

**OREGON INTERNATIONAL PORT OF COOS BAY
REGULAR COMMISSION MEETING
10:00 a.m., Thursday, June 16, 2022**

Port Commission Chambers, 125 West Central Avenue, Suite 230, Coos Bay, Oregon 97420
Watch Live on YouTube: www.youtube.com/portcoos

AMENDED AGENDA

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**OREGON INTERNATIONAL PORT OF COOS BAY
BOARD OF COMMISSIONERS
ACTION/DECISION REQUEST**

DATE: June 16, 2022

PROJECT TITLE: David Miller & Associates Task Order #16

ACTION REQUESTED: Authorization for Commission President David Kronsteiner to execute Task Order DMA #16 for professional services related to the Coos Bay Channel Modification Project

BACKGROUND:

At the March 28, 2016 Board of Commissioners meeting, the Commission authorized Commission President David Kronsteiner to execute an Amendment, Assignment, Assumption and Consent Agreement of the prime contract for consulting services for the Channel Modification Project from David Evans and Associates (DEA) to David Miller & Associates (DMA).

Task Order DMA #16 in the amount of \$4,264,881 describes the tasks to be undertaken during FY 2022/23, along with projected costs including work on the project's Environmental Impact Statement. A shift in the primary beneficiaries of the project will require the Port to conduct a new economic feasibility study to include the proposed container terminal and Roseburg Forest Products.

Funding for this Task Order will be provided by the 15-million-dollar grant that was passed by the Oregon legislature in the Spring of 2022.

RECOMMENDED MOTION:

Authorize Commission President David Kronsteiner to execute Task Order DMA #16 for professional services related to the Coos Bay Channel Modification Project in an amount not to exceed \$4,264,881 for work to be performed on the project during FY 2022/23.

Coos Bay Channel Modification Project Section 204(f) / 33 USC 408 Report

Fiscal Year 22/23 Task Order #16

Scope of Services

Introduction

This document describes the services that David Miller and Associates, Inc. (DMA) and its sub-consultants (referred to hereafter as Consultant) shall perform for the Oregon International Port of Coos Bay (Client, referred to as Port) under this Task Order. The Coos Bay Channel Modification Project Section 204 (Water Resources Development Act [WRDA], of 1986) Report (Section 204 Report or Project) was reset in 2022, transitioning from a Section 204 project focusing on LNG exports to one focusing on imports and exports of containerized cargo as well as wood products exports.

This Scope of Services (SOS) describes the tasks to be accomplished by the Consultant during Fiscal Year 22/23. Major Tasks include the following:

1. Engineering/Design/Geo-tech/Project Management/Permitting/Land Use
2. Economic Studies and Reports
3. Legal Analysis
4. Environmental Studies / EIS
5. USACE Support Agreement

SOS Tasks

1. Engineering /Design/Geo-tech/PM/Permitting/Land Use

Engineering and design activities to be performed during FY 22/23 as part of this SOS consist of the following:

- Conduct ship simulation modeling on new design containership vessels
- Confirm channel design and adjust as necessary
- Preliminary and Post-Review Drafts of Engineering Appendix to 204/408 Report
- Provide input to 204/408 Report
- Finalization of Plans and Specifications for 90% Design, including close out of DrChecks comments from the Corps of Engineers
- Preliminary Construction Schedule, and Cost Estimate
- Engineering support for coordination with USACE and other agencies and publics

Permitting activities to be performed during FY 22/23 as part of this SOS consist of the following:

- Preparation and coordination of draft permit applications, including:
 - Section 404/10 application
 - Removal fill application

- Section 401 certification
- Land use approvals
- Section 103 disposal site investigations and permitting
- Cultural Resources Coordination, Phase II and mitigation planning (if required).
- Development and coordination (to the extent necessary) of a compensatory mitigation plan, including mitigation plan design
- Coordination with the EIS 3rd Party Contractor (3PC).

Geotechnical engineering activities to be performed during FY 22/23 include:

- Completion of sediment quality approvals
- Participation in final design and responses to 90% design comments

Project Management Activities to be performed during FY 22/23 include maintaining project schedules and budgets, managing subcontractors, conducting technical coordination of team activities, and coordinating with the Port and its customers. Subtasks include

- Scheduling and budgeting, including preparation of a detailed Project Management Plan
- Contractual coordination, budgeting and billing support
- Supervision of team subcontractors
- Participation and support for OIPCB public involvement activities. The Project Delivery Team (PDT) will support the Port in stakeholder coordination meetings with its local partners, customers, pilots, etc.
- Plan formulation and confirmation of the National Economic Development (NED) plan
- Preparation of Section 204/408 documents
- PDT meetings, documenting the results of the meetings and activities.

Land Use Activities to be performed during FY 22/23 include reinitiating the land use permitting process with the city and county.

2. Economics Studies

Economic activities to be performed during FY 22/23 as part of this SOS consist of the following:

- Establish the basis for evaluating the economic feasibility of navigation improvements related to the plans for establishing OIPCB as a container port
- Collection of data from internal planning documents, interviews, reviews of preliminary terminal development plans to describe prospective port facilities, planned operations, TEU forecasts, and fleet forecasts
- Multiport analysis for all major container terminals located on the U.S. west coast, that will include historical trade volumes, TEU forecasts, fleet characteristics, and hinterland distribution network.
- Facilities requirements and cost analyses for landside (terminal and intermodal network) improvements
- Initial OIPCB TEU forecast development, hinterland extent development, draft fleet characteristics
- Establish prospective trade routes, identify prospective containership service routes that would call at the OIPCB container terminal
- Initial development of origin-to-destination transportation costs (at-sea and intermodal) for prospective TEUs anticipated to be handled at the OIPCB container facility for ultimate delivery at hinterland destinations

3. Legal Analysis

Legal support activities in support of permitting are expected to commence in the second half of FY 22/23 once design has been verified.

4. Environmental Studies / EIS

Activities to be performed during FY 22/23 as part of this SOS consist of the following:

- Gap Analysis to evaluate the applicability of all environmental effects work previously performed for the 2019 Report and EIS for inclusion in a revised Section 204(f)/408 Report and EIS for channel improvements
- Data Gap Evaluation Memorandum
- Development of a description of the regulatory approval, consultation, and permitting actions expected to complete the project. The work product developed under this task will identify the process, data requirements, and estimated durations to develop required documentation, request, and receive necessary approvals.
- Preparation of a brief internal scoping document to summarize the critical assumptions that will frame the draft EIS
- Draft resource agency coordination letters
- Prepare a draft Notice of Intent (NOI) in accordance with the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508) and Engineering Regulation ER 200-2-2
- Prepare a draft public notice announcing the publication of the NOI, identifying the District's point-of-contact for the receipt of written comments, asserting the dates and duration of the public scoping period, and affirming the time(s), date(s), and location(s) of the public scoping meeting(s)
- Impact analysis of re-confirmed NED and LPP plans
- Assist the Portland District, USACE in the conduct of a meeting or series of meetings with the appropriate resource agencies (e.g., ODFW, ODEQ, ODSL, ODLCD, USFWS, NMFS, USEPA, US Coast Guard, Federal Aviation Administration, BLM, etc.) to afford them an opportunity to learn more about the project, ask questions, and provide comment on the scope of the analysis in the EIS.

5. USACE Support Agreement

Coordination with the Portland District, Northwestern Division, and HQUSACE will continue during FY 22/23. Funds will be provided separately by the Port to the Portland District Corps of Engineers to continue their involvement in the Section 204/408 approvals and EIS tasks. The DMA team will assist the Port in their coordination efforts with the Corps.

SOS Budget

The total SOS budget for Fiscal Year 22/23 consultant activities is \$3,182,500 (exclusive of contingencies). The following table shows a breakdown of the FY 2023 budget estimate.

FY 22/23 SOS Estimate

Task	Task Description	Cost
1	Engineering/Design/Geo-tech/PM/Permitting/Land Use	\$ 2,450,000
2	Economics Studies & Reports	\$ 455,000
3	Legal Analysis	\$ 50,000
4	Environmental Analysis / EIS	\$ 227,500
	SUBTOTAL CONSULTANT COSTS	\$ 3,182,500
5	USACE (CW) Support Agreement	\$ 400,000
	Contingency¹	\$ 682,381
	TOTAL ALL COSTS	\$ 4,264,881

¹ Contingency fund managed by OIPCB and released to Consultant as needed and approved by Port

In conjunction with the DMA team activities during FY 22/23 described above, it is anticipated that the Port will be called upon to issue a new Support Agreement (SA) with the Corps of Engineers, in the sum of \$400,000 to fund Corps involvement in the study during FY 22/23.

Total costs for all activities in FY 22/23 related to the Section 204/408 project are estimated to equal \$4,264,881.

FOR DAVID MILLER & ASSOCIATES, INC.

David J Miller, President

DAVID MILLER & ASSOCIATES, INC.

FOR THE OREGON INTERNATIONAL PORT OF COOS BAY

David Kronsteiner, Commission President

OREGON INTERNATIONAL PORT OF COOS BAY

**OREGON INTERNATIONAL PORT OF COOS BAY
BOARD OF COMMISSIONERS
ACTION/DECISION REQUEST**

DATE: June 16, 2022

PROJECT TITLE: Chief Executive Officer Performance Review

ACTION REQUESTED: Approve an 8.1% Cost of Living Adjustment increase retroactive to January 1, 2022, for Chief Executive Officer John Burns

BACKGROUND:

The Oregon International Port of Coos Bay Board of Commissioners reviewed and discussed the performance of Chief Executive Officer John Burns during Executive Session on Tuesday, May 17, 2022, and then President Kronsteiner and Vice President Farm met with John Burns the morning of June 16, 2022, to conduct the actual performance review. This Performance Review is intended to formally document Mr. Burns' performance over the past year, recognize his achievements, and provide specific feedback and objectives.

The summary of Mr. Burns review has been provided to the Commission and will be added to the online Commission packet for the public.

Based on the Chief Executive Officer's commendable Performance Review and successful achievements, the Oregon International Port of Coos Bay Board of Commissioners recommended providing Mr. Burns with an 8.1% Cost of Living Adjustment increase retroactive to January 1, 2022.

Considering that John's review was the morning of the Commission meeting, and in order to include this merit increase in this fiscal year's budget, we added this action item as a last minute walk on.

RECOMMENDED MOTION:

Approve an 8.1% Cost of Living Adjustment increase retroactive to January 1, 2022, for Chief Executive Officer John Burns based on his commendable achievements and outstanding leadership, as outlined in Mr. Burns' documented Performance Review.



The Oregon International Port of Coos Bay Board of Commissioners reviewed and discussed the performance of Chief Executive Officer John Burns during Executive Session on Tuesday, May 17, 2022. This Performance Review was intended to formally document Mr. Burns' performance over the past calendar year, recognize his achievements, and provide specific feedback and objectives.

The Commission acknowledged Mr. Burns' great achievements over the last year, which included (but was not limited to):

- Securing a long term lease on 200+ acres of undeveloped Port property on the North Spit for the Pacific Coast Intermodal Port Project; and working with federal delegation on a \$800 million MEGA Grant to fund the associated public infrastructure required as part of this project (Channel & Rail).
- Securing funding from state and federal sources to purchase the former GP mill site; and immediately beginning to market and negotiate with potential Terminal One customers.
- Working with federal delegation to secure \$75 million to complete North Jetty Reconstruction.
- Resecuring \$15 million that was previously allocated and taken back by the state legislature, which are critical to the final permitting steps of the Channel Deepening Project.
- Purchasing the HUB Building with a low loan interest rate of 2.3%.
- Refinanced and consolidated Port debt with an unsecured loan at a 2.69% interest rate, resulting in annual savings of \$50,000, and \$1.2 million over the term of the loan.

Highlights of the Commission's objectives for Mr. Burns included:

- Developing a plan to fund and execute shipyard work dock improvements.
- Supporting Port's mission to be a catalyst of local economic growth, to include smaller local projects that are also important to our local community.
- Working with local stakeholders to develop strong working relationships.
- Successfully resolving stakeholder issues at an early stage.
- Seeking out tenants to fully utilize Port land holdings and available rail capacity.
- Finalizing the Coos Bay Channel Modification Permit.

Based on the Chief Executive Officer's commendable Performance Review and successful achievements, the Oregon International Port of Coos Bay Board of Commissioners will motion at the June 16, 2022 Regular Commission Meeting to approve an 8.1% Cost of Living Adjustment increase retroactive to January 1, 2022.

John Burns, Chief Executive Officer

David Kronsteiner, Commission President