

October 4, 2023

TO: Chelsea Schnable, Coos Bay Planner and Derek Payne, North Bend Planner

Re: Comments on the Coos Bay Estuary Management Plan, Phase 1

I appreciate the effort you and others have made to work to update the current CBEMP and make it available for review and discussion. I look forward to being involved as the plans for a Phase 2 updated CBEMP are undertaken. Below I have included comments that I would like the Coos Bay and North Bend Councils to consider in developing the next steps towards implementing Phase 2 of the CBEMP process:

1. The Councils commit to a Phase 2 update of the CBEMP, actively seek funds to accomplish this task and set a deadline for the update to begin.
2. Moving forward, the Councils commit to establishing a Citizen Advisory Committee with a diverse membership with significant knowledge of the Coos Bay estuary.
3. Moving forward, the Councils commit to establishing a Technical Advisory Committee to ensure a thorough and scientific comprehensive process in revising and updating the CBEMP. The information provided in the maps generated by the Partnership for Coastal Watersheds is a significant step towards updating our knowledge of the estuary but is insufficient. Much of the data used for these maps is at least a decade old, or more in many instances. A Technical Advisory Committee would be able to provide updates on many of the information sources and ensure a robust, accurate document.
4. The Councils carefully consider the role of the staff or commissioners of the Port of Coos Bay on a steering committee or any other committees that the Councils should appoint. As you are well aware, the recent passage of HB3382 by the Oregon legislature has provided the Port the opportunity to request exception to Goal 16 of the land use regulations for deep draft navigation improvements. This clearly provides a conflict of interest in discussions of future designations of zoning and use of the estuary. It is important to ensure that the Port does not have undue influence on the next phase of the CBEMP process and it is inappropriate for the Port to be co-managers of a Phase 2 CBEMP process or have decision-making or voting authority on any other committees.

Finally, can you advise me as to how the two cities will coordinate their responses with the county on the details of the composition of the steering, citizen and technical committees that will be involved in the next phase of the CBEMP. In attending the county planning commission last week I observed that they plan a change to the language associated with these committees, but there was no discussion of how these changes would be coordinated with the cities.

Sincerely,
Jan Hodder, Ph.D.



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



Oregon Shores
Conservation Coalition



Rogue
Climate

October 20, 2023

TO: Coos Bay City Council

RE: Tribal consultation and engagement on the Coos Bay Estuary Management Plan

Thank you for the opportunity to provide joint comments on Phase 1 of the Coos Bay Estuary Management Plan (CBEMP) update, on behalf of Rogue Climate and Oregon Shores Conservation Coalition. This comment intends to seek clarification of the role of Tribal consultation and engagement, and recognition of Tribal sovereignty, in the CBEMP Phase 1 amendment.

During the most recent Coos County Planning Commission hearing on the CBEMP, held October 5, 2023, the Commission recommended language changes to section 2.1 (Plan Implementation) and 2.5 (Relationship to Other Plans) of Volume II, Part 2, to clarify the cities and county as the sole authorities to implement the CBEMP. The North Bend Planning Commission then voted to recommend the same language change to their City Council. We support the removal of the International Port of Coos Bay as a “co-manager” in this language amendment, because the Port has no regulatory authority by state statute to manage the CBEMP. However, we are concerned about the removal of the Coquille Indian Tribe and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians from these sections of the CBEMP, because such an omission may exclude the Tribes from appropriate consultation regarding the Coos Bay estuary’s unique natural and cultural resources.

To rectify this concern, overlooked in the plan amendments made by the County Planning Commission, we are suggesting the Coos Bay City Council adopt the following language changes to section 1.6 (Volume II, Part 1, Section 1, Page 11) and Baywide Policy # 18 (Volume II, Part 1, Section 4, Pages 52-53), colored in Red. These changes are intended to assure sufficient coordination and consultation with both Tribal governments in the long-term implementation of the CBEMP.

1.6 Agency, District and Tribal Involvement and Coordination

LCDC's Goal #2 requires county, cities, state and federal agencies, and special districts plans and land use actions to be consistent with the comprehensive plans of the cities and the county. Coordination between the county, cities, state and federal agencies and special districts, including the Port of Coos Bay will be an on-going process to generate consistent plans and ordinances as well as input.

To assure sufficient coordination with Coquille Indian Tribe and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, the Tribes, the Port of Coos Bay, the agencies and other special districts will be provided notice and at least a 30-day opportunity to comment prior to deeming any application (whether initiated by the County or Cities) for a plan amendment. In addition, the Tribes, the Port of Coos Bay, agencies, special districts and citizens, which may be affected by a land use decision in Coos County, are given an opportunity to respond to the land use request and/or plan amendment, either in writing or by oral testimony at a public hearing or work session.

The County has entered into and may enter into coordination and cooperative agreements with **the Tribes, the Port of Coos Bay**, special districts, cities, and agencies in order to comply with the policies of Goal 2 and ORS 197.015(5) **and in order to ensure that their needs are considered and resolve issues**. These documents are on record in the Coos County Courthouse.

Baywide Policy #18 Protection of Historical, Cultural, and Archaeological Sites

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site specific information about identified archaeological sites.

I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological, or historical site to determine whether the project as proposed would protect the cultural, archaeological, and historical values of the site.

II. **Before deeming a development proposal complete, the proposal**, when submitted, shall include a Site Plan Application, showing, at a minimum, all areas proposed for excavation, clearing, and construction within three (3) working days of receipt of the **Site Plan Application** development proposal, the local government shall notify the Coquille Indian Tribe and **the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians** in writing, together with a copy of the Site Plan Application and **development proposal**. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical, and archaeological values of the site or, if not, whether the project could be modified by appropriate measures to protect those values.

Additionally, our organizations are in support of the Coos County Planning Commission's recommendation to the Board of Commissioners to adopt a resolution supporting the full comprehensive Phase 2 update of the CBEMP and setting timeline goals for the completion of this future update. Specifically, we support the resolution under consideration by the cities of Coos Bay and North Bend, which includes a commitment to coordinate the update with all three jurisdictions (North Bend, Coos Bay, and Coos County), and pursue funding to complete the Phase 2 update in a timely manner. Importantly, this resolution, supported by the planning commissions of both cities, also incorporates a commitment to develop an inclusive public outreach program that includes a Citizen Advisory Committee, representative of the following stakeholders:

- Community members at-large, one appointed by each of the jurisdictions
- Tribal community members at-large, one appointed by each of the local Tribes
- Maritime industry
- Commercial or sport fishing industry
- Aquaculture or seafood processing industry
- Public health or social services industry
- Recreation or tourism industry
- Local businesses, generally
- Priority populations such as minorities, lower-income, and youth, etc.
- ***Conservation or environmental groups**

Note: Representatives of environmental and conservation groups are invaluable stakeholders to include in the Citizen Advisory Committee, as they offer unique expertise in restoration and conservation planning, in support of the objective of Goal 16: “to recognize and protect the unique environmental, economic, and social values of each estuary..to protect..and where appropriate restore the long term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.” We therefore strongly recommend conservation groups be added to the county’s version of the cities’ resolution.

AND a Technical Advisory Committee to provide feedback and inform the Phase 2 comprehensive planning process. This committee would include:

- Representation from the South Slough National Estuarine Research Reserve
- Representation from the Coos Watershed Association
- Representation from academic institutions such as Oregon Institute of Marine Biology and others
- Representation from conservation organizations such as the Partnership for Coastal Watersheds and others
- Tribal technical representation with expertise in traditional ecological knowledge or natural resource management
- State and federal agency scientists from relevant agencies such as DSL, ODFW, NOAA, DEQ, and EPA, etc.
- Land use planning professional(s)

Aligning this resolution between the cities and the county would ensure that there is consistency across jurisdictions in setting the stage for a deeper comprehensive update for Phase 2. We understand that this Phase 1 update is limited in scope, but there are concerns that without robust community representation that is reflective of the natural, cultural, and developmental uses of the Coos Bay estuary, crucial input may not be included in Phase 2. Without strengthening the CBEMP language regarding Tribal involvement and coordination, Tribal sovereignty may not be properly reflected in the adopted plan. Not only would this be inequitable, but it disregards the role indigenous people have played in stewarding the natural and cultural resources of Coos Bay since time immemorial. We strongly encourage the Coos Bay City Council to accept the suggested language proposed in this comment.

Sincerely,

Phillip Johnson, Conservation Director

Annie Merrill, Land Use Coordinator

Oregon Shores Conservation Coalition, Coos Bay

Ashley Audycki

South Coast Regional Coordinator

Rogue Climate, Coos Bay



DATE: October 23, 2023

TO: Coos County Board of Commissioners, Coos Bay City Council and North Bend City Council

FROM: Oregon International Port of Coos Bay

RE: File No. AM-22-005 Coos Bay Estuary Management Plan (Amendments proposed October 05, 2023 by Coos County Planning Commission)

This letter serves as testimony by the Oregon International Port of Coos Bay, in reference to amendments proposed by the Coos County Planning Commission on October 05, 2023. Specifically, Section 2.1 and 2.5 of Volume II, Part 2, to remove reference to the International Port of Coos Bay. Due to a very limited understanding and precipitous of the proposed changes and impacts, the Port strongly opposes the proposed amendments to Section 2.1 and 2.5 of Volume II, Part 2, to remove reference to the International Port of Coos Bay as written. We ask that Commissioners and Council Members consider the following:

1. From the Port's perspective, this is potentially a significant change to the CBEMP. Section 2.1 states: "...the cities, Port, and state and federal agencies will have the opportunity to respond to proposed Plan amendments and updates". The Port was not notified or consulted about these proposed amendments to the plan. The Port is trying to locate a copy of the Estuary Plan Joint Management Agreement from 1982, or any revisions to date. This will help current Port staff and Commissioners understand the original intent of sections 2.1 and 2.5.
2. The Port understands that the cities and county are responsible for approving land use decisions within their perspective jurisdiction, and sections 2.1 and 2.5 clearly state that it is the duty of the Cities and the County to implement the plan. However, the estuary is also within the Ports Authority and Jurisdiction, as defined in Oregon revised Statute 777. Sections 2.1 and 2.5 do not direct the Port to implement the CBEMP, instead, it requires the Port to be part of the coordination and planning for it.
3. The Port does not believe that the removal of the Port as a coordinating and managing entity is within the scope of the Phase 1 revisions (attached).

The Port has been involved with this update process as a member of the Partnership for Coastal Watersheds (PCW) and appreciates everyone's hard work and commitment towards making this a more user-friendly plan.

Best Regards,

A handwritten signature in blue ink, appearing to read "Mike Dunning", is written over a large, stylized blue scribble.

Mike Dunning
Chief Port Operations Officer
Oregon International Port of Coos Bay



Coos Bay Estuary Management Plan

Phase 1 Revision

The Coos Bay Estuary Management Plan (CBEMP) Phase 1 revision represents Coos County's first step towards improving the plan's ability to meet the needs of the communities and local governments encompassed by the plan. CBEMP Phase 1 revisions do not include any changes to zoning or management unit designations—those will be addressed in subsequent phases.

CBEMP Phase 1 revision components:

1) Improve plan usability

- Digitize and add hyperlinks
- Use clear headers
- Incorporate figures and tables

2) Update maps and inventory data with Map Atlas and Data Source

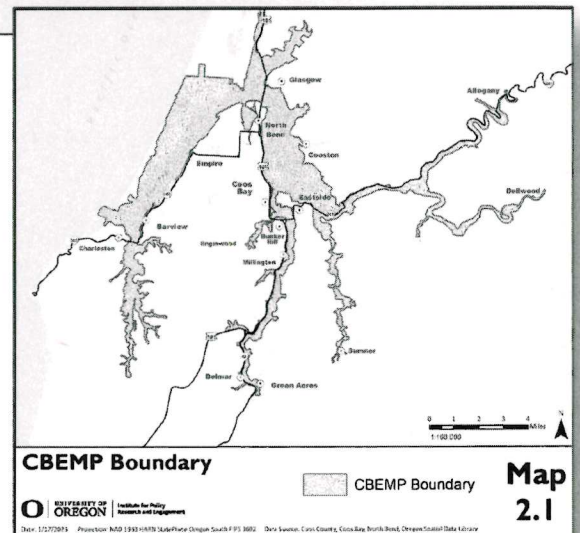
- Map Atlas: A series of maps and tables analyzing current natural resource, hazard, and socio-economic conditions and uses in the estuary and surrounding shorelands. In paper and digital formats.
- Data Source: An encyclopedic compilation of all available data describing the socioeconomic and environmental conditions in the Coos Bay area

3) Improve jurisdictional alignment

- Resolve management unit conflicts between county and cities
- Officially recognize need for diverse citizen involvement and multijurisdictional coordination

4) Update plan with current agency names, laws and regulations

- Correct typos
- Update agency titles
- Update definitions to reflect current regulations
- Amend references to reflect current state and federal laws and regulations



To review draft CBEMP Phase 1 updates go [HERE](#)

*Please send comments to Jill Rolfe, Coos County Community Development Director
planning@co.coos.or.us*

CBEMP Plan Revision Partners

- ***Lead Agency: Coos County***
- ***Technical assistance: University of Oregon's Institute for Policy, Research and Engagement***
- ***Community facilitation/funding: Partnership for Coastal Watersheds***



Partnership for
COASTAL
Watersheds



UNIVERSITY OF
OREGON

Institute for Policy
Research and Engagement



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD

October 23, 2023

TO: Cities of North Bend and Coos Bay and Coos County

FROM: Meg Reed, Coastal Policy Specialist

CC: Hui Rodomsky, South Coast Regional Representative
Lisa Phipps, Oregon Coastal Management Program Manager

RE: Role of Port District in Coos Bay Estuary Management Plan



The Coos Bay Estuary Management Plan (CBEMP) as currently adopted by Coos County, North Bend, and Coos Bay states the following in Section 2.1:

"The Coos Bay Estuary Management Plan shall be implemented by Coos County and by the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. Each of the cities will adopt those portions of the Plan which set forth the management objectives for management units which lie within that city's boundary. Each of the cities will also allow the uses and activities which are set forth in this Plan for these units and will adopt other policies and/or portions of this Plan when applicable. Coos County and the cities will adopt other implementation measures as determined necessary by each jurisdiction to carry out the intent of and to maintain this Plan. **A management agreement between Coos County, the Cities of North Bend and Coos Bay, and the Oregon International Port of Coos Bay will assure maintenance of a coordinated intergovernmental estuary Plan.** Coos County will assume the lead role for maintaining the Coos Bay Estuary Management Plan; the cities, Port, and state and federal agencies will have the opportunity to respond to proposed Plan amendments/updates." [emphasis added]

This language characterizes the relationship between the local government jurisdictions and the Port of Coos Bay through a management agreement and the opportunity for the Port to respond to any proposed plan amendments. This does not assign authority to the Port of Coos Bay to develop and adopt plan amendments to the CBEMP. A Special Districts Agreement was signed between Coos County and the Port of Coos Bay in 1991 which further operationalizes the cooperation in planning between these entities (as required by ORS 215.100).

At the time of initial adoption of the CBEMP (in 1984), it was the first time that any body would be regulated by local governments for activities taking place in the estuary boundary. The Port would be one of the bodies most impacted by the CBEMP regulations, so it made sense that the relationship between these entities was highlighted and operationalized.

The language change proposed by the local jurisdictions of the CBEMP with assistance from a consultant for the 2023 revision to the same section (2.1) was meant to expand participation in

plan amendments to include more entities. However, the text as proposed inadvertently created some confusion on authority to amend the plan. Below is the proposed revision:

“The Coos Bay Estuary Management Plan shall be implemented by Coos County and by the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. ~~Each of the cities will adopt these portions of the Plan which set forth the management objectives for management units which lie within that city’s boundary.~~ Each of the cities will also allow the uses and activities which are set forth in this Plan for these units. ~~and will adopt other policies and/or portions of this Plan when applicable.~~ Coos County and the cities will adopt other implementation measures as determined necessary by each jurisdiction to carry out the intent of and to maintain this Plan. A management agreement between Coos County, the Cities of North Bend and Coos Bay, ~~the Coquille Indian Tribal Council and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Council,~~ and the Oregon International Port of Coos Bay will assure maintenance of a coordinated intergovernmental estuary Plan. Coos County will assume the lead role for maintaining the Coos Bay Estuary Management Plan; ~~the cities, Tribes, and, Port, and state and federal agencies will have the opportunity to respond to proposed Plan amendments/updates. will co-manage the Plan with the County through a joint steering committee.~~ All proposed plan amendments and/or updates shall be reviewed by the joint steering committee, who shall make recommendations to County and City Planning Commissions to initiate required legislative amendment adoption processes.” [emphasis added]

The introduction of the term “co-manage” seems to imply a level of authority given to the Port and the two coastal Tribes which is not an accurate characterization. Only the cities and county have the authority to initiate and adopt plan amendments to the CBEMP (ORS 197). Therefore, DLCDC recommends that this section be amended to either 1) remove the Tribes and Port from this section completely, or 2) revise the language to make clear that the only entities that can initiate and adopt plan amendments to the CBEMP are Coos County, Coos Bay, and North Bend. Proposed plan amendments must be circulated for review by affected agencies and other interested parties as part of the post-acknowledgement plan amendment process, which would include the Tribes and Port.

CBEMP Section 2.4 Citizen Involvement lays out a process to include broad participation and coordination in plan amendments to the CBEMP through a Joint Steering Committee. The role and membership of this committee is described, which includes members from the Port, the Coquille Indian Tribe, and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, as well as members of the public. The committee is to serve as a coordinating body to put forth and discuss recommendations for revisions to the CBEMP that will then move to the Planning Commissions of the three regulating jurisdictions. The committee is meant to include multiple perspectives and to help ensure a consistent and unified plan.

To summarize, Section 2.1 should make clear the legal authority of the entities who can adopt plan amendments to the CBEMP and make explicit that this is a multi-jurisdictional plan that is meant to stay unified over time. Section 2.4 should outline the process to include multiple perspectives into any revisions to the CBEMP, including the prescribed membership of the Joint Steering Committee and how the process will move recommendations from the committee to the regulating jurisdictions.

CBEMP Testimony October 24, 2023 to Coos Bay City Council

I commend the City 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 40 years ago 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 cities of North Bend, Coos Bay, 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

The International Port of Coos Bay should be excluded from these committees as their involvement is a conflict of interest as their development record shows disregard for the many values and ecological services provide by a healthy estuary. Their only interest is for commerce and shipping, their primary tool is a dredge.

If we take a look at estuaries, the fact is, in general we as stewards of this estuary have taken it for granted. What we know today about estuaries, what they provide, how they work, has vastly changed in the last four decades, the age of the current CBEMP.

Some facts about functioning estuaries:

- Coastal wetlands, such as seagrass meadows, tidal marshes, and mangrove forests, have the ability to sequester organic carbon in their sediments over millennial time scales at rates 30–50-fold greater than the soils of terrestrial forests ([Duarte et al., 2013](#))
- Not only do they do this in-house from the plants that grow there, but they also sequester carbon from upstream runoff and from the ocean tides.

- An analysis of U.S. commercial fishery landings from 2000 through 2004 indicates that estuarine species comprised approximately 46% by weight and 68% by value of the commercial fish and shellfish landed nationwide. A similar analysis of U.S. recreational landings indicates that for the same time period estuarine species comprised approximately 80% of the fish harvested nationwide.
<https://spo.nmfs.noaa.gov/sites/default/files/TM90.pdf>
- Natural barriers to flooding, think sea-level rise, which is happening
- Pollutant filtration
- Recreation is built into having a vibrant ecological system, think of just the recreational fishing statistic mentioned.
- 85% of these tidal wetlands have been lost on the west coast, including Coos Bay
<https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0218558&type=printable>

These are values and conditions that have not been well addressed, certainly for the last hundred years, nor for the life of the current CBEMP. State land use planning Goal 1 is a first priority here, public involvement. Our elected leaders should be making sure that a robust advisory and technical committee be established for the complete revision of the Coos Bay Estuary Management Plan. We have a wide talent base of people in this community to assist in these committees, make use of them.

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
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Thank you for the opportunity to provide input today.

I am Christine Moffitt, and a resident of the city of Coos Bay

I have attended a number of the sessions on the EMP that were held in the later part of the last decade and have attended and read the transcripts from meetings held in the past year.

I am very glad to see the County and City Planning Teams addressing this much needed update process. So much more is known about estuaries in the time since this first plan was crafted. Sections that were defined mitigation and restoration were combined, and clearly the basis for these actions has changed substantially in the intervening years. The critical habitat requirements for fish and wildlife and the role of estuaries in carbon sequestration to mitigate climate change, and ocean acidification were all were poorly understood 40 years ago.

The articulated goal of this update was to provide information from the first plan in digitally available documents, and to correct names for agencies and other such editorial changes. In addition, the goal was to recombine these into one plan. I am glad to see that happen and thank all who worked hard to make that possible, especially the funding from DLCDC to the contractors to make it possible.

However, I want to caution that the updated information included in Part II is only a portion of the current information available regarding the condition and present uses of the estuary. The impetus for including that in this revision is the desire to integrate the Lands and Waterway Data Source and the Atlas from the efforts from 2014 – 2019. These reports and synthesis are important, but there is much more information that is relevant, especially since this was an effort that was paused due to Covid, the passing of a key leader, and the major discussions regarding the proposed development of a LNG terminal. This updated information provided in the 2014-19 process that is now proposed to be included needs to be examined, reviewed and further updated in a Phase 2 updated CBEMP. The Phase 2 process needs to be robust and carefully directed and driven by citizen based teams and supported by strong technical expertise and review. We have those resources in our grasp within this county.

I applaud that the County Planning Commission has edited out the proposed steering committee from these recommendations. Were this not omitted, the update would have created a major conflict of interest in

the interpretation and management of the plan. Indeed, as you are aware our Port of Coos Bay independently worked to gain a special authority to request an exception from the plan through the enactment of HB 3382. Moreover, inclusion of Tribal perspective that was not part of the original document is required by law as Tribal consultation throughout all of this process.

I totally support the language of creation of a Citizen Advisory Committee to guide a comprehensive and careful Phase 2 update, and this group needs to be expansive and diverse so that it represents our important seafood and fishing communities, tourism, recreation, scientific and natural resource expertise, and citizens in areas within and outside of city boundaries.

Equally important will be engaging a technical advisory committee to review and debate existing and future zoning. That advisory committee would represent some of the extensive expertise that is available within the area from local entities, and agencies. The technical advisory committee should include representatives with understanding of the traditional ecological knowledge of the estuary and its people. The committee should be knowledgeable and able to communicate key factors that are part of scientific and technical aspects of estuary management for the present and likely challenges in the future.