

**PORT OF BROOKINGS HARBOR**  
**Special Commission Meeting**  
**Monday, March 29, 2021 • 10am**  
**Teleconference Only**

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**Teleconference Call-In Number: 1 (253) 215-8782**

**Meeting ID: 771 205 4017      Passcode: 03292021      (to mute/unmute: \* 6)**

*When calling in, please announce your arrival and state your name when you join the meeting.*

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**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](mailto:danielle@portofbrookingsharbor.com) prior to the meeting. \*\*\*Please wait to be called on before speaking\*\*\*)
  
- 4. ACTION ITEMS**
  - A. Blue Fin Sign
  - B. Zola's on the Water Construction Plan
  
- 5. INFORMATION ITEMS**
  - A. Sinkhole Repair at Fishing Pier
  - B. Asphalt Repair at RV Park and Fishing Pier
  - C. MARPOL Certificate of Adequacy Form C
  - D. Seal Cove Realty Eviction
  
- 6. COMMISSIONER COMMENTS**
  
- 7. NEXT REGULAR MEETING DATE** – Tuesday, April 20, 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.

# ACTION ITEM – A

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**DATE:** March 29, 2021  
**RE:** Blue Fin Sign  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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## OVERVIEW

- Kim Jones/Blue Fin Realty is requesting to install LED sign on the exterior wall facing Lower Harbor Road. The size of the sign is approximately 12 inches high by 94 inches wide. Letters would be dark blue and illuminated during daylight hours.
- Blue Fin Realty has a temporary sign up now that will be replaced with a smaller Blue Fin Realty logo under the LED sign once it is made.

## DOCUMENTS

- Email from Kim Jones, 3 pages
- Port Exterior Sign Code, 9 pages

## COMMISSIONERS ACTIONS

- **Recommended Motion:**  
Motion to approve Blue Fin Realty sign plan as presented.

## **ACTION ITEM – B**

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**DATE:** March 29, 2021  
**RE:** Zola's on the Water Construction Plan  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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### OVERVIEW

- Board approved Zola's on the Water second storage expansion at a Special Meeting September 24, 2020.
- Construction for the expansion is currently on hold until engineered drawings are provided and reviewed by the Port. Drawings are anticipated to be submitted by Friday March 26, 2021.

### DOCUMENTS

- None at time of packet release.

### COMMISSIONERS ACTIONS

- **Recommended Motion:**  
Motion to allow Port Manager to give approval to proceed with construction once the review of the drawings is completed.

**portmanager@portofbrookingsharbor.com**

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**From:** Kim L Jones <kim@bluefinoregon.com>  
**Sent:** Wednesday, March 17, 2021 1:07 PM  
**To:** portmanager@portofbrookingsharbor.com  
**Subject:** Sign

Dear Gary,

I figured I should ask this in writing. 😊 Lisa and I want to put up a 12" by 8' lighted sign that says Real Estate in dark blue letters. It will not be illuminated after dark and will not flash or blink. Let me know if this passes the port rules. I read the rules and it seems ok but want to make sure before ordering it. It takes about a month so I'd like to order as soon as possible. Thank you.

Kim

**portmanager@portofbrookingsharbor.com**

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**From:** Kim L Jones <kim@bluefinoregon.com>  
**Sent:** Wednesday, March 24, 2021 7:38 AM  
**To:** portmanager@portofbrookingsharbor.com  
**Subject:** Re: Sign

Hi Gary,

This sign will say Real Estate only and we will be permanent. When we eventually get our logo done we will have a smaller sign that says Blue Fin Realty. The main thing we're trying to accomplish is for people to see us from the road. The temporary sign we have will be taken down as soon as we have a more visible sign. I can definitely be available for the call and any questions the commissioners might have. Thank you.

Kim

Real Estate

32cm  
12.40i

229cm / 90.12i

5

RESOLUTION NO. 275

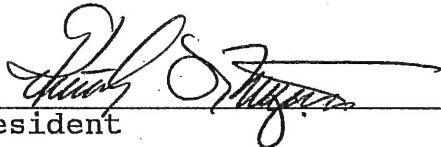
A Resolution of the Port of Brookings Harbor  
the Exterior Sign Code

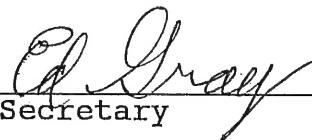
WHEREAS, the Port of Brookings Harbor Board of Commissioners has determined that a uniform exterior sign code is necessary to promote the safety, welfare, and aesthetic well-being of property owned by and rented by the Port of Brookings Harbor to various tenants,

NOW, THEREFORE, IT IS HEREBY RESOLVED:

That the Exterior Sign Code attached hereto and incorporated by reference herein, shall constitute the applicable law for the erection, maintenance, and removal of signs existing in connection with Port of Brookings Harbor real property.

ADOPTED by the Port of Brookings Harbor Board of Commissioners on the 19th day of March, 1996.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

# PORT OF BROOKINGS/HARBOR EXTERIOR SIGN CODE

## SECTIONS:

- 10 DEFINITIONS
- 20 PURPOSE
- 30 APPLICATION
- 40 THEME
- 50 CRITERIA
- 60 EXEMPT SIGNS
- 70 SIGNS EXPRESSLY PROHIBITED
- 80 NON CONFORMING SIGNS
- 90 TERMINATION OF SIGNS BY ABANDONMENT
- 100 VARIANCES
- 110 APPEALS

**10 DEFINITIONS.** The following definitions apply to material and subjects addressed specifically within.

**ALTER** - Any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting of a sign.

**ARC** - Architectural Review Committee

**BENCH SIGN** - A sign placed on a bench and not attached to any building.

**BUSINESS** - A commercial or industrial enterprise.

**CONTINUOUS STRING DEVICES** - A series of flags, banners, pennants other devices designed to move in the wind, that are attached along a string, wire or cable.

**EXTERIOR SIGNS** - Signs that are attached to the exteriors of a building or to transparent surfaces such as glass doors or windows so as to be visible from outside the building, or any other sign visible from outside the building.

**FACADE** - The front of a building as determined by the customer entrance, from the ground or street level to the roof line or top of the marquee, whichever is higher.

**FIXED BALLOON**- Any lighter-than-air device attached by a rope or tether to a fixed place.

**FREE STANDING SIGN** - A sign erected on a frame or poles and not attached to any building.

**GRAPHICS** - Art work and/or lettering.

**LETTER BOARD** - See READER BOARD

**MARQUEE** - A non-movable roof-like structure which is self draining.

**NON CONFORMING SIGN** - All signs existing on the effective date of this code that do not conform with the provisions of this code.



**PILING** - A structure of pieces of timber or material having the appearance of timber, placed in the ground to carry a vertical load.

**PORT** - The Port of Brookings/Harbor and/or the Port commissioners, manager and designated representatives.

**PREMISES** - Leased property on which the business operates.

**PUBLIC AREA** - Any area designated for use by the port as a right-of-way, walkway, boardwalk, rest area, driveway, roadway, or other use that is intended to be clear of obstructions.

**READER BOARD** - A sign with changeable letters by either electronic or manual means.

**SANDWICH BOARD** - A one or two sided A frame type sign that is not fastened to the ground or any structure.

**SIGN** - Any notice or advertisement, pictorial or otherwise, including the supporting structure, used as an outdoor display for the purpose of advertising a business along with its goods and services.

**SIGNAGE** - Any sign or combination of signs used by a business.

**SIGN, PUBLIC** - A sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights. Signs on public buildings and/or giving direction to public facilities.

**WALL GRAPHICS** - Included but not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

**WIND SIGN OR DEVICE** - Any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze.

**20 PURPOSE.** The purpose of the sign code is to integrate the advertising needs of the businesses located at the Port of Brookings Harbor with the overall safety and aesthetic needs of the Port. The intent of the code is to establish a degree of uniformity in signage while allowing for individual creativity, thus promoting a visual environment which will be aesthetically pleasing and inviting to the consumer, enhance the natural attractiveness of the area and generate more activity for all of the Port businesses. The object of a sign is to identify the business name and type of product or service offered for sale. This code is further intended to encourage signs that:

- A. Protect the Port from sign clutter;
- B. Protect the public's ability to identify users and premises without confusion.
- C. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
- D. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;
- E. Protect the right of the public to be directed, warned, advised and informed;
- F. Possess a satisfactory aesthetic effect and pleasing elements of design that relate to the form, proportion, material, surface treatment and location; and
- G. Assure the maintenance of signs.

**30 APPLICATION.** For signs on any real property in which the Port owns an interest, a sign application must be approved before any sign (except those specifically exempted), is erected, placed, painted, constructed, carved or otherwise given public exposure. Sign applications shall be filed with the Port on an appropriate form in a manner prescribed by the Port. A sign approval shall be issued only after a determination by the Port that the proposed sign is in compliance with all provisions of this section. Each business requesting a sign pursuant to this document shall submit an application to the Port which shall include:

- A. A scale drawing of the proposed sign including dimensions of both the sign and the building or structure to which it will be affixed.
- B. A description of the materials and colors to be used in the construction of the sign.
- C. A drawing of the placement of the proposed sign at the business location.

**40 THEME.** The overall environment at the Port naturally promotes a nautical theme. All exterior signage therefore should carry out this theme by relating to the area of the Port of Brookings Harbor and its activities including but not limited to themes about the ocean, fishing, boating, or other seaport village activities.

**50 CRITERIA.** All signs shall be of a professional quality and be maintained to a professional appearance. Exterior signs must comply with the following regulations:

- A. **Materials:** The materials permitted for signs are wood, metal, polymer material, stained glass and ceramics. Paper and/or neon signs are not allowed as permanent exterior signs.
- B. **Graphics:** These shall be clear, legible, follow the Port theme and be of a professional quality.
- C. **Colors:** Colors of exterior signage must receive approval from the Port. Colors not recommended are fluorescent, day-glo type colors.
- D. **Size:** The area of a sign is determined by the area of the circle or rectangle required to contain it.

#### 1. Exterior Building Signs

- a. **Roof Mounted Signs.** No sign shall be placed on the top of the roof ridge of a building or on top of a facade or marquee. No part of any sign shall extend above the roof ridge or highest part of the roof. Roof signs must conform to criteria outlined in this code and shall be considered in the total signage allotment for a business.
- b. The size and total area of allowed front exterior signs shall be determined by the facade area of the building. Each building shall be allowed a total exterior signage area for the front equal to 10% of the facade area of the building. Exterior facade signage may not exceed a total of seventy (70) square feet regardless of the size of the facade.
- c. Each building may be allowed additional exterior signage area for the sides or rear of a building with Port approval. These additional signs shall not exceed 10% of the area of the side or rear of the building on which the sign is located. Exterior signage for the sides or rear of a building may not exceed a total of seventy (70) square feet regardless of the size of the sides or rear of the building.

d. The total exterior signage of any building, including the facade, roof, and any freestanding sign as may be approved, shall not exceed 140 square feet.

e. The total exterior signage area for a building shall not be affected by the number of businesses located in the building. The business owner or primary leaseholder, if the building is owned by the Port, is ultimately responsible for allocating this allowed area to the businesses located therein and for insuring compliance of signage limitations in the case of multiple businesses being located in a building.

f. All exterior building signs shall be flush-mounted parallel to or painted on the exterior wall of the building.

## 2. Free Standing Signs.

a. Businesses abutting Lower Harbor Drive and Boat Basin Road may be allowed one (1) free standing sign identifying the business. This sign, if approved, must be located on the premises. Such sign shall not exceed 12 feet in height and shall be limited to a total area of 40 square feet per business and shall be considered part of the businesses total facade signage area. If both sides of a double sign are of the exact same design then only one side will be included in the area of that sign. The sign shall be mounted on at least one (1) pilings with two (2) to three (3) more non-supporting poles per side to make the sign resemble a dock piling. The sign shall be placed in a planter or landscaped area designated by the Port. The sign shall not project over any property line or project into a public area.

b. Light from a free standing sign shall be directed away from a residential area and any abutting street.

3 Sandwich Board and A-frame Signs. A temporary sandwich board or A-frame sign may be allowed for a period up to 90 days per year pursuant to review and approval of the Port Manager provided the following conditions are met:

a. Only one (1) such sign per applicant business may be allowed and shall not exceed two (2) feet in width and four (4) feet in height.

b. Each sign must be professionally made and must be kept clean and in good repair. Each sign must be sufficiently weighted at the bottom to prevent being toppled by the wind.

c. Signs shall be displayed only at such times as the business they are intended to identify is open for business. Signs are limited to displaying the business name/logo, "open" and description of the business type. Such signs shall not be placed in a public right of way.

4. Decorative Banners. Decorative banners and flags, excluding local, state or national flags, may be displayed only if they are not torn, faded, or frayed.

5. Bench Signs. Bench signs in the Port shall be leased from the Port on benches and sign blanks provided by the Port at sites designated by the Port. Signs will not be permitted on boardwalk benches.

6. Monument Signs. For businesses not abutting Lower Harbor Drive, one (1) free standing monument sign may allowed for each cluster of up to four (4) businesses having a common parking area. Such sign shall not exceed 12 feet in height and shall be limited to a total area of 48 square feet, with no business having more than 12 square feet of sign area. The sign shall be mounted

between two (2) pilings with two (2) to three (3) more non-supporting poles per side to make the ends of the sign resemble a dock piling. The sign shall be placed in a planter or landscaped area designated by the Port. The sign shall not project over any property line or project into any public area. The site of such monument signs shall be chosen by the Port and such signs constructed by the Port to accommodate sign blanks of eight feet in length by 18 inches in height (8' x 18"). The Port will erect the structure for the signs and each business requesting to place a sign on the structure will be responsible to provide and maintain its sign. These signs shall not be included in calculating the total signage allotted each business.

7. Fixed Balloons. Upon application and approval by the Port, a business may display a fixed balloon for a period not to exceed 30 days per application.

**60 EXEMPT SIGNS.** The following signs and devices shall not be subject to the provisions of this code.

A. Memorial tablets, cornerstones, or similar plaques not exceeding six (6) square feet.

B. Temporary signs for events of a general port-wide civic benefit.

C. Temporary, non-illuminated real estate or construction signs provided that said signs are removed within 72 hours from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:

1. One (1) non-illuminated temporary sign 18 inches by 24 inches shall be permitted for the lease, rental, or sale of a property.

2. One (1) non-illuminated temporary sign 18 inches by 24 inches shall be permitted for the identification of the contractors working on the construction or remodeling of a building.

D. Temporary signs for new businesses, for a period not to exceed 30 days.

E. Paper signs that serve as a notice of a public meeting or event that shall be removed after such meeting is held.

F. Small informational signs related to the operation of a business, such as "open/closed" signs, credit card signs, rating or professional association signs, and signs of a similar nature, provided said signs do not exceed three (3) square feet in area per sign, and no more than four (4) in number for any individual business on any parcel of property, with no more than 9 square feet in total signage area for such signs per business.

G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies.

H. Nameplates indicating the name, and/or address of the occupant of a moorage provided it does not exceed 72 square inches.

I. Interior signs not placed in the window or placed to be visible from outside of the building.

J. Wall Graphics or Murals that do not contain any reference to the business or its products, either expressly or by common association and is displayed purely for the enjoyment of the public can be granted an exemption from the requirements of this code if the art is approved by the Port after an

application has been submitted by the artist responsible before making the project. The Port encourages the use of tasteful art that promotes the theme of the Port of Brookings Harbor. In considering these applications, the ARC can rule on and set requirements on matters including but not limited to appropriateness of subject matter, location, scale, colors, quality and aesthetics.

K. Incidental signs displayed strictly for a direction, safety, or the convenience of the public, including but not limited to signs that identify restrooms, public telephones, parking area entrances and exits, rules pertaining to Port expectations are allowed, except that they will only be as large as necessary, uniform in design and graphic, and of a color in harmony with the surroundings and theme of the port; Individual signs in this category shall not exceed 3 square feet in area.

**70 SIGNS EXPRESSLY PROHIBITED.** The following signs and devices are expressly prohibited.

A. Sandwich board or "A" frame except as provided in Section 50 D.3. , banners, flags and pennants except as provided in Section 50 D.4., other portable signs of any nature, continuous string devices, and paper signs except as may be provided in section 60.

B. Billboards or off-premise advertising signs not erected by the Port, wind signs.

C. Signs which contain any flashing, blinking or moving letters, characters or other elements, rotating or otherwise movable signs.

D. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to or printed on a business or commercial vehicle.

E. Reader boards.

F. Political signs.

G. No signs, as provided in section 60 shall project into the public right-of-way to a distance of less than two (2) feet from the face of curb or in the case where no curb exists, no less than two (2) feet from the edge of the pavement, and no such projecting signs shall be installed to a height of less than seven (7) feet six (6) inches clearance from grade thereunder or top of the grade to the lowest point of said sign.

H. In no case shall any sign:

1. Be animated, audible, rotate or have intermittent or flashing illumination.
2. Be erected in a public easement or right-of-way.
3. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the current edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations, 1985 edition.
4. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, or sidewalk located on Port property.
5. Be attached to a stand pipe, gutter, drain, or fire escape, nor shall any sign be erected so as to impair access to the roof .

6. Be erected in any location where, by reason of its location will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way.

7. Be painted on or attached to any fence, except as provided in section 60 I and L.

8. Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves or gives the illusion of motion except as otherwise provided in this code.

**80 NON CONFORMING SIGNS.** All signs existing on the effective date of this code and not conforming with the provisions of this section are deemed non conforming signs except as provided in Section 60.

A. No non conforming sign, except as provided in Section 80 B, shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain non conforming.

B. All non conforming signs existing on the effective date of this code may remain in use for five (5) years under the following conditions:

1. Until the business for which it advertises has been abandoned in accordance with Section 100 below.
2. The sign remains in good operating condition.
3. The sign is not currently , or likely to become, a hazard to traffic, pedestrians or property.

C. Termination of Non conforming Signs.

1. Immediate termination. Non conforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be removed within 60 days after the effective date of this code, except as otherwise expressly permitted by this section. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all non conforming features.

2. Termination by damage or destruction. Any non conforming sign damaged or destroyed by any means, to the extent of one-third (1/3) of its replacement cost new shall be terminated and shall not be restored.

3. Any non conforming sign not terminated pursuant to any other provision of this code shall be removed within 5 years following adoption of this code.

**90 TERMINATION OF SIGNS BY ABANDONMENT.**

A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon

such use, shall be presumed to be abandoned and all such signage, whether conforming or non conforming to the provisions of this code shall be removed within said 90 days. If a conforming free standing sign the graphics only may be removed. Any period of such non continuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, may be granted by the Port upon an appeal filed by the legal owner of the premises or the person in control of the business.

## **100 VARIANCES.**

A. **GENERALLY.** When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this ordinance occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested by the legal owner of the premises or the person in control of the business.

B. **APPLICATION.** A request for a sign variance shall be made by submitting such request in writing to the Port, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches. The request for variance shall be set for review on the earliest available meeting date of the ARC. The hearing may be continued from time to time.

C. **REQUIRED FINDINGS.** The ARC must make the following findings in order to approve a sign variance:

1. The strict application of the standards contained in this sign ordinance deprive's the applicant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and
2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property; and
3. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any Port development plan or policy; and
4. The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship.

## **110 APPEALS.**

A. Any person aggrieved by an action of the ARC, may make an appeal of that decision. Appeals of decisions made by the ARC shall be submitted in writing to the Port for review by the Port Commissioners. Decisions of the Port Commissioners are final.

# INFORMATION ITEM – A

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**DATE:** March 29, 2021  
**RE:** Sinkhole Repair at Fishing Pier  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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## OVERVIEW

- Port has repaired the large sinkhole by removing the damaged asphalt over the sinkhole, over excavated, placed fabric and backfilled. Repaired section will remain gravel to watch for any future depressions.
- Parking stops will be moved back approximately 10 feet to keep vehicles off the suspect areas. Parking lines will be repainted.
- These repairs are temporary until port engineer and/or Corps of Engineers review of the situation and come up with a permanent solution.

## DOCUMENTS

- None



## INFORMATION ITEM – B

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**DATE:** March 29, 2021  
**RE:** Asphalt Repair at RV Park and Fishing Pier  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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### OVERVIEW

- Potholes along the RV Park exit road were filled and graded with gravel.
- Section (40' long by 20' wide) of the exit road will be overlaid with 2 inches of asphalt covering old pothole repairs.
- Portion (50' by 40') of the Fishing Pier parking lot will be overlaid with 2" of asphalt covering a section of damaged asphalt.
- These repairs are temporary until port engineer can review the situation and provide solutions for the Port.

### DOCUMENTS

- None

## INFORMATION ITEM – C

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**DATE:** March 29, 2021  
**RE:** MARPOL Certificate of Adequacy Form C  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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### OVERVIEW

- Port received email from MSU Portland Facilities Office regarding Certificate of Adequacy (COA) regulations for reception facilities. Any Port receiving vessels which off load over 500,000 lbs. of commercial fishing products in a calendar year would fall under this regulation.
- Each of our terminals (receiving docks) have commercial fishing vessels unloading over 500,000 lbs. in a calendar year. Port staff contacted MSU Portland Facilities Office to verify our Port leasing companies receiving commercial fishing vessels would be required to comply with these regulations. Each commercial fish receiving company has a person-in-charge for their terminal. Those person-in-charge are responsible for the vessel garbage. The Port leases has language where tenants must comply with all applicable laws.
- COA was completed and submitted for the Port and the three terminals; Pacific Seafood, Bornstein Seafood and Hallmark Fisheries.
- Port garbage operations will not change under this COA. The Port is following Figure 7, Approach 1 method within the program. Port garbage handling and removal is re-evaluated periodically.

### DOCUMENTS

- Email from MSU Portland Facilities Office, 4 pages
- Figure 6 examples of receptacles and Figure 7 typical approaches handling garbage, 3 pages

**portmanager@portofbrookingsharbor.com**

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**From:** D13-SMB-MSUPortlandFAC <D13-SMB-MSUPortlandFac@uscg.mil>  
**Sent:** Friday, March 12, 2021 11:14 AM  
**To:** portmanager@portofbrookingsharbor.com  
**Subject:** FW: USCG COA  
**Attachments:** CG\_5401C.pdf

Good morning Sir,

We are contacting you as part of an initiative of bringing all our large fishing ports into compliance with the USCG Certificate of Adequacy regulations for reception facilities. It has recently come to our attention that several of the large ports have been receiving fishing vessels which off load over 500,000lbs of commercial fishing products during a calendar year. It is the goal of this initiative to bring these ports into compliance with these regulation instead of taking administrative action. If you find this message an error, please let us know.

All U.S. ports and terminals which receive ships, including commercial fishing facilities, must have a reception facility for garbage which meets the requirements of 33 CFR 158.410. Certain facilities are required to receive a Certificate of Adequacy (COA) from the U.S. Coast Guard (USCG) to show compliance with 158.410. This includes facilities receiving fishing vessels which offload more than 500,000 pounds of commercial fishery products from all ships during a calendar year. According to government records, Port of Brookings Harbor may exceed the 500,00 pound limit of commercial fishery products annually. In order to continue receiving ships, ports must apply for a COA using the attached Form C. It is our desired goal to receive application from all required port by 01MAY21. There is no fee to apply.

The following link can answer an questions you may have:

<https://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=1082&ContentTypeId=0x010077A263807AAFE54DBF09C291D3EAA816008BFEC11A80BC564EB4241068A94ACD2E>

Our Facilities Team is standing by to assist you with the application process.

Very respectfully,

MSU Portland Facilities Office

**APPLICATION FOR A RECEPTION FACILITY CERTIFICATE OF ADEQUACY FOR GARBAGE FORM C**

The Act to Prevent Pollution From Ships (33 U.S.C. 1901 et. seq.) authorizes the Secretary of the Department of Homeland Security to issue certificates to Terminals and Ports verifying their adequacy to receive operational garbage from ships. Regulations implementing this program are in 33 CFR Code of Federal Regulations Part 158. To continue to receive ships at a port or terminal an applicant must hold a Certificate of Adequacy for Garbage if it receives ocean going tankers, or any other ocean going ship of 400 gross tons or more, carrying residues and mixtures containing oil; or if it receives ocean going ships carrying Noxious Liquid substances. To receive a Certificate of Adequacy for Garbage, application is required on FORM C.

**Definitions:**

"Terminal": an on shore facility or an off shore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a facility for the transfer or other handling of a harmful substance. The definition of "navigable waters" for the purposes of this section may be found in 33 CFR 2.05-25.

"Port": (1) a group of terminals that combines to act as a unit and be considered a port for purposes of this part; (2) a port authority or other organization that chooses to be considered a port for purposes of this part. For the purposes of Annex V of MARPOL73/78, Port also means a commercial fishing facility, recreational boating facility and a mineral and oil industry shore base.

**A. Terminal Section**

*Complete this section if you are applying as a SINGLE TERMINAL*

|                                   |
|-----------------------------------|
| Name of Terminal                  |
| Street Address                    |
| City, State, Zip Code             |
| Name of Terminal Person-in-Charge |
| Phone Number (Enter Area Code)    |

*After completing this section go to Section C.*

Check the following boxes if the terminal receives or discharges any of the following cargoes from vessels visiting the terminal:

- |   |                                    |                                  |
|---|------------------------------------|----------------------------------|
| <input type="checkbox"/> Oil                  | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Oily wastes          | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Fuel                 | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Bulk dry cargo       | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Explosives           | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Hazardous substances | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Fish                 | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |
| <input type="checkbox"/> Other                | <input type="checkbox"/> Discharge | <input type="checkbox"/> Receive |

Check the following boxes if the terminal handles or services any of the following vessels:

- |  |   |
|--|---|
| <input type="checkbox"/> Vessels of foreign registry                             | <input type="checkbox"/> Unmanned barges  |
| <input type="checkbox"/> U.S. Vessels on domestic trade                          | <input type="checkbox"/> Chemical ships   |
| <input type="checkbox"/> U.S. Vessels in foreign trade                           | <input type="checkbox"/> Container ships  |
| <input type="checkbox"/> Passenger vessels                                       | <input type="checkbox"/> Break bulk ships |
| <input type="checkbox"/> Vessels servicing the offshore mineral and oil industry | <input type="checkbox"/> Fishing ships    |
|  | <input type="checkbox"/> Ferry boat ships |

**B. Port Section**

*1. Complete this section if you are applying as a PORT*

|                                   |
|-----------------------------------|
| Name of Terminal                  |
| Street Address                    |
| City, State, Zip Code             |
| Name of Terminal Person-in-Charge |
| Phone Number (Enter Area Code)    |

Number of Terminal which we will be members of this Port? \_\_\_\_\_

**B. PORT SECTION** (continued) Individual terminal data:

Ports are to complete the following entries for each individual terminal which is a member of the port.

|   |  |   |                                  |  |
|---|--|---|----------------------------------|--|
| 2.  |  | Check the following boxes if the terminal receives or discharges any of the following cargoes from vessels visiting the terminal: |                                  |  |
| Name of Terminal  | <input type="checkbox"/> Oil   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Street Address  | <input type="checkbox"/> Oily wastes   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| City, State, Zip Code   | <input type="checkbox"/> Fuel  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Name of Terminal Person-in-Charge   | <input type="checkbox"/> Bulk dry cargo  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Phone Number (Enter Area Code)  | <input type="checkbox"/> Explosives  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Signature of Person-in-Charge of Terminal. (Signature indicates Terminal Acknowledges that terminal agrees and consents to being considered as a member of the port, described in Section B.) | <input type="checkbox"/> Hazardous substances                                    | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
|   | <input type="checkbox"/> Fish  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
|   | <input type="checkbox"/> Other   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| 3.  |  | Check the following boxes if the terminal handles or services any of the following vessels:                                       |                                  |  |
| Name of Terminal  | <input type="checkbox"/> Vessels of foreign registry                             | <input type="checkbox"/> Unmanned barges  |                                  |  |
| Street Address  | <input type="checkbox"/> U.S. Vessels on domestic trade                          | <input type="checkbox"/> Chemical ships   |                                  |  |
| City, State, Zip Code   | <input type="checkbox"/> U.S. Vessels in foreign trade                           | <input type="checkbox"/> Container ships  |                                  |  |
| Name of Terminal Person-in-Charge   | <input type="checkbox"/> Passenger vessels                                       | <input type="checkbox"/> Break bulk ships   |                                  |  |
| Phone Number (Enter Area Code)  | <input type="checkbox"/> Vessels servicing the offshore mineral and oil industry | <input type="checkbox"/> Fishing ships  |                                  |  |
| Signature of Person-in-Charge of Terminal. (Signature indicates Terminal Acknowledges that terminal agrees and consents to being considered as a member of the port, described in Section B.) | <input type="checkbox"/> Ferry boat ships  |   |                                  |  |
|   |  |   |                                  |  |
| 4.  |  | Check the following boxes if the terminal receives or discharges any of the following cargoes from vessels visiting the terminal: |                                  |  |
| Name of Terminal  | <input type="checkbox"/> Oil   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Street Address  | <input type="checkbox"/> Oily wastes   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| City, State, Zip Code   | <input type="checkbox"/> Fuel  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Name of Terminal Person-in-Charge   | <input type="checkbox"/> Bulk dry cargo  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Phone Number (Enter Area Code)  | <input type="checkbox"/> Explosives  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
| Signature of Person-in-Charge of Terminal. (Signature indicates Terminal Acknowledges that terminal agrees and consents to being considered as a member of the port, described in Section B.) | <input type="checkbox"/> Hazardous substances                                    | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
|   | <input type="checkbox"/> Fish  | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
|   | <input type="checkbox"/> Other   | <input type="checkbox"/> Discharge  | <input type="checkbox"/> Receive |  |
|   |  | Check the following boxes if the terminal handles or services any of the following vessels:                                       |                                  |  |
|   | <input type="checkbox"/> Vessels of foreign registry                             | <input type="checkbox"/> Unmanned barges  |                                  |  |
|   | <input type="checkbox"/> U.S. Vessels on domestic trade                          | <input type="checkbox"/> Chemical ships   |                                  |  |
|   | <input type="checkbox"/> U.S. Vessels in foreign trade                           | <input type="checkbox"/> Container ships  |                                  |  |
|   | <input type="checkbox"/> Passenger vessels                                       | <input type="checkbox"/> Break bulk ships   |                                  |  |
|   | <input type="checkbox"/> Vessels servicing the offshore mineral and oil industry | <input type="checkbox"/> Fishing ships  |                                  |  |
|   |  | <input type="checkbox"/> Ferry boat ships   |                                  |  |

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**SECTION C** (33 CFR 158 Subpart D)

1. Does the terminal or port receive visits from vessels arriving from foreign ports (except Canada), Hawaii or any territories or possessions of the United States?

- YES  NO (If the answer is "NO" go to question No. 4)

2. Does the terminal or port have facilities approved by the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the disposal of garbage from foreign ports (except Canada), Hawaii or any Territories or Possessions of the United States in accordance with Title 9 Code of Federal Regulations Part 94.

- YES (If the answers is "YES" please fill in the information below.)  NO (If the answer is "NO" you may attach a waiver request in accordance with 33 CFR 158 on a separate attached sheet.)

Name of APHIS Approved Facility

Type (Incinerator, Sterilizer, Autoclave, etc.)

City

State

Phone Number

3. For those terminal(s)/port(s) requiring the services of an Animal and Plant Health Inspection Service approved facility, would the terminal or port be capable of receiving all garbage from these ships visiting the terminal/port within 24 hours after notification of need of such services is given?"

- YES  NO (If the answer is "NO" you may attach a waiver request in accordance with 33 CFR 158 on a separate attached sheet.)

4. Is the terminal or port able to receive all garbage as defined in 33 CFR 158.120 which the master or person-in-charge of a ship desires to discharge, except: (1) large quantities of spoiled or damaged cargoes not normally expected to be discharged by a ship; or (2) garbage from ships not having commercial transactions with that terminal or port?

- YES  NO (If the answer is "NO" you may attach a waiver request in accordance with 33 CFR 158 on a separate attached sheet.)

The terminal/port person-in-charge identified in the Application shall notify the U.S.Coast Guard Captain of the Port (COTP) in writing 30 days after any of the terminal/port information supplied under 33 CFR 158.165(b)(3) changes.

**Civil Penalties.** A person who after notice and an opportunity for a hearing, is found:

a. to have made a false, fictitious or fraudulent statement or representation in any matter in which a statement or representation is required to be made under the Act to Prevent Pollution from Ships, or the regulations thereunder, shall be liable to the United States for a civil penalty, not to exceed \$8,000 for each statement or representation; or

b. to have violated the Act to Prevent Pollution from Ships, or the regulations issued thereunder, shall be liable to the United States for a civil penalty, not to exceed \$40,000 for each violation.

**CERTIFICATION**

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR A WASTE RECEPTION FACILITY CERTIFICATE OF ADEQUACY IS COMPLETE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

PRINTED OR TYPED NAME OF PERSON IN CHARGE: \_\_\_\_\_

SIGNATURE OF TERMINAL/PORT PERSON IN CHARGE: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

**Privacy Act Statement**

**Authority:** The Act to Prevent Pollution From Ships (33 U.S.C. 1901 et. seq.) authorizes the Department of Homeland Security to issue certificates to Terminals and Ports verifying their adequacy to receive operational garbage from ships. To continue to receive ships at a port or terminal an applicant must hold a Certificate of Adequacy for Garbage if it receives ocean going tankers, or any other ocean going ship of 400 gross tons or more. To receive a Certificate of Adequacy for Garbage, application is required on Form C. Regulations implementing the United States waste reception facility program are in 33 CFR 158 Code of Federal Regulations.

**Purpose:** Waterfront Facilities are required to be certified to have adequate reception capabilities when receiving operational garbage from ocean going tankers, or any other ocean going ship of 400 gross tons or more.

**Routine Uses:** The information supplied on the form will be used by and disclosed to Coast Guard personnel. Additionally, the Coast Guard may share the information with law enforcement or other government agencies as necessary to respond to any incidents that may occur as a result of any Marine Pollution by Garbage, or pursuant to its published Privacy Act system of records notice.

**Disclosure:** Furnishing this information is voluntary; however, failure to furnish the requested information may delay or prevent the issuance of the Certificate of Adequacy (Form CG-5401).

**Burden Statement:** The Coast Guard estimates that the average burden for this report is 45 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-FAC-2), U.S. Coast Guard, 2703 Martin Luther King Jr Ave SE Stop 7501, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0045), Washington, DC 20593.

Submit the application to: THE LOCAL CAPTAIN OF THE PORT OFFICE

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to prevent collected wastes from overflowing, which can be costly in terms of labor. Overflowing waste receptacles

are unsightly and can attract flies and vermin. Receptacles that are too large can also be costly because the port may

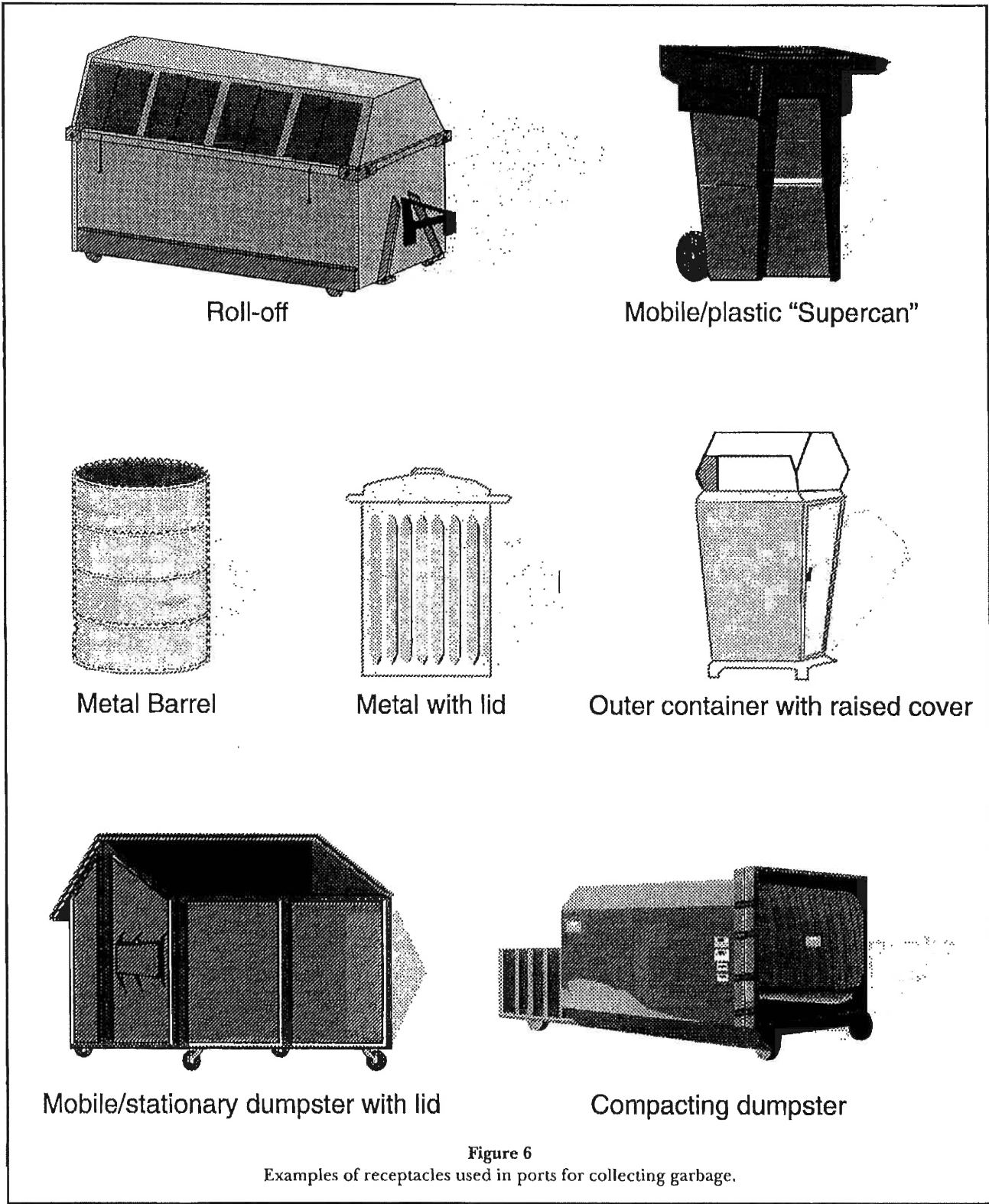
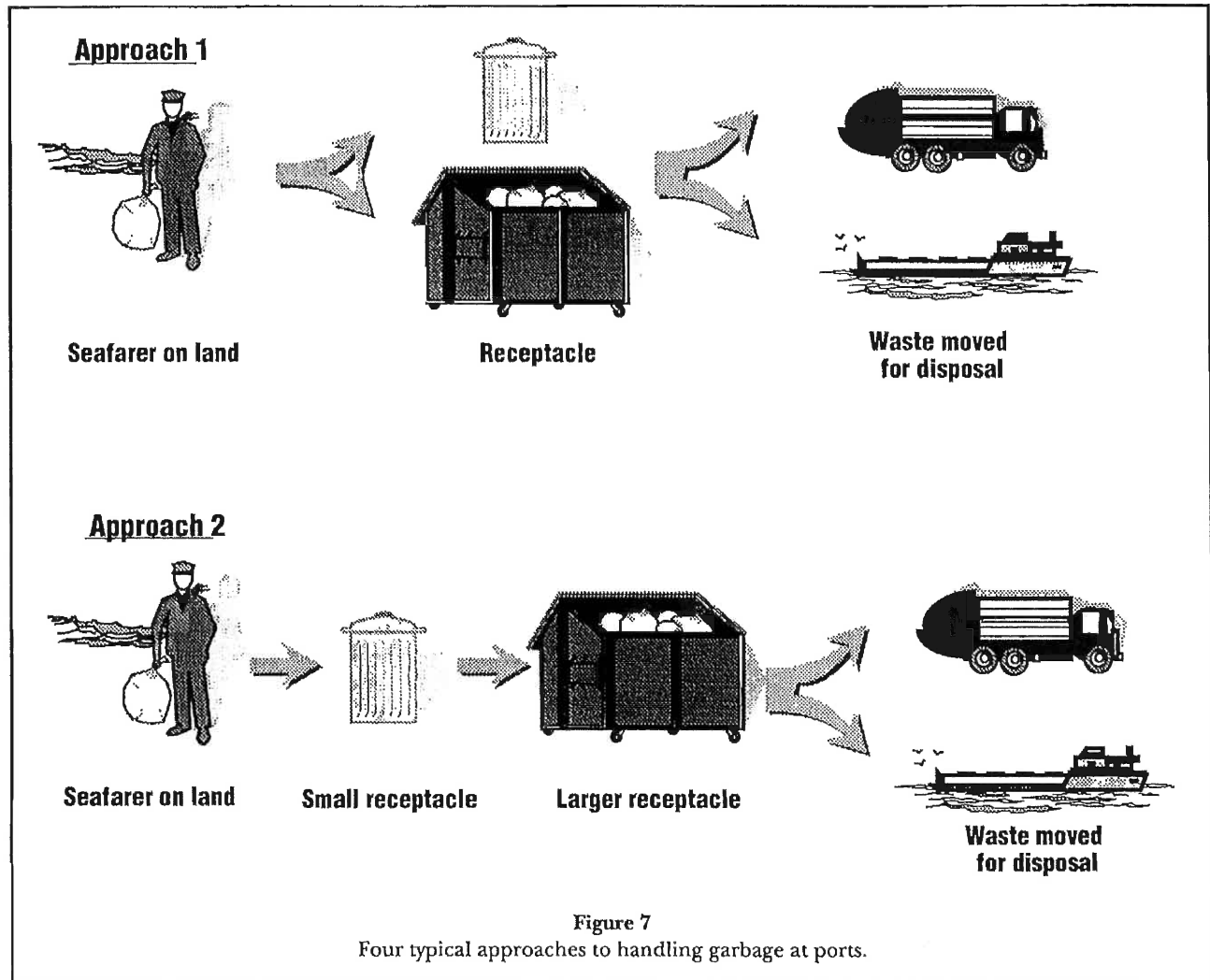


Figure 6  
Examples of receptacles used in ports for collecting garbage.



Appropriate sites for garbage receptacles include wharves adjacent to moorages, access points to docks, fuel stations, and boat launching ramps.

### Improving an Existing System

#### Minor Adjustments

Port capacity for receiving and handling solid waste can be changed in a number of ways: by adding receptacles, increasing or decreasing the size of receptacles, compacting wastes, increasing frequency of garbage pick up, and diverting recyclable materials to a recycling program.

The siting of a garbage reception facility may be changed, for example by establishing a centralized collection area.

Features such as windscreens or shelters can be added to receptacles. Access can be improved by adding lighting or signs, or by increasing the visibility of receptacles.

### Taking a New Approach

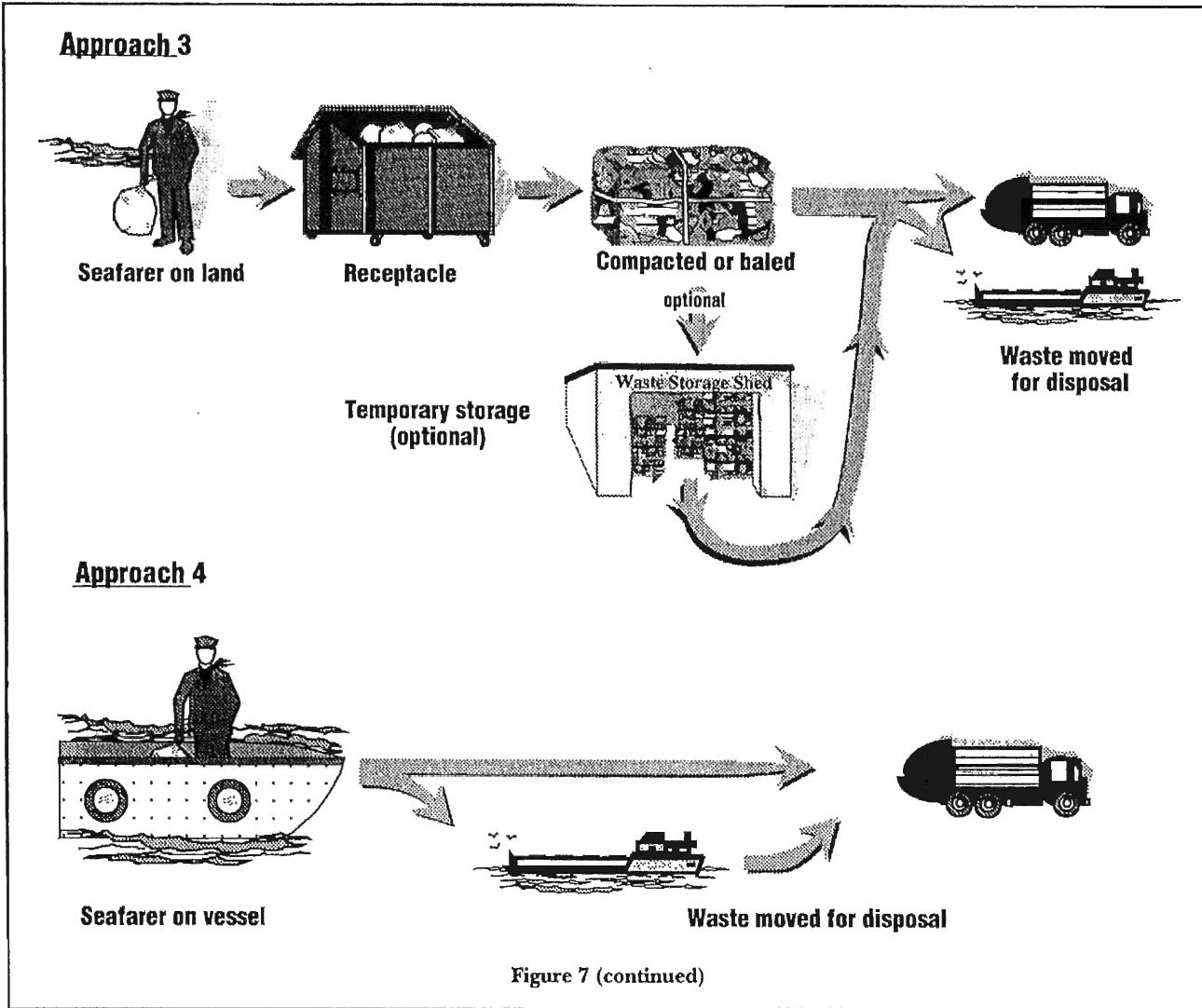
It may be decided to change the port's fundamental approach to solid-waste management. This will entail reassigning responsibility for receipt, handling, treatment, and disposal of garbage (Fig. 5).

#### Notification of Personnel and Users

Port personnel and users must be made aware of any changes in the solid-waste management system. Personnel should be informed of any changes prior to their implementation, and should understand the changes so that they can answer questions from port users.

Port users must be informed so that they can properly use the reception facilities. Techniques used to inform port users of changes in the waste management system have included port newsletters, bill inserts, spe-





cial mailings, notices throughout the port, and word of mouth.

**Periodic Re-evaluation**

The person in charge of solid-waste management for the port should conduct a periodic re-evaluation of the

waste management system. Adjustments may be needed to respond to changes in port users, changes in the state of marine waste handling, problems with operations and equipment, or changing costs. Records of costs, labor time, volume of garbage handled, and user compliance before and after changes should be compared to aid in evaluation.

## INFORMATION ITEM – D

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**DATE:** March 29, 2021  
**RE:** Seal Cove Realty Eviction  
**TO:** Honorable Board President and Harbor District Board Members  
**ISSUED BY:** Gary Dehlinger, Port Manager

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### OVERVIEW

- The first hearing occurred on March 15, 2021 at Curry County Court via webservice. The defendant, Charles Simpson, did not appear. The judgement of restitution was granted to the plaintiff, Port.
- Charles Simpson was ordered to remove his belongings by the end of the day March 23, 2021. If he does not remove his belongings, the Sheriff will physically remove anyone at the premises and return possession of the premises to the Port. Anything left behind will be stored or disposed of as allowed by law.
- Port staff will follow Port legal counsel guidance handling any belongings left behind.

### DOCUMENTS

- None