



AGENDA

Port of Bandon
 Regular Commission Meeting
 November 17, 2022, 5:00pm
 Bandon Public Library
 Bandon, OR and via ZOOM
www.portofbandon.com/meetings
 for details

A.	Consent Calendar		
i.	September Minutes	Commissioners	A-B
ii.	September Financials	Commissioners	C-O
iii.	October Financials	Commissioners	P-BB
B.	Presiding Officer and Commissioners Comments		
C.	Ordinances and Resolutions		
	Resolution to Seek Urban Renewal Funds	Kathy / Commissioners	1-4
D.	Public Contracts and Purchasing		
	Marina Redevelopment Contract	Jeff / Commissioners	Handout
	Oregon Marine Board Grant Agreement	Jeff / Commissioners	5-8
E.	Port Managers Report		
i.	DOA Permit / Dredging	Jeff / Commissioners	9-17
ii.	DOA Permit / Launch Ramp	Jeff / Commissioners	18-24
iii.	Dredge Fund Request to USACE	Jeff / Commissioners	25-26
F.	Port Staff Reports		
i.	Harbormaster	Shawn/Commissioners	Verbal
G.	Public Comment		
H.	Adjournment		

NOTES:

Port of Bandon
Regular Commission Meeting
September 22, 2022, 5:00pm
Bandon Community Barn & via ZOOM
Bandon, OR

Commissioners Present: Wayne Butler, Reg Pullen, Donny Goddard, Rick Goche, and Rod Taylor
Staff: Jeff Griffin - Port Manager, Josh Adamson - Project Manager, Kathy Reed – Finance Director
Guests: John Towne, Lori Osborne, Shawn Gibbs – SCDC, Eileen Quinn, Mark Johnston, John Ogan, Brandi Medeiros.

Commissioner Pullen opened the meeting at 5:00pm

Commissioner Pullen asked for a motion to approve the consent calendar. **A motion was made by Commissioner Goddard. Commissioner Goche seconded motion. Motion passes unanimously.**

Brandi Medeiros from CCD gave an update on the Coquille Enterprise Zone boundary amendment. She explained that Coos County has already approved the amendment and produced a Resolution for the Port of Bandon Commissioners to sign adopting the agreement as well. General discussion. **A motion was made by Commissioner Goche to approve Resolution 2022-06 to Modify the Boundary of the Coquille Enterprise Zone. Motion seconded by Commissioner Taylor. Motion passed unanimously.**

The item “QuickBooks admin change” was accidentally left on the agenda from last months meeting. The agenda item was removed.

Mark Johnston, executive director for the Coquille Indian Tribe introduced John Ogan who was hired by the tribe to help rebuild the Coquille Chinook salmon populations and negotiate an agency-to-agency partnership between the Tribe and Oregon Department of Fish and Wildlife. Commissioners asked for clarification on matters included in the tribal agreement with ODFW that was outside of the initial discussions originally endorsed by the Port Commission.

Jeff met with 7-8 contractors and several engineering firms for an on-site visit for the Marina Redevelopment Project on September 16th. Shawn is heading to the Port of Friday harbor to investigate similar dock project construction to evaluate Port staff capabilities of in house work to potentially lower project costs if necessary.

The U.S. Army Corps of Engineers has approved flow lane disposal for both basin dredging projects.

The Oregon State Marine Board grant has been submitted for the launch ramp project. Rising costs are also a potential issue for this project. The overall launch ramp project will expand the concrete apron, procure new floats with better accessibility, and drive new steel piles.

Site and floor plans were shared for the Port of Bandon office to be located on the High Dock. The new building will feature two public restrooms and two shower/laundry facility to be used by transient

moorage guests. **Commissioner Goche made a motion to create a resolution asking that the City of Bandon help fund two of the public restrooms using urban renewal money. Commissioner Taylor seconded. Motion passes unanimously.**

Oregon Rep David Brock-Smith is open to the idea of sponsoring legislation focusing on commercial harvesting of purple urchins for the rehabilitation of the kelp forests. **Commissioner Goche made a motion to encourage staff efforts towards advocating to ODFW to increase the bag limit for purple urchins and to increase commercial permits. Commissioner Goddard seconded the motion. Motion passes unanimously.**

The Port successfully amended the City conditional uses permit for the Farmers Market by increasing Friday's time by one hour, making both days 10:00am-3:00pm. The Port has been working with Sheri McGrath to make a minor modification allowing more uses under the same conditional use permit.

Staff Report:

Maintenance staff has been busy continuing the roll up bay door replacements. Benches on the boardwalk have also been restored.

The Port drove the work truck and boat through the cranberry festival parade. Dave Melton rode in the back throwing candy out to watchers. Signage cleanup will begin replacing all the old, out of date signage and correcting some with wrong ordinance numbers. The Farmers Market will close 3 weeks ahead of schedule due to vendors leaving early. October is not a good month for most and others have retired or are doing the festival circuits. Port will begin evaluating market season for 2023.

Commissioner Butler briefed on the high use of the new Pullen Pier.

Public Comment: A letter from John Town was delivered to the Commissioners.

Regular Meeting was adjourned at 6:39pm

Commissioner Pullen opened the Executive Session per [ORS 192.660 (2)(i)] at 6:41pm.
Commissioner Pullen closed the Executive Session at 7:00 pm and reopened the public meeting.

A motion was made by Commissioner Goche to increase Port Managers salary by 10% and add one week's vacation time accrual, effective October 1. Motion was seconded by Commissioner Butler. Motion passed unanimously.

Regular meeting was adjourned at 7:02pm

Respectfully submitted by

Joshua Adamson



PORT OF BANDON

390 FIRST ST SW ♦ BANDON, OREGON 97411 ♦ PHONE (541) 347-3206

RESOLUTION NO. 2022 - 07

A RESOLUTION TO SEEK URBAN RENEWAL FUNDS FROM THE CITY OF BANDON

WHEREAS, the Port of Bandon is designing a new administrative office located on the high dock next to Prowler Charter. The new administrative building will have an attached restroom facility proposed for construction in spring 2023. The attached facilities include restrooms for general public use and a separate private shower facility for Port transit customers: and,

WHEREAS, the proposed restroom and shower facility will be approximately 500 square feet, and the cost for the restroom facility is estimated to be \$257,400. The Port of Bandon will own and operate the Port of Bandon Public Restrooms for the benefit of the public and plans to check the toilets and urinals daily, keep the restroom supplied with the necessary products, empty trash and keep the floors and fixtures clean: and.

WHEREAS, Public Restrooms in the City of Bandon are scarce, and tourism in Bandon is increasing. The locations of other public restrooms in proximity to Old Town Bandon are; The Face Rock Cheese Factory restrooms, Port of Bandon restrooms in Old Town Bandon, City of Bandon restrooms at the South Jetty: and,

WHEREAS, the current Port of Bandon public restrooms located between Tony's Crab Shack and Bandon Bait are visited daily and may have hundreds of visits in a single day: The Port has increased man power and products attributed to the restrooms in recent years: and,

WHEREAS, the City of Bandon offers Urban Renewal funds for projects in District One used for the installation, construction and site improvements to benefit the public. The restroom project will assist in the economic revitalization of Old Town Bandon by giving ease of access to clean and accessible public restroom facilities: and,

WHEREAS, The Port of Bandon has received letters of support from The Greater Bandon Association and the Bandon Chamber of Commerce: and,

WHEREAS, the Port of Bandon is seeking funds from the State of Oregon Marine Board to assist in funding the transit showers facility: and,

WHEREAS, The Port of Bandon will apply for an estimated \$150,000 for use in the construction of the public restroom from the City of Bandon Urban Renewal Fund for the fiscal year 2023 – 2024.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE PORT OF BANDON RESOLVES AS FOLLOWS:

The Port of Bandon seeks to apply for Urban Renewal Funds from the City of Bandon for the purpose of the Port of Bandon Public Restroom Project on this 27th day of October 2022.

APPROVED AND ADOPTED on the 17th day of November 2022.

Approved:

Attest:

Reg Pullen, President

Donny Goddard, Vice President

October 27, 2022

To Whom it May Concern,

The Bandon Chamber of Commerce is in strong support of the construction of the Port of Bandon Public Restroom project. Bandon is largely a tourism driven economy, with a large draw toward Old Town Bandon. Public restrooms within the City of Bandon are limited and adding restrooms for the public will allow for better health and safety while helping to stimulate the economy.

The steady increase in tourism has created a demand on public resources such as restrooms. Maintaining a safe and sanitary public restroom is critical for public health for tourists of all ages. This project will support the health and safety of the public by providing access to clean and easily available restrooms located in proximity to Old Town Bandon.

The new Port restrooms will also help stimulate the economy of Old Town Bandon. Public restrooms have a positive impact not only for health, but also the character and reputation of the area. Public restrooms signal an invitation to participate in the Old Town community. A visitor who must drive away from their destination to find a restroom may not come back.

In conclusion, public restrooms are critical for health and tourism. The Bandon Chamber of Commerce is in full support of the Port of Bandon Public Restroom construction in order to provide clean and easily available restrooms for the comfort of the public.

Sincerely,



Margaret Pounder

President/CEO



Greater Bandon Association

PO Box 161,
390 First Street, Suite 2G
Bandon, OR 97411
Tax ID: EIN 27-4116297

"using the MAIN STREET approach"

(541) 297-2342

November 1, 2022

To whom it may concern

The Greater Bandon Association would like to add its support for the Port of Bandon's Public Restroom Project. As we pursue our mission of building our community and its economy, we recognize that tourism remains a primary driver of our economy, not only now, but as we look into Bandon's future.

When surveyed on what activities our visitors enjoy most about Bandon, finishing second behind outdoor recreation and our beaches has been shopping. And shopping in Bandon by visitors includes a trip to Old Town Bandon.

But unless a building being visited in Old Town happens to be a restaurant, most likely there will be no public restroom inside. With over 50 shops in Old Town Bandon, public restrooms are a necessity.

This project will support the health and safety of the public by providing access to easily available restrooms for both our visitors as well as residents who wish to come to shop, dine and browse in Old Town Bandon.

The Port of Bandon has demonstrated over the years that it can maintain and offer a clean and safe public restroom as it has on the Boardwalk. But over the years, GBA, the Port and the City of Bandon have all recognized that this one public restroom for Old Town Bandon is not sufficient for the volume of foot traffic frequenting that area.

Clean public restrooms not only affect public health, but also impacts the character of our area. This helps attract visitors to our community and have them to return to our community. In turn, Old Town Bandon becomes more vibrant, and our local economy is stimulated.

The Greater Bandon Association is in full support of this project that the Port of Bandon is preparing to undertake.

Sincerely,

Harv Schuboth

Harv Schuboth

BOATING FACILITY GRANT INTERGOVERNMENTAL AGREEMENT

Agreement No. 1716

This Agreement is between the State of Oregon acting by and through its State Marine Board (“OSMB”) and Port of Bandon (“Recipient”), each a “Party” and, together, the “Parties”.

SECTION 1: AUTHORITY

This Agreement is authorized by ORS 190.110. OSMB is authorized to provide grants for boating facility projects under ORS 830.150 and OSMB has sufficient facility grant funds available within its current biennial budget and has authorized expenditure on the Recipient’s Project as defined below, and the Recipient agrees to comply with Boating Facility Grant Program rules in OAR 250-014 and other OSMB adopted policies and procedures.

SECTION 2: PURPOSE

The purpose of this Agreement is to set forth the obligations of both Parties in the development of recreational boating facilities at *Port of Bandon boat launch, replacing the boarding docks*, hereinafter called the “Project,” as described in the Recipient’s Facility Grant Application *FG#1716* and Staff Report to OSMB. With this reference, the Facility Grant Application and Staff Report are made part of this Agreement. If a conflict exists between the Facility Grant Application, Staff Report and this Agreement, the Agreement will govern.

SECTION 3: EFFECTIVE DATE AND DURATION

- 3.1 Term.** This Agreement is effective on the date of the last signature and terminates on the date 25 years after the date of Project completion or the date of final payment issuance, whichever is later, unless terminated earlier in accordance with Section 16.
- 3.2 Project Completion.** The Project shall be completed, and final billing for the Project shall be submitted to OSMB, on or before June 30, 2023. Unless approved in writing, OSMB shall not be obligated to disburse any payments after this date.

SECTION 4: AUTHORIZED REPRESENTATIVES

- 4.1 OSMB’s Authorized Representative is:**

Janine Belleque, Boating Facilities Program Manager
PO Box 14145, Salem OR 97309
435 Commercial Street NE Suite #400, Salem Oregon
(503) 877-7580 Office, Janine.Belleque@boat.oregon.gov

- 4.2 Recipient’s Authorized Representative is:**

Jeff Griffin, Port Manager
390 First St. SW, Bandon, OR 97411
(541)347-3206 portmanager@portofbandon.com

- 4.3 A Party may designate a new Authorized Representative by written notice to the other Party.**

SECTION 5: RESPONSIBILITIES OF EACH PARTY

5.1 Responsibilities of Recipient:

- 5.1.1 Project Timeline.** The Recipient is responsible for maintaining the project timeline for all dates and activities outlined as the Recipient's responsibility as identified in Attachment "A".
- 5.1.2 Matching Cash Funds.** The Recipient shall contribute the total sum of *\$45,000.00* in cash as described in the Staff Report.
- 5.1.3 Matching Non-cash Resources.** The Recipient shall contribute the total sum of *\$45,000.00* administrative and force account labor, materials and/or equipment. These are non-reimbursable items.
- 5.1.4 Construction.** The Recipient shall award and monitor the contractor's performance under the construction contract or construction consultant contract in such a manner as to insure compliance with Project plans and specifications. The Recipient must notify OSMB immediately of any proposed change in Project design, cost modifications, proposed change orders or modification of scope. The Recipient shall be responsible for all costs associated with unauthorized changes or modifications unless otherwise specifically agreed to in writing by OSMB.

5.1.5 Commercial and Other Uses.

- a. For purposes of this Section 5, Commercial Use means any activity on or affecting the Project that was not described in the Facility Grant Application or Staff Report, or not approved pursuant to OSMB Policy 93-06 or 93-02, where the Recipient:
1. has financial profit as a goal,
 2. charges any fees or receives any benefit to provide services, supplies or goods, or
 3. allows third parties to charge any fees or receive any benefit to provide services, supplies or goods.
- b. Commercial Use is prohibited with the exception of incidental use by outfitter and guides.
- c. Recipient must have the capability to make an ordinance, rule, or other regulation to the effect that the Projects are for the benefit of recreational boaters, including, but not limited to prohibiting single cars from parking in boat trailer parking spots. If, in the sole discretion of OSMB, the use by non-recreational boaters such as swimmers, fishermen, divers, crabbers' impact recreational boating uses or diminishes the useful life of the Project, then the Recipient must establish and enforce its ordinance, rule, or other regulation.
- d. If Project funded a pumpout or dump station in a marina or short-term tie-up dock, the Recipient must include language in its moorage agreement requiring use of the pumpout and/or dump station if a boat has a holding tank or marine toilet.

SECTION 35: AGREEMENT DOCUMENTS

This Agreement consists of the following documents, which are listed in descending order of precedence: this Agreement less all exhibits, the Facility Grant Application, Recipient Staff Report, attached Exhibit A (the Project Timeline), Exhibit B (Certificate of Tax Compliance), and Exhibit C (Additional Requirements).

SECTION 36: ATTORNEY FEES

In the event that either party to this Agreement shall take any action, judicial or otherwise, to enforce or interpret any of the terms of this Agreement each party shall be wholly responsible for its own expenses which it may incur in taking such action, including costs and attorney fees, whether incurred in a suit or action or appeal from a judgment or decree therein or in connection with any nonjudicial action.

SECTION 37: SIGNATURES

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

STATE OF OREGON acting by and through its State Marine Board.

Larry Warren, Director

Date

Port of Bandon



Signature

11/9/2022

Date

Jeff Giffi

Name:

Port Manager

Title:

Approved for Legal Sufficiency in accordance with ORS 291.047

Approval Authorized by Letter

Steven Marlowe, Assistant Attorney General

August 2, 2017

Date

EXHIBIT A
PROJECT TIMELINE

Responsibility	Date	Description
Recipient	November-December 2022	Solicit for fabricator of boarding docks
Recipient	December 2022-January 2023	Provide OSMB with a copy of bid document, bid results and awarded contract
OSMB	Ongoing	Provide assistance to Recipient throughout process. Receive periodic invoices from recipient, issue payments promptly per contract.
Recipient	May - June 2023	Docks delivered and stored at selected site in Bandon.
Recipient	June 2023	Receive final contractor invoices, issue payments, and request final reimbursement from OSMB.
OSMB	June 2023	Issue final reimbursement, close the grant and term of the grant continues.

DEPARTMENT OF THE ARMY PERMIT

Permittee: Port of Bandon
390 1st St. SW
Bandon, Oregon 97411
portmanager@portofbandon.com

Permit No: NWP-2001-215/8

Issuing Office: U.S. Army Corps of Engineers, Portland District

NOTE: The term "you" and its derivatives as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: You are authorized to conduct work below the mean high water mark of the Coquille River to dredge and dispose of up to 89,200 cubic yards (cy) of sediment from your boat basin and boat launch areas to facilitate vessel access. You will conduct work by means of a hydraulic suction dredge and associated pipeline. You will discharge the dredged material below the high tide line (HTL) of the Coquille River at a dispersive, flow-lane site located in the Corps' Coquille River Federal Navigation Channel (FNC).

Your boat basin dredge area measures approximately 3.5 acres in size and your boat launch dredge area measures approximately 0.8 acre in size. You will dredge the boat basin to a -13-foot Mean Low Lower Water (MLLW) elevation and the boat launch area to a -9.75-foot MLLW elevation.

You anticipate a need to conduct two full maintenance dredging events and additional dredging within the boat basin and boat launch on an as-needed basis during the timeframe of this permit. A full maintenance dredge event at your boat basin involves dredging and disposal of approximately 32,500 cy of sediment. A full maintenance dredging event at your boat launch includes dredging and disposal of approximately 7,100 cy of sediment.

The dredged material disposal pipeline will be comprised of high-density polyethylene plastic and will measure approximately 10 to 16 inches in diameter. The dredged material pipeline will be routed approximately 800 to 1,300 feet to the flow-lane disposal site. You will discharge the dredged material below the HTL of the Coquille River within an area measuring approximately 1 acre in size during ebb tides where it will disperse. You will move the dredged material discharge pipe diffuser location approximately 100 feet following every placement of 5,000 cy within the disposal site to avoid localized mounding.

of dredged material within the Coquille River FNC.

You will relocate approximately 0.01 acre (600 square feet) of eelgrass located within your boat launch dredge prism to an area located immediately south of the boat launch dredge prism as shown on Drawing 5. You will relocate the eelgrass by hand using hand tools and will monitor the eelgrass regrowth success for 5 years.

Purpose: To provide safe and reliable vessel access for public use of the permittee's boat launch and boat basin moorage area.

Project Location: The project occurs at the Port of Bandon's (Port) boat basin and boat launch areas in the Coquille River, river mile 0.9, in Bandon, Coos County, Oregon at the following latitude/longitude:

- Boat basin area: 43.120433°, -124.411529°
- Boat launch area: 43.120514°, -124.413554°
- Dredged material disposal area: 43.121626°, -124.411408°

Drawings: Ten (10) (Attachment 1)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on November 8, 2032. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition No. 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. Notification and Reporting:

- 1) Permittee shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch at least 14 days prior to beginning of dredging.
- 2) Upon starting the activities authorized by this permit, Permittee shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch that the work has started. Notification shall be provided by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: NWP-2001-215/8, Coos County.
- 3) Permittee shall submit all dredging/disposal-related notifications and reports to the U.S. Army Corps of Engineers (Corps), Portland District, Regulatory Branch by email to cenwp.notify@usace.army.mil and the email subject line shall include: NWP-2001-215/8, Coos, Dredging. If you are submitting files larger than 20 MB, contact your county Regulatory Project Manager for instructions.
- 4) Permittee shall notify the U.S. Coast Guard District Thirteen of the project by email at D13-SMB-D13-LNM@uscg.mil at least 14 days prior to commencing dredging operations, so the project information can be issued in the Local Notice to Mariners.
- 5) Permittee shall complete and sign the enclosed Compliance Certification (Attachment 3). Permittee shall submit the completed certification to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch within 30 days of

completion of each dredging event authorized by the permit. The completed certification shall be provided by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: NWP-2001-215/8, Coos.

- 6) The work authorized by this permit includes periodic maintenance dredging. The special conditions in this permit apply to each maintenance dredging and disposal activity.
- 7) Permittee shall submit a post-dredge and disposal completion report to the Corps Portland District Regulatory Branch within 60 days of completing all work below the high tide line of the Coquille River for each dredging event. If annual or bi-annual actions are carried out during this authorization, action completion reporting shall occur following each event. For this activity, a dredging event is defined as each time dredging is initiated at the boat launch or boat basin dredging locations. Dredging work stoppages over seven (7) calendar days in duration constitute the end of a dredging event and shall trigger re-notification per special condition (b)(2) above.
- 8) Post-dredge and disposal completion reporting shall include:
 - a. Figures:
 - b. Daily debris monitoring and biological evaluation results which include photographs and observations of dredging and disposal activities at the dredging and disposal sites;
 - c. Dredging and disposal dates:
 - d. Disposal track maps and locations:
 - e. Dredging depths, horizontal extents, disposal volumes and acreages of impact;
 - f. Hydrographic surveys;
- 9) Permittee shall complete and submit an *Action Completion Form*, which is provided in Attachment 4, within 60 days of completing all work below ordinary high water. Submit the form by email to cenwp.notify@usace.army.mil and include the Corps project number and county in the email subject line.
 - c. Permittee shall restrict all placement of dredged material within the boundaries of the Corps' Coquille River Federal Navigation Channel to a hydraulic pipeline dredge. Permittee shall ensure dredged material disposal operations are limited to outgoing tides and begin no less than ½ hour following high tide and end no less than ½ hour preceding low tide. The dredged material discharge pipe diffuser location will be moved approximately 100 feet following every placement of 5,000 cy within the disposal site to avoid localized mounding of dredged material within the Coquille River Federal Navigation Channel.

d. All in-water work shall be performed during the in-water work period of October 1 to February 15 to minimize impacts to aquatic species. Exceptions to this time period requires specific approval from the Corps and the National Marine Fisheries Service.

e. This Corps permit does not authorize you to take an endangered species in particular those species identified in Attachment 4. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a biological opinion under ESA Section 7, with "incidental take" provisions with which you must comply). The National Marine Fisheries Service (NMFS) SLOPES IV In-water Over-water Structures programmatic biological opinion dated April 5, 2012 (NMFS Reference Number 2011/05585), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is also specified in the opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the applicable mandatory terms and conditions associated with the incidental take statement. Failure to comply with the applicable terms and conditions associated with incidental take of this opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of its opinion and with the ESA.

f. Permittee shall fully implement all applicable Proposed Design Criteria (PDC) of the *SLOPES IV In-water Over-water Structures* programmatic biological opinion. A detailed list of the PDCs are enclosed (Attachment 4). The applicable PDCs for the project include numbers: 11, 14-18 and 35.

g. Permittee shall complete and submit a *Restoration/Compensatory Mitigation Reporting Form*, which is provided in Attachment 4, by December 31 in the year when site restoration or compensatory mitigation is complete. Submit the form by email to cenwp.notify@usace.army.mil and include the Corps project number in the email subject line.

h. Bathymetric Surveying:

- 1) Permittee shall conduct a pre-dredge bathymetric survey of the proposed dredging site. Plotted results of the pre-dredge bathymetric survey, to include plan and section views, shall be submitted to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch in PDF format at least 30 days prior to the start of dredging and disposal operations. Results must clearly display the pre-dredge sediment surface in relation to the permitted dredge boundary and depth, as well as the location of project features such as docks, wharfs and other landmarks. The vertical datum must be clearly indicated. Full bathymetric survey data must be submitted upon request.
- 2) Permittee shall conduct a post-dredge bathymetric survey of the dredged site. Plotted results of the post-dredge bathymetric survey, to include plan and section

views, shall be submitted to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch in PDF format within 60 days of the completion of dredging when conducting dredging and disposal operations. Results must clearly display the post-dredge sediment surface in relation to the pre-dredge sediment surface and the permitted dredge boundary and depth, as well as the location of project features such as docks, wharfs and other landmarks. The vertical datum must be clearly indicated. Full bathymetric survey data must be submitted upon request.

i. Sediment evaluation:

- 1) If dredging cannot be completed prior to the sediment suitability re-evaluation date identified by PSET per the most recent Suitability Determination Memorandum for the respective dredging locations, permittee shall coordinate with the PSET to obtain a determination regarding the need to re-characterize the dredged material. Coordination with PSET shall be initiated at least 9 months prior to the respective date.
- 2) At least 4 months prior to each maintenance dredging activity, permittee shall coordinate with the PSET to determine whether additional sediment characterization is required. If additional characterization is required, no dredging or in-water disposal is allowed until the material has been determined suitable by the PSET and the disposal is approved by the District Engineer.

j. Permittee shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors performing any work authorized by Corps No. NWP-2001-215/8.

k. Permittee shall comply with the conditions specified in the Oregon Department of Land Conservation and Development coastal zone management consistency determination dated November 4, 2022 (Attachment 5).

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this Authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The

referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Jeff Gribbin
(PERMITTEE SIGNATURE)

11-8-2022
(DATE)

Jeff Gribbin
(PRINTED NAME)

Port Manager
(TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE COMMANDER, MICHAEL D. HELTON, PMP, COLONEL, CORPS OF ENGINEERS, DISTRICT COMMANDER:

Tyler Krug
For: (DISTRICT COMMANDER)

8 November 2022
(DATE)

William D. Abadie
Chief, Regulatory Branch

DEPARTMENT OF THE ARMY PERMIT

Permittee: Port of Bandon
390 1st St. SW
Bandon, Oregon 97411

Permit No: 071-OYA-2-005743

Issuing Office: U.S. Army Corps of Engineers, Portland District

NOTE: The term "you" and its derivatives as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: You are authorized to replace the existing boat launch ramp, floating docks, and pilings located on-site and to maintain these structures for 10 years from the effective date of the permit instrument.

You will remove the existing concrete boat launch ramp, rock riprap, floating docks, and pilings and will install a new concrete boat launch ramp, rock riprap, floating docks, and pilings. You will remove an off-site piling supported concrete slab and associated piling and will relocate approximately 30 square feet (sq. ft.) of submerged aquatic vegetation on-site prior to construction.

The existing concrete boat launch ramp measures 43 feet wide by 140 feet long; 6,020 sq. ft. in total. The replacement boat launch ramp will measure 45.5 feet wide by 152 feet long and will be constructed with pre-cast concrete planks measuring 8-inches in height; 6,916 sq. ft. in total.

You will discharge crushed aggregate as a base for the replacement boat launch ramp. You will discharge 8-inch diameter rock riprap along the edges and toe of the boat launch ramp to provide structural protection from scour and undermining. The replacement boat launch ramp will result in the removal of up to 1,198 cubic yards (cy) of rock and concrete and the discharge of up to 944 cy of rock and concrete below the high tide line of the Coquille River.

The existing floating docks are oriented in three sections with two measuring 6 feet wide by 140 feet long and one measuring 6 feet wide and 140 feet long; 1,920 sq. ft. in total. Eight 12-inch diameter preservative treated wooden pilings and 3 steel pilings exist on-site.

You will construct replacement floating docks which will be oriented parallel with the boat launch ramp and will measure 6 feet wide by 180 feet long; 2,160 sq. ft. in total. The docks will be aluminum 20-foot sections without grating. You will install ten, 12-inch diameter steel pilings to support the replacement docks. You will not fill the pilings with concrete.

You will remove a piling supported concrete slab measuring approximately 900 sq. ft. which is supported by approximately 40 preservative treated wooden pilings. The concrete slab and pilings are located approximately 1,000 feet east of the existing boat launch ramp at the northern end of the existing boat basin.

You are authorized to replace the boat launch ramp and associated rock riprap with heavy equipment operating from the top of the Coquille River riverbank and within the Coquille River. You are authorized to remove the existing dock floats with a crane and excavator operating from the riverbank and to float individual dock sections to the launch ramp and remove them by vehicle out of the waterway, as needed. You are authorized to utilize a vibratory hammer or a socket technique to remove and install the pilings on-site utilizing either a floating barge or with heavy equipment operating from the riverbank. You are authorized to utilize these same methods to remove the concrete structure and associated pilings. You are authorized to store the pilings and concrete removed from the waterway on the barge and to transfer them to an upland area on-site for recycling or disposal, as needed.

Purpose: To replace the Port of Bandon's public boat launch ramp, floating docks, and pilings to extend the serviceable life of the structures.

Project Location: The project located in the Coquille River, at the Port of Bandon's public boat launch, in Bandon, Coos County, Oregon at Latitude/Longitude: 43.120847°, -124.414434°.

Drawings: Six (6 drawings/maps) (Attachment 1)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on November 8, 2032. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition No. 4 below. Should you wish

to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. Permittee shall adhere to special conditions (a)–(h) of the Department of the Army permit authorization for the project dated October 10, 1985.

b. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

c. Upon starting the activities authorized by this permit, Permittee shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch that the work has started. Notification shall be provided by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: 071-OYA-2-005743, Coos County.

d. Permittee shall notify the U.S. Coast Guard District Thirteen of the project by email at D13-SMB-D13-LNM@uscg.mil at least 14 days prior to commencing

construction activities, so the project information can be issued in the Local Notice to Mariners.

e. Permittee shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors performing any work authorized by Corps No. 071-OYA-2-005743.

f. All in-water work shall be performed during the in-water work period of October 1 to February 15 to minimize impacts to aquatic species. Exceptions to this time period requires specific approval from the Corps and the National Marine Fisheries Service.

g. This Corps permit does not authorize you to take an endangered species in particular those species identified in Attachment 3. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a biological opinion under ESA Section 7, with "incidental take" provisions with which you must comply). The National Marine Fisheries Service (NMFS) SLOPES IV In-water Over-water Structures programmatic biological opinion dated April 5, 2012 (NMFS Reference Number 2011/05585), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is also specified in the opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the applicable mandatory terms and conditions associated with the incidental take statement. Failure to comply with the applicable terms and conditions associated with incidental take of this opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of its opinion and with the ESA.

h. Permittee shall fully implement all applicable Proposed Design Criteria (PDC) of the *SLOPES IV In-water Over-water Structures* programmatic biological opinion. A detailed list of the PDCs are enclosed (Attachment 3). The applicable PDCs for the project include numbers: 11, 14-21, 24-27, and 28-32.

i. Permittee shall complete and submit an *Action Completion Form*, which is provided in Attachment 3, within 60 days of completing all work below ordinary high water. Submit the form by email to cenwp.notify@usace.army.mil and include the Corps project number and county in the email subject line.

j. Permittee shall complete and submit a *Salvage Reporting Form*, which is provided in Attachment 3, within 10 days of completing a capture and release of ESA-listed fish. Submit the form by email to cenwp.notify@usace.army.mil and include the Corps project number in the email subject line.

k. Permittee shall complete and sign the enclosed *Compliance Certification* (Attachment 4). Permittee shall submit the completed certification to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch within 30 days of completion of

the authorized activity. The completed certification shall be provided by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: 071-OYA-2-005743, Coos County. If you are submitting files larger than 20 MB, contact your county Regulatory Project Manager for instructions.

I. Permittee shall comply with the conditions specified in the Oregon Department of Land Conservation and Development coastal zone management consistency determination dated November 4, 2022 (Attachment 5).

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this Authorization:

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Jeff Griffin
(PERMITTEE SIGNATURE)

11-8-2022
(DATE)

Jeff Griffin
(PRINTED NAME)

Port Manager
(TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE COMMANDER, MICHAEL D. HELTON, PMP, COLONEL, CORPS OF ENGINEERS, DISTRICT COMMANDER:

Tyler Krug
For: (DISTRICT COMMANDER)

8 November 2022
(DATE)

William D. Abadie
Chief, Regulatory Branch



PORT OF BANDON

390 FIRST ST SW • BANDON, OREGON 97411 • PHONE (541) 347-3206

November 10, 2022

Valerie Ringold
Planning Chief, Portland District
Attn: CENWP-PM-F (Valerie Ringold)
333 SW 1st Ave
Portland, OR 97204

To Whom It May Concern:

This letter is to seek assistance from the U.S. Army Corps of Engineers in accessing funding appropriated from the Harbor Maintenance Trust Fund by the Water Resource and Development Act of 2020 and coded into 33 U.S.C. 2238(c)(3)(B)). The Port's 2023-2024 marina dredge project meets all criteria which authorize the use of these funds.

The Port of Bandon is requesting funding support to provide safe and reliable public boater access within the Port's marina basin, which also provides access to the federal navigation channel located within the same basin. Boating facilities at the Port of Bandon's marina are public facilities and are an essential infrastructure component of the region's economy, supporting the commercial and recreational fishing and boating industry and seasonal resident operations of the U.S. Coast Guard.

The Port of Bandon's dredge project is an "emerging harbor project" as the subject harbor transits less than 1,000,000 tons of cargo annually.

Bandon's access to the ocean supports an annual economic output of over \$60 million in Oregon and plays a key role in generating approximately \$5 million in federal tax revenue (2014 study sponsored by the State of Oregon).

The marina boating facility at the Port of Bandon has a project depth of -13', matching the federal navigation channel that starts at the ocean entrance and runs up the Coquille River into the Port's mooring, fueling, and pump out facilities in the marina. Basin siltation rates average about 0.5' per year, requiring periodic sediment removal to support vessel movement. Current sediment depths vary, in some areas of the marina sediment is exposed at minus tides, impeding vessel movement, and larger boats in some slips will ground during low tides. In 2022 the Port contracted with NW Hydro Inc., for bathymetric survey work, completed during July of 2022. The survey indicated a sediment buildup volume of 34,214 cubic yards, which is the Port's preferred removal target. Our cost estimate for this work, based on very recent competitive bids, is \$30.00 per cubic yard (inclusive of mobilization expense).

The Port is planning full replacement of piles and docks in the basin during the next in-water work window (October 2013-February 15, 2024), as the marina was built 40 years ago and needs full replacement for safety, functionality, and modernization reasons. To take advantage of a cleared-out marina basin and to optimize dredge efficiencies, the Port is planning to complete a full dredge event to project depth during the same window. The dredge work is planned immediately following pile and dock removal, and prior to new pile and dock installation.

This project holds all state and federal permits and authorizations to proceed. Please refer to Corps No. NWP-2001-215/8 issued on November 8, 2022, and Oregon DSL Removal-Fill permit #23784 issued on 8/24/2022. In addition to state and federal BMP's, rules and laws, these authorizations have addressed all known issues from the perspective of local governments, Tribes, and/or the public related to, for example, dredge disposal areas, permitting, cultural, and environmental acceptability.

We understand that as the local sponsors, we would sign a cost share agreement with the Corps, and that we would share no less than 25% of the costs for maintenance dredging of that portion of a maintenance dredging project that is located outside of, but adjacent to, the federal navigation channel. Note that the Port is willing and able to contribute a cash match of a percentage higher than 25%. We are aware that this letter does not obligate or commit us to any funding until such time as federal funding is available, and we sign the cost-share agreement.

Your consideration of this request is appreciated. Please contact Jeff Griffin at 541-347-3206 or portmanager@portofbandon.com for further information.

Sincerely,

Reg Pullen, President