

CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday September 24, 2019 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS: Chairman Jim Berg, Commissioners Amy Aguirre, Bill Davis, Chris Hood, Ryan Wortman

ABSENT: Commissioner Jeff Marineau, Rex Miller

STAFF: Carolyn Johnson, Community Development Administrator; Debbie Erler, Planner; Henry Hearley, LCOG

SIGNED-IN GUESTS: Stephen Pfeiffer, Portland, OR (applicant representative); Jason Stibbs (applicant representative); Jim Starts (applicant representative); Margaret Barber – Director of External Affairs, International Port of Coos Bay; Todd Goergen, PO Box 97, Coos Bay; Sam Baugh, 665 Telegraph Dr., Coos Bay; Dennis Beetham; Gary Jackson, Business Representative for Oregon Laborers Union; Ken (?), Coquille, OR; Rick Skinner, PO Box 4114, Coos Bay; Ron Mathis; Todd Butler, Coos Bay; Tim Palmer, Port Orford, OR; Joseph Metzler, 1475 Myrtle Ave., Coos Bay; Larry Mangan, 97380 Hillcrest Ln., North Bend; Elizabeth Roberts, Bandon, OR; Suzanne Ross, 1542 Spruce Ave., Coos Bay, OR; Allen Shanks, 790 Wall St., Coos Bay, OR; Bob Lipman, Coos Bay, OR; Teresa Rigg, 1290 Yew Ave., Coos Bay, OR; Larry Mitchell, 3550 Lindberg Drive, Coos Bay, OR; Christine Moffitt, 700 Denise Place, Coos Bay, OR; Jean Cassidy, 1440 Butler Rd., Coos Bay, OR; Anna-Marie Slate, 768 Virginia Ave. #202, North Bend, OR; Ashley Dickey, Coos Bay, OR; Maya Holloman, 508 7th St., Port Orford, OR; Roland Meyer, 67202 North Bay Rd., North Bend, OR; Rick Eichstaedt, 1245 Fulton Ave., Coos Bay, OR; Jody McCaffree, PO Box 1113, North Bend, OR; Sam Schwarz, PO Box 33, Coos Bay, OR; Beverly Segner-Haller, 1000 Ingersoll Ave., Coos Bay, OR; Brenda Brecksy, 750 Market St., Coos Bay, OR; Tom Berget, 1345 Bayview Ave., North Bend

Chairman Berg called the meeting to order at 6:00 p.m.

Coos Bay Planning Commission Minutes – January 8, 2019

MOTION: Commissioner Hood moved to accept the Coos Bay Planning Commission minutes from January 8, 2019.

SECOND: Commissioner Davis

VOTE: Unanimous

PUBLIC HEARING:

**A. LAND USE APPLICATION #187-19-000035-PLNG – City of Coos Bay Estuarine Permit
Application Eelgrass Mitigation in Coos Bay Estuary Management Plan (CBEMP) Aquatic Unit
52-NA Initial Filing from Jordan Cove Energy Project L.P.**

As part of the Compensatory Wetland Mitigation Plan (CWMP) associated with the overall Jordan Cove project, the applicants are required to provide mitigation in the estuary to offset impacts from the LNG terminal. The proposed eelgrass mitigation is one of two projects proposed in the CWMP.

Re-contouring of the eelgrass mitigation site is necessary to achieve optimal elevations for a successful transplantation and natural colonization of eelgrass (from an existing elevation of approximately +3 MLLW to a proposed elevation of -1.3 feet MLLW).

To comply with Statewide Planning Goal 16 Estuarine Resources, Coos County, City of Coos Bay and City of North Bend developed the CBEMP. It was adopted and acknowledged in 1984. There are three “aquatic” management units in the CBEMP: Natural Aquatic (NA), Conservation Aquatic (CA) and Development Aquatic (DA). This application proposes to conduct mitigation in the Natural Aquatic unit, in which mitigation is an allowed activity.

According to the CBEMP, Natural Aquatic areas are managed for resource protection, preservation and restoration. There are severe restrictions on the intensity and types of uses and activities allowed within these areas. Natural Aquatic areas include tidal marshes, mud-sand flats, seagrass and algae beds that, because of a combination of factors such as size, biological productivity and habitat value, play a major role in the functioning of the estuarine ecosystem. Natural Aquatic areas also include ecologically important subtidal areas. This application proposes to conduct mitigation in the Natural Aquatic unit, in which mitigation is an allowed activity.

JCEP is requesting approval of an Estuarine Permit from the City of Coos Bay to conduct eelgrass mitigation as an allowed activity within the Coos Bay Estuary Management Plan (CBEMP) Aquatic Unit 52-NA. Project components include re-contouring an existing un-vegetated sandbar to create an area of optimal habitat, and then transporting eelgrass from a nearby donor site (see Exhibit B, Figure E-4, in Attachment A on the City's website) into the mitigation area. The proposed eelgrass mitigation site is an un-vegetated intertidal shoal comprised of medium to coarse sand, located due south of the airport. The proposed mitigation project will reduce and re-contour a boundary area of approximately 9.34 acres to establish approximately 6.78 acres of new habitat that will support a minimum of 2.7 acres of established clustered eelgrass beds (see Exhibit B, Figure E-1, in Attachment A).

The re-contouring process for the Eelgrass Mitigation Site is designed to create optimal depth habitat for eelgrass in the sandy shoal of the mitigation area, which is currently too shallow in areas to support eelgrass. The proposed method of re-contouring is via a shallow-water hydraulic dredge that will excavate the upper/shallow areas of the shoal to create more uniform depth for ideal eelgrass habitat.

Mr. Healey offered those present a staff report on LAND USE APPLICATION #187-19-000035-PLNG – City of Coos Bay Estuarine Permit Application Eelgrass Mitigation in Coos Bay Estuary Management Plan (CBEMP) Aquatic Unit 52-NA Initial Filing from Jordan Cove Energy Project L.P.

Commissioner Hood asked if “enhancement” a segment of the definition of “mitigation.” He asked if the Planning Commission would have to determine if “enhancement” was occurring in order to fulfill the requirements of the “mitigation.”

Mr. Healey replied that was correct.

Chairman Berg opened the Public Hearing at 6:13 p.m.

Those speaking in favor of the Eelgrass Mitigation:

Stephen Pfeiffer of Portland and representing the applicant (JCEP), offered the Commission a summary of the applicant’s request.

Commissioner Hood asked if there was a specific reason under the JCEP application the term “enhancement” was used in lieu of creating a new wetland. He wondered if the two distinctions were considered of equal definition and value.

Mr. Pfeiffer replied the terms were considered the same.

Jason Stibbs, representing the applicant (JCEP), further summarized the applicant’s request, with an emphasis on the importance of eelgrass in the local marine ecosystem(s).

Commissioner Berg asked if the area of the Bay in question was the only the only area in which eelgrass mitigation was taking place.

Mr. Stibbs said this area was the only one scheduled for eelgrass mitigation, and said mitigation was a one-time occurrence within the larger Jordan Cove Energy Project.

Commissioner Hood wondered if there existed a ratio representing mitigation impact.

Jim Starts, representing the applicant (JCEP), said there was, and the initial mitigation ratio was 3:1, and after a post-construction monitoring period of five years, the Army Corps of Engineers (COA) would like to see a mitigation ratio of 1.2:1.

Mr. Stibbs offered the potential existed to end up with six acres of eelgrass plus the salvage.

Todd Goergen of Coos Bay spoke in favor of the eelgrass mitigation. He said every indication he had seen showed the site for eelgrass mitigation was very comparable success for the eelgrass, and he urged the Commission to listen to the experts at LCOG.

Margaret Barber of Coos Bay spoke in favor of the eelgrass mitigation. She urged the Commission to permit the eelgrass mitigation, because the mitigation would be monitored by the regulatory bodies who have the expertise in that field.

Sam Baugh of Coos Bay spoke in favor of the eelgrass mitigation. He offered that eelgrass was very important to the local aquatic ecosystems in many ways.

Dennis Betham spoke about the salient importance of natural gas for the local power grid.

Gary Jackson Business Representative from the Oregon Laborers Union, spoke in favor of the eelgrass mitigation. He said this type of mitigation has historically been shown successful, and that JCEP had the experience and capability to complete the work.

Ken (?) of Coquille spoke in favor of the eelgrass mitigation. He recommended the Commission approve the eelgrass mitigation.

Rick Skinner of Coos Bay spoke in favor of the eelgrass mitigation. He mentioned a former eelgrass mitigation effort in Coos Bay that was successful, and urged the Commission to approve this mitigation.

Ron Mathis spoke in favor of the eelgrass mitigation. He offered that no matter which way the larger issues of the project went, this mitigation would be a positive for the Bay.

Tom Berget of North Bend spoke in favor of the eelgrass mitigation. He said that dredging—and subsequently eelgrass mitigation—already occurs constantly in the Bay, by ships, and through other man-made means, and he has found it actually improves his fishing hauls.

Those speaking in opposition to the Eelgrass Mitigation:

Todd Butler of Coos Bay spoke in opposition to the eelgrass mitigation. He cited that JPEC's reasoning for the mitigation was based mostly on hopeful outcomes instead of hard evidence the mitigation would be successful.

Tim Palmer of Port Orford spoke in opposition to the eelgrass mitigation. He offered the mitigation was not conducive to protecting local resources and local wildlife.

Joseph Metzler of Coos Bay spoke in opposition to the eelgrass mitigation. He said he did not support the destruction of eelgrass beds for the benefit of the fossil fuel industry.

Larry Mangan of North Bend spoke in opposition to the eelgrass mitigation. He did not agree this was an actual mitigation plan. Mr. Mangan further stated that any mitigation efforts would draw surrounding sediment, and choke out any new eelgrass plantations therein.

Elizabeth Roberts of Bandon spoke in opposition to the eelgrass mitigation. She felt the mitigation would jeopardize public trust, as it would affect crab and shellfish populations and production in the area.

Suzanne Ross of Coos Bay spoke in opposition to the eelgrass mitigation. She said there was no guarantee that newly-planted eelgrass would be the inviting habitat for local aquatic wildlife that existing eelgrass beds were.

Allen Shanks of Coos Bay spoke in opposition to the eelgrass mitigation. He said the depressions suggested in the tidal flats, would quickly fill with sediment, rendering the entire flat at too high an elevation for eelgrass to survive.

Bob Lipman of Coos Bay spoke in opposition to the eelgrass mitigation. He felt the mitigation would jeopardize public trust, as it would affect crab and shellfish populations and production in the area.

Teres Rigg of Coos Bay spoke in opposition to the eelgrass mitigation. She cited the importance of eelgrass on local ecosystems. Ms. Rigg said she did not believe the definition of "mitigation" was applicable to what JCEP planned with that acreage of eelgrass.

Larry Mitchell of Coos Bay spoke in opposition to the eelgrass mitigation. He said if eelgrass would not grow, then any mitigation of eelgrass beds was moot.

Christine Moffitt of Coos Bay spoke in opposition to the eelgrass mitigation. She offered that the Commission had a responsibility to protect public trust resources. Ms. Moffitt said she was not convinced the mitigation site was the most appropriate site for eelgrass.

Jean Cassidy of Coos Bay spoke in opposition to the eelgrass mitigation. She did not feel JCEP's eelgrass mitigation met all the criteria necessary to meet the definition of "mitigation," and/or "enhancement."

Anna-Marie Slate of North Bend spoke in opposition to the eelgrass mitigation. She said that, after listening to all the information about this project, she did not believe it satisfied the definition of "mitigation."

Ashley Dickey of Coos Bay spoke in opposition to the eelgrass mitigation. She did not believe Coos Bay should approve the eelgrass mitigation because the mitigation plan was inadequate, and it would not lessen the effects of the proposed fracked gas pipeline ultimately planned.

Maya Holloman of Port Orford spoke in opposition to the eelgrass mitigation. She posited the mitigation would not offset the impacts of the JCEP project. Ms. Holloman stressed the need for careful deliberation on the part of the Planning Commission, taking into account all the voices speaking for and against this project.

Roland Meyer of North Bend spoke in opposition to the eelgrass mitigation. He said it did not make sense to him that the Commission would even consider destroying existing eelgrass beds for this or any project. Mr. Meyer said there was no guarantee the eelgrass would grow where JCEP says it will.

Rick Eichstaedt of Coos Bay spoke in opposition to the eelgrass mitigation. He questioned whether the planned eelgrass work fit the definitions of "mitigation," or "enhancement." Mr. Eichstaedt urged the Commission to ensure the proposed mitigation would be effective before they signed off on the eelgrass mitigation.

Commissioner Hood asked if the public would be able to get involved with the agencies—COA, Oregon Department of State Lands (DSL), et al.—concerning JCEP's eelgrass mitigation proposal, just as they have been involved with the Coos Bay Planning Commission.

Mr. Eichstaedt replied it would have made sense for JCEP to receive approval for eelgrass mitigation from the aforementioned agencies *before* coming to the City of Coos Bay.

Chairman Berg wondered if there existed the intention to move forward with this project without full approval from all agencies, including the City of Coos Bay.

Mr. Eichstaedt said he did not believe so.

Jody McCaffree of North Bend spoke in opposition to the eelgrass mitigation. She said Coos Bay—the City and her citizens—needed to know that the proposed mitigation would be successful before it's begun. Ms. McCaffree said that, per the Coos Bay Estuary Management Plan (CBEMP), it was forbidden to dredge within the 52-NA zoning district.

Sam Schwarz of Coos Bay spoke in opposition to the eelgrass mitigation. As a Bay fisherman, he said the eelgrass mitigation—and indeed the entire JCEP proposal—was detrimental to his livelihood, and the public trust.

Beverly Segner-Haller of Coos Bay spoke in opposition to the eelgrass mitigation. She said Coos Bay—the City and her citizens—needed to know that the proposed mitigation would be successful before it's begun. She implored the Commission to use its best judgement, treating the mitigation request as if it were a Conditional Use Permit.

Commissioner Hood clarified the Commission did not have the same latitude in this case, as they would in a land Conditional Use Permit.

Brenda Brecksy of Coos Bay spoke in opposition to the eelgrass mitigation. She said the Commission should really take into consideration all the public opposition presented to them, and know that it is not based solely on emotions (although the public is very emotional about this issue, as well they should be), but on facts and documented proof.

Steve Pfeiffer, JPEC representative, offered a rebuttal to the opposition comments. He reminded the Commission, and those speaking against the eelgrass mitigation, they had no authority to do anything but determine if the proposed project is mitigation, or the entirety of the JCEP project. Mr. Pfeiffer added that there was no way the eelgrass mitigation would happen unless COA and DSL signed off on it. Mr. Pfeiffer stated that they are opposed to the newly revised Condition that reduced the timeframe to February 1st. because they were not notified.

Chairman Berg stated the record on this matter would be left open in order to facilitate a furtherance of this conversation past the adjournment of the meeting. He said there would be another meeting of the Planning Commission on Tuesday October 22, 2019, at which the Commission would take into consideration the testimony as a whole on this matter.

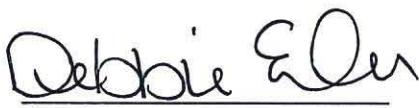
Adjournment:

Chairman Berg closed the public hearing, but the record will remain open until 5:00 p.m. October 1, 2019 for submittal of additional information; Review of submitted information from will be from October 2-7, 2019 at 5:00 p.m.; Applicant's response will be from October 8-10, 2019 at 5:00 p.m. There will be a Special hearing before Planning Commission on October 22nd. Chairman Berg adjourned the meeting at 8:26 p.m.



Jim Berg, Chairman
Planning Commission
City of Coos Bay
Coos County, Oregon

ATTEST:



Debbie Erler
Debbie Erler, Planner 1

APPROVED AS SUBMITTED: October 8, 2019