

PORT OF NEWPORT
COMMERCIAL FISHING USERS GROUP COMMITTEE AGENDA

Wednesday, September 6, 2017, 10:30 am
OSU Extension Office
1211 SE Bay Boulevard, Newport, OR 97365

- I. Call to Order
- II. Changes to the Agenda
- III. Public Comment
- IV. Approve Minutes: May 5, 2017 RM
- V. Review Committee Chair/Vice Chair
- VI. NIT Status Update
- VII. Port Dock 5 Contract Status Update
- VIII. Parking Discussion (related to the City's study)
- IX. Recent Equipment Damages
- X. Chairman Report
- XI. Harbormaster Report
- XII. Future Meeting Schedule
 - A. November 6, 2017, 9:00 am
 - B. January 8, 2018, 9:00 am
- XIII. Future Agenda Items
- XIV. Public Comment
- XV. Adjournment

Regular meetings are scheduled for the 2nd Monday of odd numbered months at 9:00 am.

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The OSU Extension Office is accessible to people with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours in advance of the meeting to Port of Newport Administration Office at 541-265-7758.

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PORT OF NEWPORT
COMMERCIAL FISHING USERS GROUP COMMITTEE MINUTES

May 8, 2017
Regular Committee Meeting

I. CALL TO ORDER

Committee Chair Sara Skamser called the Regular Meeting of the Port of Newport Commercial Fishing Users Board of Commissioners to order at (TIME) at the OSU Extension Office, 1211 SE Bay Blvd., Newport, Oregon.

Committee Members Present: Mark Newell (Pos. #3); Ted Gibson (Pos. #6); Gene Law (Pos. #7); Bob Eder (Pos. #9), Vice-Chair, Sara Skamser (Pos. #10), Chair; and Jeff Lackey (Pos. #11).

Alternates Present: Heather Mann (Pos. #5).

Committee Members Absent: Clint Funderburg (Pos. #1); Mike Pettis (Pos. #2); Ernie Phillips (Pos. #4); Mark Cooper (Pos. #5); Bob Aue (Pos. #8);

Port Commission Liaison: Walter Chuck.

Management and Staff: Kevin Greenwood, General Manager; Jim Durkee, Interim Director of Operations; Kent Gibson, Commercial Marina Harbormaster; and Karen Hewitt, Administrative Assistant.

Members of the Public and Media: Steve Beck; Dietmar Goebel, Newport City Council; Stewart Lamerdin; Tony Dal Ponte, Pacific Seafood; and Dennis Anstine, Newport News-Times.

II. CHANGES TO THE AGENDA

An International Terminal Update from Greenwood was added to the agenda as item V(A).

III. PUBLIC COMMENT

No Public Comment at this time.

IV. COMMITTEE/ CHAIRMAN REPORTS

Skamser thanked the Committee Members for their participation, and invited members of the public to ask to participate at any point during the meeting.

V. STAFF REPORTS

A. Kevin Greenwood - International Terminal Update

Greenwood provided an excerpt from the Budget Message, pages 6 and 7 of the Budget Meeting Packet, which is appended to the Committee meeting packet, and is available online. Greenwood said that the shipping operation is a budget decision. When the original bond was passed, it was intended to fund a project for environmental clean-up, commercial fishing, and deep-draft shipping. The shipping is the last piece. There was \$1MM in mitigation costs, and \$5MM in debt. The International Terminal is losing money each year, and has been subsidized by the South Beach Marina and RV Park, who also have capital needs. Kent Gibson said North Commercial is looking

toward a Port Dock 7 remodel and \$30MM in capital projects. Greenwood said that the Port needs income to fund necessary capital projects. Greenwood said he understands the impact of the mid-water and distant-water fleets to the Newport economy, including Mann's reference to \$127MM from the Alaska fisheries being brought into Newport. The Port is looking at the eastern berth for the fishing fleet, and the west for handy-size vessels. No agreements have been signed yet. Greenwood said staff is working on ironing out operational questions with funders before presenting an Operations Plan for review. There are six agreements, two of which are all but finalized: the TIGER grant and IFA loan. The IFA loan will add \$117K in additional debt service. Greenwood referred to the Financial Analysis available on page 67 of the Budget Meeting Packet. He said this is a long term plan to show positive net income to be used to buy down debt and invest in infrastructure. The Port is committed to following through on the project the voters supported. Port staff is working on the details of the agreement with Silvan (log exporter), Teevin, and Rondys. Rondys is a major player in the project, who will develop a marine industrial park. Until the Port understands the operational needs, Greenwood won't recommend Commission approval. The final date for signing agreements is not firm.

Skamser said the NIT Users Group has not yet met, but the CFUG Committee can also address the issue. She asked if 7 years is a best case projection to realize positive net income. Greenwood said that this time will also be developing the business relationships and will be an investment in the future. Skamser said that 7 years would be a long period of lost revenue, to the Port and the community. In April/May and December/January, the terminal is filled up, with the east hoist open. She said she had met with Silvan, who were straightforward. It was not clear how long a shipping boat would be tied up – it would take a week just to load the ship. Skamser said it was not proper for the Port to sign off on the project before addressing issues with the fishermen and related industry. She asked that time be set aside when the fleet can come to their home dock to do maintenance.

Ted Gibson asked if there would be two vessels at some time at the Terminal for shipping. Greenwood said he does not anticipate a barge using the Terminal since there is no fender piling. Mann asked what Greenwood understood the fleet's needs to be. Greenwood responded that they would like priority use of the entire terminal during April/May and December/January. Mann said she wanted to correct Greenwood's interpretation of \$127MM into the Newport economy from her report; this figure is for all Alaska vessels, not all but a large portion coming into Newport. Eder commented that the use of the terminal was not only challenging for the distant water fleet, but for the whole commercial fleet. Other commercial fishing vessels load equipment and the terminal, and Port Dock 5 and Port Dock 7 are already crowded without displacing larger vessels. Mann added that commercial docks can't handle all of the vessels. Shrimpers also use the terminal as a staging area. Lackey said that recently the Miss Sue could not use the terminal because of the shrimpers. Skamser said the area is also used as staging for NOAA. Mann said the Pegasus did not go to the Blessing of the Fleet so that it wouldn't lose its spot. Lackey said there has been growth and there is growth potential in ground fish. He suggested the Port include this in their analysis; sustainability is important.

Skamser asked if the Committee members had been on the Port website. The Port can't guarantee to keep the east fuel dock open. She was disconcerted that Pete Zerr had made a comment about how heavy weather could affect tie up at the terminal. She would like to see the Operations Plan. Ted Gibson asked if it would be possible to work with NOAA for use of their dock. Eder said that NOAA had a high level of security, so that was improbable. Mann said there would also be some level of security a NIT around shipping which would also affect available work space. Greenwood said there is a red line at the Terminal indicating they area that will be secured when a handysize vessel is in the Terminal. Durkee added that the fence would be temporarily in place when needed. Skamser said she had not yet heard from the longshoremen about what equipment would be involved, or the estimated time of activity in the parking lot.

Lackey said the fishermen weren't saying not to do shipping, but they were concerned with how it was going to work. There is limited space at the Terminal, and the fishing fleet is growing. The Port's Strategic Plan includes supporting the fishing fleet. The Mission Statement includes creating and retaining jobs, so he asked the Port keep fishing jobs in mind. Mann asked if the terminal were used for shipping today, where would the other eight boats

go? Greenwood said that staff is looking to see where boats were moored. Ted Gibson said two were on PD1 and another at PD3. Kent Gibson said the infrastructure is not in place to expand. The fleet has grown, but the capacity is not able to grow. The Commercial dock also needs expensive dredging. It will take years to complete the work needed at Port Dock 7. The larger boats are taking up more spots but it doesn't pay for infrastructure. Lackey said he understood the finances; it comes down to planning. Skamser said the use of the Terminal has to be a give and take with shipping and fishing. Greenwood said that, like commercial fishing, shipping will have variations. For the most part, they will look to avoid high seas. It would take six weeks to get logs ready for shipment. Greenwood referred to the analysis in the budget packet, which shows the Terminal is pulling \$100K per year for maintenance from other centers. Newell says that barges and crabbing don't mix; Mann said she would make a commitment to gather questions from the crabbers for the Port. Eder said he would like a commitment from the Port Commission to work with fishing at NIT, not squeeze them out. The rhythms of the seasons will continue to change. Markets for wood products come and go. Greenwood said that a meeting of the NIT Users Group will be scheduled once staff finds out more about the needs of shipping to complete a draft of the Operations Plan for review. Port management will make a recommendation to the Commission regarding the Operations Plan when drafted, which will become a policy documents requiring Commission approval. Lackey asked what the impact would be on the Terminal before a shipment went out. Greenwood said there are six weeks of preparation before a shipment. Eder asked if Greenwood had discussed sharing Terminal access with Silvan and Teevin. Greenwood said that they would need priority access every six weeks with some variation. There will still be some specific issues and some flexibility. Skamser said Silvan had indicated a willingness to discuss working out the months.

B. Kent Gibson – Commercial Docks Update

Kent Gibson said that a fisherman had hit the end of a piling on Port Dock 5, and the piling fell over. Breaking 5 – 6 feet above midline. Divers cut off the piling, and found an additional piling was broken. Gibson said that four large ship tie up areas were lost. Pilings at the Commercial Marina generally will need replacing in 1-2 years or 4 -5 years. The Port has replaced 26 pilings, 25 on Dock 5 and one on Dock 7. Almost all of the pilings on the fingers were replaced.

Gibson reviewed the Port Dock 7 plan drawing with the Committee, who made some suggestions. Gibson said the project would help with large boats. The project could be completed in stages, starting from the east side. He also shared the City's project to grade, fill, and cover a portion of the grassy area at Port dock 7 with ground asphalt. This project, which started the day of the meeting, will save the Port about \$10 -18K. Skamser referred to the west end parking area on the drawing, and requested parking at the museum for Port Dock 5 be made available soon. Greenwood said as soon as the hillside is stabilized the Port can reopen parking, anticipated to happen this summer. Skamser said she had spoken with Derrick Tokos, Newport City Planner, about parking. Skamser reported the Tokos said there would be some kind of card for long term parking for fishermen when meters were installed. Law asked how parking was at other Ports that Gibson had visited. Gibson said that Crescent City had the only newer facility with better parking.

Greenwood announced that Gibson had been name to the Board of the Pacific Coast Congress of Harbormasters and Port Managers.

VI. Pacific Seafoods – Anthony J. Dal Ponte, Deputy General Counsel

Dal Ponte thanked the Committee for inviting him to the meeting, and said he thought this was a fantastic forum for discussing concerns. He said he had two things to present: one opportunity, one challenge. Dal Ponte said the opportunity was the waterfront development on Bay Blvd. Newport has a unique blend of a working waterfront with tourism. He presented a Plan from Pacific Seafoods (see meeting packet) intending to maximize the benefit of both. They hope to generate new business activity in the remodeling of the current Trident warehouse, ice house, and derelict structure.. In the long term, there would be new fish processing space. Their idea is to blend in

tourism, modeled after the Tillamook Creamery. Pacific Seafoods is partnering with the City of Newport for grant applications for an economic study. Dal Ponte said he expects a decision on the grants in June, and they are also looking into other grant opportunities. He would welcome input on the project from the commercial fishing committee.

Law commented that ice is important. There are only three places in Newport to get ice, so closing the ice house at the Trident location would have a huge impact. Dal Ponte said the plan included replacing the ice house immediately with a better facility with better ice. Time details have not yet been worked out. Brandberg asked if space would be rented to other retailers; Eder said it would be important that the businesses be water related in that valuable space. Dal Ponte they are talking to Marine Science, and agrees that the businesses should be marine related. OSU also has some ideas. Ted Gibson suggested continuing the dock and removing the turn to get a straight face in the renovation. Dal Ponte said that Trident had approached Pacific Seafood because they will no longer operate in Newport, both the meal plant and surimi plant. Pacific Seafood wants to keep both open. For the surimi plant, he wants to make sure he has community and regulatory support. He appreciated Mid-Water Trawlers support. Dal Ponte is now working with the State Department of Justice, the Governor, and the Coastal Caucus. He asked the Department of Justice if they had any concerns, but has not yet received a response. If there are no concerns, Pacific Seafood will proceed with the purchase. The plant has not been profitable for the last six years, but they are confident it can be done. It would require an investment. The concern is the impact if the sale of the surimi plant does not go through. There are no other interested buyers. He encouraged members of the Committee to reach out to the Coastal Caucus and provided information for contacting State representatives. Mann said the plant can handle more than currently being processed. This is the last surimi plant on the Oregon coast, and so is important to continue to have here. There are a lot of jobs at stake.

Eder said every fishery had been able to do business with Trident. He said Pacific Seafood is a wonderful company, but there needs to be more competition. Ted Gibson asked if another ice house would be closed once the new ice house was built. Dal Ponte said he knew ice was important to the fishing industry and there were no plans to eliminate an ice house. Mann and Eder asked if fishermen other than Pacific Seafoods would be able to deliver to the processing plant. Eder said Trident had also handled crab, albacore, black cod, salmon and shrimp. Brandberg added that Trident had been open to small fishermen, who were uncertain about what would happen when Pacific Seafood took over. Dal Ponte said he appreciated the concern, and suggested local fishermen contact the current operators at the plant, who will remain. Law asked if Pacific Seafood would provide a guarantee. Dal Ponte said not in writing, but there are no plans to change operations. Chuck said that charter boats also rely on ice and suggested Pacific Seafood ensure ice was available to them. Mann said the Mid-Water Trawlers did not realize other fisheries use the plant and ice, and asked Dal Ponte to talk to Bill at the plant to do what he can to guarantee they will receive the same support as they did from Trident. Skamser said it would be helpful if there were a Pacific Seafood liaison to the CFUG Committee. Newell said it would be good to have a meeting with Dave at the plant; some fishermen had been blackballed by Pacific and he wants to make sure those fishermen will be able to buy ice in the future. Dal Ponte said Don Moody will take over for Dave in September.

VII. OLD BUSINESS

Greenwood gave an update on the PD5 pier project. The budget includes \$115K for 1/3 of the engineering. The Budget Committee will be meeting on Tuesday, May 9th. The pier project total cost is approximately \$1.8MM. The completion will be broken up into smaller chunks. Eder asked for some additional wheelbarrows available at PD 5. Gibson will follow up.

VIII. FUTURE MEETING SCHEDULE

Mann noted that the correct date for the next meeting is July 10th, not June 10th.

IX. FUTURE AGENDA ITEMS

No future agenda items were discussed.

X. PUBLIC COMMENT

Beck said this would be the last meeting he would attend while a member of the Port Commission. He heard Eder's request for the Port to maintain its commitment to the commercial fleet, but the Port also needs a commitment from the fishermen. He suggested there should be some contracts to set aside areas at the terminal; it boils down to the bottom line. The Port wants NIT to be a primary source of income. Shipping will be competitive, but competition is good. He understands the fishermen's concerns but is looking for solutions.

Newell suggested a field trip to the terminal. Committee members were invited to tour the facility following the meeting; no action will be taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 10:55 am.

ATTESTED:

GENERAL MANAGER'S REPORT

DATE: 09/05/2017
RE: International Terminal Shipping Facility Report
TO: Commercial Fishing User Group
ISSUED BY: Aaron Bretz

SUMMARY:

The Port Commission voted to no longer consider the main three contracts for operations at the NIT in their current form at the regular meeting on 22nd of August. Since that time, there has been no counter-offer made by the Port of Newport, and the \$2M TIGER grant is being terminated due to lack of financing from the Port. One of the three contracts was the loan from Silvan Forest, and without that piece of the agreement, DOT would not grant an extension on the timeline for the grant. This means that the improvements to the 9 acre property and the plans for improvements at the NIT are on hold. Teevin and Silvan have both reiterated that they are still interested in doing business in Newport, but as of now, that business would have to look very different from the previous plan.

DETAIL:

- The main reason that the Port pulled away from the contracts was because of the financial arrangements that they enacted
- The Port Commission is still working to create a plan to move ahead, and will likely consider some financial analysis first
- The Port will still need to be respectful of the operational challenges that arose with the prior contracts as we go forward

OPTIONS:

There has been interest expressed by all sides in barge traffic as a freight alternative to be able to introduce shipping. There is no current offer to ship barges out of Newport, and although it has been expressed as an interesting option by shippers, it has not yet materialized or begun to take shape so there are no details to share. We are continuing the effort to find ways to address fishing concerns at the NIT so that we can be ready to work together if another shipping deal presents itself.

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AGREEMENT TO PROVIDE PROFESSIONAL SERVICES

This AGREEMENT, made and entered into this 22nd day of August, 2017, by and between the PORT OF NEWPORT, Oregon, a public corporation existing under the laws of the State of Oregon, herein after called the "Port" and OBEC Consulting Engineers, hereinafter called the "Contractor", 920 Country Club Road, Suite 100B, Eugene, OR 97401, 541.683.6090.

1. All work products resulting from the attached proposal outline are to remain property of the Port and must be surrendered upon request. Work may not be duplicated, reproduced or shared with any other party unless approved by the Port.
2. All invoices for services contracted herein shall be presented to the Port by the first of each month. Invoices shall be submitted to the Port of Newport, 600 S.E. Bay Boulevard, Newport OR 97365. Progress payments submitted to the Port for payment are required to be for services within the attached scope of work and performed and approved by the Port.
3. In the performance of services, the Contractor agrees to comply with all laws, statutes, ordinances and regulations of the United States, the State of Oregon and any other governmental body having applicable jurisdiction, and shall pay all applicable payroll and withholding taxes and any other sums as required.
4. It is expressly understood this agreement is personal to the Contractor, and the Contractor shall not assign or transfer this agreement nor enter into a subcontract for the performance of any services to be performed without the express written consent of the Port being obtained in advance.
5. The contractor shall provide, when applicable, a certificate of insurance showing that all persons performing professional services under the contract are covered under the State's Worker's Compensation Law.
6. The Contractor, in consideration of the payments to be made on the part of the Port, hereby covenants and agrees to furnish the engineering services, materials and supplies to complete the tasks within the scope of work. Contractor shall carry out and perform such services in full, complete and strict compliance with the attached scope of work, in a good, substantial, and professional manner to the approval and quality satisfaction of the Port. This agreement may be terminated by either party upon 30 days' written notice without reason.
7. Contractor shall obtain and maintain General Liability and Professional Liability insurance coverage against any and all claims for damages to persons or property which may arise out of or resulting from Contractor's negligent operations under this contract.

The public liability insurance shall have limits of not less than \$1,750,000 per occurrence during the terms of this agreement and for a period of at least one year following conclusion of the agreement. Contractor shall provide proof of insurance to the Port before commencement of any activity under this contract, and the proof of insurance shall provide that the policy(ies) of insurance shall not be canceled without ten (10) day's prior written notice to the Port.

8. Payments of Contractor's invoices shall be approved in writing by the Port in an amount not to exceed the Contractor's proposed rates as outlined in the attached project description. Any additional work and services provided by the Contractor shall be performed according to the attached rate schedule provided by the Contractor.

IN WITNESS WHEREOF, the parties have executed this Contract as of the day and year set forth above.

PORT OF NEWPORT:

By:

Title:

600 SE Bay Blvd
Newport, OR 97365

CONTRACTOR:

By: _____

Title: _____

920 Country Club Road, Suite 100B
Eugene, OR 97401

Scope of Work

Task 1 - Project Management and Coordination - This task includes internal management of the project team, communications with the Port regarding the status of the project, and monthly invoicing and progress reports. The work will be concurrent with other tasks following notice to proceed. A detailed design and permitting schedule will be prepared upon notice to proceed (NTP).

Deliverables: Progress reports and project schedule.

Task 2 - Survey-

1. Topographic Survey – an OBEC survey crew will collect sufficient data, under the direction of the Design Engineer, to accomplish the following:
 - Establish horizontal and vertical control using GPS.
 - Tie to Tidal Benchmark.
 - Calculate vertical difference between the Tidal datum and North American Vertical Datum of 1988 (NAVD 88).
 - Collect topographic features within a rectangular area 200 feet by 350 feet. The 200 foot dimension shall be centered on Dock 5 and the 350 foot dimension shall start at the northerly right-of-way of SE Bay Boulevard and extend into the bay.
 - For that portion in the bay the survey crew will use a single beam echosounder to collect bathymetric data.
 - Produce a topographic base map combining the conventionally collect topographic data and the bathymetric data at a scale determined by the Design Engineer.

Deliverables: ACAD drawings presenting bathymetric and topographic survey data.

Task 3 - Geotechnical Investigation- OBEC has teamed with Geotechnical Resources, Inc. (GRI) to provide geotechnical services for this project. GRI assisted us with the alternatives study and has completed several projects recently on Yaquina Bay. Their previous work in the vicinity of Port Dock 5 has garnered sufficient information to complete this investigation without performing any new on site testing or boring. GRI's proposal is attached for the Port's review.

Deliverable: Report summarizing the geotechnical investigation and design parameter recommendations.

Task 4 - 30 Percent Design- The Alternative design effort will continue from the conceptual study and progress to approximately 30 percent complete. Agency and stakeholder input from the kick-off meeting will be applied to conceptual design content. The goal is to advance the design sufficiently to address all items pertinent to the environmental permit submittal. OBEC has teamed with DKS Associates (DKS) to provide electrical design service for this project. DKS and OBEC have previously worked together on multiple projects, including waterfront projects similar to the Port Dock 5 Replacement Project. The DKS proposal is attached for the Port's review.

- 4.1 Perform preliminary design for dock replacement structure and new gangway.
- 4.2 Perform preliminary design for modifications to the gangway landing float
- 4.3 Perform preliminary design details for electrical replacement/upgrades
- 4.4 Stormwater alternatives analysis
- 4.5 Prepare design details for inclusion in the permit drawings.
- 4.6 Update the cost estimate prepared for the alternatives study

Deliverable: Cost estimate

Task 5 - Prepare 8.5x11 Permit Drawings-- Create 8.5x11 ACAD drawings suitable for inclusion in the
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Joint Permit Application (JPA) package. These drawings will present the 30-percent design details in a format meeting the requirements of federal, state, and local environmental permitting agencies. OBEC expects to produce up to 12 8.5x11 sheets. In accordance with OBEC's Quality Assurance program, senior level OBEC personnel will review the preliminary design for integrity, fitness for purpose, and constructability.

Deliverable: 8.5 x 11 drawings in ACAD format suitable for JPA submittal package

Task 6 - Environmental Documentation and Permits—OBEC will complete necessary field and literature investigations to provide the Port environmental documentation and permits required for completion of the Port Dock 5 Alternative 2 Project. There are several tasks which may not be required by the regulatory agencies. We have marked those as Contingency Tasks and have kept cost estimates separate. We will complete the following environmental investigations, documentation, and permits for this Project, unless marked as a CONTINGENCY TASK, which OBEC will complete only if required by the agencies and following Port and Consultant's written agreement on cost and receipt of NTP from Port:

- Wetland/Waters of the U.S./State Fieldwork
- Wetland/Waters of the U.S./State Delineation Report
- Wetland and Waters Functional Assessment Report
- SLOPES Programmatic Biological Opinion for ESA Listed Fish Species
- *Marine Mammal Protection Act Documentation (CONTINGENCY)*
- USACE/DSL Joint Permit Application (JPA) and DEQ Section 401 Certification
- Stormwater Management Plan
- *DSL Easement for Dock – (CONTINGENCY)*
- Floodplain Permit
- *Archaeological/Historic Baseline Report (CONTINGENCY)*

Environmental clearances, documentation, and permits will be developed to replace the entire structure in the existing alignment (Alternative 2).

General Task 6 Assumptions:

- Mitigation is not expected to be necessary because the project is 'self-mitigating' by a reduction in piles, stormwater treatment, and minor reduction in dock length.
- Eelgrass is not present within the project area, and the resource agencies will not require an eelgrass field survey.
- The only local land use permit required is a Floodplain permit, and a 'no-rise' will not be required to obtain the floodplain permit.
- ESA documentation for USFWS trust species will not be required.
- A hydro-acoustic monitoring plan will not be required.
- The USACE will not require a hazardous materials/sediment evaluation assessment.

Task 6.1- Wetland/Waters of the U.S./State Fieldwork -- OBEC will research and prepare documentation necessary to satisfy the requirements of Section 404 of the Clean Water Act and Oregon's Removal Fill Law (ORS 196.795-196.990). It is assumed that jurisdictional mudflats will be present and that numerous tidal jurisdictional boundaries will be present.

OBEC will complete a wetland field determination and tidal demarcation for the project area.

OBEC will use available data (including but not limited to: soil surveys, aerial photos, National/Local Wetland Inventory maps (NWI/LWI)) as well as data gathered in the field to document the presence or absence of wetlands within the project area.

OBEC will:

- Determine wetland boundaries within the project area in accordance with the criteria and methods described in the *1987 Corps of Engineers Wetland Delineation Manual (Environmental Laboratory Technical Report Y-87-1)* and appropriate Regional Supplements.
- Ensure that field methods used and data collected meet the USACE and DSL technical requirements for wetland delineations and tidal demarcations. Collect and record wetland delineation data on approved wetland determination data sheets for inclusion with a wetland delineation report.

Field data collected during this task will be used for, and submitted with, the deliverables for Tasks 6.2 and Task 6.3.

Deliverables: Field data for wetlands and waters inside the Project Area to be included in Task 6.2 and 6.3.

Task 6.2- Wetland/Waters of the U.S./State Delineation Report—OBEC will prepare a Wetland/Waters of the U.S./Delineation Report (Wetland Delineation Report) in accordance with DSL and U.S. Army Corps of Engineers (USACE) requirements and standards. The Wetland Delineation Report must include all required information outlined in Oregon Administrative Rules (OAR) 141-090-035, as well as all wetland data sheets obtained in the field under Task 6.1.

OBEC will prepare appropriate graphics required by USACE and DSL to accompany the Wetland Delineation Report. This shall include a site location map, tax lot map, National Wetland Inventory or Local Wetland Inventory map (if available), soil survey map, and aerial overlay map. Consultant's Wetland Delineation Report must also include wetland delineation boundary mapping (figures) as finalized by Consultant and as per the requirements of DSL, and a color photographic record depicting existing conditions.

OBEC will also complete the appropriate DSL cover page for submitting the Wetland Delineation Report to DSL and USACE for review and approval. Consultant shall attend one site visit with agency representatives if determined necessary by USACE and/or DSL, and shall respond to their comments.

OBEC will submit the Wetland Delineation Report to DSL and USACE. Port will be responsible for signing the wetland delineation report cover page. Port will be responsible for payment of any associated fees.

Deliverables:

- Draft Wetland Delineation Report to Port for review per the schedule in Task 1.
- Final Wetland Delineation Report to Port two weeks following receipt of draft review comments.
- Final Wetland Delineation Report to DSL and the USACE per the schedule in Task 1.

Task 6.3- Wetland and Waters Functional Assessment Report—OBEC will prepare a Wetland and Waters Functional Assessment Report as required by DSL. The report shall be submitted as a component of the Joint Permit Application to both USACE and DSL.

OBEC will calculate wetland impact areas by wetland type, including permanent and temporary impacts, based on the wetland survey and project design. If the impacted wetlands are classified under the Hydrogeomorphic (HGM) classification as tidal wetlands, or are within the slopes/flats subclass, the assessment shall be conducted in accordance with the methodologies outlined in the appropriate guidebook for HGM-based assessments. All other wetlands will be assessed using the methodologies outlined in the Oregon Rapid Wetland Assessment Protocol (ORWAP). Waters functional assessment will be completed using the Best Professional Judgment method per the requirements of DSL.

OBEC will prepare a standalone Functional Assessment Report that includes, at minimum, the following information:

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- A description of the impacted wetlands/waters, including the HGM and Cowardin classifications.
- A discussion of the proposed Assessment Unit for each wetland.
- A summary table depicting the results of the HGM or ORWAP assessment.
- A discussion of each assessed function, including rationale for the resulting scores.
- A wetland values assessment for each impacted wetland and waters.
- A discussion of the anticipated functions and values impacts, and the appropriate means by which to mitigate for those impacts.
- A copy of all prepared data sheets for the HGM or ORWAP assessment.

Deliverables:

- Draft Wetland Functional Assessment Report to Port for review per the schedule in Task 1.
- Final Wetland Functional Assessment Report to Port two weeks following receipt of draft review comments.
- Submit Functional Assessment with JPA in Task 6.6

Task 6.4- SLOPES Programmatic Biological Opinion for ESA Listed Fish Species—OBEC will use the US Army Corps of Engineers (USACE) SLOPES programmatic biological opinion (BO) to evaluate the effects of the project on Endangered Species Act (ESA) listed fish species. Consultant shall prepare programmatic BO documentation to obtain the Section 404 permit from the USACE.

OBEC will coordinate with the USACE, the National Marine Fisheries Service (NMFS), Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), and Oregon Department of Environmental Quality (DEQ) as necessary. OBEC will conduct a site visit with NMFS early in project design to address their concerns and incorporate their requirements into project design.

It is assumed that eel grass is not present in the project area and that resource agencies will not require a survey for Eel Grass. Mitigation for using SLOPES to cover this project is not expected because of the reduction in pile and slightly shorter dock. Geotechnical drilling below highest measured tide is not expected.

Deliverables:

- Draft SLOPES Compliance Document to Port per Task 1 Project Design Schedule
- Final BA submitted with the JPA under Task 6.6 with copy to Port.

Task 6.5- Marine Mammal Protection Act Documentation (CONTINGENCY)—OBEC will prepare one (1) Incidental Harassment Authorization (“IHA”) report that documents potential impacts to marine mammal species and documents consistency of the Project design and construction with recommended avoidance and conservation measures for marine mammals. The IHA report must include:

- Site description
- Description of the proposed action
- Baseline environmental conditions
- Presence of marine mammal species and critical habitat in the Project area
- Description of marine mammal use and quality of habitat in the Project area
- Evaluation of potential impacts to marine mammal species and their critical habitat(s)
- Discussion of cumulative effects
- Discussion of interrelated and interdependent effects
- Avoidance, minimization, and conservation measures
- Determinations of effect(s)

It is assumed the Project will result in a Level A harassment determination requiring an IHA. If a Level B Harassment determination is made by NMFS, this will require a contract amendment.

Deliverable:

- Draft IHA report to Port per Task 1 Project Design Schedule.
- Final IHA report submitted with the JPA under Task 6.6.

Task 6.6- USACE/DSL Joint Permit Application (JPA) and DEQ Section 401 Certification

OBEC will prepare a complete JPA meeting all the applicable requirements of the most recent version of the Oregon Department of State Lands Removal-Fill Guide and USACE permit application standards. Consultant shall submit the JPA and Stormwater Management Plan to the Oregon Department of Environmental Quality (DEQ) to obtain Section 401 Water Quality Certification.

OBEC will:

- Prepare JPA for a USACE Section 404 Nationwide Permit and a DSL Individual Permit, to authorize work within the jurisdictional waters and any wetlands found in the project area.
- Provide pre submittal coordination with DEQ to inform them of the project and verify requirements and documentation necessary to apply for Section 401 Water Quality Certification.
- Provide pre-submittal coordination with representatives of the USACE and DSL to confirm permitting requirements and application procedures. Consultant shall coordinate and attend one pre-submittal site visit with DSL and the USACE to discuss the project and address the resource agencies concerns.
- Verify that features and impacts are correctly identified for the permit application.
- Prepare all JPA required drawings, maps, photographs, site descriptions, and any additional information required by DSL or the USACE for inclusion in the JPA.
- Prepare narratives and descriptions on Project purpose and need and Project alternatives using project development information provided by Port as necessary to complete the JPA.
- Respond to questions or comments raised by the USACE and DSL following the submission of the JPA. This task may include correspondence and clarification of the JPA in the form of telephone calls, letters, or e-mails, to clarify regulatory agency concerns and to facilitate the issuance of the USACE and DSL permits for this Project. No regulatory agency site visit or in person meetings will be required following submittal of the JPA.
- Submit the complete JPA package to the DSL and USACE on behalf of the Port.
- Submit to DEQ a copy of the complete Joint Permit Application, Stormwater Management Plan, and provide a transmittal letter to DEQ requesting Section 401 Water Quality Certification for the project.

Wetland and/or waters mitigation will not be required for this project. Individual Coastal Zone Certification will not be required but will be covered programmatically under the USACE permit authorization.

Due to the varied nature of post-submittal coordination, it is expected that the OBEC will not expend more than eight hours for office review and coordination time for post-submittal coordination with DSL, USACE, and DEQ. Port will be responsible for obtaining Land Use Planning Signature on the JPA. Port will be responsible for payment of any associated fees for DSL, USACE, and DEQ to review and approve the submittals.

Deliverables:

- Draft JPA Submittal Package to Port for review per Task 1 Project Design Schedule.
- Final JPA Submittal Package to Port 2 weeks following receipt of draft review comments.
- Paper copy of the Final JPA Submittal Package to both the DSL and USACE 2 weeks following receipt of draft review comments.

- Paper copy of the Final JPA and Final Stormwater Management Plan to DEQ 2 weeks following receipt of draft review comments on the JPA.

Task 6.7- Stormwater Management Plan—OBEC will provide stormwater analysis for runoff at the dock replacement and dock expansion site in accordance with applicable Stormwater Management Program. OBEC will design the stormwater facilities according to NMFS and ODEQ standards and requirements. OBEC will prepare a stormwater management plan summarizing results of the stormwater analysis.

Deliverables:

- Draft Stormwater Management Plan to Port for review per Task 1 Project Design Schedule.
- Final Stormwater Management Plan to Port 2 weeks following receipt of draft review comments.
- Paper copy of the Final Stormwater Management Plan to ODEQ with JPA package prepared under Task 6.6.

Task 6.8- DSL Easement for Dock – (CONTINGENCY)-- If it is determined that the existing dock does not have a current easement from DSL, OBEC will identify and prepare legal descriptions, exhibit maps, and DSL easement application for up to one parcel for the purpose of fee acquisition and/or easements for the project. The following is anticipated for the Project:

- Up to one ROW file will be acquired for easement from DSL for dock footprint.

Deliverable:

- Hard copy (8 ½" x 14") legal ROW descriptions and ROW exhibit maps to Port and DSL for one parcel within waters of the state, due per Task 1 Project Design Schedule.

Task 6.9- Floodplain Permit—OBEC will prepare and submit application for one Floodplain Development Permit for the project. OBEC will coordinate, as necessary, with the City in preparation of this application. Port will be responsible for payment of any associated fee. It is assumed a 'no-rise' certification will not be required for this project.

Deliverables:

- Draft Floodplain Development Permit to Port for review per Task 1 Project Design Schedule.
- Final Floodplain Development Permit two (2) weeks after OBEC receives comments on the draft. OBEC will submit final floodplain development permit to City for review and concurrence. Port responsible for all fees and signatures associated with the floodplain development permit application.

Task 6.10- Archaeological and Historic Baseline Report (CONTINGENCY)-- The purpose of this task is for the Consultant to conduct archival and background research in combination with field reconnaissance to determine the presence or absence of high probability landforms for cultural resource sites within the Area of Potential Effect (APE) and to make recommendations for further cultural/historic resource review. OBEC will engage a qualified consultant for this work.

OBEC will conduct a Literature Review for the APE. Consultant will examine the following data bases and/or documents;

- the State Historic Preservation Office (SHPO) database in Salem, OR;
- appropriate Tribal Historic Preservation Office (THPO) database if APE is within a recognized reservation boundary;
- General Land Office (GLO) maps;
- Sanborn Fire Insurance Maps;

- Other records archives (i.e. historical societies; tribal archives) for known/potential prehistoric and historic archaeological resources within a one mile radius of the APE.

Field Reconnaissance must include a pedestrian survey. Consultant shall conduct pedestrian surveys within the APE and must include areas where ground will be disturbed by project construction.

Pedestrian survey methods must be consistent with the latest updated SHPO guidelines. The recommended maximum spacing of transects will be 20 meters apart and may vary depending on terrain features and/or ground visibility. Consultant shall determine transect spacing based on professional judgment to ensure that all probable site locations are discovered. All cultural resources observable on the surface and in exposed subsurface profiles must be identified and recorded. Field Reconnaissance must enable Consultant to identify areas of high and low probability for archaeological or historic resources and to determine the appropriate level of survey or subsurface exploratory probing.

Consultant shall prepare a Baseline Report that must contain the following:

- A purpose statement and full project description including:
 1. Location and legal description.
 2. General environmental description.
 3. Historic context.
 4. Proposed construction activities.
 5. Defined APE and APE map.
 6. Total acreage of impact.
- Results of SHPO/THPO database search including:
 1. Brief summary of previous archaeological research completed within one mile of APE.
 2. Brief summary of recorded archaeological features within one mile of APE.
- Results of GLO and Sanborn map review including:
 1. Brief summary of features (trails, buildings, etc.) depicted on maps and within APE.
- Description of pedestrian survey methods including date of survey, types of transects used, and names and duties of personnel conducting the survey.
- Findings of pedestrian survey including ground conditions (percent visibility) and difficulties encountered, if any.
- Identification of areas of high and low probability for archaeological resources within APE.
- Recommendations for appropriate level of additional survey and/or subsurface exploratory probing, if any.
- List of references cited.
- Location map at 1:24,000 scale; aerial image (Google map acceptable) showing APE; and representative digital images of current conditions within APE.

Deliverables:

- Draft Baseline Report to Port for review per Task 1 Project Design Schedule.
Final Baseline Report to Port and SHPO 2 weeks following receipt of draft review comments.

Assumptions and Clarifications

- No vessels are to be moored to the new Port Dock 5 fixed structure.
- The proposed surveying budget assumes a benchmark will be available within one-half (0.50) mile of Port Dock 5. It is further assumed that no survey monument exists within and will be disturbed by construction activities.
- OBEC will not recover existing survey monuments or retrace any easements or right-of-way lines as part of this work.
- The survey and all drafting will be completed using ACAD software.
- It is assumed no Yaquina Bay hydraulic studies will be required for this project.
- Building permit fees are dependent on the value of construction. Permit fees are not included in the proposed budget.
- Electrical and plumbing permits will be obtained by the contractor. No allowance is included in the proposed budgets for these permit applications or fees.
- It is assumed all utility replacements/upgrades/modifications other than electrical and stormwater will be performed utilizing a design/build approach. This includes fuel lines, firewater, and potable water. No allowance is included here for the design of these utilities. OBEC will show the utilities schematically on the drawings and provide specifications for each utility. The general contractor will engage subcontractors to design and install fuel lines, firewater, and potable water utility modifications or replacements.
- The Port will be responsible for obtaining City permission to perform utility tie-in work under the boardwalk.
- The northerly project boundary is the intersection of the north end of the 20 foot wide finger pier with the wider boardwalk owned by the City of Newport. The southerly project boundary is the end of the 80 foot gangway where it lands on the existing main marina float.

The Port wishes to proceed with Tasks 1 through 6 to complete preliminary design and allow preparation and submittal of environmental permit applications (including contingencies that may or may not be required). The estimated fee NTE is \$113,768. This includes 50% of Task 1 (Project Management) costs. These fees will not be exceeded without prior written authorization from the Port. Any changes to the scope of work, whether requested by Port or due to other circumstances will be documented in writing and promptly communicated to Port.

MONTHLY DEPARTMENTAL REPORT

FACILITY: North Commercial
DATE: 8/9/2017
PERIOD: July - August
TO: Director of Operations cc: General Manager
ISSUED BY: Kent Gibson

Billable Services Performed this Period:

- Forklift – 95Hrs Hoist Dock Crane(s) - 5Hrs
- 30 Ton Hydraulic Crane - Enter #.Hrs Dock Tie Up – 189.25Hrs
- Launch Tickets - Enter #. passes sold Other (Labor) – 74.5Hrs

Special Projects: *(Not regular maintenance & repair tasks. Enter project name and notes)*

- Completed InProgress Replaced broken fiberglass section of Port Dock 3 ramp.
 Completed InProgress Repaired Bull rail at hoist dock from F/V Last Straw Damage
- Completed InProgress Replaced South side of dock 3 rub boards where needed
- Completed InProgress Replaced roof on Dock 7 electrical building.
- Completed InProgress Replaced bolts for electrical pedestal attachment
to the docks on 5A and 7C&D
- Completed InProgress Click here to enter text.

Other: _____ Piling survey so far

5A need to replace 18-20, 8" pilings Could be problematic with 8" piles driven over 6" piles if either breaks off.

5B About 30% have at least 1 small hole but still have life.

5C is in good shape after the 17 piles were replaced last winter.

5D Just started on this wing, 5 outer 16" piles need replaced, 2 have already failed.

Sweeds dock has 12-8" piles that need replaced. 2 have already failed and the rest have numerous holes.