

**PORT OF NEWPORT**  
**COMMERCIAL FISHING USERS GROUP COMMITTEE MINUTES**

February 13, 2017  
Initial Committee Meeting

**I. CALL TO ORDER**

Port Commission President Walter Chuck called the initial meeting of the Commercial Fishing Users Group Committee to order at 9:01 am at the OSU Extension Office, 1211 SE Bay Blvd, Newport, Oregon.

**Committee Members Present:** Mike Pettis (Pos. #2); Ted Gibson (Pos. #7); Gene Law (Pos. #8); Bob Aue (Pos. #9); Bob Eder (Pos. #10); Sara Skamser (Pos. #11); and Jeff Lackey (Pos. #12).

**Committee Members Absent:** Mark Newell (Pos. #3); Ernie Phillips (Pos. #4); Mark Cooper (Pos. #5); and Kaety Jacobson (Pos. #6). Position #1 is currently vacant.

**Port Commission Liaison:** Walter Chuck (Pos. #1), President

**Management and Staff:** Kevin Greenwood, General Manager; Pete Zerr, NIT Supervisor; and Karen Hewitt, Administrative Assistant.

**Members of the Public and Media:** David Jincks, F/V Sea Dawn; Steve Beck, Port of Newport Commissioner; Heather Mann, Midwater Trawlers' Cooperative.

**II. INTRODUCTIONS**

Chuck started with a statement of the purpose of the Committee, which was to provide guidance and recommendations to the Port of Newport Board of Commissioners on issues related to the commercial fishing docks and international terminal, port services and policies. Members present introduced themselves and their representation to the Committee.

**III. ELECTION OF CHAIR/VICE CHAIR**

Chuck asked for nominations for the Committee Chair. Eder nominated Skamser, seconded by Law. A vote was taken and Skamser was elected 7 – 0. Gibson nominated Eder as Vice Chair, seconded by Pettis. Eder said he expects to attend sporadically. A vote was taken and Eder was elected 7 – 0.

**IV. REVIEW BINDER MATERIALS**

Greenwood introduced the list of binder materials on the agenda. He asked that the Committee members bring their binders to each meeting. Port staff will send materials for future meetings electronically and will produce hard copies for the Committee members at the meetings. Greenwood advised that the Committee was formed according to Port By-Laws, and referred to the forming Resolutions in the binder. He also reviewed the contact information page included. Greenwood said that a representative for Port Dock 7 representative backed out. Pettis said he has 30+ years on Port Dock 7. Greenwood said the positions would see some overlap, but it was important to include a representative from each sector as future members may not have the same configuration. Greenwood reviewed Resolutions 2016-06 creating the Committee and Resolution 2016-10 amending the Committee. He said the positions would be four years, but the first terms would be staggered at 2 years and 4 years. At the end of a member's term, the General Manager will send an email asking if they would continue to serve. If not, then another representative would be appointed by the Port Commission. Greenwood said that Kent Gibson was absent due to illness today, but Gibson would be the main staff contact. The Director of Operations will also provide staff support for the Committee. The Director of Operations (DOO) position is currently open, but Jim Durkee is serving as interim DOO. Hewitt will either take minutes at the Committee meetings or provide someone to take minutes. Greenwood said the Committee could ask for additional staff support as needed. Greenwood asked that the Committee decide when they would meet. A consistent meeting date would allow for adequate preparation and noticing time. The Committee could form their by-laws as long as they were not counter to Port By-Laws and their forming Resolutions. By-laws could include the frequency of meetings, rules, how the Committee would be run,

etc. Greenwood acknowledged it would be difficult to get 100% attendance because of the fishing season. Skamser suggested meeting every other month. Greenwood reminded the Committee that a quorum would need to be present to hold an official meeting per public meeting law, and cautioned the Committee to avoid a "serial meeting." Greenwood offered to spend time with Committee members who have not served on public boards to provide some guidance. Skamser proposed meeting on the second Monday every other month at 9:00 am beginning on March 13, 2017. Greenwood said a Special Meeting could be called by sending a request to Skamser, who would communicate with Hewitt to schedule.

The Committee also discussed the possibility of Committee members participating by phone. Jincks spoke to the public meeting requirements of meeting by phone. Greenwood suggested such a meeting could still be held in a public place with a speaker as long as the public had access.

Greenwood directed the Committee to the Capital Improvement List in the binder. He said the Port is responsible for its facilities. This list was comprised of items identified and prioritized internally by the facility managers. The list will be approved by the Board of Commissioners in May. This report was included so that the Committee was aware of the Port's intentions. The ability to complete the projects was also determined by funding. On Port Dock 7, the electrical update has been completed, and the high-priority rebuild would require funding. Swede's dock repairs were in progress. \$25K is budgeted; the income from Swede's dock is approximately \$4K per year, based on moorage. The #3 hoist is a big ticket item. The Port Dock 5 Pier approach would be added this year, and would include approximately \$100K for permitting and engineering. The Port had approximately \$400K for capital projects for the entire Port last year. This does not include NOAA, which is a separate fund. Greenwood said Kent Gibson, North Commercial Harbormaster, has spent time working on a new Port Dock 7 design. The Committee could provide valuable input in the planning of this future project. This would be a big issue, especially if the Port is to accommodate larger vessels. There was some discussion about the electrical amperage needed at the Port Docks.

Eder asked if the Port was entirely responsible for the \$2MM for the Commercial Marina dredging. Chuck said yes, as the Army Corps only dredged the channel. Greenwood said that the Commission and staff reviewed priorities based on current information. For example, the Port Dock 5 rebuild was broken into smaller projects. Jincks said it had been more than 30 years since the Commercial Marina was dredged. The Port has been successful in keeping the area clean with replacing the breakwater. Gibson said that if Port Dock 7 were to accommodate larger boats additional dredging would be required. Pettis suggested adding caps to all pilings as they can help avoid damage to boats when the pilings are accidentally hit. Mann suggested contacting the Audubon Society for funding since the caps were to prevent birds from getting caught in an open piling. Skamser asked how much the hoist dock asphalt had cost; Greenwood said \$20K - \$30K. A full repaving of the lot would have cost \$300K - \$400K. Don Mann had previously applied for funding for this through Connect Oregon, but the award was not granted. The repair to the sinking area has approximately a 10 year life.

Skamser said there were other issues to address like parking. Chuck asked what the Committee would rank as a #1 priority. Skamser said they could come back to this at the March meeting. Law asked about the condition of the Port Dock 5 approach. Greenwood said OBEC estimated a 2 - 5 year life. Durkee is gathering information from facility managers and a priorities report will be submitted to the Commission next month. Greenwood said the laydown yard at the International Terminal has been a priority. Negotiations are ongoing, and financing is tenuous. Teevin may be bringing in private investors who would have access to the area in exchange. The Port cannot incur any more debt. Zerr said the fire water line loop was a city requirement. A secured area with controlled access was needed to meet Coast Guard regulations for NSTA regulated boats. Durkee said staff was looking into the options of renting or purchasing fencing. Eder expressed concern about the displacement of mid-water and distant water trawlers. Zerr said another Committee of Terminal Users would be discussing this. Eder suggested installing a second hoist at the east end of the IT dock. Jincks said this had been discussed during the design of the terminal and the recommendation was for a small crane rather than another hoist. Eder said a hoist would be better for users because of labor and staff availability when using a crane.

Greenwood referred to the rate Resolution in the binder. The Port Commission sets the rates, fees and charges for the Port. This Resolution has been in review since January, and is usually adopted in May or June. The Port tries to keep up with costs and expenses, and to have smaller increases each year rather than a large increase in a particular year. Skamser said the Committee could discuss this at the March meeting. Greenwood referred to the Facilities Code in the binder. He said this is the document that TCB Security follows and is reviewed and amended by the Port Commission. The final documents included in the binder are the Port Dock 5 pier approach report, port maps, and a Committee roster.

Skamser noted that the fees for forklift include equipment and labor charges. Greenwood said these fees had been split to help with setting policy. Skamser also said that as a lessee, there was some issue with getting complete invoices which caused confusion. Greenwood said there was an internal priority to enter service tickets in a timely manner. Eder suggested the ¼ hour minimum be reduced, since moving one or two pallets could take just a few minutes. Greenwood said there can be some degree of management discretion in issuing service tickets. He added the Port was making an effort to make procedure consistent for the Commercial Docks and International Terminal. Pettis said that the minimum charge could result in double billing for a service if a truck were delivering to several boats. Lackey requested that the Committee be added to the list of those receiving Commission Meeting information. Hewitt will add the Committee to the distribution list for agendas and meeting packets as a BCC. Greenwood explained that using BCC would avoid an inadvertent public meeting should the Committee members “reply all.”

Gibson asked who would be paying for damage due to the recent mudslide at the Port Dock 5 parking lot. Greenwood said the Port leased the lot owned by the Maritime Museum for \$1 per year. The lease includes an indemnity clause that makes the Port responsible for clearing what falls on the lot. Greenwood will be recommending to the Commission to end this lease in its current format. For vehicles with parking permits, the parking permit agreement includes language that absolves the Port of responsibility for damage. He has heard from several owners, and some are not happy with this. Beck advised that vehicle damage would be a comprehensive loss under the owner’s auto insurance. Their insurance company would evaluate the claim and subrogate if appropriate. Thankfully, there was no injury or loss of life. Greenwood said he is working with underwriters to update the language in the lot lease. In the short-term, the lot is closed. Skamser said she had sat in on the Museum meeting. She raised the possible alternate use of the crab docks, moving gear to make parking available at the Port Dock 7 lot. The City could be involved to get a real fix. Greenwood did thank the City for cleaning and gravelling the lot, which was in exchange for the Port lending a boat needed by the City. Greenwood also suggested considering the grassy area at Port Dock 7 and whether that could be used for parking or for storage of gear. Aue suggested the long term goal would be to pave the grassy area. Skamser asked if the Port Dock 5 plans included a bigger area for trucks to turn around, which Greenwood said were included in Option 3. Jincks said that any extension of the project beyond its current footprint would mean mitigation, which could be 1/3 of the project cost. In addition, the Yaquina Bay has not much mitigation area left. Greenwood asked the Committee to review pages 10 and 11 of the report, as he would like to see the Port complete planning and get the project “shovel ready” so that grants could be sought.

Skamser said she would like to set rates, Port Dock 5 ramp and short-term parking as the priorities for the meeting in March. Chuck said the Commission would also like feedback from the Committee on the priorities for the Commercial Marina. Port staff will email the facility managers project priorities to the Committee members. Lackey suggested that alternates be chosen for each representative to attend the meetings in the Committee members’ absences. Chuck said an issue with alternates would be consistency, but he understood it was not always possible for Committee members to attend the meetings. Jincks commented that usually if alternates would be used, each member would select their alternates who would need to attend a certain percentage of the meetings so they were aware of what had transpired. Skamser asked about the option of proxies, which Greenwood said was prohibited in the Port By-Laws. A suggestion was made to remove one member of the Committee so that six members would constitute a quorum, making it more likely a quorum will be present. Greenwood will call Kaety Jacobson of Sea Grant about the option of removing that Committee position, and he will recommend to the Commission that a provision be made for alternates. Any change would have to be made by Resolution of the Commission.

Prior to the next meeting, Skamser will meet with Kent Gibson and Greenwood to prepare an agenda.

**V. ADJOURNMENT**

Having no further business, the meeting adjourned at 10:45 am.

ATTESTED:

  
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Sara Skamser, Chair

  
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Bob Eder, Vice-Chair

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