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10 Port Way
Longview, WA 98632

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Amendment To Agreement PORT OF LONGVIEW 111.00
Cowlitz County Washington



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

FIRST AMENDMENT TO PORT MANAGEMENT AGREEMENT (PMA)

Agreement No. 20-080005

This Agreement is made between the STATE OF WASHINGTON acting through the Department of Natural Resources (the "State"), whose address is 1111 Washington Street SE, Olympia, Washington 98504-7027, and the PORT OF LONGVIEW (the "Port"), a Washington Public Port District, whose address is 10 Port Way, Longview, Washington 98632.

WHEREAS, the Port, located in Cowlitz County, Washington, and the State entered into Port Management Agreement No. 20-080005 (PMA), effective the first day of October 1984, for certain state-owned aquatic lands commonly known as the Port of Longview; and

WHEREAS, Section 3 of the PMA allows additional parcels which meet the criteria established by law for inclusion in a Port Management Area to be added to the PMA by amending Exhibit A of the PMA; and

WHEREAS, the Port has made application for three additional parcels to be added to the PMA: Willow Grove Park (as PMA Parcel 2), Barlow Point (as PMA Parcel 3) and Port of Longview Berth 9 (as PMA Parcel 4); and

WHEREAS, the State has determined that the three parcels subject to this First Amendment meet the criteria established by law for inclusion in a Port Management Agreement; and

WHEREAS, the State has determined that the Port is in compliance with the Port Management Agreement; and

WHEREAS, the State believes that it is in the best interest of the State of Washington to grant the Port's request.

IT IS THEREFORE AGREED:

- 1) Exhibit A to the PMA is amended to include the three parcels described in Exhibit 1 to this First Amendment.
- 2) Improvements within the Willow Grove Park parcel (PMA Parcel 2) are Port-owned and will remain Port-owned under the PMA.
- 3) Consistent with Section 13.b. of the PMA, the Port shall remove any improvement on the PMA parcels added by this First Amendment on or before the date the portion of the property with such improvement is no longer subject to management under the PMA, unless State waives the requirement of removal in writing.
- 4) Within one year of the date of this First Amendment, the Port will submit for State's acceptance an updated Exhibit A that includes a Record of Survey of all PMA parcels. Upon State's written acceptance, the updated Exhibit A will supersede and replace the current Exhibit A to the PMA as amended herein. After receiving State's written acceptance of the Record of Survey, the Port will record the Record of Survey in the County in which the Property is located.
- 5) The Port acknowledges that it continues to have an ongoing obligation to report to the Department of Natural Resources' Ports Program any of the following:
 - a) Changes in Port ownership of uplands abutting PMA parcels.
 - b) Changes in planned or actual uses of PMA Property.
 - c) Documentation of water-dependent / nonwater-dependent use areas and classifications.
 - d) Development of Improvements.
 - e) Development of authorized Fills, Confined Aquatic Disposal Sites, or Mitigation Sites.
 - f) Easements through PMA Property.
- 6) The Port represents and warrants to State that (i) the PMA is in full force and effect; (ii) the Port is not in default or breach of the PMA; (iii) the Port has no knowledge of any claims, offsets, or defenses of the Port under the PMA; and (iv) to the best of Port's knowledge, the parcels described in Exhibit 1 are in full compliance with all applicable federal, state, and local governmental permits, rules, ordinances, and laws.
- 7) All other terms of the PMA not inconsistent with this Amendment are hereby affirmed and ratified.

The Port expressly agrees to all covenants herein.

Executed this 26 day of September, 2018.

PORT OF LONGVIEW
10 Port Way
Longview WA 98632
360-425-3305



JEFF WILSON
Commissioner, District 1



DOUG AVERETT
Commissioner, District 2

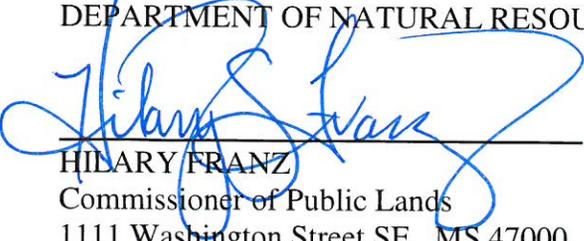


BOB BAGAASON
Commissioner, District 3

Executed this 2nd day of October, 2018.



STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES



HILARY FRANZ
Commissioner of Public Lands
1111 Washington Street SE, MS 47000
Olympia, WA 98504-7000
360-902-1000

EXHIBIT 1 to FIRST AMENDMENT TO PORT MANAGEMENT AGREEMENT

Legal Description of parcels to be added to PMA 20-080005

PMA Parcel 2 – WILLOW GROVE PARK

All those portions of state-owned aquatic lands of the Columbia River, adjacent to and abutting the historic Columbia River shoreline boundary as established by the government meander line, in front of Cowlitz County, Washington, parcels WL1703001, WL1711001, WL1703001, WL1708005, WL1804001, WL1801005, and WL1804001, as shown in Figure 1 – Willow Grove Park PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement, in Sections 17 & 18, Township 8 North, Range 3 West, WM included within the limits of the following described tract:

Commencing at the point of intersection of the southwest corner of parcel WL1804001 and the historic Columbia River shoreline boundary, and running thence South 8° 41' 52.57" West 522.94 feet to existing shoreline; continuing approximately 200 feet offshore, thence southeasterly, paralleling the existing shoreline for a distance of 3,940.2 linear feet; thence North 3° 14' 53.74" East 218.76 feet; thence North 3° 14' 53.57" East 84.16 feet; thence North 3° 14' 53.78" East 162.97 feet to the southeast corner of parcel WL1703001; thence northwesterly along the southern boundaries of parcels WL1703001, WL1711001, WL1703001, WL1708005, WL1804001, WL1801005, and WL1804001 for a distance of 4,129.25 feet to the True Point of Beginning as shown in Figure 1 – Willow Grove Park PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement.

PMA Parcel 3- BARLOW POINT

That portion of the Columbia River, owned by the State of Washington, in front of that portion of Cowlitz County parcel 107140100, as shown in Figure 2 – Barlow Point PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement, in Section 26, Township 8 North, Range 3 West, WM Cowlitz County, Washington, included within the limits of the following described tract:

Commencing at the point of intersection of the southwest corner of parcel 107140100, running thence South 8° 41' 52.57" West 522.94 feet to the Columbia Federal Navigation Channel boundary; continuing thence along the Columbia Federal Navigation Channel boundary South 56° 43' 49.44" East 1702.23 feet; continuing thence along the Columbia Federal Navigation Channel boundary South 64° 41' 27.03" East 3021.93 feet; thence North 10° 14' 38.02" East 868.70 feet to the southeast corner of parcel 107140100; thence northwesterly along the southern boundary of parcel 107140100 for a distance of 4,399.92 feet to the True Point of Beginning as shown in Figure 2 – Barlow Point PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement and as provided for in Superior Court Decree No. 13-2-00044-1 in the matter of Barlow Point Land Company LLC and Port of Longview vs. Keystone Properties 1, LLC.

PMA Parcel 4 – PORT OF LONGVIEW BERTH 9

That portion of the Columbia River, owned by the State of Washington and for which the Port of Longview holds a current right-of entry with WDNR (No. 23-089193), in front of that portion of Cowlitz County parcels 60421 and 63175, as shown in Figure 3 – Berth 9 PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement, in Section 9, Township 7 North, Range 2 West, WM Cowlitz County, Washington, included within the limits of the following described tract:

Commencing at the point of intersection of the southwestern portion of parcel 60421 that is located in the Columbia River and outside of current Port of Longview ownership, the Columbia River Federal Navigation Channel, and WDNR owned lands running thence South 16° 20' 50.30" East 534.24 feet along the Columbia Federal Navigation Channel boundary; thence South 62° 28' 0.03" East 1083.81 feet along the Columbia Federal Navigation Channel boundary; thence North 25° 07' 47.48" East 482.83 feet to the boundary of parcel 63175, thence North 68° 29' 16.08" West 1078.32 feet; thence North 58° 59' 26.79" West 362.84 feet to the True Point of Beginning as shown in Figure 3 – Berth 9 PMA – of the Letter of Intent for Expansion of Port of Longview Port Management Agreement.

**PORT OF LONGVIEW COMMISSION
RESOLUTION NO. 2018- 8**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT
OF LONGVIEW CONCERNING MANAGEMENT OF ADDITIONAL
STATE OWNED AQUATIC LANDS THROUGH PORT MANAGEMENT
AGREEMENT WITH WASHINGTON DEPARTMENT OF NATURAL
RESOURCES.**

WHEREAS, RCW 79.105.420 authorizes DNR to enter into an Agreement with a Port District to manage state owned aquatic lands; and

WHEREAS, the Port has the desire to include additional properties to the Port Management Agreement, No. 20-080005 signed January 9, 1989; and

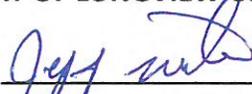
WHEREAS, the Port has need for access to state owned lands at Willow Grove Park, Barlow Point, and Berth 9.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Port of Longview as follows:

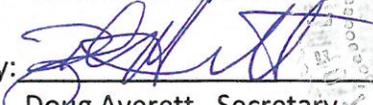
The Board of Commissioners of the Port of Longview hereby authorizes staff to pursue amendment of an existing Port Management Agreement with Washington Department of Natural Resources for the management of state owned aquatic lands adjacent to Port owned uplands at Willow Grove Park, Barlow Point, and Berth 9, as illustrated on the attached maps, to be surveyed, effective as of September 26, 2018.

ADOPTED by the Port Commission of the Port of Longview this 26 day of September, 2018.

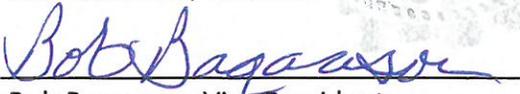
PORT OF LONGVIEW COMMISSION

By: 

Jeff Wilson, President
Commissioner, District 1

By: 

Doug Averett, Secretary
Commissioner, District 2

By: 

Bob Bagaason, Vice President
Commissioner, District 3



- LEGEND:**
- Berth 9 PMA Expansion Area
 - Federal Navigation Channel
 - Port of Longview Parcel



Public File: WSR01015 (EIS) M11 Data Appendix
 File Path: c:\projects\m11\public\01015\CDM003A\CDM003A_m11_data_appendix\figs\fig09_01a_Berth_9_PMA



Figure 3
Berth 9 PMA
 Port of Longview/Proposed PMA Expansion



NOTE(S):
 Cowitz County Assessor online parcel maps show that the boundaries of the Port-owned parcels or parcels where the Port otherwise has access agreements at Willow Grove Park extend to the Federal Navigation Channel. This map is shown as only extending to the boundary of the proposed PMA and is shown in this manner based on prior communications with the WDNR regarding the PMA expansion.

- LEGEND:**
- Willow Grove Park New PMA Area
 - Federal Navigation Channel
 - Port of Longview Parcel

Map Date: 01/26/2023 11:41:10 AM
 File Path: C:\Users\jgarcia\OneDrive\Documents\Projects\2023 PMA Expansion\Map\Map_01_26_23.mxd



Figure 1
 Willow Grove Park PMA
 Port of Longview/Proposed PMA Expansion