



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208-2946

June 9, 2022

Real Estate Division

Rachel Hagerty
Chief of Staff, Tillamook County
201 Laurel Avenue
Tillamook, Oregon 97141

Dear Ms. Hagerty:

Thank you for Tillamook County's request for clarification on the Notice to Proceed letter previously issued by the U.S. Army Corps of Engineers on May 19, 2022. The purpose of this letter is to provide a revised Notice to Proceed for the County's action. This letter is pursuant to the Resolution of Formal Assurances for Local Cooperation (Resolution), executed December 6, 1967, between the Department of the Army and Tillamook County, the Port of Garibaldi, and the Port of Tillamook Bay (Non-Federal Sponsors). The U.S. Army Corps of Engineers, Portland District (Corps), and the Non-Federal Sponsors agreed to cooperate in the ongoing maintenance of the Tillamook Jetties, and in this instance for the South Jetty phase of the Tillamook Jetty Repair Project (Project), specifically.

Paragraph A of the Resolution requires the Non-Federal Sponsor to provide all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the Project, including those lands, easements, or rights-of-way necessary for the borrowing of material, the disposal of dredged or excavated material, or relocation.

Please accept this letter as your written notice to proceed to provide evidence of ownership of the real property interests in the vicinity of what is commonly known as the South Jetty site, as required for the Project. The Project's minimum real property requirements consist of two areas. First is a temporary staging area for barge loading and offloading consisting of 2.60 acres at Kincheloe Point (Enclosure 1). Second is road access over lands along Bayocean Dike Road. This road is partially provided by the Corps' easement, but also involves Tillamook County owned lands adjacent to Bayocean Dike Road that will require turnout areas to allow trucks to pass, resulting in an additional need for road access outside the existing Corps right of way (Enclosure 2). Please note: there is a staging area on Federal lands visible in the provided map; the Corps already has real property rights over that area and no action is needed from the County for that area of the project. It is anticipated that the construction will begin in Summer 2022 and continue for up to three years, ending in 2025.

The Corps is aware that the Non-Federal Sponsor already owns the fee rights to the land over which the project will be carried out. In accordance with Corps policies and procedures, the Non-Federal Sponsor shall submit evidence of the availability of the required real property prior to the Corps' solicitation of construction contracts. The Non-Federal Sponsor should submit copies of recorded deeds of conveyance, title reports that are less than ninety (90) days old, or other documents that are deemed adequate by the Corps' Chief of Real Estate.

In addition to the proof of ownership of affected parcels, please provide the Corps with an "Authorization for Entry" which authorizes the Corps, its agents, employees, and contractors to enter upon the required lands to construct and operate the identified project features (Enclosure 3). The accompanying Attorney's Certificate of Authority is also required to ensure that there are no outstanding rights that may impede the use of and access to the Project and to ensure that the official signing the Authorization has the authority to furnish such right to the Government. To minimize construction schedule delays, I suggest the Non-Federal Sponsor be prepared to provide the required Authorization for Entry and Attorney's Certificate of Title (Enclosure 4) no later than June 17, 2022.

The Real Estate Division's point of contact for this project is Kathryn Skiff. She can be reached at 971-275-2789 or via email at Kathryn.S.Skiff@usace.army.mil. Please feel free to contact her with questions or comments.

Sincerely,

Amanda J. Dethman
District Chief of Real Estate
Real Estate Contracting Officer

Enclosures

Enclosure 1: Project Map

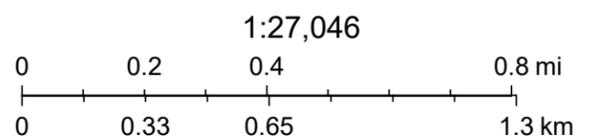
Tillamook Jetty Field Map



5/10/2022

- Tillamook SJ Road Turnout (see encl. 2 details)
- Barge Offload Site (3.70 AC)
- SJ Rock Storage Site (Federal - Authorization N/A)
- 26 March4 - 09 June 2021 Survey 5ft Contour
- World Imagery

Low Resolution 15m Imagery
 High Resolution 60cm Imagery
 High Resolution 30cm Imagery
 Citations
 9.6m Resolution Metadata



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

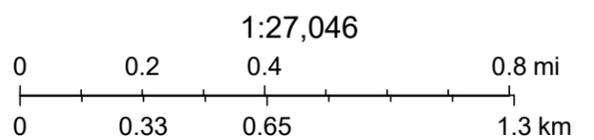
Tillamook Jetty Field Map



5/10/2022

- Tillamook SJ Road Turnout Inventory - Point_Inv
- 26 March4 - 09 June 2021 Survey 5ft Contour
- World Imagery
- Low Resolution 15m Imagery

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 9.6m Resolution Metadata



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Enclosure 2: Turnout Detail Map

MATCHLINE

(SEE SHEET G-007)

MILE 0.25

PRIVATE PROPERTY

BAYOCEAN DIKE ROAD

TILLAMOOK BAY

GATE

MILE 0.00

PARKING LOT



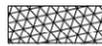
PLAN

100' 0 100'

NOTE:

1. MAXIMUM WIDTH OF BAYOCEAN DIKE ROAD WITH IMPROVEMENTS TO BE 15 FEET. TURNOUTS MAY BE CONSTRUCTED IN AREAS SHOWN TO MAXIMUM DIMENSIONS OF 15 FEET WIDE BY 50 FEET LONG. ADDITIONAL TURNOUTS MAY BE CONSTRUCTED WITH COR APPROVAL.
2. CONTRACTOR MUST AVOID IMPACTS TO ALL WETLANDS UNLESS OTHERWISE NOTED. MAINTAIN A 50-FT BUFFER FROM ALL WETLANDS WHERE FEASIBLE. INSTALL HARDENED WETLAND PROTECTION MEASURES WHERE INDICATED ON THE DRAWINGS AND AS DIRECTED BY THE COR.
3. NO ROAD WIDENING IS ALLOWED ON SECTIONS OF ROAD WITHIN 50 FEET OF WETLANDS. NO ROAD WIDENING IS ALLOWED ON PRIVATE PROPERTIES.
4. SEE SPECIFICATIONS SECTION 31 00 10.00 25 FOR INFORMATION ON ROAD CONDITIONS AND REQUIREMENTS FOR ROAD IMPROVEMENTS.

WETLAND LEGEND

-  FRESHWATER EMERGENT WETLAND
-  FRESHWATER FORESTED SHRUB WETLAND
-  ESTUARINE & MARINE WETLAND
-  RIVERINE
-  FRESHWATER POND
-  SNOWY PLOVER DESIGNATED CRITICAL HABITAT

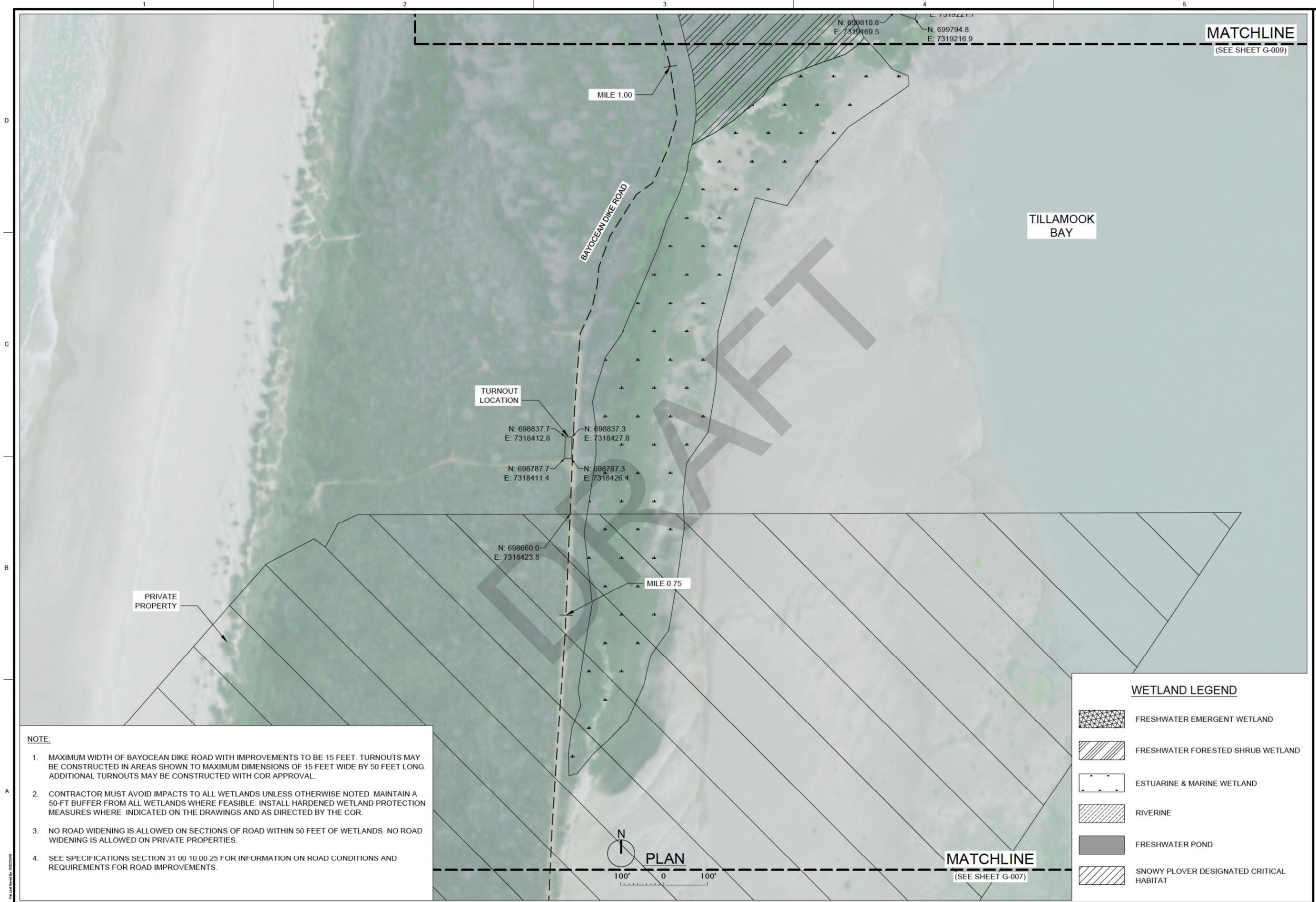


BCOES BACK CHECK		DATE	APPR.
		MARK	DESCRIPTION

DESIGNED BY: P.E. JEREMY S. APPT.	DATE:	SOLUTION NO.: W9127N280007
CHECKED BY: J. MATTHEW D. MCCURDY		CONTRACT NO.:
SUBMITTED BY: JEREMY S. APPT., P.E.	FILE NAME: 5/9/2022	DRAWING NUMBER:
PLOT SCALE: 1"=100'	ANSI D	FILE NAME: TMC-1102_G-006.dwg

TILLAMOOK
SOUTH JETTY
MAJOR MAINTENANCE
BAYOCEAN DIKE ROAD
SHEET 1

SHEET IDENTIFICATION
G-006



MATCHLINE
(SEE SHEET G-009)



BCOES BACK CHECK		DATE	APPR.
		MARK	DESCRIPTION

DESIGNED BY: P.E.	DATE:	SOLUTION NO.:
PREPARED BY: J. MATTHEW D. MCCURDY	FILE NAME:	CONTRACT NO.:
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PLLOT SCALE: 1"=100'	ANSI D	FILE NAME:
SIZE: 11"	ANSI D	FILE NAME:

TILLAMOOK
SOUTH JETTY
MAJOR MAINTENANCE
BAYOCEAN DIKE ROAD
SHEET 3

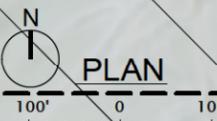
SHEET IDENTIFICATION
G-008

WETLAND LEGEND

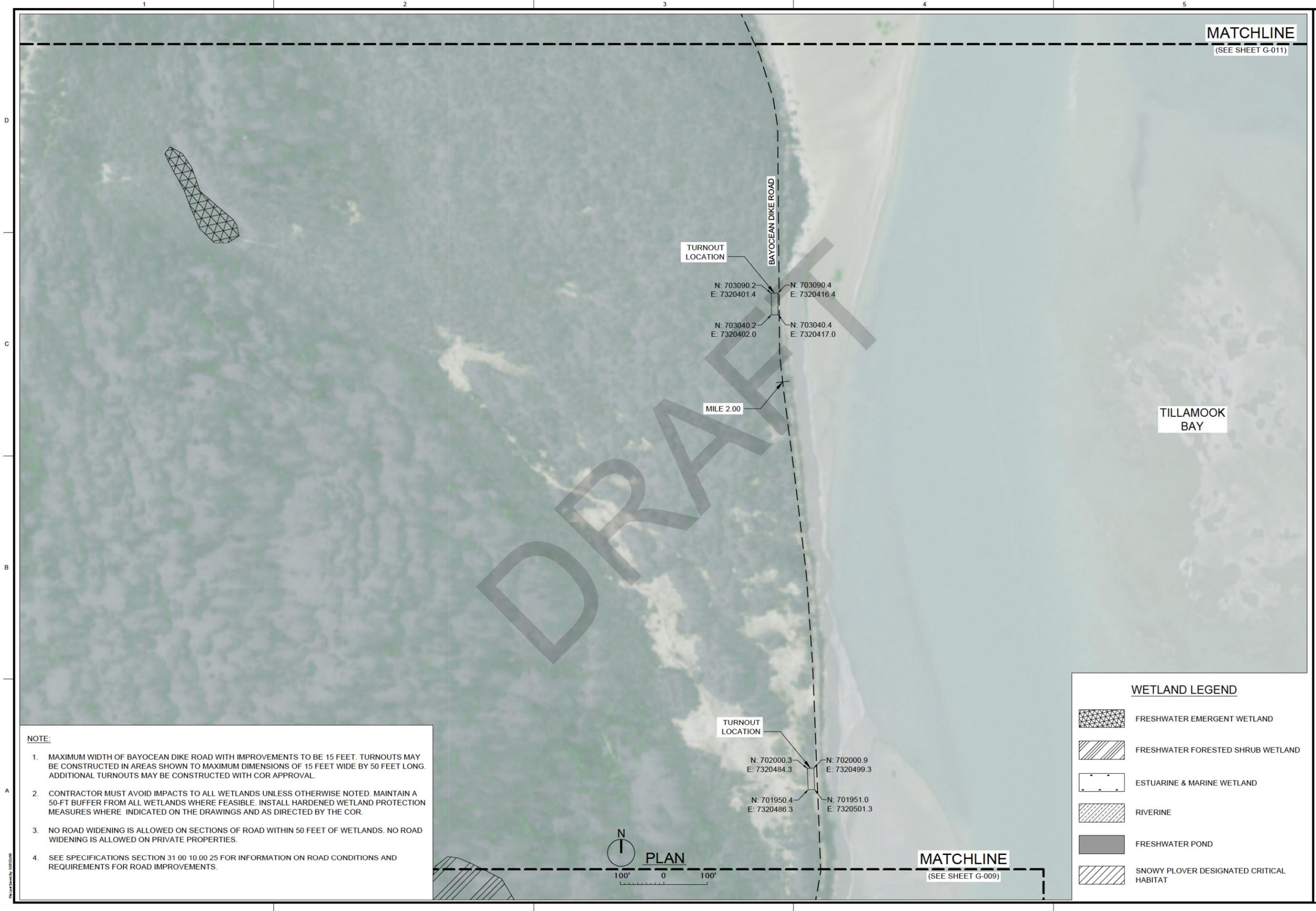
- FRESHWATER EMERGENT WETLAND
- FRESHWATER FORESTED SHRUB WETLAND
- ESTUARINE & MARINE WETLAND
- RIVERINE
- FRESHWATER POND
- SNOWY PLOVER DESIGNATED CRITICAL HABITAT

NOTE:

1. MAXIMUM WIDTH OF BAYOCEAN DIKE ROAD WITH IMPROVEMENTS TO BE 15 FEET. TURNOUTS MAY BE CONSTRUCTED IN AREAS SHOWN TO MAXIMUM DIMENSIONS OF 15 FEET WIDE BY 50 FEET LONG. ADDITIONAL TURNOUTS MAY BE CONSTRUCTED WITH COR APPROVAL.
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MATCHLINE
(SEE SHEET G-007)



MATCHLINE
(SEE SHEET G-011)



BCOES BACK CHECK		DATE	APPR.
MARK	DESCRIPTION		

DESIGNED BY: P.E.	DATE:
DESIGNED BY: J. MATTHEW D. MCCURDY	SOLUTION NO.: W0127028007
SUBMITTED BY: JEREMY S. APPT, P.E.	CONTRACT NO.:
PLOT SCALE: 1:1	DRAWING NUMBER:
FILE NAME: TMC-1102_G-010.dwg	
SIZE: ANSI D	

TILLAMOOK
SOUTH JETTY
MAJOR MAINTENANCE
BAYOCEAN DIKE ROAD
SHEET 5

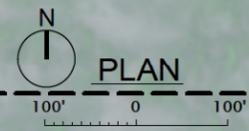
SHEET IDENTIFICATION
G-010

WETLAND LEGEND

- FRESHWATER EMERGENT WETLAND
- FRESHWATER FORESTED SHRUB WETLAND
- ESTUARINE & MARINE WETLAND
- RIVERINE
- FRESHWATER POND
- SNOWY PLOVER DESIGNATED CRITICAL HABITAT

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MATCHLINE
(SEE SHEET G-009)

MATCHLINE

(SEE SHEET G-012)



US Army Corps of Engineers*
PORTLAND DISTRICT

BCOES BACK CHECK

APPR.

DATE

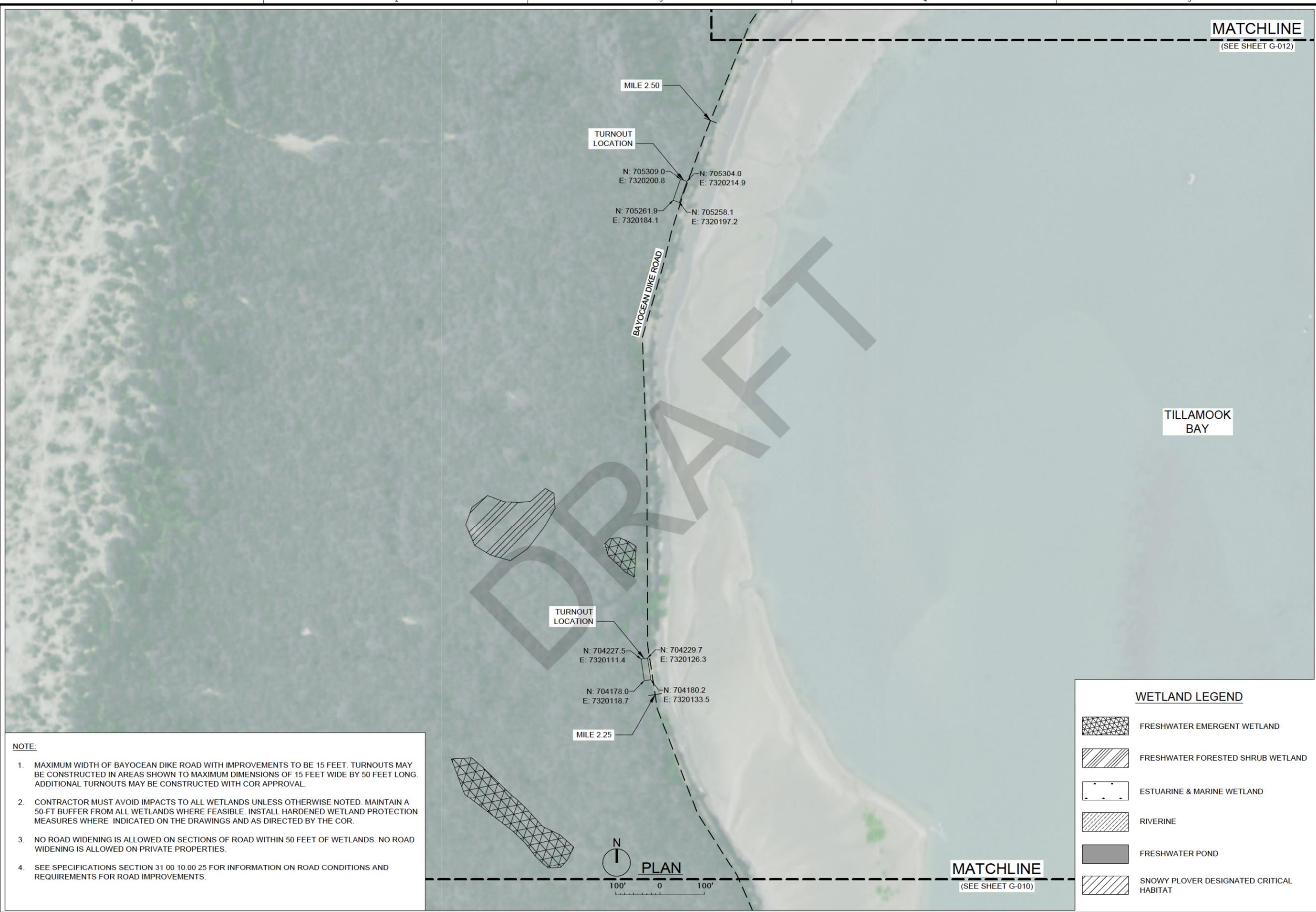
DESCRIPTION

MARK

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DESIGNED BY: J. MATTHEW D. MCCURDY	5/9/2022	W01270280007
SUBMITTED BY: JEREMY S. APPT, P.E.	CONTRACT NO.:	
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FILE NAME: TMC-1102_G-011.dwg		
ANSI D		

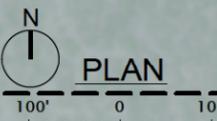
TILLAMOOK
SOUTH JETTY
MAJOR MAINTENANCE
BAYOCEAN DIKE ROAD
SHEET 6

SHEET
IDENTIFICATION
G-011



NOTE:

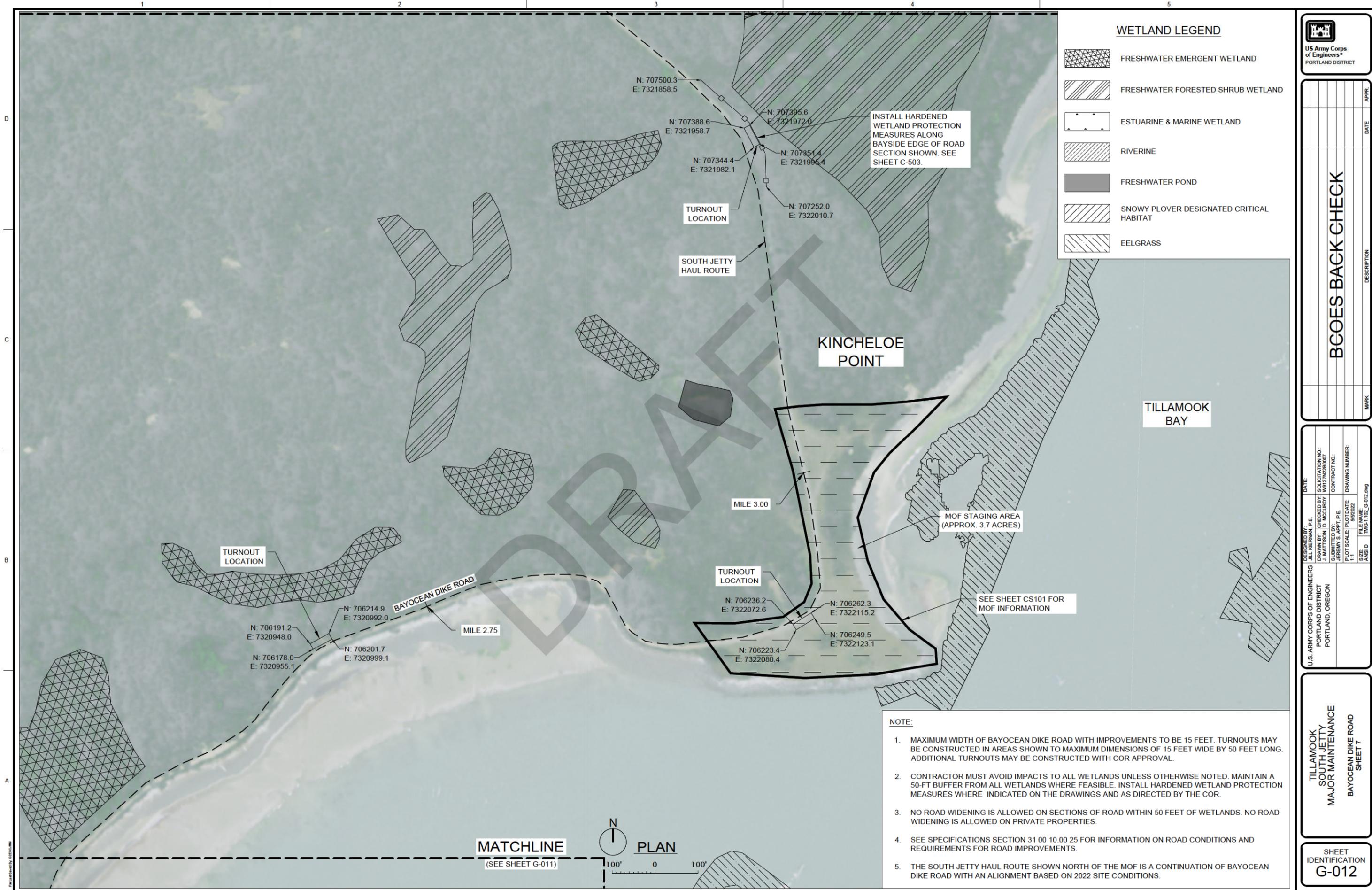
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WETLAND LEGEND

	FRESHWATER EMERGENT WETLAND
	FRESHWATER FORESTED SHRUB WETLAND
	ESTUARINE & MARINE WETLAND
	RIVERINE
	FRESHWATER POND
	SNOWY PLOVER DESIGNATED CRITICAL HABITAT

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WETLAND LEGEND

-  FRESHWATER EMERGENT WETLAND
-  FRESHWATER FORESTED SHRUB WETLAND
-  ESTUARINE & MARINE WETLAND
-  RIVERINE
-  FRESHWATER POND
-  SNOWY PLOVER DESIGNATED CRITICAL HABITAT
-  EELGRASS



BCOES BACK CHECK	
DATE	APPR.
DESCRIPTION	MARK

DESIGNED BY: P.E. JEREMY S. APPT.	DATE: 5/9/2022	CHECKED BY: D. MCCURDY	SOLUTION NO.:	CONTRACT NO.:	DRAWING NUMBER:
U.S. ARMY CORPS OF ENGINEERS PORTLAND DISTRICT PORTLAND, OREGON		FILE NAME: TMC-1102_G-012.dwg			
	SIZE: 1:1				

TILLAMOOK
SOUTH JETTY
MAJOR MAINTENANCE
BAYOCEAN DIKE ROAD
SHEET 7

SHEET
IDENTIFICATION
G-012

INSTALL HARDENED WETLAND PROTECTION MEASURES ALONG BAYSIDE EDGE OF ROAD SECTION SHOWN. SEE SHEET C-503.

TURNOUT LOCATION

SOUTH JETTY HAUL ROUTE

KINCHELOE POINT

TILLAMOOK BAY

MILE 3.00

MOF STAGING AREA (APPROX. 3.7 ACRES)

SEE SHEET CS101 FOR MOF INFORMATION

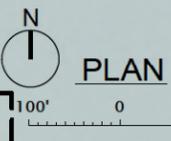
TURNOUT LOCATION

BAYOCEAN DIKE ROAD

MILE 2.75

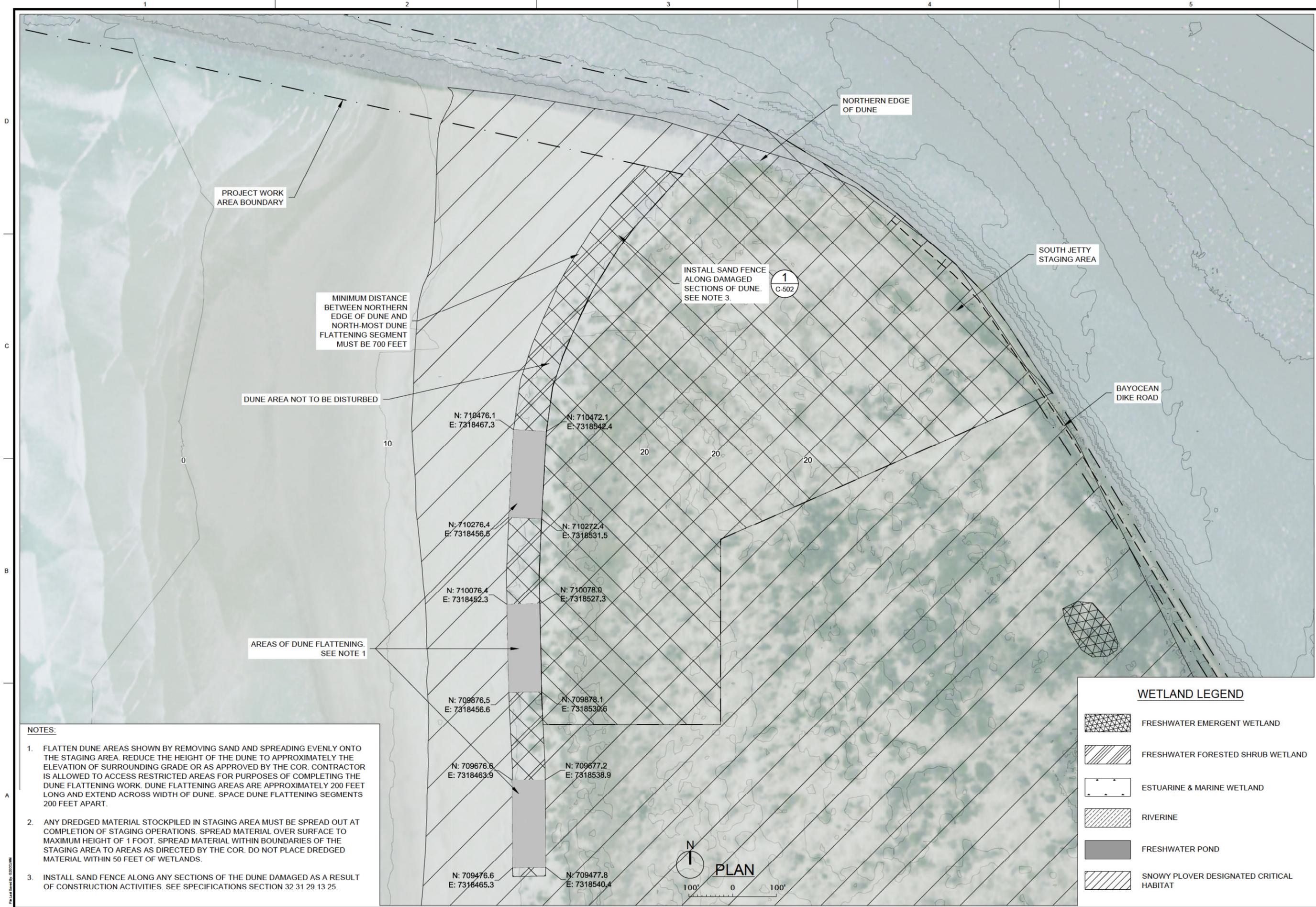
TURNOUT LOCATION

MATCHLINE
(SEE SHEET G-011)



NOTE:

1. MAXIMUM WIDTH OF BAYOCEAN DIKE ROAD WITH IMPROVEMENTS TO BE 15 FEET. TURNOUTS MAY BE CONSTRUCTED IN AREAS SHOWN TO MAXIMUM DIMENSIONS OF 15 FEET WIDE BY 50 FEET LONG. ADDITIONAL TURNOUTS MAY BE CONSTRUCTED WITH COR APPROVAL.
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4. SEE SPECIFICATIONS SECTION 31 00 10.00 25 FOR INFORMATION ON ROAD CONDITIONS AND REQUIREMENTS FOR ROAD IMPROVEMENTS.
5. THE SOUTH JETTY HAUL ROUTE SHOWN NORTH OF THE MOF IS A CONTINUATION OF BAYOCEAN DIKE ROAD WITH AN ALIGNMENT BASED ON 2022 SITE CONDITIONS.



- NOTES:**
1. FLATTEN DUNE AREAS SHOWN BY REMOVING SAND AND SPREADING EVENLY ONTO THE STAGING AREA. REDUCE THE HEIGHT OF THE DUNE TO APPROXIMATELY THE ELEVATION OF SURROUNDING GRADE OR AS APPROVED BY THE COR. CONTRACTOR IS ALLOWED TO ACCESS RESTRICTED AREAS FOR PURPOSES OF COMPLETING THE DUNE FLATTENING WORK. DUNE FLATTENING AREAS ARE APPROXIMATELY 200 FEET LONG AND EXTEND ACROSS WIDTH OF DUNE. SPACE DUNE FLATTENING SEGMENTS 200 FEET APART.
 2. ANY DREDGED MATERIAL STOCKPILED IN STAGING AREA MUST BE SPREAD OUT AT COMPLETION OF STAGING OPERATIONS. SPREAD MATERIAL OVER SURFACE TO MAXIMUM HEIGHT OF 1 FOOT. SPREAD MATERIAL WITHIN BOUNDARIES OF THE STAGING AREA TO AREAS AS DIRECTED BY THE COR. DO NOT PLACE DREDGED MATERIAL WITHIN 50 FEET OF WETLANDS.
 3. INSTALL SAND FENCE ALONG ANY SECTIONS OF THE DUNE DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES. SEE SPECIFICATIONS SECTION 32 31 29.13 25.

FILE NAME: TMC-1-102_LS101.dwg

Enclosure 3: Authorization for Entry

AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIRS

WHEREAS, pursuant to the Flood Control Act of 1936, Public Law 74-738, the United States of America under the direction of the Secretary of the Department of the Army, and the supervision of the United States Army Corps of Engineers, will conduct repairs at the Tillamook South Jetty, County of Tillamook, State of Oregon, as shown on the plans entitled, "Tillamook Jetty Field Map" and "Tillamook South Jetty Major Maintenance", Sheet Identification Numbers "G-006, G-007, G-008, G-009, G-010, G-011, G-012, CS-102, and LS-101" attached hereto as Encl. 1 & 2, said Tillamook County having been duly and regularly organized and incorporated under the Laws of the State of Oregon; and

WHEREAS, the United States of America desires written permission from said County to enter upon and use the real property for the purpose of staging and construction to repair said jetty.

NOW THEREFORE, I _____, _____, for Tillamook County, do hereby certify that the Tillamook County has acquired the real property interests required by the United States of America and otherwise is vested with sufficient title and interests in lands specifically for the Tillamook South Jetty Repair Project as described in Encl. 1 & 2. Further, I hereby authorize the United States of America and its assigns to enter upon lands for the jetty repair sites as set forth in the plans and specifications held in the U.S. Army Corps of Engineers District Office, Portland, Oregon. This Authorization for Entry includes the right of ingress and egress on other lands of the County not described in Encl. 1 & 2 in order to complete the work set forth above, provided that such ingress and egress is necessary and not otherwise conveniently available to the United States of America.

WITNESS my signature as _____ for Tillamook County, this _____ day of _____ 2022.

TILLAMOOK COUNTY

Name, Title

AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIRS

ACKNOWLEDGMENT

STATE OF OREGON)

) :ss

COUNTY OF TILLAMOOK)

On this _____ day of _____, 2022, before me the undersigned Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument, who acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

GIVEN under my hand and seal, this _____ day of _____ 2022.

NOTARY PUBLIC

(Seal)

My commission expires on the _____ day of _____, _____.

Enclosure 4: Attorney Certificate of Title

AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIRS

ATTORNEY'S CERTIFICATE OF TITLE

I, _____, Attorney for Tillamook County (County) hereby certify that:

I am an attorney licensed to practice law in the State of Oregon.

I have examined the County's records insofar as they pertain to the title to certain lands within the County's ownership or control as shown on Encl. 1 & 2 to the AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIR PROJECT dated _____, a copy of which is attached hereto.

Said AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIR PROJECT authorizes the United States of America and/or its assigns, to enter upon and occupy certain lands and premises owned by, or under the control of the County, in order for the purpose of staging and construction to repair said jetty. In my opinion, the County, on the date of the signature of the AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIR PROJECT, is vested with sufficient title and interest to the lands described on Encl. 1 & 2 with lawful authority to execute that instrument and grant the interest therein described.

On this date the United States of America and/or its assigns has the right to occupy the lands described for the purpose of staging and construction to repair the Tillamook South Jetty.

Dated this _____ day of _____, 2022.

TILLAMOOK COUNTY

AUTHORIZATION FOR ENTRY FOR TILLAMOOK SOUTH JETTY REPAIRS

ACKNOWLEDGMENT

STATE OF OREGON)

) :ss

COUNTY OF TILLAMOOK)

On this _____ day of _____ 2022, before me the undersigned Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument, who acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

GIVEN under my hand and seal, this _____ day of _____ 2022.

NOTARY PUBLIC

(Seal)

My commission expires on the _____ day of _____, _____.