

CREST Statement Regarding the South Tongue Point Project & DEQ Notice of Civil Penalty and Order March 25, 2025

The Oregon Department of Environmental Quality (DEQ) notified CREST staff of violations related to the South Tongue Point DEQ 1200-C permit on November 22, 2023. Upon review, we recognized that the issue stemmed from a misinterpretation of certain permit requirements. Despite the timing, one day before Thanksgiving, staff responded immediately to address DEQ's concerns. Several staff worked through the Thanksgiving holiday, and the Project Manager dedicated weekends to resolving the issue as quickly as possible.

In February 2025, CREST received the Notice of Civil Penalty and Order from DEQ citing two violations. The first violation was for not obtaining a permit for vegetation clearing completed in late 2022, which did not involve heavy equipment. CREST staff believed at the time that a 1200-C permit was not required for this work, as the work was performed by hand crews with minimal to no ground disturbance. The second violation was for not fully adhering to every element of the Erosion Control Sediment Plan during project implementation in 2023.

In response, CREST appealed the decision, providing more detailed information that was missing in the Notice of Civil Penalty and Order. After the meeting with DEQ staff, the fine was reduced, resulting in a final penalty of \$13,415. To prevent the issue from recurring in the future, DEQ regulatory staff will conduct a training for CREST Habitat Restoration staff to ensure full understanding and adherence to 1200-C permit requirements.

In the letter accompanying the Notice of Civil Penalty and Order, DEQ asserts that significant areas of disturbance occurred within wetlands without authorization from the Department of State Lands (DSL) or the U.S. Army Corps of Engineers (Corps) and that these disturbances were not accounted for within the Erosion Sediment Control Plan. CREST disputes this statement. DSL and the Corps regulate wetlands and hold the authority to issue violations for unauthorized disturbances within wetlands. DSL regulatory staff held a site visit in early 2023 and did not issue a violation. Furthermore, CREST has not received any notice from either DSL or the Corps documenting unauthorized wetland disturbance at the South Tongue Point project.

For additional information, please contact Denise Lofman, CREST Executive Director or Jason Smith Director of Habitat Restoration and Monitoring.