

From: [Bill Grile](#)
To: [Chelsea Schnabel](#)
Cc: [Joe Benetti](#); [Rodger Craddock](#); [Nichole Rutherford](#); crystal@shojiplanning.com; [jrolfe](#)
Subject: RE: NOTICE - Planning Commission Public Hearing (Land Use Application #187-23-000165-PLNG - CBEMP Phase I Update)
Date: Saturday, June 24, 2023 9:51:57 AM

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Thanks for the notice, Chelsea. I'm sure you've looked at this but hopefully the maps relied on for this pending action have been carefully checked and are more accurate than those I saw at the NB Community Center open house a few months ago. The errors in these did not instill confidence that the changes going forward are carefully considered. In particular, I hope the UGB south of the CB city limits is correctly depicted in any maps associated with the proposed action. Second, I hope the pending action does NOT include any changes to acknowledged CBEMP plan management units, whether these be within the CB City Limits or otherwise. Changes to these can potentially jeopardize acknowledged development designations resulting from Goal 2 exceptions that withstood a challenge to the Court of Appeals. Finally, any proposal to establish another level of planning review like the defunct CB Estuary Advisory Commission (in the original acknowledged CBEMP) is very ill-advised for the many reasons that Crystal Shoji and I have previously explained.

With all due respect to our Planning Commission and City Council, it's unreasonable to expect our volunteer officials to fully comprehend the scope and ramifications of the action they are being asked to review and support. Oregon land use law itself is not "user-friendly." The Coastal Goals that are the basis for the acknowledged CBEMP are even less so. I've expressed my cautions about proceeding with a major CBEMP overhaul and will only say again: beware. Without a careful review of the risk v. benefits or any major overhaul, I for one would not proceed. Just a few years ago the City approved a complete rewrite of its land development code and the result was a number of significant problems I thought would happen, and did. History may soon repeat itself with even more serious consequences from CBEMP amendments.

Thanks for keeping me on the mailing list.

... Bill Grile
855 Signal Way
Coos Bay, OR 97420

From: Chelsea Schnabel <cschnabel@coosbay.org>
Sent: Tuesday, June 20, 2023 8:22 AM
Subject: NOTICE - Planning Commission Public Hearing (Land Use Application #187-23-000165-PLNG - CBEMP Phase I Update)

Hello –

Please see attached **Notice of Planning Commission Public Hearing in the matter of Land Use Application #187-23-000165-PLNG (CBEMP Phase I Update)**.

Thank you,

Chelsea Schnabel, AICP, CFM | Planning Administrator

City of Coos Bay – Community Development Department

500 Central Avenue, Coos Bay, OR 97420

(541) 269-1181 x3531 | cschnabel@coosbayor.gov

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CBEMP Testimony July 7, 2023 to the City of Coos Bay Planning Commission

I commend the County on its work so far in the endeavor to revise this vital plan as it deserves special consideration. I strongly endorse a full plan revision of the Coos Estuary Management Plan. The cost of doing so will be returned in many ways to our community. This community has already invested time and effort into a citizen and stakeholder-based report with the 2019 [Coos Estuary Land Use Analysis](#). From this report's executive summary, "Based on the information products and feedback from the broader community described below, the Partnership for Coastal Watersheds firmly recommends a full plan revision."

I was a participant in this process and can confirm the broad consensus from my fellow citizens for this recommendation. It was clear that a huge amount of information has come to light since the original CBEMP came out that would warrant a review and re-evaluation of the plans many pieces, including:

- Management Units
- Plan for Dredge Materials Disposal
- Mitigation and Restoration Plan

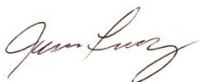
In addition to existing parts of the plan, citizens involved with The Coos Estuary Land Use Analysis pointed out the imperative to include climate-related planning in the revision, and creating a document that was more readily adaptive to change such as sea-level, ocean acidification, coastal erosion, fire, etc. In a following draft analysis, Coos Bay Coastal Hazard Vulnerability Assessment and Adaptation Plan, 2022, this urgency was noted, "Locally, some municipal and private organizations are already taking steps to reduce their exposure to climate-related hazards, but nothing is being coordinated at the community or watershed scale."

I urge the City, along with the city of North Bend and the county to commit to a full revision of the CBEMP by establishing a citizen advisory and technical committee to guide the comprehensive Phase 2 update with the input of a robust array of citizens to include:

- The fishing industry, both recreational and commercial
- The seafood industry, including aquaculture and seafood processing
- Local businesses
- Tourism industry or commercial recreation businesses
- Recreational interests
- The scientific community
- The conservation/environmental community
- At least 2 tribal members, one from of each of the tribes whose territory includes the Coos Bay watershed—not as official representatives of the tribal government
- Individual citizens from the cities of Coos Bay and North Bend, and the unincorporated county—these would not be government employees or representatives of the governing bodies, but citizens at large

We can do this collaboratively and ease some of the costs involved, which again are necessary to protect what we have left of a natural legacy we can't afford to spend unwisely.

Thank you for the opportunity to comment,



Jamie Fereday
1017 Elm Ave.
Coos Bay, OR 97420
541 290-0223

From: [Ken Bonetti](#)
To: publiccomments@coosbayor.gov
Cc: [Chelsea Schnabel](#)
Subject: Phase II CBEMP Testimony-Coos Bay Planning Commission
Date: Friday, July 7, 2023 4:01:47 PM

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Dear Coos Bay Planning Commission:

Thank you for your work so far on the Coos Bay Estuary Management Plan. Your efforts are much appreciated. I am writing you to ask that the Commission make the following commitments:

- Please commit to the Phase 2 update, particularly those sections that will ensure the plan can meet future conditions that will surely arise. Ideally, this commitment should be embedded in section 2 of the Phase 1 document. Sections that need to be updated to ensure the plan can meet future challenges include:
 - Management Units, which need to be re-evaluated with new resource data
 - Plan for Dredge Materials Disposal
 - Mitigation and Restoration Plan
- Please Make sure the plan will be easily adaptive to streamline future revisions. We cannot afford to wait years to make changes when the need arises. An adaptive planning process should be embedded within the plan such that it can be maintained and regularly updated in the future. That means implementing a structured plan to re-evaluate and revise the plan in the future, including maps and resource inventories that should be updated as new data is collected.
- Thank you for including a citizen advisory committee and a technical advisory committee that we hope will increase stakeholder and citizen participation in guiding the comprehensive Phase 2 update of the CBEMP. However, it is unclear what the composition of these committees will be.

A diverse citizen advisory committee is necessary to ensure the needs of the community are broadly represented. This would also expand citizen involvement in the update process. Importantly, representatives of government entities *should not* be on the citizen advisory committee. This includes the port authority, any governmental body with development interests that often conflict with the interests of the citizens. Also, Port representation on the citizen advisory committee would be a conflict of interest. Government bodies should instead form a steering committee, separate from the advisory committee. The citizens' advisory committee should include the following stakeholders:

- The fishing industry, both recreational and commercial

- The seafood industry, including aquaculture and seafood processing
 - Local businesses broadly
 - Tourism industry or commercial recreation businesses
 - Recreational interests
 - The scientific community
 - The conservation/environmental community
 - At least 2 tribal members, one from each of the tribes whose territory includes the Coos Bay watershed—not as official representatives of the tribal government
 - Individual citizens from the cities of Coos Bay and North Bend, and the unincorporated county—these would not be government employees or representatives of the governing bodies, but citizens at large
- To guide technical scientific and policy changes to the plan during the Phase 2 update, a technical advisory committee composed of local experts is needed. This might include scientists from OIMB, state agencies, and members of the Partnership for Coastal Watersheds, for example.
 - To ensure Tribal Sovereignty is adequately respected and integrated into the CBEMP, a section should be added to outline how tribal engagement and consultation will be conducted in future CBEMP updates

The reason I have taken time to write this comment is that the integrity and biodiversity of the Bay is of great importance to all of us, especially those whose living depends on a sustainable bounty. The Bay's health is most important to the flora and fauna living in and out of the water that depend directly on a healthy Bay and estuaries for their sustenance. However, there are forces that in the name of "economic development" wish to make significant changes to the Bay. Economic development that does occur should enhance the natural aspects, ecology and sustainability of the Bay, its estuaries and wildlife, not diminish, damage or destroy those.

Again, thank you for this opportunity to participate.

Sincerely,
Ken Bonetti, North Bend, OR



OREGON SHORES
CONSERVATION COALITION

July 6, 2023

To: City of Coos Bay Planning Commission
Chelsea Schnabel, Coos Bay Planning Administrator

Re: Coos Bay Estuary Management Plan, Phase 1

Thank you for the opportunity to testify on Phase 1 of the Coos Bay Estuary Management Plan (CBEMP) update, regarding the draft plan update elements that have been presented to Coos County as well as the cities of Coos Bay and North Bend and are now being considered for adoption.

Much of the Phase 1 process focused on necessary technicalities. As we noted during the public comment period, these updates were badly needed, and by the end of this Phase 1 process, the CBEMP will be a more functional document for *interim* use. Diligent work on the part of the planners has gone into removing outdated language and improving the plan's usability. We have concerns about the maps when it comes to their use over time, but what has been done to update and improve the maps constitutes a valuable *initial* step. The draft plan update has greatly improved during the course of its public review, and we commend the planners for their responsiveness to public input.

As our emphasis in the above paragraph indicates, while we have some specific concerns, we consider the Phase 1 draft plan update to be a good *beginning*. But it is only a first step toward achieving a comprehensive plan for the estuary's long-term future. The value of Phase 1 is strictly contingent on continuation of the EMP planning process to Phase 2.

There are three basic policy objectives related to a future Phase 2 which should be established in the Phase 1 update, and have not yet been adequately addressed:

1. Specific guidelines for developing a broadly representative Citizen Advisory Committee to shepherd the Phase 2 process.
2. Immediate establishment of a Technical Committee that will assist with the ongoing need to update data, identify gaps, and improve mapping.
3. A clear mandate to continue with Phase 2 in timely fashion.

With regard to the last point, IPRE's "Revisions Memo" notes that the Partnership for Coastal Watersheds firmly recommended a full plan revision in 2019 and describes the current Phase 1

update as “foundational” for Phase 2, clearly indicating, as we have stated, that a Phase 2 is implicit in the scope of work on Phase 1. We urge that the commitment be made an explicit part of Phase 1 as adopted. The Revisions Memo suggests that Phase 2 might begin sometime in 2024-2026. We recommend a commitment to start early in that span of time.

Following are our suggestions for language to incorporate in the adopted Phase 1 updates to ensure that these fundamental objectives are achieved.

Citizen Advisory Committee

Suggested Language¹

Subsection 1.5: Introduction: Citizen Involvement Program

After the final sentence of the subsection, “A joint CBEMP Steering Committee will be appointed to facilitate coordination of ongoing maintenance and updating of the multi-jurisdictional Coos Bay Estuary Management Plan,” insert:

A dedicated Citizen Advisory Committee (CAC) will be appointed to provide input and feedback to the Steering Committee during the decision-making process.

Subsection 2.4: Policies for Future Processes: Citizen Involvement

Beginning with the third sentence of the second paragraph of the subsection, the following revisions should be made:

A joint CBEMP Steering Committee comprised of **official** representatives ~~from~~ **of** Coos County, City of Coos Bay, City of North Bend, local Tribes, and the Port shall aid the Planning staffs in the direction of revising the CBEMP and its Implementing Ordinances, ~~as well as to~~. **A dedicated Citizen Advisory Committee (CAC) comprised of representatives of community and stakeholder groups shall provide input and feedback to the Steering Committee during the decision-making process. The Steering Committee shall voice concerns, including concerns raised by the CAC, and/or support revisions and updates of the plan and implementing ordinances, which are initiated by the Planning Department(s) staff, prior to public hearings and determinations at the Planning Commission and City Council/Board of Commissioners level. It is the duty of the Steering Committee to ensure the input of the CAC is thoroughly and meaningfully incorporated into their recommendations to Planning staff. This is neither** committee’s function ~~will not include~~ **to review** applications submitted by property owners and/or their agents.

A joint CBEMP Steering Committee shall be appointed to facilitate coordination of ongoing maintenance to the multi-jurisdictional Coos Bay Estuary Management Plan. This steering committee may consist of nine (9) or more members. Membership shall be as follows: one (1) member from the city of Coos Bay Planning Commission (appointed by Coos Bay City Council); one (1) member from the city of North Bend Planning Commission (appointed by North Bend City Council); one (1) member from the Coos

¹ Throughout this document, added text is indicated in **bold**, and removed text is indicated with a ~~strike through~~.

County Planning Commission (appointed by the Coos County Board of Commissioners); one (1) member from the Port Authority (appointed by the Port Commission); and two (2) members from the local Tribes (one (1) appointed by the Coquille Indian Tribal Council and one (1) appointed by the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Council); and at least three (3) interested citizens (one (1) each appointed by the Coos County Board of Commissioners, Coos Bay City Council, and North Bend City Council).

It is the responsibility of the Steering Committee to ensure that the CAC seats are filled initially and as necessitated by vacancy throughout CBEMP Phase II and during any future Plan revisions. Appointment shall be by application in addition to any other means selected by the Steering Committee.

The CBEMP Citizen Advisory Committee (CAC) will be comprised of: At least two (2) tribal members, one (1) each from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and the Coquille Indian Tribe; at least one (1) Spanish-speaking member of the Hispanic/Latino community; three (3) citizens at large, one (1) from Coos County, one (1) from City of Coos Bay, and one (1) from City of North Bend, but not employed by or otherwise with formal ties to those local governments; and; at least one (1) member of each of the following stakeholder groups:

- a. The fishing industry, both recreational and commercial;**
- b. The seafood industry, including aquaculture and seafood processing;**
- c. General local businesses;**
- d. Tourism industry or commercial recreation businesses;**
- e. Recreational interests;**
- f. The scientific community and natural resource managers (at least one, but preferably several with different areas of expertise, such as estuarine ecology, wildlife or resource management, wildlife biology, environmental science, and water quality/chemistry); and**
- g. The conservation/environmental community (at least one, but preferably one from a local organization and one from a statewide group).**

Where it is not possible in good faith to fill one of the CAC seats, the Steering Committee shall appoint someone with similar interest and motivation to the listed party in developing the CBEMP.

The CAC shall be responsible for its own internal organization, creating and filling leadership positions within the Committee as needed.

The CAC shall convene at the request of DLCD or the local governments and may convene on its own initiative as agreed upon by the members through its chosen process.

[Subsection 3.3: Policies, Policy #35: Plan Implementation](#)

After Subpoint d. ("Recommendation of policy directives, based upon consideration of the County's social, economic, energy and environmental needs."), add:

In particular, as to the CBEMP and its ongoing maintenance, the CAC will serve as a means for ensuring citizen involvement, fulfilling the mandate of Goal 1, in considering and recommending policy directives, as above.

Technical Committee

Suggested Language

Subsection 2.7: Policies for Future Processes, Technical Committee

Under Section 2: Policies for Future Processes, Subsection 2.7: Technical Committee should be added. That subsection should read:

2.7 Technical Committee

The Steering Committee described in Sections 1.5 and 2.4 shall appoint a Technical Committee to advise on the data underlying Plan maps as they are updated and improved, and on other scientific, policy, and technical considerations. It is the responsibility of the Steering Committee to ensure that Technical Committee seats are filled initially and as necessitated by vacancy throughout CBEMP Phase II and during any future Plan revisions. It is also the responsibility of the Steering Committee to thoroughly and meaningfully incorporate the advice of the Technical Committee into their recommendations to Planning staff.

The Technical Committee will be comprised of at least five (5) members with expertise in relevant scientific areas, for example estuarine ecology, marine spatial planning, GIS and mapping, natural resource management, wildlife and fisheries biology, climate science, and water quality/chemistry, and drawn from the Oregon Institute of Marine Biology, Southwestern Oregon Community College, South Slough National Estuarine Research Reserve, Oregon State University, University of Oregon, the Partnership for Coastal Watersheds, or other similar scientific and research institutions; tribal technical representatives, with expertise in traditional ecological knowledge or natural resource management, to be appointed by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and the Coquille Indian Tribe; and one (1) or more land use planning professionals. State and federal agency scientists from relevant agencies, such as DSL, ODFW, NOAA, DEQ, and EPA should also be considered for the Committee.

Phase II

Suggested Language

Subsection 3.3: Policies, #36 Plan Update

Before the first sentence of the subsection, insert:

To ensure the comprehensiveness, adaptability, and long-range effectiveness of this Plan, after the adoption of this 2023 Phase I draft, the process of updating the CBEMP will be ongoing. Immediately following Phase I, the Steering Committee and Technical Committee shall be constituted. These committees shall begin work in the interim period, if any, between Phases I and II. In particular, the Technical

Committee shall work on updating the maps and data underlying the CBMEP and identify any gaps in knowledge.

Key elements not addressed during Phase I that will be addressed during Phase II are, but are not limited to: ongoing Plan review and adaptability; climate resilience and mitigation; restoration and reconnection of the estuary to its historical footprint; integration of planning considerations under Goal 16 with those of other Goals (notably Goal 17, addressing shorelands, but also Goal 5, for wetlands, trails, and other features, Goal 7, Coastal Hazards, and others); water quality; endangered species; carbon sequestration; and habitat loss.

Also during Phase II, the following plan sections will be updated: Management Units, which will be re-evaluated with new resource data; Plan for Dredge Materials Disposal; and the Mitigation and Restoration Plan. Further, the Steering Committee will work to develop a detailed methodology for the comprehensive Plan review outlined below and a specific protocol for monitoring plan success, re-evaluating, and regularly updating components.

The Steering Committee will ensure these elements and any concerns raised by either the CAC or Technical Committee are adequately addressed by the end of Phase II.

Paragraphs one through five of the same subsection should be edited as follows:

As necessary, or at minimum every ten (10) years, Coos County, City of Coos Bay, and City of North Bend shall: a) conduct a comprehensive review of this Plan, including inventory and factual base and implementing measures to determine if any revision is needed; b) base its review upon reexamination of data, problems, and issues, **in consultation with the Technical Committee**; c) issue a public statement as to whether any revision is needed; d) coordinate with other jurisdictions which are included within the Coos Bay Estuary and its shorelands; and e) incorporate input from the **CAC and from the public at large** ~~input~~ into its decision.

This strategy is based on the recognition that ~~a formal~~ **comprehensive** review is necessary to keep this Plan current with local situations and events which may change from over time and reduce the Plan's ability to effectively and appropriately guide ~~growth~~ **management and conservation** of the Coos Bay Estuary and its shorelands **for decades to come, especially in the face of climate change, development pressures, and population increases.**

A comprehensive review and update of this Plan shall include review and amendment, as necessary, of policies and management unit implementing measures contained in this plan to reflect changing environmental, social, cultural, and economic circumstances within the estuary. As part of this update, maps used for regulatory plan review shall be reviewed and updated with best available scientific data to the greatest extent possible, **and relevant management strategies and tools, such as climate and sea level rise adaptation guides, developed by DLCDC, NOAA, and other state and federal government agencies shall be consulted** . **This shall include but not be limited to consultation with the Technical Committee described in Section 2.7.**

This review shall include extensive engagement with stakeholders and the community. This shall include but not be limited to ~~the development of a~~ **consultation with the**

~~eCitizen aAdvisory eCommittee made up of representatives from key interest groups and the public at large described in Section 2.4. whose aim is to represent the interests of the community, and a technical advisory committee made up of related subject matter experts to review scientific data.~~

The CBEMP that ultimately emerges from Phase 2, to guide management and conservation of the estuary for decades to come in the face of climate change, development pressures, and population increases, must be truly adaptive, which is to say, must contain within itself the method for continuous updating. To be adaptive, the CBEMP must contain a specific protocol for monitoring plan success, re-evaluating, and regularly updating components.

While we recognize that technically an EMP deals with the estuary, per se, estuaries do not exist without their watersheds, so Coos County should mesh the EMP with planning for the full watershed.

We urge that the CBEMP Phase 1 draft include a strong commitment to continuing the EMP planning process with Phase 2, and add to this a forceful recommendation that a true citizen advisory committee be established, along with a technical committee. It should also mandate that planners engage the public at every step of future planning, collaborating with community groups on educating the involving the public and reaching out to every segment within the watershed's population. The Phase 1 plan should also recommend that the county and cities develop partnerships with community and statewide groups in seeking funding and in-kind contributions of expertise and organizing capacity to make possible the multi-year, in-depth process needed to engage the community in creating a comprehensive, adaptive plan for the Coos Bay estuary's future.

Sincerely, Phillip Johnson, Conservation Director
Oregon Shores Conservation Coalition
P.O. Box 5626, Coos Bay, OR 97420
(503) 754-9303
On behalf of the Oregon Shores board and staff

I'm Steve Miller, a citizen of Coos Bay. (1556 N. 20th St.)

I thank the Planning Commission for the opportunity to provide testimony on Phase 1 of the Coos Bay Estuary Management Plan Update.

1) To begin, I **strongly urge our City to commit to not just a Phase 1 update but also a Phase 2 update**. This additional commitment is critical for three reasons.

- First, the Estuary Plan has not received a complete update in more than 40 years and Phase 1 alone will not bring the Plan fully up to date. Management units of the current Plan need to be re-evaluated with new information and survey data. Information and data which in many cases is over a decade old will not provide a reliable basis for making planning decisions that will be available in Phase 2.
- Second, Phase 2 will provide a needed plan for Dredge Material Disposal
- Third, Phase 2 will detail a Mitigation and Restoration plan for the Coos Bay estuary

2) The Estuary Plan itself should outline an approach for re-evaluating and revising that plan in the future---including the maps and natural resource inventories which should be updated in the Plan as new data is collected.

3) Our County has language that creates a Citizen Advisory Committee and a Technical Advisory Committee that will guide a Phase 2 update, but the composition of these committees is not detailed.

This is concerning, because a diverse Citizen Advisory Committee is necessary to ensure that the needs of the community are broadly represented.

- The committee should represent stakeholders in the fishing industry (commercial and recreational), the seafood industry, local business, tourism and recreation, the scientific community, the conservation/environmental community, each of the two local tribes, AND citizens at large who reside in Coos Bay, North Bend, and the unincorporated County.
- In addition, there is one party that should NOT be represented on the committee: the **Port**. Its development interests often present a conflict of interest.

Now about the **Technical Advisory Committee**. This committee would guide scientific and policy changes to the plan during the Phase 2 Update. These might include scientists from OIMB, state agencies, the Partnership for Coastal Watersheds, land use and policy experts, and natural resource managers. To make sure Tribal sovereignty is respected and built into the Coos Bay Estuary Management Plan, a section *should* outline how tribal engagement and consultation will be conducted in future Plan updates and the ongoing management guided by the Plan.

Thank you!



July 21, 2023

City of Coos Bay
500 Central Ave.
Coos Bay, OR 97420



In Regards to the Coos Bay Estuary Management Plan

The idea of the 2 cities and County getting on the same page with an Estuary Management Plan is great. Here are my 3 concerns.

One: Representation of property owners. Not everyone knows there is an Estuary Management Plan and only a handful completely understand it. When trying to utilize personal property within the Estuary, owners are often blindsided by the laws and policies. The county and cities have worked hard to gain public interest, but I feel we have not connected with many of the actual stake holders of the Estuary. Their dreams and plans may greatly differ from the grad student from U of O or PSU reading Lidar maps and creating policy on that basis. There has never been laws or policy written that does not in some way challenge personal freedom. The Estuary plan is almost 2,000 pages of laws and policies. That scares me, and it should. Whether you are the Port, Airport, a ship yard, log yard, or an individual you should be included in this modified Estuary Management Plan.

Two: Climate Change. THE CLIMATE IS CHANGING! It has been since the beginning of time and will continue to the end of time. To base land use planning on a "buzz word" theory that may or may not have an effect on our Estuary is ludicrous. Mother Nature will do what she's going to do and to think mankind can change it is arrogant and foolish.

Three: The ramification of mitigation. So, you want to fill in part of the Estuary, but you have to mitigate. So, you wave a fist full of dollars in front of an old farmer (who has driven his last fence post) and breach the dike and let in the salt water. Great, now you feel good because you got your fill placed and made a new place somewhere else for the fish and frogs. In reality, you have just ruined a piece of useable farmland and increased the CFS in the river that in turn costs the county \$1,000's in road repair. Saltwater mitigation sites are a mistake in our Estuary. There must be a better way.

Summary: Get someone on your ad hoc committee with Bay mud on their boots, avoid climate change rhetoric (the sun will still com up tomorrow), and don't destroy any more farmland in the name of saving the environment.

Sincerely,

Rex E. Miller
Property Owner and responsible Steward of the Land

Testimony to the Coos Bay Planning Commission
on updates proposed for Phase 1 of the CBEMP:

July 25, 2023

Steve Miller
1556 N. 20th St.
Coos Bay, Oregon

Dear Members of the Coos Bay Planning Commission,

So much has changed in the Coos Bay area over the last 40 years, bringing many new challenges for city and county planning. The wood products industry and an industrial waterfront that processed and shipped its products was the core of the area economy. When the first Coos Bay Estuary Management Plan was created, those interests spoke loudly in its formation. While the tourism, fishery, recreational, and cultural values of our estuary were enjoyed, they were almost taken for granted and commerce weighed very heavily in the balance. Plentiful jobs for generations of families---like the big trees in endless forests---would just continue on into the future. But for many reasons we know they didn't.

Today the Coos Bay estuary faces development pressures on a scale larger than ever, while its growing use by travelers and recreationists of many varieties---both locals and tourists---annually contributes hundreds of millions of dollars to the area economy and is a foundation of many innovative service businesses. Thousands of jobs benefitting from the travel and recreation industry have continued to grow in number yearly. Many people choose to retire in Coos Bay or have second homes here---because of the appealing lifestyle and environment they enjoy. However, our Planning Commission now reviewing a proposed Phase 1 update of the Coos Bay Estuary Management Plan has been tasked with making recommendations to the City Council based on only a partial update to the Plan. It would not include the more comprehensive Phase 2 portion that would include the most current available information and data and would engage a broad Coos Bay citizenry to assess their views and provide a more perceptive and responsible source for making planning decisions.

I know many people who agree that Coos Bay needs to welcome new business opportunities requiring employees with qualifications that command "middle-class" incomes. But these same folks want to welcome those businesses that *will not* leave our area with a damaged estuary and environment. Shouldn't our updated Coos Bay Estuary Management Plan then produce a better tool that welcomes and assures those complementary wishes and outcomes?

Sincerely,

Steve Miller



www.RogueClimate.org || PO Box 1980, Phoenix, OR 97535 || 541-301-9204

Coos Bay Office: 243 S. 2nd St. Coos Bay, OR 97420 || 541- 816-0758

Tuesday, July 25, 2023

TO:

Coos Bay Planning Commission, % Chelsea Schnable, cschnabel@coosbay.org
Amanda Ferguson, Institute for Policy Research and Engagement, afergus4@uoregon.edu

RE: AM-22-005 Coos Bay Estuary Management Plan, Coos Bay Planning Commission

Greetings,

Rogue Climate is a climate justice organization based in Southern Oregon with an office in downtown Coos Bay. We have been participating in commenting on the Coos Bay Estuary Management Plan (CBEMP) update process since the opportunities started in March because it is a critical step for ongoing planning for the mitigation and adaptations of climate change impacts in Coos County. The Coos Bay Estuary is one of the largest estuaries in Oregon, and it is home to the largest population along Oregon's coastline. The Coos Bay Estuary is the foundation of the community's economic development and cultural practices.

Time and Accessibility for Material Review

The CBEMP update process is no easy feat since the plan hasn't had significant updates during its 40 years of inception, and the proposed amendments include well over 1800 pages. We ask for jurisdictions such as Coos Bay to continue the update proceedings to enable sufficient time and opportunity for the public to review with staff each of the proposed changes to the management units and the content of the new data being adopted - Appendix A maps and the Data Source. The record did not describe the rationale and factual basis for amending the management units (which are being amended) and adopting the data and maps, so this review is needed.

We acknowledge that there have been a few public house events but this has not been sufficient to answer our questions. We learned at the last Coos Bay Planning Commission hearing that commission members may also not understand the proposed amendments' scope. We have reason to believe that many of the planning commissioners in the three jurisdictions are worried that they are not fully informed about the update materials. We ask for at least 2 – 3 meetings for decision makers and the public to be walked through those 1800 pages of



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documents in a methodical fashion aimed at explaining the management unit changes and how the new data is incorporated into the regulatory system if it is.

[We attach our previous comments](#) and ask that all comments received since January to any of the jurisdictions be submitted to you and placed into this record. We believe that all unfiltered comments be included in the docket, including comments received from the solicitation to the state agencies. We believe that most of the questions we have asked have not been answered sufficiently; saying that now is not the time or the issue is not in the “scope of phase 1” is not satisfactory. We ask that you ask if the current CBEMP citizens advisory committee has had an opportunity to review the proposed amendment, and if not, why not. We hope that additional public hearings could cure this failure. Otherwise, we object to the process and believe that Goal 1 has yet to be satisfied.

Public Engagement and the Citizens Advisory Committee

In our recent previous comment, [we submitted a robust recommendation](#) for a Citizens Advisory Committee (CAC) that is to be reflective of the communities that depend on the livelihood of a healthy bay, rather than stakeholders who are already part of the update process as participating jurisdictional decision makers or technical experts. There are concerns that the current Citizens Advisory Committee proposed by the County does not fully consider equitable and meaningful community representation.

There has not been an active CAC for the CBEMP, and the usage of groups such as the Partnership for Coastal Watersheds (PCW) for a fill-in CAC does not fulfill the requirements under CBEMP 1.5 as it is required to represent the broad geographical areas of the county and varied interests related to land use. The Partnership for Coastal Watersheds includes representatives from local governments already a key jurisdiction in the CBEMP update process with little community at-large representation. CBEMP 2.2 – 2.4 further discusses citizen involvement; it states that citizens “shall” have the opportunities and be involved in “all phases” of updating the CBEMP and implementing measures. And the CAC “shall aid ... staff..., as well as to voice concerns and/or support revisions and updates. initiated by the ... staff, before public hearings and determinations at the Planning Commission and Board of Commissioners level.” The plan lists code section 1.4, which further states that the CAC consists of 7 members



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of diverse profession backgrounds. As we discussed, an amendment process that includes the CAC looks drastically different from this current update process.

While there have been mentions of outreach to the public, this record does not contain any public notices, agendas demonstrating an opportunity to comment, published materials for any meeting, or any meeting minutes describing any comments. The available record lacks legislative history – testimony/comments from even the PCW, targeted outreach meetings to agencies, focus groups of experts, or even the “public open house” for the “broader community.” There is no record of public participation, let alone CAC engagement. There has been confusion from jurisdictions about the current timeline of the hearings process when Coos County shifted dates just two days before the initial Coos County Planning Commission public hearing. In direct correspondence with Coos County Planning Staff about communications of new dates, they would not do any other public outreach since they submitted the required public notice for the original dates. We urge all three jurisdictions to continue public outreach and send out updated notices for continued opportunities to testify.

We attach the [record index from one of the last minor amendments in 2018 that were appealed to LUBA](#) which demonstrates how this amendment should have been presented according to a plain reading of the plan and historical practice. It shows the CAC met a few times and the Planning Commission met several times to consider the amended language and the meeting packets and minutes of the meetings, including comments from the public made at those meetings, were included in the record. Again, we urge you to ask staff to correct this error and convene a series of meetings at which the planning commission and the public can be apprised and have the opportunity to comment upon all of the changes proposed for adoption. In total, the documents being adopted/amended include 1800 pages, some of which were amended in early May.

Tribal Sovereignty

Tribal governments and their representatives must be acknowledged as sovereign nations in legislative land use planning generally and especially in estuary planning like this one, including committees that we recommend such as the Citizens Advisory Committee, Adhoc Committee, and a Technical Advisory Committee rather than as a stakeholder. The inclusion of representatives from the Coquille Indian Tribe and Confederated Tribes of the Coos, Lower



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Umpqua, and Siuslaw Indians is critical for recognizing the value of Tribal sovereignty. Additionally, consultation with Tribal governments still needs to happen outside of these committee spaces. In each of the committees that are created, Indigenous wisdom should be recognized equitably alongside scientific wisdom as the Hanis Coos, Miluk Coos, and Coquille peoples are the original stewards of the Coos Bay estuary and have been since time immemorial. Concerns and comments from Tribal representatives should be uplifted and thoughtfully considered during update processes and the ongoing management of the CBEMP.

Port of Coos Bay Representation

There are serious concerns about the inclusion of the Port of Coos Bay on the CAC and various committees. It appears that the Port has been elevated to apparent equal status with the three land use regulating jurisdictions, and this is not legally correct and has not been explained. The staff has acknowledged that the Port is and has been a partner agency like other governmental agencies on the steering committee since adopting the CBEMP, begging the question of why it is being treated differently now. The Port of Coos Bay has no jurisdiction to enact land use regulations. The amendment appears to attempt to elevate “plans” developed by the Port into the CBEMP in some way. This would seem to run afoul of applicable state and local land use regulations. The jurisdictions do planning through their comprehensive plan and regulations. There should be no confusion or intended attempt to make operable current or future plans by the Port without the Port utilizing the application process. In addition, with the Port’s involvement with the passage of [HB 3382](#) and intent to submit one of the largest dredging applications in Oregon’s history, the Port should not be included on the prospective CAC. It should remain a coordinating agency only and have no elevated proprietary rights unless the community decides otherwise through the Phase 2 CBEMP update.

Clarity of Goals for the Phase 1 Update Process re: Management Units

As our previous comments discuss, there is a lack of clarity about what is being accomplished in the Phase 1 update. The goals of digitization and unification ahead of the Phase 2 significant amendment is great, but that is not what is proposed. It is stated that there are no zone designations that have been modified. One needs only a page through the document to see redlining in the management units.



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While the boundaries of the management units remain the same, there are numerous substantive management unit amendments to the allowed uses and activities.

It is said the units are being “edit[ed] ... to bring alignment between the jurisdictions.” This is an incorrect and erroneous exercise and is further discussed below. The point here is that what is being stated is that the management unit amendments are procedural, but that does not make them non-substantive when they are adding allowable uses and activities.

It is also unclear why the maps and data sources are being adopted when the matrices are not being updated, and it is said that Phase 2 will be when the substantive changes to the management units will occur. The maps and data source are not intended to be implemented, begging the question, why are they being adopted?

Turning back to the purpose of “alignment between jurisdictions,” as understood, the problem is characterized as landowners with land in more than one management unit deserving “consistency” in implementation. That can hardly be a problem, but it also does not reflect the intent and policy of the CBEMP. Each management unit is uniquely positioned in the estuary; each has different adjacent management unit use impacts. Thus, an amendment in one management unit may be justified under the applicable criteria does not mean that it would be justified in other similarly designated management units. It should be expected that through periodic review every ten years, those changes would be evaluated holistically and appropriate changes made in other jurisdictions’ management units where there is a public interest in doing so, not as a matter of rote application. This would be the work for Phase 2 as described to us. Any such reconciliation must demonstrate compliance with the Goals on a case-by-case or management unit-by-management unit basis. That is not presented here, so the “edits” to the management units for alignment should be rejected, outright.

Conclusion

In closing, the main takeaway should be that the commissions and the public need to understand what is being proposed and why. If only digitization and unification is the goal, neither the additional (already outdated maps), the “data source”, or any amendment to any management unit should be adopted. If more than that is what is proposed, the public needs to have its opportunities to be involved “in all phases” of updating the CBEMP. See current Section 2.4. This violation could be mitigated by doing now what should have been done earlier



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- convene public meetings and go through the proposal methodically. Otherwise, it should be rejected or modified to be an amendment that is not a minor amendment but is merely a codification/digitization of what was adopted in 1985.

We also want to reinforce that there needs to be a robust and equitable representation of the community on the Citizens Advisory Committee. Jurisdictions that already have a critical role in decision-making should also not be representing the various users that depend on a thriving Coos Bay Estuary. Our previous recommendations for a Citizens Advisory Committee, Technical Steering Committee, and Adhoc Steering Committee are listed below. Stakeholders such as the Port of Coos Bay should not hold committee roles that share a direct conflict of interest. While Tribal governments and their representatives need to be treated as sovereign nations, with meaningful Tribal consultation being an integral part of recognizing and uplifting concerns in regard to the CBEMP update.

Our recommendation for the makeup of a **Citizens Advisory Committee** include:

- 1- Community member at large representative appointed by Coos County Board of Commissioners
- 1- Community member at large representative appointed by Coos Bay City Council
- 1 -Community member at large representative appointed by North Bend City Council
- 1- Tribal community member at large representative appointed by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians
- 1- Tribal community member at large representative appointed by the Coquille Indian Tribe
- 1 - Commercial or sport fishing industry representative
- 1 - Aquaculture or seafood processing representative
- 1- Public health or social services representative
- 1- Recreation or tourism representative
- Representatives from rural communities, lower-income communities, communities of color, and youth should be prioritized

Our recommendation for the makeup of a **Technical Advisory Group** include:

- 1- representative from the South Slough National Estuarine Research Reserve
- 1- representative from the Coos Watershed Association
- 1- representative from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians Natural Resources staff



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- 1- Tribal government representative appointed by the Coquille Indian Tribe Natural Resource Staff
- Representatives from other academic institutions including Oregon Institute of Marine Biology and Southwestern Oregon Community College
- Representatives from other conservation organizations including the Partnership for Coastal Watersheds, Wild Rivers Land Trust, and Coast Range Forest Watch
- Representatives from fishing and aquaculture industry

Our recommendation for the makeup of an **Ad Hoc Steering Committee** include:

- 1- Tribal government representative appointed by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians
- 1- Tribal government representative appointed by the Coquille Indian Tribe
- 1- Coos Bay City Council representative
- 1- Coos Bay Planning Commission representative
- 1- North Bend City Council representative
- 1- North Bend Planning Commission representative
- 1- Coos County Board of Commissioners representative
- 1 - Coos County Planning Commission representative
- 1- Port of Coos Bay representative

Thank you for the opportunity to make a comment in the ongoing Coos Bay Estuary Management Plan process. We hope that the City of Coos Bay Planning Commission will advocate for a comprehensive update in the near future.

Sincerely,

Ashley Audycki
South Coast Regional Coordinator
Rogue Climate
ashley@rogueclimate.org