PORT OF BROOKINGS HARBOR
Workshop Commission Meeting
Thursday, March 11, 2021 • 10:00am
Teleconference / Meeting Room *(limited capacity)*

Teleconference Call-In Number: 1 (253) 215-8782
Meeting ID: 771 205 4017 Passcode: 03112021 (to mute/unmute: * 6)
When calling in, please announce your arrival and state your name when you join the meeting.

TENTATIVE AGENDA

1. **CALL MEETING TO ORDER**
   - Roll Call
   - Modifications, Additions, and Changes to the Agenda
   - Declaration of Potential Conflicts of Interest

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENTS** – (Limited to a maximum of three minutes per person. Please email your comments to danielle@portofbrookingsharbor.com prior to the meeting. ***Please wait to be called on before speaking***)

4. **INFORMATION ITEMS** **Page**

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   Presentation from Shannon Souza, P.E. Executive Director Oregon Coast Energy Alliance Network

6. **COMMISSIONER COMMENTS**

7. **NEXT REGULAR MEETING DATE** – Tuesday, March 16, 2021 at 6:00pm

8. **ADJOURNMENT**

A request for an interpreter for the hearing impaired, for those who want to participate but do not have access to a telephone, or for other accommodations for persons with disabilities should be made at least 48 hours in advance of the meeting to Port of Brookings Harbor Office at 541-469-2218.

This Institution is an Equal Opportunity Provider

INFORMATION ITEM – A

DATE:	March 11, 2021
RE:	Hallmark Lease Renewal
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Hallmark Lease has an option to extend their lease for another 5-years and they timely requested the extension. Lease would be extended through March 31, 2026.
- Port legal counsel reviewed the draft lease amendment.
- Hallmark is in good standings with the Port.

DOCUMENTS

- Draft Hallmark Lease Amendment No. 1, 1 page

COMMERCIAL LEASE AGREEMENT

DRAFT

AMENDMENT NO. 1

This lease amendment ("Amendment") is entered into by and between the Port of Brookings Harbor ("Landlord") and Hallmark Fisheries ("Tenant") to amend the terms of the commercial lease dated April 1, 2016.

1. AMENDMENTS. The following terms of the commercial lease agreement are amended as follows:

Pursuant to paragraph 2.c., Tenant has timely requested and Landlord approves a five-year extension of the lease commencing April 1, 2021 and ending March 31, 2026.

2. OTHER TERMS AND CONDITIONS. All other terms and conditions of the original lease agreement remain in full force and effect and remain unaffected hereby.

3. EFFECTIVE DATE. This Amendment shall be effective as of the date that it is executed.

IN WITNESS WHEREOF, the parties have entered into this agreement as of the date last below written at Brookings, Oregon.

PORT OF BROOKINGS HARBOR, Landlord	**HALLMARK FISHERIES, Tenant**
Dated: By: _____ Richard Heap, Board President ATTEST: _____ Commissioner	Dated: By: _____ Name: _____ Title: _____

INFORMATION ITEM – B

DATE:	March 11, 2021
RE:	Audit Engagement Letter
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Port audits must be reviewed by Certified Public Accountant (CPA) and approved by the Board. Then submitted to State of Oregon by December 31st of every year.
- Port solicited for CPA's and received only one response.
- Securing CPA early in the year ensures the Port audit to be completed by the State deadline.
- Audit Engagement Letter is for Fiscal Year 2020-21 service.

DOCUMENTS

- Draft C.J. Huntsman, Audit Engagement Letter, 5 pages

C. J. Huntsman, CPA, P.C.

Constance J. Huntsman
Certified Public Accountant
Admin@huntsmancpa.net

P.O. Box 569
Coos Bay, OR 97420
541-808-3080

Memberships
American Institute of CPA's
Oregon Society of CPA's

AUDIT ENGAGEMENT LETTER

DRAFT

February 12, 2021

To the Board of Commissioners and Port Manager

Port of Brookings Harbor
P.O. Box 848
Brookings, OR 97415

I am pleased to confirm my understanding of the services I am to provide the Port of Brookings Harbor for the year ended June 30, 2021.

Audit Scope and Objectives

I will audit the financial statements of the governmental activities and each major fund, and the disclosures, which collectively comprise the basic financial statements of the Port of Brookings Harbor as of and for the year ended June 30, 2021.

The Port of Brookings Harbor's basic financial statements are reported on a modified cash basis of accounting. While there is no standard setting body that establishes accounting standards for the modified cash basis of accounting, both the Government Finance Officers Association (GFOA) and the American Institute of Certified Public Accountants (AICPA) publish guidance and example materials used in preparing modified cash basis financial statements. The Port of Brookings Harbor uses these application materials published by the GFOA and the AICPA in preparing their basic financial statements. The modified cash basis of accounting differs from generally accepted accounting principles in that not all Governmental Accounting Standards Board (GASB) pronouncements apply to the presentation and disclosures contained in financial statements.

I have been engaged to report on supplementary information that accompanies the Port of Brookings Harbor's basic financial statements. I will subject the following supplementary information to the auditing procedures applied in my audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America (GAAS), and I will provide an opinion on it in relation to the financial statements as a whole, in a report combined with my auditor's report on the financial statements:

- Schedule of Property Tax Transactions – Modified Cash Basis
- Schedule of Long-Term Debt Principal and Interest Transactions
- Schedules of Future Cash Requirements for Payment of Long-Term Debt
  - Revenue Bond Series 2000
  - Combined IFA Notes Payable
  - Notes Payable

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In connection with my audit of the basic financial statements, I will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, I conclude that an uncorrected material misstatement of the other information exists, I am required to describe it in my report.

- Trend Information Since Adoption of the Modified Cash Basis of Accounting
- Introductory Section
  - Transmittal Letter
  - Elected Board of Commissioners
  - Administration
  - Port Organization Chart
  - Port Geographic Boundaries
  - Port Pictures

The objectives of my audit is to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes my opinion about whether your financial statements are fairly presented, in all material respects, in confirm with the modified cash basis of accounting, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor's Responsibilities for the Audit of the Financial Statements

I will conduct my audit in accordance with GAAS and will include tests of your accounting records and other procedures I consider necessary to enable me to express such opinions. As part of an audit in accordance with GAAS, I exercise professional judgment and maintain professional skepticism throughout the audit.

I will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. I will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. I will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by me, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, I will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to my attention. My responsibility as auditor is limited to the period covered by my audit and does not extend to any later periods for which I am not engaged as auditor.

I will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. I will also request written representations from your attorneys as part of the engagement.

I may, from time to time and depending on the circumstances, use third-party service providers in serving your account. I may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, I maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, I will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and I will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that I am unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, I will remain responsible for the work provided by any such third-party service providers.

Audit Procedures—Internal Control

I will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for my opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, I will express no such opinion. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of the Port of Brookings Harbor's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of my audit will not be to provide an opinion on overall compliance, and I will not express such an opinion.

Responsibilities of Management for the Financial Statements

My audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with the modified cash basis of accounting.

Management is responsible for making drafts of financial statements, all financial records, and related information available to me and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing me with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that I may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence. At the conclusion of my audit, I will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to me in the management representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing me of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with the modified cash basis of accounting. You agree to include my report on the supplementary information in any document that contains, and indicates that I have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes my report thereon. Your responsibilities include acknowledging to me in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with the modified cash basis of accounting; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with the modified cash basis of accounting; (3) the methods of measurement or presentation have not changed from those used in the prior period; and (4) you have disclosed to me any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to publishing the financial statements on your website, you understand that websites area means of distributing information and, therefore, I am not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

Engagement Administration, Fees, and Other

I understand that your employees will prepare all cash, accounts receivable, or other confirmations I request and will locate any documents selected by me for testing.

The audit documentation for this engagement is the property of C. J. Huntsman, CPA, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Oregon Secretary of State, or its designee. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of C. J. Huntsman, CPA, P.C. personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the Oregon Secretary of State or its designee.

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I expect to begin my audit on approximately July 31, 2021 and to issue my reports no later than December 30, 2021. As a sole practitioner, I am responsible for supervising the engagement and signing the report.

My fee for these audit services will be at my standard hourly rate of $130 per hour except that I agree that my gross fee, including expenses, will not exceed $10,725. My invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with my firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my report. You will be obligated to compensate me for all time expended through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs. I make no guarantees on my standard rate for audit services to be performed in a subsequent year.

Reporting

I will issue a written report upon completion of my audit of the Port of Brookings Harbor's finance statements. My report will be addressed to the Board of Commissioners of the Port of Brookings Harbor. Circumstances may arise in which my report may differ from its expected form and content based on the results of my audit. Depending on the nature of these circumstances, it may be necessary for me to modify my opinions or add an emphasis-of-matter or other-matter paragraph to my auditor's report, or if necessary, withdraw from this engagement. If my opinions are other than unmodified, I will discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinions, I may decline to express opinions or withdraw from the engagement.

I appreciate the opportunity to be of service to the Port of Brookings Harbor and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign a copy of this letter and return it to me.

Very truly yours,

Constance J. Huntsman, CPA

Constance J. Huntsman, CPA
C. J. Huntsman, CPA, P.C.

RESPONSE:

This letter correctly sets forth the understanding of the Port of Brookings Harbor.

Management signature: _____
Printed Name and Title: _____
Date: _____

Commissioner signature: _____
Printed Name: _____
Date: _____

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INFORMATION ITEM – C

DATE: March 11, 2020

RE: Appoint Budget Committee

TO: Honorable Board President and Harbor District Board Members

ISSUED BY: Gary Dehlinger, Port Manager

OVERVIE

- Budget committee is appointed by the governing body.
- The budget committee consist of the members of the governing body and a number equal to the number of members of the governing body of electors of the municipal corporation appointed by the governing body. In our case we currently have 4 governing members, and we have 3 electors to make the budget committee.
- Port staff placed ads on the Port website and local newspaper from September 2020 to March 5, 2021 to fill the vacancies. No applications were received.
- Current makeup of the budget committee:

Governing Body:

Position	Name	Term Ends
1	Joseph Speir	2021
2	Sharon Hartung	2023
3	Vacant	2023
4	Richard Heap	2021
5	Kenneth Range	2021

Electors:

Position	Name	Term Ends
6	Vacant	
7	Richard Contestabile	2023
8	Thomas Beene	2023
9	Al Cornell	2021
10	Vacant	

DOCUMENTS

- Budget Calendar, 1 page

PORT OF BROOKINGS HARBOR

BUDGET CALENDAR 2021-22

1. Appoint Budget Officer	February 16 (Regular Meeting)
2. Appoint Budget Committee (BC)	March 16 (Regular Meeting)
3. Prepare Proposed Budget	April 12
4. Publish 1st Notice of BC Meeting (Newspaper & Website)	April 23 (Friday)
5. Publish 2nd Notice of BC Meeting (Newspaper & Website)	April 30 (Friday)
6. BC meeting & Subsequent Meetings if needed	May 11 (Tuesday 6pm)
7. Publish Notice of Budget Hearing (Newspaper & Website)	June 4 (Friday)
8. Hold Budget Hearing	June 15 (Regular Meeting)
9. Enact Resolutions to Adopt, etc.	June 15 (Regular Meeting)
10. Submit Tax Certification Documents	by July 15
11. Send Copy of all Budget Documents to County Clerk	by Sept 30

INFORMATION ITEM – D

DATE:	March 11, 2021
RE:	Pithitude and Harbor Corner Market Security Gate
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Tenants have requested to install a security gate at the porch entrance behind their leased spaces.
- The gate will provide safety and security from individuals that should not be in that area.
- This security gate proposal would be installed by the tenants at no cost to the Port.
- Design and material of the fencing and gate would be approved by Port Staff. Keys for access would be provided to the Port.

DOCUMENTS

- Proposed location of security gate, 1 page


Pithitude
Harbor Corner Market
Security Fencing with Gate

INFORMATION ITEM – E

DATE:	March 11, 2021
RE:	Whale's Tail Candy & Gifts Lessor's Consent Agreement
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- The Port Board approved the transfer of lease to the new owners July 24, 2020.
- The sale of the business has taken longer because of COVID impacted the loan process.
- Port legal counsel has reviewed the document, the lender is trying to establish first position when it comes to the business assets and also that if the lender has to take possession of the business, that it will not be liable for past debt of the business owner. I do not have a problem with this as this does not alter the status quo agreement with lessees.

DOCUMENTS

- CCD Business Development Corporation, Lessor's Consent Agreement - Lease, 2 pages

Requested By:
CCD Business Development Corporation
540 Anderson Avenue
Coos Bay, OR 97420

Return To:
CCD Business Development Corporation
540 Anderson Avenue
Coos Bay, OR 97420

LESSOR'S CONSENT AGREEMENT - LEASE

TO:	CCD Business Development Corporation 540 Anderson Avenue Coos Bay, OR 97420	"CCD"
FROM:	Port of Brookings Harbor	"LESSOR"

RECITALS:

A. Lessor is the lessor in that certain lease (the Lease) dated _____ between Port of Brookings Harbor, an Oregon municipal corporation, as Lessor and Andy Sale & Amy Sale, as Lessee (the "Borrower"). The real property covered by the Lease is a building located at 16350 Lower Harbor Road, Ste. 204, Brookings, Oregon. (Property description – see attached).

B. Borrower has requested that CCD loan Borrower the sum of Forty Thousand Dollars and No/100 Dollars ($40,000.00). The loan funds will be used to purchase a business and business assets located at 16350 Lower Harbor Road, Ste. 204, Brookings, OR 97415. CCD has agreed to make the loan only so long as Lessor executes this Agreement.

C. To induce CCD to extend the loan to Borrower, Lessor hereby agrees with CCD and Borrower as follows:

LESSOR'S AGREEMENT:

1. Recitals Incorporated. The recitals are incorporated into this Agreement as if fully set forth.

2. Lease in Effect. Lessor and Borrower acknowledge that the Lease is in full force and effect; and no events of default or events which with the passage of time or notice or both would become an event of default have occurred.

3. Amendments and Cancellation. Lessor and Borrower acknowledge that prior to the date of this Agreement, there have been no changes, supplements, amendments, or modifications to the Lease. Lessor agrees for so long as the loan described above remains unpaid, to notify CCD if the lease is modified, amended or cancelled.

4. Right to Personal Property Hazard (BPP) Insurance Proceeds. Lessor waives any claim to the proceeds of any Personal Property Hazard (BPP) Insurance maintained on the

Premises by Borrower in which CCD is named as an additional insured.

5. CCD's Liability Under the Lease. So long as CCD has not entered into possession of the Premises, CCD shall not be liable for rent or any other obligations of Borrower under the Lease. If CCD does enter into possession of the Premises, CCD shall only be liable for such rent and other obligations of Borrower which arise while CCD remains in possession of the Premises.

6. Business Assets. Lessor disclaims all right, title and interest in and to all equipment, furniture, inventory, and detachable fixtures (BPP) placed by Borrower on the Premises and waives any right of Lessor's distraint.

7. Captions for Convenience. The captions of the sections of this Agreement are for convenience only and are not to be used to interpret or define the provisions of this Agreement.

8. Attorneys' Fees. In the event suit or action is instituted to enforce or interpret any of the provisions of this Consent and Acknowledgment, including, but not limited to, any action or participation by Borrower, Lessor or CCD in or in connection with the case or proceeding under the Bankruptcy Code or any successor statute, the prevailing party shall be entitled to recover all expenses reasonably incurred at, before and after trial and on appeal, whether or not taxable as costs, including, without limitation, attorneys' fees, witness fees and other expenses.

9. Borrower Acknowledgment. Borrower also signs this Consent and Acknowledgment to signify it has read the Consent and Acknowledgment and has agreed to disclose to Lessor the information contained in the Consent.

IN WITNESS WHEREOF, Lessor and Borrower have signed this Lessor's Acknowledgment and Consent or caused it to be executed by their duly authorized representative(s) as of the date first written above.

LESSOR: **Port of Brookings Harbor**

X:_____ Date:_____
~~Roy Davis~~, Chairman BOC
RICHARD HEAP

BORROWER: **Andrew W. & Amy R Sale**
dba Whalestail Candy & Gifts

By:_____ Date: 03/01/2021
Andrew W. Sale

By:_____ Date: 3/01/2021
Amy R. Sale

INFORMATION ITEM – F

DATE:	March 11, 2021
RE:	DEQ Stormwater Tier 1 Report
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Port staff completed the second round of stormwater testing on February 1, 2021. Samples are taken from six locations throughout the port. One from the boat yard, one from the fuel tank area, two from receiving docks and two from the gear storage area.
- Pollutant levels increased from the previous test and continue to be above the state benchmarks.
- Port staff continues to maintain the catch basins, sandbags, cleaning roads and parking lots per Stormwater Pollution and Control Plan. We are also continuing to follow recommends from Jack Akin/EMC Engineering (Port engineer).
- DEQ Tier 1 Report was completed and archived as required.

DOCUMENTS

- DEQ Tier 1 Report for February 1, 2021, 16 pages

State of Oregon
Department of
Environmental
Quality

Department of Environmental Quality
Industrial Stormwater Permits
Tier I Report Form

Instructions: Fill out this form if stormwater sampling results show an exceedance of any statewide benchmark(s), sector specific benchmark(s), or reference concentration(s) for impairment pollutants identified in the permit assignment letter. If you need additional space to answer the questions below, please attach additional sheet(s). The form must be filled out within 30 days of receiving analytical results. If no changes to the SWPCP are required or for benchmark exceedances, please retain this form onsite.

Submit Tier I report no later than 60 calendar days after receiving monitoring results for a sample that exceeds an impairment reference concentration.

Date Form Prepared: March 5, 2021

Facility Name: Port of Brookings Harbor

File Number #: 126385

County: Curry County

SIC Code(s): 4493, 2092

Prepared By: Gary Dehlinger

Phone Number: 541-469-2218

E-mail Address: portmanager@portofbrookingsharbor.com

Form is being filled out in response to:

☒ Statewide Benchmark Exceedance (list analyte(s)): Copper, TSS, Zinc, Aluminum and Iron

☐ Sector Specific Benchmark Exceedance (list analytes(s)):

☐ Impairment Pollutant Reference Concentration Exceedance (list analyte(s)):

Date Sampling Occurred: February 1, 2021

Date Lab Results Received: February 8, 2021

Describe the result(s) of the investigation of the elevated pollutant levels:

This is our second stormwater sample taken in this quarter and new year. Pollutant levels increased from our previous tests and continued to be above the benchmarks. Lack of developed stormwater control infrastructure such as paved surfaces and proper stormwater drainage could be a major contributor.

Describe the corrective action(s) you will take to address the benchmark exceedence(s):

We are continuing to follow SWPCP of street cleaning, cleaning out catch basins and drainage areas. We are also continuing the maintenance of our sandbags, filter media bags and straw wattles at each of the catch basins to reduce TSS and metal contaminants. The Port has two FEMA disaster projects that will incorporate stormwater control in the areas of the failed tests. The projects are estimated to begin as early as 2022 and could run several years to complete. We are continuing to follow our Port engineer recommendations.

Date corrective action(s) completed or expected to be completed: 03/05/2021

Are SWPCP revisions necessary? ☐ Yes ■ No
If "Yes", please describe revisions below:

Please submit the revised pages of the SWPCP to DEQ or Agent, including a schedule for implementing the control measures.

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		103 - Boat Yard	103 - Boat Yard	103 - Boat Yard	103 - Boat Yard	103 - Avg
Copper	0.0200	0.4145	0.2256			0.3201
Total Oil & Grease	10.0000	5.0000	-			2.5000
Lead	0.0150	0.0128	-			0.0064
Total Suspended Solids	100.0000	52.0000	14.0000			33.0000
Zinc	0.0900	0.1821	0.1261			0.1541
Aluminum	0.7500	0.7488	0.9873			0.8681
Iron	1.0000	0.8086	0.9993			0.9040
		Exceeds limits				

Sample Information

Sample ID:	**22100307**	Collectors Name:	Gary Sehungin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	103 - Boat Yard
Project Name:	Port of Brookings Harbor	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **103 - Boat Yard** Collection Date: **02/01/21 10:50 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**0.2256**	mg/L		02/03/21 11:28 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**14.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**0.1261**	mg/L		02/03/21 11:28 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**0.9873**	mg/L		02/03/21 11:28 am	JNS	AG	
Iron	EPA 200.7	0.03	**0.9993**	mg/L		02/03/21 11:28 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
H	Analysis performed outside method hold time
ID	Subsample identifier for each Sample number
M	Matrix Spike recovery is out of control limits due to matrix interference The LCS was in acceptance limits showing the analysis is in control and the data is acceptable
E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

- White - No EPA Limit
- Low Risk within EPA Limit
- Medium Risk
- High Risk Exceeds EPA Limit
- Call the Lab to Discuss

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		202 - Hallmark	202 - Hallmark	202 - Hallmark	202 - Hallmark	202 - Avg
Copper	0.0200	-	0.0130			0.0065
Total Oil & Grease	10.0000	-	-			-
Lead	0.0150	-	-			-
Total Suspended Solids	100.0000	153.0000	98.0000			125.5000
Zinc	0.0900	-	-			-
Aluminum	0.7500	0.2685	9.1872			4.7279
Iron	1.0000	0.3586	9.6607			5.0097
		Exceeds limits				

Sample Information

Sample ID:	**22100306**	Collectors Name:	Gary Sehlingin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	202- Hallmark
Project Name:	Port of Brookings Harbor	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **202 - Hallmark** Collection Date: **02/01/21 10:30 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**0.0130**	mg/L		02/03/21 11:37 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**98.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**ND**	mg/L		02/03/21 11:37 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**9.1872**	mg/L		02/03/21 11:37 am	JNS	AG	
Iron	EPA 200.7	0.03	**9.6607**	mg/L		02/03/21 11:37 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
H	Analysis performed outside method hold time
ID	Subsample identifier for each Sample number
M	Matrix Spike recovery is out of control limits due to matrix interference The LCS was in acceptance limits showing the analysis is in control and the data is acceptable
E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

White - No EPA Limit

Low Risk within EPA Limit

Medium Risk

High Risk Exceeds EPA Limit

Call the Lab to Discuss

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		203 - Fuel Dock	203 - Fuel Dock	203 - Fuel Dock	203 - Fuel Dock	203 - Avg
Copper	0.0200	-	0.0062			0.0031
Total Oil & Grease	10.0000	5.7000	-			2.8500
Lead	0.0150	-	-			-
Total Suspended Solids	100.0000	26.0000	24.0000			25.0000
Zinc	0.0900	-	-			-
Aluminum	0.7500	0.5067	2.2621			1.3844
Iron	1.0000	0.5538	2.7211			1.6375
		Exceeds limits				

Sample Information

Sample ID:	**22100311**	Collectors Name:	Gary Sehlingin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	203 - Fuel Dock
Project Name:	None Provided	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **203 - Fuel Dock** Collection Date: **02/01/21 10:20 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**0.0062**	mg/L		02/03/21 11:59 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**24.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**ND**	mg/L		02/03/21 11:59 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**2.2621**	mg/L		02/03/21 11:59 am	JNS	AG	
Iron	EPA 200.7	0.03	**2.7211**	mg/L		02/03/21 11:59 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
H	Analysis performed outside method hold time
ID	Subsample identifier for each Sample number
M	Matrix Spike recovery is out of control limits due to matrix interference The LCS was in acceptance limits showing the analysis is in control and the data is acceptable
E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

White - No EPA Limit

Low Risk within EPA Limit

Medium Risk

High Risk Exceeds EPA Limit

Call the Lab to Discuss

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		302 - Gear Yard	302 - Gear Yard	302 - Gear Yard	302 - Gear Yard	302 - Avg
Copper	0.0200	0.0062	0.0154			0.0108
Total Oil & Grease	10.0000	6.3000	-			3.1500
Lead	0.0150	-	-			-
Total Suspended Solids	100.0000	184.0000	110.0000			147.0000
Zinc	0.0900	-	-			-
Aluminum	0.7500	1.1079	3.7378			2.4229
Iron	1.0000	1.3266	5.1331			3.2299
		Exceeds limits				

26

Sample Information

Sample ID:	**22100308**	Collectors Name:	Gary Sehlingin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	302 - Gear Storage
Project Name:	Port of Brookings Harbor	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **302 - Gear Storage** Collection Date: **02/01/21 10:05 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**0.0154**	mg/L		02/03/21 11:31 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**110.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**ND**	mg/L		02/03/21 11:31 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**3.7378**	mg/L		02/03/21 11:31 am	JNS	AG	
Iron	EPA 200.7	0.03	**5.1331**	mg/L		02/03/21 11:31 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
H	Analysis performed outside method hold time
ID	Subsample identifier for each Sample number
M	Matrix Spike recovery is out of control limits due to matrix interference The LCS was in acceptance limits showing the analysis is in control and the data is acceptable
E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

- White - No EPA Limit
- Low Risk within EPA Limit
- Medium Risk
- High Risk Exceeds EPA Limit
- Call the Lab to Discuss

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		304 - Receiving Dock	304 - Receiving Dock	304 - Receiving Dock	304 - Receiving Dock	304 - Avg
Copper	0.0200	-	-			-
Total Oil & Grease	10.0000	-	-			-
Lead	0.0150	-	-			-
Total Suspended Solids	100.0000	76.0000	26.0000			51.0000
Zinc	0.0900	-	-			-
Aluminum	0.7500	0.6642	0.5109			0.5876
Iron	1.0000	0.8480	0.7660			0.8070
		Exceeds limits				

Sample Information

Sample ID:	**22100310**	Collectors Name:	Gary Sehlingin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	304 - Receiving Dock
Project Name:	Port of Brookings Harbor	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **304 - Receiving Dock** **Collection Date:** **02/01/21 9:55 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**ND**	mg/L		02/03/21 11:43 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**26.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**ND**	mg/L		02/03/21 11:43 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**0.5109**	mg/L		02/03/21 11:43 am	JNS	AG	
Iron	EPA 200.7	0.03	**0.7660**	mg/L		02/03/21 11:43 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
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ID	Subsample identifier for each Sample number
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E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

White - No EPA Limit

Low Risk within EPA Limit

Medium Risk

High Risk Exceeds EPA Limit

Call the Lab to Discuss

2021 Stormwater Test Results

Contaminant	State Benchmark	Collection Location & Dates				
		January 12, 2021	February 1, 2021			
		305 - Gear Yard	305 - Gear Yard	305 - Gear Yard	305 - Gear Yard	305 - Avg
Copper	0.0200	0.0090	0.0538			0.0314
Total Oil & Grease	10.0000	3.0000	-			1.5000
Lead	0.0150	-	-			-
Total Suspended Solids	100.0000	324.0000	668.0000			496.0000
Zinc	0.0900	-	0.1078			0.0539
Aluminum	0.7500	0.7680	14.8681			7.8181
Iron	1.0000	1.0911	23.6166			12.3539
		Exceeds limits				

Sample Information

Sample ID:	**22100309**	Collectors Name:	Gary Sehlingin
Address of Source:	16330 Lower Harbor Rd.	Sample Point:	305 - BC Gear Storage
Project Name:	None Provided	Source:	N/A
Received Date:	02/01/2021	Treatment System:	None

Results of Chemical Analysis

Sample Notes: **305 - BC Gear Storage** Collection Date: **02/01/21 9:48 AM**

Contaminant	Method	LOQ	RESULTS	Units	EPA Limit	Date Analyzed	Analyst	ID	Data Flags
Copper	EPA 200.7	0.006	**0.0538**	mg/L		02/03/21 11:40 am	JNS	AA	
Total Oil & Grease	EPA 1664B	3.0	**ND**	mg/L		02/04/21 8:26 am	JNS	AC	
Lead	SM 3113 B	0.01	**ND**	mg/L		02/03/21 8:01 am	JNS	AD	
Total Suspended Solids	EPA 160.2	1.0	**668.00**	mg/L		02/04/21 1:05 pm	JNS	AE	
Zinc	EPA 200.7	0.06	**0.1078**	mg/L		02/03/21 11:40 am	JNS	AF	
Aluminum	EPA 200.7	0.04	**14.8681**	mg/L		02/03/21 11:40 am	JNS	AG	
Iron	EPA 200.7	0.03	**23.6166**	mg/L		02/03/21 11:40 am	JNS	AH	

DEFINITIONS AND DATA FLAGS

A	Analysis is covered under ORELAP scope of Accreditation
AA	Analysis is covered under ISO scope of Accreditation
C	Sample did not meet acceptance criteria
H	Analysis performed outside method hold time
ID	Subsample identifier for each Sample number
M	Matrix Spike recovery is out of control limits due to matrix interference The LCS was in acceptance limits showing the analysis is in control and the data is acceptable
E	Estimated Value
LOQ	Reporting Limit
N/A	Not Applicable
ND	None Detected
S	Sample Outsourced

Results Color Key

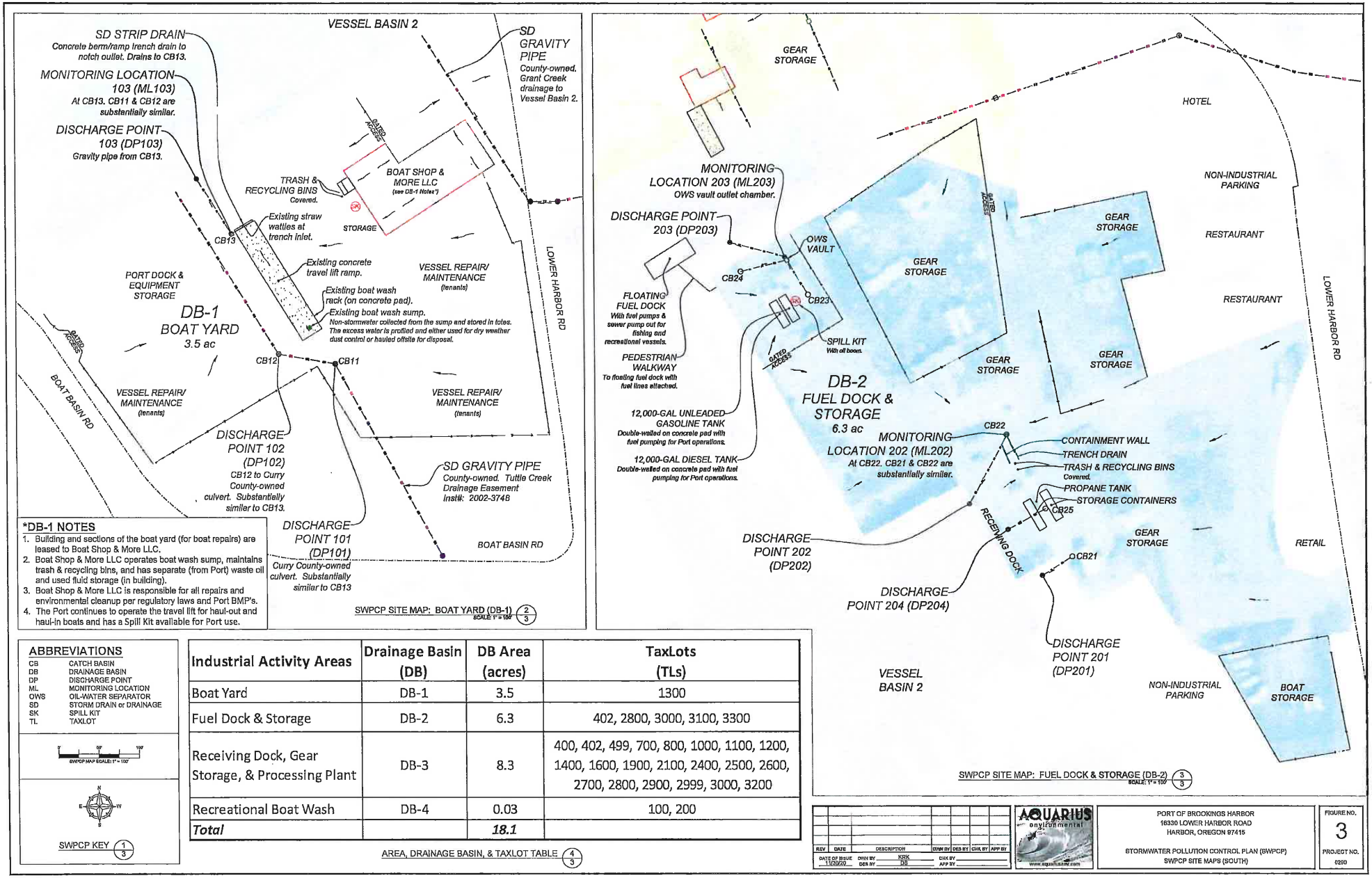
White - No EPA Limit

Low Risk within EPA Limit

Medium Risk

High Risk Exceeds EPA Limit

Call the Lab to Discuss



SWPCP SITE MAP: BOAT YARD (DB-1) (2/3)
SCALE: 1" = 100'

SWPCP SITE MAP: FUEL DOCK & STORAGE (DB-2) (3/3)
SCALE: 1" = 100'

***DB-1 NOTES**

1. Building and sections of the boat yard (for boat repairs) are leased to Boat Shop & More LLC.
2. Boat Shop & More LLC operates boat wash sump, maintains trash & recycling bins, and has separate (from Port) waste oil and used fluid storage (in building).
3. Boat Shop & More LLC is responsible for all repairs and environmental cleanup per regulatory laws and Port BMP's.
4. The Port continues to operate the travel lift for haul-out and haul-in boats and has a Spill Kit available for Port use.

ABBREVIATIONS

CB	CATCH BASIN
DB	DRAINAGE BASIN
DP	DISCHARGE POINT
ML	MONITORING LOCATION
OWS	OIL-WATER SEPARATOR
SD	STORM DRAIN or DRAINAGE
SK	SPILL KIT
TL	TAXLOT

SWPCP MAP SCALE: 1" = 100'

SWPCP KEY (1/3)

Industrial Activity Areas	Drainage Basin (DB)	DB Area (acres)	TaxLots (TLs)
Boat Yard	DB-1	3.5	1300
Fuel Dock & Storage	DB-2	6.3	402, 2800, 3000, 3100, 3300
Receiving Dock, Gear Storage, & Processing Plant	DB-3	8.3	400, 402, 499, 700, 800, 1000, 1100, 1200, 1400, 1600, 1900, 2100, 2400, 2500, 2600, 2700, 2800, 2900, 2999, 3000, 3200
Recreational Boat Wash	DB-4	0.03	100, 200
Total		***18.1***	

AREA, DRAINAGE BASIN, & TAXLOT TABLE (4/3)

REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY

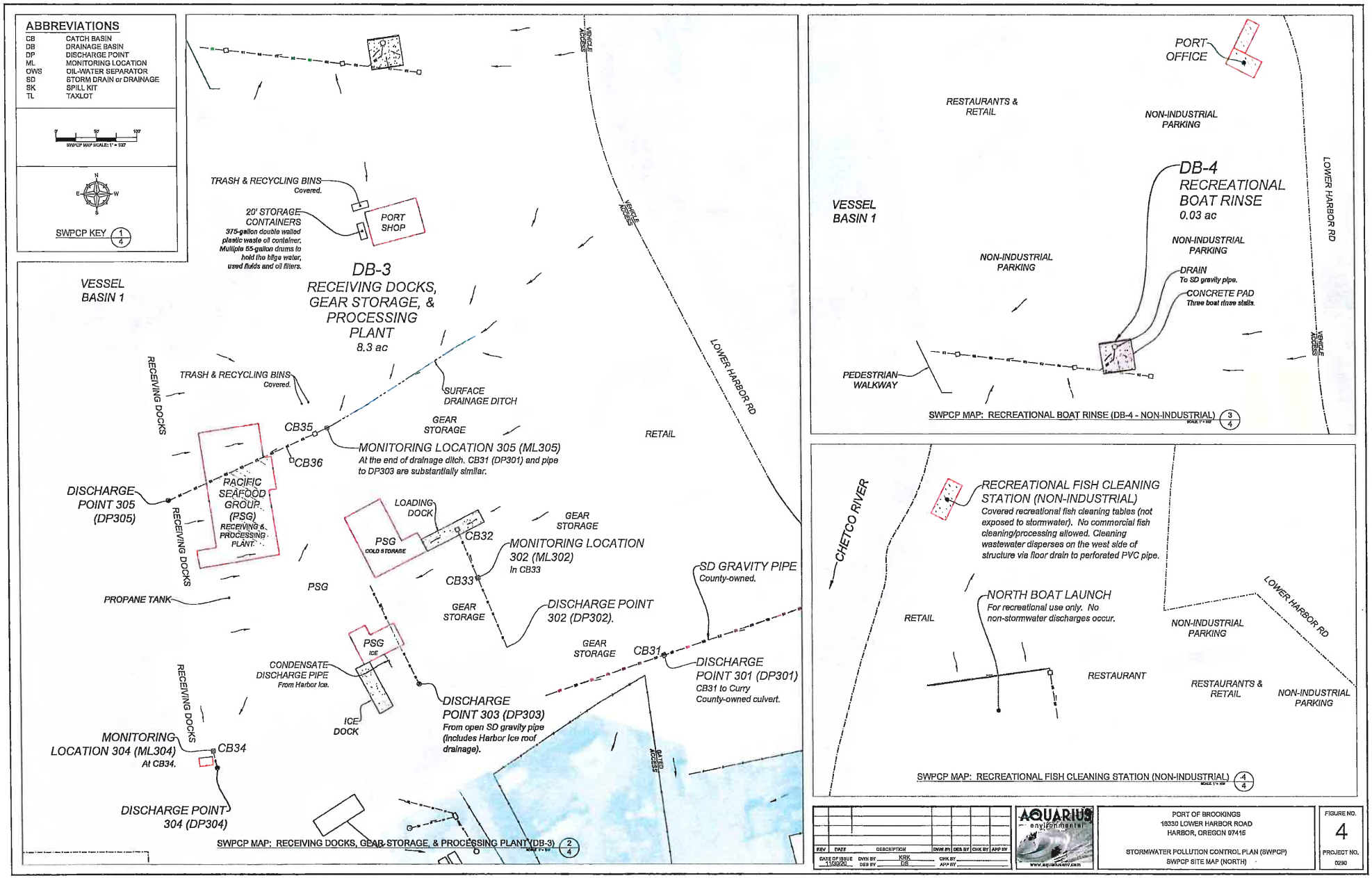
DATE OF ISSUE 11/30/20 DWN BY KRK DES BY DS CHK BY APP BY

AQUARIUS environmental www.aquariusenv.com

PORT OF BROOKINGS HARBOR
16330 LOWER HARBOR ROAD
HARBOR, OREGON 97415

STORMWATER POLLUTION CONTROL PLAN (SWPCP)
SWPCP SITE MAPS (SOUTH)

FIGURE NO. 3
PROJECT NO. 0290


ABBREVIATIONS
CB CATCH BASIN
DB DRAINAGE BASIN
DP DISCHARGE POINT
ML MONITORING LOCATION
OWS OIL-WATER SEPARATOR
SD STORM DRAIN or DRAINAGE
SK SPILL KIT
TL TAXLOT
SWPCP MAP SCALE: 1" = 100'
SWPCP KEY 1/4
VESSEL BASIN 1
DB-3 RECEIVING DOCKS, GEAR STORAGE, & PROCESSING PLANT 8.3 ac
TRASH & RECYCLING BINS Covered.
20' STORAGE CONTAINERS 375-gallon double walled plastic waste oil container. Multiple 55-gallon drums to hold the bilge water, used fluids and oil filters.
PORT SHOP
VEHICLE ACCESS
LOWER HARBOR RD
RECEIVING DOCKS
SURFACE DRAINAGE DITCH
GEAR STORAGE
RETAIL
CB35
CB36
MONITORING LOCATION 305 (ML305) At the end of drainage ditch. CB31 (DP301) and pipe to DP303 are substantially similar.
DISCHARGE POINT 305 (DP305)
PACIFIC SEAFOOD GROUP (PSG) RECEIVING & PROCESSING PLANT
LOADING DOCK
PSG COLD STORAGE
CB32
MONITORING LOCATION 302 (ML302) In CB33
CB33
PROPANE TANK
PSG
DISCHARGE POINT 302 (DP302).
SD GRAVITY PIPE County-owned.
CB31
DISCHARGE POINT 301 (DP301) CB31 to Curry County-owned culvert.
PSG ICE
CONDENSATE DISCHARGE PIPE From Harbor Ice.
ICE DOCK
DISCHARGE POINT 303 (DP303) From open SD gravity pipe (includes Harbor Ice roof drainage).
MONITORING LOCATION 304 (ML304) At CB34.
CB34
DISCHARGE POINT 304 (DP304)
GATED ACCESS
SWPCP MAP: RECEIVING DOCKS, GEAR STORAGE, & PROCESSING PLANT (DB-3) 2/4
PORT OFFICE
RESTAURANTS & RETAIL
NON-INDUSTRIAL PARKING
DB-4 RECREATIONAL BOAT RINSE 0.03 ac
DRAIN To SD gravity pipe.
CONCRETE PAD Three boat rinse stalls.
PEDESTRIAN WALKWAY
SWPCP MAP: RECREATIONAL BOAT RINSE (DB-4 - NON-INDUSTRIAL) 3/4
CHETCO RIVER
RECREATIONAL FISH CLEANING STATION (NON-INDUSTRIAL) Covered recreational fish cleaning tables (not exposed to stormwater). No commercial fish cleaning/processing allowed. Cleaning wastewater disperses on the west side of structure via floor drain to perforated PVC pipe.
NORTH BOAT LAUNCH For recreational use only. No non-stormwater discharges occur.
RESTAURANT
SWPCP MAP: RECREATIONAL FISH CLEANING STATION (NON-INDUSTRIAL) 4/4
REV DATE DESCRIPTION DWN BY DES BY CHK BY APP BY
DATE OF ISSUE 11/09/20 DWN BY KRK DES BY DS CHK BY APP BY
AQUARIUS environmental
www.aquariusenv.com
PORT OF BROOKINGS
16330 LOWER HARBOR ROAD
HARBOR, OREGON 97415
STORMWATER POLLUTION CONTROL PLAN (SWPCP)
SWPCP SITE MAP (NORTH)
FIGURE NO. 4
PROJECT NO. 0290

INFORMATION ITEM – G

DATE:	March 11, 2021
RE:	RV Park Exit Road
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

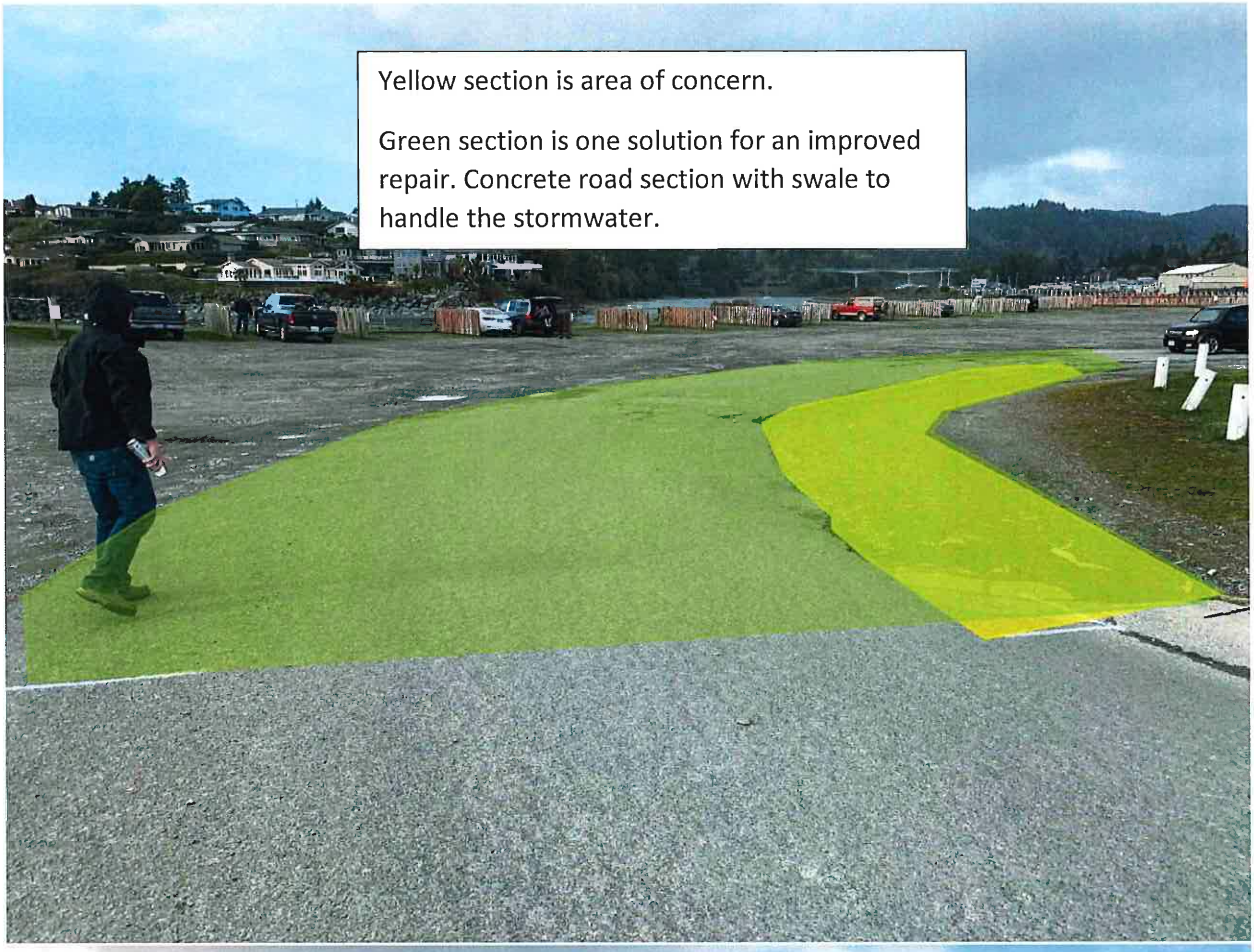
- During the last commissioner meeting information item was reviewed regarding the condition of the RV Park exit road and potholes.
- Traffic meter reading on March 1, 2021 was 660,445. This number is divided by 2 for a typical two-axle vehicles which gives an estimated number of vehicles entering the RV Park. Since June 30, 2020, 330,222 vehicles have passed through the RV Park entrance. Since there is only one exit, almost all these vehicles, plus many more entering the back area of dry camping, use the exit road.
- Almost all stormwater from the RV Park, and some ocean wave water, flows along and over the exit road. Stormwater and amount of traffic accelerates the deterioration causing the potholes.
- The existing road was not built to handle this water and traffic. Asphalt thickness is between 1 and 1.5 inches and the subgrade material and thickness are unknown.
- Port Staff recommends removing this section of road and rebuild the road wider and with concrete to withstand the stormwater and traffic.
- I requested Jack Akin/EMC Engineering, Port engineer, to provide his assessment and recommendation for the repair.

DOCUMENTS

- Photos of existing conditions with notes, 3 pages

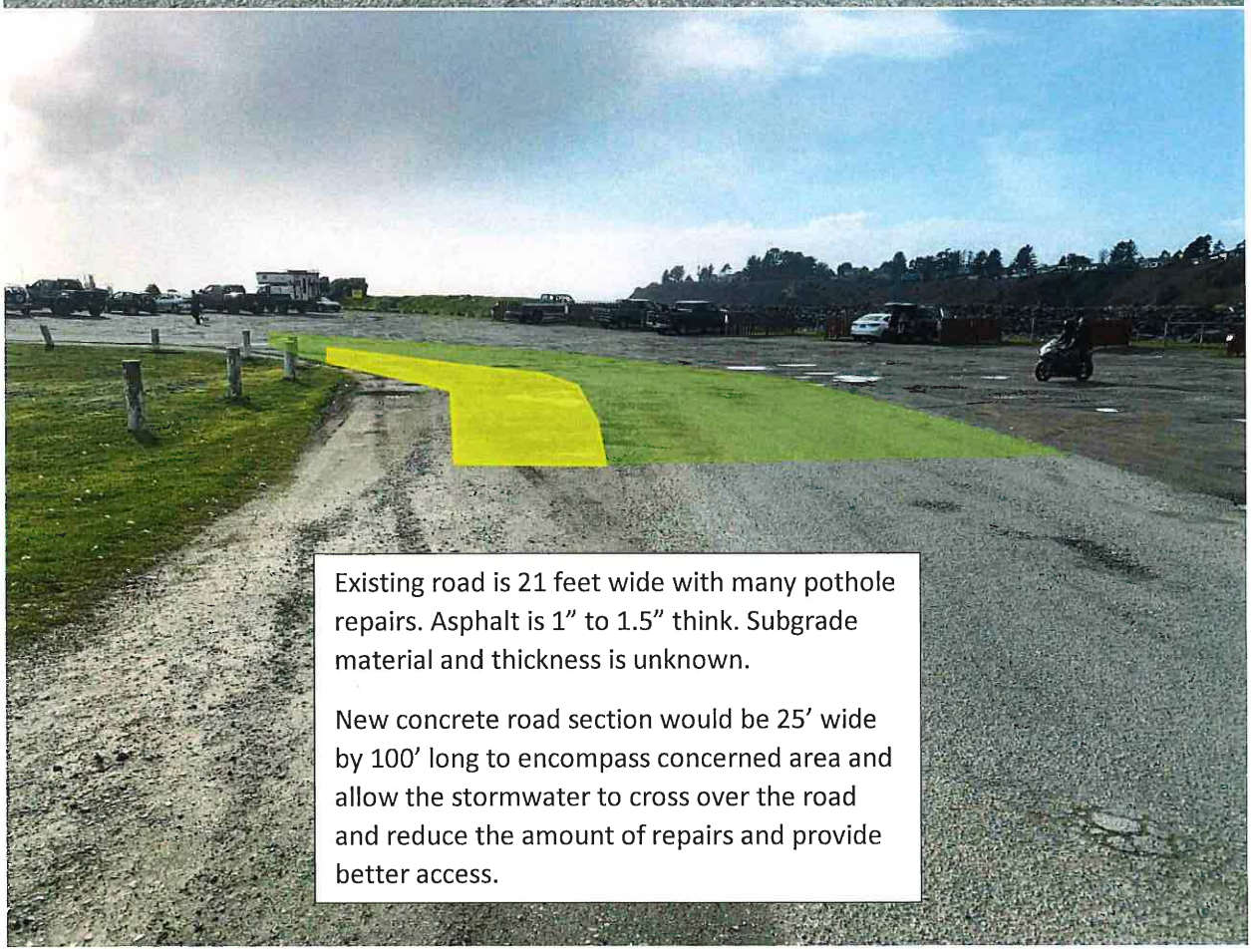
Almost all surface stormwater and occasionally breaking ocean wave water flows from the RV Park down this road.

All the water flowing to this point crosses over the road. With the amount of traffic on this road and waterflow, potholes are created.



Yellow section is area of concern.

Green section is one solution for an improved repair. Concrete road section with swale to handle the stormwater.



Existing road is 21 feet wide with many pothole repairs. Asphalt is 1" to 1.5" think. Subgrade material and thickness is unknown.

New concrete road section would be 25' wide by 100' long to encompass concerned area and allow the stormwater to cross over the road and reduce the amount of repairs and provide better access.

Public continually tearing up any grading the port completes causing potholes to return in gravel areas.

INFORMATION ITEM – H

DATE:	March 11, 2021
RE:	Fishing Pier Sinkholes
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Fishing pier parking lot has continually produced sinkholes along the same area for many years. Port staff has continually filled the potholes with gravel. Recently we have added filter fabric and larger size rock for the repairs, but the sinkholes continue to return.

- Asphalt in this area has many depressions indicating subgrade failure and possible sinkholes below. We do not know how bad it is until the asphalt collapses or fails.

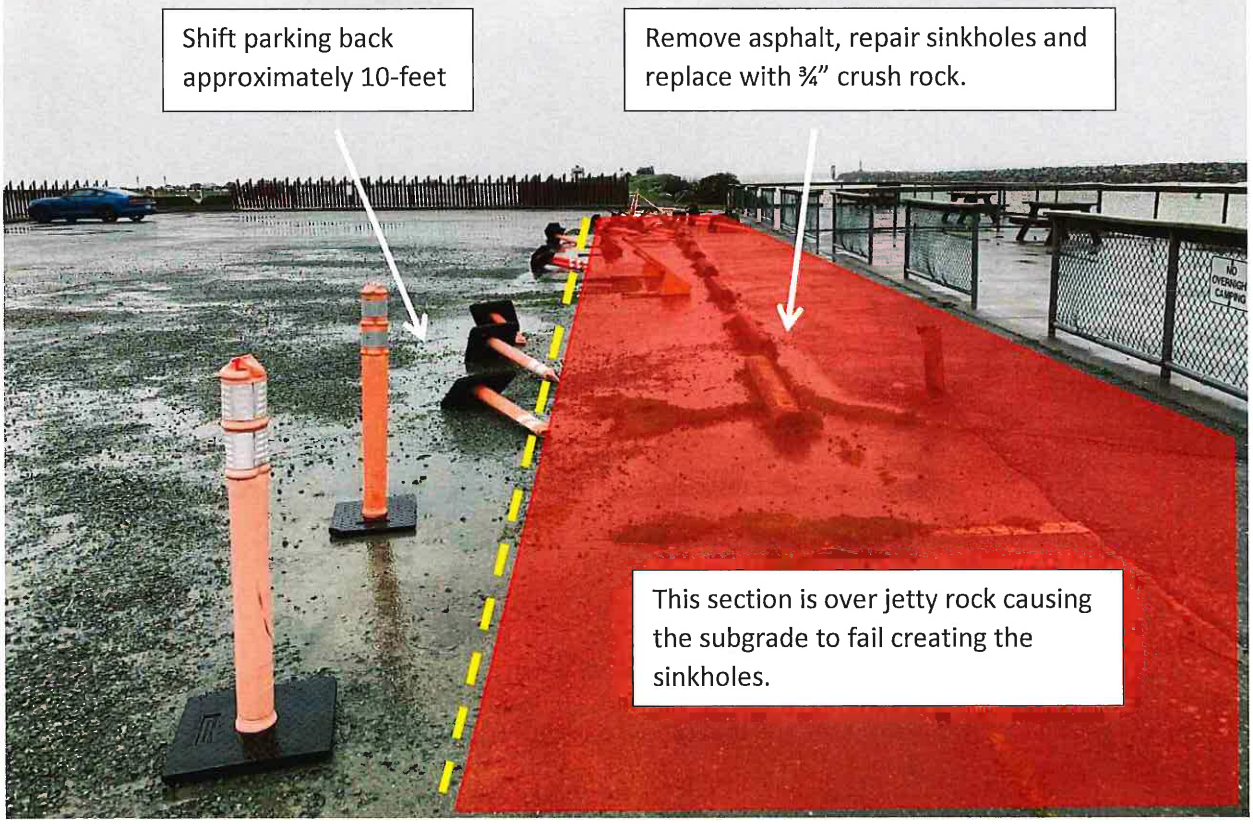
- Port staff recommends removing all asphalt in this section, make repairs to sinkholes and leave this area with gravel. The gravel would be a continuation of the walkway on the jetty and would allow Port staff to see developing sinkholes.

- I requested Jack Akin/EMC Engineering, Port engineer, to provide his assessment and recommendation.

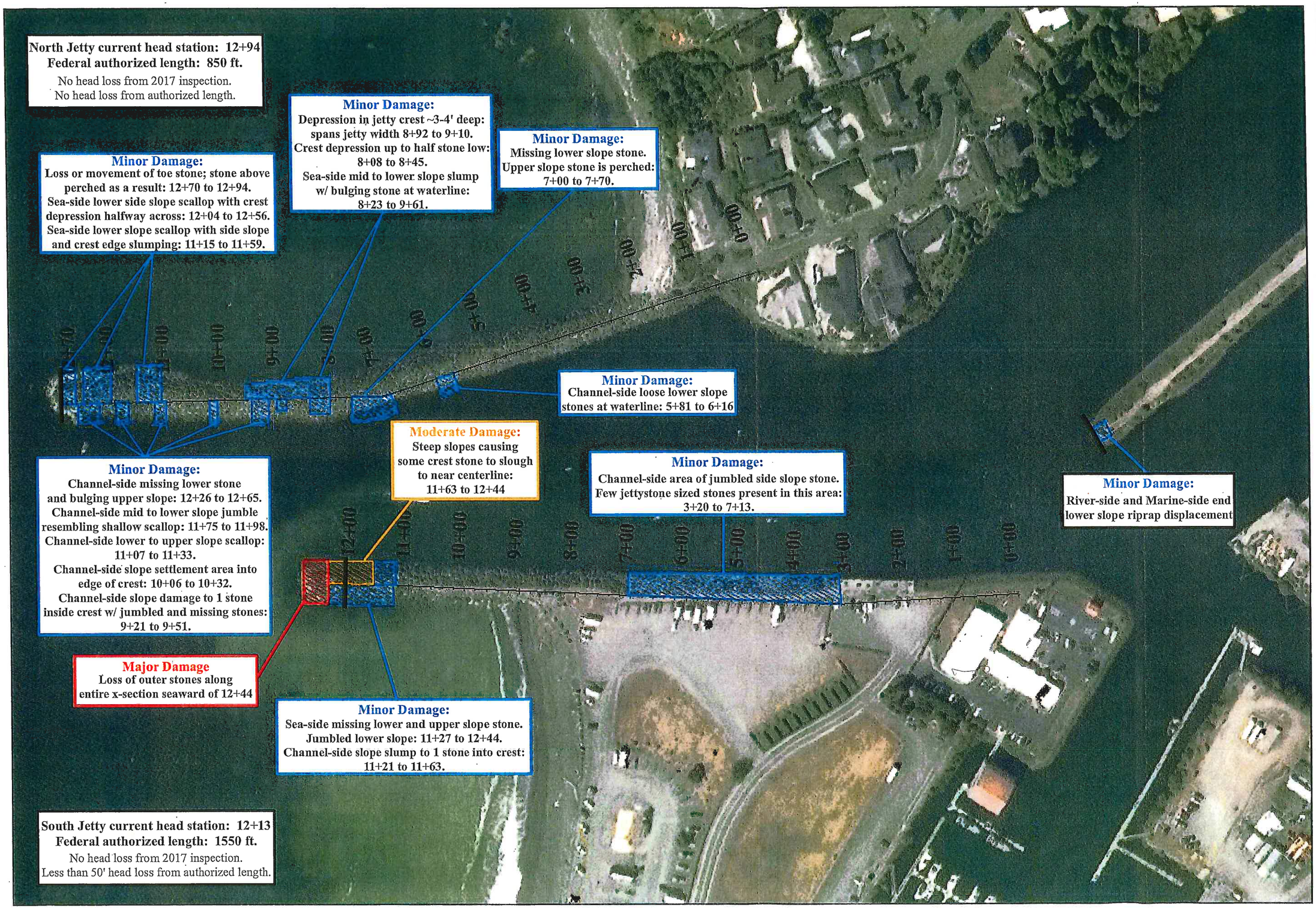
DOCUMENTS

- Photos of existing conditions with notes, 2 pages
- US Army Corps of Engineers, 2018 Jetty Inspection, 1 page


Remove asphalt, repair sinkholes and replace with ¾" crush rock.
Shift parking back approximately 10-feet
This section is over jetty rock causing the subgrade to fail creating the sinkholes.


Shift parking back approximately 10-feet
Remove asphalt, repair sinkholes and replace with ¾" crush rock.
This section is over jetty rock causing the subgrade to fail creating the sinkholes.

2018 Jetty Inspection



US Army Corps of Engineers — Portland District

Chetco Jetties North (West) & South (East)

Map Production Date: 06 NOV 18
Aerial Photo Date: 27 SEP 18
GPS Points Date: 19 SEP 18

Service Layer Credits:

CENWP-EC-HD
Z:\GIS\PROJECTS\COASTAL\JettyMonitoring\Chetco\MXDs\CH-2018JettyInspection.mxd

N W E S

Feet
200 0

Inspection Assessment

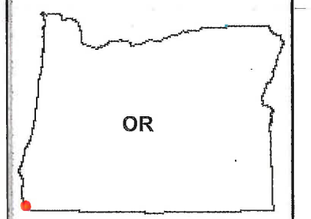
- Jetty Crest Extent
- Minor Damage
- Moderate Damage
- Major Damage

Tides during Inspection

North Jetty: 4.9' MLLW (11:00) (9/19/18) 3.8' MLLW (13:00)

South Jetty: 5.1' MLLW (09:00) (9/19/18) 5.2' MLLW (10:00)

Times in PDT



INFORMATION ITEM – I

DATE:	March 11, 2021
RE:	Boardwalk Condition Update
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- In the last 6 months, the gap has increased 2 inches.
- Per EMC Engineers report from 2017, if the gap reached 6-inches to contact qualified professional engineer immediately. We contacted Jack Akin/EMC Engineering couple of weeks ago. When he visited the site, he told Port Staff to continue monitoring the Boardwalk.

DOCUMENTS

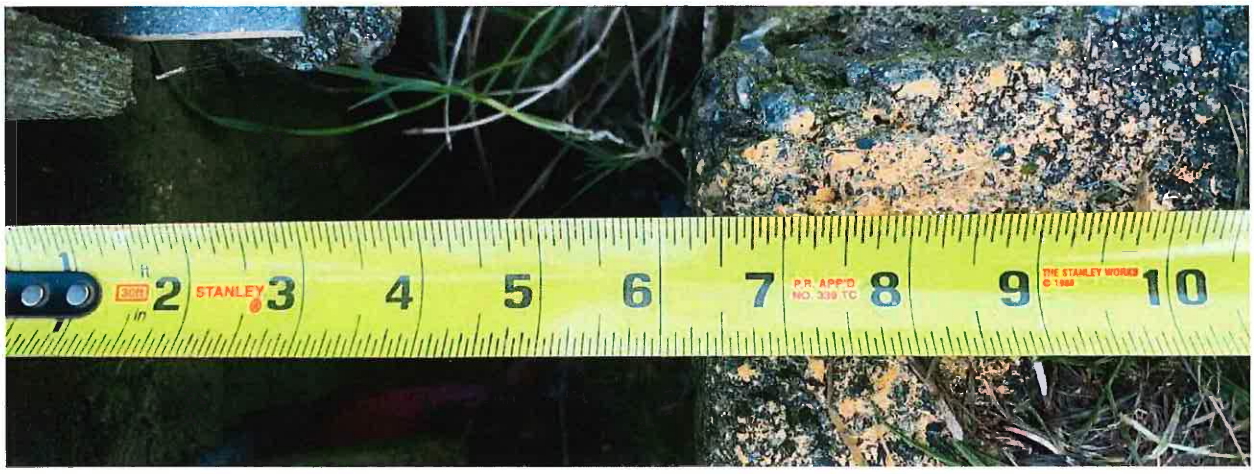
- Photos of existing conditions, 4 pages
- EMC Engineering Report 2017, 13 pages

North Boardwalk Condition Update

September 24, 2020

December 15, 2020

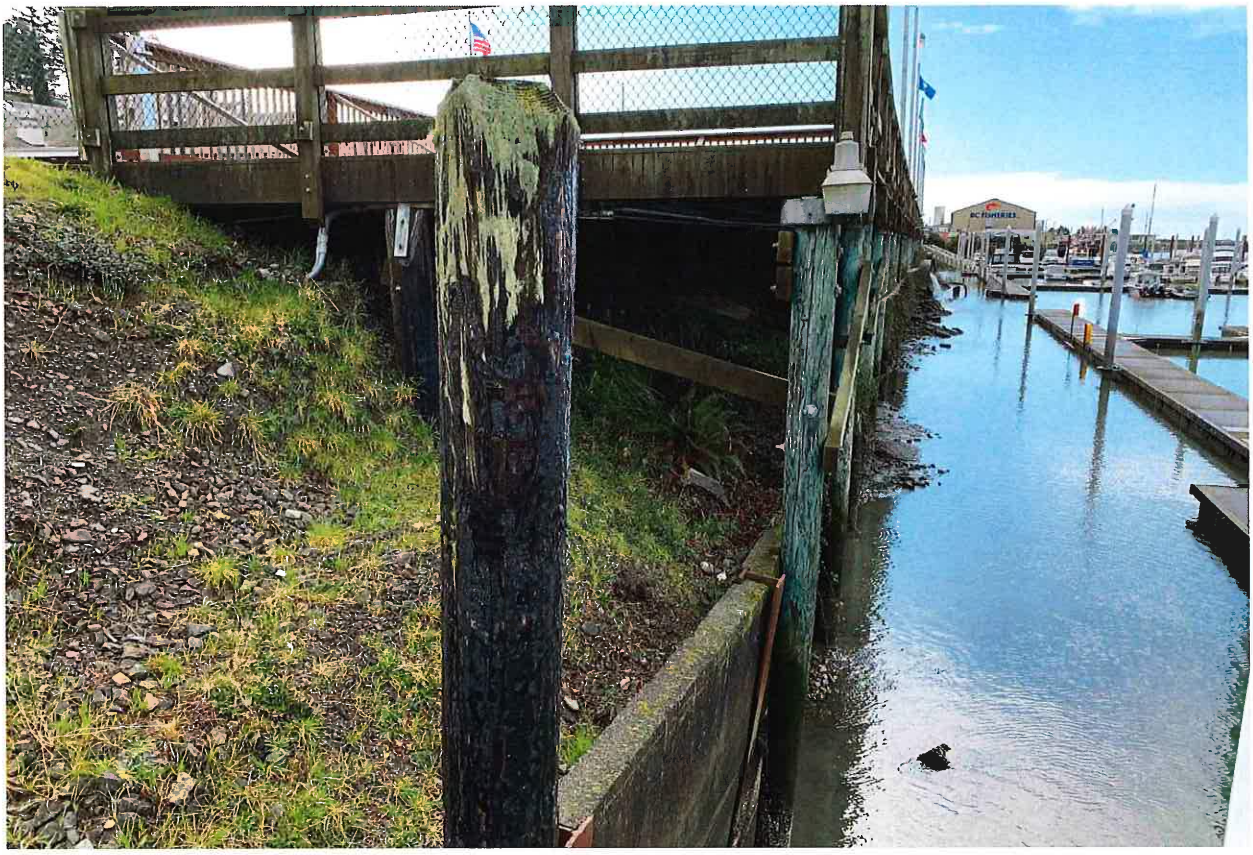
February 2, 2021



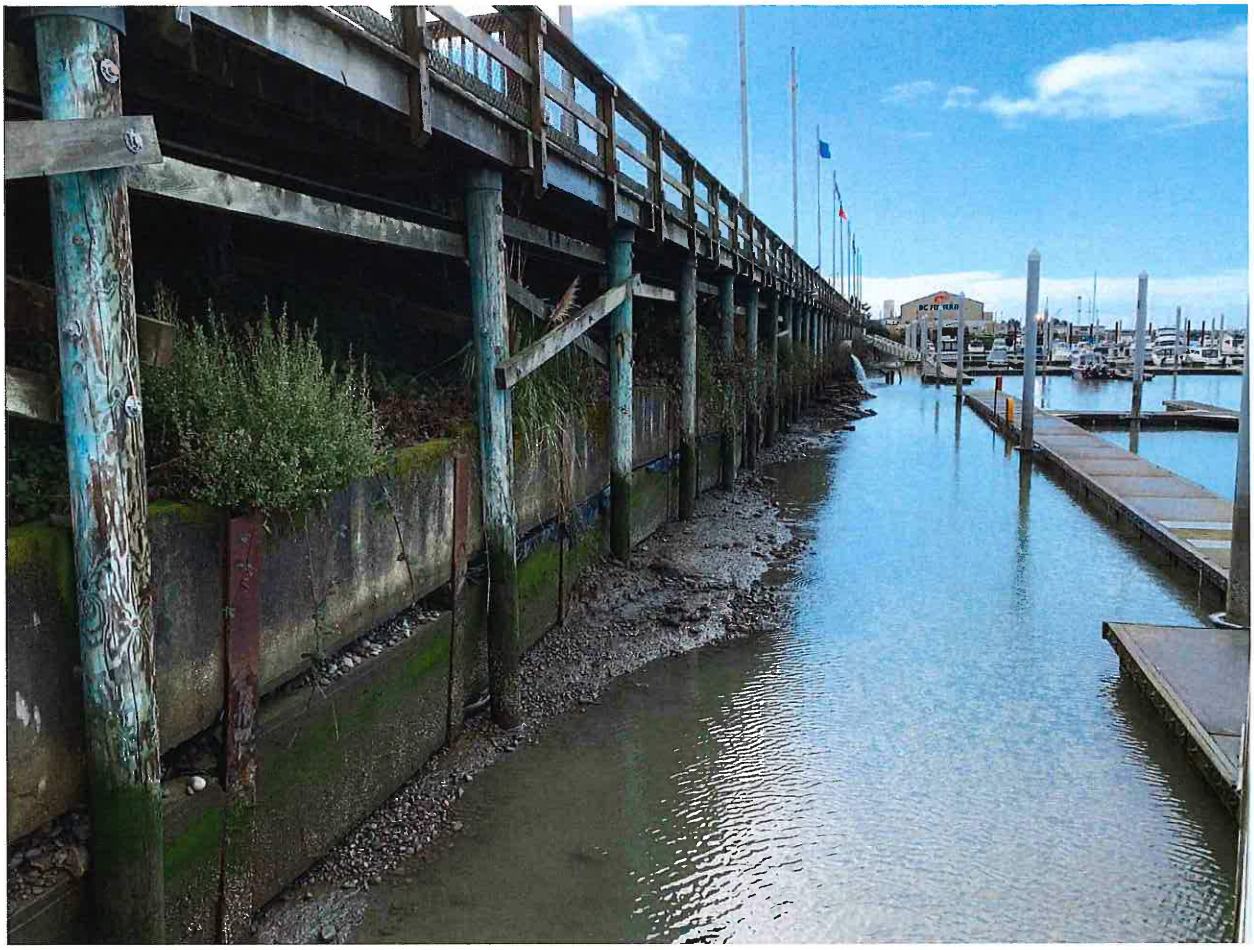
North Boardwalk Condition Update

March 6, 2021

North Boardwalk Condition Update



North Boardwalk Condition Update



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- Engineers/Scientists, LLC

3/25/17

MEMO-32517-01

To: Gary Dehlinger
Manager, Port of Brookings
From: Jack Akin
EMC-Engineers/Scientists, LLC
RE: North Basin Boardwalk

Introduction

On Friday, March 10th, Jack Akin of EMC-Engineers/Scientists, LLC (EMC), at the request of Gary Dehlinger, Port of Brookings Manager, inspected the North Basin boardwalk (see Exhibit 1 – Site Location), to advise the Port on the threat of its use to public safety.

General Description

The boardwalk is a wood structure supported and anchored by 16" dia. wood piles. The piles were driven to an unknown depth. The walking deck is of 2" x 12" x 20' planks and rests atop two rows of piles as seen in the attached photos (see Exhibit 2 for southward and eastward views, and Exhibit 3 for a better view of the deck sub-structure). Lateral support against live-loading is provided by pile-to-pile 4" x 10" cross-bracing. The outer pile row is driven into the Port basin mudline, and the inner row through the soils comprising the slope.

The soil slope beneath the deck is retained by 4 inch thick concrete wall sections that are supported by steel H-beams that have been driven to an unknown depth into the Port basin mudline (see Exhibit 6 upper photo for a top view of beam-concrete wall section system). The side slope native soils (see excavator tooth-marks in top photo of Exhibit 3) seem to have originally been excavated to above the elevation of the inner row of piles, and then, after construction of the concrete panel/H-beam system, the rest of the slope to the wall was backfilled. Plastic sheeting appears to have been placed beneath the top four feet or so of the backfill. This assumption is only based on the observation of plastic sheeting protruding out beneath the top concrete panel section along the west face of the wall.

The slope stabilization and boardwalk systems are observed to be designed and to have been constructed as two entirely independent systems. The retaining wall sections observed southward of the damaged areas appear vertical, more or less level, and are not pressed against the deck-supporting outer row of wood piles (see Exhibit 5).

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Damage Assessment

As seen in Exhibit 4, a stress crack has developed between the boardwalk and the bordering concrete sidewalk slab. The crack shows a movement westward of the boardwalk structure itself. The NW corner of the concrete sidewalk slab and anchor bolt on the deck NE corner, as seen in the lower photo in Exhibit 4, has been broken away. The bolt pinning the 4" x 10" cross-brace (connecting the inner pile to the outer pile on the north end of the deck) appears to be slightly bent off-center (see lower photo in Exhibit 3).

Though some loss is indicated, this backfilled section of the sideslope profile appears fairly stable from north to south beneath the boardwalk, except in the damaged north area. This north area, seen in the foreground in the top photo of Exhibit 2, shows considerably more soil loss in the assumed fill area. This area is also nearly entirely outside of the deck and is exposed to stormwater. It also appears that the soils in this area have to some extent lost some of its cohesion and pressed against the retaining wall. Subsequently the wall sections have been pressed against the H-beam supports and moved the wall to press against the outer piles (see Exhibit 5).

Analysis

It appears that the soils comprising the sideslope north of the boardwalk have become unstable and have consequently pressed the retaining wall against the outer deck-supporting piles, pulling the boardwalk westward with its deflection.

Based on these observations, stormwater has 1) reduced soil cohesion, eroded soils and destabilized the soil mass; and 2) created one or more slip surfaces that allows its soil friction to be overcome by the slope and the mass to shift westward.

For preliminary purposes only, a Rankine analysis is taken, utilizing backfill slope and internal soil friction angles, both conservatively estimated to be 30 degrees. Thus a horizontal K_a of 0.75 is estimated. Projecting a plane of rupture per Rankine-derived theoretic equivalent soil wedge (see figures in Exhibit 7), a soil load of about 3500 psf (25 psi) is assumed to be retained by the concrete sections. Since the larger sections are assumed to be 10 feet wide, the walls are rigid, and are supported at both ends by the H-piles, 35,000 pounds are assumed to be supported at each edge, to result on a uniformly loaded 260 psi along edge, after adding 2000 pounds from the concrete panel. Sheer strength of the weakest concrete (about 870 psi) after adding 2000 pounds from the concrete panel is more than adequate design against this slope.. A W-6 H-beam with 36 ksi F_y of 25' in length (estimated to be a minimum of 10.2 kips from a point of fixity) can be assumed to adequately support this load.

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Since the above analysis (given the assumptions presented) indicates that the design of this retaining wall is adequate to maintain slope stability, the observed failure needs to be explained. Thereby solutions can be considered.

The presence of water behind a wall has a marked effect on the pressures applied to the wall. When the water intersect the walls, a hydrostatic pressure will exert against the wall, together with uplift pressures along the base of the wall. Even when there is no water in direct contact with the wall, such as when adequate drainage is provided, there is an increased pressure on the wall due to the increase earth pressure. The effect of water behind the wall is significant; the total force may be more than double that applied for dry backfill.

The height to which water can rise in the backfill, and the volume of flow, are both of prime concern. To determine these the ground water conditions must be established. These may be best derived form the observation of groundwater conditions prior construction using piezometers.

Where inadequate drainage is provided behind a retaining structure (may well be retained by installed plastic sheeting), there may be a damming effect which would result in raising groundwater levels locally and in the general areas. Such a rise seems to have adversely affected the stability of the slope and the retaining wall.

The stability of the retaining structure and the wall contained by it is determined by computing factors of safety (or stability factors), which may be defined in general terms as:

F_s = Moments or forces aiding stability / moments or forces causing instability
Factors of safety should be calculated for the following separate modes of failure and should apply to the 1 in 10 year groundwater condition:

(a) sliding of the wall outwards from the retaining soil,
(b) overturning of the retaining wall about its toe,
(c) foundation bearing failure, and
(d) larger scale slope or other failure in the surrounding soil.

The forces that produce overturning and sliding also produce the foundation bearing pressures and, therefore, (a) and (b) above are inter-related with (c) in these soils.

In cases where the foundation material is soil, overturning stability is usually satisfied if bearing criteria are satisfied. However, overturning stability may be critical for strong foundation materials such as rock and so on.

The main purpose of retaining wall construction is of course to retain soil and that is why soil lateral earth pressure is major concern in the design. Sliding soil wedge theory is the basis for most of theories by which lateral earth pressure is computed.

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The wedge theory suggests that a triangular wedge of soil would slide down if the retaining wall was removed suddenly and the wall has to sustain this wedge of soil. Exhibit 7 shows free body lateral forces acting on retaining walls.

The Rankine method of Lateral Earth Pressure Calculation is selected for the purposes of this report (see 2nd page of Exhibit 7: Free body of lateral forces acting on retaining wall).

This equation, which was derived by William Rankine, is the development of the coulomb formula. The Rankine method does not take the friction between wall and soil into account.

This makes it a conservative way for designing retaining walls. The Rankine lateral earth pressure equation is the same for both zero-wall friction and level backfill soil:

$$K_a = \cos\beta \frac{\cos\beta - \sqrt{\cos^2\beta - \cos^2\emptyset}}{\cos\beta + \sqrt{\cos^2\beta - \cos^2\emptyset}}$$

$$K_{a\ horizontal} = \cos\delta K_a$$

Where:

β: Backfill slope angle
$\emptyset$: Internal friction angle of soil

Conclusions and Recommendations

The retaining wall has been moved, apparently as pressed by the downslope migration of soils that are openly exposed to stormwater. Inadequate drainage and a likely slip surface displacement, perhaps created by the placement of a plastic sheet liner below upper fill, has pressed against the retaining wall and pushed the concrete sections up against the support piles at or adjacent to the north corner of the boardwalk.

The slope failure appears checked by the braced support pile system and its use does not appear to be an immediate threat to public safety.

However, loss of material and slipping of soil mass will continue. The holding strength of the braced pile supports depends on unknowns, including depth of the piles to an elevation of tight soils (fixity).

Though soil data in this area is not available, geo-engineering study has been performed in 2011 at areas in the Port south of this area. Also, designs from previous dock & pile projects at the Port are kept are archived at the Port office. Remedy will likely include the removal and replacement of soils atop correctly installed geotextile.

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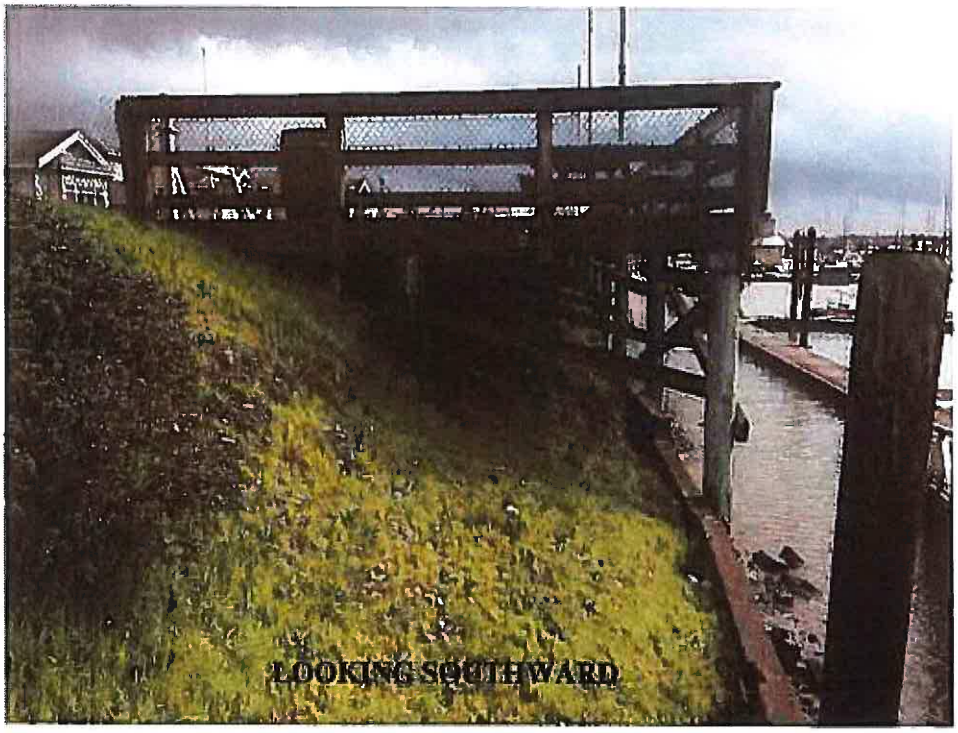
Meanwhile it is recommended that a bi-weekly inspection (going to weekly if no significant crack width or length is observed after six observations) be logged that would include 1) width and length of stress crack shown in Exhibit 4, and the condition of Pins A and B, shown on the first page of Exhibit 7. If the crack increases to a width of six inches or greater, or if Pins A and/or B fail, a qualified professional engineer should be consulted immediately.

Sincerely

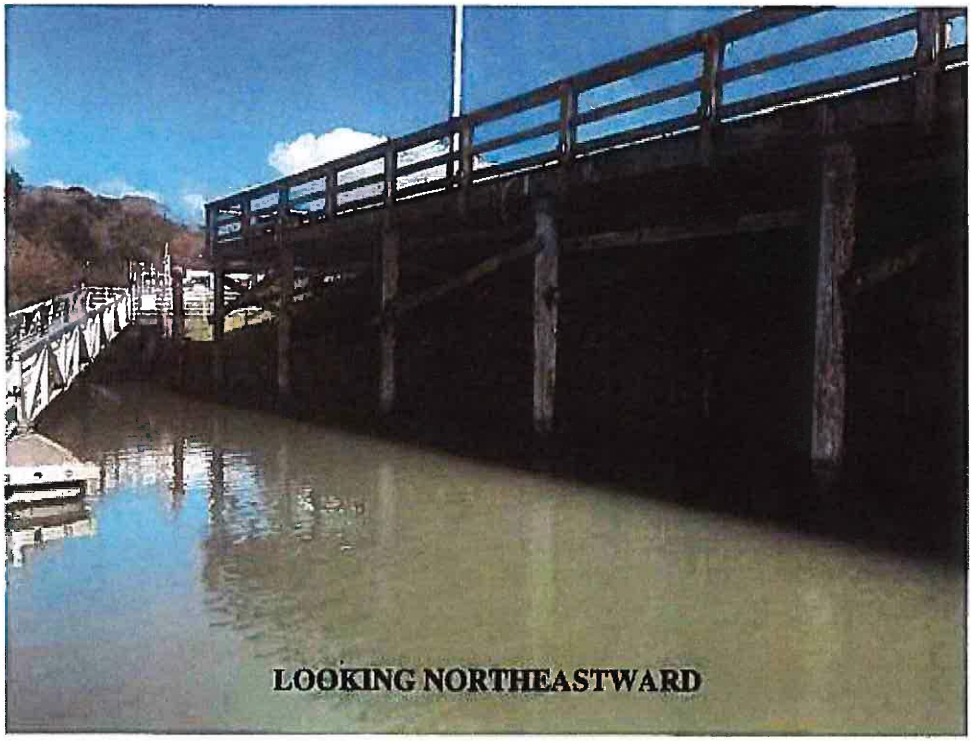
Jack (John) Akin, MS, PE, IC, HMS, CAI
EMC-Engineers/Scientists, LLC

Exhibit 1 - STRESS CRACK AT TOP OF DECK

Exhibit 2 - **NORTH BOAT BASIN BOARDWALK**



LOOKING SOUTHWARD



LOOKING NORTHEASTWARD

EXHIBIT 3 – BOARDWALK SUPPORT STRUCTURE

Exhibit 4 **STRESS CRACK AT TOP OF DECK**

Exhibit 5 CONCRETE WALL SECTIONS PRESSED AGAINST SUPPORT COLUMNS

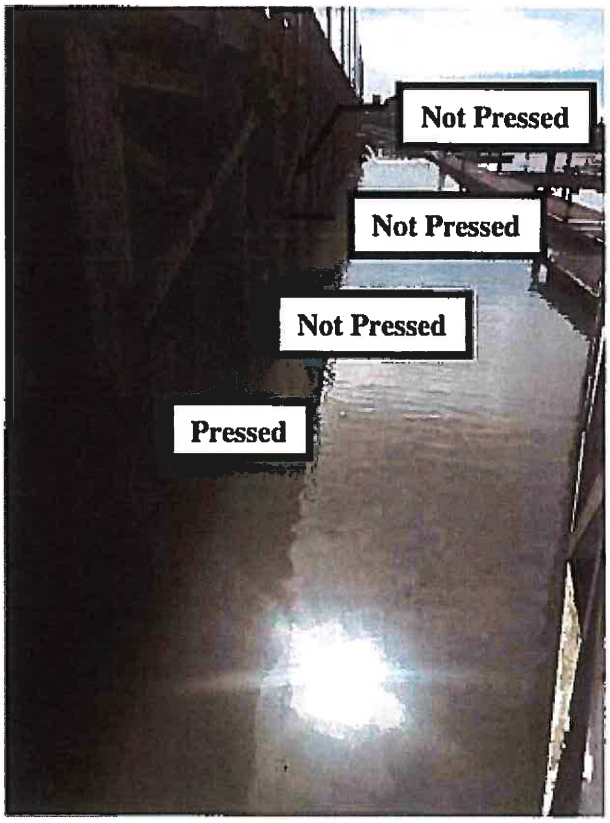
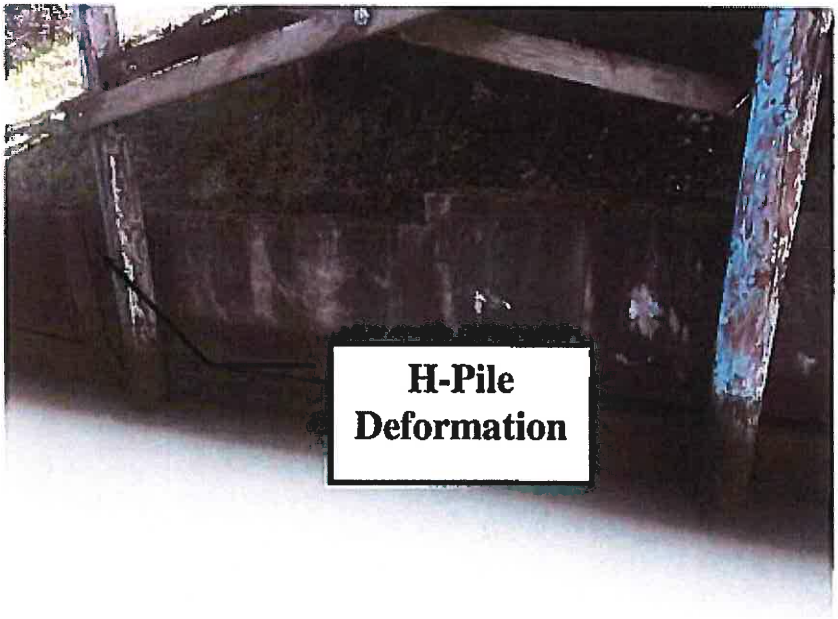


Exhibit 6 **CONCRETE FAILURE AT H-PILE**



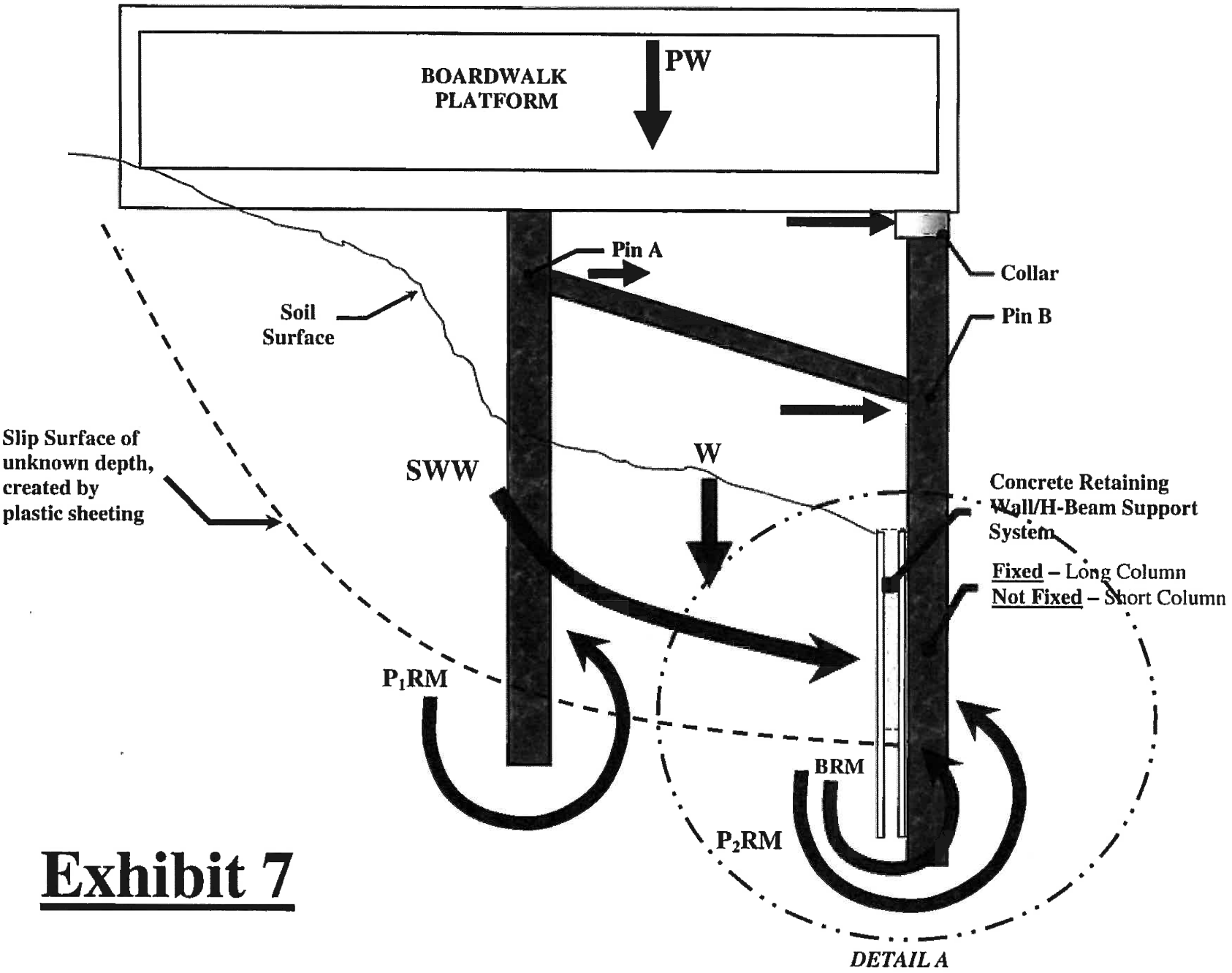

BOARDWALK
PLATFORM
PW
Pin A
Collar
Pin B
Soil
Surface
Slip Surface of
unknown depth,
created by
plastic sheeting
SWW
W
Concrete Retaining
Wall/H-Beam Support
System
Fixed – Long Column
Not Fixed – Short Column
P1RM
BRM
P2RM
DETAIL A

Exhibit 7

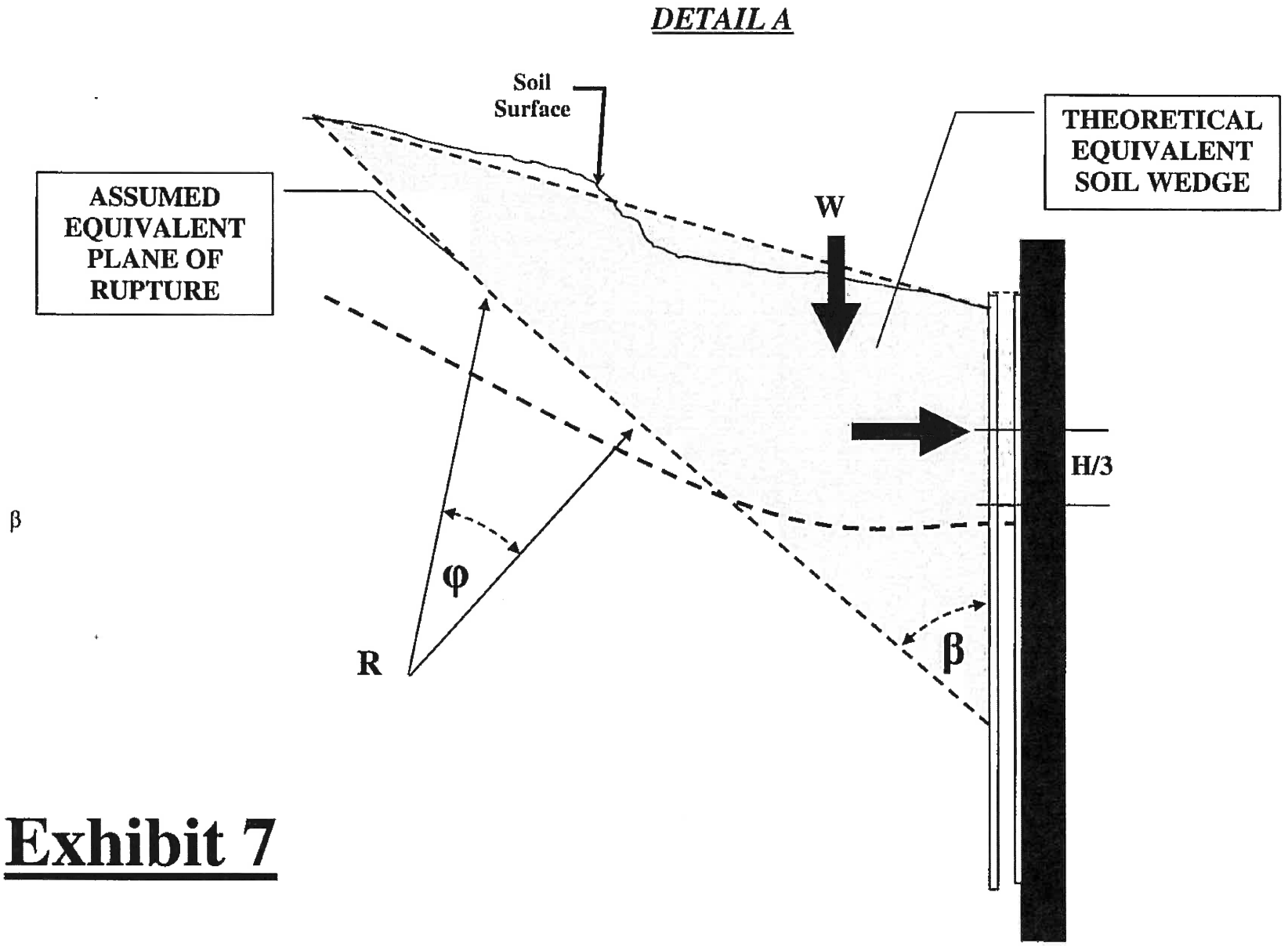

DETAIL A
Soil Surface
ASSUMED EQUIVALENT PLANE OF RUPTURE
THEORETICAL EQUIVALENT SOIL WEDGE
W
H/3
β
φ
R
β

Exhibit 7

INFORMATION ITEM – J

DATE:	March 11, 2021
RE:	Ocean Acidification, Salmon Study and Ropeless Fishing System
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Multiple conditions that could affect future commercial and recreational fishing at the Port.

DOCUMENTS

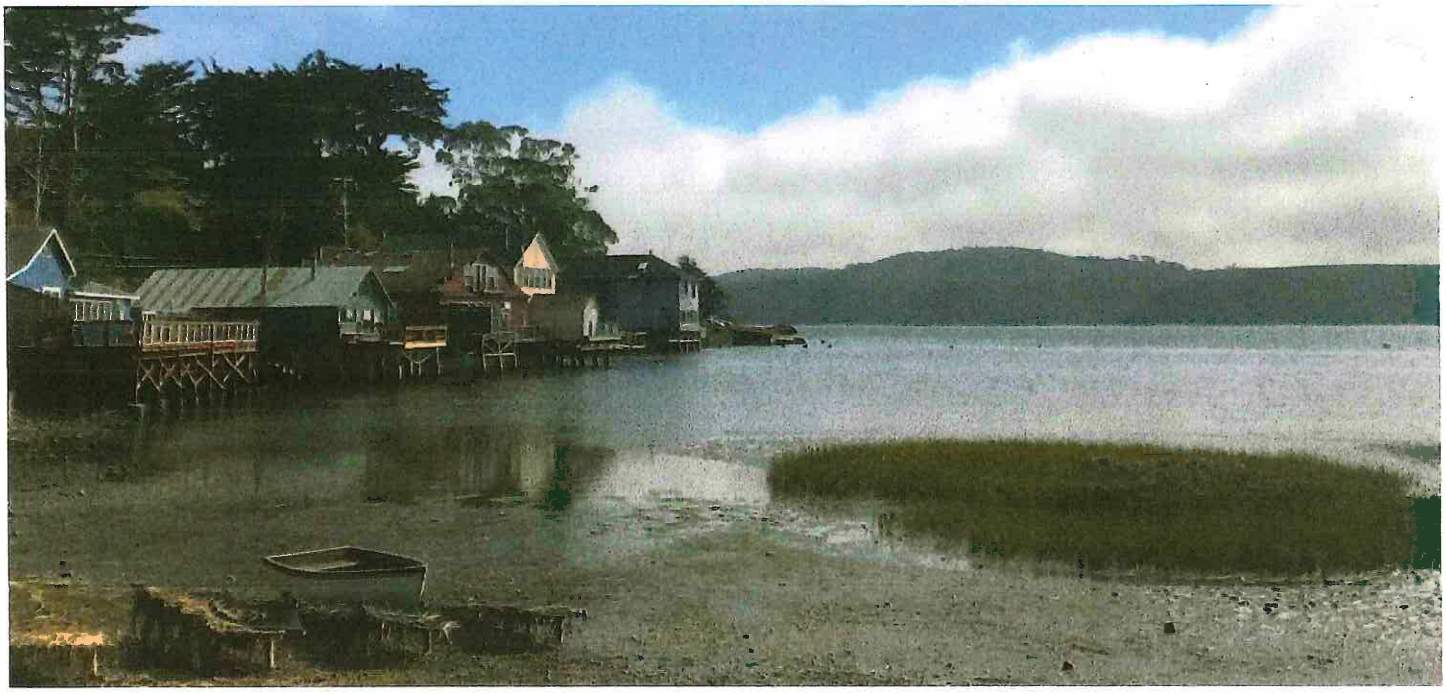
- Article on Ocean Acidification, 4 pages
- Article on Chinook Salmon and Endangered Orcas, 5 pages
- Ropeless Fishing Systems, 4 pages

Oregon State University

» Newsroom

OSU researcher leads NOAA-funded project to study West Coast response to ocean acidification

March 03, 2021



CORVALLIS, Ore. — An Oregon State University researcher is part of a new federally supported project investigating how communities along the West Coast are adapting to ocean acidification, with the goal of determining what they need to be more resilient.

Ana K. Spalding, an assistant professor of marine and coastal policy in OSU's College of Liberal Arts, is leading a team looking into how shellfish industry participants in several towns along the Oregon and California coasts are responding to ocean acidification and where gaps in policy or resources have left them vulnerable.

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The $1 million, three-year interdisciplinary project is funded by the National Oceanic and Atmospheric Administration (NOAA) through its Ocean Acidification Program. At

OSU, Spalding is working with Erika Wolters, assistant professor of public policy, and Master of Public Policy students Victoria Moreno, Emily Griffith and Ryan Hasert.

"The goal of this project is to better align policy responses with the immediate and very local needs of shellfish-reliant communities," Spalding said. "This is both understanding that vulnerability and proactively thinking, 'What can we do to respond to better support members of the shellfish industry and their needs?'"

Ocean acidification and its impact on shellfish first became a major concern for West Coast farmers after a 2007 mass oyster larvae die-off at the Whiskey Creek Shellfish Hatchery in Netarts Bay, Oregon. OSU scientists definitively linked that die-off to increased carbon dioxide in the water in a 2012 study.

One part of Spalding's research project centers on interviewing shellfish-reliant communities in Oregon and California to learn what environmental changes they are experiencing and how regulatory policy helps or hinders their ability to adapt to those changes. In addition to shellfish growers, the researchers are also talking to tribal leaders through the project's advisory board to consider a broader community of shellfish uses and users of coastal waters.

In previous interviews with shellfish farmers in California, Spalding learned many have observed changes such as warmer water or less fog, but not all of them have the ability to pinpoint whether those environmental changes correspond to the changes in production they have experienced over the years.

"That clearly speaks to that need for highly localized environmental monitoring, which would be step one," Spalding said. "Then once you identify the problem, what are the things you can do about it — which might lead to adaptations in farm management and associated flexibility in the regulatory framework that could support that."

Farms with larger networks and greater resources are able to partner with scientists and universities that can share in the work of monitoring and responding to changing conditions. Without that, Spalding said, farmers are struggling to act as scientists, lawyers, permitters and farmers all at once.

Another piece of the project is analyzing and creating a database of all relevant ocean acidification regulations in effect in California, Oregon and federally, and then assessing how those policies address coastal communities' needs in terms of the

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SHARES

adaptive strategies they hope to adopt.

Where policies don't meet communities' needs, the research team will dig deeper to determine what kind of policies would be effective.

"It's making that link of, what are people doing to adapt to ocean acidification, and are regulations sufficient or do we need to broaden the scope a little bit?" Spalding said.

Some farmers have said they would like to look for shellfish species that are better adapted or more resilient to ocean acidification, and have greater flexibility in where they place their oyster racks and what kind of grow-out methods and types of gear they can use. They also need better communication between growers, scientists, managers and policymakers regarding water-quality testing to respond more quickly as the data dictates.

Spalding is working with Arielle Levine from San Diego State University, Tessa Hill from the University of California-Davis, and Lida Teneva from the Ocean Science Trust. The team hopes to start interviewing Oregon and California farmers this fall, though COVID-19 restrictions may delay them a few months.

About the OSU College of Liberal Arts: *The College of Liberal Arts includes the fine and performing arts, humanities and social sciences, making it one of the largest and most diverse colleges at OSU. The college's research and instructional faculty members contribute to the education of all university students and provide national and international leadership, creativity and scholarship in their academic disciplines.*

STORY BY:

Molly Rosbach, molly.rosbach@oregonstate.edu

SOURCE:

Ana K. Spalding, ana.spalding@oregonstate.edu

MULTIMEDIA:

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SCIENCE & ENVIRONMENT

Study: Chinook salmon are key to Northwest orcas all year

By GENE JOHNSON (Associated Press)
SEATTLE March 4, 2021 6 a.m. **Updated:** March 3, 2021 6:01 p.m.

A new study from federal researchers provides the most detailed look yet at what the Pacific Northwest's endangered orcas eat

For more than a decade, Brad Hanson and other researchers have tailed the Pacific Northwest's endangered killer whales in a hard-sided inflatable boat, leaning over the edge with a standard pool skimmer to collect clues to their diet: bits of orca poop floating on the water, or fish scales sparkling just below the surface.

Their work established years ago that the whales depend heavily on depleted runs of Chinook, the largest and fattiest of Pacific salmon species, when they forage in the summer in the inland waters between Washington state and British Columbia.

But a new paper from Hanson and others at the NOAA Fisheries Northwest Fisheries Science Center provides the first real look at what the whales eat the rest of the year, when they cruise the outer Pacific Coast — data that reaffirms the central importance of Chinook to the whales and the importance of recovering Chinook populations to save the beloved mammals.

By analyzing the DNA of orca feces as well as salmon scales and other remains after the whales have devoured the fish, the researchers demonstrated that the while the whales sometimes eat other species, including halibut, lingcod and steelhead, they depend most on Chinook. And they consumed the big salmon from a wide range of

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Taku River in northern British Columbia.

A young resident killer whale chases a chinook salmon in the Salish Sea near San Juan Island, Washington, in September 2017.

Oregon State University/Flickr

"Having the data in hand that they're taking fish from this huge swath of watershed across western North America was pretty amazing," Hanson, the study's lead researcher, said Wednesday. "We have to have hard data on what these whales are actually doing."

There are officially 74 whales in the three groups of endangered orcas, known as the J, K and L pods of the southern resident killer whales. Three calves have been born since September, but those are not yet reflected in the count because only about half of the babies survive their first year.

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Facing a dearth of prey, contaminants that accumulate in their blubber, and vessel noise that hinders their hunting, the whales are at their lowest numbers since the 1970s, when hundreds were captured — and more than 50 were kept — for aquarium display. Scientists warn the population is on the brink of extinction.

The paper, published Wednesday in the journal PLOS One, suggests that efforts to make Chinook more abundant off the coast in the non-summer months could especially pay off, and that Columbia River Chinook hatchery stocks are among the most important for the whales. It also suggests that increasing the numbers of non-salmon species could help fill the gaps for the whales when Chinook aren't available in the open ocean.

NOAA has already used some of the data, which has been available internally as scientists awaited the study's publication, in proposing what areas to designate as critical habitat for the whales. Officials could use it in prioritizing certain habitat restoration efforts or in timing hatchery production of salmon to best benefit the whales, said co-author Lynne Barre of the National Marine Fisheries Service's Protected Resource Division.

The information could also be key in setting limits for fisheries; the Pacific Fisheries Management Council has recommended that NOAA curtail fishing if Chinook abundance is forecast to drop below a certain level.

The researchers encountered the whales 156 times from 2004 to 2017, with most of the fecal and prey samples from the outer coast being collected in 2013 and 2015 — when the whales were easier to find because they were satellite tagged. There were big runs of Chinook those years, which might have been reflected in their findings; since then, Chinook numbers have fallen up and down the coast due to drought in California and warmer ocean conditions.

In the summer, when the whales forage in the inland waters of the Salish Sea, their diet is almost entirely Chinook — mostly those that return to spawn in Canada's Fraser River, the paper said. By September, as coho salmon return to spawn in the region's rivers, they make up about half of the orcas' diet, with a mix of Chinook,

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In the winter, when the whales spend more time on the outer coast, they turn to non-salmon species, apparently because Chinook are more spread out and harder to find.

Barre said it may be surprising that the orcas focus so much on Chinook when there are so many other fish in the sea, but research has also suggested that the whales might target them because the nutritional value of the big, fatty fish is worth the calories burned catching them.

"It would certainly make our lives easier if they were eating a lot more of the other things that are available," she said.

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Another calf born to endangered Northwest orcas

Whale researchers say another calf has been born to the endangered Southern Resident orcas of the Salish Sea

Feb. 18, 2021

Tags: Science & Environment

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COASTAL $4950

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The only tried and true Ropeless Fishing System using pop-up buoys on demand. Featuring a robust, yet adaptable and reliable design for every fisherman around the globe.

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Overview Business Benefits History Newsletter

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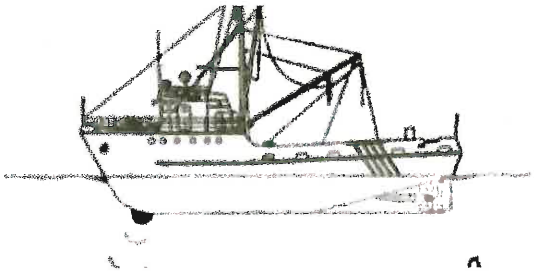
Designed specifically for pot trap fishing applications, Ropeless Fishing technology removes traditional surface buoys and rope from the water column and stows them safely on the seafloor along with the pot traps.

Acoustic sonar will transmit a signal when the fishing vessel is back onsite and ready to haul the fishing gear. This signal will trigger an acoustic release mechanism so that hard float buoys will carry the rope to the surface and the traps may be hauled.

Ropeless Fisher™ not only reduces the possibility of wildlife entangles, it also reduces annual gear loss rate and protects against poaching and vandalism.



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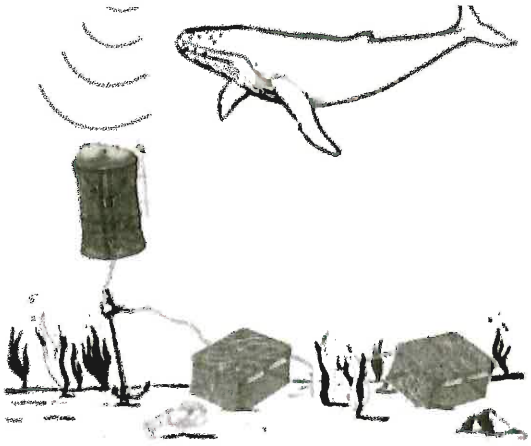

An all-inclusive ropeless fishing system for pot trap fishing. Comprised of three components;

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(2) a deck box for acoustic sonar

(3) bottom stowed rope & hard float buoys.

Developed for commercial use in 2012 , 5 pilot studies, and over 12,000 trap hauls, Ropeless Fisher™ has a proven track record of versatility, flexibility, and reliability for fishers all around the world. Operating at depths up-to 300m, Ropeless Fisher also offers a fully functional virtual/acoustic gear marking package, custom release bag options/kits, and a ranging acoustic release with a life-time use of 15-20 years.

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Ropeless Fishing systems designed to work with your style of fishing

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All systems have fisher specific ID code so only YOUR traps will trigger and not other Ropeless Fishers in the area.

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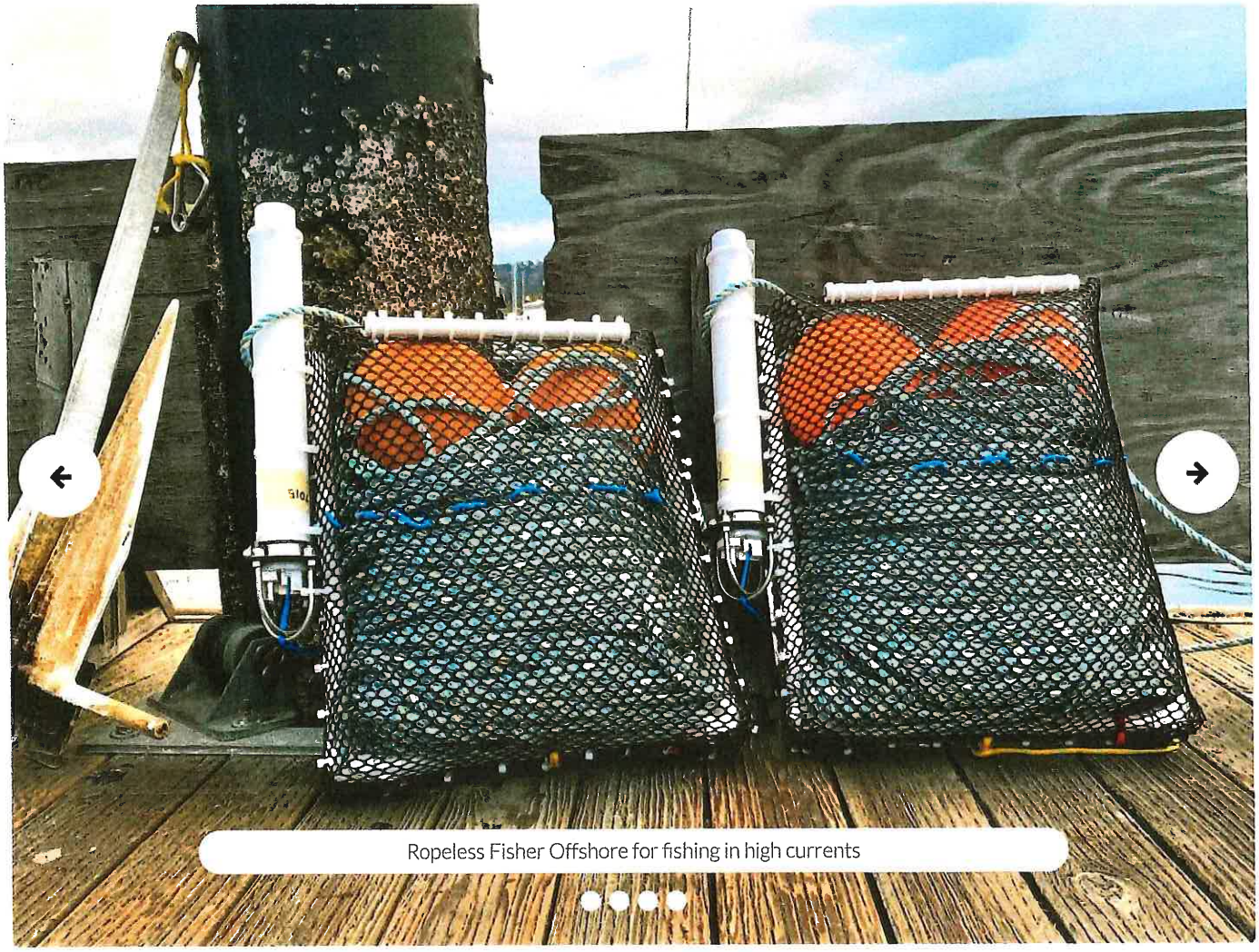
ℹ - Scroll below to learn more about the free Ropeless Fisher App & learn how to build a release bag.



Ropeless Fisher Offshore for fishing in high currents

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Featuring an ARC-1XD Acoustic Release & STM-3 Deck Box

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Titanium & CPVC construction

Capable of Broadcast Release for easy operation with the flick of a switch

Quantity discounts available

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INFORMATION ITEM – K

DATE:	March 11, 2021
RE:	Crow/Clay & Associates Contract Amendment No. 4
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Board approved modifying the scope of work for the RV Park Project during February 26, 2021 Special Meeting.
- Mike Crow estimated the engineering and drawing revisions would not exceed $10,000.

DOCUMENTS

- Crow/Clay & Associates Draft Contract Amendment No. 4, 2 pages
- Email from Mike Crow, 1 page

DRAFT

AMENDMENT NO. 4
TO
PORT OF BROOKINGS HARBOR
AGREEMENT FOR PERSONAL SERVICES

This amendment ("Amendment") is entered into by and between the Port of Brookings Harbor ("POBH") and Crow Clay & Associates Inc. ("Contractor") to amend the terms of the Agreement for Personal Services dated September 24, 2019 (the "Agreement").

1. AMENDMENTS. The Agreement as amended by Amendment No. 3 dated December 21, 2020, is hereby further amended as follows:

A. Scope of Services. Paragraph 2.0, Scope of Services, of the Agreement is hereby amended to include:

2.0 Scope of Services. Contractor's services under this Agreement consist of the following (the "Work"):

A. Design and prepare construction documents (plans and specifications) to include the following modifications to the RV Park:

- Seven (7) new pull-thru RV sites with utilities (or as many new sites as possible);
- Electrical upgrade to 30/50/110 for seven new RV sites (or as many new sites as possible);
- Demolition of small restroom;
- Two (2) new trash bin enclosures;
- Utility upgrades including electrical upgrade to 30/50/110 and dividers on remaining front row pull-thru sites;
- All sewer caps to be replaced with self-closing cap:
- Realignment of Sites 78 through 103 for better access.

B. Compensation & Billing. Paragraph 3.01, Compensation, of the Agreement is hereby amended to read as follows:

3.01. Compensation. Contractor will be compensated on a time and materials basis at the rates identified in Exhibit A, attached hereto and incorporated herein by reference:

1. Contract amount increased to not-to-exceed $10,000 for engineering and revise construction drawings to the modified Scope of Services per 2.0, A.

2. OTHER TERMS AND CONDITIONS. All other terms and conditions of the Agreement not in conflict with this Amendment No. 3 remain in full force and effect and remain unaffected hereby.

3. EFFECTIVE DATE. This Amendment shall be effective as of the date that it is executed by all parties.

IN WITNESS WHEREOF, the parties have entered into this agreement as of the date last below written at Brookings, Oregon.

PORT OF BROOKINGS-HARBOR	**Crow Clay & Associates Inc.**
Dated: _____ By: _____ Richard Heap, Board President ATTEST: _____ Board Commissioner	Dated: _____ By: _____ Mike Crow Its: Principal

portmanager@portofbrookingsharbor.com

From: Mike Crow <mike@crowclay.com>
Sent: Monday, March 8, 2021 2:37 PM
To: Gary Dehlinger
Subject: RV Park revisions

Gary,
The revisions to the RV park will involve creating 2 new sheets for the front row of angled sites plus revising the overall site plan. I estimate our time as:
16 hours per each sheet = 48 hours + 16 hours of my time for review and coordination= 48x$100 + 16x $140 = $7040.
The engineer wants $2300 so the new plans would run $9340. Say hourly rate not to exceed $10,000. Will this work for you?

Michael R. Crow, Principal
Crow/Clay& Associates Inc.
125 W. Central Ave Suite 400
Coos Bay, Oregon 97420
(541) 269-9388
mike@crowclay.com

INFORMATION ITEM – L

DATE:	March 11, 2021
RE:	Business Oregon Commercial Rent Relief Program
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- The Oregon Legislative Emergency Board on January 8, 2021, allocated $100 million to fund a new Commercial Rent Relief Program to provide financial assistance to small businesses and landlords adversely affected by economic conditions as a direct result of the COVID-19 pandemic.

- The program targets landlords with tenant businesses with 100 or fewer employees who are behind on lease payments or any forgiven base rent amounts that have been negotiated due to COVID-19. The program will require both business tenant and property owner participation. The program includes additional protections for tenants, such as non-eviction clauses, and a waiver of penalties and interest.

- The Port is completing the first step of this process for the businesses that fall under the criteria.

DOCUMENTS

- Commercial Rent Relief Program Information, 2 pages
- Commercial Rent Relief Program Questions & Answers, 3 pages

/// SMALL BUSINESS NAVIGATOR - COVID 19

Commercial Rent Relief Program

The Oregon Legislative Emergency Board on January 8, 2021, allocated $100 million to fund a new Commercial Rent Relief Program to provide financial assistance to small businesses and landlords adversely affected by economic conditions as a direct result of the COVID-19 pandemic.

The program targets landlords with tenant businesses with 100 or fewer employees who are behind on lease payments or any forgiven base rent amounts that have been negotiated due to COVID-19. The program will require both business tenant and property owner participation. The program includes additional protections for tenants, such as non-eviction clauses, and a waiver of penalties and interest.

Who Can Apply? +

Landlords are the ones who initially apply, but will need to have the tenant provide business information to determine application eligibility, and both landlord and tenant will ultimately provide information and sign a grant agreement. The applicable small business tenant must:

a. be a for-profit business
b. lease property in the state of Oregon
c. be headquartered in the state of Oregon
d. employ 100 or less employees per lease as of February 28, 2021
e. be actively registered to do business in the state of Oregon with the Secretary of State
f. be compliant with all federal, state, and local laws
g. not be a publicly traded company
h. be open for business or intends to reopen for business when restrictions are lifted (if applicable) at the leased location.

Landlords must not be past due on federal, state, or local taxes as of December 31, 2019. Landlords with multiple properties and/or tenants may make multiple applications, one for each tenant business.

How Much is the Grant? +

Resources

Application Form

- English
- 한국어 (Korean)
- Русский (Russian)
- 简体中文) (Simplified Chinese)
- Español (Spanish)
- Tiếng Việt (Vietnamese)

- Get Application Help
- Program Overview Video

Program Details

- English
- 한국어 (Korean)
- Русский (Russian)
- 简体中文) (Simplified Chinese)
- Español (Spanish)
- Tiếng Việt (Vietnamese)

The grant can be up to $100,000 per each business tenant, and not more that $3 million for each landlord. The grant amount covers only base rent that is in arrears due to COVID-19 impacts or restrictions.

When and How Do I Apply? +

The program opened for applications on March 8, 2021. The application portal will be open for two weeks, and all eligible applications received will be put into a lottery selection system to determine which will move on for grant approval. This is not processed as a first-come-first-served program.

Business Oregon will notify applicants if they have been selected, and will review additional information for accuracy and compliance with the program. Upon completion of a successful compliance review, Business Oregon will mail a check to the landlord.

Online Applications

- English
- 한국어 (Korean)
- Русский (Russian)
- 简体中文） (Simplified Chinese)
- Español (Spanish)
- Tiếng Việt (Vietnamese)

What Will Be Needed for the Application? +

There will be different items needed at different stages of the process. The initial application form that opens March 8 is minimal. Below are descriptions of what will be requested at each stage.

Form 1 (Initial application opening March 8, to be completed by the Landlord)

- Landlord name and address
- Tenant name and address
- Tenant's number of workers (part/full-time)
- Tenant Business classification
- Base rent amount due and paid per month

Form 2 (Comes later, to be completed by Tenant)

- Tenant number of full- and part-time workers
- Business identification number
- Base rent amount due and paid per month
- Demographic survey

Form 3 (Comes later, to be completed by Landlord)

- List of all owners with 20% or greater ownership
- Demographic survey
- Provide a copy of executed Lease
- W9 Form

/// SMALL BUSINESS NAVIGATOR - COVID 19

Commercial Rent Relief Program Questions & Answers

When does the program officially launch? +

The program was announced on March 2, 2021, and opens for applications on March 8, 2021.

How do I apply? +

Apply online by going to program webpage and then select the application in the language of your choice. Applications will only be accepted online.

Who is eligible for this program? +

Landlords that have a property lease with one or more tenants that meet the eligibility requirements, see Program Details (links in the Resource box at the right) for more information.

Where can I find information about the program? +

All program materials, including multilingual applications, will be available on this site—see the Resource box at the right side of this page.

What is the maximum grant per business lease? +

Resources

Application Form

- English
- 한국어 (Korean)
- Русский (Russian)
- 简体中文) (Simplified Chinese)
- Español (Spanish)
- Tiếng Việt (Vietnamese)

- Get Application Help
- Program Overview Video

Program Details

- English
- 한국어 (Korean)
- Русский (Russian)
- 简体中文) (Simplified Chinese)
- Español (Spanish)
- Tiếng Việt (Vietnamese)

A landlord can receive up to $100k per eligible business lease but no more than $3 million total from all eligible business leases.

What does the application process entail?

The process will require two steps, first apply for the grant, and then if selected, and complete additional paperwork.

The landlord must complete the initial application. The online application is minimal: the Landlord will be asked some qualifying questions, Landlord's name and contact information; Tenant's name, contact information, and business classification; and base rent amount due and paid per month.

If the application is selected for a grant, the following information will be asked of the Tenant:

- Number of Full and Part-time workers
- Business Identification Number
- Base Rent Amount Due and Paid per month
- Agree to terms and conditions; and to
- Demographic Survey

The Landlord will be asked for the following information:

- List of all owners with 20% or greater ownership
- A copy of executed Lease
- W9 Form
- Agree to terms and conditions
- Demographic Survey

If selected in the lottery, how soon and in what form will I receive the funds?

We anticipate two to three weeks between when contracts are returned to Business Oregon and fund distribution. Landlords will receive a mailed check from Business Oregon.

Is there a way to check the status of my application after submitting it?

No. The application cycle status will be posted on the program webpage.

Can the lessor (landlord) be a nonprofit?

Yes. As long as the tenant is an eligible tenant.

Are non-profits eligible tenants?

No

Are corporate franchises eligible tenants?

Yes, but the corporate franchise must have its headquarters in Oregon and cannot be a publicly traded company.

What are the legal and/or tax implications associated with accepting a grant for rent relief from this program?

Tenants and Landlords are encouraged to seek advice from their tax and financial advisors as to the potential financial and tax implications of a grant award.

If a landlord refuses to submit an application on behalf of a tenant, does the tenant have any recourse?

Unfortunately, no.

If I am current on my rent but had to borrow from friends or relatives to stay current, can I apply to recover the borrowed money?

No.

Can a landlord submit an application for a business that accrued back due rent during the eligible period but is no longer a tenant (i.e. has vacated the property)?

No.

Can I include triple net (NNN = lessee's share of property taxes, insurance and common area maintenance) costs that usually are a part of the monthly rent charged by the lessor in my rent calculations?

No

Do Tenants need to be current on taxes?

Tenants do not need to be current on taxes, but Landlords do, through the 2019 tax year.

INFORMATION ITEM – M

DATE: March 11, 2021

RE: Abandon & Derelict Vessels

TO: Honorable Board President and Harbor District Board Members

ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Port Staff contacted OSMB to discuss abandon and derelict vessels. We were informed there are two Senate Bills 740 and 840 going to a Senate Committee meeting on Thursday.

- SB 740. Increases registration fee for sailboats 12 feet in length or more and for all motorboats from $5 to $10. Dedicates increased $5 to the Salvaged Vessel Subaccount. Increases amount that State Marine Board may deposit and retain in Salvaged Vessel Subaccount each biennium from $150,000 to $1 million.

- SB 840. Authorizes county governing body to enact ordinance establishing registration fee for sailboats 12 feet in length or more and all motorboats registered within the county. Prohibits fee from exceeding existing registration fee of $5 plus $5.95 per foot, established under ORS 830.790 (1)(a). Requires county establishing registration fee to enter into intergovernmental agreement with OSMB to collect the fees and transfer them to the county to be used to dispose of derelict vessels.

- OSMB provided the final report on Abandoned and Derelict Vessel and a comparison to Washington.

DOCUMENTS

- State of Oregon Senate Committee on Energy and Environment Agenda, 2 pages
- SB 740 Summary and Bill, 3 pages
- SB 840 Summary and Bill, 3 pages
- Abandoned and Derelict Vessel Final Report, 43 pages
- Oregon / Washington Program Comparison, 2 pages

Staff:
Beth Reiley, LPRO Analyst
Isabel Hernandez, Committee Assistant

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

Oregon State Capitol
900 Court Street NE, Room 347, Salem, Oregon 97301
Phone: 503-986-1755
Email: https://olis.oregonlegislature.gov/liz/2021R1/Testimony/SEE

AGENDA

Revision 1 Posted: MAR 08 04:06 PM

THURSDAY

Date: **March 11, 2021**
Time: **1:00 P.M.**
Room: **Remote B**

Entry to the Capitol Building is currently limited to authorized personnel only. All committee meetings are taking place remotely.

To view a live stream of the meeting:
https://olis.oregonlegislature.gov/liz/2021R1/Committees/SEE/Overview

A viewing station is also available outside of the Capitol Building.

Instructions on how to submit written testimony and how to register to testify appear at the bottom of the agenda.

Informational Meeting

Invited testimony only

Abandoned and Derelict Boats

Josh Mulhollem, Policy and Environmental Manager, Oregon State Marine Board
Dorothy Diehl, ADV Program Coordinator, Oregon State Marine Board
Andrea Celentano, Policy & Legislative Analyst, Oregon Department of State Lands
Chris Castelli, Senior Policy & Legislative Analyst, Oregon Department of State Lands

Public Hearing

SB 740 ** **Subsequent Referral(s) to Ways and Means
Increases registration fee for sailboats 12 feet in length or more and for all motorboats.

SB 840
Authorizes counties to establish county boating registration fee for purpose of disposing of derelict vessels.

AGENDA (cont.)
March 11, 2021

Note change: presenters have been added.

Submit written testimony on a bill or topic scheduled for a public hearing:

- **Electronic:** https://olis.oregonlegislature.gov/liz/2021R1/Testimony/SEE
- **Mail:** Senate Committee on Energy and Environment,
  900 Court Street NE, Room 453, Salem, OR 97301

Written testimony may be submitted up to 24 hours after the meeting start time.

Register to testify live remotely:

- Registration is required to testify by phone or video.
  - **Register online:** https://survey.sjc1.qualtrics.com/jfe/form/SV_3l517nZRUA4bcRo
    You will see a confirmation screen and be sent an email with information on how to join the meeting. If you do not, contact the committee assistant.
  - **Register by phone:** 833-588-4500 (U.S. toll free). You will be given a phone number to call into the meeting.
- Registration closes at the time the meeting is scheduled to begin.
- A public access kiosk is located outside of the State Capitol Building for anyone without access to a phone or computer to join a meeting by video.

Neither registration nor use of the public access kiosk is a guarantee that you will be able to testify during the meeting. Committee chairs may determine that public testimony must be limited. For this reason, written testimony is encouraged even if you plan to speak.

Unless otherwise noted on the agenda, testimony is only accepted by committees for bills or topics scheduled for a public hearing. See the Oregon Legislature's website for information on contacting individual legislators directly on bills or topics not scheduled for a public hearing.

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SB 740 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By:	Beth Reiley, LPRO Analyst
Sub-Referral To:	Joint Committee On Ways and Means
Meeting Dates:	3/11

WHAT THE MEASURE DOES:

Increases registration fee for sailboats 12 feet in length or more and for all motorboats from $5 to $10. Dedicates increased $5 to the Salvaged Vessel Subaccount. Increases amount that State Marine Board may deposit and retain in Salvaged Vessel Subaccount each biennium from $150,000 to $1 million.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current law, it is illegal for the owner of a vessel, once notice is given by an enforcement agency that the vessels is deemed abandoned or derelict, to fail to remove the vessel within the time specified on the notice. Oregon's abandoned and derelict vessel program (ORS 830.948) is managed by the Oregon State Marine Board (OSMB), which delegates authority to an enforcement agency to seize and remove abandoned and derelict vessels from state lands and waters. OSMB is required to set aside $150,000 each biennium in order to provide grants to reimburse up to 90% of the costs associated with investigating, salvaging, towing, removing, storing or disposing of abandoned or derelict vessels.

Senate Bill 740 increases the registration fee for sailboats 12 feet in length or more and for all motorboats and dedicates the increased amount to the Salvaged Vessel Subaccount each biennium.

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Senate Bill 740

Sponsored by Senator JOHNSON (at the request of Stan Tonneson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Increases registration fee for sailboats 12 feet in length or more and for all motorboats.
Dedicates increase to Salvaged Vessel Subaccount.
Increases amount that State Marine Board may deposit and retain in Salvaged Vessel Subaccount each biennium.

A BILL FOR AN ACT

Relating to small watercraft fees; creating new provisions; and amending ORS 830.790 and 830.948.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 830.790 is amended to read:

830.790. (1) The biennial fee for the original or renewal certificate of number or registration is:

(a) [*$5*] **$10** plus $5.95 per foot, or portion thereof, for all sailboats 12 feet in length or more and for all motorboats.

(b) $6, for boats that are assessed by the Department of Revenue under ORS 308.505 to 308.674.

(c) $6, for amphibious vehicles that are licensed by the Department of Transportation.

(2) Notwithstanding subsection (1) of this section, no fee is required for boats owned by eleemosynary organizations which are operated primarily as a part of organized activities for the purpose of teaching youths scoutcraft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

(3) Except for the assessment referred to in subsection (1)(b) of this section, the fees provided by this section are in lieu of any other tax or license fee.

(4) The operator of a boat livery holding five or more boats ready for hire may pay a biennial certificate of number fee of $90 plus $10 for each boat instead of the fee otherwise provided in this section.

(5) For each original or renewal certificate fee collected under subsection (1)(a) of this section, the State Marine Board shall deposit [*$5 of*] **from** the amount collected [*into*]**:**

(a) $5 into The Aquatic Invasive Species Prevention Fund established under ORS 830.585**; and**

(b) $5 into the Salvaged Vessel Subaccount established under ORS 830.948.

SECTION 2. ORS 830.948 is amended to read:

830.948. (1) The Salvaged Vessel Subaccount is established within the Boating Safety, Law Enforcement and Facility Account created under ORS 830.140. The subaccount shall consist of moneys deposited into the subaccount by the State Marine Board from fees collected pursuant to ORS 830.790 and 830.850. The moneys in the subaccount are continuously appropriated to the board for the purposes specified in this section.

(2) The board may not deposit more than [*$150,000*] **$1 million** per biennium into the Salvaged Vessel Subaccount and may not retain more than [*$150,000*] **$1 million** in the subaccount at any

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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time. After the board has deposited [*$150,000*] **$1 million** into the subaccount under this subsection or any time there is more than [*$150,000*] **$1 million** in the subaccount, any remaining moneys from fees collected pursuant to ORS 830.790 and 830.850 shall be deposited in the Boating Safety, Law Enforcement and Facility Account.

(3) The board may use the moneys in the Salvaged Vessel Subaccount to pay the expenses of the board in implementing ORS 830.908 to 830.948 that are associated with the salvage, towing, storage and disposal of:

(a) Vessels other than boats that are abandoned vessels or derelict vessels; and

(b) Vessels that are boats of less than 200 gross tons.

(4) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 90 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has or had a certificate under ORS 830.770 or 830.775 and that is:

(a) A boat of less than 200 gross tons; or

(b) Any other abandoned vessel or derelict vessel that is not a boat.

(5) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 75 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has never had a certificate under ORS 830.770 or 830.775 and that is:

(a) A boat of less than 200 gross tons; or

(b) Any other abandoned vessel or derelict vessel that is not a boat.

(6) The board may reimburse an enforcement agency under subsection (4) or (5) of this section for costs associated with an abandoned vessel or a derelict vessel only if the enforcement agency complied with ORS 830.908 to 830.948 in seizing the vessel.

(7) The board may use the moneys in the Salvaged Vessel Subaccount to award grants to the state, a city, a county, a water improvement district, a park and recreation district or a port as provided in ORS 830.150 for the disposal of a vessel that has or had a certificate under ORS 830.770 or 830.775 and that the owner has surrendered to an accepting public agency if:

(a) The public agency has determined that the vessel was in danger of being an abandoned vessel or a derelict vessel and was likely to cause damage to the environment or become a hazard to navigation; and

(b) The decision to accept the vessel was based solely on the public agency's determination under paragraph (a) of this subsection.

(8) The board may recover payments made from the Salvaged Vessel Subaccount from an owner of a vessel who is liable for the costs of salvage, towing, storage and disposal under ORS 830.938. The board shall deposit all funds recovered under this section into the subaccount in accordance with the provisions of subsection (2) of this section.

SECTION 3. The amendments to ORS 830.790 by section 1 of this 2021 Act apply to fees imposed on or after the effective date of this 2021 Act.

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SB 840 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst
Meeting Dates: 3/11

WHAT THE MEASURE DOES:

Authorizes county governing body to enact ordinance establishing registration fee for sailboats 12 feet in length or more and all motorboats registered within the county. Prohibits fee from exceeding existing registration fee of $5 plus $5.95 per foot, established under ORS 830.790 (1)(a). Requires county establishing registration fee to enter into intergovernmental agreement with OSMB to collect the fees and transfer them to the county to be used to dispose of derelict vessels.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current law, it is illegal for the owner of a vessel, once notice is given by an enforcement agency that the vessels is deemed abandoned or derelict, to fail to remove the vessel within the time specified on the notice. Oregon's abandoned and derelict vessel program (ORS 830.948) is managed by the Oregon State Marine Board (OSMB), which delegates authority to an enforcement agency to seize and remove abandoned and derelict vessels from state lands and waters. OSMB is required to set aside $150,000 each biennium in order to provide grants to reimburse up to 90% of the costs associated with investigating, salvaging, towing, removing, storing or disposing of abandoned or derelict vessels.

Senate Bill 840

Sponsored by Senator TAYLOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Authorizes counties to establish county boating registration fee for purpose of disposing of derelict vessels.

A BILL FOR AN ACT

Relating to small watercraft registration fees; creating new provisions; and amending ORS 830.140 and 830.790.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 830.908 to 830.948.

SECTION 2. (1) The governing body of a county may enact an ordinance establishing registration fees for sailboats 12 feet in length or more and for all motorboats registered at a residence or business address within the county.

(2) The authority granted under this section allows the establishment of registration fees in addition to those described in ORS 830.790 (1)(a).

(3) There is no authority granted under this section to affect registration periods, qualifications or any other provision relating to registration under this chapter.

(4) Any registration fee established by a county under this section must be a fixed amount not to exceed the registration fee established under ORS 830.790 (1)(a).

(5) The governing body of a county establishing registration fees under this section shall enter into an intergovernmental agreement under ORS 190.010 with the State Marine Board by which the board shall collect the registration fees and pay them over to the county. The intergovernmental agreement must state the date on which the board shall begin collecting registration fees for the county.

(6) Moneys from registration fees established under this section must be paid to the county establishing the registration fees as provided in ORS 830.140.

(7) The county shall use the moneys received to dispose of derelict vessels.

(8) The board shall provide by rule for the administration of laws authorizing county registration fees and for the collection and distribution of those fees.

SECTION 3. ORS 830.790 is amended to read:

830.790. (1) The biennial fee for the original or renewal certificate of number or registration is:

(a) $5 plus $5.95 per foot, or portion thereof, for all sailboats 12 feet in length or more and for all motorboats.

(b) $6, for boats that are assessed by the Department of Revenue under ORS 308.505 to 308.674.

(c) $6, for amphibious vehicles that are licensed by the Department of Transportation.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(2) Notwithstanding subsection (1) of this section, no fee is required for boats owned by eleemosynary organizations which are operated primarily as a part of organized activities for the purpose of teaching youths scoutcraft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

(3) Except for the assessment referred to in subsection (1)(b) of this section, the fees provided by this section are in lieu of any other tax or license fee.

(4) The operator of a boat livery holding five or more boats ready for hire may pay a biennial certificate of number fee of $90 plus $10 for each boat instead of the fee otherwise provided in this section.

(5) For each original or renewal certificate fee collected under subsection (1)(a) of this section, the State Marine Board shall deposit $5 of the amount collected into the Aquatic Invasive Species Prevention Fund established under ORS 830.585.

(6) In addition to the registration fees listed in subsection (1)(a) of this section, a county may impose additional registration fees as provided under section 2 of this 2021 Act.

SECTION 4. ORS 830.140 is amended to read:

830.140. (1) On or before the 10th day of each month, the State Marine Board shall pay into the State Treasury, except as provided in ORS 830.948, all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the Boating Safety, Law Enforcement and Facility Account, which account hereby is created, separate and distinct from the General Fund. The moneys in the account hereby are continuously appropriated to the board for the purpose of paying the expense of administering and enforcing the provisions of this chapter. The board shall keep a record of all moneys received and expended.

(2) After paying the necessary expenses incurred by the board in administering this chapter, the funds available in the account shall be distributed, in the amounts required, for the purpose of enforcing the provisions of this chapter and the regulations adopted pursuant thereto. The board shall determine the amount required for enforcement in each county, considering the survey conducted under ORS 830.115. The funds available shall be apportioned according to the amounts required and distributed, for enforcement in each county where there is a need, under a contract entered into with a city, with the Department of State Police or with the sheriff of the county. A contract with a city or a sheriff shall be entered into only with the approval of the governing body of the city or county. The board shall determine the intervals at which the moneys shall be distributed.

(3) The governing body of any county having within its boundaries a city providing recreational boating facilities including launching ramps, may contract with the city for the purpose of enforcing the provisions of this chapter and the rules and regulations made pursuant thereto.

(4) If the city enters into a contract with the board or with a county, the county is relieved of its enforcement responsibilities within the city as agreed to by the county and the city or by the board and the city.

(5) After the deduction of expenses related to collection, transfer and administration, the board shall pay moneys from any registration fees established under section 2 of this 2021 Act to the appropriate county. The board shall make the payments on at least a monthly basis unless another basis is established by the intergovernmental agreement required by section 2 of this 2021 Act between the board and the governing body of a county.

Pacific States / British Columbia Oil Spill Task Force

Abandoned and Derelict Vessel (ADV) Blue-Ribbon Program for Western U.S. States (AK, CA, HI, OR and WA)

Final

F/V Western, Coos Bay, OR. Photo provided by OR Marine

January 14, 2020

PACIFIC STATES | BRITISH COLUMBIA
OIL SPILL TASK FORCE

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This blue-ribbon program is the product of the Pacific States/British Columbia Oil Spill Task Force ADV (ADV) Work Group.

ADV Workgroup members

Dave	Byers	Response Section Manager	WA Department of Ecology
James	Cogle	Policy and Environmental Program Coordinator	OR State Marine Board
Lydia	Emer	Administrator for Land Quality Programs	OR Department of Environmental Quality
Patricia	Fox	Proprietary Waterway Specialist	OR Department of State Lands
Liz	Galvez	State On-Scene Coordinator	HI Department of Health
Steve	Hampton	Assistant Deputy Administrator	CA Department of Fish and Wildlife, Office of Spill Prevention and Response
Kris	Hess	Division Operations	AK Department of Natural Resources
Franji	Mayes	Web and Publications Coordinator	WA Department of Ecology
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Section I. Executive Summary

Abandoned and derelict vessels (ADVs) are a growing global problem that harm aquatic health and the health of humans and wildlife; threaten commerce and navigation safety; and deplete resources that communities depend upon.

The Pacific States / British Columbia Oil Spill Task Force (Task Force) identified the issue of ADVs as a common threat and a critical, emerging issue in 2017. In 2018, the Task Force formed an ADV Workgroup comprised of ADV experts and program leads from each of the five Task Force jurisdictions: Alaska, California, Hawaii, Oregon, and Washington. The ADV Workgroup's initial task was to document the scope and scale of the problem of ADVs across each jurisdiction.

In March 2018, the ADV Workgroup published *The Current State of Abandoned and Derelict Vessels on the West Coast – White Paper* (White Paper) summarizing the results of this initial work. Some of the conclusions of the White Paper include:

- In general, government policies to comprehensively address ADVs do not exist. For example, there are significant discrepancies between how abandoned cars and abandoned vessels are addressed.
- In the U.S., there is no comprehensive federal ADV program. The federal agencies that have ADV jurisdiction, including the U.S. Coast Guard and the U.S. Army Corp of Engineers, have limited roles and authority.
- State programs vary widely. Only one (Washington) can be considered comprehensive, and no state program has sufficient funding to address ADVs.
- In Canada, the federal Abandoned and Wrecked Vessel Act is comprehensive yet underfunded. This federal program takes precedent over provincial programs.
- A comprehensive program to address ADVs at the state level must contain the following five elements:
    1. Authority
    2. Prevention
    3. Public Outreach and Education
    4. Removal and Deconstruction
    5. Funding

Following publication of the White Paper, the ADV Workgroup identified its next task: develop a comprehensive, blue-ribbon or "model" state/provincial-level program to address ADVs. This paper contains this blue-ribbon "model" program. It consists primarily of recommendations that may be implemented by states to address their own ADV issues.

Because ADVs are addressed primarily at a federal, and not a provincial, level in Canada, this blue-ribbon paper includes only recommendations for western U.S. states.

The blue-ribbon program described in this paper reflects the collective input and expertise of ADV Workgroup members, which include numerous ADV leads within each Task Force jurisdiction. It is the Workgroup's opinion that adoption of each recommended element in this

paper would result in a comprehensive ADV program that would successfully remove legacy ADVs and prevent and remove future ADVs. Implementation of the blue-ribbon program will vary by state due to differences in existing programs and extent of the problem.

This blue-ribbon program addresses the five elements described above: authority; prevention; public outreach and education; removal and deconstruction; and funding.

For each of the five elements, this paper includes a high-level overview of the topic; a summary of the gaps and issues related to that topic (primarily from the findings of the White Paper); and a list of recommendations for states.

A total of 33 recommendations are included in the report and a summary can be found in Appendix B.

For a complete list of definitions used in this report, including "abandoned" and "derelict", see Appendix A.

To address the numerous gaps identified in the "authorities" section, this paper also includes a list of recommendations for the Task Force's federal partners.

Section II. Background/Context

ADVs threaten the health of aquatic environments, harm wildlife, and deplete resources that communities depend upon. Through deliberate action or negligence, ADVs break up, sink, or block navigation channels. ADVs often contain harmful quantities of oil, lubricant, and other toxic substances in the materials used to construct the vessel or in cargo on board. These chemicals can injure or kill marine mammals, waterfowl and other aquatic life, and contaminate aquatic lands, nearby shorelines and water bodies. Vessels that settle on the bottom can disrupt the aquatic environment, scouring or crushing sensitive habitats like eelgrass beds and kelp meadows.

Many harmful toxic substances on derelict vessels do not dissolve in water and remain in the environment for lengthy periods of time. These Persistent Organic Pollutants (POPs) are fat-soluble and eventually accumulate in animal fat, becoming concentrated in top predators like orca whales and otters.

The Pacific States / British Columbia Oil Spill Task Force (Task Force) identified the issue of ADVs as a common threat and a critical, emerging issue in 2017. In 2018, they formed the Abandoned and Derelict Vessel Workgroup (ADV Workgroup), comprised of ADV experts and program leads from each of the five Task Force jurisdictions: Alaska, California, Hawaii, Oregon, and Washington.

The ADV Workgroup's initial task was to document the scope and scale of the problem of ADVs across each of the five states, as well as to identify successful efforts elsewhere in the United States and Canada in addressing ADVs. In March 2018, the ADV Workgroup published a White

Paper summarizing the results of this initial work. The White Paper is titled *The Current State of Abandoned and Derelict Vessels on the West Coast – White Paper* (White Paper) and is available by following the link on page 6.

Among the main conclusions of the White Paper are:

- The problem of ADVs includes both commercial and recreational vessels.
- The majority of ADVs are recreational, yet commercial vessels are typically larger and on a per vessel basis, can cost several orders of magnitude more than recreational vessels to remove.
- In addition to a steady stream of newly abandoned vessels, most states also face an increasing backlog of existing or "legacy" ADVs.
- In general, government policies have not been created to address this problem. For example, there are significant discrepancies between how abandoned cars and abandoned vessels are addressed.
- In the US, there is no comprehensive federal program. The few federal agencies that are involved in this issue (the US Coast Guard and the US Army Corp of Engineers) have limited roles.
- State programs vary widely. Only one Task Force state (Washington) can be considered comprehensive. Most state programs have insufficient funding to address ADVs.
- In Canada, the federal *Abandoned and Wrecked Vessel Act* is comprehensive yet underfunded, and this federal program takes precedent over provincial programs.
- No jurisdiction has a comprehensive outreach and education program associated with ADVs.

One of the key recommendations emerging from the White Paper was that a comprehensive program at the state level to address ADVs should include the following five elements.

1. Authority
2. Prevention
3. Public Outreach and Education
4. Removal and Deconstruction
5. Funding

Following publication of the White Paper, the ADV Workgroup identified a second task: develop a comprehensive, blue-ribbon or "model" state program to comprehensively address ADVs. This paper contains this blue-ribbon, "model" program. It consists primarily of recommendations that may be implemented by states to address their own ADV issues.

The purpose of this report is to provide Task Force member jurisdictions[1] with a model or "blue-ribbon" ADV (ADV) program to advance their efforts to comprehensively address the many challenges posed by ADVs.

[1] States of Alaska, California, Hawaii, Oregon and Washington.

The blue-ribbon program described in this paper reflect the collective input and expertise of ADV leads at each state within the Task Force: Alaska, California, Hawaii, Oregon, and Washington. It is their opinion that adoption of each recommended element in this paper would result in a comprehensive ADV program that would result in proactively preventing new ADVs from entering the waste stream, and efficiently and effectively removing existing ADVs.

Program Loopholes: Authority

In 2017, the *Point Estero* ran aground near Cayucos State Beach, California. The US Coast Guard removed the oil but then departed. Vessel removal costs were estimated at $70,000. The uninsured owner walked away. The vessel was not eligible for the state's recreational ADV program, and there is no commercial program. Both the county and the State Lands Commission have authority to remove the vessel, but no funding to do so. As of 2019, the vessel remains. *Photo: CA OSPR*

Section III. Authority

Overview

Authority refers to the legal ability of a governing agency to declare a vessel "abandoned" and thus remove and dispose of it. The issue of authority regarding ADVs is complex, with multiple federal, state, and local agencies involved, as well as private landowners.

Gaps in ADV Authorities (Key Findings from ADV White Paper)

Most Task Force jurisdictions already have sufficient authority to declare vessels abandoned or derelict; however, numerous gaps exist.

Lack of a legal process for seizing, impounding and removing ADVs.
A legal process for an aquatic land custodian to accomplish seizure, impoundment, removal or custody of an ADV through due process is currently lacking across most west coast jurisdictions. The authority given to the custodian must be broad enough to address a wide variety of situations, including unforeseeable situations, but specific enough to prevent the taking of property without due process. U.S. federal agencies have authority governing specific situations, which limits their effectiveness in dealing with ADVs. For a custodian's authority to be effective, it must be exacting in procedure but flexible in its application.

U.S. Federal authorities
Five different U.S. federal agencies have ADV authorities, including: 1) the National Oceanic and Atmospheric Administration (NOAA), 2. the United States Army Corps of Engineers (USACE), 3. the United States Coast Guard (USCG), 4. The Environmental Protection Agency (EPA) and 5. the Federal Emergency Management Agency (FEMA). As indicated in the Point Estero situation (see insert at right), federal authorities and responsibilities frequently end once contamination is

removed from a vessel, leaving complicated and expensive removal actions to state and local agencies.

A March 2017 US Government Accountability Office (GAO) Report to Congress titled *Federal and State Actions, Expenditures, and Challenges to Addressing Abandoned and Derelict Vessels* [2] noted "agencies reported they generally did not have funding to support actions beyond responding to ADVs posing navigation hazards in federally-maintained waterways and pollution and public health threats, ***nor were they required to do so by federal law or agency policy." (emphasis added)***

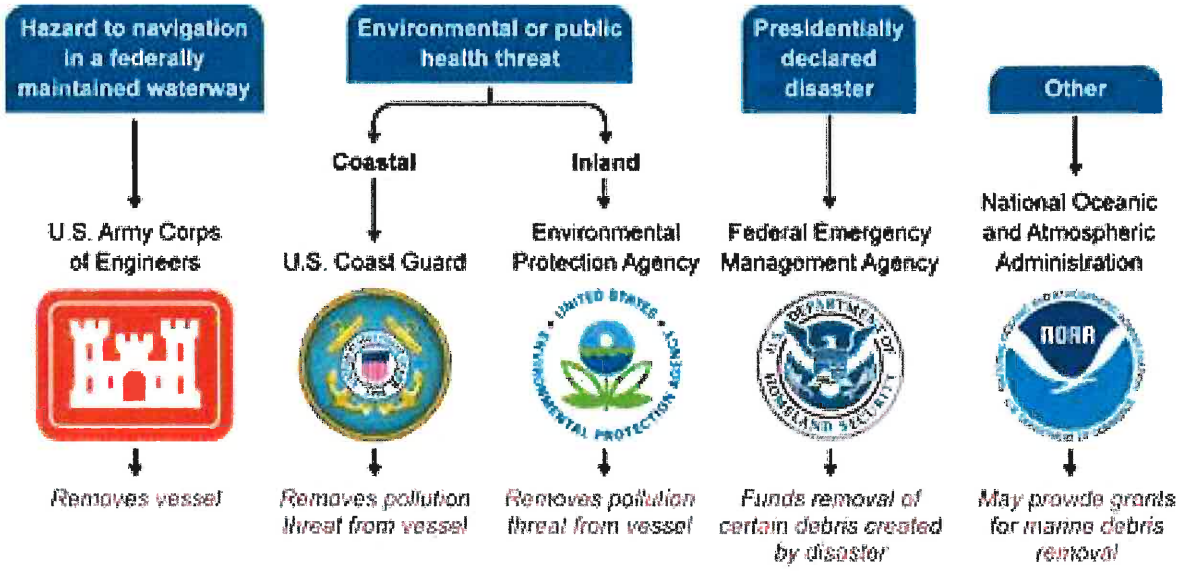
Table 1 and Figure 1 provide brief overviews of each U.S. Federal agency's authorities, and limits, regarding ADVs.

Table 1: U.S. Federal Agencies Authorities/Limitations regarding ADVs

Agency	Specific ADV authority (geographic focus; source of authority; funding)
NOAA	• Primary geographic focus for addressing ADVs is within National Marine Sanctuaries, but supports other marine environments by providing grants for private and public lands from the Marine Debris Program. • ADVs are considered marine debris. However, the Marine Debris Grant Program cannot be considered a true ADV-removal program because it includes all marine debris, not just ADVs.
USACE	• Addresses ADVs only in federally recognized navigation channels, and only if the vessel impacts the maintenance or navigation of the channel. • Authorized to remove the vessel, but has no funding to do so.
USCG *(Coast)* **and EPA** *(Inland)*	• Removes pollution threat from vessel where there is an environmental or a public health threat. • Petroleum removal funds come from the Oil Spill Liability Trust Fund. Vessel removal funds would have to come from the agency's budget. • Neither agency has dedicated ADV removal funding.
FEMA	• ADV authorities arise from Robert T. Stafford Disaster Relief and Emergency Assistance Act. • Can only fund ADV removals under declared emergencies.

[2] https://www.gao.gov/assets/690/683713.pdf, 5DEC19

Figure 1. U.S. Federal Agency ADV Authorities



Source: GAO analysis of federal agency documentation. | GAO-17-202

State and Local Authorities

Based on a review of many U.S. states, five gaps have been identified in terms of state/local authorities regarding ADVs.

1. **Narrow focus on recreational vessels only**. Some agencies have limited authority to deal with ADVs from state statutes, or have defined their programs to address only recreational vessels, leaving the commercial vessels out of their authority to remove.[3] There are fewer commercial vessels, but they are more expensive to deal with and have a larger single point of impact on the environment.
2. **Narrow focus on reasons for removal**. Some agencies limit ADV removals to emergencies or threats to human safety.[4] While most ADVs will eventually meet these criteria, it does not leave room for flexibility in dealing with ADV's nor does it give authority to remove nuisance vessels.
3. **Limited geographic focus**. Some entities limit their ADV removal authority to public aquatic lands only.[5] Private aquatic land owners wishing to remove an ADV must rely on the lost property or trespass laws of their state and are given little to no help from federal or state level agencies.
4. **Limited authority for local jurisdictions**. Vessel removal approvals made at the state level based on the state's priorities effectively removing localities from placing priorities within their own jurisdictions.[6] Even if a local agency wanted to fund and remove an ADV, they need state approval if the vessel is on state-owned aquatic lands.

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[3] https://dnr.maryland.gov/Boating/Pages/abandonedboats.aspx , 21JUN19

[4] https://www.monroecounty-fl.gov/441/Derelict-and-Abandoned-Vessels, 21JUN19

[5] https://www.oregon.gov/osmb/boater-info/Pages/Abandoned-Derelict-Boats.aspx, 21JUN19

[6] https://dmv.vermont.gov/enforcement-and-safety/laws/abandoned-vessel, 21JUN19

5. **Limits on private property owners' ability to act**. Private property owners who find ADVs on their properties usually cannot access state funds to have them removed. While they *can* access funding from NOAA's Marine Debris Program grants,[7] they do not actually have the legal authority to remove the vessels and must appeal to the state to have the property declared lost. (Alaska is an exception. It authorizes private property owners to declare vessels abandoned or derelict, and therefore subject to removal).

Recommendations

1. **Ensure broad capability within ADV programs.**

   Ensure that the aquatic land[8] custodian has authority to remove a hazard, nuisance or threat while protecting the vessel owner's rights and due process. The best structure for an ADV removal program would be strict in process and unrestricted in capability. Legal authority should be free of gaps in jurisdiction, clear in process, and have the ability to adapt to changing circumstances.

   An ADV program should not limit or constrain the ability and authority of an agency to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels.

Case Study

Washington State's Derelict Vessel Removal Program prioritizes ADVs based on threats to human safety and the environment. This focus is due to limited resources. However, Washington State's statutes allow any authorized public entity to remove vessels within their jurisdiction. This gives local entities, such as ports, the ability to remove a vessel that is a low priority for the state.

Washington is also an example of limiting authorities of private property owners. Counties typically have ADV removal authority on private property, but if the county refuses to exercise its authority, the property owner cannot use the State program to remove the vessel.

2. **Empower local (e.g. county, city, Ports, etc.) authorities to remove ADVs.**

   In addition to having proper authority, the process by which state agencies gain the legal right to remove, deconstruct, sell or use a vessel should be clearly spelled out in state statute in straightforward language comprehensible to any agency staff member.

   State agencies frequently prioritize ADV removals due to limited resources, which can have the unintended consequence of limiting the ability of a local entity (city, county or private property owner) to act. Therefore, local authorities should have a voice in removal prioritization and, when appropriate, should have authority to seize, impound, remove or gain custody of either recreational or commercial vessels.

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[7] https://marinedebris.noaa.gov/current-efforts/removal 21JUN19

[8] Also referred to as "submerged lands" in some jurisdictions such as Alaska.

In the interest of maintaining an unrestricted ability to deal with ADVs, authorities should be unburdened with undue governmental bureaucracy. Giving a city or private property owner the authority to act would allow them to initiate removals based on local needs and not compete with other localities for state or federal approval.

3. **Mandate adherence to due process**.

   State statute should mandate that agencies and private individuals adhere to due process. The notice requirement process should hold vessel owners responsible for their property and include: the agency's intended action, information on why the action is being taken, how an owner can prevent the intended action or retrieve the vessel, who to contact for more information, the timeline of the process including deadlines for owner actions, and how to appeal if the intended action was successful. Typical notice requirements have a 10 to 30-day notice posted to the vessel accompanied by letters to the last registered owners. Washington also requires the notice of intent to be placed on their Department of Natural Resources' website and published in a newspaper of general circulation. Agencies are indemnified if they follow state statutes and are not negligent in their actions. WA state has comprehensive due process/notification requirements. Detailed information is in Appendix C.

   Once a vessel meets the definition of abandoned or derelict, a notice should be posted on the vessel with an intent to gain custody. The notice should include the following information: who is taking custody, why the vessel was or is being removed, how to appeal the seizure, who is responsible for the costs involved with the seizure, how to prevent the vessels seizure or how to retrieve the vessel after seizure, and the timeline or deadlines in the process.

   Notices could be sent to the owners on record, as well as published via the web, newspaper, and other media outlets.

   Washington State has due process requirements that could serve as a model.

4. **Empower agencies to dispose of ADVs in publicly beneficial ways**.

   An agency should have the broad ability to sell, deconstruct, recycle or use the vessel in a way that provides the best public benefit. Statutes and policy should not encourage or prioritize the sale of removed vessels regardless of condition to discourage the possibility of the same vessel being abandoned or derelict multiple times under multiple owners. If deconstructed, it should be in the most environmentally friendly process possible while keeping costs in mind. Typically, funds garnered from a vessel, either through selling or recycling, are used to reimburse the agency that removed the vessel, with any remainder going into a fund for future vessel removals.

5. **Ensure that the agency with removal authority can remove any vessel, whether commercial or recreational.**

Decisions regarding removal should be based on a vessel's current condition and situation, not on its as-built intended use and/or ownership status. The following situation in Washington illustrates how it can be accomplished.

USCG 41' vessel taken into custody by WA State DVRP. Photo: WA State DNR DVRP

Washington Dept. of Natural Resources (DNR) Derelict Vessel Removal Program (DVRP) posted notice on and took into custody a former USCG 41' utility vessel that was legally owned by the US Bureau of Indian Affairs. After taking custody, WA DNR DVRP sold the vessel and the funds were deposited into the Derelict Vessel Removal Account. The USCG vessel posed the same threat to human safety and the environment that a similarly sized recreational vessel posed. The DVRP had jurisdiction over State Owned Aquatic Lands and the vessel met the definition of abandoned, so Washington State statutes gave WA DNR DVRP authority to remove and sell the vessel, provided they follow the legal notice requirements. The vessel's as-built intended use was not a consideration when determining its current condition and situation.

All vessels deteriorate and eventually pose the same risk to human safety and the environment, so their current condition and situation should be the only removal priority criterion.

Most commercial vessels are sold for private recreational purposes, or they drop off registration rolls once their maintenance and seaworthiness is cost prohibitive. However, most states still regard them as commercial. It is the vessel's current threat, not its past intended use, that should be the criteria by which its removal should be considered.

6. **Empower private property owners.**
   Private property owners should be empowered to declare vessels abandoned or derelict and subject to removal because damage caused by ADVs will not be limited to the private property. Many contaminants from ADVs migrate by ocean currents and sediment movement or via the food chain.[9] Removing a vessel early prevents many contaminates from entering the environment and giving property owners options will help prevent larger environmental impacts.

7. **Extend ticketing authority to state agencies to enforce vessel registration and other aquatic laws.**
   Authority to enforce vessel registration and related aquatic laws should be extended to all appropriate state agency personnel.

[9] https://defenders.org/sites/default/files/publications/buoying_wa_response_abandoned_derelict_vessels.pdf, 21JUN19

Section IV. Prevention

Overview

Preventing new ADVs from being added to an already large inventory of legacy ADVs is one of the biggest challenges faced by jurisdictions. The problem of ADVs is not static; as vessels continue to age, more vessels are at risk of sinking. There are many reasons vessels become abandoned or derelict, all of which should be factored into a comprehensive and effective prevention program. These include (but are not limited to):

- aging and weathering
- vulnerability to neglect
- technological changes
- owner inability to keep up with maintenance costs
- maintenance costs exceeding the commercial value of the vessel
- damage following an incident exceeding the value of the vessel
- federal or state sponsored fishery reduction and fishery disaster relief programs that render a vessel's original purpose obsolete

Case Study: *F/V Western*

In 2014, the *F/V Western*, a former crabbing vessel, was denied moorage at the Port of Coos Bay, OR due to its condition. The boat continued to anchor unauthorized in Coos Bay; battered by storms and beaching at least twice, it finally sank in 2015 near a busy navigation channel in sensitive fish and invertebrate habitat. While floating, the 69.9 ft long, 78 gross ton, wood-hulled vessel from 1934 would have cost $30,000 to remove; once sank, it cost $95,000. *Photo: Global Diving and Salvage.*

Gaps in ADV Prevention (Key Findings from White Paper)

The ADV White Paper identified the following gaps in West Coast states' current efforts to prevent the occurrence of new ADVs:

- Lack of vessel registration requirements for both recreational and commercial vessels
- Lack of insurance requirements, especially for wreck removal
- Lack of vessel turn-in programs for vessels in serious disrepair

A comprehensive ADV prevention program would include the following elements:

- Registration system
- Database of ADVs
- Insurance requirements
- Vessel turn-in program

Recommendations

1. **Establish a vessel registration system, including fees and adequate enforcement, for both recreational and commercial vessels.**

   States should establish a vessel registration system, including fees and adequate enforcement, for both recreational and commercial vessels. An effective vessel registration system would be similar to that currently used for oil and tire disposal. Vessels, both recreational and commercial, could be required to register like motor vehicles and renew on an annual basis. Registration fees could be collected for both recreation and commercial vessels on an annual basis. While Washington state has the most established program for registration revenue collection, the criteria for subjecting commercial vessels should be expanded. For example, WA does not include large container ships that do one port of call per year; instead, they have some criteria to focus on commercial vessels that spend more time in the state.

   Registration also provides an opportunity to collect a fee to fund an ADV program (see Section VII: Funding).

2. **Establish a comprehensive database to track and (potentially*) prioritize ADVs.**

   Identifying vessels of concern and developing and maintaining a comprehensive database of these identified vessels is one of the most important aspects of prevention.

   States should develop robust tracking systems for vessels of concern that include location, condition assessment, and (to help with disposal decisions) prioritization. Ranking/ prioritizing the vessels for state-funded removal is important in order to stretch limited resources. However, prioritization should be approached with care, as it can have unintended consequences in terms of local authorities being able to remove ADVs (for example, if they do not show up as a priority on a state-wide list). Local authorities should therefore be involved in state ranking/prioritization processes.

   Vessels should be prioritized based on risk, impact, and ease of removal. Local entities should be involved in the prioritization process. It is not unreasonable to prioritize removal of multiple lower risk vessels if it can be done for the same cost as removal of a single mid or higher risk vessel since it represents the largest reduction in the overall threat from ADVs.

   The process for identifying and reporting ADVs should be seamless and allow for immediate reporting from the field. This could take the form of either a free mobile app or a hotline. The reporting process should include a consistent set of questions to gather as much information about the vessel as possible for the initial reporter. However, it is unlikely that the initial reporter will be able to fully assess the pollution risk posed by vessels nor should the process encourage the public to board or enter ADVs. The hosting agency also needs to be aware that while a vessel may appear abandoned to the reporting party, the vessel owner may not agree. Tracking ADVs is a related but separate subject from vessel ownership and seizure.

Coordinating, tracking, and prioritizing vessels of concern throughout each state and geographic area will usually result in more timely removal, thus lowering vessel removal and disposal costs, pollution concerns, liability, and risks to navigation.

Requiring marina/moorage owners to collect and maintain vessel and owner information for annual submittal to the state titling and registration authority or the state agency that authorizes the marina/moorage activity (i.e. leasing program) is also important.

Key elements of a comprehensive database include:

- An online reporting form that could be created and housed with whichever entity makes sense for that state. Alternatively, a reporting form could be submitted with the annual rent and insurance certificate to the state agency that is in charge of the lease.

The benefits of establishing this database include:

- Creating and maintaining a database to record and track vessels of concern is a proactive approach to plan for future pollution problems and will assist agencies in preparing/planning for potential cleanups.
- Since removal costs are often three times more for sunken vessels than removal of floating vessels, addressing vessels prior to them sinking results in less cost for removal.

Maintaining an accurate and comprehensive database requires a coordinated effort among local, state and federal agencies, as well as marinas and Ports.

Regarding insurance

Insurance is a complex and nuanced topic, with numerous policy types and policy exclusions. The following recommendations are intended to reduce or limit the risk of ADVs to the public, state agency authorizing leasing activities, marina owners, and vessel owners.

3. **Require wreck removal insurance above the value of the vessel for both recreational and commercial vessels.**

   For Marina Operators

   Most marina owners are required by the state leasing program to have commercial general liability insurance. However, commercial liability insurance does not cover wreck removal. Marina owners may (but don't necessarily) acquire insurance policies that provide wreck removal coverage, such as Marina Operators' Legal Liability coverage. Most marinas do not require insurance from slip renters either, although they could apply more stringent conditions to vessel owners prior to renting a slip or moorage.

   Washington is an exception, as there have been some cases where commercial liability insurance does cover wreck removal – specifically, because the sunk vessel violates state

law (RCW 79.100.110). Therefore, marina owners could be required to obtain Marina Operators' Legal Liability, which covers wreck removal costs.

Marina Operators' Legal Liability policies cover a marina operator's legal liability for loss or damage to vessels in their care, custody and control, which may include a third-party wreck removal clause. The specific coverage limit will need to be determined by each state, but depending on the size of the marina, limits may range between $5 and $10 million. One consideration for determining the coverage amount could be the size of the marina and the number of slips it contains. The larger the marina and the more vessels it has, the higher the likelihood that one may become an ADV.

If marinas are located on state-owned land, which they often are, they are responsible for everything within their state leasehold by a legally binding contract. As such, marina operators should also have pollution coverage to better protect them from sudden or accidental discharge of oil and hazardous waste, especially if gas is dispensed on site for fueling. Again, while limits will need to be determined by each state authority, a $10 million limit may be advisable for larger marinas.

For Vessel Owners

While not all states currently require individual vessel owners to obtain insurance, they should do so. Numerous insurance packages exist that are designed to protect individual vessel owners, regardless of vessel type, such as Protection and Indemnity Insurance. This type of insurance covers wreck removal costs above the value of the vessel. Hull and Machinery insurance covers the property value of the vessel. Regardless of the package, it is important to ensure that the wreck removal clause is part of the insurance coverage policy. Coverage for this type of policy should start at $1 million and go up to $5 million as needed.

While this will not help vessel owners who obfuscate ownership and abandon their vessels, it would help owners responsibly dispose of vessels when wrecked instead of leaving them abandoned on beaches and shorelines due to high removal costs.

4. **Require surety or performance bonds for vessel removal and repair.**

Requiring surety or performance bonds for vessel removal and repair will limit risk exposure for marina owners. Several Ports now require bonds (e.g. the Port of Astoria in Oregon) for vessel repair work at their moorages due to the increased risk associated with these vessels. The cost of the bond is passed on to slip renters making bond requirements financially attainable. Bonding may also result in better management by marina staff since they would incur an actual annual associated cost. Bonding makes active management of all vessels within a moorage a priority for marina staff. State leasing program staff could strongly encourage marina and port owners to require bonds or insurance to prevent ADVs.

The Port of Port Townsend (WA) requires a vessel to have insurance or a bond before they will haul it out for maintenance in their yard. The Port of Bremerton (WA) requires tenants to name the Port on the insurance policy so the Port will be notified if the insurance is canceled. This in turn would cancel the vessel owner's tenancy.

5. **Require surety bonds for those lessees that are conducting marine industrial activities such as fish processing, vessel repair, and emergency response with larger ocean-going vessels such as barges and tugs.**

   Any issues that arise with those types of vessels or that type of activity may cost more and be more difficult to dispose of due to fuel tank size; the likelihood of bunker C fuel being present; and/or the presence of lead, PCB's, asbestos, and other hazardous waste due to either vessel age and history or disposal logistics.

6. **Implement a bond requirement for commercial vessels for disposal costs during initial construction and registration.**

   Large, commercial ADVs are initially built by large, financially established, for-profit companies. As they age, vessels are often sold or given to progressively smaller and smaller companies and entities, until eventually the owner is unable to pay for vessel upkeep and it becomes derelict. By requiring the initial owner, who profits from the vessel, to help pay for its eventual disposal, vessels are less likely to become derelict and require government funded removals.

7. **Establish Secondary Liability laws for older and larger vessels and require a vessel survey to assess seaworthiness of all larger and older vessels[10] prior to vessel sales.**

   States should establish secondary liability laws for larger and older vessels. When these vessels are sold, the seller would maintain secondary liability for a specified period of time in the event it comes derelict. This would prevent large unseaworthy vessels from being sold to unsuspecting and financially insolvent buyers for trivial amounts (e.g. a 90' tugboat for $100).

   If the vessel is not determined seaworthy and the cost to make it so is more than the value of the vessel, then the vessel may only be scrapped or repaired. If it sold or transferred anyway, the seller may be liable if the vessel becomes abandoned or derelict in the future. In those situations, a state program could also require proof of financial responsibility of the new owner to take on a liability of such a vessel, either in the form of a bond or insurance covering reasonable response, deconstruction, and disposal.

   Washington is the only West Coast state with secondary liability requirements, and also serves as a good model for establishing requirements for seaworthiness. Currently, Washington's secondary liability law pertains to vessels 65 feet or over, but WA DNR is proposing to lower it to 35 feet to capture a larger number of vessels that pose a significant threat of becoming derelict or abandoned. Once vessels reach about 35 feet, they are too large to trailer and are likely to be in the water more permanently than smaller vessels.[11]

   Details of WA State's secondary liability law are in Appendix D.

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[10] 65 feet and 40 years old are suggested limits by Workgroup participants.

[11] Pers Comm., Troy Wood, Director, WA State DNR ADV Program

8. **Establish a Vessel Turn-In Program**.

Vessel Turn-in Programs, or VTiPs, enable the state agency with ADV authority to dismantle vessels that do not yet satisfy the definition of "derelict" or "abandoned", but are likely to become derelict or abandoned in the near future. This keeps future ADVs from entering the pipeline and can significantly reduce costs. Currently, WA and CA are the only states on the West Coast with vessel turn-in programs. In both states, however, only recreational vessels are currently included.

Washington's VTiP was established in 2014 and allows vessel owners and marina operators to apply to WA DNR to have their vessels selected for the program. Disposal is free if vessels are selected. WA DNR's program received over 100 applications in its first two years. Where appropriate, the program helped owners find new homes for their vessels, keeping them out of the waste stream. The program destroyed broken-down vessels, avoiding thousands of dollars in future emergency response costs.

A VTiP program can remove vessels at a small fraction of the cost compared to when they are abandoned.

Regarding lease terms at marinas

9. **Reduce lease-period terms.**[12]

States should reduce lease-period terms. Currently, states have very different lease terms for activities on state-owned lands and waters; it may be important for each authority to look at reducing lease period terms. Shorter leasing duration terms could result in more knowledge of lease activities and ensuring resources exist for comprehensive site visits as renewal terms would be more frequent which may trigger lessee visits. Together, these actions could prevent problems at marinas and other lease sites before they start.

Oregon currently has 15-year leases, making frequent compliance checks difficult. Site visits may result in awareness of problems that have existed for some time. Due to this, the state of Oregon enacted a policy that site visits must occur at least once every three years. Still, if lease duration terms were reduced, tenants of concern could be potentially easier to remove, as contract renewal is not guaranteed. Limiting lease duration may prevent problematic tenants, as it is likely less legally problematic to not renew a lease than to terminate an active contract early.

WA DNR has recently switched to shorter lease terms, with an option to negotiate longer terms based on the needs of individual lease holders. Shorter leases are preferred to update newly developed tenant compliance requirements.

10. **Limit or place restrictions on state government auctioning off or surplussing their own old vessels.**

[12] Workgroup members have suggested five years.

State agencies have their own fleet of vessels that get surplussed or auctioned off, often at extremely low prices. Many of these vessels are in dilapidated conditions and should be permanently retired from the water. Restrictions and limitations should be set so that these agencies are leading by example and are not contributing to the ADV problem.

This practice is fairly common (for example, CA OSPR was required to auction off one its older vessels) and can result in even more abandoned and derelict vessels needing to be addressed. WA is a good example of establishing restrictions on selling vessels (see RCW 47.01.470 and 47.01.47).

Section V. Public Outreach and Education

Overview

Public outreach, education and engagement is a fundamental component of a comprehensive ADV program. Effective outreach and education can help reduce and prevent ADV by raising awareness, encouraging compliance and preventive behaviors, and engaging the public with the issue at the local level.

Gaps in ADV Public Outreach and Education (Key Findings from ADV White Paper)

Key findings from the White Paper on the topic of public outreach and education elements of ADV programs include:

- None of the ADV programs within the Task Force jurisdictions have a comprehensive public outreach/education component.
- Task Force jurisdictions currently rely on websites, social media, printed materials, and speaking engagements for ADV outreach and education. See Appendix F for a list of all Task Force jurisdictions' ADV websites.
- Most ADV programs do not conduct target audience research necessary to ensure effective outreach campaigns.
- Most programs rely heavily on partnerships with local municipalities and organizations for public engagement on ADV issues (such as the Alaska Marine Safety Education Association).
- There are numerous stand-alone outreach/education efforts that support certain aspects of ADV programs, such as vessel turn-in programs; etc.
- NOAA's marine debris program is a go-to resource for funding ADV outreach and education efforts, as well as informing the development of outreach strategies and tactics.

Recommendations

1. **Develop a comprehensive, strategic ADV stakeholder outreach and engagement plan.**

All Task Force jurisdictions already have outreach/education elements related to ADVs, such as California's successful Dockwalker program. However, no jurisdictions have a comprehensive program addressing all aspects of ADV prevention, removal and deconstruction. A comprehensive plan that covers all of these aspects is crucial. Such a plan would include, at a minimum:

a. Goals and objectives of outreach program.
b. Stakeholder/audience identification and research using stakeholder mapping tools and conducting focus groups, surveys, and interviews.
c. Key messages for each target audience.
d. Outreach tactics and strategies, based on principles of social marketing and behavior change, designed for each target audience, to include (but not limited to):
    i. Written materials such as fact sheets and brochures that reflect ADV basic facts (scope and scale of the problem, etc.), location of disposal facilities and disposal options, relevant rules and regulations, reporting requirements and mechanisms.
    ii. Website that provides "one stop shopping" for all information about the program, including but not limited to: laws, grant opportunities, case studies and interesting stories, prevention information, compelling data (such as scope and scale of ADV problem), insurance requirements and vessel turn-in-program information.
    iii. Social media.
    iv. Leveraging ADV stories, especially on topics such as removals, turn-in events, and problem ADVs.
    v. Host community-wide ADV removal events to leverage the cost of a single mobilization of contractor(s).
        a) This can include vessel turn-in programs as part of ADV prevention as well as gathering locally abandoned vessels from shorelines and harbors for bulk deconstruction and disposal.
e. Reporting mechanisms.
f. Timeline for implementation.
g. Deliverables.
h. Evaluation. Increase accountability and effectiveness by including quantitative and qualitative evaluation in the plan.

NOAA's marine debris action plans for WA, OR, CA and HI have a wealth of relevant information for the development of comprehensive outreach and engagement programs and can be found here: https://marinedebris.noaa.gov/emergency-response-guides-and-regional-action-plans#pub-term-145

These stand-alone programs can serve as the building blocks for developing a comprehensive program.

2. **Build on/expand the numerous outreach/education programs already advanced by the Task Force's Pacific Oil Spill Prevention Education Team (POSPET), and in place within Task Force jurisdictions.**

   Numerous outreach programs are already in place across Task Force jurisdictions that are related to ADVs. For example, POSPET has been leading the highly successful SPILLS 911 campaign since the early 90s, in which member entities receive signage, brochures, and other materials for distribution/display in marinas across the west coast.

   California's Dockwalker program[13] has been extremely effective at reaching recreational vessel owners to prevent small spills, and is looked to by most other jurisdictions as a model. With a few additional resources, this program could be expanded to include ADV education materials.

Section VI. Removal and Deconstruction

Overview

Properly removing and disposing of ADVs is the most resource-intensive aspect of addressing them. A large number of complicated, expensive, and carefully orchestrated steps must come together for a vessel to be prepared for removal, removed, and then disposed of. Some of these steps include:

- legally seizing the vessel and any personal property
- cleaning up pollution
- procuring funding for removal and disposal
- securing permits for where and how the vessel may be deconstructed
- dealing with complex disposal logistics

Each of these steps presents its own challenges and obstacles that take considerable planning, coordination, technical and contracting expertise, and funding.

The F/V River Queen, a 1922 former 230-foot automobile ferry, was too degraded to be safely towed. Due to its size, it had to be partially deconstructed on water in order to fit in a dry dock for safe transport. The only available dry dock large enough was located in Washington state, further increasing costs. *Photo: OR Dept of State Lands*

Gaps in ADV Removal and Deconstruction (Key findings from ADV White Paper)

While smaller recreation vessels can be put on a trailer and taken to a landfill, larger vessels and sunken vessels pose a much greater challenge. For large commercial or sunken vessels,

[13] https://dbw.parks.ca.gov/?page_id=29199

challenges include contracting; liability during removal; unanticipated project expansion (e.g. additional vessels or pollutants are discovered during removal); logistics of on-site deconstruction; shipyard availability; and permitting at both the removal *and* the deconstruction sites. Permitting can be especially challenging if there are no permanently permitted facilities for deconstructing large commercial vessels.

If dry docks are not available or are not large enough for the vessel, then shipbreaking activities must occur in the water. This can further complicate matters as it often requires local, regional, and multi-state agency approval.

As mentioned in the "Authorities" section, USCG will often assist when oil or hazardous materials are involved. Even when there is a threat of an oil spill rather than an active release, they can access the Oil Spill Liability Trust Fund. These funds, however, are limited to addressing the pollution threat only. Once the oil is removed, the USCG is obligated to cease involvement, even after deploying a crane barge to lift a vessel. In such instances, they may put the vessel back in the water, even though they have already incurred significant expenses to raise it.

During deconstruction, disposing hazardous and solid waste is an additional obstacle. Such waste may contain lead, PCB-laden paint, bunker C fuel, and asbestos. Local disposal sites may not be permitted to accept this type of waste, which means they must be trucked or barged elsewhere, sometimes to neighboring states. All of this requires careful planning, permitting, and additional disposal funds, as well as liability protection for responding agencies and cleanup operations.

The cost of vessel removal is highly variable depending on the size and age of the vessel and its location, among other criteria. Small recreation vessels may cost only a few hundred dollars, while commercial vessels requiring a dry dock may exceed over $1 million. Due to this wide range of costs, state agencies are often left deciding between removing numerous small boats or removing a single large commercial vessel with their limited funds. Further, once a vessel sinks, removal costs can be up to ten times the estimated cost when the vessel was floating.

Case Study: *Challenger*

The Tug Challenger, a 96-foot WWII tugboat owned by a local artist, sank in Gastineau Channel, Juneau Alaska, February 2016. The tug was deconstructed at a location of opportunity and cost the federal government over $2 million. *Photo: Michael Penn, Juneau Empire*

Recommendations

1. **Publish and maintain a list of qualified (licensed, bonded, insured) vessel removal/recycling contractors.**

State agencies could publish and maintain a list of qualified (licensed, bonded, insured) vessel removal/recycling contractors and establish a state-wide price agreement. Washington State already has such a list, which could serve as a model.

Flat-rate contracts through each state's head contracting agency allowing pre-approved and vetted contractors would save time and potentially attract a larger pool of candidates. While state agencies may directly contract with a source, procurement rule limits often impede their ability to do so. This often results in states needing to go through a formal Request for Proposal (RFP) process, which is labor-intensive and often yields no bids and meanwhile worsening condition for the vessel of concern. If the central administrative agency approves and vets a list of contractors, it could expand the contractor list and the number or type of projects they may support. A streamlined direct approach would especially help in emergency situations or with smaller vessel removal. The state of California has emergency contracting procedures which can be tapped in instances such as that described above. These emergency procedures could also be modeled by other west coast jurisdictions.

2. **Ensure that responding agencies are covered with liability protection.**
   States should ensure that responding agencies involved in cleanup operations have adequate liability protection.

3. **Encourage development of temporary permitted facilities for vessel deconstruction, including large commercial vessels.**

   Long-term permitted facilities help prevent delays in procuring approval for shipbreaking activities at non-permitted or ad hoc locations. They also provide better environmental protection through hazardous materials management.

4. **Coordinate with USCG to establish a practice of "passing" contractors from USCG employment during the *pollution control phase of a response*, to state or local control for the *vessel salvage and deconstruction phase*.**

   Using the equipment already deployed with federal funding during the pollution control phase will help reduce mobilization costs for state and local agencies during the deconstruction phase. This has already been done for small vessels in some instances and the practice could be expanded.

5. **Plan targeted local ADV removal events to leverage the cost of a single mobilization of contractor(s).**

   This will allow for efficient gathering of abandoned vessels from a small defined area for bulk deconstruction and disposal.

6. **Establish safe and secure shore-side vessel storage and identify secure and appropriate places for vessels to be stockpiled for bulk deconstruction and disposal.**

States should establish safe and secure shore-side vessel storage and identify secure and appropriate places for vessels to be stockpiled for bulk deconstruction and disposal. This ensures that necessary shipments of oil waste to a landfill for disposal can be timed with local shipping fluctuations to take advantage of empty return barges or trucks, which are often available at lower rates.

With the restriction of EPA's Ocean Dumping Permit requirements, ADVs are most often deconstructed and disposed of in landfills. However, it isn't uncommon for the nearest landfill to be too small to accept the volume of waste associated with vessel deconstruction, even for relatively small vessels. This is especially true in Alaska, where communities are not always connected by roadways, which makes shipment of solid waste extremely expensive. Local governments should consider encouraging negotiation of a reduced rate at the community landfill for deconstruction and disposal of vessels before they sink. This is especially true in communities where the landfill is government owned and operated.

This can significantly reduce the costs for contractors to clean and deconstruct vessels for mobilization. Site security is an important consideration to ensure that stockpiled vessels, especially if stored whole, do not attract dumping of trash or hazardous materials, or individuals looking for shelter.

7. **Establish a vessel recycling waste stream pilot project.**

Vessel recycling shows promise both as an environmentally responsible method of disposal for ADVs, as well as an economic resource for rural communities. Some states have successfully used wood and fiberglass waste as fuel for concrete and paper mill plants. Other endeavors have begun using wood and fiberglass waste as fiber material in new composite items like barriers, light poles, and manhole covers.

Rhode Island is exploring the feasibility of using fiberglass from vessels to heat kilns for fired cement. WA DNR is currently requesting an appropriation of about $150,000 from the state legislature to conduct a pilot project to create a vessel recycling waste stream. The project would find possible streams and test their viability with actual vessels. If the project is successful, it could serve as a model elsewhere.

States should support pilot programs or research about other creative disposal options to reduce the waste stream associated with this issue.

To reduce pollution risk, vessels should only be stockpiled once hazardous materials, especially liquids, have been removed. Older vessels and larger commercial vessels are much more likely to have other hazardous materials onboard including lead and PCB-laden paint and asbestos. Many landfills are not permitted to accept RCRA or hazardous waste. Shipping hazmat to permitted landfills can substantially increase the cost of disposal.

Section VII. Funding

Overview

Funding is a major obstacle for every Task Force jurisdiction. The specific funding obstacles include:

- Funding to address legacy ADVs, e.g., the stockpile of ADVs that each jurisdiction currently has as a result of the complexity of the issue and the lack of funds to remove them as they become abandoned and derelict.
- Funding to address new ADVs on an annual basis within each jurisdiction.

The issue is further complicated by the huge difference in costs to remove recreational versus commercial ADVs, both legacy and new. The average cost to remove a recreational vessel, based on data from Washington and California, is approximately $3,000. The cost to remove a large, sunken commercial vessel can reach well over $1 million. Appendix E reflects Washington State's appropriated funds for their Derelict Vessel Removal Program (DVRP) each biennium and is a good indicator of the costs of running such programs.
Most jurisdictions have no dedicated ADV funding at all, and very few have funding to address both recreational *and* commercial ADVs. Therefore, developing an adequate ADV funding mechanism is complex, and requires that both legacy *and* new ADVs are addressed, as well as commercial *and* recreational ADVs.

Further complicating the issue is that most jurisdictions do not currently have comprehensive inventories of the scope and scale of their ADV problems. One jurisdiction that has begun to get a handle on it is California, which has conducted a detailed inventory of the Sacramento/San Joaquin Delta. Based on this inventory, and using average known removal and disposal costs, California estimates that **$30 million is needed to remove the 52 existing, known commercial ADVs in the Sacramento/San Joaquin Delta**.

Given that commercial vessels are abandoned in this area at a rate of 1-2 per year, **approximately $4 million is needed *on an annual basis*.**[14] Proposed prevention actions may reduce this need in the future.

In summary, large initial sums of money are needed to address the backlog of legacy ADVs, and smaller sums will be needed to address new ADVs on an annual basis. The need for ongoing funding could be minimized with effective vessel turn-in programs and other preventative measures. (*See Section IV: Prevention*)

Gaps in ADV Funding (Key Findings of ADV White Paper)

- Washington, Oregon, and California all provide some state funds to local or state agencies for vessel removal; however, there are requirements that the lead agency pay for the removal up front and seek reimbursement later. This limits participation, excluding communities that cannot afford the initial costs.

[14] This estimate is based on the average costs for removal and disposal and the scope of the ADV problem in the state.

- Removal costs are highly variable, with a distribution heavily skewed toward relatively inexpensive removals. A small, floating recreational boat that can be put on a trailer and hauled to a dump may cost as little as $100 to remove. As vessels get larger and cannot be put on a trailer or sinks, the removal costs increase by several orders of magnitude.
- The average cost to remove a recreational vessel, based on data from Washington and California, is about $3,000. The cost to remove a large, sunken commercial vessel can reach over $1 million.

Recommendations

Recommendations for Task Force jurisdictions to develop sustainable funding for their ADV programs reflect three categories: amounts, structure, and sources.

Funding amounts

1. **Establish sufficient funds to address both recreational and commercial ADVs. This fund should address both legacy and future ADVs.**

   An annual budget is recommended to immediately begin a response to legacy ADVs already identified as high risk or active threats for pollution, waterway safety or traffic, or public safety. The budget should be adjusted up or down as the scope of the problem is better documented. It is likely to take up to a decade to fully address legacy ADVs.

   Following a 5 to 10-year effort to eliminate legacy ADVs, jurisdictions should expect to need $1-$5 million annually to remove new ADVs.

   In jurisdictions that have data about legacy and new ADVs, a simple formula to establish an initial, adequate funding pot, is:

   [($3,000 x average # of recreational vessels abandoned each year) + ($1 million x average number of commercial vessels abandoned each year)] + [($3,000 x # of legacy recreational vessels) + ($1 million x number of legacy commercial vessels)] (adjusted for inflation annually)

   Once the legacy ADVs have been addressed, the formula can revert to:

   [($3,000 x average # of recreational vessels abandoned each year) + ($1 million x average number of commercial vessels abandoned each year)] (adjusted for inflation annually)

   Note: In Alaska, given the remoteness of its shorelines and harbors, average removal and disposal costs are likely 1.5 to 2 times that of the averages listed above.

Funding structures

2. **Establish a quick and flexible mechanism for moving funds from the state to the agencies.**

Establish a process to move state funds to the local level as quickly as possible. ADV removal is frequently a matter of urgency; therefore, the process of allocating state funds must be reliable and efficient. Do not require local agencies to front t
later. Establish a mechanism for the state to distribute funds quickly and upfront if needed. However, also allow for reimbursement if the local agency moves first.

3. **Develop a program that requires the companies that built, and make profit, from commercial vessels finance some or all of the future disposal of the vessel.**

   States should develop programs that requires the companies that built, and make profit, from commercial vessels finance some or all of the future disposal of the vessel.

   The common story across the country is commercial vessels are built by profitable and financially capable companies and sold on to progressively smaller, and often less financially capable, owners. Ultimately, we find formally commercial vessels owned by individuals or small businesses ill-suited to deal with the liability and cost of deconstruction and disposal of such vessels. This type of program would be best suited at the federal level to ensure compliance regardless of vessels crossing state lines. Barring that it is possible for adjacent states to enter reciprocal agreements supporting similar programs in multiple individual states.

In 2014 and 2015, the USCG spent $90,000 responding to the Black Kite and Black Hawk, two 122' tugs found derelict and drifting in San Francisco Bay, and then found sinking at the dock. The tugs reverted to the City of Richmond, who used the US Federal Marshals to auction them. The Black Kite was sold for $1 to a local artist. Within months of the sale, both California and the USCG were responding to the threat of an oil spill from the vessel. *Photo: USCG*

Funding sources

4. **Establish a reliable annual funding mechanism.**

   Some revenue-generating alternatives include:

   1. Washington collects ADV funds from vessel registration, $800,000 annually from their approximate 250,000 recreational vessels and 1,700 commercial vessels. Recreational vessels are charged a $3 fee per year while commercial vessels are charged $1/linear foot per year.
   2. California collects ADV funds from a marine fuel surcharge, thus apportioning payment based on vessel use, not vessel ownership.
   3. Other states use annual appropriations of general funds, or funds associated with clean water programs.

Other

5. **Allow government agencies to seek cost recovery from financially-viable responsible parties.**

States (or local entities in some instances) need the authority to recover the costs of government-funded vessel removal efforts from the current, and potentially past, vessel owners.

Funding for VTiPs could come from leasing activity fees; non-compliance vessel information reporting fines, and gas taxes. A per gallon fee on marine diesel sales could help fund the program so larger and more active boats pay a larger fee than smaller or less used boats creating a "pay to play" system. California raises about $2 million per year through fuel surcharges on marine fuel which helps fund their vessel turn-in program.

6. **Establish a mechanism for local law enforcement agencies to be funded or compensated for time and equipment needed to enforce vessel registration and aquatic laws, and to issue civil penalties.**

   Enforcement of current laws would reduce the number of derelict and abandoned vessels. There is limited capacity in local law enforcement to conduct this enforcement.

7. **Allow states agencies to issue grants[15] to local law enforcement agencies to compensate for time and expenses related to ADV cleanup.**

Section IX: Recommendations for Federal Partners

Table 2 includes a summary of recommendations that the Task Force has identified for federal agencies. These recommendations include changes to existing federal laws and agency rules that contribute to ADV problem for west coast states and are recommended in order to more effectively partner and collaborate to comprehensively address ADVs across the west coast states.

Table 2. Recommendations for Federal Partners

Topic	Issue	Recommendation
Applicable Agency: Multiple		
Surplus / auction off old vessels.	The federal government surpluses and auctions off vessels from its fleet as well as seized vessels, often at extremely low prices. Many of these vessels are in dilapidated condition and should be permanently retired from the water. As illustrated by the case of the *Black Kite* (see insert at right), these vessels often become ADVs because new owners cannot keep up with expensive maintenance and repairs. Restrictions and limitations should be set so that federal agencies are leaders in preventing ADVs, rather than contributors to the problem.	1. Establish requirements of new owners buying used federal vessels, such as proof of insurance and bonds, and proof of financial resources to address maintenance needs.

[15] $20,000-$50,000 is recommended by the Workgroup

Topic	Issue	Recommendation
Dedicate federal funding to support state ADV programs.	The problem of ADVs is growing across all west coast states. It is increasingly expensive and complicated to address and requires multiple authorities and coordination efforts to tackle. Existing state funding is currently insufficient. The federal government has a significant source of funding in the OSLTF and provides some very limited funding to state ADV programs via the Marine Debris Removal grant program.	2. Provide dedicated federal funding to support states in their efforts to address ADVs.
Applicable Agency: USCG		
Modify the vessel adrift rule.	To alleviate an undue burden on private moorage facilities, the USCG should deposit vessels under tow to the nearest public safe haven. Current rule (4.1.6.5 – Safe Haven Considerations) tows disabled vessels to the nearest safe haven and salvages them there. The assumption is that the nearest haven is willing to accept the vessel and is in contact with the USCG. Instead, parties are often surprised to find vessels moored at their facility with no recourse, as the vessel owner is frequently unknown.	3. Create a policy to prevent derelict vessels.
Streamline contractor response during ADV response phase transition (federal to state/local).	Using the equipment already deployed with federal funding during the pollution control phase will help reduce mobilization costs for state and local agencies during the deconstruction phase. Transitioning contractors has already been done in some instances for small vessels and the practice could be expanded.	4. Establish a policy of "passing" contractors from USCG employment after the *pollution control phase of a response* to state or local control for the *vessel salvage and deconstruction phase*.
Expand Oil Spill Liability Trust Fund (OSLTF) funding beyond the pollution phase to include for removal and disposal.	The USCG can access OSLTF funding and mobilize significant resources for the pollution response phase of an ADV situation. However, their authority frequently ends once the pollution is removed, leaving ADVs in place for state and local authorities to address. This practice, referred to as "catch and release", is extremely inefficient and expensive.	5. In instances where the USCG accesses the OSLTF for the pollution response phase of an ADV, these funds should also be available for the removal and disposal phase.
USCG vehicle documentation and flyover photos of vessels.	USCG vehicle documentation and flyover photos of vessels should also include vessel location. This information is not currently shared with states.	6. Use USCG vessel data and provide to state(s) for their own inventory, GIS layer, enforcement, etc.

Section X: Next Steps

Once the Blue-ribbon program is finalized, the Task Force will engage its numerous partners in conversations about how best to implement the recommendations. This may include some or all of the following activities:

- Meet with individual federal agencies to discuss federal recommendations and next steps.
- Host a round-table with ADV experts to discuss the Blue-ribbon program's recommendations and map a path forward for implementing the recommendations
- Develop a cohesive ADV outreach and education program that can be tailored by each jurisdiction's individual ADV program and program elements. This could include (but not be limited to) developing a suite of "Spills 911"-type outreach materials for distribution to recreational vessel owners via existing networks and programs (such as Dockwalkers), and developing outreach materials for state legislators and others in key positions to help implement recommendations in this report.
- Report on implementation/results.

APPENDICES

A. Definitions

For the purposes of this document, the following terms are defined.

Abandoned - the legal condition of the vessel, in terms of ownership.

Aquatic lands - means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

Aquatic land custodian - owner or lessee of the aquatic land either fresh or salt water.

Bunker C Fuel - the residual oil left over after the lighter, more volatile products (gasoline, #2 diesel, natural gas) are distilled out of the crude oil.

Commercial vessel - is defined by the United States Coast Guard as any vessel (i.e. boat or ship) engaged in commercial trade or that carries passengers for hire.

Commercial/Recreational - the original intent of the vessel usage as built (e.g. an old tug converted to a houseboat would be a commercial vessel).

Derelict - the physical condition of the vessel, in terms of seaworthiness.

Financial responsibility - refers to the proof or demonstration that a responsible party is able to pay for the costs and damages of a spill up to a specified amount. Typically, financial responsibility is evidenced by an insurance policy or Pollution and Indemnity (P&I) club documents, but also may involve surety bonds, guarantees, letters of credit, or qualification for self-insurance.

Recreational vessel - meets? every description of non-commercial watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. This does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

Seaworthy - means that a vessel and its equipment are physically fit and in full working order, able to encounter and withstand the ordinary perils of the sea during its contemplated use, and suitable for its intended purpose.

Secondary liability - refers to the responsibility of a person or entity that arises when the party directly liable fails to perform a duty.

B. Summary Table of Recommendations for States

#	RECOMMENDATION	Examples of effective programs (if applicable)	Resources (if applicable)
AUTHORITY			
1	Ensure broad responsibilities within ADV programs.	WA State DNR - Derelict Vessel Removal Program (DVRP).	
2	Empower local (e.g. county, city, Ports, etc.) authorities to remove ADVs.		
3	Mandate adherence to due process.	WA State Statute	https://pccharbormasters.org/wp-content/uploads/2016/11/derelict-vessel-removal-troy-wood-wa-dnr.pdf
4	Empower agencies to dispose of ADVs in publicly beneficial ways.		
5	Ensure that the agency with removal authority can remove any vessel, whether commercial or recreational	WA State DNR- DVRP	
6	Empower private property owners to declare vessels abandoned or derelict.		
7	Extend ticketing authority to state agencies to enforce vessel registration and other aquatic laws.		
PREVENTION			
1	Establish a vessel registration system, including fees and adequate enforcement, for both recreational and commercial vessels	WA State DNR - DVRP	
2	Establish a comprehensive database to track and (potentially) prioritize ADVs		

PREVENTION			
3	Require wreck removal insurance above the value of the vessel for both recreational and commercial vessels.	WA State DNR - DVRP	RCW 79.100.110.
4	Require surety or performance bonds for vessel removal and repair.	Port of Port Townsend (WA) and Port of Bremerton (WA)	
5	Require surety bonds for those lessees that are conducting marine industrial activities such as fish processing, vessel repair, and emergency response with larger ocean-going vessels such as barges and tugs.	CA and WA	
6	Implement a bond requirement for commercial vessels for disposal costs during initial construction and registration.		
7	Establish Secondary Liability laws for vessels larger vessels and require a vessel survey to assess seaworthiness of all larger and older vessels prior to vessel sales.	WA State Statute.	RWC 79.100.040 (See Appendix D).
8	Establish a vessel turn-in program.	WA State DNR and CA State Parks Division of Boating and Waterways (DBW)	
9	Reduce lease-period terms.	WA DNR	
10	Limit or place restrictions on state government auctioning off or surplussing their own old vessels.		
PUBLIC OUTREACH AND EDUCATION			
1	Develop a comprehensive, strategic ADV stakeholder outreach and engagement plan.	NOAA Marine Debris Action Plans for WA, OR, CA and HI	
2	Build on/expand the numerous outreach/education programs already advanced by the Task Force's Pacific Oil Spill Prevention Education Team (POSPET), and in place within Task Force jurisdictions.		

REMOVAL AND DECONSTRUCTION			
1	Publish and maintain a list of qualified (licensed, bonded, insured) vessel removal/recycling contractors.	WA and CA	
2	Ensure that responding agencies are covered with liability protection.		
3	Encourage development of temporary permitted facilities for vessel deconstruction, including large commercial vessels		
4	Coordinate with USCG to establish a practice of "passing" contractors from USCG employment during the pollution control phase of a response, to state or local control for the vessel salvage and deconstruction phase.		
5	Plan targeted local ADV removal events to leverage the cost of a single mobilization of contractor(s).		
6	Establish safe and secure shore-side vessel storage and identify secure and appropriate places for vessels to be stockpiled for bulk deconstruction and disposal.		
7	Establish a vessel recycling waste stream pilot project.	Rhode Island and WA DNR.	
FUNDING			
1	Establish sufficient funds to address both recreational and commercial ADVs. This fund should address both legacy and future ADVs.		
2	Establish a quick and flexible mechanism for moving funds from the state to the agencies.		
3	Develop a program that requires the companies that built, and make profit, from commercial vessels finance some or all of the future disposal		

FUNDING			
4	Establish a reliable annual funding mechanism.	WA DNR; CA DBW.	
5	Allow government agencies to seek cost recovery from financially-viable responsible parties.	CA DBW.	
6	Establish a mechanism for local law enforcement agencies to be funded or compensated for time and equipment needed to enforce vessel registration and aquatic laws, and to issue civil penalties.		
7	Allow states agencies to issue grants to local law enforcement agencies to compensate for time and expenses related to ADV cleanup.		

C. WA State's Due Process Requirements

Legal notice requirements:
(Process overview – not comprehensive):

1. Day 0 – place a notice on the vessel and send a copy to DNR so we can place it on the department's website.
2. Day 1 to 7 – Letter of intent to gain custody sent by both registered and regular mail addresses to last registered owner(s) and any lien holder(s) on record.
3. Day 10 to 20 – publish once, a notice, in a newspaper of general circulation for the county in which the vessel was found.
4. Owner Liability. If the owner does not take action to remove a vessel declared derelict or abandoned, he or she may be liable for costs such as:
    a. Administrative costs incurred in the custody action.
    b. Removal and disposal costs.
    c. Costs associated with environmental damages directly or indirectly caused by the vessel.
5. The owner **may also be subject to a criminal misdemeanor** charge for causing a vessel to become abandoned or derelict.

RWC 79.100.040 - An authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lienholders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3) (a) Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel:

i. Is in immediate danger of sinking, breaking up, or blocking navigational channels; or

ii. Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

D. WA State's Secondary Liability Insurance Information

WA State Agencies must title and register vessels prior to selling them. The registration requirement makes the State Agencies subject to the transfer law and its secondary liability.
RCW 79.100.150
Transfer of certain vessels—Vessel inspection—Secondary liability.

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:
    (a) More than sixty-five feet in length and more than forty years old; and
    (b) Either:
        1. Is registered or required to be registered under chapter 88.02 RCW; or
        2. Is listed or required to be listed under chapter 84.40 RCW.

(2) If the vessel inspection determines the vessel is not seaworthy and the value of the vessel is less than the anticipated costs required to return the vessel to seaworthiness, then the vessel owner may not sell or transfer ownership of the vessel unless:
    (a) The vessel is repaired to a seaworthy state prior to the transfer of ownership; or
    (b) The vessel is sold for scrap, restoration, salvage, or another use that will remove the vessel from state waters to a person displaying a business license issued under RCW 19.02.070 that a reasonable person in the seller's position would believe has the capability and intent to do based on factors that may include the buyer's facilities, resources, documented intent, and relevant history.

(3) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(4) Unless rules adopted by the department provide otherwise, the vessel inspection required under this section must be contained in a formal marine survey conducted by a third party to the transaction. The survey must include, at a minimum, a conclusion relating to the seaworthiness of the vessel, an estimate of the vessel's fair market value, and, if applicable, an estimate as to the anticipated cost of repairs necessary to return the vessel to seaworthiness.

(5) The department may, by rule, allow other forms of vessel condition determinations, such as United States coast guard certificates of inspection, to replace the requirements for a formal marine survey under this section.

(6) Failure to comply with the requirements of this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(7) Nothing in this section prevents a vessel owner from removing, dismantling, and lawfully disposing of any vessel lawfully under the vessel owner's control.

RCW 47.01.475
Transfer of ownership of department-owned vessel—Further requirements.

(1) Following the inspection required under RCW 47.01.470 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:
    (a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2) (a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(c) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(d) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

RCW 79.100.060

Reimbursement for costs.

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability for an abandoned or derelict vessel under this chapter or RCW 88.26.030, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under this chapter or RCW 88.26.030, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

E. WA State: Appropriated Funds for the DVRP, per biennium

Table 3

Biennium	DVRA	Additional Appropriation	Number of APE Reimbursements	Reimbursement Total Cost	Average Reimbursement Cost
03-05	$1,028,000.00	$0.00	11	$144,659.12	$13,150.83
05-07	$1,037,000.00	$0.00	55	$555,635.31	$10,102.46
07-09	$1,554,000.00	$3,000,000.00	53	$1,016,956.96	$19,187.87
09-11	$1,045,800.00	$765,000.00	32	$211,835.00	$6,619.84
11-13	$1,645,800.00	$3,000,000.00	43	$318,421.65	$7,405.15
13-15	$1,602,200.00	$4,828,955.00	27	$232,902.38	$8,626.01
15-17	$1,930,000.00	$0.00	35	$504,850.24	$14,424.29
17-19	$1,946,000.00	$0.00	70	$1,240,136.50	$17,716.24
19-21	$2,001,000.00	$2,500,000.00			

Table 4: Summary of Revenue Proposals

Options	*% of Excise Tax*	*Rec vessel fee*	*Comm vessel per/ft*	*Biennial total*
1	14%	$3	$1	$6,179,592
2	13%	$3	$3	$6,201,112
3	12%	$3.50	$3	$6,127,444
4	12%	$3.50	$2	$5,955,444
5	11%	$4	$3	$6,053,776

F. Links to ADV websites for Task Force jurisdictions

JURISDICTION	WEBSITE	FOCUS/CONTENT
Alaska	http://www.alaskaharbors.org/Derelict-Vessels	Laws, registration, reporting.
	http://www.alaskacleanharbors.org/derelict-vessels/	Laws, task force work, reporting, case studies, news.
Washington	https://www.dnr.wa.gov/derelict-vessels	Laws, funding, removals, requirements, reporting, vessel turn-in program, inventory. Brochure.[16]
Oregon	https://www.oregon.gov/osmb/boater-info/Pages/Abandoned-Derelict-Boats.aspx	Definition, prevention, reporting, removal, funding, recycling, turn-in grants, commercial ADV task force.
California	https://dbw.parks.ca.gov/?page_id=28816	Grants, turn-in program, disposal, recycling/dismantling, clean boating, laws, salvage, publications. Poster (.doc).[17] Fact sheet.[18]
	https://www.slc.ca.gov/abandoned-vessels-program/	Laws, news, removal, stories.
Hawai'i	https://dlnr.hawaii.gov/marine-debris/	Marine debris – reporting, tsunami, invasive species, volunteering, news.

[16] https://www.dnr.wa.gov/publications/aq_derelict_vessel_broch.pdf
[17] https://dbw.parks.ca.gov/pages/28702/files/8.5x11 interactive IS YOUR BOAT AN ANCHOR POSTER.docx
[18] https://dbw.parks.ca.gov/pages/28702/files/2014dbw_vtip_weblayout.pdf

Washington	Oregon
Lead state agency on ADVs = Department of Natural Resources	Statutes related to ADVs are housed in Small Watercraft (Chapter 830) but several state agencies collaborate
It is a criminal misdemeanor to cause a boat to become abandoned or derelict ($1000 fine, up to year in jail)	It is a Class A violation to fail to remove an abandoned or derelict vessel after notice is given ($440)
DNR registers both recreational and commercial vessels	The OSMB does not register commercial vessels
$3 from each recreational boat registration, and $1 per foot for each commercial boat registration goes into an ADV account.	The OSMB can set aside no more than $150K per biennium; DSL does not have a dedicated fund for ADVs
RCW 53.08.320: marina can take possession a vessel w/o a lien. It's "abandoned" 90 days after notice. Proceeds from any sale must go to back moorage, and any surplus goes to ADV account. If no sale, title goes to marina. These rules must be conspicuously posted at marina. (Must hold auction)	The only method for a private marina to take possession is by attaching and then foreclosing a possessory lien.
If a Port wants to take custody of a boat that had a moorage agreement, they must use the process above, which takes at least 90 days. (If a transient boat becomes abandoned or derelict in their facility, they can follow public process, which takes approximately 30 days)	A Port can use the public process to seize any abandoned or derelict boat in their facility, even if it's a tenant's boat.
If a Port takes custody of a tenant's abandoned or derelict boat, an auction MUST be held.	Ports can seize abandoned and derelict boats and dispose of them with no auction
The Vessel Turn in Program is open continuously and anyone can apply. Applications are evaluated, but typically no one is denied as long as there is funding.	The Clean Marina vessel turn-in program (AVRAP) is only available to Clean Marina participants, and only for a limited time
The Vessel Turn In Program applies to the boat's trailer as well.	OSMB has no authority over trailers (they are titled and registered by the DMV)
The Junk Vehicle Affidavit gives LE authority to declare that a boat is junk; property owner must mail notice to titled owner and may dispose of vehicle if there is no response within 15 days. A notarized form must be submitted to DOL, as well as follow up proof of disposal.	The Letter in Lieu of Title allows a private property owner to dispose of a boat after following an owner notification process. This is an internal process and not in statute.
Department of Natural Resources has police officers within the agency	OSMB sponsors marine law enforcement programs and provides training and coordinate; DSL provides financial support to law enforcement
Vessels 35' long and 40+ years old cannot be sold without a marine survey and proof that the buyer has at least 12 months of vessel insurance. If the boat is sold without these things, the seller	Oregon does not prevent the sale of boats based on age, size, or condition. Once a seller releases interest to another party, they retain no liability under any chapter 830 statutes.

remains partially liable if the vessel becomes an ADV. If marine survey determines vessel repair costs are greater than vessel value, vessel may not be sold.	
Certain personnel at several authorized public agencies have authority to cite for expired registration and other boating violations	State employees at OSMB and DSL do not have authority to cite. Sworn law enforcement officers are relied upon for enforcement.
Annual registration fees are approximately $30, plus the vessel excise tax which is 0.005X the fair market value of the boat (Commercial vessels pay a different tax, plus $1/ft for derelict vessel removal)	All registrations are for 2 years. Fee = $5 + $5.95/ft

INFORMATION ITEM – N

DATE:	March 11, 2021
RE:	Sheriff K-9 Training at the Port
TO:	Honorable Board President and Harbor District Board Members
ISSUED BY:	Gary Dehlinger, Port Manager

OVERVIEW

- Sheriff K-9 unit is looking for new places to train. They contacted the Port and would like to do training at the Port.
- Sheriff is asking to use any available building spaces, vessels or grounds to conduct their training.
- Sheriff would not have an issue providing a hold harmless agreement to perform the training on Port property.

DOCUMENTS

- None

INFORMATION ITEM – O

DATE: March 11, 2021

RE: Port Rates 2021-22

TO: Honorable Board President and Harbor District Board Members

ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Each year the Board meets to review Port Rates. Rates are normally raised by at least the CPI percentage or by the standard 5%.
    - Two years ago, the Port raised all non-moorage rates 5%, administration fees were not increased. Moorage rates increased 10% to include power to the base moorage rate and another 2% for maintenance dredging fee.
    - Last year, due to COVID-19, the rates were increased by the CPI amount only, 2.7%. Administration fees were not increased.

- West Region annual CPI for the entire 2019 to 2020 was 1.7%.

- Per Resolution No. 444 Dredging Surcharge, the Port may add 2% to the standard rate increase of 5%.

- Moorage rates comparison to other ports in Oregon and Crescent City was completed.
    - All other ports rates, besides Astoria, include power and water. Astoria charges additional flat fee for power per month or day.
    - Charleston and Astoria moorage rates do not change between recreational and commercial.
    - Newport, Siuslaw and Garibaldi commercial rates are lower than recreational.
    - Crescent City and Salmon Harbor commercial rates are higher than recreational.

- Due to the continued COVID-19 restrictions from the State and the unusually poor fishing season to the commercial and recreational industry, Port staff recommends applying CPI increase to the Port Rates for 2021-22 as noted.
    - Section 1. Service Rates. 1.7% increase rounded to the nearest dollar.
    - Section 2. Boat Yard. Add scheduling routine maintenance through Boat Shop & More. Removed charges must be paid in full prior to launch and maintenance yard days (payment is now handled through the tenant).
    - Sections 3a. 3b. & 3c. Moorage rates increased 1.7%. Add wording "voyage trash" to clarify what trash from the vessels are part of the rates.
    - Section 6. Commercial / Retail. Lease rates increased 1.7%.
    - Section 8. Insurance Certificate Limits. Clarify insurance wording for moorage vessels to match insurance letter requirements. Also want to include insurance for all transient vessels.

DOCUMENTS

- Bureau of Labor Statistics Consumer Price Index, West Region, 2 pages
- Resolution No. 444 Dredging Surcharge, 1 page
- Comparison to other Ports Spreadsheet, 3 pages
- Draft Port Rates 2021-22, 8 pages

Gmail

Kim Boom <accounts@portofbrookingsharbor.com>

RE: [ro9] CPI increase for West Region

1 message

Insco, Matthew - BLS <Insco.Matthew@bls.gov> Fri, Jan 15, 2021 at 3:54 PM
To: "accounts@portofbrookingsharbor.com" <accounts@portofbrookingsharbor.com>

Hi Kim,

Over-the-year percent changes can be accessed by clicking on the "12-month percent changes" link for the West Region on Table 1 of this page:

https://www.bls.gov/regions/west/factsheet/consumer-price-index-data-tables.htm

You will be able to view both a chart and a table. The numbers on the table represent 12-month percent changes.

For example, the 1.5 in the Dec 2020 cell means that from December 2019 to December 2020 the West Region CPI increased 1.5%.

The 1.7 in the Annual 2020 cell means the average increase for the entire 2019 to 2020 was 1.7%.

If there is anything else we can assist with let us know.

Thanks for contacting BLS and have a good weekend,

Matthew Insco

Economist

U.S. Bureau of Labor Statistics

Western Information Office

415.625.2282

BLS Jobs Report: Free monthly webinars

From: Request for West (San Francisco) Information [mailto:labdesk@bls.gov]
Sent: Friday, January 15, 2021 3:46 PM
To: BLSinfoSF <BLSinfoSF@BLS.GOV>
Subject: FW: [ro9] CPI increase for West Region

Bureau of Labor Statistics

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A user has contacted us. Here are the details of their message:

To receive an answer to your West region inquiry, enter the following:

U.S. BUREAU OF LABOR STATISTICS

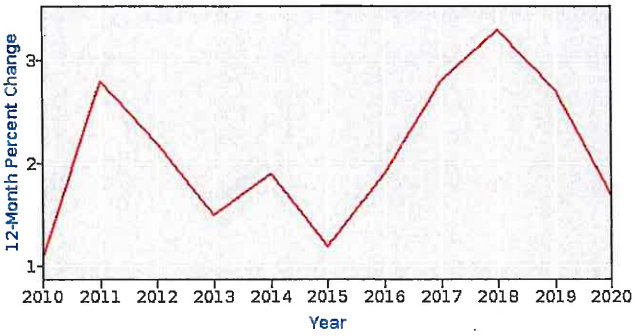
Databases, Tables & Calculators by Subject

Change Output Options: From: 2010 To: 2020 GO
include graphs include annual averages More Formatting Options

Data extracted on: January 15, 2021 (6:57:21 PM)

CPI for All Urban Consumers (CPI-U)

12-Month Percent Change
Series Id: CUUR0400SA0
Not Seasonally Adjusted
Series Title: All items in West urban, all urban consumers, not seasonally adjusted
Area: West
Item: All items
Base Period: 1982-84=100



Download: xlsx

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2010	1.9	1.4	1.6	1.5	1.3	0.6	0.8	0.7	0.5	0.6	0.9	1.3	1.1	1.4	0.8
2011	1.4	1.9	2.6	3.0	3.2	3.1	2.9	3.0	3.5	3.4	3.2	2.7	2.8	2.6	3.1
2012	2.6	2.5	2.4	2.1	2.0	2.0	1.8	2.1	2.2	2.5	1.9	1.7	2.2	2.3	2.0
2013	1.7	2.0	1.5	1.3	1.3	1.5	1.9	1.5	1.3	0.9	1.3	1.8	1.5	1.5	1.4
2014	1.7	1.3	1.5	1.8	2.3	2.3	2.3	2.1	2.0	2.0	1.7	1.3	1.9	1.8	1.9
2015	0.7	0.9	1.1	1.0	1.2	1.1	1.3	1.3	1.0	1.1	1.5	1.8	1.2	1.0	1.3
2016	2.6	2.1	1.5	1.8	1.5	1.6	1.4	1.5	2.0	2.3	2.3	2.5	1.9	1.9	2.0
2017	2.5	3.0	3.1	2.9	2.6	2.5	2.5	2.7	2.9	2.9	3.1	3.1	2.8	2.8	2.9
2018	3.1	3.1	3.2	3.2	3.5	3.6	3.6	3.6	3.4	3.5	3.3	3.1	3.3	3.3	3.4
2019	2.7	2.4	2.4	2.9	2.9	2.7	2.7	2.6	2.6	2.8	2.8	2.8	2.7	2.7	2.7
2020	2.9	3.1	2.5	1.3	0.8	1.2	1.7	1.9	1.6	1.2	1.4	1.5	1.7	1.9	1.5

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001
Telephone:1-202-691-5200_ Federal Relay Service:1-800-877-8339_ www.bls.gov Contact Us

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PORT OF BROOKINGS HARBOR

CURRY COUNTY, OREGON

RESOLUTION NO. 444 (Amended)

A Resolution of the Board of Commissioners for the Port of Brookings Harbor regarding a Dredging Surcharge in addition to the annual rate increase.

WHEREAS, certain studies and permit applications have been completed with regard to the two inner boat basins owned and operated by the Port of Brookings Harbor determining that in excess of 120,000 cubic yards of silt material has accumulated within said basins which needs to be removed to return the basins to their original project depth and

WHEREAS, silt accumulations are and have been negatively affecting the commercial viability of the Port's operations through limiting access to various areas within the project; and

WHEREAS, dredge removal of the silt accumulations is the only feasible method to return the two basins to their original project depth, thereby preserving the commercial viability of the project.

NOW BE IT RESOLVED THAT:

The Port of Brookings Harbor may increase rate(s) at a margin of 2% in addition to the standard annual rate increase of 5% at the discretion of the Port Manager on an annual basis, which monies shall be accumulated to accomplish dredging as needed within the basin(s) in the most cost-effective method possible and as circumstances allow.

ADOPTED by the Port of Brookings Harbor Board of Commissioners on this 17th day of June 2014.

Roy C. Davis, Chairman

ATTEST:

Jim Relaford, Secretary

RECREATIONAL MOORAGE RATE COMPARISON TO OTHER PORTS - 2021

Docks with Power
Daily Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi**	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates	Difference
	Daily	Daily	Daily		Daily		Daily		Daily		Daily		Daily		Daily	
All Lengths	0.67	0.68							0.57	0.11					0.90	(0.22)
20	0.67	0.68	0.95	(0.27)	0.60	0.08	0.70	(0.02)			0.55	0.13	1.00	(0.32)		
21 - 25	0.67	0.68	0.76	(0.08)	0.54	0.14	0.70	(0.02)								
26 - 30	0.67	0.68	0.63	0.05	0.48	0.20	0.70	(0.02)					0.83	(0.15)		
31 and above	0.67	0.68			0.44	0.24	0.84	(0.16)			0.43	0.25				

Docks with Power
Weekly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi**	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates	Difference
	Weekly	Weekly	Weekly		Weekly		Weekly		Weekly		Weekly		Weekly		Weekly	
All Lengths	3.98	4.05							N/A				N/A		5.60	(1.55)
20	3.98	4.05	5.70	(1.65)	2.40	1.65	4.13	(0.08)	N/A		3.30	0.75	N/A			
21 - 25	3.98	4.05	4.56	(0.51)	2.35	1.70	4.13	(0.08)	N/A				N/A			
26 - 30	3.98	4.05	3.80	0.25	2.41	1.64	4.13	(0.08)	N/A				N/A			
31 and above	3.98	4.05			2.33	1.72	5.00	(0.95)	N/A		2.60	1.45	N/A			
									N/A				N/A			

Docks with Power
Monthly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi**	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates	Difference
	Monthly	Monthly	Monthly		Monthly		Monthly		Monthly		Monthly		Monthly		Monthly	
All Lengths	11.95	12.15							8.67	3.48			11.00	1.15	16.70	(4.55)
20	11.95	12.15	14.25	(2.10)	6.60	5.55	13.73	(1.58)			9.90	2.25				
21 - 25	11.95	12.15	11.40	0.75	6.50	5.65	13.73	(1.58)								
26 - 30	11.95	12.15	9.50	2.65	6.64	5.51	13.73	(1.58)								
31 and above	11.95	12.15			6.41	5.74	15.81	(3.66)			7.80	4.35				

Docks with Power
Semi-Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi**	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates	Difference
	Semi-Annual	Semi-Annual	Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual	
All Lengths	27.13	27.59							34.92	(7.33)	N/A		N/A		52.30	(24.71)
20	27.13	27.59	27.50	0.09	21.00	6.59	29.17	(1.58)			N/A		N/A			
21 - 25	27.13	27.59	26.00	1.59	21.04	6.55	29.17	(1.58)			N/A		N/A			
26 - 30	27.13	27.59	30.83	(3.24)	21.70	5.89	29.17	(1.58)			N/A		N/A			
31 and above	27.13	27.59			21.03	6.56	36.54	(8.95)			N/A		N/A			
61 and above	27.13	27.59					25.33	2.26			N/A		N/A			

Docks with Power
Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi**	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates	Difference
	Annual	Annual	Annual		Annual		Annual		Annual		Annual		Annual		Annual	
All Lengths	47.64	48.45							61.92	(13.47)			43.00	5.45	82.05	(33.60)
20	47.64	48.45	39.45	9.00	42.00	6.45					56.50	(8.05)				
21 - 25	47.64	48.45	39.44	9.01	42.04	6.41	41.08	7.37								
26 - 30	47.64	48.45	41.00	7.45	43.39	5.06					53.60	(5.15)				
31 - 60	47.64	48.45			42.03	6.42										
61 and above	47.64	48.45			39.28	9.17					50.00	(1.55)				

In "Difference" column the positive number means our Port rates are higher. Negative numbers means our Port rates are lower.

Astoria* Monthly electrical not included - 30 amp $65 / 50 amp $100

Astoria* Daily electrical not included - 30 amp $5 / 50 amp $10

** Power and water included

*** Power and water included with additional fees for upgrades and service calls

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COMMERCIAL MOORAGE RATE COMPARISON TO OTHER PORTS - 2021

Daily / Transient Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates***	Difference
	Daily	Daily	Daily		Daily		Daily		Daily		Daily		Daily		Daily	
up to 30	0.65	0.66			0.63	0.03	N/A		0.57	0.09	0.55	0.11			0.73	(0.07)
30	0.65	0.66	0.63	0.03	0.48	0.18	N/A		0.57	0.09	0.43	0.23	0.83	(0.17)	0.73	(0.07)
40	0.65	0.66	0.62	0.04	0.38	0.28	N/A		0.57	0.09	0.40	0.26	0.75	(0.09)	0.73	(0.07)
50	0.65	0.66	0.64	0.02	0.38	0.28	N/A		0.57	0.09	0.36	0.30	0.80	(0.14)	0.73	(0.07)
60	0.65	0.66	0.63	0.03	0.32	0.34	N/A		0.57	0.09	0.33	0.33	0.75	(0.09)	0.73	(0.07)
70	0.65	0.66	0.62	0.04	0.27	0.39	N/A		0.57	0.09	0.32	0.34	0.71	(0.05)	0.73	(0.07)
71 or over	0.65	0.66	0.63	0.03	0.26	0.40	N/A		0.57	0.09					0.73	(0.07)

Weekly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates***	Difference
	Weekly	Weekly	Weekly		Weekly		Weekly		Weekly		Weekly		Weekly		Weekly	
up to 30	3.87	3.94			N/A		N/A		N/A		3.30	0.64	N/A		N/A	
30	3.87	3.94	3.80	0.14	N/A		N/A		N/A		2.60	1.34	N/A		N/A	
40	3.87	3.94	3.75	0.19	N/A		N/A		N/A		2.25	1.69	N/A		N/A	
50	3.87	3.94	3.84	0.10	N/A		N/A		N/A		2.40	1.54	N/A		N/A	
60	3.87	3.94	3.80	0.14	N/A		N/A		N/A		2.00	1.94	N/A		N/A	
70	3.87	3.94	3.77	0.17	N/A		N/A		N/A		1.97	1.97	N/A		N/A	

Monthly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates***	Difference
	Monthly	Monthly	Monthly		Monthly		Monthly		Monthly		Monthly		Monthly		Monthly	
up to 30	11.64	11.84			4.08	7.76	N/A		8.67	3.17	9.90	1.94	11.00	0.84	13.08	(1.24)
30	11.64	11.84	9.50	2.34	3.60	8.24	N/A		8.67	3.17	7.80	4.04	11.00	0.84	13.08	(1.24)
40	11.64	11.84	9.50	2.34	3.08	8.76	N/A		8.67	3.17	7.20	4.64	11.00	0.84	13.08	(1.24)
50	11.64	11.84	9.50	2.34	3.28	8.56	N/A		8.67	3.17	6.48	5.36	11.00	0.84	13.08	(1.24)
60	11.64	11.84	9.50	2.34	2.73	9.11	N/A		8.67	3.17	6.00	5.84	11.00	0.84	13.08	(1.24)
70	11.64	11.84	9.50	2.34	2.67	9.17	N/A		8.67	3.17	5.91	5.93	11.00	0.84	13.08	(1.24)

Semi-Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates***	Difference
	Semi-Annual	Semi-Annual	Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual	
up to 30	22.26	22.64			N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)
30	22.26	22.64	35.40	(12.76)	N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)
40	22.26	22.64	35.40	(12.76)	N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)
50	22.26	22.64	35.40	(12.76)	N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)
60	22.26	22.64	35.40	(12.76)	N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)
70	22.26	22.64	35.40	(12.76)	N/A		N/A		34.92	(12.28)	N/A		N/A		47.92	(25.28)

Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City**	Difference	Siuslaw**	Difference	Garibaldi** *	Difference	Charleston**	Difference	Salmon Harbor**	Difference	Astoria*	Difference	Newport FY 2021-22 Rates***	Difference
	Annual	Annual	Annual		Annual		Annual		Annual		Annual		Annual		Annual	
up to 30	39.13	39.80			32.96	6.84			61.92	(22.12)	62.85	(23.05)	43.00	(3.20)	63.89	(24.09)
30	39.13	39.80	63.00	(23.20)	28.30	11.50	34.38	5.42	61.92	(22.12)	58.40	(18.60)	43.00	(3.20)	63.89	(24.09)
40	39.13	39.80	63.00	(23.20)	24.93	14.87	39.38	0.42	61.92	(22.12)	56.18	(16.38)	43.00	(3.20)	63.89	(24.09)
50	39.13	39.80	63.00	(23.20)	24.62	15.18	39.38	0.42	61.92	(22.12)	54.84	(15.04)	43.00	(3.20)	63.89	(24.09)
60	39.13	39.80	63.00	(23.20)	20.52	19.28	39.38	0.42	61.92	(22.12)	53.95	(14.15)	43.00	(3.20)	63.89	(24.09)
70	39.13	39.80	63.00	(23.20)	20.44	19.36	39.38	0.42	61.92	(22.12)	53.31	(13.51)	43.00	(3.20)	63.89	(24.09)

In "Difference" column the positive number means our Port rates are higher. Negative numbers means our Port rates are lower.

Astoria* Monthly electrical not included - 30 amp $95 / 50 amp $125

Astoria* Daily electrical not included - 30 amp $5 / 50 amp $10

** Power and water included

*** Power and water included with additional fees for upgrades and service calls

Crescent City has 5% discount to Vets or seniors 65 and older

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RECREATIONAL MOORAGE RATE COMPARISON TO OTHER PORTS - 2021

DOCKS WITHOUT POWER

Docks without Power
Daily Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City	Difference	Siuslaw	Difference	Garibaldi	Difference	Charleston	Difference	Salmon Harbor	Difference	Newport	Difference
	Daily	Daily	Daily		Daily		Daily		Daily		Daily		Daily	
20	0.64	0.65			0.65	0.00								

Docks without Power
Weekly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City	Difference	Siuslaw	Difference	Garibaldi	Difference	Charleston	Difference	Salmon Harbor	Difference	Newport	Difference
	Weekly	Weekly	Weekly		Weekly		Weekly		Weekly		Weekly		Weekly	
20	3.80	3.86			3.25	0.61								

Docks without Power
Monthly Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City	Difference	Siuslaw	Difference	Garibaldi	Difference	Charleston	Difference	Salmon Harbor	Difference	Newport	Difference
	Monthly	Monthly	Monthly		Monthly		Monthly		Monthly		Monthly		Monthly	
20	11.38	11.57			9.75	1.82								

Docks without Power
Semi-Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City	Difference	Siuslaw	Difference	Garibaldi	Difference	Charleston	Difference	Salmon Harbor	Difference	Newport	Difference
	Semi-Annual	Semi-Annual	Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual		Semi-Annual	
	25.84	26.28			N/A									

Docks without Power
Annual Rates

Boat Length	POBH Current Rate	New POBH Rate CPI Increase 1.7%	Crescent City	Difference	Siuslaw	Difference	Garibaldi	Difference	Charleston	Difference	Salmon Harbor	Difference	Newport	Difference
	Annual	Annual	Annual		Annual		Annual		Annual		Annual		Annual	
20	45.37	46.14			N/A		34.70	11.44						

In "Difference" column the positive number means our Port rates are higher. Negative numbers means our Port rates are lower.

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PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 1. Service Rates

Rates apply to all Port of Brookings Harbor locations unless otherwise noted. Rates become effective July 1, 2021. Port owned equipment to be operated by port personnel. 30-minute minimum on all hourly rates. All port equipment rates include operator.

		FY 2020 Rate	Rounded to nearest dollar FY 2021 Rate
A. Forklift, 5 ton capacity			
per hour	$	64.70	$ 66.00
B. 12 K Telehandler			
per hour	$	129.40	$ 132.00
C. Port Truck			
per hour	$	64.70	$ 66.00
D. Port Boat			
per hour	$	129.40	$ 132.00
E. Boat Pump Out			
per hour	$	107.80	$ 110.00
F. Welding Machine			
per hour	$	64.70	$ 66.00
G. Boat / Trailer Storage			
Fenced Area			
per day	$	3.00	No Change
per month	$	61.00	No Change
H. Gear Storage			
per SF per month	$	0.06	No Change
I. Clean-Up			
Fees will be charged for each man-hour at established rates			
Equipment charges are extra		Time and Materials	No Change
J. Disposal Fees			
1) Waste Oil		No Charge	
2) Oil-Water Mix per gallon		Time and Materials	No Change
3) Net / Gear Disposal			
per pound		Time and Materials	
4) Garbage, per pound		Time and Materials	
K. Port Labor			
1) All Port Labor including administration staff			
per hour	$	100.00	No Change
2) Overtime, any service required outside established working hours			
per hour	$	120.00	No Change
3) Emergency call-out			
Any services requiring a port employee NOT currently on duty to report to duty after hours will be charged twice the normal rate per hour, minimum 1 hour	$	200.00	No Change
L. Permit to Sell Fish from Boat, per year	$	158.00	No Change

M. Outside Crane Use on Port Property

Crane certification per OR/OSHA and Insurance required per Section 9A (Port approval prior to work)

Section 2. Boat Yard

A routine maintenance haul-out or launch is not an emergency. An emergency situation exists only when a vessel is distressed to the degree that it is taking on water at a rate that will cause damage that can be prevented by removing the vessel from the water. All routine vessel maintenance must be scheduled through Boat Shop & More.

~~Haul-out and repair yard charges must be paid in full prior to launch or at the end of each 30 days the vessel remains in the repair yard.~~ Haul-out includes one hour of in strap for boat wash. 1-hour minimum on hourly rates.

~~Yard days may be reduced due to inclement weather by Harbormaster/Port Manager approval.~~ No long term storage rates for boats in the boat yard. All boats in storage yard charged as stated below.

		FY 2020 Rate	FY 2021 Rate
A. Haul Out, 50 ton capacity, 28 foot minimum			
1) Round Trip, per foot			
40 foot and less	$	10.00	No Change
2) greater than 40 foot	$	12.00	No Change
B. Remain In Strap, after 1 hour			
per hour	$	200.00	No Change
C. Lift to Trailer or Vessel Survey / after 1 hour "Remaining in Strap Rate" begins			
half haul out rate			
D. Moving After Being Blocked			
per hour	$	200.00	No Change
E. Yard Days			
First and last day no charge			
per foot per day	$	1.00	No Change
F. Boat Rinse			
per vessel foot, per hour	$	1.50	No Change
G. Port Pressure Washer Equipment Rental (No Port Labor)			
per hour	$	15.00	No Change

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PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 3a. Sport Moorage Rate includes Voyage Trash, Power & Water

Per linear foot. All charges for greater length between dock and boat. *See appendix for calculated rates based on length.
Abuse of utilities will be charged according.

	FY 2020 Rate	FY 2021 Rate
A. Moorage Rate includes Power & Water, per linear foot		
1) Daily	$ 0.67	$ 0.68
2) Weekly	$ 3.98	$ 4.05
3) Calendar Month	$ 11.95	$ 12.16
4) Semi-Annual	$ 27.13	$ 27.59
5) Annual	$ 47.64	$ 48.45
6) ***Live-aboard. Monthly rate by agreement only.***		
a) First person	$ 75.00	No Change
b) Each additional	$ 75.00	No Change
B. Charter Boats		
Charter License per person	$ 50.00	No Change
C. Dock Box		
Purchase (at cost) Plus Port labor to install		
D. Line Replacement, Hourly labor rate, half hour minimum per cost of rope, **plus Port Labor**	Time and Materials	No Change
E. Launch Fee		
1) Daily	$ 5.00	No Change
F. Boat Launch Pass		
1) Annual Boat Launch Pass		
a) Jan - June, to remainder of year	$ 150.00	No Change
b) July - Sept, to remainder of year	$ 100.00	No Change
c) Oct - Dec, to remainder of year	$ 75.00	No Change

Section 3b. Sport Moorage with Voyage Trash and Water Only (No Power)

Per linear foot. All charges for greater length between dock and boat. *See appendix for calculated rates based on length.
Abuse of utilities will be charged according.

A. Moorage, per linear foot		
1) Daily	$ 0.64	$ 0.65
2) Weekly	$ 3.80	$ 3.86
3) Calendar Month	$ 11.38	$ 11.57
4) Semi-Annual	$ 25.84	$ 26.28
5) Annual	$ 45.37	$ 46.14

Section 3c. Commercial and Charter Rates (includes voyage trash, power and water where available)

Per linear foot. All charges for greater length between dock and boat. *See appendix for calculated rates based on length.
Abuse of utilities usage will be charged according.

A. Moorage, per linear foot		
1) Daily	$ 0.65	$ 0.66
2) Weekly	$ 3.87	$ 3.94
3) Calendar Month	$ 11.64	$ 11.83
4) Semi-Annual	$ 22.26	$ 22.63
5) Annual	$ 39.13	$ 39.79

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PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 4. Fuel

Fuel pricing will be adjusted per purchase price. No discounts for credit card or charge purchases. Schedule below is mark-up above fuel purchase price.

		FY 2020 Rate	FY 2021 Rate
A. Diesel, ULSD #2 Marine Blend			
1) Fuel Rate, plus per gallon	$	0.30	No Change
B. 92 Pre Non Ethanol Gasoline			
1) Fuel Rate, plus per gallon	$	1.20	No Change
C. Fueling Over the Dock			
per gallon	$	0.06	No Change

PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 5. RV Park

Reservations can be made online, by phone or in person. (Base Rate, State and County Lodging Tax not Included)

		FY 2020 Rate	FY 2021 Rate
A. Peak Season (Summer), April 1 - October 31			
1) Daily			
• Pull thru full hook-up	$	51.00	No Change
• Back in full hook-up	$	44.00	No Change
• Partial hook-up	$	36.00	No Change
2) Weekly			
• Pull thru full hook-up	$	306.00	No Change
• Back in full hook-up	$	264.00	No Change
• Partial hook-up	$	216.00	No Change
B. Off Season (Winter), November 1 - March 31			
1) Daily			
• Pull thru full hook-up	$	43.00	No Change
• Back in full hook-up	$	37.00	No Change
• Partial hook-up	$	31.00	No Change
2) Weekly			
• Pull thru full hook-up	$	258.00	No Change
• Back in full hook-up	$	222.00	No Change
• Partial hook-up	$	186.00	No Change
C. July 4th Holiday, 3 night minimum			
1) Daily			
• Pull thru full hook-up	$	95.00	No Change
• Back in full hook-up	$	84.00	No Change
• Partial hook-up	$	54.00	No Change
D. Other Holidays, (Labor and Memorial Days 3 night stay min. other holiday are 2 night min.)			
1) Daily			
• Pull thru full hook-up	$	55.00	No Change
• Back in full hook-up	$	46.00	No Change
• Partial hook-up	$	38.00	No Change
D. Laundry Machines - Currently not available			
per load When Available	$	2.00	No Change

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PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 6. Commercial Retail

	FY 2020 Rate	FY 2021 Rate
A. Warehouse - Shop per square foot	$ 0.54	$ 0.55
B. Warehouse - Storage per square foot	$ 0.43	$ 0.44
C. Commercial Docks per square foot	$ 0.68	$ 0.69
D. Surfaced Concrete per square foot	$ 0.54	$ 0.55
E. Surfaced Asphalt per square foot	$ 0.33	No Change
F. Retail Center per square foot	$ 1.16	$ 1.18
G. Bare Ground per square foot	$ 0.08	No Change
H. Port Meeting Room Suite 202 Flat daily rate from 8am to 8pm	$ 50.00	No Change

PORT OF BROOKINGS HARBOR
JULY 1, 2021 to JUNE 30, 2022 RATES

Section 7. Administration Fees

Staff may require payment or deposit in advance of service. (ORS 192.440(4)(a))

		FY 2020 Rate	FY 2021 Rate
A.	Public Records Request Fee Schedule		
	1) Copies of Public Records, Black & White, 8X11, per page	$ 0.25	No Change
	2) Copies of Sound Recordings	$ 10.00	No Change
	3) Copies of Port By-Laws, Codes	$ 20.00	No Change
	4) Copies of Nonstandard documents	Time and Materials	No Change
	5) Attorney Review	at cost	No Change
B.	Research and Computer Time		
	Written request required. Hourly rate, half-hour minimum, under 15 min not charge	$ 35.00	No Change
C.	CD Fee if available	$ 5.00	No Change
D.	Faxes/Emails. Per page		
	1) Local	$ 1.00	No Change
	2) Long Distance	$ 1.50	No Change
	3) Incoming	$ 1.00	No Change
	4) Copies	$ 0.25	No Change
E.	Long Distance Phone Calls	$ 2.00	No Change
F.	Lamination, per page, letter size	$ 2.00	No Change
G.	Notice Posting. For non-payment of lease or moorage	$ 50.00	No Change
H.	Failure to Register. For research related to unregistered boats	$ 25.00	No Change
I.	Returned Check Fee	$ 50.00	No Change
J.	Per Annum Interest Rate. Applied to past due accounts	18%	No Change
K.	POV Mileage Reimbursement Rate (IRS)	Current	No Change
L.	Impound Seizure Fee. Vessel impounding	$ 750.00	No Change
M.	Events on Port Property		No Change
	1) Boardwalk Retail, per day	$ 315.00	No Change
	2) Boardwalk Retail / Parking Lot, per day	$ 630.00	No Change
	3) Kite Field, per day	$ 315.00	No Change
	4) RV Park Picnic Area, per day	$ 131.25	No Change
	5) Parking Lot behind Port Office	$ 315.00	No Change
	6) Parking Lot at Boat Wash	$ 315.00	No Change
	7) Saturday Market, per vender	$ 10.50	No Change
	8) Car Shows, per vehicle	$ 5.25	No Change
N.	Impound Seizure Fee. Car / Truck / Trailer/ RV, plus tow fee	$ 250.00	No Change
O.	Background Check	$ 25.00	No Change
P.	Credit Check	$ 35.00	No Change
Q.	Waiting List Application	$ 75.00	No Change
	1) Annual Renewal	$ 25.00	No Change
R.	Transfer List	$ 25.00	No Change

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Section 8. Insurance Certificate Limits

Effective July 1, 2021. Additional coverages may be required based upon business type and Port's discretion. ***A certificate naming the Port as an additional insured is also required.***

		FY 2020	FY 2021
A. Leases / Tenants			
1) General Liability, Each Occurrence	$	2,000,000.00	No Change
2) Damage to Rented Premises (each occurrence)	$	300,000.00	No Change
3) Medical Expenses (any one person)	$	5,000.00	No Change
4) Personal and Adverse Injury	$	2,000,000.00	No Change
5) General Aggregate	$	2,000,000.00	No Change
6) Products - Comp/Op Aggregate	$	2,000,000.00	No Change
B. Moorage & Transient Vessels - ***Marine-Watercraft with Wreck Removal Policy and Port additional insured***			
1) Commercial Vessels			
a. Marine/Watercraft General Liability*	$	500,000.00	No Change
*Coverage to include wreckage removal and fuel spill liability			
2) Recreational Vessels			
a. Marine/Watercraft General Liability*	$	500,000.00	No Change
*Coverage to include wreckage removal and fuel spill liability			
3) Charter / Guide Vessels			
a. Marine/Watercraft General Liability*	$	500,000.00	No Change
*Coverage to include wreckage removal and fuel spill liability			

Floating Offshore Wind in Oregon

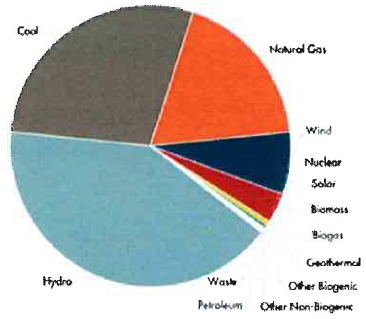
A Briefing for Oregon's Public Ports

Shannon Souza, P.E.
Executive Director
Oregon Coast Energy Alliance Network

OCEAN

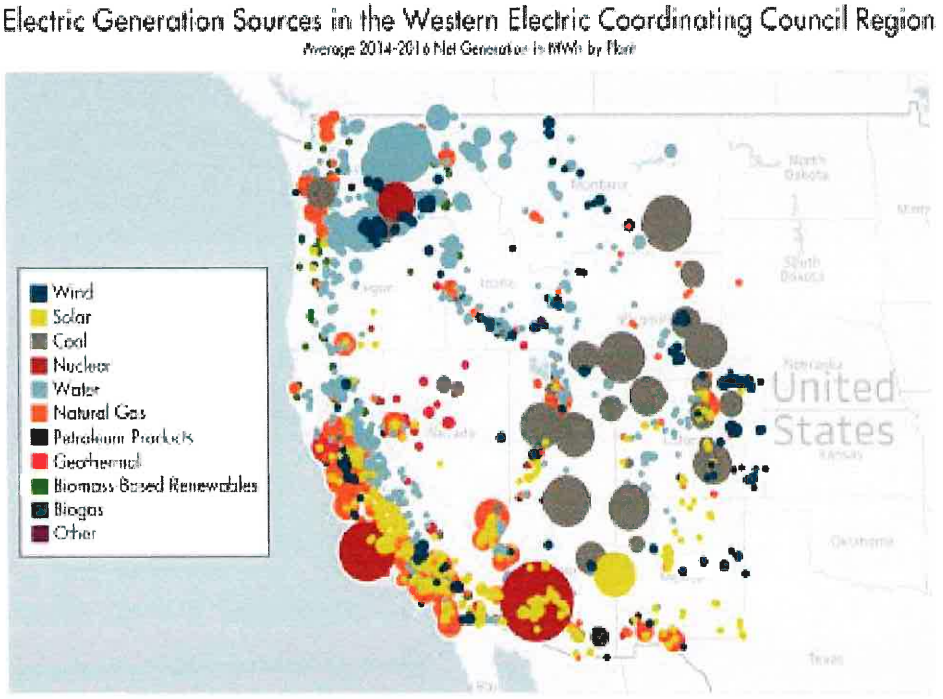
Oregon is an Energy Importer

Electricity



41.1% Hydropower
28.4% Coal
18.5% Natural Gas
7.1% Wind
3.4% Nuclear
.54% Solar
.33% Biomass
.16% Biogas
.12% Geothermal

Where Oregon's Electricity Comes From



OREGON DEPARTMENT OF ENERGY

almost half of which is from non-renewable generation capacity

(100% RPS to the North (Washington) and South (California))

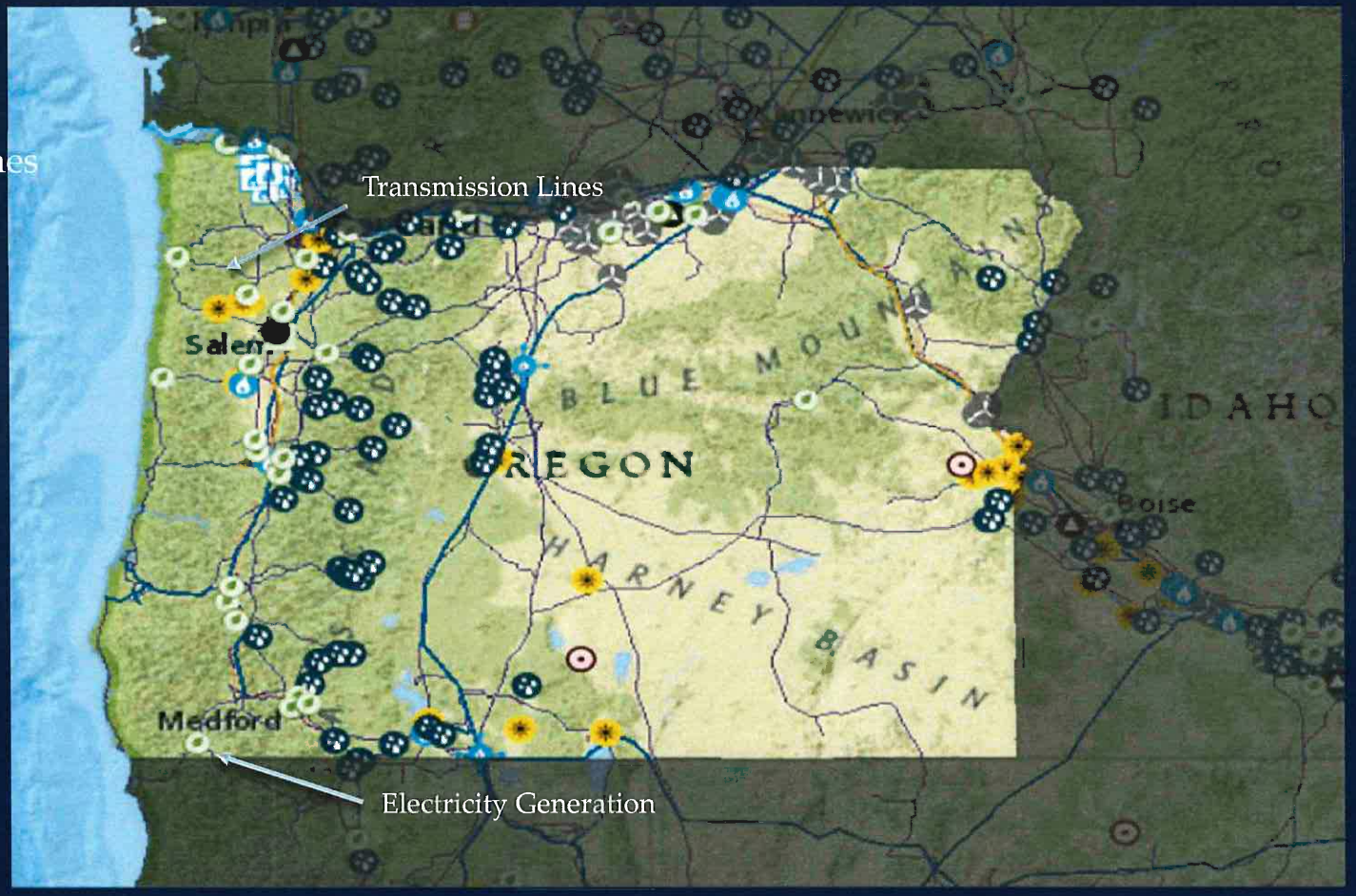
Oregon's Coastal Communities rely on Imported Energy to meet our most basic needs

via

Constrained Transmission Lines

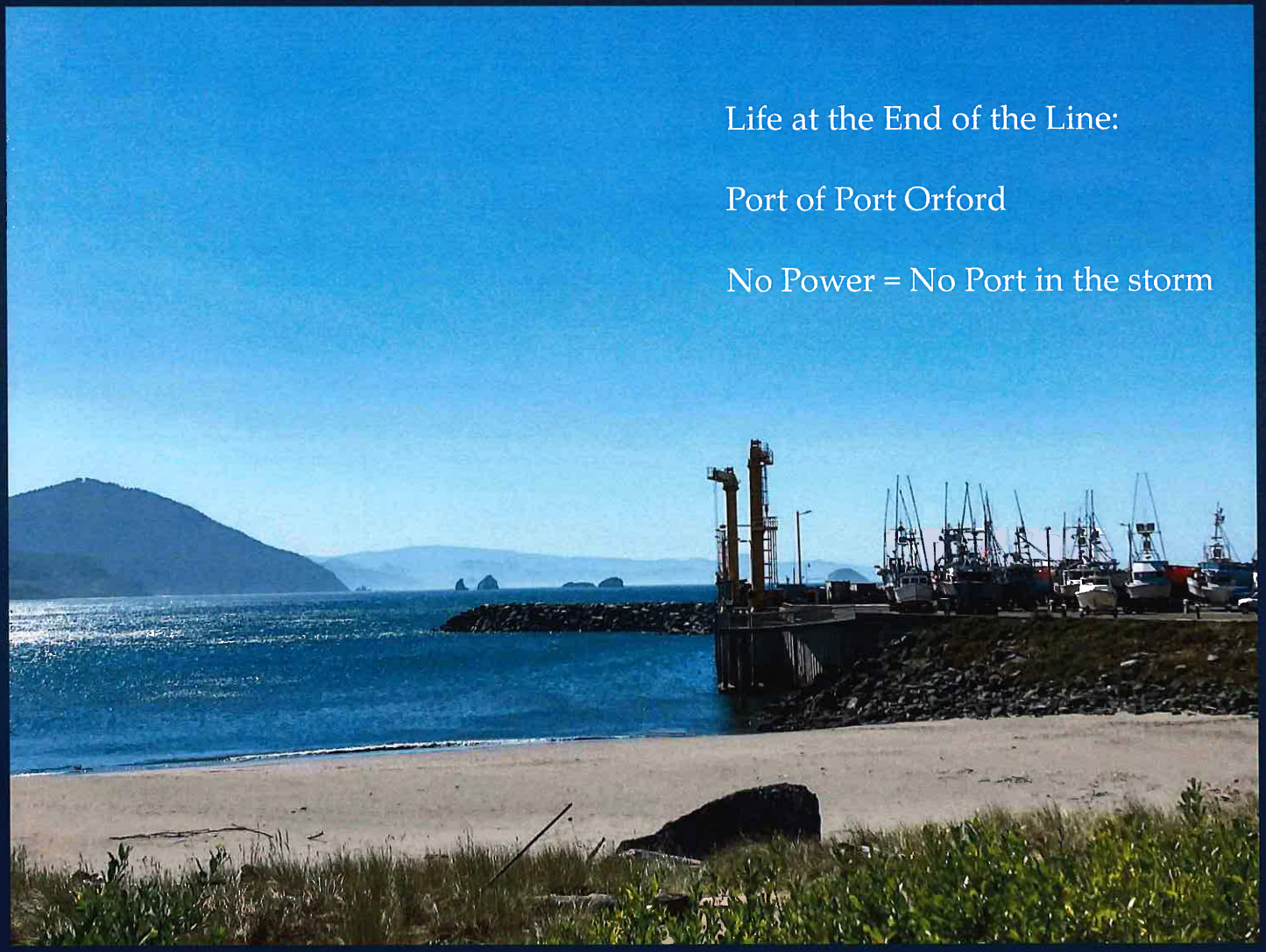
through

Catastrophe Prone Routes

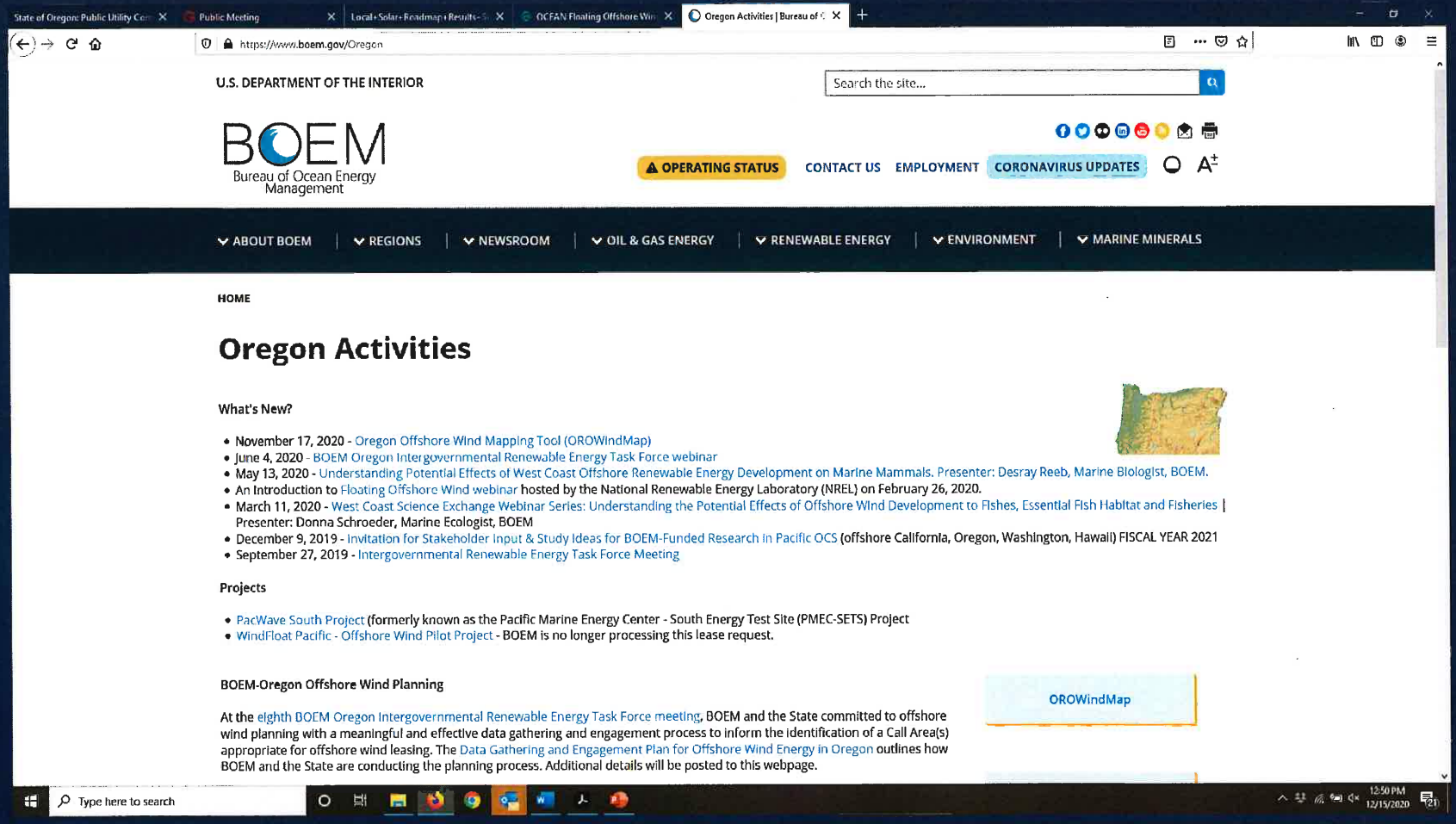


Oregon Coastal Communities are Being Hit First and Hardest by Climate Change

Oregon's Coastal Communities will be without energy for 3-6 months (or longer if the I-5 Corridor populations are impacted) after a Cascadia 9.0 event

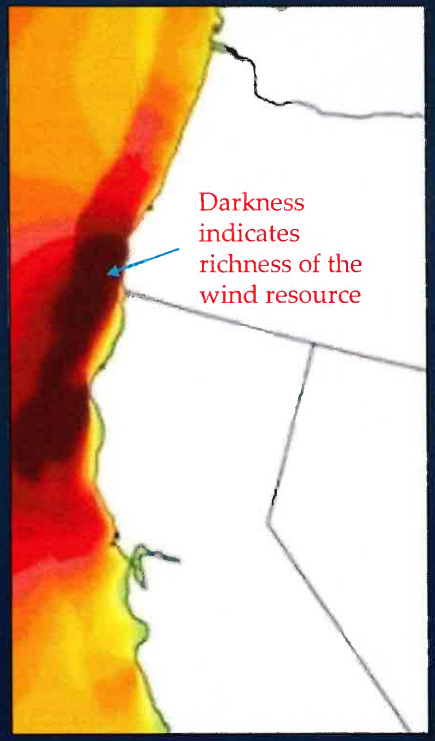

Life at the End of the Line:
Port of Port Orford
No Power = No Port in the storm

We are about one Year away from Bureau of Ocean Energy Management identifying Call areas for Floating OSW developers to bid on



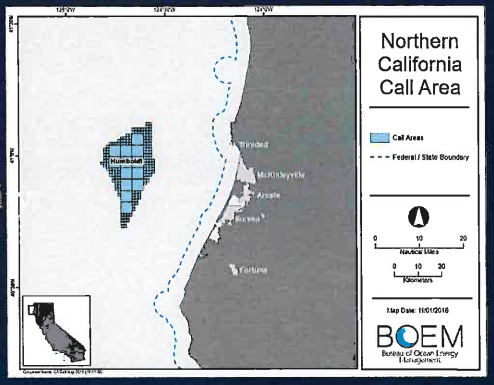
Opportunity:

Both the S. Oregon and N. California Coasts access world class wind resource California is ahead of Oregon in the process but facing Beneficial Use and Transmission barriers



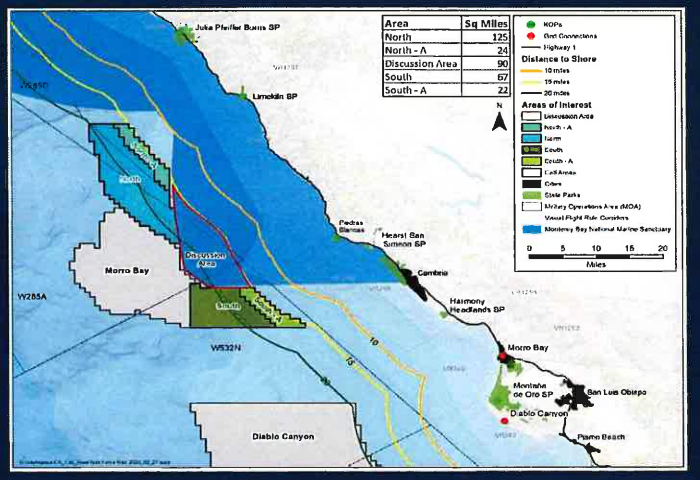
Northern California Call Area:

- Limited transmission network capaci
- Electrically isolated from market



Central California Call Area:

- Close to Market
- Beneficial Use Conflicts:
  - Department of Defense,
  - Marine Sanctuary Commercial Fisheries



Opportunity:
Oregon's Existing Transmission can Accommodate 2-3 GW of floating wind electricity

"Over 2 gigawatts of offshore wind can be carried by current transmission to

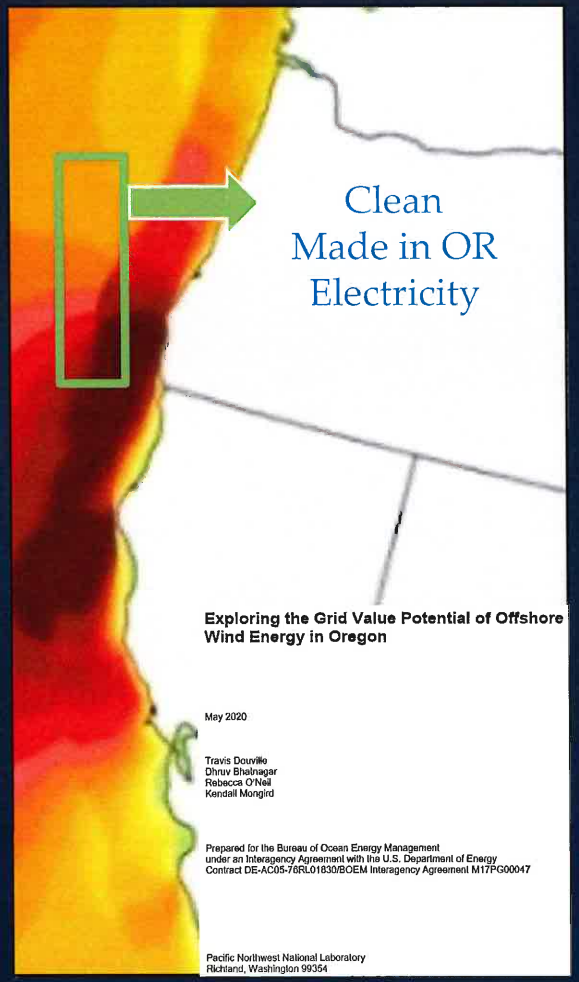
strengthen coastal grids,

allow for additional renewable energy integration from the east,

and reduce power flows into Oregon

without exporting significant power. "

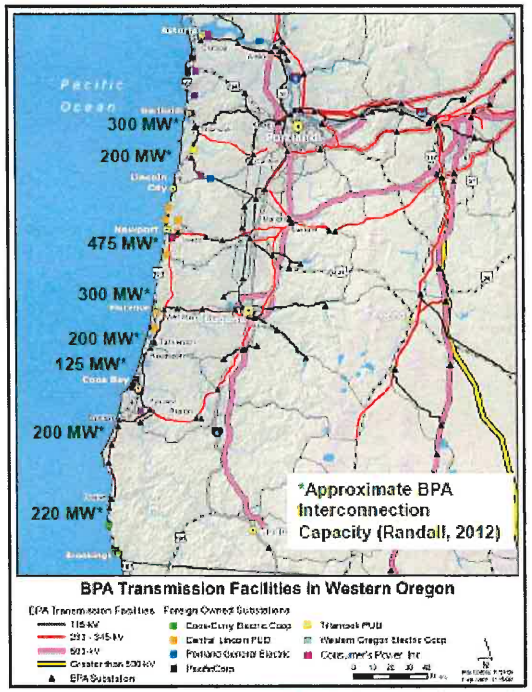
https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/environmental-analysis/BOEM-2020-026.pdf



Pacific Northwest
NATIONAL LABORATORY

Locational Value to Support Isolated Grids

- Power Quality: injection from modern offshore WTGs may stabilize coastal grids
  - Distributed active power injection for frequency response and regulation
  - Reactive power for voltage regulation
  - Fault ride-through
  - Many of these capabilities recently demo'd (CAISO, 2020)
- Resilience benefits
  - Avoided costs of outages
  - Reductions in backup systems
  - Loads which can be served by resilient power, including disaster response
- Reduce power transmission to OR coast
  - 1GW of coastal load frees up coastal transmission to serve additional inland loads



Pacific Energy Ventures (2009)

Pacific Northwest
NATIONAL LABORATORY

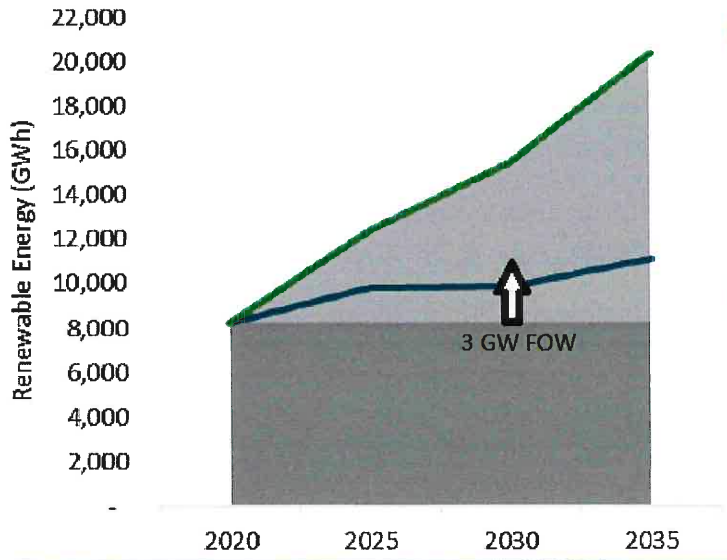
Summary

OSW complements regional clean energy sources

- Consistency of OSW speeds in late summer may benefit constrained hydropower
- OSW could help hydropower balance Gorge wind (and vice versa)
- OSW shows moderate complementarity with solar in winter when loads peak
- OSW indicates similar generation ramp rates to northwest "terrestrial" wind, smoother than WY wind

OSW naturally complements loads better than Northwest onshore wind

- Load complementarity is on par with solar in the winter, particularly for northern OSW locations
- Modest complementarity in the spring and summer
- OSW is largely uncorrelated with loads in the fall



B **High Renewable Demand Scenario**

- *Calculated as all utilities meeting current policy needs with in-state resources but could also reflect increased demand from "Low Demand" scenario due to increase in policies or loads*
- *Not intended to be predictive but to test impacts of higher levels of in-state development*
- *Modeled in Scenarios 1-4*

A **Low Renewable Demand Scenario**

- *COUs meet renewable needs with in-state resources*
- *Pacificorp & PGE procure resources within OR consistent with most recent IRPs (and rely heavily on out-of-state resources)*
- *Modeled only in Scenario 1*

3 GW of Floating OSW provides a substantial contribution to meeting our existing Renewable Portfolio Standard needs with Made in Oregon energy.

3GW of Floating OSW frees up an additional 3 GW of transmission for terrestrial renewable resource development in Eastern and Central Oregon.

500MW of Floating OSW can be converted to Clean, Green Hydrogen to fuel a decarbonized Pacific Maritime & Fishing Sector

2GW of OSW would result in $67M/year in generation savings to utilities in BPA, PGE and PacifiCorp West, mostly through reductions in the use of natural gas and coal from plants out in eastern OR.

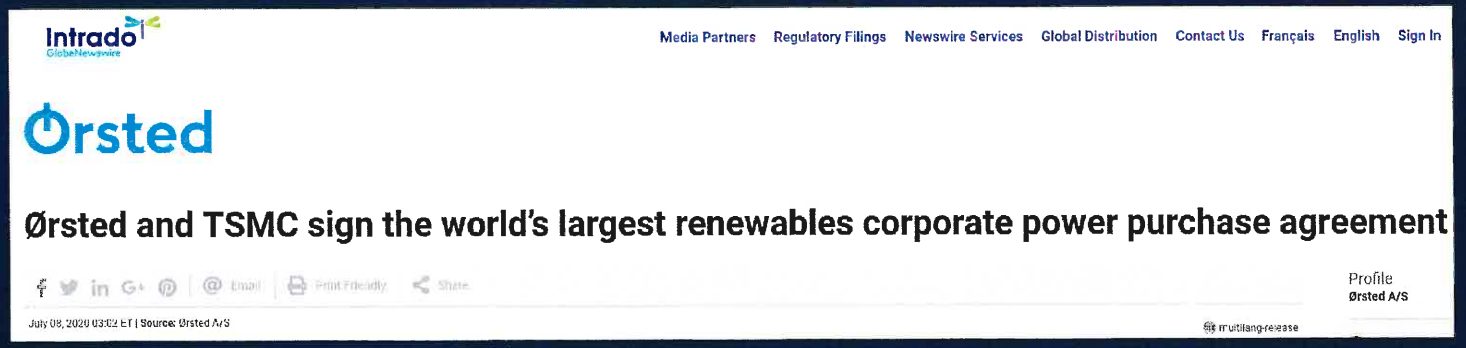
Scenario	Generation Cost ($M)	Average LMP ($/MWh)	CO2 (st)	NOx (st)	SO2 (st)
1 GW OSW	-34.00	-0.92	-704,783	-399	-4.1
2 GW OSW	-67.32	-1.84	-1,332,254	-771	-7.6
3 GW OSW	-85.72	-2.64	-1,667,821	-976	-9.5
4 GW OSW	-92.92	-2.88	-1,793,679	-1,055	-10.2
5 GW OSW	-97.21	-3.04	-1,863,317	-1,116	-10.8
3 GW + EV	-89.68	-3.44	-1,783,355	-1,040	-11.9

Opportunity: Emerging Energy Markets

ENGIE - Our strategy: Making zero-carbon transition possible for corporates and local authorities

To implement this transition, we are offering our most sophisticated customers global solutions: technological, digital and with financing, to reduce energy consumption and improve energy efficiency.

920 MW Power Purchase Agreement for Above Market Price Offtake:

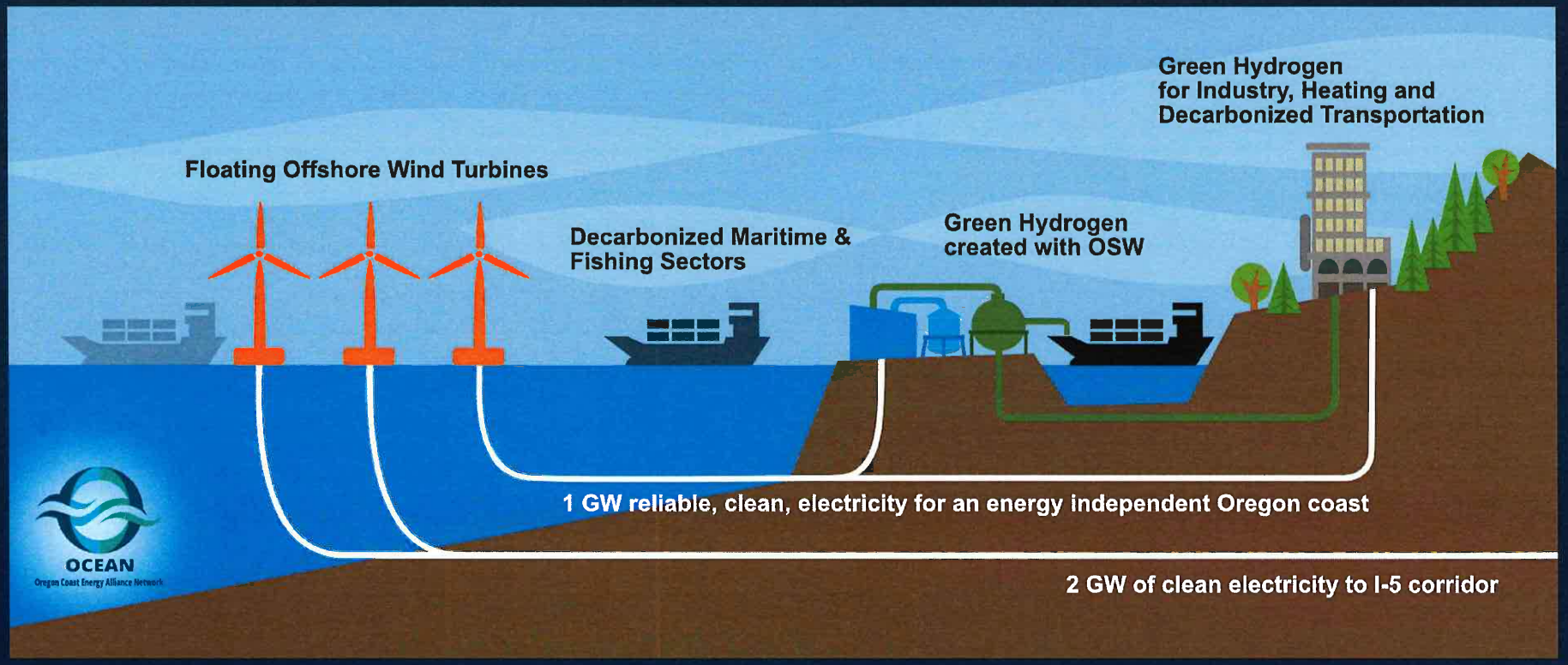


Opportunity: Emerging Energy Markets in Oregon and PNW

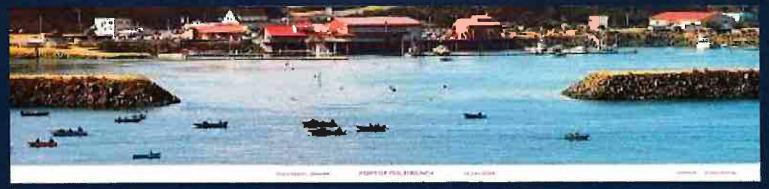
Existing and Emerging Contracts for Power in Oregon

- **Direct Access** – Direct Procurement of privately held, selected energy resources by corporate, tribal, municipal or other large, bulk consumers.
- **Green Tariffs** – Opt in aggregation of rate payers toward renewable energy resources owned by IOUs.
- **Societal Costs of Carbon** – TBD, North West Power & Conservation Council 2021 plan currently using $70/mWh
- **Resilience Locational Values** – TBD Resource Adequacy/ Capacity/ Integrated Resource Planning

Surplus Floating OSW, *when used to generate clean Green Hydrogen*, supports the decarbonization of the transportation and maritime sectors and poises Oregon for greater energy independence and clean economic diversity



Opportunity: Oregon Ports Poised to Supply, Assemble and/or Service West Coast OSW



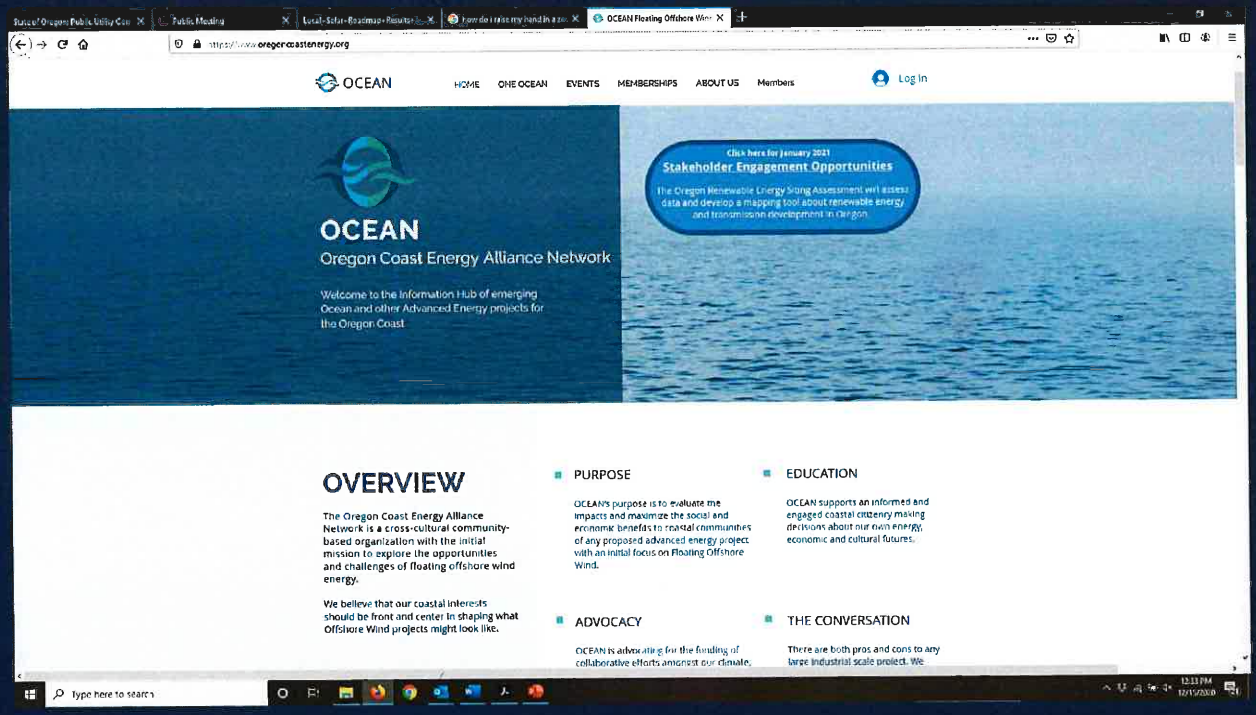
Foreign-Trade Zone (FTZ)

Rural Renewal Energy Development Zones (RRED)

3 GW of initial development would infuse $9 - $21 Billion Dollars into Oregon's economy

OCEAN is a non-profit formed in 2020 based on a coastal citizen's interest in learning more about the opportunities and challenges of Floating OSW.

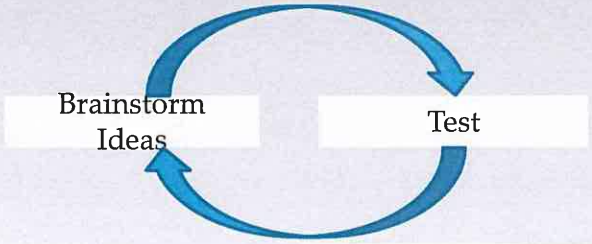
Our board of directors includes coastal representatives of *Climate Action, Tribes, Maritime Commerce, Resilience, Manufacturing, Sustainable Development, Elected, Conservation, Economic, Workforce & Supply Chain Development, Labor, Public, Investment*



Oregoncoastenergy.org

TRADITIONAL Project Proponent Public Involvement Model

Moving at the speed of must



{

	Drivers/ Need Statement	Brainstorm/ Test	Socialization "First Contact"	Formal Proposal	EIS	Litigation
Project Pliability[1]	High	High	Medium	Low	Low	Low
External Participation[2]	Low	Low	Low	Medium	High	High

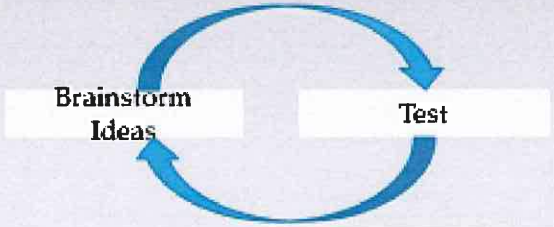
High
Medium
Low

[1]willingness of project proponents to explore the widest range of alternatives
[2]ability and avenues exist for outside parties to exert influence

Courtesy W. Henry, PSU graduate student

O.C.E.A.N. Public Involvement Model

Moving at the speed of trust



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Project Pliability[1]	High	High	Medium	Medium	Low	Low
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High
Medium
Low

[1]willingness of project proponents to explore the widest range of alternatives
[2]ability and avenues exist for outside parties to exert influence

Courtesy W. Henry, PSU graduate student

Our Goals:

1. Maximize & Multiply Coastal Community Benefits
2. Minimize Coexistence Conflicts

through ***Front End, Front Line, Project Shaping***

SWOT analysis of those most deeply impacted – the "front line"

Acknowledge Strengths. Seek insights, experience and direction for; inquiry, design, construction and operations

Assess Weaknesses. Align network of resources to strengthen.

Seek Opportunities. Leverage opportunities for multiple and expanded benefits.

Minimize Threats. Design for safe, sustainable coexistence.

OSW's Front-Line:

Commercial & Subsistence Fishers
Coastal Rate Payers
Electric Utilities
Offshore Ecosystems
Ports: Infrastructure, Operations & Ecosystems
Maritime Shipping
Coastal Communities
Tribes of the Oregon Coast and Columbia River Hydroelectric Network

Examples of Studies Underway or Pending Funding

- BOEM Ports Infrastructure and Development Plan Assessment
- NREL W Coast Port Assessment
- E2 Economic Impacts
- NREL Transmission
- PNNL Western Grid Value of OSW
- Coexistent Structural Design
  - Ecological
    - Ecosystem Services
    - Impact Minimization
  - Commerce
    - Shipping
    - Fishing
    - Net Benefit to Fish Stocks

Planning Processes Underway that should be incorporating OSW

- Clean Energy Road Maps
- Transmission Planning
- Decarbonization Strategies (Electricity and Gas)
- Coastal Infrastructure Investments
- Fisheries Management
- Northwest Power & Conservation Council NW Power Plan 2021
  - Regional Resource Adequacy

3 by 30

A planning target of 3 GW FOW with 500MW Green Hydrogen by 2030

in state Energy, Resilience, Climate, Economic, Infrastructure, Natural Resource and Workforce planning

Why NOW?

Green Recovery: Immediately increase and diversify Federal and Developer funding for Oregonians to shape and inform the analysis, planning, design and operations in order to maximize benefits and minimize conflicts

Planning Takes Time: A target would integrate OSW into transmission, port infrastructure, transportation, energy, resilience, workforce development and economic recovery planning activities at the state and regional levels necessary to meet our EXISTING state RPS goals by 2030

Why 2030?

Expedite, improve and economize analysis and planning by aligning with the California timeline (CA contemplating a 3 by 2030 state target)

Insert Oregon's interests into these early planning phases for Western Grid resourcing.
Increase certainty & economies of scale for local and global investment in Oregon's Clean, Resilient Economy

Legislative Concept: 3 by 30

A planning target of 3 GW FOW coupled with 500MW Green Hydrogen by 2030

in state Energy, Resilience, Climate, Economic, Infrastructure, Natural Resource and Workforce planning

This is a Planning Bill – not an edict to construct

—

- Instructs agencies to integrate a plan for the inclusion of 3G of OSW coupled with 500MW of GH by 2030 along Oregon's Southern Coast.
- Identifies parties necessary to participate in planning process.
- Identifies standards for tribal, fisheries, labor, ecology, resource management, resilience, economic development, research and Oregon rate payer protection in early project design.
- Attracts funding and resources for Oregon's global leadership in Designing for CoExistence.


Thoughts?
Questions?
Feedback?
Floating Offshore Wind
in Oregon
A Briefing for Sen. Frederick
Shannon Souza, P.E.
Executive Director
Oregon Coast Energy Alliance Network
OCEAN
Thank You!