

Exhibit F: Comments received on draft Coos Bay Estuary Management Plan

Date Received	Form	First Name	Last Name	Representing	Topic	Map #	Comment	Response	Status
1/30/2023	letter	Ashley	Audycki	Rogue Climate	Citizen Advisory Committee		As we understand, the County's Citizen Advisory Committee has not been invited to participate in this process. Do you know why not? Does the County intend to include the Citizen Advisory Committee in this process before presenting the amendments to the County Planning Commissions?	The County's Citizen Advisory Committee is not currently formed/active.	No action
2/10/2023	email	Jan	Hodder		Citizen Advisory Committee		I would suggest that to ensure a robust public participation in updating the CBEMP the county could convene two committees: 1. an advisory committee with diverse knowledge of the plan's content areas, and 2. a smaller steering committee to direct and oversee the results.	Recommendation included in to modification of Policy #36, Plan Update.	Completed
2/14/2023	email	Donna	Bonetti		Citizen Advisory Committee		As you work to put together a Citizen's Advisory Council within state guidelines, I ask that you include representatives from the Confederated Tribes of the Coos, Lower Umpqua, and Suislaw Indians and also the Coquille Indian Tribe on the council. Other representatives should include scientists, commercial and recreational fishermen, shellfish aquaculture representatives, conservation/environmental advocates and the community at large. ... The goal of this committee should be to ensure the ecological viability of the bay, address the needs of the bay through climate change, and regulate the bay's natural, cultural and developmental uses for the health, protection and enjoyment of all.	Recommendation included in to modification of Policy #36, Plan Update.	Completed
2/17/2023	letter	Phillip	Johnson	Oregon Shores Conservation Coalition	Citizen Advisory Committee		recommend the CBEMP process emulate the Yaquina Bay EMP (for updating), with a steering committee of representatives of the local government, the port, Tribes and state agencies and a few at-large representatives of the public). The citizen advisory committee should aim to represent the interests of the community, with broad representation from key interest groups.	Phase 2 process may emulate Yaquina Bay EMP's process more closely.	Phase 2

2/17/2023	letter	Phillip	Johnson	Oregon Shores Conservation Coalition	Citizen Advisory Committee		A technical review committee should be established to continue working on the maps, with the goals of fully updating them with current information; assuring transparency as to the sources of the data; improving the clarity and detail of the information they convey; and obtaining peer review. As maps receive this type of review and are deemed fully up to date and accurate, they should substitute for the maps provisionally adopted in the current ("Phase 1") update, where they cover the same material, or be added. This committee should also consider traditional ecological knowledge (TEK) contributed by members of the Tribes whose traditional territories include the estuary.	Recommendation included into modification of Policy #36, Plan Update.	Completed
2/22/2023	feedback form	Jamie	Fereday		Citizen Advisory Committee		For citizen advisory group for GBEMP, provide input by science-based and proficient speakers to address the various aspects of estuarine values: transportation/shipping, fisheries nurseries, flood control/sea level rise management, pollution filtering, carbon sequestration (blue carbon), wildlife habitat, aquaculture, etc.	Recommendation included in to modification of Policy #36, Plan Update.	Phase 2
2/25/2023	email	Bill	Grill		Citizen Advisory Committee		Misguided thinking that somehow a multi-jurisdictional advisory panel can simplify future CBEMP amendment -- may be easier for staff... but not for plan amendment applicants	The intent of the multi-jurisdictional advisory committee is to ensure coordinated maintenance of the plan. This will not necessarily make it "easier" for plan amendment applicants in the short run, but will in the long run.	No action
3/15/2023	email	Ken	Bonetti		Citizen Advisory Committee		Establish a community advisory council that reflects not just government and Port Authority interests, but the broader interests and experiences of the community at large including Tribal citizens, recreation, fishing, aquaculture, conservation, environmental justice advocates, scientists and other community members. The greater community should comprise the bulk of the advisory council.	Recommendation included in to modification of Policy #36, Plan Update.	Phase 2

5/25/2023	email	Beverly	Segner		Citizen Advisory Committee		Commitment to expand Citizen Involvement: Creation of a Citizen Advisory Committee made up of citizens who are not representing government entities and agencies. There are "regular" folks interested in how we care for our coastal resources and can contribute to the CBEMP. We need and want to have seats at the table. Seeking representation from a broad base of the community will assure a well-developed plan.	No response at this time.	Phase 2
5/25/2023	email	Beverly	Segner		Citizen Advisory Committee		Creation of a Technical Advisory Committee so we can draw on the incredible expertise of our scientific community. I stand in awe of their knowledge, wisdom, and dedication to educating people like me who care about land use planning and its intent, but without them would know nothing about, for example, how dredging can impact a fishery.	No response at this time.	Phase 2
5/26/2023		Jan	Hodder		Citizen Advisory Committee		The joint CBEMP advisory committee, which will look at and make recommendations related to proposed plan amendments, is missing representation from a significant part of the Coos estuary and therefore should include a representative of the South Slough National Estuarine Research Reserve. The inclusion of a Port Authority member is unclear. This should be a member of the Port Commission, not a port staff member, reflecting the membership of all other government commissions suggested for this committee.	Change was made to recognize the Port Commission (vs. Authority). The Steering Committee is made up of governmental representatives, hence it is not appropriate to place a SSNERR representative on the committee (although appointed representatives may serve on the SSNERR).	Change made
5/26/2023	email	Rick	Eichstaedt		Citizen Advisory Committee		Any additional citizen, governance, or technical committees developed must include a Tribal representative.	Tribes have been included in the Steering Committee. The inclusion of the tribes during Phase 2 is recommended.	Change made

5/26/2023	email	Ashley	Audycki	Rogue Climate	Citizen Advisory Committee	<p>We understand that one of the core update elements of public engagement during this current phase is setting the stage for a comprehensive update is the structure of a Citizens Advisory committee as well as the creation of Technical Advisory Committee and Ad-Hoc Steering Committee. We strongly advocate for the makeup of these various committees to be reflective of the communities that depend on the livelihood of a healthy bay, rather than stakeholders who are already a part of the update process as participating jurisdictional decision makers.</p> <p>There are many local community members who have an expertise in relevant industries, including maritime, fishing (commercial and sport), recreation, conservation, tourism, aquaculture and many more. These are the types of expertise and lived experiences that need to be prioritized on this committee over the positions such as elected and appointed officials who are ultimate decision makers on the plan. Those decision-making entities should be included in the process via an Ad-Hoc Steering Committee with representatives from Tribal governments, planning commissions, city councils, and the Port of Coos Bay, not as participants on the Citizens Advisory Committee. The Citizens Advisory Committee should reflect the expertise and lived-experience of the community.</p>	This recommendation may be considered during the Public Engagement Plan design for Phase 2.	Phase 2
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5/26/2023	email	Ashley	Audycki	Rogue Climate			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.	This recommendation may be considered during the Public Engagement Plan design for Phase 2.	Phase 2
5/26/2023	email	Ashley	Audycki	Rogue Climate			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 • 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	This recommendation may be considered during the Public Engagement Plan design for Phase 2.	Phase 2

5/26/2023	email	Ashley	Audycki	Rogue Climate			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	The name of the Advisory committee was changed to "steering committee" for clarity. The makeup of this committee includes representatives from all three jurisdictions, both tribes, and the port (hence all applicable governing bodies).	Change made
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5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Citizen Advisory Committee	<p>...It is essential to the success of comprehensive Phase 2 planning that there be a true citizen advisory committee, and a critical feature of a true CAC is that it does <u>not</u> include official representatives of government entities. It should include representatives of various stakeholders and components of the community, to assure that all values and resources important to diverse groups within the community be considered. We therefore strongly urge that in addition to recommending a steering committee, the Phase 1 plan stipulate that a true CAC be organized to go forward with Phase 2 (and that this same approach be recommended for future major revisions). We recommend that its composition be as follows—at least one member each unless otherwise indicated: The fishing industry, both recreational and commercial; The seafood industry, including aquaculture and seafood processing; General local businesses; Tourism industry or commercial recreation businesses; Recreational interests; The scientific community (at least one, but ideally several with different areas of expertise, such as estuarine ecology, wildlife biology, and water quality/chemistry); The conservation/environmental community (at least one, but preferably one from a local organization and one from a statewide group); At least two tribal members, one from each of the tribes whose territory includes the Coos Bay watershed—but as individuals, not as official representatives of the tribal government (which would be represented on the steering committee); One Spanish-speaking member of the Hispanic/Latino community; Three citizens at large, one each appointed from the county and the two cities, but not employed by or otherwise with formal ties to the local governments.</p>	<p>For comprehensive plan updates, a Citizens Advisory Committee will be formed as per Policy #36. The recommendations herein for advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.</p>	Phase 2
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5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Citizen Advisory Committee		We further recommend that a third, technical advisory committee be organized immediately, as part of a transition to Phase 2. This committee would advise on the data underlying the maps (which need both improvement and continuous updating), and on other scientific, policy, and technical considerations. Section #36, Plan Update, speaks to the future need for “studies and projects” and “necessary research”—a technical committee, consisting of scientific experts (drawn from OIMB, SWOCC, SSNERR, OSU, the Partnership for Coastal Watersheds, etc., as well as Tribes) along with the relevant resource agencies) and people with land use planning experience, would help to guide the fulfillment of these needs.	The recommendations herein for advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Citizen Advisory Committee		An explicit statement about the composition of a CAC—and a technical committee—should be set forth in the CBEMP as it will exist after adoption of the Phase 1 draft.	Specific planning project parameters are not normally included into regulatory documents.	No action
5/26/2023	email	Nolan & Janice	Lloyd		Citizen Advisory Committee		Create a Citizen Advisory Committee. One of the most important things to me is to have the public involved in the process. The best way to ensure that we (the public) get a seat at the table is to create a citizen advisory committee with diverse representation from the community. This committee should include members from a broad reach of local people.	The recommendations herein for advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.	Phase 2
5/26/2023	email	Nolan & Janice	Lloyd		Citizen Advisory Committee		Include a Technical Advisory Committee to guide technical, scientific policy changes to the plan. This could include local experts such as scientists from OIMB, State Agencies, and members of the Partnership for Coastal Watersheds, for example.	The recommendations herein for technical advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.	Phase 2
5/26/2023	email	Steve	Miller		Citizen Advisory Committee		An advisory committee or committees fully representative of our diverse local interests associated with our estuary should be a strong feature of our EMP update. I also look forward to completion of the Phase 2 portion of the update as well, which will provide Coos County and its citizens a fully updated CBEMP that will enable us to confidently plan, with good information and guidance, the future use and protection of our Coos Bay estuary by the people who live by, enjoy, and benefit from it.	The recommendations herein for advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.	Phase 2

5/26/2023	email	Donna	Bonetti		Citizen Advisory Committee		<p>Please increase stakeholder and citizen participation in guiding the comprehensive Phase 2 update of the CBEMP by creating a citizen advisory committee and technical advisory committee for this short-term update process. A much more 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, a governmental body with development interests that often conflict with the interests of the citizens. 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:</p> <ul style="list-style-type: none"> o The fishing industry, both recreational and commercial o The seafood industry, including aquaculture and seafood processing o Local businesses broadly o Tourism industry or commercial recreation businesses o Recreational interests o The scientific community o The conservation/environmental community o 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 o 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, especially those with experience or expertise in water issues. 	<p>The recommendations herein for advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.</p>	Phase 2
5/26/2023	email	Donna	Bonetti		Citizen Advisory Committee		<p>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, NOAA and state agencies.</p>	<p>The recommendations herein for technical advisory committee representation can be part of the development of the Phase 2 Public Engagement Plan.</p>	Phase 2

5/26/2023	email	Larry	Basch		Citizen Advisory Committee		The county is mandated to increase stakeholder and citizen participation in guiding the comprehensive Phase 2 update of the CBEMP by creating a technical advisory committee and citizen advisory committee for this short-term update process. These committees would be outlined in part 1, section 2 of the plan: Citizen Involvement.	No response needed at this time.	Phase 2
3/14/2023	stickies on map				mapping	3.1	Dark green "agricultural" should be forest surrounding SSNERR.	Fixed. Lands marked F are now denoted as "Forested," lands marked EFU are denoted as "Agricultural."	Completed
3/14/2023	stickies on map				mapping	3.1	Jetty area -- "recreation" is not primary zone.	The data we have shows the areas south and north of the Jetty as recreation including the ocean side of the North Spit.	No action
3/14/2023	stickies on map				mapping	3.1	"Employment" is an odd category.	"Employment" correlates to statewide planning goal definitions.	No action
2/27/2023	feedback form		(blank)		mapping	3.1-3.3, 4.1-4.3	Always fun comparing neighborhoods I'm familiar with, like home and work, to see how they show up in mapping.	No change requested.	No action
2/19/2023	letter	Beverly	Segner		mapping	3.2	Difficult to discern areas designated as conservation, development or natural.	Changed legend to differentiate conservation, natural, development by color and shoreland by stippled overlay.	Completed
3/14/2023	stickies on map				mapping	3.2	Probably on a legend somewhere, but categories should be defined for the public on the map, to avoid future confusion.	no change made to map at this point. Definitions are in the CBEMP itself.	No action
3/14/2023	stickies on map				mapping	3.3	Why is this called "resource"? It's a residential area (Pidgeon Point).	The parcels in question are tidelands and forested parcels that have PCLS codes of 6 (Tidelands) and 640 (Forest) (from tax assessor PCLS designation).	No action

2/19/2023	letter	Beverly	Segner		mapping	4.1, 5.6, 5.11, 5.12, 5.14	Color schemes are too similar in color, making it near-impossible to distinguish key resources or features on the landscape.	4.1 There are two categories. No change made. 5.6 No change made. 5.11-14 Need more information on concerns colors. An online viewer will allow user to hover over specific designations to learn more about them.	Refer to on-line viewer
3/14/2023	stickies on map				mapping	4.3	Not South Slough (ask Jenni).	Not enough information.	No action
2/27/2023	feedback form		(blank)		mapping	4.5	I did not realize how much of the North Spit is federal. Interesting mix with private and port facilities, including HazMat storage.	No response needed.	No action
2/27/2023	feedback form		(blank)		mapping	4.8	Employment density has oddly circular shapes -- artifacts of density/radius?	Yes, the employment density is intentionally obscured do to the nature of the data.	No action
3/14/2023	stickies on map				mapping	4.8	Does the North Spit have <100 including the railroad area?	Yes, according to the data the North Spit has fewer than 100 employees per Square Mile.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	5.1a	In addition to eelgrass, this map should also designate herring spawning regions of the bay. Known occurrences are in the Fossil Point and Pidgeon Point areas but there may be other locations that I am not familiar with.	Will need data if it is to be included. To be considered in Phase 2.	Phase 2
2/27/2023	feedback form		(blank)		mapping	5.1a, 5.1b	Eelgrass is good -- would like to see seagrass too (critical for crab populations).	Will need data if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	The seagrass extent at the Fossil Point/Barview area is substantially under represented. This is a very low intertidal and mostly shallow subtidal bed which is likely underrepresented by remote sensing.	No other data source exists. May want to include a message on the map identifying that the eelgrass/sea grass beds are not static.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	Given the dynamic nature of seagrasses, it is advisable to include a date on the legend of the map.	A date is included for the map. Have revised the data credits to indicate the date of the data.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	The seagrass bed to the east of the dredge spoils islands in the upper bay has a very linear boundary, suggesting a stitching error.	No response needed.	No action

3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	The seagrass beds in the Barview area contain multiple species of seagrasses. At least 3 species are present in areas of rocky substrate.	No response needed.	No action
3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	The rock substrate in the lower bay is a very unusual habitat type in this estuary. For example, it is the only intertidal area of the estuary that supports rock drilling species such as Piddock clams.	No response needed.	No action.
3/14/2023	feedback form	Mike	Graybill		mapping	5.1a, 5.1b	The legend identifies snowy plover habitat. The area mapped is the current area occupied/managed for snowy plovers. This area is a fragment of the historic area/habitat used by this species. The map should/could identify other areas historically used by this species before it was pushed to the current endangered species status. It may be of value to consult with the Snowy Plover Recovery Plan to include a data layer more reflective of how this species may reoccupy former habitat during the next 40 years.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1b	EDNA information that S. Slough has compiled indicates there are additional lamprey species in the Coos system.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1b	There is an additional harbor seal haul-out in the oyster lease area north and east of the dredge spoil islands in the upper bay.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.1b	Are the lines indicative of the adult phase of the fish or do they include juvenile rearing areas?	Will need to review data to answer authoritatively. Will provide a link to the dataset.	
3/14/2023	feedback form	Mike	Graybill		mapping	5.1b	Should unique estuarine species be included in this type of map? E.g., bay pipe, starry flounder? Orca use of the estuary on a seasonal basis up to the Marshfield Channel?	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
2/20/2023	email	Michelle	McMullin	NOAA Federal	mapping	5.1b	Designated critical habitat for the southern distinct population segment of green sturgeon extends further than what is depicted on Map 5.1b. Refer to 74 FR 52300. Consider depicting areas of designated critical habitat for ESA-listed species on the Species maps or on separate maps. Another natural resources related law applicable to the Coos Bay area is the Magnuson-Stevens Conservation and Management Act that details Essential Fish Habitat for managed fisheries.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2

3/14/2023	feedback form	Mike	Graybill		mapping	5.2	North Slough, Haynes Inlet, and the tide flats in the upper main body of the estuary support softshell and bent nose clams.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.2	Dungeness crabs are harvested by recreational fishers in the North Bend portion of the bay near Roseburg terminal.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.2	The area of rock bottom in the Barview district includes very high densities of rock boring clams, which do not appear in the map.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.2	I understand that the tide flats to the east of the dredge spoil islands in the upper bay have commercial oyster lease areas. The Coos Bay Geographic Response Plan indicates the presence of shellfish beds in this portion of the bay. DEQ supports the Geographic Response Plan for this estuary.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.2	The subtidal portion of the South Slough inlet in the vicinity of the Charleston Bridge has been an area used by commercial clam divers. I'm told the substrate in the bottom of that portion of the inlet south of the Charleston Bridge is a shell bottom. This may be the only shell bottom habitat in the entire estuary.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.3, 5.6	The shapefile for the CBEMP boundary does not correspond with the western shoreline of the North Spit.	Map modification made.	Completed
3/14/2023	feedback form	Mike	Graybill		mapping	5.3, 5.6	The legend does not indicate what the green boundary lines are (municipal boundaries?).	Map modification made.	Completed
3/14/2023	feedback form	Mike	Graybill		mapping	5.3, 5.6	The fact that the mapped flood zones outside the CBEMP boundary are contiguous with those inside the CBEMP boundary suggests that the upper extent of the CBEMP boundaries have been prematurely truncated in many of the primary inlets of the estuary (e.g., Cooston, Haynes, N. Slough). Revision should adjust the CBEMP to reflect contiguous areas within the 100-year flood zone that abut the CBEMP boundary. Large expanses of the estuary are either permanently flooded or intertidal areas that are flooded on a daily, monthly or seasonal/annual basis yet they are mapped as 1% chance of flooding (e.g., 1 x every 100 years). This map would be more informative to map permanently flooded or regularly flooded areas as distinct from areas subject to 1% and 0.2% chance.	There was a decision made in the 1980s to not include sources of riverine flooding in the boundary of shoreline units.	No action

3/14/2023	feedback form	Mike	Graybill		mapping	5.3, 5.6	I presume this is a very incomplete data set for the 0.2% chance flood zone as virtually no areas in this category appear in these maps.	Confirmed that we have the most updated flood shapefile.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	5.3	The flood map (Map 5.3) shows areas of the State Parks ocean shore within the 100-year flood zone but these areas are not mapped in the 2100 sea level rise area. The inundation areas in the upper reaches of the primary tidal inlets are also indicative of the fact that the upper limits of the CBEMP boundary artificially truncate the actual extent of the estuary.	The dataset is built off of other data and will not match.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	5.3	Are the colors wrong on this map? If not, it needs a total revision. The green in S. Slough? What is the definition of a "beach." How does it differ from a mudflat? The area from Pigeon Point to Sitka Dock is an estuarine intertidal.	Wrong map identifier.	No action
3/14/2023	stickies on map				mapping	5.5	may be better to show this slope layer with topo lines instead?	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	stickies on map				mapping	5.6	Please add hatch-marks to wetland areas that are used for agriculture.	Do not have this information.	No action
3/14/2023	stickies on map				mapping	5.6	It would be useful to have a separate agriculture layer.	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
2/27/2023	feedback form				mapping	5.6, 5.8, 5.9	Always nice to see possible impacts of life on the shoreline.	No response needed.	No action
2/22/2023	feedback form	Jamie	Fereday		mapping	5.6-5.7	Wetland inventories should not be used as this data seems outdated. In contrast, the CMECS Aquatic Biotic, restoration and tidal LMZ prioritation (5.11, 5.12 6.2, 6.3) should be used to address CBEMP data gaps here and be instrumental in redrawing the boundaries of the development zones.	LWI map removed/number reserved for future if new data source available. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.7	This map is an incomplete characterization of local wetlands. So few areas within the local planning area have been subject to inventory.	Noted. LWI removed. Refer to CMECS maps and 5.6 NWI.	Map removed

2/27/2023	feedback form	Win	McLaughlin		mapping	5.8	Sea level rise is against baseline -> this doesn't work well on the Oregon coast because of rapid (geologically speaking) uplift! Uplift is fast enough to counter much of projected sea level rise. Likewise issue with Tsunami map: it depends on tsunami source.... Cascadia megathrust earthquake would also drop coast down 1-5 meters elevation, making tsunami impacts very different. Liquefaction also needs to be accounted for with several hazard maps!	These maps are not intended to be comprehensive. The mapping is provided by DOGAMI and NOAA. SLR projections are updated in 2022. The 2 foot increase is expected in 2100. The data atlas may not be updated to reflect the new information but this map is updated with text that confirms the date of the expected 2 foot SLR.	Map updated
3/14/2023	feedback form	Jan	Hodder		mapping	5.8, 5.9	The filled land area at the confluence of Isthmus Slough and the Marshfield Channel does not indicate impact/innundation on Map 5.8 or 5.9 (tsunami). If the airport is likely subject to flooding/innundation by a 6' increase in sea level or a small tsunami, it is likely (IMO) that the filled lands at the mouth of Isthmus Slough would also be a candidate site for innundation by either sea level rise or a tsunami.	No response needed.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	5.10	Additions to this map: Tribal property, kayak launches. Should title reflect this covers designated recreation areas?	Will need data source if it is to be included. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Jan	Hodder		mapping	5.12, 5.13	The blue colors ... are indistinguishable. Maybe make a series of maps. Local inventories would be helpful to designate the data layers.	Map modification made.	Maps modified
3/14/2023	feedback form	Jan	Hodder		mapping	5.12, 5.13	Need for ground truthing to make this map very useful for planning purposes.	Phase 2 work program.	Phase 2
3/14/2023	feedback form	Mike	Graybill		mapping	5.13	Several dredge deposit areas are not shown: Charleston Marina, Apco 1 & 2, Barview wayside, east side fill at mouth of Isthmus Slough, dredge spoil islands in upper and lower bays, Clam Island bay, north of Coos River on E. Bay Drive, among others.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2
2/19/2023	letter	Beverly	Segner		mapping	5.14	The CMECS Geological Substrate map (5.14) does not denote any bedrock associated with the navigation channel, which has been reported to have been encountered during the last channel deepening from 35' to 37'.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2

3/14/2023	feedback form	Jan	Hodder		mapping	5.14	The bedrock in the lower bay is not mapped. This is very important as any dredging to deepen the navigation channel will have to remove bedrock. A data source for this feature is available from the Army Corps of Engineers and the FERC EIS for the JCEP project.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Jan	Hodder		mapping	5.14	I think the channel bottom S. of the Charleston Bridge is shell substrate -- not shown on map.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2
3/14/2023	feedback form	Jan	Hodder		mapping	5.14	color palate needs work!	Map modification made.	Map modified
3/14/2023	feedback form	Jan	Hodder		mapping	5.14	The North Spit needs data filling in the sand palate.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2
3/14/2023	stickies on map				mapping	5.14	Surveys relating to the late 1990s dredging of the lower bay from 35' to 37' encountered bedrock in various locations. Survey by the Jordan Cove Energy Project's proposed "navigation reliability improvements" (a dredging project) identified the locations and depths below the soft sediment overlying it.	Updates to CMECS will need to be made separate from this process. To be considered in Phase 2.	Phase 2
3/14/2023	stickies on map				mapping	6.4	Green dots on green is hard to see.	Map modification made.	Map modified
2/21/2023	email	Christine	Moffitt		mapping	all	My review of the most recent maps has been difficult as I found that there were no details as to the data they were based on and the dates of these data.	Map modification made.	Map modified
2/21/2023	email	Christine	Moffitt		mapping	all	Many of the colors used in several maps to delineate categories or regions provided no clear resolution as they were not discernable in shades of grey or brown or other colors. These problems in output layers are unacceptable and must be corrected.	Map modification made.	Maps modified. Further changes in Phase 2.

2/19/2023	letter	Beverly	Segner		mapping	all	The state of the maps proposed for incorporation into the plan is inadequate at present. In some cases, the data on which they are based is outdated (2015) and it is unclear how, when, and by whom the data was collected. We suggest that such information be provided as meta-data within the document, to ensure full transparency and allow gaps in information to be clearly identified in future planning efforts. Additionally, many of the maps are difficult to read or insufficiently detailed.	Data cited on maps is updated. Data Atlas contains more elaborate reference. Only "active" layers on maps are sourced (not base layers).	Maps modified
2/19/2023	letter	Beverly	Segner		mapping	all	These maps should be peer-reviewed by a technical advisory board and resource inventories should be ground-truthed before they are adopted as a final document.	Maps are inventory and are not regulatory in nature, with the exception of the Management Unit Classifications (Plan Maps).	No action at this time. Further review in Phase 2.
2/19/2023	letter	Beverly	Segner		mapping	all	These maps should be adapted in the future to include data collected from multiple state agencies and ultimately integrated into a user-friendly GIS platform, on which data layers can be used to align management units on top of resource inventories.	Service under creation by DLCD.	In progress
2/19/2023	letter	Beverly	Segner		mapping	all	All metrics should have a definition and units, and the source and year of data collection should be clearly indicated in the map legend.	Legends have been updated with year and source.	Maps modified
2/19/2023	letter	Beverly	Segner		mapping	all	maps of dynamic habitat and species of concern should be as recent as possible and updated frequently.	Phase 2 work program.	Phase 2
2/19/2023	letter	Beverly	Segner		mapping	all	recommend using "maximum observed extent" eelgrass layer, offered from PMEP, which reflects the historical and average eelgrass distribution over time.	Added PMEP data to the map. Generally all areas were covered but this new layer adds a few areas adjacent to already mapped regions.	Maps modified
1/7/2023	feedback form	Jenni	Schmidt		mapping	all	update .gdb with edits for newly updated maps, make available on some public website. Add UO (Sutherland) bathymetry/lidar layer to .gdb and contour maps	Check with County/PCW for additional mapping.	No change
2/22/2023	feedback form	Joanna	Lyle		mapping	all	Link to geodatabase? Layer labels are unclear/nonspecific. It would be useful to know specifics! Data sources/references should be included too. (Map 5.8 is a good example.)	Data source and references added where possible.	Maps modified

3/14/2023	feedback form	Jan	Hodder		mapping	M2	I do not see a corresponding information for this map in the Atlas.	The atlas does not include the M maps.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	M2	Suggestions for updates are needed as this map has very little value. Additions could include trail access, boat ramps, piers and docks.	This map is a replica of the 1980s map. The other (non-M) maps contain updates.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	M2	In addition to the heron rookery there is now an egret nesting rookery on the east side of the Charleston Bridge. Other colonial nesters (e.g., eagle nesting sites) may also occur and should be included within the CBEMP boundary.	This map is a replica of the 1980s map. The other (non-M) maps contain updates.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	M5	Consider adding the spoil islands in upper Coos Bay adjacent to the Mill Casino as potential restoration sites.	This map is a replica of the 1980s map. The other (non-M) maps contain updates.	No action
3/14/2023	feedback form	Jan	Hodder		mapping	Restoration sites inventory	How will the data on this map be reconciled with the M5 Mitigation Sites map?	The M5 map is the existing replica of the mylar. The restoration sites map is intended to provide updates and could be used in future phases.	Phase 2
3/14/2023	feedback form	Jan	Hodder		mapping	Sea level rise	To make the map easier to read it would be helpful to have more distinct colors for the four scenarios.	Color palettes modified.	Map modified
2/17/2023	letter via email	Courtney	Krossman	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	mapping	all	Some maps included in the Phase I revision are would already be considered out of date; it is especially important that inventories and data for culturally significant and sensitive species, including, but not limited to, eelgrass, triangle sedge, and razor clams, are updated in a manner that reflects current conditions poor data will yield poor decision making.	Additional maps and data can be included in future phases of the project.	Phase 2
1/30/2023	letter	Ashley	Audycki	Rogue Climate	mapping		We understand that the maps have not been incorporated into the matrixes,and the matrices have not been updated/amended. Please confirm. Why are they in the amendment file if they have not been amended? How will the updated the maps affect them if they are not updated?	Future phase will consider updating management units including the matrices. Existing management units rely on the matrices as developed.	Phase 2

1/30/2023	letter	Ashley	Audycki	Rogue Climate	mapping		Is there a reason the Coos Estuary and Shoreland Map Atlas (included in the AM19-03 file) are not included in the AM22-05 file?	Website fixed to include Atlas.	Website modified
2/25/2023	email	Bill	Grill		mapping		Obvious mapping errors (North Bend School District off by half a mile, several maps without Coos Bay UGB) shows lack of attention to detail. What other errors are there in the maps and detail being circulated? "If at some point, revisions are to be brought forward to Goal 16 or 17 inventory data... such as any proposed modification to a Goal 16 eel grass bed or major marsh (as examples)... the consequences could be potentially catastrophic to LCDC-acknowledged planning and zoning designations and even to the North Spit development exceptions that withstood a vigorous challenge before the Oregon Court of Appeals."	School District area dates to 2019. Additional data will be considered in future phases including revisions of maps, etc.	Phase 2
2/19/2023	letter	Beverly	Segner		mapping		The current, time-constrained update process falls far short of meeting Goal 1 requirements of the statewide land use planning system	Additional time and opportunity for review and comment offered.	Public comment period extended
2/22/2023	feedback form	Jamie	Fereday		mapping		why are some obvious tidal areas, such as Ross Slough, outside the CBEMP? Several other tidal zones not included	Will need data source if it is to be included. To be considered in Phase 2.	Need data....
2/21/2023	feedback form	Steve	Skinner		mapping		CBEMP boundary/study area boundary -- needs bright color boundary lines or different notable shading colors within boundary lines, so one can see the actual area being looked at.	Map modification made.	Map modified
2/21/2023	feedback form	Steve	Skinner		mapping		Substrate map: is virtually useless in current format. Impossible to detect all those shadings.	Map modification made.	Map modified
2/21/2023	feedback form	Steve	Skinner		mapping		Tsunami Map: maybe scientifically correct, but is useless as depicted. Should show the result of tsunami wave(s) of varying heights coming straight over North Spit ponds (lowest point) and into Bay, e.g., 100+ feet/worst case scenario, 50 feet, 20 feet, etc.	Data is as provided by DOGAMI.	No action
2/21/2023	feedback form	Steve	Skinner		mapping		Landslide Risk Map: doesn't show any risk along Highway 101 in North Bend where there is a known high-risk slide area.	Data is as provided by DOGAMI.	No action
2/21/2023	feedback form	Steve	Skinner		mapping		Wetlands map: seems incomplete. I would cite Willanch Slough as an example.	LWI map removed (for Phase 2). NWI map is based upon DSL layer.	Phase 2

2/21/2023	feedback form	Steve	Skinner		mapping	Wetlands map: doesn't show Empire Lakes area which includes wetlands all around the upper lake in particular, as well as wetlands between Acherman and Morrison extending west from Morrison... all of which drain into Chichras (sp?) Creek which empties into the Bay.	Outside of study area.	No action
2/21/2023	feedback form	Steve	Skinner		mapping	Economic Zones map: still list Georgia-Pacific, but does not list Airport Business Park.	Economic Zones were not updated in Phase 1. Could be revisited in Phase 2.	Phase 2
2/21/2023	feedback form	Steve	Skinner		mapping	Estuary Features map: shows Airport boat launch which will probably never be accessible again and also shows a commercial boat launch at Virginia Sreet and Pony Slough which does not, to my knowledge, exist.	To be considered with future phases.	Phase 2
2/21/2023	feedback form	Steve	Skinner		mapping	Toxic Sites map: Didn't see one. Known sites are Sitka mill to south and Georgia Pacific area (a dead zone), but I know there is another site not listed which is where the giant Cape Arago Mill sat on Empire between Newmark and running several blocks north to the bluff. You can see "ooze" around low tide.	To be considered with future phases.	Phase 2
2/21/2023	feedback form	Steve	Skinner		mapping	Historic Reference map: Didn't see one. Would be useful and helpful to public to see map(s) of what the estuary looked like prior to 1850, then 1900, 1950...	If the data exists these maps can be included in future phases.	Phase 2
2/21/2023	feedback form	Steve	Skinner		mapping	Maps: maybe too many; were school districts and employment maps really relevant?	To be considered with future phases.	Phase 2
2/17/2023	letter	Phillip	Johnson	Oregon Shores Conservation Coalition	mapping	Maps: The maps are much improved, and we appreciate your willingness to prolong the adoption timeline to ensure the maps are higher resolution, more transparent about data sources, and contain all necessary background information. However, an online GIS map-viewer that allows users to layer data information (MUs on top of biotic resources, for example) is still not posted on the county website. We recommend such a spatial tool be incorporated for the Phase 2 update.	To be considered with future phases.	Phase 2

5/26/2023	email	Steve	Miller		mapping		I would urge that updated biological survey data be incorporated to represent the most current condition of various aspects of Coos Bay's estuarine life and habitat. Using so much data sourced from 2015 would not appear to provide an adequate appraisal of those resources for the purpose of this update.	To be considered with future phases.	Phase 2
1/30/2023	letter	Ashley	Audycki	Rogue Climate	definitions		Please provide citations to the state or federal laws that are the source of the proposed amendments to four definitions.	Citations added in Revisions memo.	Revisions memo
2/17/2023	email	Gabrielle	Bratt	Coquille Indian Tribe	definitions		CBEMP Part 1: a few of the definitions like "archaeological resources", "natural" and "natural resources" could definitely use some updating. But again, I'm not sure if this would be a now-update or a later one. At the very least, I think where the "natural resources" definition has the phrase "usefulness to man" should become more gender-neutral.	Natural resource definition amended as recommended.	Change made
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	definitions		Definitions: Temporary Alterations: The definition of temporary alterations is not consistent with the DSL definition, which could cause inefficiencies in the usability of the plan/permitting process. According to the DSL removal-fill guide, "Temporary impacts are defined as those that are rectified within 24 months of initiating the impact," as opposed to the three-year definition provided in the current CBEMP. This is an important distinction, and we suggest deferring to the DSL definition to standardize.	To be considered with future phases.	Phase 2
2/20/2023	email	Michelle	McMullin	NOAA Federal	Phase 2		I agree that phase 2 will be a worthwhile endeavor given that much of the plan was developed prior to Endangered Species Act listing of anadromous fish species that are present in the Coos Bay estuary and also prior to designation of critical habitat of those species.	No response needed at this time.	No action

2/17/2023	letter via email	Courtney	Krossman	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Phase 2		There are other maps that are not included in the Phase I Revision that, in the Tribe's view, should be updated, including cultural resource inventories.	Phase 2 work program.	Phase 2
2/25/2023	email	Bill	Grill		Phase 2		"The cost in dollars, staff time and local official time far exceeds the benefit of even tinkering with the acknowledged plan. At best there is little to benefit from the effort underway and at worst, hard-fought decisions to allow limited development of the North Spit can fall jeopardy to potential inventory changes affecting estuarine management units and shoreland goal exceptions."	40 years of change (environmental, social, economic, and cultural) need to be acknowledged and reflected in the CBEMP. No changes in Phase 1 to North Spit development potential.	No action
2/19/2023	letter	Beverly	Segner		Phase 2		Phase 1, focusing on modernizing the format, making technical changes, and updating the maps, constitutes an acceptable scope for a first step -- so long as it is clearly understood to be the preliminary to a complete revision of the plan.	No response needed at this time.	No action
2/17/2023	letter	Phillip	Johnson	Oregon Shores Conservation Coalition	Phase 2		We request that the local jurisdictions explicitly commit to continuing the planning process, now that these initial, technical changes have been dealt with. We would suggest that the changes now under consideration in "Phase 1" be clearly recognized as simply the first steps in an essential, comprehensive EMP review, update, and full revision. Standing alone, the "Phase 1" revisions are not adequate to address the inefficiencies in the EMP implementation and the challenges of the climate crisis.	No response needed at this time.	Phase 2
2/17/2023	email	Gabrielle	Bratt	Coquille Indian Tribe	Phase 2		There is definitely room for improvement when it comes to cultural/archaeological resources, Tribal engagement and interest in not only those cultural sites but also educational outreach, natural resources projects like watershed restoration, etc. But again, these seem to be larger-scale updates that will happen in Phase 2.	No response needed at this time.	Phase 2

3/15/2023	email	Ken	Bonetti		Phase 2		Ensure a comprehensive update and timeline to address climate change adaptations and establish climate justice imperatives.	No response needed at this time.	Phase 2
2/27/2023	feedback form	Donna	Bonetti		Phase 2		Dredging the bay for a port would damage sensitive wetlands and water for fisheries. When and where is the airport going to move? It is not a question of if but when and where. I suggest somewhere near the Bandon Golf Course. Maybe soon!	No response needed at this time.	Phase 2
2/27/2023	feedback form	Ken	Bonetti		Phase 2		It's clear from the map a large port facility and dredging would damage many aquatic plant areas, clams, and oyster beds along the North Spit to Jordan Cove. Construction would do a lot of damage and resulting large ship traffic plus large industrial port facilities and pollution would finish off what is left of sensitive sea and estuary life.	No response needed at this time.	Phase 2
1/30/2023	letter	Ashley	Audycki	Rogue Climate	Phase 2		What is the specific reason the more recent work by the Institute for Policy Research and Engagement developing the Coos Bay Coastal Hazard Vulnerability Assessment and Adaptation Plan, the Coos Bay Climate Hazards Adaption Plan, and relevant hazards mapping is not being included in this phase 1 amendment? As you know, they recommend adopting a sea level rise/flooding overlay in the zoning codes and urge the adoption of a regulation that prohibits maladaptive development in flood areas. If it will be taken up in Phase 2, have you been told when that will start?	No response needed at this time.	Phase 2
5/25/2023	email	Beverly	Segner		Phase 2		Commitment to a comprehensive Phase 2: Resources need to be accessed and allocated for this process. We have made a great start. It is vital that we keep going.	Commitment of resources will be at the discretion of the County Commission and/or City Councils.	Phase 2
5/25/2023	email	Beverly	Segner		Tribal Sovereignty		... including a section about Tribal Sovereignty as it relates to the CBEMP is important.	This could be part of the additions made for Phase 2.	Phase 2

2/16/2023 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Tribal Sovereignty		We believe an amendment to section 1.6 directing the County to enter into a coordination and cooperation agreement with the Tribes should be adopted.	This could be part of the additions made for Phase 2. The Tribes have been incorporated into the multi-jurisdictional Steering Committee.	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Tribal Sovereignty		We strongly suggest a section should be added to the plan to clearly outline how Coos County and the local planners intend to consult and engage with Tribal nations whose home territories include portions of Coos Bay-- the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe-- on future updates and long-term maintenance of the plan. We cannot speak to the level of engagement tribes would prefer regarding estuary management, so we recommend local governments explicitly ask. This is necessary to ensure Tribal sovereignty is adequately respected and integrated into the CBEMP, and to foster co-management in stewarding estuarine resources. This plan for Tribal engagement should be incorporated now in the Phase 1 update, to set the stage for appropriate government-to-government coordination in the next Phase 2 update. Furthermore, tribal input should also be fully considered in advance to final decision-making on the current phase of the plan to make sure all governments are in agreement on how to proceed.	Tribal councils have been included in the Steering Committee. Further recommendations for inclusion would be part of Phase 2.	Change made, Phase 2
5/26/2023	email	Larry	Basch		Tribal Sovereignty		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 this and future CBEMP updates.	Tribal councils have been included in the Steering Committee. Further recommendations for inclusion would be part of Phase 2.	Change made, Phase 2
5/25/2023	email	Laurie	Friedman		Phase 2		I believe that it is important for the county to commit to a Phase 2 update. The current update process is a good start, but more time and resources are necessary for creating and implementing the best plan for any future development and usage of this precious community resource. An adaptive planning process should be a part of this plan, allowing for easier re-evaluation and revisions in the future.	No response needed at this time.	Phase 2

5/25/2023	email	Laurie	Friedman		Phase 2		I believe that we need greater community participation in Phase 2 of the CBEMP, in order to address the needs and concerns of the various groups and individuals who are most affected by these planning decisions. This includes participation from the commercial and recreational fishing interests, the local Tribes, tourism and local business interests and members of the scientific community.	No response needed at this time.	Phase 2
5/26/2023	email	Nolan & Janice	Lloyd		Phase 2		With the multitude of changes in the world and in the Bay Area, a simple Phase 1 update to modernize the language and exiting format won't be adequate to meet current and future challenges. We need to update or include sections pertaining to: <i>Management Units which need to be re-evaluated with new resource data. A plan for dredge materials disposal. A mitigation and restoration plan.</i>	No response needed at this time.	Phase 2
5/26/2023	email	Suzanne	Church		Phase 2		I think it essential to involve local citizens and tribal communities in input regarding the future of our beloved Coos Bay. I feel very, very strongly that such citizen led groups not include participation from big business or the port representation as a part of these groups. As a personal note, I was involved in fighting Jordan Cove and I have strong memories of the heavy handed opposition these "big money out of towners" lobbed in our direction. Please don't allow our bay to be spoiled by big money! I think it would be crucial to include the local fishing industry, the tourist industry, recreational interests, local tribal input, environmental concerns and individuals like myself who just want to fight for our bay.	No response needed at this time.	Phase 2
5/26/2023	email	Ken	Bonetti		Phase 2		Please commit to the Phase 2 update, particularly those sections that will ensure the plan can meet future conditions that will surely arise: management units, which need to be re-evaluated with new resource data, plan for dredge materials disposal, mitigation and restoration plan.	No response needed at this time.	Phase 2

5/25/2023	email	Ken	Bonetti		Phase 2		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.	No response needed at this time.	Phase 2
5/26/2023	email	Ken	Bonetti		Phase 2		Please increase stakeholder and citizen participation in guiding the comprehensive Phase 2 update of the CBEMP by creating a citizen advisory committee and technical advisory committee for this short-term update process.		
5/26/2023	email	Ken	Bonetti		Phase 2		A much more 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, a governmental body with development interests that often conflict with the interests of the citizens. 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.	No response needed at this time.	Phase 2

5/26/2023	email	Ken	Bonetti		Phase 2		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 member of the Partnership for Coastal Watersheds, for example.	No response needed at this time.	Phase 2
5/26/2023	email	Donna	Bonetti		Phase 2		Please commit to the Phase 2 update, particularly those sections that will ensure the plan can meet future conditions that will surely arise: o Management Units, which need to be re-evaluated with new resource data o Plan for Dredge Materials Disposal o Mitigation and Restoration Plan	No response needed at this time.	Phase 2
5/26/2023	email	Ken	Bonetti		Phase 2		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.	No response at this time.	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Phase 2		The value of Phase 1 is strictly contingent on continuation of the EMP planning process to Phase 2, and this necessity should be clearly stated in the Phase 1 update.	No response at this time.	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Phase 2		To be adaptive, the CBEMP must contain a specific protocol for monitoring plan success, re-evaluating, and regularly updating components. This would also include a clearly defined distinction between minor and major revisions, and the appropriate committees necessary to guide minor and major revisions. Key plan sections that require thorough updating are Management Units, which need to be re-evaluated with new resource data; Plan for Dredge Materials Disposal; and the Mitigation and Restoration Plan. The key elements that must be addressed in Phase 2 include (but aren't limited to): Climate resilience; 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; and habitat loss.	No response at this time.	Phase 2

5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Phase 2	<p>Matrices: The matrices are not user-friendly. Though it may not be in the scope of this current Phase 1 update to change this system, this should be a priority consideration in future updates to improve plan interpretation and usability. Text descriptions of each management unit, including cultural and natural resources present, the MU classification and justification, resource capability, management objective, and special policies for each management unit should instead be included next to an image of each management unit to make it extremely clear what the boundaries are and what is and is not allowed. The MU can be hyperlinked in a table of contents next to a map of the entire estuary to allow users to click on the MU of interest and immediately see all necessary information. Even better would be a digital GIS map of all the management units (and data layers of relevant resources), that directs a user to a page including all the above-mentioned background information when clicked.</p>	No response at this time.	Phase 2
5/26/2023	email	Larry	Basch		Phase 2	<p>The current update, therefore, should set a strong foundation for a more comprehensive update in Phase 2. Indeed, the community demands that the county continue the update process beyond Phase 1 so that the final EMP is adaptive and robust. There are three essential plan elements that are not currently updated in phase 1, and it is essential that these elements are updated. These include: - Updated Management Units and coastal shorelands boundaries, each of which are classified as Natural, Conservation, or Development, and which detail what kind of uses and alterations are allowed within each unit (aquaculture, development, restoration, etc.) in each region of the estuary; - A comprehensive plan, including emergency protection contingencies, for Dredged Materials Disposal - A comprehensive Restoration and Mitigation plan.</p>	No response at this time.	Phase 2

5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Part 1 Policies		The Plan Update is the most important section to revise. It should include a guideline for future updates; a commitment to a continuation of the CBEMP update process to Phase 2; an outline of what committees will be formed; and a distinction between major and minor revisions. It should also address the need for funding for ongoing efforts.	No response at this time.	Phase 2
2/10/2023	email	Deanna	Wright	National Flood Insurance Program Coordinator, DLCD	Part 1 Policies		Section 6 Dredge Material Disposal section. Recommend to insert section for floodplain guidelines. If dredged material is placed within the SFHA it would be considered "development" and need a local floodplain development permit.	Reference to SFHA requirements added.	Text change
2/10/2023	email	Deanna	Wright	National Flood Insurance Program Coordinator, DLCD	Part 1 Policies		Beaches & Dunes section 4 should link to Coos Bay's Specific Standards for Coastal High Hazard Flood Zones designated VE, V or coastal A (Land Development Ordinance Section 4.11.256). These areas have special flood hazard standards associated with high velocity waters from surges and, therefore, additional standards may apply in those coastal flood zones near dune areas for development.	Reference to SFHA requirements added.	Text change
5/26/2023	email	Rick	Eichstaedt	CTCLUSI	Part 1 Policies		Could you ensure that the CBEMP documents properly refer to the Tribe? It should be "Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians" – no comma after "Umpqua." Also, page Volume II, Page 1, Section 4, page 53 refers to the Tribe as "Coos, Siuslaw, Lower Umpqua Tribe(s)." This needs to be corrected.	Changes made to correct CTCLUSI referencs.	Text change

2/16/23 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Part 1 Policies	We ask that you propose to rewrite Policy 3 to require (notwithstanding any other provision of the plan): 1) a Policy 4 resource capabilities test and impact assessment test for any and all development proposals which contain or may impact the natural resources identified in the new inventory maps; and 2) a Policy 4a needs assessment which would require denial unless findings could be made to demonstrate the public's need and gain would warrant a modification or loss of the resource or "estuarine ecosystem." This appears to be needed to have the possibility of consideration of the updated information and all of it will be revisited when the county gets to a "phase 2 amendment." This may take some time and effort to draft and we urge you to take the time to consider it and craft it, asking the County to postpone filing the PAPA on March 1, as planned, if necessary.	This work is outside of the scope of Phase 1.	Phase 2
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2/16/23 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Part 1 Policies	<p>we ask that you consider and urge a process to be adopted as a new policy (similar and in addition to what is requested above) which will require any applicant for a use or activity that will be located in the hazard areas identified in Map 5.3 (Flood Zones), Map 5.4 (Landslide Susceptibility), Map 5.8 (Sea Level Rise), and Map 5.9 (Tsunami Inundation) (among others potentially) to be required to submit a hazard/geologic assessment prior to permit approval (administrative or otherwise) to be written by a qualified licensed professional (from a pre-approved list) that conforms, at minimum (and as may be made applicable to those specific hazards), to the requirements the County adopted for the Balance of County in Article 5.11 of its Land Development Code in 2019. There is no way to address any of the hazards identified in those maps and protect the community, otherwise, we believe. There is still no proposal to apply hazards overlays in the Estuary despite the County's notice to its Planning Commission and the public in 2019 that it would be presented in 2020. As understood, findings supporting the adoption of such are presented in the Coos Bay Climate Hazards Adaptation Plan finalized in September 2022, and prepared by the Institute for Policy Research and Engagement, which could be adopted now, as well.</p>	This work is outside of the scope of Phase 1.	Phase 2
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2/16/23 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Part 1 Policies	<p>Thirdly, we ask you to thoroughly consider and comment on the County's position that, aside from amending four definitions and the citizens involvement provision, 2.4, it is not making any substantive amendments. We do not find this to be accurate. There are numerous substantive amendments, despite their seemingly subtle nature. We have only begun to make a list of them but anticipate that you should also find this to be the case. General examples include: 1) restating an allowed use or activity to track the relevant goal or rule language to now including a use or activity not before listed, like "related dredging" for mining operation (see Vol 2 Pt 1 § 5 p. 38 3-DA Management Unit); 2) allowing uses conditionally which were not allowed before; and 3) moving an activity - like Navigation activities related to water-dependent commercial enterprises and activities - from a conditional activity (subject to policies 5 and 8 requiring impact minimization) to an allowed conditional use. See Vol. 2 Pt 1, § 5 p.6 CSDNC- DA management unit (electronic page 124). These are all substantive amendments to the management units. The CBEMP acknowledges that it may restrict estuarine development to be less intensive than uses allowed by Goal 16. Amendments which now only restrict development to that which is equal to that allowed by Goal 16 are substantive amendments and there should be no confusion about that.</p>	<p>These changes are based upon lawfully adopted plan amendments made by Coos Bay. This PAPA integrates those amendments into Coos County's version, but does not trigger substantive amendments/management unit "changes" by so doing.</p>	<p>See Revisions Memo for clarification</p>
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5/26/2023	email	Ashley	Audycki	Rogue Climate	Part 1 Policies		<p>Rogue Climate strongly supports a comprehensive update of the Coos Bvay Estuary Management plan to follow Phase 1. A comprehensive update of the Coos Bay Estuary Management plan is critical not only for navigating potential development proposals, but also in planning for climate adaptaions. Climate change is increasingly impacting the South Coast, as evidenced by the recent heat wave in May 2023. Estuaries are an essential climate solution that help coastal communities mitigate impacts such as sea level rise, ocean acidification, flooding, and more. The same consultants from IPRE working on this current update also led a series of interviews, surveys, and focus groups in 2022, and issued a report addressing the climate vulnerability and adaptation needs of communities along the Coos Bay Estuary Management Plan boundary zone. As climate change continues to impact the estuary and the communities that depend on it, the CBEMP should reflect the changes that are already happening to the estuary and plan for adaption, mitigation, and future hazards. The comprehensive CBEMP update - Phase 2 - is an essential step towards preparing Coos County to be resilient in the face of climate change. We urge you to ensure a comprehensive Phase 2 update moves forward.</p>	<p>This work is outside of the scope of Phase 1.</p>	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Part 1 Policies		<p>Management Section 2.1 (Page 2): The language of this section appears to place the Port of Coos Bay inappropriately on the same footing as the local governmental jurisdictions. The idea of a management agreement among the county, the cities, and the Port being required for a “coordinated intergovernmental estuary plan” is troubling—the Port, a development interest run by political appointees, should be subject to the planning decisions of the county and cities. The Port should not be elevated to the status of co-manager, although it would be appropriate for the Port to be represented on a steering committee with the other governmental entities.</p>	<p>The Port has been recognized as a partner agency since the original adoption of the CBEMP. They are represented on the steering committee with other governmental entities.</p>	No action

5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Part 1 Policies	<p>Management Units: Natural A10: Riprap may ultimately be allowable to protect infrastructure build prior to October of 1977, plus “unique natural resources, historical and archaeological values, and public facilities.” However, as with riprap permits on the outer coast, there should be a clear set of preferred actions, including natural vegetation, temporary protection, and moving structures, with hardened structures as the last resort. Natural B3: Active restoration should fall under Natural A. Natural B6: Language allowing boat ramps should additionally state “where installation and operation of ramps would not adversely affect natural or cultural resources.” Natural B8: “Temporary” should be defined and restricted in scope; the definition, which should be included in the definitions section of the plan, should limit “temporary” to two years, as per DSL fill-and-removal regulations (see also below). Natural B9: Nature of pipelines, cables, and utility crossings allowed should be specified. Conservation B3: Mining and mineral extraction should not be allowed in this category—they are clearly development activities and should be restricted to development units. If there is some very particular reason why a mining or other extractive activity would necessarily be allowed in an area designated for conservation, the reason should be explicitly stated. Conservation B6: Here again, “temporary” must be defined. Development A8: “Flow-lane” should be defined here and added to definitions.</p>	This work is outside of the scope of Phase 1.	Phase 2
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Part 1 Policies	<p>#5 Estuarine Fill and Removal 1a: Allowing fill for non-water-dependent uses if a “public need...outweighs harm to navigation, fishing, and recreation” omits important considerations: habitat and biological productivity, endangered species, buffering floods, to name several. Perhaps this could be summed up as “harm to ecological functions.” #5 Estuarine Fill and Removal 1a: Mitigation should be of like kind wherever possible.</p>	This work is outside of the scope of Phase 1.	Phase 2

2/17/2023	email	Gabrielle	Bratt	Coquille Indian Tribe	Part 2	<p>Part 2:</p> <p>-There are definitely a lot more copy-edit issues in this document, like misspellings, commas instead of periods, weird spacing, etc.</p> <p>-In the Area 12 (pg. 13) section "South Slough Estuarine Sanctuary" needs to be updated to "South Slough National Estuarine Research Reserve" (SSNERR)</p> <p>-In section 3.4 it should be mentioned that the Confederated Tribes of Siletz Indians also have interest in the CoosBay/North Bend area.</p> <p>-pg. 5 in 3.4 it used the phrase "pre-historic", and "pre-contact" is the more appropriate, commonly used phrase.</p>	Scrivener's errors in Part 2 fixed.	Text change
2/20/2023	email	Michelle	McMullin	NOAA Federal	Part 2	<p>Volume II Part 2, 2.3 explains that tidegates were used to distinguish the "effective head of tide, and therefore the furthest extent of the estuarine area..." and that areas upstream of tidegates were not considered estuarine. This designation of estuarine areas is directly related to coastal shorelines as defined under Statewide Planning Goal #17. I recommend revisiting the use of existing tidegates to designate or define head of tide because it has the potential to underestimate estuarine areas in Coos Bay and the extent of coastal shorelines. Many tidegates are being replaced or are in planning to be replaced, with some tidegates allowing greater tidal inflow which will extend estuarine areas farther upstream.</p>	Modification to definition of tidegates (and hence delineation of boundary of estuarine areas) outside of scope of Phase 1. Could be considered as part of Phase 2.	Phase 2
2/20/2023	email	Michelle	McMullin	NOAA Federal	Part 2	<p>Volume II Part 2, 6.2.2 Drainage Diversion or 6.2.7 Toxic Materials: if these sections are referring to surface water runoff from upland disposal sites, I recommend adding additional protective language for upland disposal of materials that do not pass sediment evaluation tests (i.e., contain contaminants). For upland disposal of these types of materials, I recommend any surface water runoff be contained or otherwise managed. Surface water runoff from upland disposal sites, or return water, should meet state water quality standards. Generally speaking, this refers to more than just turbidity or suspended sediments.</p>	Outside of scope of Phase 1. Could be considered in Phase 2.	Phase 2

2/20/2023	email	Michelle	McMullin	NOAA Federal	Part 2	Volume II Part 1 #4a states that other State agencies only have 20 days to determine if a use is deemed consistent with the plan or if it can be made consistent. Please consider if this is indeed sufficient time for other State agencies to be sufficiently responsive considering frequently heavy workloads.	No change recommended at this time	No action
5/26/2023	email	Jan	Hodder		Part 2	My understanding from attending the public open house meetings was that the Data Source and the associated maps developed by the Partnership for Coastal Watersheds were informational only and would serve as the basis for a subsequent update of the CBEMP. I was surprised to see the recommendation that they be incorporated into the part 1 process. In the page 9 table it appears that not all elements of the CBEMP subheadings have a corresponding Data source. This seems to make for rather a mishmash of 1985/2015 information. Does this not have the potential to be confusing to users of the CBEMP prior to any formal update? The Data Source information is certainly comprehensive, although almost a decade old, and will serve as a good starting point for the next phase of the CBEMP update.	The Data Source is attached as Section 8 of Part 2. Chapters 2, 4 and 5 of Part 2 were deleted as the Data Source supersedes this information. New narrative for the remaining sections for Part 2 will be part of the Phase 2 project.	Phase 2

5/26/2023	email	Ashley	Audycki	Rogue Climate	Part 2	<p>We are concerned that this Phase 1 process does not address outdated data. As understood, the maps in Appendix A are the 1985 maps, and even if they contain new data, that new data is not being implemented through substantive plan changes. The May 1, 2023 Staff memo, however, states that the Data Source (identified as "background" in the AM 22-05 file) contains new information and that that information has been included in the revised CBEMP Part 2. Yet, that does not appear to be the case. Looking at the Part 2 document one does not find new narratives replacing the prior text. The CBEMP & Data Source Comparison chart starting on page 9 of the memorandum states that CBEMP Part 2 subheading 2 "The Setting" will be replaced with the Data Source Chapter 8. However, in the CBEMP Part 2 document in the file, Chapter 2 is not included. Moreover, the Part 2 headings do not track the CBEMP & Data Source Comparison chart and again, neither does the Part 2 document itself demonstrate what Data Source information is replacing the prior text. How is this updated information to be implemented in the regulatory system?</p>	<p>The Data Source is attached as Section 8 of Part 2. No additional changes were made to Part 2, apart from scrivener's errors/formatting corrections. New narrative sections for Part 2 will be part of the Phase 2 project. References to changes to Part 2 to reflect chapters of the Data Source have been removed.</p>	<p>Changes made, Phase 2</p>
5/26/2023	email	Donna	Bonetti		Part 1 Policies	<p>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.</p>	<p>No response at this time.</p>	<p>Phase 2</p>
2/21/2023	email	Christine	Moffitt		Review	<p>The time frame (adoption of CBEMP by March 1, 2023) is clearly not sufficient time to review the output and engage in the process....The proposed current update process needs to be extended.</p>	<p>3 additional months of public comment were provided.</p>	<p>Public comment period extended</p>

2/19/2023	letter	Beverly	Segner		Review		I ask that a period for public comment and assessment be created to allow for meaningful evaluation and input on the maps. Further, that a draft document be submitted to the public for comments and revision <u>prior</u> to preparation of a final draft. And that the final draft be presented to the public for comment before it is submitted to the three local governments. rather than after.	3 additional months of public comment were provided.	Public comment period extended
2/19/2023	letter	Beverly	Segner		Review		The comment period should take place before the plan is considered separately by the three local governments. This public comment period must include a full public presentation on the plan—we would suggest both an in-person event, with people on hand to explain the maps, and a webinar...Completion of the “final” plan delivered by the consultants can include a full public comment period and still take place by June; consideration by the local governments can subsequently occur as part of their normal cycle of planning processes.	3 additional months of public comment were provided.	Public comment period extended
2/10/2023	email	Jan	Hodder		Review		I urge you to delay the adoption of the plan to allow several additional steps to be undertaken that will improve the product and allow for more robust next steps towards the ultimate final update of the plan. Specifically, I would encourage opportunity for a robust review of the maps and data sources with some significant ground truthing...Additonally updates post the 2015 data source document could be identified. Although this may slow the process the county could accept the current work of the consultants as a work product and outline the next steps for final adoption.	3 additional months of public comment were provided.	Public comment period extended
3/15/2023	email	Ken	Bonetti		Review		Establish a formalized Tribal consultation process that respects and acknowledges Tribal sovereignty and ensures meaningful Tribal participation.	3 additional months of public comment were provided.	Public comment period extended

2/22/2023	feedback form	Jamie	Fereday		Review		Recommendation for SWOCC/PCW/SSNERR to host Estuary Series aka Geology Lecture Series put on by Ron Metzger when he was teaching (now retired.) I will put energy into organizing these.	3 additional months of public comment were provided. A presentation was made to the CTCLUSI Tribal Council and outreach was made to Coquille tribal council.	Public comment period extended
2/22/2023	feedback form	CJ	Blaney		Review		I would love to have these maps available in the Coos Bay and North Bend libraries' reference sections.	The decision to physically display maps will need to be made by each jurisdiction.	No action
2/27/2023	feedback form	Connie	Earhart		Review		I would like to see a "permanent" display of these. Possibly at the Coos Bay Library?	The decision to physically display maps will need to be made by each jurisdiction.	No action
2/27/2023	feedback form	Charlotte	Hult		Review		Can we superimpose maps online? Make sure these are available in the libraries! Thanks for posting these. So much to learn.	On-line map viewer hosted by DLCD available as of June 1.	On-line map viewer
2/19/2023	letter	Beverly	Segner		Review		There is no clear evidence that indigenous perspectives were brought to bear on the current process.	3 additional months of public comment were provided. A presentation was made to the CTCLUSI Tribal Council and outreach was made to Coquille tribal council.	Public comment period extended
2/17/2023	letter via email	Courtney	Krossman	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Review		It feels like the official Phase I Revision process happened without sufficient Tribal notice, opportunity to engage and was missing inventory information needed to assess the revision...Step back and expanded Tribal and indigenous engagement.	3 additional months of public comment were provided. A presentation was made to the CTCLUSI Tribal Council and outreach was made to Coquille tribal council.	Public comment period extended
3/15/2023	email	Ken	Bonetti		Review		Improve and ensure broad and formalized community engagement in the update process and make it more accessible to the community at large. There needs to be much more community engagement events, and a transparent, inclusive and accessible process.	3 additional months of public comment were provided. Two additional in-person review of maps were held.	Public comment period extended

5/25/2023	email	Beverly	Segner		Review		Thank you sincerely for positively responding to the requests to extend the public comment period for Phase 1 of the CBEMP including the addition of public hearings prior to final votes on the plan. This meant a lot to me as a citizen.	3 additional months of public comment were provided. No response needed.	Public comment period extended
5/25/2023	email	Beverly	Segner		Review		I would also like to compliment you on the quality of the meeting held earlier this month at the Coos Bay City Council Chambers. The presentations were excellent. And happily, the technology cooperated beautifully! Hopefully, the Phase 1 update will continue to completion in a good way to create accurate maps, documents, and a unified process as solid foundations for the CBEMP.	No response needed.	No action
5/25/2023	email	Beverly	Segner		Review		The integrity of the CBEMP and its viability must be protected to that it is a living plan with accurate documents, maps, and relevant procedures. Funding this process for the future needs to be prioritized as part of the plan itself.	Funding is not part of the plan amendmnet; rather commitment of resources will be the discretion of the County Commission and/or City Councils.	ongoing/Phase 2
5/26/2023	email	Jan	Hodder		Review		I am pleased to see that the mylar maps that were originally developed for the 1985 CBEMP adoption have been digitized. I am strongly supportive of bringing the three jurisdictions (Coos County, City of Coos Bay, and City of North Bend) back into alignment under one guiding document and the work that is included in the document to do so.	No action required.	No action
5/26/2023	email	Ashley	Audycki	Rogue Climate	Review		From our understanding, this current comment period is for the Phase 1 update, which is limited in scope, primarily making the CBEMP document more user-friendly - digitized.1 We understand the importance of making structural updates such as converting the hand-drawn and mylar maps into a digitized format, and hyperlinking the textual document. We urge you to ask the planners to treat only those portions of the CBEMP that constitute a plan amendment as subject to the post acknowledgment amendment proceeding. This will help clarify what staff believes is a substantive amendment and what is merely a structural/digitizing reformatting.	All changes to adopted ordinances, including Scrivener's errors amendments, are PAPAs.	No action

5/26/2023	email	Ashley	Audycki	Rogue Climate	Review		<p>We are concerned that this Phase 1 process does not address outdated data. As understood, the maps in Appendix A are the 1985 maps, and even if they contain new data, that new data is not being implemented through substantive plan changes. The May 1, 2023 Staff memo, however, states that the Data Source (identified as "background" in the AM 22-05 file) contains new information and that that information has been included in the revised CBEMP Part 2. Yet, that does not appear to be the case. Looking at the Part 2 document one does not find new narratives replacing the prior text. The CBEMP & Data Source Comparison chart starting on page 9 of the memorandum states that CBEMP Part 2 subheading 2 "The Setting" will be replaced with the Data Source Chapter 8. However, in the CBEMP Part 2 document in the file, Chapter 2 is not included. Moreover, the Part 2 headings do not track the CBEMP & Data Source Comparison chart and again, neither does the Part 2 document itself demonstrate what Data Source information is replacing the prior text. How is this updated information to be implemented in the regulatory system?</p>	<p>The Data Source is attached as Section 8 of Part 2. No additional changes were made to Part 2, apart from scrivener's errors/formatting corrections. New narrative sections for Part 2 will be part of the Phase 2 project.</p>	Phase 2
5/26/2023	email	Ashley	Audycki	Rogue Climate	Review		<p>Additionally, we ask that you exercise your discretion and authority to work to remedy the Goal 1 problems by: 1) convening a series of public meetings to thoroughly review the Data Source information; 2) conduct a separate public meeting or more to thoroughly review the changes to the Part 1 management units; 3) direct that the prior versions of the documents (most were amended in May), and all comments received since January 1, 2023 be included in this record; and 4) direct that the minutes, agendas and packets (including prior versions of the documents) considered at the Partnership for Coastal Watersheds meetings be included in this record.</p>	<p>Review and further refinement/updating of the Data Source is recommended as part of Phase 2. No changes were made to Part 1 Management Units apart from those made to incorporate previously lawfully adopted changes in the Coos Bay version of the document (and applicable only to Coos Bay), hence no additional public meetings were required to review changes to Part 1. All comments received since January 2023 are incorporated in this document and attached for reference. Prior versions of the</p>	Comments attached.

2/16/23 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Review		<p>Fourthly, we ask that you urge the County to remedy what we believe is a Goal 1 violation. This 5-year planning process has not had a public participation component, until an open house conducted on January 7, 2023, that only had 19 days of public notice, over the winter holidays. As we define it, public participation includes notice and opportunity to comment. The County has a current, adopted public participation plan which includes convening a citizens advisory committee (CAC) which shall be involved in all phases of the planning process and which shall represent the broad geographical area and varied interests. CBEMP Vol 2 pt 1 § 1.5. The CAC involvement, aiding the planning process by raising concerns and/or supporting revisions, is to occur prior to public hearings and determinations by the planning commissions. CBEMP Vol 2 pt 1 § 2.4. This has not occurred. This could be remedied by conducting 2 or well noticed (with sufficient lead-time) meetings to engage the public generally, to enable an understanding, to raise concerns and to voice support for the proposals. We urge you to ask for this public engagement before the PAPA is filed.</p>	<p>Coos County does not currently have a standing Citizen Involvement Committee. Additional opportunities for public comment were offered based upon this request (including three additional months of review time, map viewing at SWOCC, open house, etc.).</p>	Additional time for review and comment provided.
2/16/23 (received 5/26/23)	email	Ashley	Audycki	Rogue Climate	Review	<p>Finally, we ask that you consider and urge the County to consider and take steps to put in place a moratorium on development in the CBEMP management units, if this Phase 1 amendment does not require decision making to be based upon the updated inventories presented in the maps to be adopted and/or if the Phase 2 amendment will not be completed by 2026.</p>	<p>A development moratorium is not recommended at this time. The updated inventories were not intended on being regulatory in nature.</p>	No action	

5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Review		Much of the Phase 1 process focused on necessary technicalities. As we commented on an earlier draft, these updates were badly needed, and by the end of this Phase 1 process, the CBEMP will be a more functional document for <u>interim</u> use. We commend the diligent work that 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 <u>initial</u> step.	Staff concurs.	No action
5/26/2023	email	Phillip	Johnson	Oregon Shores Conservation Coalition	Review		Our understanding is that the intention is to submit the entire final draft of Phase 1 for consideration as a Post-Acknowledgment Plan Amendment. It is unclear why this should be the case. The majority of the changes to the current CBEMP consists of format changes, digitalization, and technical re-wording. It would not seem that such changes need a PAPA. There are some changes of substance in the current draft, however, and these might need a PAPA; some of our recommendations below would also need a plan amendment. We ask for clarity on this point. The draft should make clear to the local governments which changes can be made purely as technical updates, and which require (or are believed to require) a PAPA. This would facilitate a discussion of which substantial changes could be deferred to Phase 2, without delaying adoption of needed formal changes that might not require a PAPA.	Format changes and technical rewording require a Type IV application/Post-Acknowledgement Plan Amendment (PAPA), as any change to the adopted ordinance triggers these requirements.	No action

5/26/2023	email	Nolan & Janice	Lloyd		Review	<p>We need to embed an adaptive planning process in the plan to make sure the CBEMP is maintained and updated regularly in the future. It has been more than 40 years since the plan was created and many changes have occurred in the world and here in the Bay Area that the original document could not possibly have anticipated. I am aware that this is something that plan updates struggle with universally but it is possible to do it. Adaptive management is a structured, iterative process that includes a system to monitor, re-evaluate and analyze plan success, and then adapt the plan accordingly. The CBEMP should have a structured plan to re-evaluate and revise the plan in the future, including maps and resource inventories that can be updated as new data is collected.</p>	No response at this time.	Phase 2
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Date Received	Received From	Comments	Response
July 7, 2023	K. Bonetti Testimony	The comments support future phases and then asked a clear definition of Citizen Advisory Committee and a Technical Advisory Committee.	Volume II, Part 1, Section 2 provides for Citizen Advisory, Steering Committee and Technical advisory.
July 11, 2023	Jamie Fereday Testimony	The comments support future phases and then asked a clear definition of Citizen Advisory Committee and a Technical Advisory Committee.	Volume II, Part 1, Section 2 provides for Citizen Advisory, Steering Committee and Technical advisory.
September 27, 2023	Oregon Shores Testimony	Oregon Shores maintains concerns over the extent of the Port's decision-making authority/power during the planning process. While the Port may have a role in assisting with the committee to help maintain the plan, they have no decision authority.	Changes to a plan can only be adopted by the Board of Commissioners or City Councils. The Port is a stakeholder in the estuary. Needs to provide documentation to show can represent a group.
September 28, 2023	Rogue Climate Testimony	Rogue Climate asked for additional time.	The plans have been posted on line with the staff report since June 30, 2023 to October 5, 2023 without any change to the documents. That seems to be sufficient time to ask question and make comments. Prior to that the draft documents were presented on line. The process has been a very public process and dating back to 2012. See staff report for time line. Citizen Advisory is not part of the changes. Needs to provide documentation to show can represent a group.
September 29, 2023	Basch Testimony	Made recommendations to continue to the next phase, change the Citizen Advisory, deny the Port of Coos Bay a role in the process, and establish a Technical Advisory Committee.	The Steering committee has been identified, The Board can consider a technical advisory group other than PCW, and there are no changes proposed to the County Citizen Advisory Committee.

September 28, 2023	Fereday Testimony	See comments under Fereday July 11.		
October 2, 2023	Ken Bonetti Testimony	Comments were already addressed in staff report (3/15/23 email)		
October 4, 2023	Donna Bonetti Testimony	Comments were already addressed in the staff report		
October 4, 2023	Kay Kerriden	Supportive of the process but does request the Port's Role be evaluated and limited. Needs to provide documentation to show can represent a group.	Changes to a plan can only be adopted by the Board of Commissioners or City Councils. The Port is a stakeholder in the estuary. See Section 2 of the CBEMP	
October 4, 2023	Steve Miller	Supportive of ongoing efforts to update plan and citizen advisory. Raise Concern with Port.		
October 4, 2023	Christine Moffitt	Supportive of ongoing efforts to update plan and citizen advisory. Raise Concern with Port.		
October 4, 2023	Jan Hodder	Supports moving forward and makes suggestions for advisory groups and to reconsider the Port of Coos Bay.		
October 5, 2023	CTCLUSI Comments	Supports a Citizen Advisory Committee with Tribal Representation. Has requested that the Port of Coos Bay to not be allowed to have a representative participate.		
October 5, 2023	Ashley Audyki – Rogue Climate	Raise issues with goal compliance which is not supported by facts. Not all current maps in the CBEMP are regulatory maps some are for information. There is no law that states they are required to have regulatory authority. The letter continues to raise issues that are not relevant or not supported by facts. Furthermore the author fails to provide proof that she can has the authority to provide testimony on behalf of Rogue Climate.		The plans was posted on line with the staff report since June 30, 2023 to October 5, 2023 without any change to the documents. A screen shot to show that the document had not been changed was entered into the exhibits. That seems to be sufficient time to ask question and make comments. Prior to that the draft documents were presented on line. The process has been a very public process and dating back to 2012. See staff report for time line. Detailed response below.

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- The amendment purports to create a new use out of whole cloth - “Navigation and water-dependent commercial enterprises and activities.” See p. 124, for example. This description has always been deemed to be “activities,” not uses. No explanation for why this has been done is provided in the revisions memo. See p. 30 of the revisions memo. No definition is proposed to describe what a “navigation and water-dependent commercial enterprise and activity” use might be. Ostensibly, it could include “navigational improvements” (which by definition includes dredging), “log storage and dredging,” dredging, fill or any number of other things - shipping terminals, or off-shore wind industry components. Those uses have not been found to be “appropriate” under Goal 16 for the relevant management unit, none of their impacts have been considered and neither are such uses subject to the current plan’s requirements for a capability and impacts test as required by policy 4a or Goal 16 itself. This change must be stricken from the proposed document.

RESPONSE: Page 4 of the Coos County Staff Report explains the changes very clearly.

The proposed update is limited in nature, focusing upon improvements to document structure, plan usability, and land use/legal framework.

Modifications include small changes to correct scrivener’s errors, etc. within CBEMP Part 1 (Plan Provisions) and Part 2 (Inventories and Factual Base), adoption of digitized mylar maps and updated background maps from the Coos Estuary Map Atlas (as Attachment A to Part 1 and as Section 9 of Part 2), and the integration of the Coos Estuary Data Source (as Section 8 in Part 2, and through the deletion of Sections 2, 4, and 5). Changes were also made to Part 1 to integrate the three jurisdictional versions of the CBEMP into one master document.

An overview of the changes include:

- **Update the maps currently used in decision making (which are currently hand-drawn and from 1970’s era information) by including new spatial data in a digital format in the background maps (Coos Estuary and Shoreland Map Atlas) and digitizing original mylar maps.**
- **Use of clear headers to explain the purpose and contents of each document section.**
- **Use of Figures and Tables to Explain Process and Policies.**
- **Update of references in CBEMP to state and federal laws, regulations, agencies, and processes.**
- **Development of a comprehensive and consistent list of definitions.**
- **Inclusion of all Management Units in the CBEMP.**
- **Capture of Coos Bay-specific policies in CBEMP.**
- **Clarification of joint plan maintenance, plan update, and citizen involvement process.**
- **Integration of Coos Estuary Data Source into CBEMP Part 2.**

Water-dependent commercial enterprises and activities is listed in the Coos Bay Estuary Management Plan and Ordinance, “Navigation Water-dependent commercial enterprises and activities” listed in the Coos Bay Plan actually lists “GENERAL SCHEDULE OF

PERMITTED USES AND GENERAL USE PRIORITIES” in the development unit. This does not mean they have any units that allow for the use specifically, but it is listed as a possible use with certain justification required.

Not all uses and activities are defined, a definition can be added in the second phase. This can also be left as an activity rather than to move it to an independent use.

**MANAGEMENT
UNIT**

NO SPECIAL ASSESSMENT REQUIRED	SPECIAL ASSESSMENT REQUIRED
<p>WITHOUT SPECIAL ASSESSMENT OF THE RESOURCE CAPABILITIES OF THE AREA, BUT SUBJECT TO SPECIAL CONDITIONS AND OTHER POLICIES SET FORTH ELSEWHERE IN THIS PLAN</p>	<p>WHEN IT IS ESTABLISHED THAT SUCH USES ARE CONSISTENT WITH THE RESOURCE CAPABILITIES OF THE AREA AND THE PURPOSES OF THE MANAGEMENT UNIT (PURSUANT TO "LINKAGE" AND "GOAL EXCEPTION" FINDINGS IN THIS PLAN) AND ADJACENT SHORELANDS DESIGNATED FOR WATER-DEPENDENT USES OR DESIGNATED FOR WATERFRONT REDEVELOPMENT; ALSO SUBJECT TO SPECIAL CONDITIONS AND OTHER POLICIES SET FORTH ELSEWHERE IN THIS PLAN.</p>
<ol style="list-style-type: none"> 1. <u>Navigation and water-dependent commercial enterprises and activities;</u> 2. Needed commercial and industrial water-dependent uses consistent with a shallow-draft estuary, as defined herein; 3. Water transport channels where dredging may be necessary; 4. Dredge or fill as allowed elsewhere in Goal 16 (see special "dredge" or "fill" policy); 5. Navigational structures other than those permitted in natural and conservation management units; 6. Marinas; 7. Dredged material disposal; Flow-lane disposal of dredged material monitored to assure that Estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units; 8. Water storage areas where needed for products used in, or resulting from industry, commerce, and recreation. 	<ol style="list-style-type: none"> 1. Water-related and non-dependent, nonrelated uses not requiring dredge or fill; 2. All uses permitted in natural and conservation management units; 3. Activities identified in Natural and Conservation Management Units.

- As understood, if a use or activity is not subject to a general or special conditions listing applicable policies in the “Uses and Activities Matrix,” the policies will not apply as approval criteria. Section 3.78 states that the matrix describes specific uses and activities deemed

appropriate and inappropriate for each unit. It does not state that any or all of the policies may be applicable. The attached Decision in the Jordan Cove Terminal case bears this out.

Therefore the flood or natural hazard considerations added to policies 5, 6, 27b, and 29, will not be applicable criteria unless those policies are already approval criteria (already linked to the use or activity in the unit matrix). In order to satisfy the scope of DLCD's concerns about flood plain issues, those amended policies will need to be linked to all dredging and fill activities. In addition, there is no sufficient explanation for why DLCD's request to insert floodplain guidelines into Section 6 regarding Dredge Material Disposal was rejected. This needs to be fixed.

RESPONSE: Flood ordinances are currently applicable and connected through both the city and county flood ordinances. For other natural hazards, linking will be established through a comprehensive revision process of Phase 2. The reader makes a reference to DLCD's request but I am unable to locate the request in the record to address the comment.

- Atlas Maps Not Applicable Unless they Are Deemed to Have Regulatory Significance

RESPONSE: These maps have been adopted to assist in future updates. No legal basis has been provided for a response

- Policy 30a's Directive to Develop Procedures for investigations and development standard has not been Satisfied

RESPONSE: Policy #30a, regarding the future update of Site Plan Review Procedure, outlines the County's commitment to amending the Coos Bay Estuary Ordinance during the first plan review and update. The purpose of this amendment is to incorporate more detailed procedures for site investigations and standards for development in limited suitability areas, aligning them with the provisions established for the rest of the County (Volume I). This will be done with a complete revision.

It is advisable to defer this matter to phase 2, which encompasses a comprehensive review. Addressing this issue at present seems premature, given the limited scope of the updates under consideration.

- Goal 1/CBEMP/State Requirements for Citizen Involvement Not Satisfied

RESPONSE: Oregon Statewide Planning Goal 1 has been successfully fulfilled. A comprehensive timeline, complete with all citizen comments, public events, inputs, and meetings held, has been meticulously included to provide a detailed account of the planning process

- Goal 2 - "Co-Management" and Over Coordination with Port Not Authorized or Justified

RESPONSE: The County Planning Commission has recommended the removal of both the Port of Coos Bay and the Tribes from Sections 2.1 and 2.5. This change is intended to ensure that the Plan is managed solely by the County and the Cities of Coos Bay and

North Bend through an intergovernmental agreement. It's important to note that the Port of Coos Bay and the Tribes remain significant stakeholders, and there are designated opportunities for their input on the committees identified in the plan.

- Tribal Sovereignty

RESPONSE: Policy #18, titled 'Protection of Historical, Cultural, and Archaeological Sites,' offers a distinctive and comprehensive consultation, as well as a partnership between the County and local tribes. Any updates to this policy will be made in accordance with applicable laws and the involved parties.

Date	Received From	Comments	Response
Resubmitted in October. Dated July 6, 2023	Oregon Shores	<p>1. Specific guidelines for developing a broadly representative Citizen Advisory Committee to shepherd the Phase 2 process.</p> <p>2. Immediate establishment of a Technical Committee that will assist with the ongoing need to update data, identify gaps, and improve mapping.</p> <p>3. A clear mandate to continue with Phase 2 in timely fashion.</p> <p>Also states that phase 2 seems to have begun.</p>	The advisory language has been worked out though work sessions. A resolution clearly states the commitment to continue work and this is a limited scope of work. Party signing letter did not provide written consent to submit on behalf of an organization.
October 20, 2023	Rouge Climate Change and Oregon Shores	Letter making suggested language changes to Section 1.6 and Policy 18.	There are no changes to Policy #18. Neither Rouge Climate or Oregon Shores provided consent to speak on behalf of the tribes. The individuals did not provide a letter allowing them to speak on behalf of an organization either (Article 5 requires or the group will not have standing). Staff will work with the tribes in the next phase to change policies if needed. This plan does focus on coastal goals.

November 8, 2023	Steve Miller	Letter supporting citizen advisory, technical advisory committees and asking to have certain information included in phase 2.	This has been addressed. This information will be kept for phase 2.
December 7, 2023	Christine Moffitt	States that the process has not been easy or comprehensive and the recommendations have not been fully considered by the decision makers. Requesting to preserve the historical documents.	The legislative amendment process is intentionally rigorous, requiring thoughtful review and consideration. The recommendations have undergone careful scrutiny and revision as deemed appropriate for the current phase. It's important to note that only updates, not a complete replacement of the entire inventory, are proposed at this time. Additionally, certain information intended for inclusion is deferred until a future phase.
December 7, 2023	Jan Hodder	Believes the process has been expanded beyond the original intent.	The process, as defined in the staff report, has been scaled back while remaining in precise alignment with the objectives reiterated in Ms. Hodder's letter. This adjustment reflects a strategic calibration to ensure a harmonious implementation of the outlined intentions.
December 7, 2023	Rogue Climate Change	Raised concerns with mapping, States information has not been made available. Made comments about Section 2.	<p>The plan has been altered under Policy #3 to retain the original Mylar maps to retain the historical Mylar maps. This provides a path to move forward with adopted the digitized maps in place of the Special Development Considerations Map</p> <p>The "Special Considerations Map" is NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps.</p> <p>The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the</p>

			<p>inventory maps (but at a more general scale). The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions. With the exception of the official zone map which has been vetted by County, City, Consultants, DLCDC and the public. However, the Mylar map will still be retained to reference in case there is some type of discrepancy that was missed. The comments made about other maps are not found to be correct but the other maps as addressed in the staff report are a tool and not used for regulatory purposes.</p> <p>Information has been made available for months and if requested additional information has been provided. Comments about section 2 have already been addressed.</p> <p>Ms. Audycki does need to provided a letter to represent Rouge Climate Change by the close of the record in accordance with Article 5 of the CCZLDO.</p>
December 7, 2023	Steve Miller	Comments about committee make up and urge to move forward with next phases.	These have been addressed.
December 6, 2023	Oregon Shores	Request that Tribal Consultation be added to the plan. Comments on committee make up and request information on the maps and relation to Policy#3.	Oregon Shores does not represent the tribes, and there are no proposed updates to policies concerning tribes. The information related to consultation lacks a legal basis. Policy #18, along with other Comprehensive Plan policies, is robust and firmly established in the County's plan. Future maps are deferred to a subsequent phase, and language addressing Oregon Shores' concerns has been revised to explicitly explain the integration of these maps as well as the current plan maps.
January 2, 2024	Chuck Erickson	Public safety and estuary health will ensure Coos Bay's	Made suggestions for public safety and health. These will be taken into consideration at the time inventories

		<p>future use by the public and wildlife. We have an obligation to plan to the best of our ability using science. This may be accomplished by all agencies including city and county government, the port, DEQ and ODA. All stakeholders' health and well being must be considered when we develop our estuary plan. Pollution should not be grandfathered in for any reason.</p>	<p>are reviewed. This is part of next phase and does not address current amendments.</p>

Comments requesting additional time have been noted throughout the process, but the timeline has adhered to legal requirements. The last memo comprehensively detailed every change, confirming that the changes are minor and essential for merging documents, correcting definitions, and ensuring clarity in management units and future processes. Typographical errors have been corrected, hyperlinks added, and a digitized document will be made available to the public. Therefore, no additional time is deemed necessary at this point.

The comments following this statement were received after the January 3, 2024 staff report was released but have been included along with the response as part of the findings as provided for by the motion of the Board of Commissioners.

- January 3, 2024 comments from CTCLUSI – exhibit 31

The comments received seem to reflect preferences regarding the resolution and the plan but lack legal arguments. Legal justifications or arguments would be essential in addressing and responding to the comments in a substantive manner. The County is dedicating to working with the both Tribes that are mentioned in Policy #18 of the CBEMP and others in the future.

- January 3, 2024 comments from Rogue Climate Change – exhibit 32

Ms. Audycki raised the following issues:

States there are changes the documents were released at the holiday and not enough time has been provided. This should have been raised at the December 7, 2023 meeting time but was not. County Staff member, Jill Rolfe, explained that she was set to go on vacation during the holiday and that was why the meetings were continued. She has taken much time away from the holiday to prepare the documents at the request of the decision makers. The changes made were pursuant to the request of the decision makers and follow what was discussed in the meeting.

The revised scope reduced the changes to consolidating the document, making necessary changes to allow for the consolidation and include the map which required a revision to Policy #3. Policy #3 was explained in detail at the meeting. The comments seem to be rushed as a place holder and not provide a legal reason or confident statement that what is raised will actually cause an issue. Staff understands this technic but if an argument is not specific enough to allow a response that argument shall be precluded from being raised at LUBA.

There are no substantive amendments proposed. The changes are necessary to combined the management units into one document. The maps have been addressed. The proposal is as straight forward as possible given that is a legal document.

Issues Raised:

- There are substantive changes made to policy 2 which now strike all reference to the linkage and goal exception findings and adds an expanded test for consistency which would allow a use to be deemed consistent if impacts are deemed “insignificant.”

Response: This is not a substantive change but a matter of preference for the decision-makers to consider. Staff will revert the language back to the original language. Again, there is no legal argument made.

This consistent with Goal 16 as posed but the original language provides more information on how Goal 16 compliance was achieved in the original plan. This change does not delete the linkage matrices, implementation of the matrix, or policies regarding the matrix as they are adopted as part of the plan. The matrix was used to achieve certain goal exceptions, and those development units in which the goal exceptions were achieved already addressed the resource capabilities. This section provides that explanation; however, so do the exceptions in Part 3.

- B) Uses and Activities listed below MAY be allowed in Natural Management Units ~~when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCD Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.~~ where consistent with the resource capabilities of the area and the purposes of this management unit the following uses may be allowed:

Once approved by the County the language will be changed back to the original language.

- We do not believe any changes should be made to the current CBEMP definitions, policies, management units without explanation and that further detailed review by the community. We also believe that amendments to “correct inconsistencies,” “align with Goal 16,” “address conflicts” and return or return to some modification of “originally referenced Policy 3”. Definitions differ creating confusion and substantial change. Definitions were presented by Consultants in May 31, 2023 memo. Staff made suggestions on which to choose from the three provided based on State, Rule, Goal, FEMA (Floodplain) or retained CBEMP definition if was not based on law.

Response: Again, the changes have been posted throughout the process. The formal process because over a year ago and every change has been made available. The definitions have been justified as aligning with state law, federal law, goal or retention of CBEMP definition for consistency. If there is a disagreement with that finding then it should be shown which definition shouldn't be amended and why it does not meet the law. Policies have minor modifications and the one that was changed in this last revision is Policy #3. It was amended to retain all original maps, make a policy to use new maps in the future phase and then adopt one digitized map that mirrors the mylar map for ease of use. While the one Mylar map has been replaced with the digitized map it still has been retained in the event there is an error. This change is consistent with the direction received from the Board and Council to incorporate in the digitized map. There is no fully formed legal argument made to support this argument and the argument should not be allowed to be brought up in the future as it was not specific enough to allow a full response.

- Require a thorough review of the 655-page document, including a review of the detailed amendments to the policies and the management units. So, we support and urge you to adopt Mr. Graybill's proposal to convene a citizens advisory group which conforms as closely as possible to the citizen participation provisions of the CBEMP and city's comprehensive plans which would be tasked with conducting a line by line. Support Graybill request for citizens advisory group to review changes prior to approval.

RESPONSE: Citizens have had since December of 2022 (and prior to that) to review the documents and decision makers have continued meetings over and over to accommodate. There has been no legal justification brought up to keep continuing the text amendment. Raising issues with changes to Special Development Map under Policy #3 is not a valid argument. The map is a non-regulatory map reference. This is an internal tool and serves no regulatory purpose. Again no legal argument was made to address. The text provided under Policy #3 clearly states that the map was not regulatory and the reason for moving forward. No Mylar Map was

deleted so there could be no change in protection. One map was adopted as digitized with the original Mylar Map retained for historical purposes. Therefore, this is not a valid argument.

#3 “Coos Bay Estuary Special Considerations Map”

The 1985 "Special Considerations Map" was NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

Policy #3 underwent modifications in 2024, specifically to eliminate references to the Coos Bay Estuary Special Considerations Map. The Coos Bay Estuary Special Considerations Map was essentially a compilation of all plan maps, featuring generalized boundaries. This compilation served as a practical tool for users, enabling them to ascertain whether there were overlays and special considerations applicable to a particular property.

The rationale behind the modification lies in the shift from manual methods to digital processes for mapping and layering. With the advent of digitization, the Coos Bay Estuary Special Considerations Map tool has become obsolete, as navigating overlays and development considerations can now be efficiently achieved through digital means.

Until a map has been adopted in a digital form, it can only be used as a tool in the same way the Special Considerations Map was envisioned. Removal of the Special Development Consideration Map reference has no effect on the adopted plan maps. The replacement tool for this is part of the map atlas that can serve in a similar manner. They are digitized maps but NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps with the exception of the ones shown in table 2 below. The inventory maps are as follows:

Table 1 – Regulatory Detailed Plan Maps :

1.	Plan Map Showing Aquatic and Shoreland Management Units (Plan Map)
2.	Substrate Characteristics
3.	Water Contours, Selected Channel Depths and Maintained Channels
4.	Physical Alterations
5.	Historical Analysis of Bay Changes
6.	Estuarine Wetland Habitats: Marshes, Tidelands and Aquatic Beds
7.	Significant Habitat of "Major" Importance Qualifying as Natural Management Units Under Estuarine Resources Goal
8.	Other Significant Estuarine Habitat Qualifying as Conservation Management Units Under Estuarine Goal
9.	Estuarine Areas Qualifying as Development Management Units Under Estuarine Resources Goal
10.	Crustacean Habitats
11.	Clam Beds and Oyster Leases
12.	Clam Species in the Coos Bay Estuary

13.	Fish Habitats
14.	Habitat for Waterfowl, Shorebirds, and Wading Birds
15.	Shoreland Values Requiring Mandatory Protection
16.	Beaches and Dunes
17.	Beaches and Dunes: Development Potential
18.	Political Jurisdictions
19.	Transportation and Public Facilities
20.	Existing Land Use
21.	Existing Water Use
22.	Schematic Land and Water Ownership Patterns
23.	"Scenario #1" Development Needs
24.	Tentative Goal #16/Goal #17 Development Priority Areas
25.	Existing & Potential Commercial Fishing and Recreational Boat Moorage
26.	IATF Moorage Decisions
27.	Selected Dredged Material Disposal Sites
28.	Selected Mitigation and Restoration Sites
29.	Goal #16 "Linkage" Matrix - Retained see regulatory Inventory Maps
30.	Aquatic Uses and Activities "Linkage" Matrix Retained see regulatory Inventory Maps
31.	Goal #17 and #18 "Linkage" Matrix Retained see regulatory Inventory Maps
32.	Agricultural and Forest Lands
33.	Wet Meadows
34.	Coos Bay Estuary Management Plan (1" = 800') – Retained see regulatory Inventory Maps
35.	Coastal Shorelands Boundary Inventory
36.	Candidate Areas Suitable for Increased Economic Growth
37.	Selected Dredged Material Disposal Sites
38.	Selected Mitigation and Restoration Sites
39.	Minimum Lot Sizes/Unincorporated Areas

Regulatory Inventory Maps (Digitized Mylars)

In the event of any error or conflicts arising in the digital mapping layer, the County shall retain the original Mylar map for historical value and as a reference. The original Mylar map will serve as the authoritative source to resolve any discrepancies, ensuring accuracy and consistency in mapping data but the digital map will be the official regulatory map for decision making purposes. Archival preservation is crucial for maintaining historical records and facilitating efficient resolution of any potential issues that may arise in the digital mapping layer.

The following maps have been digitized from the original Mylar maps and will be adopted as plan maps for use in regulatory decisions:

Table 2 – Regulatory Digitized Detailed Plan Maps

<u>Map Number</u>	<u>Title</u>	<u>Date of Adoption</u>
34	Coos Bay Estuary Management Plan	January 10, 2024

Table 3 - Nonregulatory Digitized Inventory Maps used as a tool but not a substitute for the original Plan Map (Map Scale 1" = 40,000')

Map Number	Title
15	Shoreland Values Requiring Mandatory Protection (without Archaeological or Historical sites due to protected information)
16	Beaches and Dunes
17	Beaches and Dunes: Development Potential
29	Goal #16 “Linkage” Matrix
30	Aquatic Uses and Activities “Linkage” Matrix
31	Goal #17 and #18 “Linkage” Matrix
33	Wet Meadows
37	Selected Dredged Material Disposal Sites
38	Selected Mitigation and Restoration Sites

Table 4 – Map Atlas - Generalized Digital Maps (Map Scale 1” = 40,000’) Part of the Map Atlas that should be considered for Future Updates and General Information.

Maps Number	Title
3.1	Generalized Zoning
3.2	Management Units
3.3	Property Use Classification
4.1	Improvement Status
4.2	Improvement Value Ratio
4.3	Public Ownership
4.4	Active and Inactive Diking Districts
4.5	Fire Departments and Districts
4.6	School Districts
4.7	Coos Bay-North Bend Water Board
4.8	RESERVED
5.1a	Species of Concern
5.1b	Species of Concern (<i>continued</i>)
5.2	Oysters, Clams, and Crabs
5.3	Flood Zones
5.4	Landslide Susceptibility
5.5	Slope
5.6	National Wetlands Inventory
5.7	RESERVED
5.8	Sea Level Rise
5.9	Tsunami Inundation
5.10	Estuary Features
5.11	CMECS Aquatic
5.12	CMECS Biotic
5.13	CMECS Physical (Geoform)
5.14	CMECS Geologic Substrate
6.1	Dredged Material Disposal Sites (2018)
6.2	Restoration Sites Inventory
6.3	Tidal Wetland LMZ Prioritization
6.4	Urban Renewal Districts
6.5	Economic Zones

Issues Raised in Attachment. Attached to Ms. Audycki first letter was a letter that appears to be referencing the May 2023 memo from the consultant which was replaced with an updated memo from staff so the information raised is no longer valid; however, to the extend the opposition attempts to use this in an appeal the issues have been addressed. Her attached memo fails to explain why or how it is still relevant. Links in testimony are not acceptable as decision makers are required to evaluate what is in the record and not linked outside sources.

- This letter continues to bring up issues with prior suggested changes from the consultant that was decision in the December 7, 2023 not to move forward with. Therefore, this is not relevant testimony. In the case it did the argument regarding maps seems to be that you cannot replace 1984/1985 Mylar Maps with new digital maps because there are not the same number of maps or the testimony is trying to stated they are unable to determine if all the inventories have been accounted for. Again, these are not being adopted as decided in the December 7, 2023 work session and this is not relevant.
- Complaints about the consultants May memo continues throughout but the fact is that the review should have been focused on the plan and ordinance itself. The memo provides a general crosswalk of the changes. She references Figure 2 of Section 3.3 and 3.4 and states it is misleading but fails to articulate why in a manner sufficient for the county to respond. The argument seems to be that the figure won't be correct if the Special Considerations Map is deleted but given the Special Considerations Map is not regulatory this is not a valid argument. The figure actually matches the language of how to use the plan. Ultimately, the county did not use the figure anyway so the argument cannot be considered.
- The Special Development Consideration Map included historical and the significant habitats and major marshes. This is completely false, the map that contains this information is the Shoreland Values Maps. The plan specifically states, "Special Considerations Map" is **NOT** a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale). This language is from the 1984 CBEMP document and this not a regulatory map. It is a tool that is outdated as we can use the digitized layer and other software programs as the tool then use the detailed plan maps to make decision. Furthermore, the map legend present contradicts the argument as it is from the Shoreland Values Map and no the Special Considerations Map. Therefore, this is not a valid argument. Staff would never displace archaeological maps on line with specific protected sites as that is a violation of Policy #18.
- The arguments made for Policies #17, #18, #19, 20b, 29 are not valid as the County is not moving forward with adopting new regulatory maps. Reading the Plan changes and making valid argument is crucial to a productive meeting.
- Issue 9 Development Management Units references the memo again, and not the plan change. The County and Cities are not adopting the memo and this issue raised regarding needed commercial and industrial water dependent is not cited in the actual

plan. The argument is very vague and provides no legal challenge other than “Shallow Draft Channel” is not defined. A term is not legally required to be defined. If the memo has a typo that does not change anything as plan is that is being amended.

- The last argument seems to be able Dredge Material Disposal and those changes were removed prior to the December 7, 2023 work session. Therefore, this is not a valid argument.

- January 3, 2024 Oregon Shores (exhibit 33):

This is a request for an extension. There is no legal reference; it is simply a request due to the volume of material. As a reminder, the main documents were originally posted on December 27, 2022 with minor modifications. The meetings (originally scheduled for April 2023) were continued to allow for additional open houses, public input, and to focus on a revised scope. There has been more than ample time to review all the material. When the Cities and the County set the continued work session date on December 7, 2023 no one raised an objection to the amount of time. In fact staff had requested the meeting be extended due to holiday vacation time with no comments voiced from the public. The decision makers did agree to extend the work session and hearing out to January 10, 2024.

The revised memo and Plan Volume II, Part 1 were initially posted on December 20, 2023. However, in response to a citizen request for a line-by-line review, a second revised memo was released on December 27, 2023. Although the deadline for work session comments was January 3, 2024, the hearing record remained open until the conclusion of public testimony at the January 10, 2024 meeting.

The Staff report, containing findings and discussion, along with all comments and responses to testimony, was provided seven days before the formal hearing (January 3, 2024). Notably, there were no alterations to the plan or revision memo between December 27, 2023, and January 10, 2024.

Staff recommendations to decision makers, in follow-up memos addressing comments, were made, allowing a 14-day window for a thorough review of the revisions and the submission of comments. Work sessions were specifically focused on changes to Chapter 2, although other comments were incorporated into the record. The County Planning Commission had suggested changes to Chapter 2, prompting the work session to address concerns and facilitate a comprehensive discussion. Consequently, staff was tasked with revising the work, eliminating unnecessary changes, combining plans, incorporating the digitized maps, and addressing the specifics of Chapter 2.

Ms. Merrill requested that the work session be reserved to have a discussion on the changes made in December. The work session on December 7, 2023, was set to discuss Chapter 2 for future processes and how to move forward with a public process. However, at the work session, Coos Bay Mayor Joe Benetti was very clear with the City Council and the Board of Commissioners that they needed to provide clear direction to staff and asked if they would be ready to make a determination on the plan at the next meeting. A discussion on how the meetings would be conducted and the work session was continued to January 10, 2024, with formal hearings to follow. The work session only involved written comments and no verbal testimony. Then, proceeding the work session was the public hearings (County, City of North Bend, and City of Coos Bay) which had no deadline on public comment as the record was still open. Testimony and evidenced is taken until the record is closed. Ms. Merrill asserted at the hearing that only some members of the public

were sent the new version of the plan, and the Staff report was only made available on December 29, which provided them only four days to review and comment before the January 3 deadline, two days of which were holidays. All documents were posted on the website prior to providing them to the people that requested copies.

- January 3, 2024 comments from Donna Bonetti (exhibit 34):

Request to include emerging science on climate change in the plan. There is no reference to a legal requirement but seem to be a comment for a future phase.

- January 3, 2024 comments from Ken Bonetti (exhibit 35):

Request additional time as he relies on legal experts that are not available. There is no legal reference for the request.

Request a commitment to funding for Phase II. The local jurisdictions never committed to full funding but did discuss seeking grant funding. If the resolution is passed, it serves as a commitment if funding becomes available. There is a request to include climate change, justice, and adaptation. The applicable hazards, determined by Statewide Planning Goals, will guide this request, which has been duly noted for the record. More specific wording in the committee section is preferred, and this comment has also been noted for the record. There is a request for clarification on the definitions, as the reader appears to be reviewing the memo rather than the actual changes. Preferred definitions, along with arguments supporting them, have been suggested. Mr. Bonetti does not provide a legal reason why they are inadequate.

The tribal portion of the plan (Policy #18) is not proposed for modification and will be addressed in a future phase. It is emphasized that Mr. Bonetti is not legally allowed to represent the tribes and should defer.

The confusion expressed regarding minor and major matters is not backed by a legal argument but seems to speculate about what might happen and not based on any legal argument. Mr. Bonetti provides no legal basis for any part of his challenge but requests future updates, poses questions, and engages in speculation that is unfounded. The proposal is a resolution to move this process forward. The understanding is that moving forward will be dependent on funding.

- January 3, 2024 comments from Mike Graybill (exhibit 36):

Has presented the decision makers with some options: Consider the motion to amend the CBEMP to incorporate a digital version of the management unit map that replicates the information contained in the mylar maps presently in use; Consider a motion to establish a citizen committee to prepare a report for consideration by the planning staff and elected officials within a certain time frame to make recommendations about any of the changes; and consider a motion to continue the joint work session related to the adoption of the partial plan amendment to a date and time after the report has concluded by the Citizen Committee.

Mr. Graybill has identified some of the changes that Staff brought up in the memo and is requesting time to assist staff with these, along with the verification of hyperlinks. He cites Goal One for his request and argues that a few of the changes go beyond the revised scope. Staff disagrees that the changes are beyond the scope and has taken the time to address each one of his concerns.

These concerns seem to focus on the last revision memo, which was designed to guide the reader through the CBEMP changes, but he does not seem to understand the intent of the memo. He also argues that Staff's line-by-line review is not what he was asking for in the past.

If Mr. Graybill remembers his question posed to the decision-makers, which was "if they had read the memo by the consultant," and Councilor Drew Farmer responded he had. Mr. Graybill used that response to illustrate his belief that somehow, because no one else confirmed that there had not been enough oversight through this process. Then he cited to change in the name of a Dredge Material Disposal site as his proof. The dredge material disposal site, which was corrected prior to Staff's line-by-line review and the limited scope of review but that does not seem to be enough to satisfy Mr. Graybill.

In the latest comments he cited Dredge Material Disposal and Flow Lane Disposal as his proof that additional review is necessary as somehow Staff review and detailed information is not adequate. The consultant stated in their memo that they were reviewing the document for Goal Compliance, and that is precisely what happened.

Statewide Planning Goals list under management units the uses:

"(3) Development – in estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in (1) and (2) above.

Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses. As appropriate the following uses shall also be permissible in development management units:

- (a) Dredge or fill, as allowed elsewhere in the goal;
- (b) Navigation and water-dependent commercial enterprises and activities;
- (c) Water transport channels where dredging may be necessary;
- (d) Flow-lane disposal of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.*****"

As a preference for the decision-makers to consider, they changed the language to 'Flow-lane' instead of "Dredge Material Disposal." This was not an 'aha' moment but a change made by the consultant to mirror the goal. It was not necessary, and to change it would not be consistent with all language in Volume II, Parts 1, 2, and 3. If you change it in one, you have to change it all the way through. Staff flagged this as inconsistent at this time and recommends the removal of the change.

It is apparent to staff that Mr. Graybill has not read the actual CBEMP (Plan) document. It also does not appear that he has reviewed any of the City of Coos Bay or North Bend materials. He provide no legal justification but a plea to allow more time for citizen input.

Mr. Graybill submits a list of questions and Staff has responded to each one:

Submitted by: Michael Graybill and responded to by staff.

1. The "Revised Tasks to be completed" list presented on page 3 of the staff report is very helpful but the work by the staff to summarize changes and tasks does not satisfy requests by citizens to be involved in a line-by-line review of the consultant's work to transition the plan from its original format to a digital document.

RESPONSE: The argument is not very clear. Mr. Graybill is either arguing that the digitization process is flawed or the changes presented are flawed.

The document was originally typed and then scanned in to a PDF form using software. This changed the document to a Word Format. Staff is not sure if Mr. Graybill is indicating that another method may have been used. The document was not retyped by the consultant. Once the document was a workable format changes were made using the track changes tool in Microsoft Word. The other parts of Mr. Graybill's argument seems to be that the requested changes are not consistent but again it is not clear if it is not consistent with the overall plan or Goals 16, 17, 18 and 19. The changes proposed were based on a comprehensive review of the documents used by all three jurisdictions. The documents were reviewed for consistency with each other and then consistency with Goals 16, 17, 18, and 19.

It appears from the testimony given, that the line-by-line review request was made due to a perceived lack of trust in the consultant, staff, or decision-makers, implying that they had not conducted such a review. In reality, citizens have had the opportunity since December 27, 2022 (see open house memo) to perform a line-by-line review, but Mr. Graybill has indicated that has not occurred. While there is an understanding of the complexity of the documents, Mr. Graybill or any party in this proceeding has not provide a plan with a timeline for when this detailed review from the citizens would be available.

The decision-makers requested the review to be scaled back, and staff followed their directions. Despite the lack of legal basis cited by any of the parties, staff and the decision makers have made repeated efforts to address all community requests. The changes at this point are minor but required to allow the county and the cities need to move forward to the next phase which will be completed, allowing citizen groups to focus on major revisions.

2. The structure of the sentence "*The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions*" presented on page 2 of the staff report is confusing. I request clarification on the meaning of this sentence.

Does the word "*this*" in the sentence quoted above mean "the Special Considerations map"? If so, does this sentence mean that the recommendation is to modify the "Special Considerations map"? I presume the word "relay" in this section is a typographical error and the intent is to use the word "rely". The amendment should clearly specify which map version is to be the controlling version in case a discrepancy is identified.

RESPONSE: Staff is assuming that Mr. Graybill may be reading the memo of the revised scope of work and list of detailed changes but in order to warrant a proper response he should reference the document he is trying to seek clarification on, otherwise staff is just guessing what the issues of concern relates to. The Plan changes have the detailed language and the

Policy # 3 has been modified as follows:

The 1985 "Special Considerations Map" was NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

Policy #3 underwent modifications in 2024, specifically to eliminate references to the Coos Bay Estuary Special Considerations Map. The Coos Bay Estuary Special Considerations Map was essentially a compilation of all plan maps, featuring generalized boundaries. This compilation served as a practical tool for users, enabling them to ascertain whether there were overlays and special considerations applicable to a particular property.

The rationale behind the modification lies in the shift from manual methods to digital processes for mapping and layering. With the advent of digitization, the Coos Bay Estuary Special Considerations Map tool has become obsolete, as navigating overlays and development considerations can now be efficiently achieved through digital means.

Until a map has been adopted in a digital form, it can only be used as a tool in the same way the Special Considerations Map was envisioned. Removal of the Special Development Consideration Map reference has no effect on the adopted plan maps. The replacement tool for this is part of the map atlas that can serve in a similar manner. They are digitized maps but NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps with the exception of the ones shown in table 1 below.***

If there is an issue with the plan language then it should be raised specifically in the context of the criteria.

3. Because the CBEMP is closely tied to the ordinances adopted to implement the plan, amending the plan in multiple steps will also likely necessitate multiple actions by the cities and county to also amend the implementing ordinance tied to each incremental plan amendment action. The linkage between the CBEMP and its associated implementing ordinances suggests it is likely to be more complicated to amend the plan through multiple increments than amending the plan using fewer iterations.

RESPONSE: The amendment to the implementing ordinance and codes can be easily accomplished by referencing the plan. The implementing ordinances and codes retain processes but do not need to replicate policies, definitions, uses and activities. The plan is where the linkage, policies, definitions, and inventories originate and should remain. It seems that Mr. Graybill does not really understand what is trying to be achieved by this action. The goal is to consolidate the plan back to its original creation and ensure that any changes made since the 1970s and 1980s are captured. This must be done by addressing any potential conflicts, which has been achieved through corrections of policies, verification of map amendments, and

consistent definitions. The consultant, staff, and decision-makers are required to use statutes, rules, and goals to ensure compliance.

4. Some text has been retained to conserve the original form of the document while other additions have been made to update the plan to reflect current information. Thus, the digital version of the plan retains the names of the Coos County Commissioners at the time of plan adoption yet there is content in the plan that the named authors never reviewed or acted on.

RESPONSE: Mr. Graybill should refer to the Plan (CBEMP) where a place holder was left to include the current Board, Councilors and staff and update the rest for historical content.

COOS BAY ESTUARY MANAGEMENT PLAN

~~2019~~ 2024 REVISION

Part 1 - Plan Provisions

This Plan was revised in 2024 under the joint collaboration of the Board of County Commissioners, Coos Bay City Council, and North Bend City Council with funding from Oregon Department of Land Conservation and Development.

(Place holder for Commissioners, Councilors and Staff)

5. Although it is not stated in the lead in paragraph introducing changes to definitions, the changes to the definitions in the CBEMP also include the definition for "commercial uses" and multiple additional terms not listed.

RESPONSE: This proposal was to retain the definition in the CBEMP and make no changes.

CBEMP Term:

COMMERCIAL USES: Privately-owned or operated facility or place of business open to the public for sale of goods or services. Examples include: restaurants, taverns, hotels, motels, offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods of services are also defined as commercial uses.

December 27, 2023 Memo Stated: Privately-owned or operated facility or place of business open to the public for sale of goods or services. Examples include: restaurants, taverns, hotels, motels, offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods of services are also defined as commercial uses.

There are no additional terms. The definition will be retained. There is no legal reason given to change this definition.

6. If there are no changes to the original CBEMP definition of “docks and moorage” it is not clear why some definitions have been included in a proposed plan amendment document. Unless a change is proposed, the definition need not be included in the amendment motion. This appears to be the case for several other definitions identified in the staff report including; "Recreational Vehicle Park", “subordinate”, “Urban development Area (UD)”, “Urban Water-Dependent Areas (UW)”, and “Water Development Shorelands (WD)”.

RESPONSE: The memo indicates differences in definitions between the city, county or conflict with law. Changes were made to align definitions with current law or retain the CBEMP definition. Mr. Graybill fails to explain why the definition is not compliant with the law, making this statement seem like a question about staff's ability to ensure compliance without any legal or factual information to substantiate the claim.

7. If revision of the language of the definition for “docks and moorage” is being considered as part of this phase of the CBEMP revision, then I recommend that the definition be further revised to specify the size of vessels to which the definition applies. For example, in the absence of a clause to specify vessel size, this definition could conceivably be used to justify development of a commercial pier or waterfront structure capable of berthing 5 deep draft merchant vessels. A 5-berth facility for deep draft merchant vessels could conceivably require over a mile of shoreline.

RESPONSE: The memo indicates differences in definitions between the city, county, or conflicts with the law. Changes were made to align definitions with current law or retain the CBEMP definition. Mr. Graybill fails to explain why the definition is not compliant with the law. Instead, he wishes to make a change that he and others have been arguing would be substantial, as it has not been considered and may have unknown implications on the document itself.

8. In this case the current documents reviewed for consistency use three different definitions for the term "shoreline" The CBEMP definition is dynamic in that the location of the shoreline moves with changes in water level. The definition recommended for adoption is the language of the ordinance in this case. The ordinance definition is a fixed point established as the ordinary high water mark, No explanation is given stating why this change is needed or why the recommended should be preferred over the existing definition.

RESPONSE: The Goal 16 definition is: “SHORELINE. The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary highwater mark.” The ordinance language states: “The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark”.

This was explained in the memo and clearly identified by staff, that the changes are only to address inconsistencies between the jurisdictions or laws. He provides no legal basis for his request. The Coos County Ordinance, in this case, was updated more recently and is consistent with state law. The findings in the staff report and draft ordinance explains that the document is goal complaint.

9. The need to change or the rationale underlying the staff recommended changes to the definition has not been articulated, making it difficult for the lay public to understand the rationale behind the staff recommendation.

RESPONSE: The Coos County Comprehensive Plan and implementing ordinance, along with the City of Coos Bay and North Bend, have been found to be in compliance, as acknowledged by Land Conservation and Development Commission. The language retained in the plan that was not proposed for change remains compliant; however, if there are conflicts between the three plans it is necessary to revise the definitions to comply with relevant law. Absent any law the local government has deference in interpretation of a term. Therefore, if there was no legal basis to update the term the CBEMP definition was retained over the others. Again, the purpose of the definition change was to either align a definition with a current one, such as solid waste or shoreline boundary or floodway, in the case of a conflict between definitions only. If there wasn't a conflict with state law, then the CBEMP definition was retained for historical purposes. In the case of Shoreline, it does mirror Statewide Planning Goal 16.

Staff has provided a comprehensive set of findings to address compliance. In Oregon, the acknowledgment process for a Comprehensive Plan involves several steps overseen by the Land Conservation and Development Commission (LCDC). Here's a general overview of the process:

- **Plan Adoption:** Local governments, such as counties or cities, develop Comprehensive Plans that outline their long-term land use goals, policies, and regulations. These plans are typically created with input from the community and stakeholders. This is where we are in the step.
- **Plan Submission:** Once a Comprehensive Plan is adopted at the local level, the local government submits it to the Oregon Department of Land Conservation and Development (DLCD) for review. This submission includes the plan document, supporting documents, and any necessary revisions based on DLCD's comments during the drafting phase. This is in the form of an Ordinance and Findings.
- **DLCD Review:** DLCD conducts a thorough review of the submitted Comprehensive Plan to ensure that it complies with state planning goals and

guidelines. State planning goals cover various aspects such as land use, transportation, housing, natural resources, and more. In this case the plan is based by on the Coastal Goals 16, 17, 18 and 19.

- Comments and Revisions: DLCD provides feedback and comments to the local government. The local government then revises the Comprehensive Plan based on DLCD's recommendations to address any issues or inconsistencies. Staff has worked with DLCD staff since the beginning of this project to ensure consistency.
- Public Participation: Throughout the process, there is usually an opportunity for public input and involvement to ensure that the community's perspectives are considered in the planning process. This has been a very public process and has been occurring over a long period of time. There have been open houses to view products and presentations give with input taken. The comments have been captured and responded to by staff.
- Final Submission: After addressing DLCD's comments and incorporating necessary revisions, the local government submits the final version of the Comprehensive Plan to DLCD. DLCD has not found the products to be noncompliant and staff has worked with them very closely to ensure compliance.
- LCDC Review and Acknowledgment: The Land Conservation and Development Commission (LCDC), a state agency, reviews the final plan. If the plan is found to be in compliance with state planning goals, it may be acknowledged by LCDC. Acknowledgment signifies that the plan meets the statutory requirements and can serve as a basis for local land use regulations.
- Legal Effect: An acknowledged Comprehensive Plan provides a legal basis for local land use regulations and decisions. Local governments must periodically review and update their plans to maintain compliance with state requirements.

10. The reason/s why the proposed change to CBEMP policy #45 is "not new but needed to be included" is not given. If this needed change is a requirement, the law or policy underlying the suggested change should be identified for consideration by the elected bodies and the public.

RESPONSE: It has been explained in meetings, prior memos, in the record, that Policy #45 is necessary to be included to be consistent with City of Coos Bay Plan. This has been posted since the original document in (see December 27, 2022 memo) Therefore, it is covered in this record.

11. The distinction/s between classifying "Navigation and water-dependent enterprises" as an "activity" or a "use" is/are not clear (to me). The differences between a "use" and an "activity" could be clarified to help decision makers better understand the significance of this recommendation. The staff appears open to changing how "Navigation and water-dependent enterprises" is classified by the CBEMP or to retaining the current classification. A citizen group could be called upon to advise the decision makers on how the CBEMP can best classify this use/activity.

RESPONSE: While there is no specific reason to move the uses and activities, other than to align with a particular plan, this specific issue was addressed in the Staff Report on page 17. See below:

Here is the list of changes that were necessary to combined the management units from the City of Coos Bay and North Bend. There were some recommended preference changes highlighted that need to be addressed.

- General Changes that apply to all units that have these specific uses and activities listed.
 - Tables were added at the beginning of each Planning Area to identify the Jurisdictions and include maps, when possible, for visual. Some of the planning areas are large and hard to see on a map you can't zoom in on. Typos and agency names were updated if needed.
 - Anywhere it says "Industrial & port facilities" the "&" was replaced with "and"
 - "Mining/mineral extraction" was replaced with "Mining/mineral extraction, including dredging necessary for mineral extraction" for consistency with Goal 16.
 - Research and educational observations was moved from an activity to a use applicable general and special conditions were adjusted to reference number change. This is listed in this manner because some of Coos Bay's management units have it listed in this manner. This is a preference and could be rejected.
 - Navigation and water-dependent commercial enterprises and activities was modified from water dependent enterprise and activities to mirror goal 16 language. This was also moved from an activity to a use. This was a suggested preference but is not necessary. applicable general and special conditions were adjusted to reference number change.

12. Changing the terms "Dredge Material Disposal" and "Flow Lane Disposal" in the CBEMP is an example of a change recommended by the consultant contracted to transcribe the adopted version of the CBEMP into a digital format that staff have proposed to reject because the recommendation is "not consistent with the overall plan". I have previously provided other examples where the consultant offered suggestions or recommended changes that have not been accurate or acceptable to the community. It is my hope that a citizen group can be tasked with finding other similar inconsistencies before being adopted.

RESPONSE: For clarification, the Oregon Statewide Planning Goal actually references this as "Flow-Lane Disposal". So, changing the term does not necessarily make it inconsistent with the law, but staff found it would be inconsistent with the wording in the overall plan, making it confusing to the reader. Therefore, staff recommended retaining the historical text until a future review of the plan. That is why the statement was made. This is the only change that was brought up that staff found any merit to, and there has been no legal basis for any additional request for

time.

- (3) Development – in estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in (1) and (2) above.

Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses.

As appropriate the following uses shall also be permissible in development management units:

- (a) Dredge or fill, as allowed elsewhere in the goal;
- (b) Navigation and water-dependent commercial enterprises and activities;
- (c) Water transport channels where dredging may be necessary;
- (d) Flow-lane disposal of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units;
- (e) Water storage areas where needed for products used in or resulting from industry, commerce, and recreation;
- (f) Marinas.

13. The staff report does not say how the differing treatments of "aquaculture" by the Coos Bay city plan and the Coos County/CBEMP was resolved. It requires a reviewer of the staff recommendation to consult the management unit language in a separate document to determine if or how the recommended changes differ from the current CBEMP language.

RESPONSE: The January 3, 2024 Staff Report page 18 states that “45A-CA – Aquaculture modified for consistency between city and county and consistency with Goal 16.” The CBEMP revisions show the modification as:

1. Aquaculture, which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in- Aquaculture which does not involve dredge or fill or other estuarine alteration water structures such as stakes or racks (commercial, not archaeological stakes or racks), is allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary, is subject to Policy #4a.

14. The staff report identifies that language in management unit 20-CA has been modified but it does not articulate the differences between the Coos Bay city plan and the Coos County/CBEMP or how those differences were resolved. It requires a reviewer or a decision maker to consult the recommended management unit language in a separate document to determine if or how the recommended changes differ from the current CBEMP language and if those changes are acceptable to the bodies responsible for adopting the recommended changes.

RESPONSE: January 3, 2024, Staff report page 18 states the following:

- 15-NA, 16-CA, 17-NA , 25-NA, 20-CA– Bridge crossings and supports were not listed in the county in any of the NA management units but were in the City. A special condition was added that that specific use is only allowed within the City of Coos Bay to resolve the conflict for the NA management units.
 - ~~45A-CA~~ – Aquaculture modified for consistency between city and county and consistency with Goal 16.
 - 20-CA – Modified to include Coos Bay uses, activities and conditions
-

The CBEMP has the changes shown using the track changes tool and show in different colors. There deletions are shown with strike through.

15. The introductory sentence under item "2" at the bottom of page 19 related to “implementing ordinances” is difficult (at least for me) to understand. I interpret this sentence to mean the following.

RESPONSE: The second sentence is incomplete and not able to be responded fully. Staff recommends that Mr. Graybill review the videos and information that DLCDC has online to teach the difference between implementing ordinances and codes v. Comprehensive Plans. It will be very helpful in the future.

In Oregon, a Comprehensive Plan and an implementing ordinance or code are two distinct components of the land use planning system. Here's summary explanation of the key differences between meant to provide you some guidance for understanding the terms but in way is part of any regulatory criteria:

- Comprehensive Plan: Purpose: The Comprehensive Plan is a long-term, overarching document that outlines the community's vision and goals for land use and development over a specified period (usually 20 years).
- Content: It includes a broad range of elements, such as land use, transportation, housing, natural resources, economic development, and public facilities. Each element addresses specific aspects of community development.

- **Community Involvement:** Developing a Comprehensive Plan often involves significant community input and engagement to ensure that it reflects the values and aspirations of the local residents.
- **State Guidelines:** The content and structure of the Comprehensive Plan must adhere to state planning goals and guidelines established by the state government.
- **Implementing Ordinance or Code:** The implementing ordinance or code is a regulatory tool that translates the policies and goals outlined in the Comprehensive Plan into specific rules and regulations. Basically, the implementing ordinance and/or code is the tool used to implement the plan. The implementing ordinance or code should align with and support the goals and policies of the Comprehensive Plan. It provides the legal framework for decision-making on specific development proposals.

In summary, while the Comprehensive Plan sets the overall vision and goals for a community's development, the implementing ordinance or code operationalizes and enforces those goals by establishing specific regulations and standards. Together, these components form the foundation for land use planning and development in Oregon.

16. "Adoption of the digitized zone map and the revisions to the CBEMP Volume II part 1 recommended to date will also require Coos County, Coos Bay and North Bend to adopt revised implementing ordinances to reflect the changes to the CBEMP made thus far. I further interpret this to mean that a similar process to adopt revised implementing ordinances will be required following adoption of any additional changes to the CBEMP made during the forthcoming stages of the plan revision process.

RESPONSE: By ordinance, the County will adopt the Revised (also referred to as amendments) Plan and the revised Coos County Zoning and Land Development Ordinance (Article 3). The cities will follow by adopting the plan by reference and then adopting codes necessary to implement the plan.

17. It is not clear to me why removing references to "Management Unit Uses and Activities" from chapter 3 of the Coos County Zoning and Land Development Code is necessary at this stage of the plan revision.

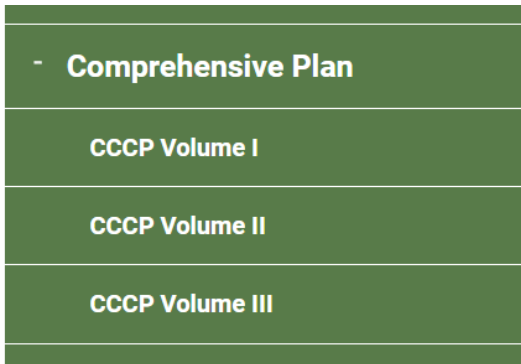
RESPONSE: By referencing one plan it will eliminate the change for inconsistent text and avoid the need to make changes to multiple documents. This approach streamlines the process and helps maintain uniformity across the board. There is no legal reason not to make this change.

18. Are the "Plan Maps" referenced under recommendation b) on page 20 the same as the Digitized Zone Map" referenced under #2 on page 19 of this staff report?

RESPONSE: Mr. Graybill fails the document but his page is referencing. The map changes can be found in Policy #3 of the Plan and are very detailed to show any changes. The only request is to remove or modify the reference to Special Development Consideration and allow the digitized Zone map to be used. The Plan explains this in detail.

19. Given the large number of maps/spatial information renderings, it would be helpful to include a glossary of terms related to maps and to adopt a consistent terminology for the various maps and spatial information renderings.

RESPONSE: A simplified glossary or other tools can be developed in the future if the map terminology is not clearly identified. There is an index of maps titled "Map Contents". These are also displayed on line.



Comprehensive Plans

The County Comprehensive Plan Volume II is structured into three parts, each serving a distinct purpose in guiding land use and resource management within the region. Part 1 detailing plan provisions, Part 2 containing inventories and factual bases, and Part 3 addressing Statewide Goal Exceptions. This organized framework ensures that the County Comprehensive Plan is thorough, data-driven, and responsive to the unique considerations of estuarine zones within Coos Bay. The Plan maps are adopted as part of the plan.

[Read More](#)

Volume II CBEMP Maps

[Read More](#)

<https://www.co.coos.or.us/community-dev/page/volume-ii-cbemp-maps>

Volume II CBEMP Maps

Supporting Documents

 [Map Contents \(2 MB\)](#)

20. The definition of "Coastal Shoreland Area" for the City of Coos Bay included a reference to the Ocean shore, but the recommended definition for "Coastal Shoreland Area" to be incorporated into the CBEMP does not include the ocean shore as part of the definition. (see definition on Page 6 of this document). If the Coos Bay city council rescinds Volume 3 of the Coos Bay comprehensive plan and replaces Volume 3 with a reference to the

CBEMP, will doing so change the ability of the city to manage "coastal shoreland areas" including "those areas immediately adjacent to the ocean..." in its jurisdiction?

RESPONSE: The definitions are consistent with Goal 16 but any suggestions or preference changes can be reviewed in the next phase of changes. Mr. Graybill did not cite to any legal arguments.

- January 4, 2024 comments from Christine Moffitt (exhibit 37):

Request more time based on the difference in the memos. The December 20 memo simplified the explanation of scope and changes, and the December 28 memo provided a line-by-line review for guidance. The Staff report for the formal hearing adheres to legal requirements, providing findings to support the criteria without altering the Plan or Ordinance. The does not change that the Plan and Ordinances changes have been available since December 27, 2022 (over a year ago). Since that time frame the modifications have been reduced down and focused on Section 2 regarding future processes and advisory committees. The scope of the changes have been very detailed.

Future typo corrections are addressed in Article 5 of Zoning Ordinance and explained in the Staff report. Staff included a place holder to revise the current decision makers and staff which protecting the historical references.

Importantly, the concerns raised by Ms. Moffitt are noted for the record but she does not provide a legal basis or legal requirement to request another continuance. Clarification of memos or staff report could have been made by contacting any of the departments. It is important to note there have been no changes made to the Coos County Zoning and Land Development Ordinance or City Codes since posting the documents in May 2023. There have only been minor changes to the Plan and no changes to the City Codes or Ordinance since originally posted on December 27, 2022.

- January 8, 2024 comments from Alan Bartl (exhibit 38)

Mr. Barl made a request to incorporate in climate justice and adaption but did not provide and criteria or address the plan directly.

- January 10, 2024 comments from Mr. Graybill (exhibit 39)

Mr. Graybill has suggested that the decision makers consider the following actions:

1. Amend the Estuary Management Plan to incorporate the digital versions of the original mylar maps.
2. Appoint a committee to read the current digital draft of the plan and provide a report to the elected officials responsible for revision of the plan.
3. Defer action on additional amendments until after receiving the citizen committee report

Response:

Staff appreciates the time and dedication offered by Mr. Graybill and looks forward to working with him and others in the future. The appropriate action moving forward is to follow the steps outlined in the last work session to bring the plan back into one document and adhere to the procedures outlined in future plan updates to ensure the project's success. The next step involves adopting the plan and establishing the Steering Committee, Citizen Advisory, and Technical Advisory Committees. The committees should be established as soon as possible. These committees can systematically review the plan in its entirety, identifying areas that require updates, such as policies, inventories, and processes. Otherwise, how are they going to complete this task

if the plan is segmented, meaning they will have to review three versions of the plan and three different implementing codes and try to determine consistency with each other while complying with the relevant legal criteria.

The proposed changes are primarily focused on future plan update process and having one document will ensure that technical information can be digested by the reviewing committees. The other changes are related to conflict resolution and mapping. No one has pointed to a plan, code, or ordinance section and made a legal argument as to why the changes are not consistent with statute, rule, or goal. The focus on the testimony has been on the consultant's memos and having an outside consultant does cause some people a certain fear but they are focused on compliance with laws. We have heard Goal One raised but the changes proposed are to allow for technical information to be placed in a form that is easier to understand. Goal One is about ensuring citizen participation and we have done that through every step of the process.

Essentially, staff believes that adopting the plan aligns with Mr. Graybill's ideals, but he contends that text amendments are unnecessary for this process to occur. However, that is not true, as it is crucial to address the conflicts created by dividing the plan to facilitate its successful combination and comprehensive future review. As staff has explained, this is just the first step in moving the process forward, and the commitment from the decision-makers to continue this effort by setting a timeline for establishing committees may show the public that the County and the Cities are committed to moving forward.

The Plan, Ordinances, and Codes have been posted since the end of December 2022, which is more than a year's time to read the plan and make suggested changes based on Goals 16, 17, 18, and 19. The changes proposed since the posting have been discussed and deliberated through work sessions.

Staff has completed a line-by-line review of the proposed CBEMP and provided a report to the decision-makers in advance of the joint work session. While there is no current requirement for a citizen committee review and report before adopting the proposed amendments, there will be one. Additionally, this did not prevent citizens from gathering and going through the amendments that have been posted. The primary requirement is that the proposed amendments are consistent with applicable Statewide Planning Goals and the local Comprehensive Plans. Delaying these amendments affects the progression of future amendments and hinders the overall process moving forward. The CBEMP is a living document and can always be further amended in the future as the need arises.

Since the start of this project, overall there has been more time allowed for comments and discussion than the original conception of the Plan.

- January 10, 2024 comments from Rouge Climate Change (exhibit 40)

This is a request for an extension. There is no legal reference; it is simply a request due to the volume of material. As a reminder, the main documents were originally posted on December 27, 2022 with minor modifications. The meetings (originally scheduled for April 2023) were continued to allow for additional open houses, public input, and to focus on a revised scope. There has been more than ample time to review all the material. When the Cities and the County set the continued work session date on December 7, 2023 no one raised an objection to the amount of time. In fact staff had requested the meeting be extended due to holiday vacation time with no

comments voiced from the public. The decision makers did agree to extend the work session and hearing out to January 10, 2024.

The revised memo and Plan Volume II, Part 1 were initially posted on December 20, 2023. However, in response to a citizen request for a line-by-line review, a second revised memo was released on December 27, 2023. Although the deadline for work session comments was January 3, 2024, the hearing record remained open until the conclusion of public testimony at the January 10, 2024 meeting.

The Staff report, containing findings and discussion, along with all comments and responses to testimony, was provided seven days before the formal hearing (January 3, 2024). Notably, there were no alterations to the plan or revision memo between December 27, 2023, and January 10, 2024.

Staff recommendations to decision makers, in follow-up memos addressing comments, were made, allowing a 14-day window for a thorough review of the revisions and the submission of comments. Work sessions were specifically focused on changes to Chapter 2, although other comments were incorporated into the record. The County Planning Commission had suggested changes to Chapter 2, prompting the work session to address concerns and facilitate a comprehensive discussion. Consequently, staff was tasked with revising the work, eliminating unnecessary changes, combining plans, incorporating the digitized maps, and addressing the specifics of Chapter 2.

Ms. Audycki also does not seem to understand that she should have been addressing the proposal based on the criteria. Ms. Audycki fails to understand the Board of Commissioner hearing notice posted and published outlined the criteria and that the Board of Commissioners was to consider all materials for a decision. The meetings were continued to a date and time certain to follow the work session. She admitted in her oral testimony she is learning a lot and did not realize that she had to address criteria. However, the email she supplied in the record would indicate otherwise. There is no relevant law cited for her argument. Again, this process has been happening over a span of many years, many meetings as explained in Staff's timeline. I realize that Ms. Audycki is newer in her position with Rogue Climate change but the community members that have been working on this project since 2012 should be able to ask decision makers to make a decision so the project can move on to a more in-depth review. Furthermore, objections should have been discussed to timelines in the December 7, 2023 meeting. County Staff member, Jill Rolfe, explained that she was set to go on vacation during the holiday and she asked for the meeting date to be moved out to January 10, 2024. There was ample time at the work session to request for the meeting to be moved out even further due to holidays. The changes made were pursuant to the request of the decision makers and follow what was discussed in the meeting.

- January 3, 2024 comments from Rouge Climate, Ashely Audycki (exhibit 41)

States there are changes the documents were released at the holiday and not enough time has been provided. This should have been raised at the December 7, 2023 meeting time but was not. County Staff member, Jill Rolfe, explained that she was set to go on vacation during the holiday and that was why the meetings were continued. She has taken much time away from the holiday to prepare the documents at the request of the decision makers. The changes made were pursuant to the request of the decision makers and follow what was discussed in the meeting.

The revised scope reduced the changes to consolidating the document, making necessary changes to allow for the consolidation and include the map which required a revision to Policy #3. Policy

#3 was explained in detail at the meeting. The comments seem to be rushed as a place holder and not provide a legal reason or confident statement that what is raised will actually cause an issue. Staff understands this technic but if an argument is not specific enough to allow a response that argument shall be precluded from being raised at LUBA.

There are no substantive amendments proposed. The changes are necessary to combined the management units into one document. The maps have been addressed. The proposal is as straight forward as possible given that is a legal document.

Issues Raised:

- There are substantive changes made to policy 2 which now strike all reference to the linkage and goal exception findings and adds an expanded test for consistency which would allow a use to be deemed consistent if impacts are deemed “insignificant.”

Response: This is not a substantive change but a matter of preference for the decision-makers to consider. Staff will revert the language back to the original language.

This consistent with Goal 16 as posed but the original language provides more information on how Goal 16 compliance was achieved in the original plan. This change does not delete the linkage matrices, implementation of the matrix, or policies regarding the matrix as they are adopted as part of the plan. The matrix was used to achieve certain goal exceptions, and those development units in which the goal exceptions were achieved already addressed the resource capabilities. This section provides that explanation; however, so do the exceptions in Part 3.

- B) Uses and Activities listed below MAY be allowed in Natural Management Units ~~when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal-Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.~~ where consistent with the resource capabilities of the area and the purposes of this management unit the following uses may be allowed:

Once approved by the County the language will be changed back to the original language.

- We do not believe any changes should be made to the current CBEMP definitions, policies, management units without explanation and that further detailed review by the community. We also believe that amendments to “correct inconsistencies,” “align with Goal 16,” “address conflicts” and return or return to some modification of “originally referenced Policy 3”.

Response: Again, the changes have been posted throughout the process. The formal process because over a year ago and every change has been made available. The definitions have been justified as aligning with state law, federal law, goal or retention of CBEMP definition for consistency. If there is a disagreement with that finding then it should be shown which definition shouldn’t be amended and why it does not meet the law. Policies have minor modifications and the one that was changed in this last revision is Policy #3. It was amended to retain all original maps, make a policy to use new maps in the future phase and then adopt one digitized map that mirrors the mylar map for ease of use. While the one Mylar map has been replaced with the digitized map it still has been retained in the event there is an error. This change is consistent with the direction received from the Board and Council to incorporate in the digitized map. There

is no fully formed legal argument made to support this argument and the argument should not be allowed to be brought up in the future as it was not specific enough to allow a full response.

- Require a thorough review of the 655-page document, including a review of the detailed amendments to the policies and the management units. So, we support and urge you to adopt Mr. Graybill's proposal to convene a citizens advisory group which conforms as closely as possible to the citizen participation provisions of the CBEMP and city's comprehensive plans which would be tasked with conducting a line by line review of the digital version to provide feedback to the jurisdictions on the formatting and revisions that have been introduced by the consultant and now staff. We can't afford to risk unintended consequences with an amendment that has had many hands on it and which as of the last meeting, had not had a thorough review. Rogue Climate also joins the rest of Mr. Graybill's comments at this time.

Response: There is nothing preventing a review of the policies, management units or any other information. It has been posted on the website each and every step with the original posting date of December 27, 2022 (more than a year ago) with open houses and comment periods extended for the purposes of allowing a very detailed review by the community. The County and the City has spent much time emailing parties and making sure information was available. Asking for more time and more time without having a plan to move forward is a drain on resources especially when there is no legal basis cited. The process has been very publicized and sign in sheets and comments have been gathered for the record to show compliance with Oregon Statewide Planning Goal One. The changes do not change any of the regulations and the changes made were for consistency purposes. Furthermore, there has been no criteria cited for not allowing the change to occur.

- "The review Mr. Graybill described at the last meeting and in his more recent comments is the review necessary to identify the types of issues described in the attached comments. In the December 7, comments we filed, we provided a short list of the concerns which are detailed in the attachment and we said we were working with community members to determine an more effective way to explain them and address them. Some of the nine points were discussed at the meeting and some may have been addressed since, like the dredge disposal site problem. We believe many of these issues remain, however. While Policy 3 has been reinstated in some form in this version of the amendment, the prior references to the Special Considerations Map (which triggered the requirement to address the resources identified on the regulatory maps) throughout the policies have not been restored as best we can tell without sufficient time. Therefore, the resources identified in the original mylar maps may continue to elude protection."

Response: The plan maps are the required regulatory map. The Special Development Considerations map is not a regulatory map but a tool. The Policy #3 language states:

The "Special Considerations Map" is NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail

presented on the inventory maps (but at a more general scale). This language is from the 1984 CBEMP document and this not a regulatory map.

The Plan maps are not part of this change. The only map that was request was a use of the digitized zone map in place of the Mylar Map but retaining the Mylar Map for historical context and review in the event there is an argument of ambiguity made in the future. In the age of digitized maps that provide easy viewing to the public it these tools should be considered and incorporated. This is exactly what Goal One states:

OAR 660-015-0000(1)(4) 4. Technical Information - To assure that technical information is available in an understandable form. Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

The changes to Policy #3 are to ensure that technical information is available. There has been no legal or relevant argument made by Ms. Audycki.

Ms. Audycki submitted additional supplemental comments. Staff was required to review this memo in more detail for possible redactions submitted portion of the Shoreland Values map which contains sensitive information for archeological sites listed. This is important to keep out of public view as it contains archeological information that she is not authorized to publish. None of the argument made are relevant as they are based on a prior version of the revision memo that was replaced. These comments have no merit.

Understanding processes and legal requirements can be difficult for non-attorney and/or non-planner professionals, but the failure to present evidence and statements sufficient for the decision-makers and other parties to respond precludes the party from raising that issue at the Land Use Board of Appeals on that matter.

The arguments provided seem to not only be portions of language from Goal 16 and relating to uses and actives that are required to be justified by an application, they have not factual relevance to the this Plan Amendment. The uses and activities in the CBEMP are directly from Goal 16 and comply. All three plans, ordinances and/or codes dealing with the CBEMP are compliant with Oregon Statewide Planning Goal 16 and 17 and have been acknowledged.

Originally all management units were in one plan when created and then divided up by jurisdiction. All management units, uses and actives within the management units, are based on the plan maps, inventories, and factual base of this plan as consistent with the goal. Consolidating them into one document does not change the goal compliance. The conflict changes that happened after the plan was divided have been handled through a policy or explanation. The City of North Bend already references the County version of the Coos Bay Estuary Management plan but retained their management units within their jurisdiction so moving the text itself is not a change, and the city plan relies on the same plan maps. Therefore, this argument is not relevant and does not even cite what the legal basis for the argument is to allow a proper response.

She did not cite to the current Policy #3 which clearly list out the language regarding the maps. The Plan maps are in place.

Policy #3 states the following:

#3 “Coos Bay Estuary Special Considerations Map”

The 1985 "Special Considerations Map" was NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

Policy #3 underwent modifications in 2024, specifically to eliminate references to the Coos Bay Estuary Special Considerations Map. The Coos Bay Estuary Special Considerations Map was essentially a compilation of all plan maps, featuring generalized boundaries. This compilation served as a practical tool for users, enabling them to ascertain whether there were overlays and special considerations applicable to a particular property.

The rationale behind the modification lies in the shift from manual methods to digital processes for mapping and layering. With the advent of digitization, the Coos Bay Estuary Special Considerations Map tool has become obsolete, as navigating overlays and development considerations can now be efficiently achieved through digital means.

Until a map has been adopted in a digital form, it can only be used as a tool in the same way the Special Considerations Map was envisioned. Removal of the Special Development Consideration Map reference has no effect on the adopted plan maps. The replacement tool for this is part of the map atlas that can serve in a similar manner. They are digitized maps but NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps with the exception of the ones shown in table 2 below. The inventory maps are as follows:

Table 1 – Regulatory Detailed Plan Maps :

1.	Plan Map Showing Aquatic and Shoreland Management Units (Plan Map)
2.	Substrate Characteristics
3.	Water Contours, Selected Channel Depths and Maintained Channels
4.	Physical Alterations
5.	Historical Analysis of Bay Changes
6.	Estuarine Wetland Habitats: Marshes, Tidelands and Aquatic Beds
7.	Significant Habitat of "Major" Importance Qualifying as Natural Management Units Under Estuarine Resources Goal
8.	Other Significant Estuarine Habitat Qualifying as Conservation Management Units Under Estuarine Goal
9.	Estuarine Areas Qualifying as Development Management Units Under Estuarine Resources Goal
10.	Crustacean Habitats
11.	Clam Beds and Oyster Leases
12.	Clam Species in the Coos Bay Estuary

13.	Fish Habitats
14.	Habitat for Waterfowl, Shorebirds, and Wading Birds
15.	Shoreland Values Requiring Mandatory Protection
16.	Beaches and Dunes
17.	Beaches and Dunes: Development Potential
18.	Political Jurisdictions
19.	Transportation and Public Facilities
20.	Existing Land Use
21.	Existing Water Use
22.	Schematic Land and Water Ownership Patterns
23.	"Scenario #1" Development Needs
24.	Tentative Goal #16/Goal #17 Development Priority Areas
25.	Existing & Potential Commercial Fishing and Recreational Boat Moorage
26.	IATF Moorage Decisions
27.	Selected Dredged Material Disposal Sites
28.	Selected Mitigation and Restoration Sites
29.	Goal #16 "Linkage" Matrix - Retained see regulatory Inventory Maps
30.	Aquatic Uses and Activities "Linkage" Matrix Retained see regulatory Inventory Maps
31.	Goal #17 and #18 "Linkage" Matrix Retained see regulatory Inventory Maps
32.	Agricultural and Forest Lands
33.	Wet Meadows
34.	Coos Bay Estuary Management Plan (1" = 800') – Retained see regulatory Inventory Maps
35.	Coastal Shorelands Boundary Inventory
36.	Candidate Areas Suitable for Increased Economic Growth
37.	Selected Dredged Material Disposal Sites
38.	Selected Mitigation and Restoration Sites
39.	Minimum Lot Sizes/Unincorporated Areas

Regulatory Inventory Maps (Digitized Mylars)

In the event of any error or conflicts arising in the digital mapping layer, the County shall retain the original Mylar map for historical value and as a reference. The original Mylar map will serve as the authoritative source to resolve any discrepancies, ensuring accuracy and consistency in mapping data but the digital map will be the official regulatory map for decision making purposes. Archival preservation is crucial for maintaining historical records and facilitating efficient resolution of any potential issues that may arise in the digital mapping layer.

The following maps have been digitized from the original Mylar maps and will be adopted as plan maps for use in regulatory decisions:

Table 2 – Regulatory Digitized Detailed Plan Maps

<u>Map Number</u>	<u>Title</u>	<u>Date of Adoption</u>
34	Coos Bay Estuary Management Plan	January 10, 2024

Table 3 - Nonregulatory Digitized Inventory Maps used as a tool but not a substitute for the original Plan Map (Map Scale 1" = 40,000')

Map Number	Title
15	Shoreland Values Requiring Mandatory Protection (without Archaeological or Historical sites due to protected information)
16	Beaches and Dunes
17	Beaches and Dunes: Development Potential
29	Goal #16 "Linkage" Matrix
30	Aquatic Uses and Activities "Linkage" Matrix
31	Goal #17 and #18 "Linkage" Matrix
33	Wet Meadows
37	Selected Dredged Material Disposal Sites
38	Selected Mitigation and Restoration Sites

Table 4 – Map Atlas - Generalized Digital Maps (Map Scale 1" = 40,000') Part of the Map Atlas that should be considered for Future Updates and General Information.

Maps Number	Title
3.1	Generalized Zoning
3.2	Management Units
3.3	Property Use Classification
4.1	Improvement Status
4.2	Improvement Value Ratio
4.3	Public Ownership
4.4	Active and Inactive Diking Districts
4.5	Fire Departments and Districts
4.6	School Districts
4.7	Coos Bay-North Bend Water Board
4.8	RESERVED
5.1a	Species of Concern
5.1b	Species of Concern (<i>continued</i>)
5.2	Oysters, Clams, and Crabs
5.3	Flood Zones
5.4	Landslide Susceptibility
5.5	Slope
5.6	National Wetlands Inventory
5.7	RESERVED
5.8	Sea Level Rise
5.9	Tsunami Inundation
5.10	Estuary Features
5.11	CMECS Aquatic
5.12	CMECS Biotic
5.13	CMECS Physical (Geoform)
5.14	CMECS Geologic Substrate
6.1	Dredged Material Disposal Sites (2018)

6.2	Restoration Sites Inventory
6.3	Tidal Wetland LMZ Prioritization
6.4	Urban Renewal Districts
6.5	Economic Zones

- January 10, 2024 - Jamie Fereday Comments written comments and map (exhibit 42)
Mr. Fereday provides a historical look at the bay and urges consideration of balanced policies to allow the bay to heal from prior development decisions. The information he provided can be helpful in the next phase but does not offer comments directed toward the current proposal or address the criteria specifically.

- January 10, 2024 - Annie Merrill, Oregon Shores (exhibit 43)
Ms. Merrill reiterated her request from January 3, 2024, for an extension and provided additional testimony on why she made this request in the January 10, 2024, public hearing. She believed this was inadequate time for public engagement and public notices about the meeting on January 10, 2024. In her opinion, it was also not clear that the goal was to vote on the final plan adoption. Ms. Merrill seems to be unclear on the difference between the Staff Report pertaining to the public hearing and the work session materials. The memos and the plan were posted prior to this to allow for written comments for the work session to be considered. The work session was clearly identified from the public hearing.

Each time a public hearing was continued, it was made clear that it was continued to a date and time certain. While the Staff Report serves as a comprehensive document prepared by the planning department staff that provides detailed information and analysis related to a specific land use proposal, it is a tool for the decision-makers; the public comments should evaluate the actual document for compliance with the legal criteria. Therefore, making the argument that the staff report was not available prior to work session comments is not a valid argument, as it was available at least seven (7) days before the public hearing in which the record was open, which is compliant with State Law.

Ms. Merrill raised issues with the definition of structure.

The memo provided by the consultant provides a list of conflicting definitions for the County to consider in adoption with a recommendation. Staff's job is also to provide a recommendation to the Board to consider.

Structure

CBEMP	Anything constructed or installed or portable, the use of which requires a location on a parcel of land.
Coos County Ordinance	Walled and roofed building including a gas or liquid storage tank that is principally above ground.
City of Coos Bay	Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

Staff explained that the Coos County Floodplain Ordinance and the FEMA definition are consistent; therefore, to align with the Floodplain Ordinance (both the city and the county), it is recommended to stay with the definition of "walled and roofed building, including gas or liquid storage tank that is principally above ground". There is no definition in Goals 16, 17, or 18 that would provide additional guidance, and Ms. Merrill fails to state any relevant law that would offer any additional guidance.

Ms. Merrill raises the change in the language below, which was also raised by Rouge Climate, and staff stated they would remove any changes to this section unless the County otherwise voted to keep the change. This did not happen, so this has been resolved. Even if the county had made this change, it is not inconsistent with Goal 16, and the argument seems to be for more time and not why the change is or is not compliant with Goal 16.

- B) **Uses and Activities listed below MAY be allowed in Natural Management Units when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.that**
such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.

Latest 2024 draft (Section 4, page 23):

- B) **Uses and Activities listed below MAY be allowed in Natural Management Units**
when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.
where consistent with the resource capabilities of the area and the purposes of this management unit the following uses may be allowed:

The last request is for clarification regarding the maps. The individual policies reference the maps clearly. Staff did not propose changing the map names, policies that reference the maps, or linkage references. Policy 3, as explained previously, contained a map as a tool that was not for regulatory purposes. Policy 3 has been revised to explain the history and distinguish between a regulatory map and a non-regulatory map, detailing how each is to be used.

Table one is a list of the Mylar Maps from the index page of the maps, Table 2 is the digitized map that replaces Mylar Map 34 with the name and reference intact, and Table 3 includes non-regulatory digitized maps to be used as a tool. Table 4 lists non-regulatory maps to be used in a future update. The language is clear, and the references to the policy remain intact to explain how the maps are to be used. The county has addressed this issue.

Policy #3 Coos Estuary Special Considerations Map (Section 4, page 26):

We appreciate the clarity that was provided about the use of the "special considerations map" as an index guide. However, eliminating the obsolete map as a reference is not justification for striking text that makes the special considerations enforceable for 21 individual policies in the plan. If the "special considerations map" is eliminated, it should still be required to reference the individual maps needed to enforce each of these policies and use the information in conjunction with the individual Management Unit Objectives, and Allowed Uses and Activities to implement the CBEMP. (I.e. The green text in II. in Section 4, Page 27 should still state that reference to the relevant Regulatory Detailed Plan Maps will be made to implement the policies set forth in the plan).

Further, in order to properly implement these plan policies, the digitized mylar versions of these original regulatory maps should be adopted, and their file names should be consistent throughout the plan, to make it clear which map is being used and referenced where. Ideally, the maps should be hyper-linked when referenced and made accessible on the Coos county website, to increase useability of the maps and the plan.

With these issues resolved, we would feel much more comfortable adopting this simplified version of the plan, and we support each jurisdiction adopting the draft Resolution offered by planning staff to commit to a more comprehensive update with more thorough public participation in all stages of the planning process. However, we recommend the inclusion of the

These arguments have been addressed.

- January 10, 2024 - Christine Moffitt – Written Comments (exhibit 44)

Ms. Moffitt reiterates the request of others for more time. She raises concerns with the historical text but does not seem to be aware of the changes made to preserve the historical portions of those who worked on the original plan. She alludes to some type of challenge by not keeping the historical information but does not provide details on how that background would be legally challenged. Historical plans are required to be retained forever under public records retention law. If there were further typos that were not captured in the document, Ms. Moffitt can provide those to county staff, and they can be corrected as long as there isn't a contextual change pursuant to Section 5.1.125 of the Coos County Zoning and Land Development Ordinances.

Once the appeal period has passed and the adoption stands, the Steering Committee, Citizen Advisory Committee, and Technical Advisory Group will be filled. An in-depth review of the document, suggestions for moving forward, and identification of funding and other issues will be discussed and moved forward as provided for in the adopted resolution.

- January 10, 2024 - Katherine Muzik - Letter dated January 10, 2023 (exhibit 45)

Ms. Muzik states she is in opposition to the deep-water port, trains, and requests a halt to this destruction. She appears to not understand the process, as the county or the cities are not adopting a specific proposal or any language that would have anything to do with allowing the railroad to travel to Eugene. She fails to cite any relevant criteria, and the basis for objections is not applicable to the proposal.

- January 10, 2024 - Karen Richardson – Written Testimony (exhibit 46)

Ms. Richardson would like to ensure the bay is protected, and the heritage is preserved by requesting additional comments. This has been addressed.