensity of at least 1 candela for a range of 1 nautical mile, 3 candelas for one of 2 nautical miles, 10 candelas for one of 3 nautical miles, and 54

candelas for one of 5 nautical miles. The District Commander may change the requirements for minimum intensity to account for local environmental conditions. For a flashing light this intensity is determined by the following formula:

$$I_e = G / (0.2 + t_2 - t_1)$$

Where:

I_e = Effective intensity

G = The integral of the instantaneous intensity of the flashed light with respect to time

t_1 = Time in seconds at the beginning of the flash

t_2 = Time in seconds at the end of the flash

$t_2 - t_1$ is greater than or equal to 0.2 seconds.

(4) Unless the light is a prefocused lantern, have a means of verifying that the source of the light is at the focal point of the lens.

(5) Emit a color within the angle of 50% effective intensity with color coordinates lying within the boundaries defined by the corner coordinates in Table 66.01-11(5) of this part when plotted on the Standard Observer Diagram of the International Commission on Illumination (CIE).

Table 66.01-11(5)—Coordinates of Chromaticity

Color	Coordinates of chromaticity	
	x axis	y axis
White	0.500	0.382
	0.440	0.382
	0.285	0.264
	0.285	0.332
	0.453	0.440
Green	0.500	0.440
	0.305	0.689
	0.321	0.494
	0.228	0.351
	0.028	0.385
Red	0.735	0.265
	0.721	0.259
	0.645	0.335
	0.665	0.335
	0.618	0.382
Yellow	0.612	0.382
	0.555	0.435
	0.560	0.440

(6) Have a recommended interval for replacement of the source of light that ensures that the lantern meets the minimal required intensity stated in paragraph (a)(3) of this section in case of degradation of either the source of light or the lens.

(7) Have autonomy of at least 10 days if the light has a self-contained power system. Power production for the prospective position should exceed the load during the worst average month of insolation. The literature concerning the light must clearly state the operating limits and service intervals. Low-voltage disconnects used to protect the battery must operate so as to prevent sporadic operation at night.

(b) The manufacturer of each light approved as a private aid to navigation must certify compliance by means of an indelible plate or label affixed to the aid that meets the requirements of § 66.01-14.

§ 66.01-12 May I continue to use the private aid to navigation I am currently using?

If, after March 8, 2004, you modify, replace, or install any light that requires a new application as described in § 66.01-5, you must comply with the rules in this part.

§ 66.01-13 When must my newly manufactured equipment comply with these rules?

After March 8, 2004, equipment manufactured for use as a private aid to navigation must comply with the rules in this part.

§ 66.01-14 Label affixed by manufacturer.

(a) Each light, intended or used as a private aid to navigation authorized by this part, must bear a legible, indelible label (or labels) affixed by the manufacturer and containing the following information:

(1) Name of the manufacturer.

(2) Model number.

(3) Serial number.

(4) Words to this effect: "This equipment complies with requirements of the U.S. Coast Guard in 33 CFR part 66."

(b) This label must last the service life of the equipment.

(c) The manufacturer must provide the purchaser a data sheet containing the following information:

- (1) Recommended service life based on the degradation of either the source of light or the lamp.
- (2) Range in nautical miles.
- (3) Effective intensity in candela.
- (4) Size of lamp (incandescent only).
- (5) Interval, in days or years, for replacement of dry-cell or rechargeable battery.

§ 66.01-15 Action by Coast Guard.

(a) The District Commander receiving the application will review it for completeness and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

(b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for the operation of radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

§ 66.01-20 Inspection.

All classes of private aids to navigation shall be maintained in proper operating condition.

They are subject to inspection by the Coast Guard at any time and without prior notice.

§ 66.01-25 Discontinuance and removal.

(a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.

(b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

§ 66.01-30 Corps of Engineers' approval.

(a) Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

(b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

§ 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Subchapter J of this subchapter).

(b) Persons marking bridges pursuant to Subchapter J of this title are exempted from the provisions of § 66.01-5.

§ 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.11 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

§ 66.01-50 Protection of private aids to navigation.

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter). If interference or obstruction

occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

§ 66.01-55 Transfer of ownership.

(a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application (§66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

(b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.

(c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

(d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

Bill Gobel

From: Westcott, Timothy L CIV <Timothy.L.Westcott@uscg.mil>
Sent: Tuesday, November 05, 2019 12:45 PM
To: Bill Gobel
Cc: 'richard.w.fitzgerald@dsl.state.or.us'
Subject: [External] Zidell Warning Buoys to be discontinued and shore side signs installed...
Attachments: SEDIMENT CAP.pdf

Hi Bill,

Attached is an example sign for a sediment cap. Here are the specs.

- 1.) The sign is three foot by six foot.
- 2.) The large letters are approximately six inch and smaller ones are three inch.
- A good sign shop can make them bigger to maximize space and keep it legible.
- 3.) The letters are black and the background is white (non-reflective).
- 4.) The boarder is two to three inches wide and is light reflective.
- Orange is a "warning" color to a boater.

The sizing information is generic and can be adjusted if necessary. This sign is good for one nautical mile.

r/ Timothy L. Westcott
13th Coast Guard District
Prevention Division (dp)
Waterways Management Branch (dpw)
Federal ATON Damage Claim Manager
Private Aids to Navigation Manager
Seattle, Washington
(206) 220-7285
timothy.l.westcott@uscg.mil
pacificarea.uscg.mil/Our-Organization/District-13/District-Staff/-dpw/
"Boating Safety, Its everyone's responsibility!"

-----Original Message-----

From: Westcott, Timothy L CIV
Sent: Wednesday, October 30, 2019 3:15 PM
To: 'Bill Gobel' <bgobel@zidell.com>
Subject: RE: [External] RE: Buoys... (updated 30Oct19)

Thanks Bill! TLW

-----Original Message-----

From: Bill Gobel <bgobel@zidell.com>

Sent: Wednesday, October 30, 2019 2:31 PM
To: Westcott, Timothy L CIV <Timothy.L.Westcott@uscg.mil>
Subject: [Non-DoD Source] RE: [External] RE: Buoys... (updated 30Oct19)

Timothy per our telephone conversation today Zidell Realty Company will be installing the signage approaching the cap area. The person with the Oregon Department of State Lands that we are dealing with is Richard Fitzgerald. His information is below. Thanking you for your help.

Bill Gobel

Richard Fitzgerald
Portland Harbor Superfund Specialist
Oregon Department of State Lands
503-986-5260 (office usu M-W)
503-910-4565 (cel usu Th&F)
richard.w.fitzgerald@dsl.state.or.us

Bill Gobel
VPCOO
Zidell Marine Corporation
2020 SW 4th Avenue, Suite 600
Portland OR 97201
(503) 228-8691

-----Original Message-----

From: Westcott, Timothy L CIV [<mailto:Timothy.L.Westcott@uscg.mil>]
Sent: Wednesday, October 30, 2019 12:18 PM
To: Bill Gobel
Subject: [External] RE: Buoys... (updated 30Oct19)

Hi Bill,

OK. I'll produce a DRAFT CG-2554 PATON application/permit for the discontinuance of the three buoys and send it to you for your signature.

Can you please give me a name, phone number and email address for the person with the Oregon Department of State Lands that told you it's OK to remove the buoys because they are going to install shore side signs. I need to talk to them about the signs.

Thanks and I'll have paperwork to you soon.

r/ Timothy L. Westcott
13th Coast Guard District
Prevention Division (dp)
Waterways Management Branch (dpw)
Federal ATON Damage Claim Manager
Private Aids to Navigation Manager
Seattle, Washington

(206) 220-7285

timothy.l.westcott@uscg.mil

pacificarea.uscg.mil/Our-Organization/District-13/District-Staff/-dpw/

"Boating Safety, Its everyone's responsibility!"

From: Bill Gobel <bgobel@zidell.com>

Sent: Wednesday, October 30, 2019 10:01 AM

To: Westcott, Timothy L CIV <Timothy.L.Westcott@uscg.mil>

Subject: [Non-DoD Source] Buoys

Mr. Westcott:

We have conferred with the Oregon Department of State Lands, regarding removal of the three PATON buoys, and they have agreed to their removal. They will be replaced with on-shore signage that indicates the closure of the sediment cap area to anchoring and motorized transport. Please let me know if you need any further information from Zidell to terminate the Coast Guard permit for the PATONs. Thank you,

Bill Gobel

VPCOO

Zidell Marine Corporation

2020 SW 4th Avenue, Suite 600

Portland OR 97201

(503) 228-8691

SEDIMENT CAP
DO NOT ANCHOR
DRAAG DREDGE

OREGON DEPARTMENT STATE LANDS 503-XXX-XXXX