



Oregon Shores
Conservation Coalition

Wednesday, January 10, 2024

TO: planning staff, Coos County Board of Commissioners, and the City Councilors of Coos Bay and North Bend

RE: Jan 10th Staff Report and Jan 2024 Draft of the Coos Bay Estuary Management Plan

Thank you city councilors and county commissioners, for the opportunity to testify on the Coos Bay Estuary Management Plan amendment.

My name is Annie Merrill, I am the Ocean and Estuaries Manager, speaking on behalf of Oregon Shores Conservation Coalition.

We have submitted two letters, asking for an extension of the written comment period and a continuance of the public hearings today-to delay plan adoption until more time has been given for the public to review the new version of the draft plan and meaningfully comment on the proposed changes. Only some members of the public were sent the new revised plan draft and staff report on Friday Dec 29, and given 4 days to review and comment before the January 3rd deadline, 2 of which were holidays. We believe this is inadequate for meaningful public engagement.

While many of the latest edits reflect what was assigned at the last work session, which was to dial back the revisions made to the plan, new text and changes were also added in the latest iteration of the document, which requires more careful consideration before rushing ahead with plan adoption. Additionally, public notices about the work session today were not made explicit that the goal of the hearings are to vote on final plan adoption, so many members of the public were unaware of the existence and gravity of this hearing.

Oregon Shores is very close to being in support of plan adoption, and we are mostly satisfied with the changes that were made. However, we have some specific comments on the latest text, that we believe warrants further discussion:

Policies for future processes (Section 2, Pages 2-9)

We support the description of the Coos Estuary Joint Steering Committee, however the new plan language that describes the Coos Estuary Citizen Advisory Committee and the Coos Estuary Technical Committee favors development interests above environmental protection, which is inconsistent with the language in Goal 16, and the draft resolution.

We strongly recommend altering the text on page 6 to read: *"The committee will be known as the Coos Estuary Citizen Advisory Committee (CECAC) and will broadly be*

representative of geographic areas and interests related to land use and land use decisions, as well as natural resource protection and responsible use.”

Likewise, the Coos Estuary Technical Advisory Committee description on page 7 should read: *“Assistance shall be provided to interpret and effectively use technical and scientific information. A Coos Estuary Technical Advisory Committee (CETAC) will be established to provide technical guidance and expertise for managing the estuary’s economic development in balance with its unique environmental and social values.”*

Given the language describing these committees will govern all future plan update processes (unlike the joint resolution), it is imperative that the language reflects the purpose of Goal 16. Additionally, it is important to provide guidance for the members of the CETAC and CECAC and make clear for all that the intention of the CBEMP is to balance both development and environmental protection.

Finally, the public process is not detailed in the steps for a jurisdictional plan amendment (2.3.3., page 5), aside from two formal hearings before the Board of Commissioners. This is an inadequate public process, inconsistent with Goal 1. At a minimum, a jurisdictional plan amendment should include an adequately noticed 60-day public comment period, and formal hearings before all planning commissions, city councils, and the county commissioners.

3.2 Definitions (Section 4. Page 2-21)

It appears that some definitions were changed in the latest 2024 version of the plan when compared with the 2023 draft, and no explanation was offered in the staff packet to support these text changes.

The structure definition is one such case, where text was altered with no justification, with potential ramifications for development proposals that leave out all other kinds of “structures”, like ramps, dykes, docks, cables, etc. This is also counter to what the staff was asked to do to narrow the scope of amendments made to the CBEMP before the Jan 10th hearing. See examples below:

2023 draft (section 4. page 23):

STRUCTURE: Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

Latest 2024 draft (section 4. page 18):

STRUCTURE: ~~Anything constructed or installed or portable, the use of which requires a location on a parcel of land.~~ Walled and roofed building including a gas or liquid storage tank that is principally above ground.

3.3 Policies (section 4, starting on page 22):

Language has been changed in Policy #2 General Schedule of Permitted Uses and General Use Priorities, which seems to fundamentally change the purpose of the Natural Management Unit designation. Why was this edit made, and what are the implications of this language change? See below:

2023 draft (Section 4, Page 29):

- 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:**

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

suggested language changes offered by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians in this Resolution.

At present, we are not ready for this plan adoption and kindly ask that decision-makers continue the hearing to allow time for meaningful public review of this new plan draft and adopt the plan at a later hearing. Thanks for your consideration.

Sincerely,

Annie Merrill
Ocean and Estuaries Manager