

**APPROVED MINUTES  
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS  
PORT OF BROOKINGS HARBOR DISTRICT**

**Monday, April 4, 2022**

*This is not an exact transcript. The audio of the session is available on the Port's website.*

The Port of Brookings Harbor District met in special session on the above date at 10:00am. Open session at the Port Conference Room, 16350 Lower Harbor Road Suite 202, Harbor OR, 97415, teleconference and webinar.

**1. CALL MEETING TO ORDER**

Commission President Richard Heap called the Special Meeting of the Port of Brookings Harbor of Commissioners to order at 10:00am.

- **Commissioners Present:**

Joseph Speir, Vice-President (Pos. #1); Sharon Hartung Secretary/Treasurer (Pos. #2); Larry Jonas (Pos. #3); Richard Heap, President (Pos. #4); and Kenneth Range (Pos. #5).

- **Management and Staff:**

Gary Dehlinger, Port Manager; Travis Webster, Harbormaster; Danielle King, Safety/Administrative; Jack Akin, Port Engineer; and James Walker, Port Counsel.

- There were no changes to the agenda.

- a. Commissioner Range did request that for the minutes in the Action Item be recorded in their entirety.

- There were no declarations of potential conflicts of interest.

**2. APPROVAL OF AGENDA – Audio time 1:40**

**A motion was made by Speir and seconded by Jonas to approve the agenda as written. The motion passed 5 – 0.**

**3. PUBLIC COMMENTS – Audio time 2:04**

There were two public comments. Yelena Nowak, Executive Director for the Oregon Trawl Commission who asked for the Boards consideration regarding the byproduct treatment plant and expressed the need and want for the treatment plant to help and continue to support our local fisherman and economic development. Gary Klein expressed his support for the commercial fisherman and byproduct treatment plant for our local fishermen and questioned the Board regarding Resolution 2021-03.

**4. ACTION ITEMS**

**A. Byproduct Treatment Plant – Audio time 9:30**

Commissioner Range: Do you want discussion first or a motion than discussion.

Commissioner Heap: If you prefer to make a motion to do it that's fine.

**A motion was made by Range to approve first key elements of a business plan for a wastewater treatment plant for fish products in the Port of Brookings Harbor agreement we need 1. An agreement with Pac Seafood to lease a wastewater treatment plant built to their needs and present it to DEQ for a permanent NPDES permit, they have filed for one. Pacific Seafoods has requested that permit and then pulled it to see what was happening here and I haven't heard whether they have reactivated that request or if we would have to file under the Port or (inaudible). The Port or Pacific Seafood needs an agreement with Harbor Water to supply water, there is absolutely no reason to build the fish processing plant if you do not have water. They use, from what I understand, is 350,000 gallons a day during peak processing, Brett**

is here and can answer any other questions regarding the water. Once there is a water agreement in place, Pacific Seafood, in my mind, needs to have cash on the table for us to build the plant and then, they decide that if it's not feasible or they got a better opportunity to go somewhere else or they want to go out of business. I don't agree with building a plant without a commitment by them. My idea of a commitment would be Pacific Seafood pays the 20% matched for the grant, provides all the costs for labor, insurance, electrical and any other costs related to the operation of the wastewater treatment plant. Pacific Seafood would negotiate a long-term lease with the Port attorney and staff to compensate over the period of the lease their investment of the 20% matched. A condition of the NPDES permit, which is, I'll give you the definition of that permit, if I can find it, is a National Pollutant Discharge Elimination System permit. So, one of the conditions of that permit is number 1, talking to DEQ it takes anywhere from 6 months on to get the permanent permit and one of the conditions of that is you have to submit your design information all the processing equipment and it be certified by DEQ, so in our case we would want both the Port and DEQ signing off.

**Commissioner Heap:** Why don't you go ahead with your motion and then you can explain it after you're done.

**Commissioner Range:** Okay.

**Commissioner Speir:** Do you want the motion now or wait until we discuss it.

**Commissioner Heap:** We are in a motion now.

**Commissioner Range:** That is the end of the motion. One more thing, I'm sorry, another condition of the NPDES permit will be there is no discharge of the wastewater treatment plant into the Chetco River, it dumps into the Pacific Ocean, that's it.

**Commissioner Heap:** Okay did anyone capture all that.

Someone from the audience started to speak.

**Commissioner Heap:** Excuse me ma'am, hold it down please, we will talk about it later.

**Commissioner Heap:** Alright, are we clear, what we are proposing here, what I believe is that Commissioner Range wants to make a motion that contains those elements is anyone clear enough to second that.

**Commissioner Speir:** Nope not me, I understand part of it, but I want to hear the whole thing over.

**Commissioner Jonas:** So, do I.

**Commissioner Heap:** Let me make a proposal, I see an issue here per notice. If we are going to make a significant action on this, we should probably properly notice it, so we know what exactly is included. My suggestion would be if we want to hear the motion, and no one wants to second this, the motion dies, if someone wants to second it, we can then sit down and capture that and put it on the next agenda for our next regular meeting so we have a chance to all see the support material and think about it and then take action than instead of trying to do it now. So, at this point if we have the conceptional motion I guess we would call from Ken who could fill out the details, if necessary, if we are going to move forward, for now we are looking for a second.

**Commissioner Range:** Do you want me to clarify the motion a little bit?

**Commissioner Heap:** Go ahead.

**Commissioner Range:** there is basically five elements, one an agreement with Pac Seafood to lease a wastewater treatment plant built to their needs and present it to DEQ for permeant NPDES permit. At the same time the Port

or Pacific Seafood needs a written agreement with Harbor Water to supply water to the waste treatment plant. Three is Pac Seafood pays 20% match for the grant provides our cost and the operation of the wastewater treatment plant. In consideration of that 20% match Pacific Seafood will negotiate a long-term lease for the wastewater treatment plant with the Port attorney and Staff.

King: I do have Tony Dal Ponte who is willing to speak on behalf of Pacific Seafood if you would like for him to come in at any time.

Commissioner Heap: well, let's see were go here with this motion before we get further sidetracked, thank you Danielle. So, I understand the gist of the motion or parts. And if we second the motion than we will have further discussion, but it would be my proposal if we have this motion made and we pass it, we don't take action on it today we take it forward to the next meeting with a full briefing and full support material packet than vote on it.

Commissioner Jonas: I agree with what you just said.

Commissioner Heap: Okay, we are looking for a second.

Commissioner Jonas: I'll second you.

Commissioner Heap: No, don't second me, second the motion, and we will go proceed from there Larry.

Commissioner Jonas: No.

Commissioner Speir: (inaudible) we should discuss it before we make any motions.

Commissioner Jonas: I agree.

Commissioner Speir: No for me, I'm not.

Commissioner Heap: Alright, appears the **motion failed for a lack of second**. Ill open it back up.

Commissioner Jonas: Id like to see what Ken wrote in writing, in front of me and be able to study it, research it, and any supporting material that goes along with it so I can read it, understand it, research it, talk to Ken if I need to and then move forward from there, that's what I would like to do.

Commissioner Hartung: okay, well there has been a lot of talking about why the seafood waste can't go to, why it isn't going to the City of Brookings, and there is a lot of reasons for that happening that I have looked into. One is the EPA has released reasoning for that is that that it could be harmful to the municipal sewer plant, because the plants is not designed to take fish waste, it could it could could make health risks to the treatment plant and the collection system to be exposed to these pollutants, so that's very concerning and for reasons for them not being able to release their waste water they way they do right now they have a special permit that they are putting in our basin over here and a lot of the fisherman have of this stuff hanging around their boat and it's not pleasant and its really is very harmful to our marine life out there as well, it takes all the oxygen away from them that I have looked into and you have these dead zones. Well, our dead zone is out in our estuary you know our sea life is struggling because of these things so these things have to be corrected and in order to keep our jobs here for our people and being able to have a processing plant here something has to be done and, but we need to do it in a way that it is acceptable for everybody. I understand, you know, we have people living here that they don't want to see a big wastewater treatment plant, I don't either. And I do believe that there are units that are more acceptable the footprint wouldn't have to be as large and it wouldn't be something that looked bad and because we have tourist that come here, this is a tourist destinations, our businesses rely on the tourist here and then of course we have our people that live in the community that like to enjoy the Port as well. So Pacific Seafood they've built a new plant in Warrenton, and they also put in a very state of the art fish processing plant, I don't believe that the footprint is as big as the one that we have been looking into I don't know if we have reached out to them because now, they are now also releasing their clean water from there back into the

Columbia River. So, it says here that it is first of its kind technology for clean wastewater and it is also conserving water, so evidently, they have really acquired something that works really well in the community. So, we would like in the future to offer an area so that we can have other economic development with other processor to come to the area, we have a lot of young people that need good paying jobs, and these jobs do pay well. And I believe that the Warrenton Plant is so much larger than this plant that maybe their system would also be able to accommodate future use. So, I'm hoping that maybe we could reach out to them to see what they what they have done here in Oregon. That's all I have, thank you.

Commissioner Heap: That might set the stage for Pacific Seafood to comment.

Commissioner Hartung: I couldn't find any pictures.

Tony Dal Ponte: Vice President of Legal and Public Affairs for Pacific Seafood, (inaudible) hear all those issues in your discussion.

Commissioner Heap: Please go ahead.

Dal Ponte: Thank you mister President and thank you members of the commission. First let's ground ourselves for what we are trying to accomplish here and thank you for forward thinking (inaudible) I don't know if you know this, but you are a coast wide leader, and your model is being followed now by other Ports. For context as you all are well aware BC Fisheries a few years ago built a processing plant on Port property and operated there under (inaudible) the Port. When BC Fisheries then went bankrupt a few years ago, Pacific Seafood agreed that the, with permission of course, to step in and operate. The major hurdle or impediment at the time had to do with wastewater discharge. The reason being that BC Fisheries was never properly permitted by Department of Environmental Quality. Someone early made a reference to it NPDES permit, that's the permit that's required to discharge related to wastewater (inaudible) from seafood processing. DEQ operates under delegated authority from the EPA, it never issued a permit to BC Fisheries so that created a problem. If Pacific Seafood were to step in and operate, we take our regulatory responsibility very very seriously, we need to have some relevant legal authority or permit in order to operate, DEQ is not able to do that. One of the options that we explored; well could we potentially reroute discharge to the City of Brookings. As someone else noted for a variety of reasons that's not possible, mostly due to the lack of capacity infrastructure at the city level they can't take the discharge, that facility and even if they could its not designed for treatment of that kind of discharge, its designed for a more traditional waste product than opposed to fish byproducts. So, now we find ourselves in the same situation that we were in a few years ago, which was in order to remain processing we need to have regulatory authority to do that. (inaudible) analyst has been conducted of the harbor in the area where the current outfall discharges and determined there is adequate solution, they call it, to permit discharge into that area. However, given changes in the regulatory landscape over the last 10 to 20 years or so, in order to meet those limits, a treatment system is required, additional treatment. What type of treatment that kind of depends on the discharge and the nature, a likely candidate would be something called a DAF, dissolved aerial floatation, it uses little, tiny bubbles to take solubilize protein, which is what we are talking about here. The waste is extra protein that was in the ocean to begin with, that dissolves into the water, and it discharges back out into the ocean. It uses tiny micro bubbles the raise those proteins to the surface than it skims it off the top. That could be installed (inaudible) installed in some cases at the individual facility, they call it an end of the line treatment. The refences (inaudible) the design in Warrenton is a variation of that it is proprietary technology out of Europe, but rather than using chemicals to bond to the protein that are in the water that help raise them to the surface, that uses something called symmetrical force as opposed to chemical. Now, that particular design, the dan tech system, is not designed for shrimp or crab product, it's a unique protein, highly soluble they break down a lot faster than ground fish or (inaudible) which is what is produced in Warrenton. Fortunately, you the commissioners of the Port of Brookings, this is where I want to thank you because you have a very forward thinking innovative approach to this and were successful in it for the first time in my knowledge in securing funding by the Federal Government to a local government to develop infrastructure that supports Port owned infrastructure in the economic, in one of the most major economic engines in the region. We lease the facility that we operate in currently from the Port, the Federal Government is now offering to fund treatment by the Port that results from that operation. The cool part about it is in funding that is not necessarily limited short term to this one processing plant, it could be there

are other interests in the market and the Port might invest in this infrastructure is supporting that kind of (inaudible) forward thinking innovated approach was incredibly creative and I just wanted to thank you on behalf of Pacific Seafood for that leadership for that innovated effort. Your model is now being followed by the Port of Coos Bay who is attempting to do exactly the same thing in Charleston, and I suspect there will be others because given the changes in the regulatory landscape it frankly isn't possible for individual companies to invest at this scale at this facility. To have a place like Charleston or Coos Bay you can't (inaudible) four different million-dollar treatment plant but if the Port rallies together and develops Port infrastructure that than operates through the convenience or partnership with the economic producers in the region than you're supporting that activity. So, you guys developing this model for your footprint were really forward thinking and we very much appreciate that effort and we are here to support that effort. I know there are some final details to work through in terms of what specifically is constructed, the work the engineer that develop one model (inaudible) DEQ I'm sure the DEQ engineers will develop or have thoughts. What the operating model, there will of course be issues of figuring out how that works. One of the strings on the Federal Government funds was that this is a Port owned and Port operated facility to support jobs, but obviously it is there to support the activity at the Port processing facility that we are operating so there will probably be a usage or treatment fee of some kind. There is a matching dollar center that we need to work through, that can be structured a number of different ways, whether collect payment or something that was built over time or something that any new interest in the space that want to take advantage of the Port infrastructure (inaudible) all of those are questions we can work though. The good news is that 3.5 million dollars doesn't come around just every day the Federal Government investing in rural coastal communities and supporting a very very important industry (inaudible). I know there are other business owners in the room (inaudible) that all have roots and (inaudible) investment in that region. It's a cool opportunity very very impressive investment by the Federal Government and incredible example of forward thinking by the Port. We are here to help dig through these final details and thank you for your leadership thus far.

Commissioner Heap: Thank you very much, appreciate your comments.

Commissioner Range: I have a question for Tony.

Commissioner Heap: Go ahead.

Commissioner Range: Tony, Ken Range, is Pacific Seafood willing to enter into a long-term lease before this permit is issued by NPDS and we have to pay the 20% match, obviously it would be conditional on all sorts of things that we have to discuss, but I need to know if Pacific Seafood will make a financial agreement.

Tony Dal Ponte: we already have, we just executed a 60-year lease to operate the processing plant. We aren't able to operate that plant without treatment, and we won't because it would be unlawful to do so. So, if this is the solution to treat the discharge associated with that economic activity than yes that would be a necessary part of that, there already is a 60-year lease, some kind of operating agreement for the treatment facility would be appropriate and we can work that out.

Commissioner Range: I'm not sure if I followed all that, but the question, the concern that I have is we are doing we are going to borrowing money to do 20% match on 2 FEMA projects now we are talking about another 20% match for a water treatment plant that you are the primary for the only user or beneficiary of this treatment plant I don't want I will not vote for proceeding with a wastewater treatment plant if you guys don't have a financial stake in it with a long term lease.

Commissioner Heap: Okay.

Tony Dal Ponte: Understood, I'm simply referring to the fact there already is an existing lease and a financial (inaudible) in it. If the Port were to decide to borrow money on the 20% match which is one of the serious (inaudible) if the Port did that than yes it would be appropriate to have some kind of operating agreement to do that. Another option would be to ask for a private contribution up front to fund some portion of it. We could also amend the existing lease for the Port facility to incorporate some aspect of match for this 3.5 million investment

by the Federal Government. I think there are a variety of ways to address your concerns and we are happy to talk about those.

Commissioner Heap: Thank you, further comments.

Commissioner Range: I have a response to one of Sharon's concerns. You know the primary agencies involved in this whole process would be obviously Harbor Water, Harbor San, Brookings, and DEQ and Pacific Seafood. Right now, Pacific, excuse me, Harbor San has a collection permit from DEQ for sewage, they in turn pump that sewage to Brookings to be processed in the sewage treatment plant. Harbor San pays the City of Brookings roughly 30% of what it cost to operate the sewage treatment plant. There would be no reason for us to treat water, treat fish waste, pump that processed fish byproduct that could be put directly into the ocean with a permit. It would be, there is no reason to pump it to Harbor San and then they in turn pump it to Brookings when its already treated water. I don't know if that answers your question or not.

Commissioner Heap: I have several comments to make, not surprisingly right. First of all, I am not going to be very comfortable to enter into an agreement were there are other parties paying for this facility. And my rationale of this is that this needs to be wholly publicly owned, so that we are clear in the future that should some other entity chose to come in and ask to us to use this facility we don't have all kinds of dangling strings where we have to have agreements among multiple parties, this to me should be public facility from day one. With respect to having an agreement or contract between Harbor Water and the Port and processing plant I'd be interested in the Port not to be in that equation, that's a discussion between the people who buy the water and sell the water, all we are doing here is processing the water we have no interface beyond that from my prospective. We don't intend to use much water to do this, very little water will actually be required to do the processing, so I would not be to inclined to want to do something like that. And having it been stated many times, the concern we've taken forward from the beginning is we are operating under the premise of the Port of Brookings Harbor will be a working Port, this is a working Port, so we have fishing activities here for recreational commercial and it is in the best interest of the community to continue to support that for a multitude of reasons, economic benefits, jobs, you can name it all those what you want. In order to pursue that, in order to look down the long term the idea of the waste treatment plant give the Port of Brookings Harbor an advantage, it give the commercial fishing industry that (inaudible) here an advantage, a competitive advantage over other ports, and the reason that that's true is because we today we do not even know what the fishery will be in 10 years, I can tell you things are changing in the ocean and they are changing fast, faster than we can keep up with, we are seeing species movement like we have never seen before we have southern species showing up here. One of the largest fisheries in Oregon over the last few years have been market squid, market squid didn't exist here in any number before, at least not economically viable numbers and now they do. Fourth largest? Do you know? Fourth largest fisheries now.

Yelena Nowak: Brookings?

Commissioner Heap: No, market squid.

Yelena Nowak: Oh squid, Im not sure, I don't think it's still a commercial fishery, I think they are still working on it.

Brett Hester: Yeah, they are just now working on it, (inaudible) it's so new there are no regulations.

Commissioner Heap: Okay, but the point is that there are maybe a multitude, multiple number of uses for this plant that we haven't even anticipated yet, but having it here again, gives us an advantage, gives our commercial fleet an advantage, that's an advantage to the community. So, I think that's the, well I don't think that's the catalyst that got us to this point right now and the discussions we've had over and over again before we started down the road of asking for funding. I think that Tony made a great point, there has not been many federal funded projects like this to support fisheries and as we move forward that's going to become an issue, the ability for this country to process protein and make seafood or out of seafood is going to be significant. I just came back from Washington DC where we had a long discussion about aquaculture, aquaculture is one of the initiatives of the government along with wave energy and wind energy for uses of the ocean. You know we are thinking

aquaculture net pens there is a whole new (inaudible) of aquaculture opportunities out there and they very well may be what we do in the future for protein and seafood in this county, irrespective of that we are going to have to process that stuff some place, and again if we have the waste treatment plant here that puts us in a huge advantage, economically and competitively. So, we don't have a motion, where are we going to go from here.

Commissioner Hartung: I don't think that, in my opinion, I don't think we are ready to make a motion on this project.

Commissioner Heap: Well what point do you think we will be? We have an engineered design.

Commissioner Hartung: We haven't really heard everything yet either, I know we have a design Richard, but the thing is the design is huge and I don't think that it looks very well for our community, and I believe there are other systems out there that could accommodate our use that could be enclosed totally and wouldn't be visible to the public and it would fit the cosmetic landscape of our Port.

Commissioner Speir: I agree with her, I'd like to see what Warrenton has.

Commissioner Hartung: Jack, is that true?

Commissioner Speir: I'm not into a big old.

Commissioner Hartung: Is that so?

Jack Akin: Should I speak?

Commissioner Heap: why don't you go ahead Jack.

Akin: You're afraid I'm going to keep going.

Commissioner Heap: No no, what I'm afraid of is that this has been asked and answered many many times but go ahead.

Commissioner Hartung: Well, I haven't heard it.

Akin: Is there a mic?

Multiple people: No.

Akin: Good morning, as a fly on the wall I'd have to say I admire the conversations going on here right now. The design that I put forth is conceptual in a sense that we have not looked, and we plan on doing it, in fact we have a meeting later on today with Pac Choice representative to more closely look at the parameters of consent. The units that I've shown you and there actually we have another PowerPoint that we put on top of the previous PowerPoint that kind of says the same thing but in more detail as the previous PowerPoint, shows these modest units. The largest of these kinds of these the element of these units are tanks, and these tanks are sized based off the assumption of the worst-case scenarios. The more I'm learning about the specify of this particular wastewater the smaller this system is becoming. You might have heard Tony mention S.A.F, S.A.F is the fine bubble air ration for floatation purposes. Uses air to float material. This is the kind of approach that is generally acceptable in terms of this kind of waste, that's included in this system. But any system you look at I don't care where you go, what kind of system you are looking for they have to have some sort of (inaudible) separators, separating inorganic material from organic. Inorganic cannot be treated, all that can be done is separated. Organic material, its usually about the weight of water, is treated biologically some way or another so it can be reduced to zero as close to zero sludge as you can possibly get, that's the objective. The other elements that are involved here depend on that waste that waste is specific Pac Choice waste here is specific, it may seem like everyone else's, but it is specific to this Port and the treatment is going to be the safe. I'll give you an example, you know a

clarifier, if you've ever talk to a wastewater treatment plant person, has been in the business for 40 years or so on. And you ask what the clarifier looks like, they're going to tell you its this big circular thing that's 50 feet in diameter, at least, and has a large rotating arm and its slowly moves very slow, anybody ever see one of these clarifiers. Okay. Our clarifier is a packed unit, it uses multi laminar layers, it's just a packed unit, its smaller than between these two tables. It's a whole different idea that our ray of systems then are going to modified based on what we find that wastewater treatment needs. There are other questions about where the effluent should go, whether it should go out to the ocean or the Chetco river or wherever it will go but remember we are under serious regulatory constraints. We have to do mixing zone calculations; we can't have this big footprint of waste coming out of here out of our effluent we are going to be really tightly constraint by the DEQ on this. They are going to want to see predesign, they are going to see exactly how big is the area, I'm going to use the standard com model that accepts multi-layer stuff for the worst-case scenario for mixing zone. So, irrespective of whatever wastewater or whatever person is able to sell us whatever system units they want, I want something that I have a track record. The reason why I committed this one is because I've been studying this for 20 years since 2000 when I went to Israel for the first system that came out. Okay. These kind of systems are universal process is universal the method and solution is universal. You've got to do the same thing. Like learning math, you have to start here and work your way up, same with wastewater treatment. You can find new ideas but you're still solving the same problem, so the idea is compaction and making the smallest model we can. And I can tell you as your engineer I have nothing to gain from this, I do not get any commission from any system that I recommend, it's a conflict of interest for me to take a dollar from anyone besides other than the Port of Brookings on my work, so, I want you to know that I'm always seeking your guys best interest on this, I hope to better understand wastewater for our next meeting and we will be able to, I think, combine our system. the biggest footprint is equalization to make the system, so I don't have to worry about peaks, so with that does that help at all. Clarify anything? Ask me a question if you'd like.

Commissioner Hartung: I don't know where to start Jack.

Akin: It's complex.

Commissioner Hartung: I know it is its very complex and you know what and I know it is very needed here the thing is is to do the right one, you know, and a great big, we don't want a great, the community doesn't want a great big sewer plant we want a fish wastewater treatment plant.

Akin: Have you looked the one I've showed, their small units.

Commissioner Hartung: I know but mister Dehlinger has said in the past that the unit you have shown us in the past can also do human waste, and I don't want us to do that.

Akin: You would have to add a lot to it for that to happen.

Commissioner Hartung: Well, that's good, but anyway I'd just like to see a smaller footprint then that great big unit you showed us from what Minnesota was it, or somewhere, (inaudible)

Akin: That's the water biological reduction, and that highly dependent on the type of you know the needs of the waste, you heard again Tony mention S.A.F that, very good chance that will do most of our work. We still probably have some grit separation, we still have to have some clarification, even for a small unit.

Commissioner Hartung: because of particles.

Akin: But the biological reduction which is what we want when we want stuff going out to the ocean, we don't want to send a lot of protein and a lot of stuff out there.

Commissioner Hartung: I don't mean to sound redundant because I know we have had a lot of meets and because of our communication with the newspaper with the public has not existed really here anymore and so the public hasn't been informed because there hasn't really been away for them to be informed because a lot of them don't



take the time to look at our website so of course they don't know. So anyways there has been a lot of concern from the public and they just don't want something that.

Commissioner Speir: Gaudy.

Commissioner Hartung: Yeah that it's not going to look well for the community and the people that have homes here, I mean we don't want to devalue their property because of this, and so I'm just hoping that when you come back that you let us know if it will be an enclosed system where it won't be out in the open and you know really the size.

Commissioner Heap: Well as I understand the process now there's going to be several more touch points before we have a plant on the ground. One of which will be approving the engineering design and style, which it will be up to us to approve that. We are going to have to select, I mean I don't know that we are going to select whether or not they accept the money, I mean I think that's a done deal but I'll leave it up to you to tell us what the touch points are going to be.

Dehlinger: There will be a contact coming to the board to approve from whatever agency that is going to fund the money, so there will be a contract, like you were saying we are going to have a design that Jack is going to present that the board has to approve that, there will be a lot of approvals going on and plus we are meeting with DEQ later this week about permitting they say it could take 6 months to one year to complete depending on the type of plant.

Akin: Normally if you come to DEQ with, remember we haven't been thinking about this starting yesterday, so we have a lot of stuff laid down with these guys, they're not so concerned about the past except for fee as much as processing. And another thing that is important to them is the mixing zone, and everyone probably in this room is concerned about the mixing zone, and when I say that I mean what comes out of that pipe and goes into where and how does it affect anything, that's really what the (inaudible) of this permit process and so that is where we are most able and qualified to get to the point and answer, and I think that going to help us shorten our permitting period, which is my objective.

Commissioner Range: So, Jack I have a question, is the Port requesting the permit from DEQ or is Pacific Seafood, they have already requested one, and to my knowledge they withdrawn that request depending on what we do.

Akin: No, it's the Port that is going to submit the permits.

Commissioner Range: So Pacific Seafood would enter in on our permit.

Akin: Pacific Seafood is so very important as far as process that the end of the road is I don't think anybody on the regulatory side easily, okay I can't say that, but I can say on the money side and probably the Ports best interest as an engineer, I would not recommend anyone but the Port completely having control and owning the wastewater treatment plant.

Commissioner Range: But obviously Pacific Seafood whatever equipment you buy, which we haven't even discussed the cost of any of this equipment because we have no business plan that I've seen, but they have to well they have to come in on our permit, that's.

Commissioner Heap: Bottom line is the Port will have the permit and then we will enter into an agreement with whoever uses the waste treatment plant.

Akin: And you have distinction that's common you can do it however you want you have owners, and you have operators. So that's kinda the way it works.

Commissioner Heap: Thanks Jack. Before we take any more comments, we will we hear from the Board.

Commissioner Hartung: Do you have anything Larry?

Commissioner Jonas: No

Commissioner Heap: So just to kinda resolve about what we think we talked about today. We have a Commissioner Range expressed his desire for what we might want going forward with some conditions. So, we have a check point coming on several different issues before this plant hits the ground. So, we have gone beyond the idea of a conception here. We have past that we've secured funding from the Federal Government through appropriation, we have the engineer already on task to design the plant for us and as we move forward then we will have more check-ins where we have an opportunity to weigh in. I will tell you about the visual side of this, I'm a little concerned that we are going to have some sort of an expectation that there isn't going to be anything here. We have no visual standard for this Port that says other than our retail buildings that are designed to a certain specification that best of my knowledge the county has no visual standards requirements for us to meet. So, we are going to have to do the best we can to make this as compact and unintrusive as possible, however, they're going to build a plant. So, you know I think everybody clearly understands we are going to have a small footprint as we can but that doesn't mean it isn't not going to be visible.

Commissioner Hartung: Well of course, it's probably going to be visible.

Commissioner Heap: That doesn't mean, you know, that when we go forward with dredging its not going to be a big field out there full of dredge spoils or that sort of thing. But we're a good neighbor too, we're not interested in (inaudible) but again like a I said we are a working Port, and we are going to have to do the best we can to put all that together. So, any other comments or questions. Are we clear on where we are headed now?

Commissioner Speir: Somewhat, yeah.

Commissioner Heap: Well, (inaudible) your comments Joe (inaudible)

Commissioner Speir: I don't have anything to say quite yet if I decide to, I'll decide to.

Commissioner Heap: Okay. Alright. One each, go ahead Dan.

Dan Fraser: My comment is regarding between Sharon and Jack's. Sharon talking about dead zones in the harbor and that the discharge and the mixing zones are (inaudible) Jack, what kinda temperature are we talking that's coming off of this water, do we know Jack?

Akin: You're probably not going to have too much of an increase, there's a slight increase in temperature due to the defuser the air that fuses, but you're going to have not much of a change in terms of degrees, that's highly, that part of the permitting process, to make sure that we don't deliver any, you know, warm water into the Port, in the water.

Commissioner Heap: I'd like to just clarify one thing, I'm not aware of dead zones here. We have in the past had algae blooms and killed a lot of anchovies, we have had a high concentration of algae and anchovies in here at the same time but as part of (inaudible) to collect a lot of data out here I'm not aware of any dead zones.

Commissioner Hartung: Well

Commissioner Heap: I'm not aware we have killed any salmon I'm not aware that we have had major impacts in the harbor other than those anchovies' concentrations, so I don't know if id characterize this as they did though. I mean we have huge tidal surge, we are like a lot of estuaries, we have, we are short, we don't have you know a 40-mile-long estuary, we have issues we've got a lot of tide moving in and out we have a lot of water moving in and out. So, I haven't seen, nor have I heard a concern expressed by either the National Marine Fisheries Service or the State of Oregon about having a dead zone being created here. Now temperature is an issue that this, I

mean, Chetco river does not meet standards has never met standards in temperature and that has a lot more to do with the geography of the kalmiopsis wilderness and (inaudible) that were is meets up and it brings it right down here so for the perspective of (inaudible) we don't meet standards and the river never has and the other thing that is an eliminating factor for salmon in this harbor is the lack of estuary, we don't have a big enough estuary to meet the state standards. Other than that, I'm not aware of any other problems of discharge or not that's been created, okay. We have a comment or question.

Audience Member: Stand up and come on.

Commissioner Heap: If you wouldn't mind, please.

Sandy Gertrude Brown: Good morning, I'm Sandy Gertrude Brown I'm a board member of Seacliff Terrace, which is right across the river, I certainly don't represent our community, but I think some one my comments might be shared by the many members of Seacliff Terrace that are here. Firstly, I'm very concerned about the lack of information given to the community, this is the first time I've heard about any of this, and it seems to be about half of a done deal already. We have so many questions we couldn't even begin but id strongly encourage exploring other locations, I appreciate Mrs. Hartung's work on getting inform on the Warrenton plant I think it is essential we get more information on that, we need to minimize the impact on fish and wildlife, this is the community is built around that, we also need to minimize the impact on nearby homes that are immediately across the river. We enjoy the Port activity but I'm not sure we would enjoy a large noisy eye sore probably with steam and things coming out of the top, I don't know, I don't know because we haven't been given no information there is just, to me there are a lot of blank pages here, we have no information we don't know what's going on and this is going to be a major impact to the whole Port not just us. As far as discharge into the ocean, where is it going to be the discharge, is it going to impact the beaches, the swimming, the water temperatures, I don't, we don't know, we don't have answers to many questions, so I think, and I would ask the commission provide much more information to the community. Thank you.

Commissioner Heap: Okay let's bring this to a close, so where we are going to be from this point forward is we will be going to the next check in period we are going to have whatever that might be whenever they come, so do you have any idea when, have you heard anything about when funding may come.

Dehlinger: In the packet they gave me a question and answer they said several months.

Commissioner Heap: Several months.

Dehlinger: I'm anticipating two to three months down the road we might see a contract.

Commissioner Heap: So, in the meantime the engineering firm will continue to move forward on the design ideas.

Dehlinger: Yeah.

Commissioner Heap: How about permitting?

Dehlinger: Same as that, we are, like I've said we have a meeting with DEQ later this week, we will see from there. I don't know what they want or what they are going to say. But you know on DEQ, Pacific Seafood they're trying to get a two-year extension on their temporary permit to discharge, so they can run this plant, right now they are shut down they aren't able to run the plant. If Tony is still on the line, he may be able to speak more on that.

Dal Ponte: Mister President I'd be happy to address that if you'd like.

Commissioner Heap: Go ahead.

Dal Ponte: Like I said earlier the plant was never properly permitted so we acted for two years under a temporary agreement with DEQ (inaudible) permit it in the future, that temporary agreement expired in December. Our proposal to the agency is to extend the agreement that (inaudible) any development of the treatment system that we know is necessary in order to meet the needs of the standards, DEQ is considering that proposal right now. But has yet to deliver a final answer, we hope to hear back from the agency (inaudible) we could have the certainty that we need (inaudible) to operate (inaudible) for the upcoming shrimp season.

Commissioner Heap: Okay, thank you. Alright with that I would propose a 5-minute recess we will take 5 minutes and we will come back and deal with the rest of the agenda.

**Commissioner Heap adjourned into a 5-minute recess – Audio time 1:02:17**

**Commissioner Heap reconvened the meeting – Audio time 1:09:43**

## **5. INFORMATION ITEMS**

### **A. Stout Mountain Railway Proposal – Audio time 1:09:51**

Dehlinger introduced Tony Parrish, who gave a presentation to the Board proposing placing a garden railway in the commercial retail area.

### **B. Tidewind Sportfishing Signage Request – Audio time 1:20:11**

Dehlinger noted that Kyle Aubin, owner of Tidewind Sportfishing, gave the Board another letter regarding his signs and proposed locations to lease land from the Port for the signs. Dehlinger reminded the Board that the last time this was discussed the Board wanted to look at one sign for multiple charters, which Dehlinger does have a meeting with company today regarding the sign and would be able to give the Board more information after the meeting with that outfit.

### **C. Port Employee Handbook Revisions – Audio time 1:25:03**

Dehlinger noted there were 2200 changes to the handbook and will bring this to the next meeting for approval. There was no other discussion among the Board.

### **D. Boat Yard Warehouse Condition – Audio time 1:27:48**

Dehlinger noted that Jack Akin did make a report on the building but would like to investigate the building more before making a final determination.

### **E. Hallmark Dock Condition – Audio time 1:30:31**

Dehlinger noted Jack Akin is recommending putting survey points on the dock, so we have a base line, and do a load test on the dock.

### **F. Supplemental Budget FY 2021-22 – Audio time 1:31:17**

Dehlinger noted that cash carry over was more than anticipated and we are making an adjustment on. Commissioner Heap reviewed what the supplemental budget was.

### **G. South Coast Knight Security, Consent to Assignment & Assumption of Agreement – Audio time 1:32:22**

Dehlinger informed the Board that Four Aces has purchased South Coast Knight Security and would like a name change, nothing else has changed.

### **H. Business Oregon FEMA Matching Project L2209 Contract – Audio time 1:33:09**

Commissioner Heap asked to discuss this item and Information Item I at the same time. Dehlinger noted that both these projects are for the FEMA projects. These contracts are the matching funds coming from Business Oregon to take care of our 25%.

### **I. Business Oregon FEMA Matching Project L2208 Contract**

Item was discussed in Information Item H.

**J. Live-aboard Policy Update** – Audio time 1:35:22

Dehlinger noted Port Counsel stated that our policy was a very good policy and suggested a few word adjustments. This item will be brought to the board at the next meeting.

**K. Moorage License Agreement Revisions** – Audio time 1:36:16

Dehlinger noted this is an updated agreement from the last meeting and recommended not to remove liveboards.

**L. Non-Moorage Charter and Guide Boat Launch Fee** – Audio time 1:37:45

Commissioner Heap reviewed the item, this is a discussion whether when you get the \$300 permit you have our launch fee included. Commissioner Hartung has spoke with multiple people who charter here and other places, and it is unusual for the launch fee to be included.

**M. Curry County Tourism and Promotions Committee** – Audio time 1:39:39

Dehlinger noted the Port was asked to show our idea of a sidewalk on Lower Harbor Road and any other tourism items the Port has in our strategic business plan. This committee is meeting and coming up with their own strategic plan and including the Port.

**N. Draft MOU Curry County Sheriff Substation** – Audio time 1:43:26

Dehlinger noted this is the draft that was given to the County. County lawyer is reviewing, so far only has a name change. Should have something for the Board to approve in the next meeting.

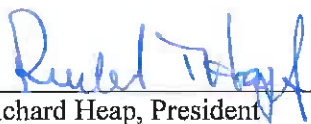
**6. COMMISSIONER COMMENTS** – Audio time 1:45:23

Commissioner Jonas reiterated that 8 million dollars in the next two years is going into this Port to make it better. Commissioner Hartung thanks Jack Akin for coming and answering questions. Commissioner Range discussed the conference he was involved in at Washington D.C. for the National Recreational Saltwater Fishing Summit put on by NOAA Fisheries. There was discussion among the Board and audience on how to advertise and get the information out to the public better.

**7. NEXT REGULAR MEETING DATE** – Wednesday, April 20, 2022, at 2:00pm.

**8. ADJOURNMENT** – Audio time 1:53:33

Having no further business, the meeting adjourned at 11:53pm.

  
Richard Heap, President

May 19, 2022  
Date Signed

  
Sharon Hartung, Secretary/Treasurer

May 19, 2022  
Date Signed

*An audio recording was made of these proceedings. The recording and the full commission packet are available on the Ports website: [www.portofbrookingsharbor.com](http://www.portofbrookingsharbor.com).*