

OREGON INTERNATIONAL PORT OF COOS BAY

Coos Bay, Oregon

REGULAR COMMISSION MEETING

10:00 a.m., Tuesday, March 21, 2023

Port Commission Chambers, 125 Central Avenue, Suite 230, Coos Bay, Oregon 97420

ATTENDANCE

Commission:

Eric Farm, President; Kyle ViksneHill, Treasurer; Kyle Stevens, Secretary; and Nick Edwards, Commissioner. Brianna Hanson, Vice President, was excused.

Staff:

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Mike Dunning, Chief Port Operations Officer; Megan Richardson, Director of Finance and Accounting; Margaret Barber, Director of External Affairs and Business Development; Rick Adamek, Director of Asset Management; and Laura Fortin, Administrative Assistant.

Mr. Burns asked everyone to please join in a moment of silence, sharing the passing of Mr. Mike Stebbins, the Port's Legal Counsel.

Media & Guests:

Rex Leach, Charleston Fishing; Christine Moffett, Coos Bay; Steve Miller, Coos Bay; Kevin Banister, Deep Blue Pacific Wind; Alana Duerr, Deep Blue Pacific Wind; Peter Cogswell, Deep Blue Pacific Wind; Rick Osborn, Blue Ridge Strategies; Ricardo Carver, Deep Blue Pacific Wind; Lauren Spence, Deep Blue Pacific Wind; Tim Novotny, Executive Director Oregon Dungeons Crab Commission; Kari Silva, Coos Bay; Heather Mann, Coastal Fishing Coalition; and Teal Hamner, Blue Ridge Strategies.

Joining via Zoom: Kelley Retherford, Newport Fishing; Michael Okoniewski, Pacific Seafoods Consultant; and Yelena Nowak, Executive Director Oregon Trawl Commission.

1. CALL MEETING TO ORDER

President Farm called the meeting to order at 10:00 a.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

Kevin Banister, President of Deep Blue Pacific Winds

Mr. Banister said Deep Blue Pacific Winds is a joint venture between Total Energies and Simply Blue Group, formed in 2021, and based out of Portland, Oregon. Mr. Banister said the company has experience in Offshore Wind globally through Total Energies and Simply Blue Group having developed projects in other jurisdictions around the world. The Portland based Total Energies team focuses specifically on the Oregon Coast and did not participate in the California auctions. Mr. Banister said Deep Blue Pacific Wind funded, in conjunction with the State, the Port of Coos Bay's infrastructure study conducted by Mott MacDonald and released in April 2022. He said that with the appropriate

investments, the Port is in a position to support deployment of the Offshore Wind industry that is growing on the West Coast. Mr. Banister said Deep Blue is interested in Oregon because there is truly a world class offshore wind resource, particularly off the southern Oregon coast. Mr. Banister said the State has real aspirations and mandated targets to see a decarbonized future and offshore wind provides an important opportunity for the State to meet its goals in that regard. He said Deep Blue believes there are opportunities for economic development both locally and regionally through support of the industry. He further explained the West Coast must use floating platforms because the water gets too deep too quickly to allow any bottom fixed projects, and the floats will be deployed 12-20 miles offshore.

Alana Duerr, Director of Projects at Deep Blue Pacific Wind, said the Bureau of Ocean Energy Management (BOEM) has the authority to lease areas off the coast for ocean renewal energy development. The Oregon Intergovernmental Renewable Energy Task Force was convened in 2011 to focus on Marine Hydro Kinetics and in 2019 started to focus on commercial Offshore Wind. She said last year the Biden Administration conducted three Offshore Wind auctions: two on the east coast and one off the California Coast. Ms. Duerr shared the results of the California auction, saying that she does not think it is an example of precedence for the entire west coast, as the price will depend on the market. Ms. Duerr said BOEM's leasing process is still in the very beginning stages. Ms. Duerr shared a slide showing BOEM's process timeline including public engagement opportunities. In late 2021 the Department of Interior announced a leasing road map for the entire US coastline. The Oregon projected lease sale was predicted for Q3 of 2023, but she said the process has slipped, so Deep Blue has projected BOEM will identify draft wind energy areas Q1 2023, and the final identification area going to auction approximately Q3 of 2024.

Mr. Banister said it will be years before actual construction begins for an Offshore Wind project off the Oregon Coast. He said Deep Blue projects blades won't be spinning until about 2032. He said there are serious issues still needing to be addressed, and much work to be done, this includes investment and transmission and interconnection. He added infrastructure support will need to be developed on the West Coast and supply chain issues will need to be resolved locally, nationally, and globally. Mr. Banister said Deep Blue is committed to continued engagement with the community and is open to having dialogue. Mr. Banister added, a developer securing a lease through the BOEM process doesn't authorize the developer to develop, it just gives them the exclusive right to seek to develop a project in the leased area. The developer would still need all the environmental permits and authorizations before moving forward.

Commissioner Farm said the local fishing community has voiced concerns regarding the current call area and would like to see it further out. Commissioner Farm asked if going beyond that 1300 meter point is an option from a developer's point of view. Mr. Banister said speaking for Deep Blue, the western edge is about 1300 meters, which is very deep. He said there are some specifics about the Oregon geology beyond 1300 meters, for example there is a steep drop off. Two issues to think about when deploying these devices offshore are the depth, the slope of the seabed, and bottom conditions. Mr. Banister said it is technically possible that a developer could go beyond 1300 meters, but it becomes challenging to determine how it will affect the techno economic feasibility. He said for Deep Blue, it is probably a nonstarter from an economic perspective.

Commissioner Farm asked Mr. Banister if he thinks the project is feasible considering the resistance due to environmental concerns. Mr. Banister answered that Deep Blue does think it is worth doing and they do recognize there are challenges to overcome and specific issues to address. Some of this can only be done when the specific site is designated. He said from Deep Blue's perspective, there is an urgency from the climate perspective and there are real energy benefits locally and to the region that can accrue

from generation on the west side of the grid. Mr. Banister explained that having generation on the west side of the grid would provide savings to rate payers throughout the state and region. Mr. Banister again said Deep Blue does think it is worth doing and is committed to the process.

Commissioner Edwards said the Coast Guard PARS and DOD announced that a major portion of the Coos Bay call areas were going to be off limits for development. He asked if going outside 1300 meters is a future possibility for Offshore Wind. Mr. Banister answered that he hoped so and thinks that it could be the future, and he added that Deep Blue was extremely frustrated that the DOD information came so late in the process.

3. PUBLIC COMMENT

Yelena Nowak, Oregon Trawl Commission

Ms. Nowak said the Trawl Commission represents three fisheries, the state managed pink shrimp fishery, the federally managed bottom trawl ground fish, and shore raised whiting fisheries. She said this industry produces a large share of the trawl caught products on the West Coast. Ms. Nowak talked about the importance of sustainability, environmental protection, and using public resources responsibly for future generations. She stated that a lot has evolved since she last presented to the Port Commissioners months ago. Ms. Novak said, the DOD exclusion zone and the Coast Guard exclusion zone took out 75% of the Coos Bay call area. The remaining 25% in the Coos Bay call area and Brookings are still very important and highly productive fishing grounds for various fisheries. Ms. Nowak said on the East Coast there have been more than 20 dead whales washed up on the New Jersey shores and this occurrence has prompted a congressional hearing. She encouraged everyone to listen to the content of this hearing. Ms. Nowak said it is unknown what is causing the death of the whales; however, the official theory is it is vessel contact but no identification of what type of vessel. Ms. Novak said over the past weeks, the Pacific Fishery Management Council unanimously voted to draft a letter and submit it to BOEM asking to rescind the current call areas. She said BOEM does now have a marine mapping tool and has been asked to use this tool to re-map the entire West Coast.

Kelley Retherford, Newport Fishing

Ms. Retherford said she is a Port of Newport Commissioner, but is addressing her concerns as a wife, mother, grandmother and private citizen of a multi-generational fishing family out of Newport, Oregon. She stated that her public comments, views and thoughts do not represent Newport Port Commissioners or their stands, views or positions on Offshore Wind or the process. Ms. Retherford asked that the many voices regarding this process of bringing Offshore Wind to the Pacific Coastline be heard. She said many groups and citizens are involved including the Coastal Caucus and legislative representatives, local Tribes and citizens; all their voices are an important part of the process. Ms. Retherford said she is not in opposition to Offshore Wind but wants to be one of the voices to remind the Port of Coos Bay Commissioners that the process needs the utmost care and diligence to ensure the safety and wellbeing of our oceans, sea life, and users, and to ensure the call areas are in the right place. The call areas off of Brookings and Coos Bay were first chosen without an understanding of how these areas would affect the overall view of the process. After many meetings, BOEM has learned there are mapping tools to use in selecting positioning of the wind farms to cause the least damage and consequence. Ms. Rutherford asked that as the Port discusses writing a new resolution letter to BOEM, to add to the letter a request from BOEM for new photo shots including one outside 1300 meters and beyond using the new mapping tools, and to listen, hear, and be the voice to guarantee the least impact on our oceans.

Michael Okoniewski, West Coast Pelagic Conservation Group

Mr. Okoniewski said he has been studying Offshore Wind and the East Coast projects for five years. He said he considers some deficiencies that need to be fixed before advancing in the process of placing Offshore Wind on the West Coast. Mr. Okoniewski said one deficiency is not knowing where the wind project is going. He said it is unsure what the actual cost of the energy will be, and modeling could give some of that information. Mr. Okoniewski said infrastructure will have to be put in place on land or at least in the water, which will be a huge cost to the customer. He questioned what will happen when the fisheries start to collapse. He said there are no studies planned for cumulative future impacts. Mr. Okoniewski said BOEM has refused to do any PEIS testing on the West coast. He said there is a headlong rush to get this project done and cohesive planning to get energy to the customer is not happening. Mr. Okoniewski said he is in opposition to the Offshore Wind at this point. He said the ecosystem is not being taken care of, the California ecosystem is one of the four strongest in the world. Mr. Okoniewski said there is no study being researched to find the effects of the Offshore Wind Farms and there will be a big difference in the number of Wind Farms there are. He added that BOEM has no plan to stop conflicts with fishing.

Heather Mann, Director, Midwater Trawlers Cooperative

Ms. Mann said the Midwater Trawlers Cooperative represents 32 trawl vessels from Brookings to Kodiak, many of them housed in Newport and much of their fishing is done off the southern Oregon coast. She said these vessels have harvested hundreds of millions of pounds of sustainable seafood from the proposed call areas. She said displacing fishing should be a nonstarter, which she believed was the message from Governor Brown and from several legislators, both state and federal. She thanked Mr. Burns for his comments at the Coos Bay rally last May. Ms. Mann said local fishing is not just for recreation but also for food production, feeding people around the world. She said she did provide written public comment and encouraged the Commissioners to read that information. Ms. Mann said it is important to get this Offshore Wind project done correctly by rescinding the current call areas and starting over. She said the BOEM process is a long one and looks to favor the developers, not the existing ocean users. Offshore Wind projects in the United States have been approved even when significant impacts to the ecosystem, marine mammals and the fishing industry has been demonstrated. Ms. Mann said the need is to use the mapping tool for the entire coast and start over finding the least conflicting areas and move forward together. She asked the Port Commission to please consider writing a letter supporting the Pacific Counsel in this request to BOEM.

Commissioner Edwards thanked Ms. Mann for her comments and said Ms. Mann is very informed and knowledgeable with the process. President Farm said that the letter was distributed, and the Commissioners do have Ms. Mann's contact information.

Ms. Mann provided written comment:

March 21, 2023

President Farm, Director Burns & Commissioners

Thank you for the opportunity to provide comment on this critically important issue. While offshore wind energy development may have an important role to play in our transition to a carbon-free future, there is also broad agreement that wide-scale implementation of this technology will fundamentally alter our marine environment not just for our lifetime but for many lifetimes to come.

BOEM announced call areas off southern Oregon in early 2022. There was an immediate uproar from many once the areas were formally identified, not only because there is a significant amount of commercial and recreational fishing occurring in these areas, but also due to the pristine environment that makes-up the California Current Ecosystem which could be negatively impacted by this industrialization. For all these reasons, seventeen coastal Oregon municipalities (ports, cities, counties) as well as the Confederated Tribes of Coos, Lower Umpqua and Siuslaw passed resolutions and sent letters to BOEM calling for a significant and meaningful change to the current process for siting offshore floating wind off Oregon. These letters were joined by a unanimous bicameral bipartisan letter from Oregon's Coastal Caucus and congressional letters from U.S. Senators Wyden and Merkley as well as Representatives Schrader and DeFazio, among others. In total, 278 public comments were submitted to BOEM in the formal comment process and the overwhelming majority of these comments were in opposition to the current process and call areas.

Fast forward to late 2022 and BOEM changed their process in Oregon to incorporate the spatial mapping tool designed by the National Centers for Coastal Ocean Sciences (NCCOS) used in the Gulfs of Mexico and Maine for offshore wind siting and more commonly recognized as the modeling tool used for aquaculture opportunity areas around the nation. Unfortunately, BOEM made a unilateral decision to only use this deconfliction tool within the existing call areas off Oregon, not to assess all of the Oregon coast, including waters deeper than 1,300 meters. The Oregon BOEM Task Force was not consulted on this, in fact, no one was outside of the agency, apparently. When stakeholders have asked BOEM to expand the use of the deconfliction model and apply it to the whole coast, especially in light of the hundreds of comments that the existing call areas are inappropriate, BOEM has simply refused. BOEM now congratulates themselves for altering their process to be responsive to public comment at the same time that they say they are committed to getting this right. These words are hollow at best, and we should all be deeply concerned at the way this process is going.

The Pacific Fishery Management Council passed a unanimous motion on March 9th to write a letter to BOEM and Governor Kotek recommending that the current call areas are rescinded, and the process begun again using the NCCOS deconfliction tool to determine where the best places *off* Oregon to site offshore floating wind might be - balancing all the ocean uses and the health of the marine environment. In a very telling statement, Ms. Lisa Gilbane from BOEM said to the Council with a bit of frustration in her voice, *"I want to remind the Council BOEM's charge is not to avoid fishing conflicts in Oregon. So, our charge is to create a balance and to balance those fishing impacts and other natural resources and human resources with the planning and development of offshore wind."* If BOEM moves forward with the current call areas, they are not even trying to balance the existing resource and uses with energy development. The energy developers are not compromising anything- the sustainable seafood industry, our marine wildlife and ecosystem, and our coastal community economies are what's being compromised. Don't help BOEM in their misguided drive to privatize and industrialize our ocean regardless of collateral! damage - the Coos Bay container terminal can be a reality without embracing a flawed BOEM process for offshore wind.

A contingent of Oregonians together with others around the nation took this message to the White House a few weeks ago. We met with President Biden's top climate aides in

Washington, DC. We continued to share our message throughout our legislative meetings, not just with our west coast delegation but with all coastal legislators we met with around the nation. There is currently a draft letter circulating with the West Coast delegation calling on BOEM to rescind the current Oregon call areas and start again with the NCCOS modeling tool. I have personally met with the Oregon governor's office on this issue and will meet with them again next week. Our coalition is going back to the seventeen municipalities who submitted resolutions and letters and we are asking them to support the Pacific Council's recommendation. The recommendation by the Pacific Council is a justified request, informed by several advisory body statements and a myriad of public comments. Commissioners and Port staff should listen to the available recordings. The environmental concerns are real, that is why groups such as Oceana and Audubon went on the record detailing their concerns. What is occurring on the East Coast with dead whales and dolphins is unacceptable. For pro-wind advocates to say, "we don't know for sure what is killing these whales, but we do know for sure it is not related to offshore wind," at the same time that permits are being issued for "takes" of marine mammals for offshore wind development does not face the red face test. The fact that BOEM attempted to suppress NMFS concerns about impacts to whales is deeply troubling.

If Oregon wants to do this right, there is no acceptable alternative other than BOEM rescinding the current call areas that were identified under a flawed BOEM process and start again. The final report from Oregon Department of Energy commissioned by HB3375 and released late last year clearly illustrates the risks to the environment and coastal economies of getting this process wrong. Doesn't it make sense to take a little bit longer to get the process right? Our lives and livelihoods depend on it.

Please join the many others who are asking BOEM to rescind the current call areas and use the NCCOS model to examine all of Oregon waters including outside depths of 1,300 meters to determine the best placement for offshore turbine farms.

Sincerely,

Heather Mann, Midwater Trawlers Cooperative

Tim Novotny, Executive Director, Oregon Dungeness Crab Commission

Mr. Novotny said there are over 420 vessels making up the Commercial Fishing Fleet. He said the decisions made regarding the current call areas will be felt far beyond the fisherman and their families. The socio-economic impact is likely to have a ripple effect felt by families throughout coastal communities and the State of Oregon. That impact will be felt by families who rely on the economic impact that the fishery has on the state's economy including the thousands of jobs associated with fishing through processing, shipping, and sales industries. He said the fisheries continue to strongly encourage BOEM to slow the process and complete the needed scientific studies to answer numerous questions posed throughout the public comment period. Mr. Novotny said the Crab Commission has encouraged BOEM to rescind the current call areas which mapping data is showing should never have been drawn to begin with. He said there are more workable call areas to be proposed including outside the 1300 meters as suggested in 2019. He said from the beginning of the process the fishery has been open to discuss ways to find a win-win solution for BOEM to seriously seek the outcome with a higher priority to ensure there will be existing and thriving communities around to benefit from any potential renewable energy. The industry, businesses, communities, and families of the present should not be considered

expendable losses in this process. The biggest unanswered question from the Dungeness Crab Commission remains to be the impacts of the electromagnetic fields or EMF that come from the submarine power cables. He said the fisheries request the Port Commissioners to join them in seeking more studies to be done in selecting the call areas off the Oregon Coast and ask BOEM to study the impacts of the Wind Farms on the California current.

Karie Silva, Charleston Fishing

Ms. Silva, co-owner of the F/V Jeanette Marrie, said she would like to make comments on the proposed resolution and on the Charleston Shipyard. She thanked the Port Commissioners for attending the Offshore Wind conference in Portland and for holding two work sessions to discuss and address the fleet's concerns for the Offshore Wind project. Ms. Silva said the Pacific Fishery Management Council passed a motion on March 9 requesting BOEM to rescind the call areas and begin the process again. She said she is asking the Port Commissioners to join the Council in this request for BOEM to start over.

Ms. Silva said there are concerns in the Charleston Shipyard about the lack of a suitable travel lift to accommodate Port vessels. She said there are circumstances where an emergency haul out is required, in which a 200-ton travel lift is needed. Ms. Silva said she believes the vessel owners would prefer to stay in the Charleston Shipyard and support the Port's revenue if the services were adequate to meet the needs. She said determining the haul out rates is a difficult decision. Ms. Silva suggested two separate rates, one rate for emergency haul outs based on length of the vessel, tonnage, or both; and a non-emergency rate for a scheduled haul out with the same tiered format. She said another alternative would be to send a questionnaire to vessel owners with suggested rates and take an average of the response rates. She said vessel owners do understand rates must increase and agree that the purchase of the 200-ton lift would be most beneficial to the Shipyard. She said the revenue created by this could be used in repairing docks and fingers and to further upgrade and repair the Shipyard.

Rex Leach, Charleston Fishing

Mr. Leach said he is a third-generation fisherman in the Coos Bay area. He said the two call areas that are left off the Coos Bay area are 80% of his fishing grounds. Mr. Leach said taking those areas away will be devastating and he hopes other call areas can be found. He said the ripple effect of the economic loss will affect the entire Coos Bay community. Mr. Leach said he echoes what was said by the other comments shared at this meeting.

Mr. Leach added the Shipyard is very important to the fishing industry and the travel lift is necessary for haul outs and emergency situations.

Christine Moffitt, League of Women Voters Coos County

Ms. Moffitt read and provided written comment:

Good Morning,

I am Christine Moffitt, a citizen of Coos Bay and member of the League of Women Voters of Coos County. As most of you know, our League is nearing the completion of our updated study of the Port of Coos Bay.

I come today to ask you, the Commissioners today, if you have discussed and endorsed **HB 3382** currently being reviewed by the Joint Committee on Transportation. This bill exempts selected ports from the policies of comprehensive coastal zone management and the

principles and foundations in place for 50 years regarding Oregon's 19 Statewide Goals regarding Land Use Planning. **It allows the Ports to construct, maintain and dredge deep draft navigation channels without demonstrating compliance with state or local land use law.**

Statewide Goal #16 protects the long-term values, diversity and benefits of estuaries and associated wetlands. These estuaries provide critical and essential habitat to support fish and wildlife populations, provide protection and resilience to climate change and coastal hazards, protect water quality and are among the most productive habitats on earth, connecting and transforming energy from our watersheds to the ocean.

I attach testimony that was provided last week at the hearing for this bill. We look forward to hearing your response.

Date: 14 March 2023
To: Oregon Legislative Joint Committee on Transportation
From: Alice Carlson, President, Coos County League of Women Voters.
Subject: TESTIMONY on HB 3382 - OPPOSITION

Dear Co-Chairs Sen. Gorsek and Rep. McLain and Members of the Joint Committee on Transportation:

The members of the League of Women Voters of Coos County stand in strong opposition to HB 3882 and request it not be moved forward. This proposed legislation would exempt selected ports from the policies of comprehensive coastal zone management and the principles and foundations of land use planning articulated in Oregon's 19 Statewide Goals for 50 years.

The proposers appear unaware or in disregard of the key role of estuaries in supporting life processes as the interface between freshwater and the ocean. Oregon has been a pioneer in comprehensive land management and our Department of Land Conservation and Development (DLC) plays a key role in assisting communities throughout the state to achieve all land use goals. Statewide Goal #16 protects the long-term values, diversity, and benefits of estuaries and associated wetlands.

Estuarine environments are among the most productive on earth, creating more organic matter than any comparably sized forest or grassland. They provide essential habitat for fish and wildlife populations and are a conduit and transformer of energy moving from the watersheds to the ocean. Estuaries are increasingly critical in achieving resilience to climate change and coastal hazards and protecting water quality.

The LWV of Oregon has strong positions regarding coastal resources in its Coastal and Nearshore Oregon documents: [54a310_5de7d864b167495f8ef37b49821125a2.pdf](#) (lwvor.org); and in its water in Oregon Study: LWV Water Quality Report Part 2 (lwvor.org).

The League of Women Voters of Coos County is currently engaged in an active process to

update our local comprehensive study of the Port of Coos Bay.
<https://my.lwv.org/oregon/coos-county/international-port-coos-bay>

Our studies of the Port began in the 1960s and have been updated at intervals. In the past decades, the Port has proposed several projects related to shipping and transportation that are and have been of high concern as they would directly affect the water quality and functions of the estuary. We have repeatedly highlighted our concerns regarding statewide planning goals, coastal resources, dredging and the effects on fish, shellfish and wildlife critical habitat, conflicts with recreational fishing and boating, stability of the slopes and lack of adequate mitigation.

The proposed legislation would allow projects proposed by a select few appointed Port Authorities to override all the other voices and values of human and natural activities that are supported in our estuaries.

President, League of Women Voters of Coos County

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

House Bill 3382

Sponsored by Representatives JAVADI, GOMBERG, Senator SMITH DB; Representatives EVANS, HELM, WRIGHT, Senators ANDERSON, WEBER (at the request of Oregon Public Ports Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes certain ports to construct, maintain and improve deep draft navigation channel improvements without demonstrating compliance with state or local land use law.

A BILL FOR AN ACT

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Relating to ports.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 777.005 to 777.725.

SECTION 2. (1) Notwithstanding contrary provisions of state and local land use law, without demonstrating compliance with state and local land use law and without taking an exception under ORS 197.732, ports specified in subsection (2) of this section may construct, maintain and improve deep draft navigation channel improvements, including docks and similar berthing facilities, that are located:

(a) Within or adjacent to a federal navigation channel; or

(b) On land:

(A) That is controlled by a port or in which a port has a real property interest; and

(B) That is served by such navigation channel improvements.

(2) Subsection (1) of this section applies to ports at Astoria, Coos Bay, Newport, Portland and St. Helens.

(3) As used in this section:

(a) "Deep draft navigation channel" means a navigation channel constructed to a depth

19 of greater than 30 feet.
20 (b) "Federal navigation channel" means a navigation channel that is maintained by the
21 United States Army Corps of Engineers.
22 (c) "State and local land use law" includes:
23 (A) Statewide planning goals and related administrative rules;
24 (B) Comprehensive plans, planning and zoning requirements and related regulations
25 adopted by a local government, as defined in ORS 197.015;
26 (C) Statutory requirements relating to land use, including but not limited to those in ORS
27 chapters 197, 215 and 227, and related administrative rules; and
28 (D) Administrative rules adopted pursuant to ORS 197.180 requiring that state agency
29 permits affecting land use are issued in compliance with statewide planning goals and com-
30 patible with acknowledged comprehensive plans and land use regulations.
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

Steve Miller, League of Women Voters Coos County

Mr. Miller read and provided written comment:

March 21, 2023

To: Members of the Oregon International Port of Coos Bay Commission and Mr. John Burns

The Port Study group of the League of Women Voters of Coos County appreciate the very generous written response to our questions submitted to the March 14th, 2022 Commission meeting. Mention was made in the response that an engineering study of the Coos Bay Rail Line was underway and to answer our question on the condition of the rail line, would need to wait on the results of that study. The written response to questions also mentioned the Port was anticipating guidance from the Federal Railroad Administration that would bear on the rail line's ability to meet the project goals for the proposed container terminal on the North Spit.

At the January 17th, 2023 Commission meeting two follow-up questions below were submitted that we would like to submit again.

- 1). Has the engineering study of the rail line been completed to determine what upgrades would be needed to achieve the proposed container terminal goal of handling containers at a level of 1 million TEU's per year? If completed, can copies of this study be made available to the public or for review at the Port offices?
- 2). I understand the Port has been waiting on specific load or other restrictions from the Federal Railroad Administration that would bear on the rail line's meeting the Port's project goals for a container terminal. Has the FRA supplied those specific restrictions and regulations, and will those be reported or made available so residents of our Port district can gain a better understanding of how federal regulation will impact development of the Coos Bay Rail Line?

At that meeting Mr. Farm referred these questions directly to the Port administration for a response. Contact information for the League study group was provided at the meeting, along with copies of the testimony. To date no response to those League questions has been received.

We look forward to answers to these two important questions that will help complete the current 20-year LWVCC Study of our Port's policies and actions this April.

Thank you!

Sincerely,

Steven Miller (for LWVCC)

Lori Steele, Executive Director West Coast Seafood Processors Association

Ms. Steele provided written comment:

RE: Offshore wind potential development off Oregon

Dear Mr. Burns and Port of Coos Bay Commissioners:

Thank you for the opportunity to comment on proposed development of offshore wind off Oregon. The West Coast Seafood Processors Associations (WCSPA) provides these comments as part of our ongoing work regarding offshore wind and its potential to affect businesses and fisheries on which our members depend.

WCSPA represents shoreside seafood processors in California, Oregon and Washington, whose fishermen target a variety of species including Dungeness crab, several species of groundfish (including Pacific hake or “whiting”), coldwater pink shrimp, salmon, and albacore tuna. Our member companies range from small “mom-and-pop” processors to the largest, vertically integrated processors on the West Coast. Our processors in all three states depend on fish and shellfish harvested in or near the Oregon call areas established by the Bureau of Ocean Energy Management (BOEM). Fishermen are mobile and can move; shoreside processors cannot. However, even though fishermen do travel, wind farms placed in some, or all of the call areas would have dire effects on the seafood industry and could have long-lasting ecological effects on the ocean environment and, specifically, the California Current Large Marine Ecosystem.

Several Oregon ports and municipalities have passed resolutions opposing offshore wind until BOEM does a better at balancing offshore wind potential with disruptions to fishing and ocean ecosystems. WCSPA is asking the Port of Coos Bay to do the same.

Similarly, the Pacific Fishery Management Council (Council), at its March meeting in Seattle, unanimously passed a motion to send a letter to BOEM and Oregon Gov. Tina Kotek, requesting the current call areas be rescinded until a greater suitability study can look at all waters off Oregon, including those deeper than 1300 meters. A summary of the Council’s decision can be found [here](#) (see “Administrative Matters”). Council staff is

currently in the process of drafting that letter, but the Council's discussion and motion is on the record and can also be accessed via the Council's YouTube channel for March 9.

WCSPA has gone on record before, indicating that the BOEM process was rushed and seriously undervalues the current benefits of existing Port users, such as sport/commercial fisheries, the processors and related marine businesses that could be displaced or diminished. It behooves BOEM and the Port to do more research and provide better consideration of how offshore wind development would affect our coastal communities. The offshore wind mantra of "jobs, jobs, jobs creation" does *not* include the decline or loss of fisheries jobs. These fishing and processing jobs have been in existence for years and the seafood industry counts on local communities for employment, that money stays in the community. Offshore wind will depend on jobs coming in from out of state and much of the money from offshore wind employment and company profit will go out of state and/or out of the country.

Thank you for considering a resolution to pause the development of offshore wind off Oregon until BOEM can re-assess the current areas, identify potential areas that are less conflicted and ensure that our productive ocean ecosystems will be protected for the benefit of all.

Sincerely,

Lori Steele
Executive Director

4. **CONSENT ITEMS**

- A. Approval of January 17, 2023 Regular Commission Meeting Minutes
- B. Approval of February 7, 2023 Commission Work Session Minutes
- C. Approval of January & February Invoices
- D. Approval of January & February Contracts Awarded
- E. Approval of Community Giving Donation

Upon a motion by Commissioner Stevens (second by Commissioner Edwards), the Board of Commissioners voted to approve the January 17, 2023 Regular Commission Meeting Minutes, February 7, 2023 Commission Work Session Minutes, January & February Invoices, January & February Contracts Awarded and Community Giving Donation. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

5. **MANAGEMENT REPORTS**

All Management Reports were included within the Meeting Packet.

6. **ACTION ITEMS/REPORTS**

- A. **Port Budget Committee Appointment**

The Port of Coos Bay's Budget Committee is made up of the five Port Commissioners and five citizen members who serve for a term of three years. The current citizen members include Maeora Mosier, Lou Leberti, Steve Scheer, and George Wales.

Nick Edwards, who was also a citizen member, has been appointed to the Port's Board of Commissioners, leaving a vacancy on the Budget Committee.

In an effort to fill the vacancy, Elise Hamner, who is on the Budget Committee for Coos Bay Rail Line, Inc., was invited to also participate on the Port's Budget Committee. Ms. Hamner accepted the invitation.

Upon a motion by Commissioner Edwards (second by Commissioner ViksneHill), the Board of Commissioners motioned to appoint Elise Hamner to the Port's Budget Committee with a term expiring June 30, 2026. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

B. 2023Res01: Natural Hazards Mitigation Plan

In November of 2020, an update to the Coos County Natural Hazard Mitigation Plan was initiated with assistance of the Oregon Department of Land Conservation, with funding for the update provided by the Federal Emergency Management Agency.

The county-wide multi-jurisdictional Natural Hazard Mitigation Plan is updated every five years to ensure that jurisdictions maintain access to FEMA mitigation grant funds. Having a natural hazards mitigation plan developed in accordance with the Disaster Mitigation Act of 2000 and approved by FEMA is a prerequisite for local government eligibility for certain federal hazard mitigation funds, particularly Hazard Mitigation Assistance (HMA) programs, such as Building Resilient Infrastructure and Communities (BRIC), Hazard Mitigation Grant Program (HMGP), and Flood Mitigation Assistance (FMA). Port staff served on the steering committee for this update and provided feedback and information concerning Port operations, infrastructure and natural hazard vulnerabilities.

On February 13, 2023, The Federal Emergency Management Agency, Region 10, sent a letter to the Oregon Military Department, committing to approve the updated plan upon receiving documentation of its adoption by participating districts.

Upon a motion by Commissioner Edwards (second by Commissioner Stevens), the Board of Commissioners motioned to adopt Resolution 2023Res01 adopting the Coos County Multi-Jurisdictional Natural Hazards Mitigation Plan. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

C. 2023Res02: Declaration of Emergency – Sea Basket Ceiling

On December 24, 2022, Port Security notified the Charleston Marina Manager of water leaking from the ceiling inside the business occupying Building 11 (Sea Basket). Port Security also notified the tenant of the water leak. The Charleston Marina Manager contacted the roofing contractor that did the roof installation in 2015 to investigate and determine the cause of leak. The contractor did not communicate with Port staff after the site visit, nor did they affect any repairs. The installation warranty had expired.

On January 10, 2023, the tenant contacted Port Security regarding a leaking ceiling. The Charleston Marina Manager, along with Port Maintenance Staff, proceeded to investigate the recurring issue. At this time, it was discovered there had been continual leaking from the roof, the interior drywall ceiling had collapsed, and there were electrical issues as a result of water damage.

The Sea Basket is an operating restaurant and bar and could not open for business due to the electrical and ceiling damage.

Daryl Rodgers Construction and Northwest Building Specialists were contacted about performing repairs to the ceiling and roof. Both were quick to respond and were capable of expeditiously completing the repairs. Daryl Rodgers Construction quoted ceiling repairs at \$10,700. Northwest Building Specialists quoted roof repairs at \$500.

On January 11, 2023, Port staff, under the direction of CEO John Burns, authorized Daryl Rodgers Construction and Northwest Building Specialists to perform emergency repairs to the building interior and roof.

These repairs have been submitted as an insurance claim.

Upon a motion by Commissioner ViksneHill (second by Commissioner Edwards), the Board of Commissioners motioned to adopt Resolution 2023Res02 ratifying the Declaration of Emergency for emergency repairs to Building 11 in the Charleston Marina Complex. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

D. 2023Res03: Declaration of Emergency – North Bend Swing Span Bridge

On February 14, 2023, Port staff was notified by Stantec Consulting of an immediate need to replace two posts on the east truss line of span #8 (Swing Portion) on the North Bend swing span bridge which is affecting the useability of the bridge. If these posts are not replaced in a limited period of time Stantec will require that the bridge, be taken out of service until the members can be replaced.

On February 22, 2023, the Port issued a Request for quotes to three qualified contractors to solicit bids for the replacement of the two posts with a requirement being that the work needed to be performed within 60 days of signing a contract.

On March 3, 2023, the Port received bids from the three contractors, with Legacy Contracting Inc. being the low bid with a price of \$319,749.71. The Port is currently in the contracting process with Legacy Contracting Inc.

Chief Executive Officer John Burns declared an emergency and authorized the Port to enter into a contract with Legacy Contracting Inc. to affect the post replacements to resolve this emergency condition.

Upon a motion by Commissioner Edwards (second by Commissioner Stevens), the Board of Commissioners motioned to adopt Resolution 2023Res03 ratifying the Declaration of Emergency for emergency hanger repairs to the North Bend Swing Span Bridge. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

E. Award PIDP Project Contract

On January 17, 2023, the Port Commission authorized Port staff to solicit Invitations to Bid (ITB) for the Tie and Surfacing Project (PIDP).

On March 09, 2023, the Oregon International Port of Coos Bay / Coos Bay Rail Line solicited an ITB for the Tie and Surfacing project (PIDP), to replace ties, add ballast and resurface the Coos Bay rail line. Bid responses were due to the Port by 2:00 p.m. on Thursday, March 09, 2023. The Port received one bid from RailWorks Track Systems LLC. for the price of \$15,440, 250.00. This bid is well in excess of the engineers' estimates, which by Oregon Revised Statue (ORS) allows the Port to enter into negotiations with the lowest responsive and responsible bidder.

Port Staff is currently negotiating with RailWorks Track Systems LLC. to value engineering and adjust the scope of work as necessary to meet the performance objectives of the grant and complete these objectives within the original total project cost of \$10 million. Once VE and scope adjustment is determined, staff will present the alternatives to the Maritime Administration (MARAD) for final approval.

Port procurement rule 2.8.1(E) requires the Port Commission, acting in its capacity as the Local Contract Review Board, authorize solicitations and awards of contracts in excess of \$150,000.

Port staff recommend awarding the Tie and Surfacing Project to RailWorks Track Systems LLC. following successful VE and negotiations with RailWorks Track Systems LLC. and final approval from the MARAD.

Upon a motion by Commissioner Edwards (second by Commissioner ViksneHill), the Board of Commissioners motioned to Authorize Chief Executive Officer John Burns to award and enter into a contract for the Tie and Surfacing Project (PIDP) with RailWorks Track Systems LLC., following successful VE and negotiations and final approval from the MARAD, for a total project cost not to exceed \$10 million. **Motion Passed Unanimously.** (Ayes: Farm, Stevens, ViksneHill, and Edwards. Nays: None)

7. OTHER

8. COMMISSION COMMENTS

9. NEXT MEETING DATE – Tuesday, April 18, 2023, 10:00 a.m.

10. ADJOURN

President Farm adjourned the meeting at 11:42 a.m. and entered into Executive Session to:

(d) conduct deliberations with person designated by the governing body to carry on labor negotiations;

- (e) conduct deliberations with persons designated by the governing body to negotiate real property transactions;
- (g) consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments; and
- (n) discuss information about review or approval of programs relating to the security of a number of specified structures, activities and materials relevant to the operation of the state's infrastructure.