



OREGON SHORES
CONSERVATION COALITION

February 17, 2023

To: Jill Rolfe, Coos County Community Development Director

Re: Coos Bay Estuary Management Plan, Phase 1

Thank you for the opportunity to comment on Phase 1 of the Coos Bay Estuary Management Plan (CBEMP) update.

The update is badly needed, so we applaud the effort to bring the plan forward to meet present and future needs. We understand the time constraints that led to the limited nature of this initial phase of the update. Phase 1, focusing on modernizing the format, making technical changes, and updating the maps, constitutes an acceptable scope for a first step—so long as it is clearly understood to be the preliminary to a complete revision of the plan. This comment, then, assumes the good-faith intention to proceed with the comprehensive revision and updating of the CBEMP needed to address current challenges including the growing impacts of climate change and habitat loss.

Even while acknowledging the limitations of this first phase, we do have a number of significant concerns with the present CBEMP draft of the plan shared with the public. These concerns fall into five areas.

The Maps

Updating maps based on nearly 40-year-old data is of course a major priority, crucial to the planning process. However, the state of the maps proposed for incorporation into the plan is inadequate at present. In some cases, the data on which they are based are outdated (2015) and it is unclear how, when, and by whom the data was collected. We suggest that such information be provided as meta-data within the document, to ensure full transparency and allow gaps in information to be clearly identified in future planning efforts. Additionally, many of the maps are difficult to read or insufficiently detailed; errors have been identified, and no doubt more would emerge with enough time to study them.

Importantly, these maps should be peer-reviewed by a technical advisory board and resource inventories should be ground-truthed before they are adopted as a final document. Additionally, such maps should be periodically updated as more data becomes available. As described in the

Oregon Climate Change Adaptation Framework, produced by DLCD, inter-agency coordination and information sharing are critical for comprehensive planning. Therefore, these maps should be adapted in the future to include data collected from multiple state agencies and ultimately integrated on a user-friendly GIS platform, on which data layers can be used to align management units on top of resource inventories. The matrices corresponding to the current maps are confusing to apply and fail to make use of modern mapping technologies.

Specific concerns about the maps include:

- The legibility of many of the maps is severely limited. The patterns used to differentiate management units are small and pixelated, which makes it difficult to discern areas designated as conservation, development, and natural units (map 3.2) Because EMUs are so ill-defined, the viewer must zoom in on the pdf file to observe specific areas, resulting in low-resolution, fuzzy snapshots of the bay with little information. Considering EMUs are used to spatially designate uses and development allowed in specific regions of the bay, higher quality imagery is crucial for management decisions to be made on a fine scale.
- The color schemes chosen for many of the maps (4.1, 5.6, 5.11, 5.12, 5.14) are too similar in color, making it near-impossible to distinguish key resources or features on the landscape. For example, the CMECS Biotic map (5.12) includes 14 variations of brown and 8 variations of green to map key biological resources in the bay, resulting in indistinguishable features in many regions of the map. Some colors are so faint, they cannot be interpreted or distinguished relative to the tan landscape or blue seascape (i.e. map 4.1). Color schemes should be bold and distinct, and take into account color-blind palettes for better accessibility and interpretation. Furthermore, these issues would largely be resolved with higher-definition imagery or interactive GIS mapping technology.
- It is unclear what some of the map metrics are or where the data was derived. For example, what is “improvement status”? Or the “improvement value ratio?” All metrics should have a definition and units, and the source and year of data collection should be clearly indicated in the map legend. The legend font should be larger.
- For some static resources or developments, the year of data collection might not change the management implications of an area, so older data might be sufficient to use in future revision phases of the EMP. However, maps of dynamic habitat and species of concern should be as recent as possible and updated frequently, to accurately reflect the distribution of the resource. In particular, we are concerned that the survey for the eelgrass map may already be outdated, as this habitat changes distribution seasonally and annually, based on disturbance and water conditions. To account for the dynamic nature of this resource, we strongly suggest using the “maximum observed extent” eelgrass layer, offered from PMEP, which reflects the historical and average eelgrass distribution over time. If it is unlikely that the eelgrass maps used to inform management decisions in Coos Bay will be updated frequently, then it is crucial that these maps

reflect historic extent or a change in distribution over time—rather than a discrete snapshot of distribution at a moment in time.

- The CMECS Geologic Substrate map (5.14) does not denote any bedrock associated with the navigational channel, which has been reported to have been encountered during the last channel deepening from 35' to 37'. This area in the lower bay should have data on the bedrock underlying the soft sediment from previous EISs conducted before channel deepening projects were approved. This data should be included to accurately reflect the bedrock of the navigational channel.

The underlying concern is that these maps will be used for decision-making, as though they could be relied on to convey current information about facts on the ground. They are of course better than the decades-old maps they replace, but they should be included in this initial update strictly on a clearly stated provisional basis, with the clear understanding that work will go on to refine them.

Tribal Engagement

There was some involvement by Tribal representatives when the groundwork for this update was laid four or more years ago, but there is no clear evidence that indigenous perspectives were brought to bear on the current process. While formal consultation may not be required, DLCD policy on Tribal coordination states that Tribal governments should be given the information and access they need to actively participate in planning. This includes proactively contacting Tribes to make them aware of pending decisions and policy changes, increasing communication with Tribes, and making information available and collecting feedback from Tribes. DLCD Policy 06-01 (implementing SB 770, ORS 182.162-.168, and EO-96-30). We understand that as this is a state process, thus formal consultation isn't required, but the two Tribes whose home territories include portions of Coos Bay—the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe—should be at least informally consulted, and any objections or input they may have (e.g., with the details of the maps) should be fully considered in advance of final decision-making. We encourage the county to seek support from DLCD with Tribal engagement, if necessary, for government-to-government coordination regarding the CBEMP update.

Goal 1

The current, time-constrained update process falls far short of meeting Goal 1 requirements of the statewide land use planning system, which calls for widespread public involvement in all phases of the planning process and accessibility of technical information. There was an extensive public involvement process four years ago, before the CBEMP update process was put on hold, but that does not justify the lack of public involvement during the current phase.

Goal 1 further calls for effective two-way communication with the public. One “open house,” during which minimal information was offered and there was no systematic method of critiquing the maps and recording comments, does not meet the Goal 1 standard—particularly when the open house was announced on short notice, with the announcement coming during the holidays.

For public involvement to be meaningful in a complex land use planning process such as this, there must be adequate time for members of the public to study the plan, especially the maps, and formulate specific, detailed comments. One casual open house, attended by a few dozen people, does not remotely meet this standard, nor does the public display of the maps at the community college (although in itself a good step toward informing the public).

Goal 1 requires public involvement at each phase of a planning process. It is our understanding that the public will have opportunities to comment as part of the adoption process by each of the three local governments. However, at this point, the “final” plan revisions will have been delivered by the IPRE consultants, with little room for altering the document to incorporate public input in a significant way. We are concerned that the local jurisdictions will be inclined to resist changes to the CBEMP in order to avoid another round of modifications, meaning that public comments at this stage may have little effect. To meet the intentions of Goal 1, a comment period, including frequent public meetings, should take place now in the revision process of the document.

The “Final” Plan

To somewhat rectify the failings of the current process with regard to Goal 1, the first full public comment period should not take place after the consultants deliver their “final” version of the plan to the local governments. Rather, this should take place *before* the plan is considered separately by the three local governments. As noted, once the plan is before each individual planning commission and council/board of commissioners, there will be strong momentum toward adopting the plan without changes, since the three jurisdictions must be in accord and changes will necessitate a new round of drafting, public review, and re-consideration. In order for public input to be meaningful and lead to potential changes in the plan, it must be directed to the plan as a whole, prior to its delivery to the individual local governments.

This public comment period must include a full public presentation on the plan—we would suggest both an in-person event, with people on hand to explain the maps, and a webinar. And it must include a lengthy enough period for members of the public to fully consider the maps, perhaps do their own ground-truthing, and then provide feedback. This would require a minimum of 30 days. We understand the time pressure felt by the planners due to the time limits on the grant funding the planning effort, but this artificial deadline must not be allowed to trump the requirements of public involvement. Completion of the “final” plan delivered by the consultants can include a full public comment period and still take place by June; consideration

by the local governments can subsequently occur as part of their normal cycle of planning processes.

Composition of the Citizen Advisory Committee

The Phase 1 planning products include a recommendation as to the composition of the citizen advisory committee that will then participate in the process of comprehensively revising the CBEMP. As proposed, the citizen advisory committee will be entirely composed of government representatives with only three appointed citizens. This does not meet the standards of Goal 1, in letter or in spirit. The citizen advisory committee should include wider representation drawn from the community and its various key interest groups, and should not include representatives of governmental entities (elected officials or staffers). Further, the engagement of this citizen advisory committee in the planning process should not replace thorough public involvement in the broader community.

We recommend that the CBEMP process emulate the Yaquina Bay EMP process in this regard. A steering committee should be organized that consists of representatives of the local governments, the port, Tribes, and state agencies. It could also include a couple of at-large representatives of the public.

In contrast, the construction of the *citizen* advisory committee should aim to represent the interests of the community. It should include representation from the county and cities, but by residents who are not officials or employees of the local governments. It should include representatives of key interest groups, including fishing, the oyster industry, recreation, Tribal citizens, the business community, conservation groups, scientists, environmental justice and public health interests, and others who will be impacted by the results of this planning process. A broadly representative and strongly engaged citizen advisory committee will be critical to meeting the challenges of future phases of the CBEMP planning process and representing the diverse needs of the community. The composition of the Advisory Committee should be proportional and representative of those who will be affected by the outcome of the CBEMP. While we don't specify a number of seats on the committee, size should not be a limitation; it should be large enough to accommodate wide representation of community segments. (The Partnership for Coastal Watersheds has played and continues to play an important role in the EMP process, but neither in composition nor in process does it substitute for a citizen advisory committee.)

Despite the flaws we find in this current, initial phase, we are glad to see the process of revising and updating the CBEMP begin. We honor the hard work that has been done so far. Looking beyond June, we are eager to see extensive community involvement in the longer-term challenge of developing a comprehensive EMP that addresses loss of habitat, opportunities for restoration, and especially the inevitable impacts of climate change.

We ask that the following provisions be adopted as stated intentions in the “Phase 1” plan, pointing forward toward the next steps in the update process:

- The local jurisdictions explicitly commit to continuing the planning process, now that these initial, technical changes have been dealt with. We would suggest that the changes now under consideration in “Phase 1” be clearly recognized as simply the first steps in an essential, comprehensive EMP review, update, and full revision. Standing alone, the “Phase 1” revisions are not adequate to address the inefficiencies in the EMP implementation and the challenges of the climate crisis.
- A technical review committee should be established to continue working on the maps, with the goals of fully updating them with current information; assuring transparency as to the sources of the data; improving the clarity and detail of the information they convey; and obtaining peer review. As maps receive this type of review and are deemed fully up to date and accurate, they should substitute for the maps provisionally adopted in the current (“Phase 1”) update, where they cover the same material, or be added. This committee should also consider traditional ecological knowledge (TEK) contributed by members of the Tribes whose traditional territories include the estuary.
- An adaptive management process should be pursued in the comprehensive EMP update to respond to inevitable changes in estuarine conditions and foster greater community resilience in the long-term. Research should be conducted where needed to fill in gaps in information and explore solutions for adaptation, including those that have been attempted in other communities. Members of the public, including the scientific community, could be invited to assist—we hope to collaborate with the county and cities in seeking such solutions.
- Community groups should be enlisted to help increase public understanding of the EMP process to ensure a more robust public engagement process. This could be done, such as by hosting public events and inviting speakers on relevant topics to their own meetings.
- Public interest organizations, including ours, and other members of the public could be enlisted to help search for sources of funding to support the local jurisdictions as they pursue the next steps in the EMP process.

Again, thank you for the opportunity to comment. We look forward to participating in a community-wide effort to develop a comprehensive estuary management plan that will guard the resources of the Coos Bay estuary— and the people it supports— for decades to come.

Sincerely,

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