



Oregon Shores
Conservation Coalition



Rogue
Climate

October 20, 2023

TO: Coos County Board of Commissioners

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

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

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

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

1.6 Agency, District and Tribal Involvement and Coordination

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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