



December 6, 2023

Re: CBEMP proposed language changes in staff report and general plan amendment

Thank you for the opportunity to comment on the Coos Bay Estuary Management Plan and the recently proposed language changes in the December 7th joint work session staff report. We appreciate the effort of Coos County, Coos Bay, and North Bend planning staff to address public comments and align the CBEMP adoption process across jurisdictions. The proposed language changes in the staff report add helpful context around committee roles and responsibilities. With some caveats, we are broadly in support of these changes and the adoption of Phase 1 of the CBEMP. However, some remaining questions and comments are summarized below to help the cities and counties iron out these important details.

Plan amendment process:

It appears that a process for Tribal consultation in future amendment processes still has not been addressed. Although Tribal representatives are included as a seat on every committee, which we strongly support, Tribal governments still need to be adequately informed and consulted regarding any changes to the CBEMP. We recommend Tribal governments are notified immediately following an application submission to amend the CBEMP, in line with committee notification and review in the proposed Major Amendments section 2.3.2 (page 8 of the staff report).

Additionally, Oregon Shores seeks clarification on the definitions of "major" and "minor" amendments proposed as a re-write in the staff report. The current draft plan does not define "major" or "minor" amendments at this granular level and we want to ensure that these definitions are consistent with the Comprehensive Plan, Statewide Land Use Planning Goal 2. Otherwise, Oregon Shores would suggest either omitting "major" and "minor" as designations for these sections, and instead simply describe the instances in which the TAC, CAG, and Steering Committee would be formally engaged with by the processes (i.e., legislative changes and/or quasi-judicial applications impacting more than one management unit, as opposed to "major").

Committee make-up:

We support incorporating language describing the expected stakeholder composition and roles of the Joint Steering Committee, Technical Advisory Committee, and Citizen Advisory Group directly into the CBEMP, to ensure accountability to develop and maintain such committees in the event of a major amendment. However, we recommended not to name specific organizations and entities in the CBEMP, but rather expertise, sectors, or stakeholders sought to achieve a fair process. Avoiding specific, prescriptive organizational names will help eliminate the challenges remarked in the highlighted section on page 9 of the staff report, ensure the plan maintains relevancy long-term, and still allows flexibility.

We are pleased to see conservation groups added to the Technical Advisory Committee, and individuals with a conservation background on the Citizen Advisory Group. This was necessary to achieve balanced perspectives on both committees. We have attached an

example of the various committees convened in the recent update of the Yaquina Bay EMP, as an example of what other processes have looked like.

Committee appointment and meeting processes:

It is inappropriate for the county to appoint the Tribal representatives on the Steering Committee, as Tribes are sovereign nations and independent governments. Tribal governments should appoint or elect their own representatives to serve on the Steering Committee, and we recommend this distinction be made in the proposed language reflected on page 10 of the staff report. Additionally, considering the CBEMP is a multi-jurisdictional plan, it seems appropriate that cities have the ability to appoint, or make recommendations for the county to appoint members of the Citizen Advisory Group and Technical Advisory Committee, rather than the board of commissioners having the sole authority to appoint committee members.

Appointments to the Steering, Technical, and Community advisory committees should follow the County's normal process for appointments, including for applicants to submit a completed version of the County Board of Commissioners Application for Appointment to a Board, Commission, or Committee form. Applicants should state which committee and which specific seat they are applying for, and the County should ensure that when there are multiple applicants for a given seat, the most qualified applicant is chosen.

Last, to ensure a transparent and equitable process, all committee meetings should be open to the public and minutes should be publicly accessible. This ensures that members of the public who are not appointed to the Citizen Advisory Group still have opportunities to be informed on the planning process. Ensuring transparency and adequate records of meetings will also prevent public confusion about technical changes during the plan adoption process.

Committee roles and responsibilities:

It is important to note that the Citizen Advisory Group should not replace active public involvement in all phases of the planning process. Robust public involvement fosters community buy-in and support for the planning process and avoids confusion about proposed changes during the public hearing phase. Merely having diverse members of the public on an advisory committee does not fully satisfy Goal 1. Thus, we recommend that the Citizen Advisory Group play a key role in helping to disseminate information and coordinate public input from the broader community during a major CBEMP revision process. This could be listed under the responsibilities of the committee (page 14).

Regarding the CBEMP proposed amendment package, we have several points where we hope to seek clarification before plan adoption. These are listed below:

Map Clarifications:

Oregon Shores has several questions about the use and makeup of the Maps in Appendix A. The Map Atlas (also called Background Maps), contains a tremendous amount of detailed (and important) natural resource information. Much of that information was formerly contained in the "special considerations" map and the former Baywide Policy 3. Oregon Shores

seeks clarification on how these maps would be used, particularly to enforce Baywide Policy 3 and the protections this policy originally provided. Oregon Shores hopes that these maps will continue to have regulatory significance under this new plan to protect the natural values of the estuary.

Will these maps be uploaded into a GIS system, where they can be overlaid over management units M1 Maps, and the rest of the Inventory Maps? Oregon Shores would urge the jurisdictions to clarify the intended purpose of the Atlas maps, and to ensure that the information contained therein will be available in a useful format to ensure the information in them both can be easily accessed in concert with the Inventory Maps, and that they have the force of law.

Finally, several places in Volume 2 of the plan amendment make reference to "Detailed Maps" next to crossed-out "Special Considerations Maps." Oregon Shores seeks clarification that these references to "Detailed Maps" are in fact references to the Map Atlas (also called Background Maps). Oregon Shores would urge the jurisdictions to use consistent naming to reduce confusion but appreciates the clarification here.

"Figure 2" Clarification:

Oregon Shores seeks one (potentially) minor final clarification. On Page 57, "Figure 2" appears to demonstrate how to use the plan's various components. It is our understanding that this Figure is merely demonstrative and meant to show how one might use the component parts of the plan, but its purpose is unclear. Under each of "Bay-wide Policies," "Management Unit Designations and Management Objectives," and "Uses and Activities," the author provides parentheticals. Oregon Shores would ask that the parentheticals be removed, and the purpose of Figure 2 be clarified.

Multi-jurisdictional commitment to Phase 2:

Last, we recommend that Coos Bay, North Bend, and Coos county co-sign a joint resolution committing to pursuing funding and proceeding with Phase 2 of the CBEMP amendment process, shortly after the present CBEMP amendment is adopted. It is of utmost importance to continue the planning process and momentum to help prepare the community for the impacts of climate change and capitalize on the widespread public support for planning.

Thanks again for the opportunity to comment, we look forward to a much improved estuary management planning process in the future and we would appreciate an opportunity to meet with planning staff to discuss the above points of clarification.

Sincerely,

Annie Merrill
Ocean and Estuaries Manager
Oregon Shores Conservation Coalition

Yaquina Bay Estuary Management Plan Update Fact Sheet

The Yaquina Bay Estuary Management Plan (YBEMP or Plan) determines how the Yaquina Bay area is managed, including what kinds of development can happen where and which areas are set aside for resource protection. The YBEMP is the local implementation of Goal 16: Estuarine Resources, one of Oregon's 19 Statewide Planning Goals, which sets forth requirements for the planning and management of Oregon's estuaries. **An estuary management plan gives local jurisdictions the ability to manage their estuaries for the benefit of the public and natural resources in a way that meets the development needs of the community.** Lincoln County implements the estuary management plan for Yaquina Bay in coordination with the City of Newport and the City of Toledo.

The current estuary management plan for Yaquina Bay was adopted in 1982. Since then, we have improved information and understanding of how estuaries fit into communities.

Local officials from Lincoln County and the cities of Newport and Toledo are working together to update the estuary management plan to serve the communities around Yaquina Bay for generations to come. Over the past 2 years, dozens of local, state, federal, and tribal stakeholders and experts have provided input and feedback in order to develop a DRAFT updated Plan for public review. The process for updating the YBEMP to date included:

- Updating Yaquina Estuary map information and uses,
- Modernizing the Plan to reflect current social, cultural, environmental, and economic conditions,
- Gathering and incorporating community input, and
- Integrating predicted impacts of climate change.

A CLOSER LOOK AT OREGON'S GOAL 16

The objective of Goal 16 is to "recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental, economic and social values, diversity and benefits of Oregon's estuaries."

Goal 16 requires that EMPs identify which areas (management units) within the estuary are classified as Development, Conservation, or Natural. Each classification has a list of prescribed allowable, conditional, and not allowed uses, guiding the local review process to ensure that proposed alterations are consistent with overall management objectives of the management units and that adverse impacts are minimized.

WHAT IS AN ESTUARY?

Estuaries are the mixing of saltwater and freshwater where rivers meet the tide. Estuaries are an amazing place for plants, animals, and people! They are critical habitat for native salmon, birds, and plants. Healthy estuaries are not only critical for biodiversity, but our enjoyment of the coastline, and the productivity of our fishing and tourism industries. Yaquina Bay and the surrounding area have been home to the people of the Confederated Tribes of Siletz Indians since time immemorial, who still have a thriving, active cultural presence in the region today. The Bay today is home to approximately 15,000 people who live, work, and play in the area.



The Plan Update Process

In 2020, the Oregon Department of Land Conservation & Development (DLCD) formed an initial Steering Committee with Lincoln County, the Cities and Ports of Newport and Toledo, and later, the Confederated Tribe of Siletz Indians (See back page for list). A call for proposals was released for bids through DLCD to manage the Plan update.. Willamette Partnership and the University of Oregon's Institute for Policy, Research, and Engagement (IPRE) submitted the successful proposal. Local estuary management plan expert Matt Spangler joined the project team as a consultant representing Lincoln County.

In 2021, based on recommendations of the Steering Committee and research of local stakeholder groups, the Project Team convened an Advisory Group representing a diversity of expertise and interests in the management of Yaquina Bay (See back page for list). A subset of Advisory Group members participated as a Technical Sub-Group that reviewed all spatial data and scientific information, including impacts from climate change. Dozens of data sources were identified to describe current, historic, and projected conditions in Yaquina Bay to update the map inventory using best available data.

In 2022, the Project Team conducted a Needs & Gaps Assessment (Assessment) to identify proposed updates to the Plan in order to ensure it reflects current conditions and meets the present and future needs of the communities that depend on the Bay. The Assessment prioritized the set of recommended updates and identified the ones to be included in this current update. The Project Team addressed all high priority recommendations from the Assessment in coordination with the Advisory Group and Steering Committee. Feedback and recommendations were addressed and documented in a "summary of consultation." The Project Team developed an outreach and engagement strategy to ensure residents and stakeholders can participate in this process. This has included:

- Attending a Northwest Steelheaders public event,
- Presenting at a Newport Chamber of Commerce meeting,
- Collaborating on a lecture by Dr. Laura Brophy of Hatfield Marine Science Center on Climate Change and Yaquina Bay,
- Convening a Public Information Session at the Newport Library;
- And hosting an informational website.

A series of three Town Halls are planned for DATES for residents and stakeholders to learn and ask questions about the Estuary Management Plan update and process. Lastly, presentations will be given during regularly scheduled meetings for County, Cities, and Ports' Boards, Councils, and Commissioners throughout Summer 2023.

After the Town Halls, the Draft Plan may be revised based on resident and stakeholder feedback and the final version will be submitted to Lincoln County and the Cities of Newport and Toledo to be reviewed and considered through a formal plan amendment process. This will entail public meetings with the Planning Commissions, City Councils and Board of County Commissioners for Lincoln County, Toledo, and Newport. These processes also include a formal public comment period where any member of the public is welcome to submit written comments or provide testimony at these meetings. The Estuary Management Plan and maps are not official until they are adopted by all three jurisdictions which is anticipated to occur in the fall or winter of 2023.

Summary of Proposed Revisions

The Needs & Gaps Assessment was developed to determine how the current Estuary Management Plan needs to be updated in order to better reflect the social, ecological and economic conditions of Yaquina Bay. The following changes have been proposed as a result of the collaboration of the Advisory Group, Technical Sub-Group, and Steering Committee:

Digital maps to replace hand-drawn maps: 24 estuary-wide maps and individual maps for each management unit.

Removal of outdated references: Language was modernized when feasible.

New Estuary Zoning Districts to replace Permitted Use Matrix: The previous Permitted Use Matrix describing which uses or alterations are permitted conditional, or not allowed was confusing for most users of the Plan. Text-based zoning descriptions based on Lincoln County and the Cities' zoning code is easier to understand and use. The uses have not changed.

Any changes to the Estuary Management Plan must be adopted through Lincoln County and the cities of Newport and Toledo.

The planning process currently underway is designed to draft an updated Plan for the county and cities to then review and adopt. All proposed changes (above) through this planning process are subject to their review and finalization.

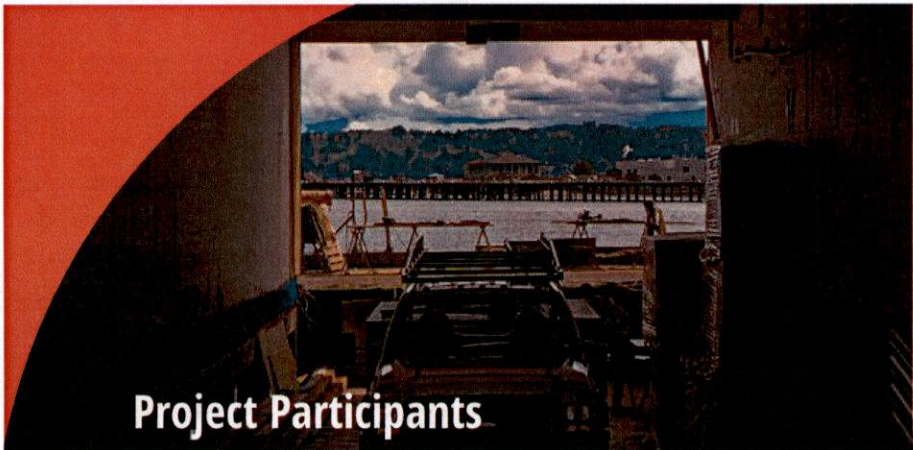
Updates to certain Management Units: Management units were reviewed and some were split, shifted, or reclassified to better reflect areas for protection and development.

- Boundaries of five management units were altered to better align existing conditions (e.g.: protected shellfish reserve areas or marinas) and uses with the appropriate classification.
- Three new Management Units were created & two Management Units are reclassified. Similar to the boundary changes these proposed revisions reflect improved alignment of local conditions with the classification most appropriate for the natural resource or existing development uses (e.g.: a large algal bed in MU1 becomes MU1A and classified as Natural).

Consideration and incorporation of local climate vulnerabilities: Projects that affect the estuary, such as dredging, already require applicants to submit informational 'Impact Assessments' that describe anticipated impacts and proposals to minimize them. Proposed new revisions ask applicants to also consider area-specific climate vulnerabilities in addition to current conditions through the impact assessment (See Part III-Sub Areas).

Planning for future updates when conditions change: Plan Part XI has been developed to describe the process in which jurisdictions might update specific components of the Estuary Management Plan when changes occur or parts of the plan become outdated.





Project Participants

Steering Committee

Onno Husing	Lincoln County
Megan Hoff	Lincoln County
Derrick Tokos	City of Newport
Judy Richter	City of Toledo
Stan Van De Wetering	Confederated Tribes of Siletz Indians
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Advisory Group

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*Cheryl Brown	US Environmental Protection Agency	Heather Mann	Midwater Trawlers
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*Tony D'Andrea	Oregon Department of Fish & Wildlife	Ryan Parker	City of Newport Councilor
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*Paul Engelmeyer	Wetlands Conservancy/Audubon Society	*Liz Ruther	Pew Charitable Trusts
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Project Team

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Michael Howard	University of Oregon - Institute for Policy, Research & Engagement
Matt Spangler	Lincoln County (Consultant)

Key Roles of Steering Committee

- Inform & review spatial data and maps
- Review & approve of types of changes needed
- Review & approve of Draft Plan & Inventories for public release

Key Roles of Advisory Group & Technical Sub-Group

- Inform & review spatial data and maps
- Inform & review climate change information & Climate Vulnerabilities
- Provide guidance on community outreach
- Review & provide feedback on Plan Drafts & Maps