PORT OF NEWPORT
RESOLUTION NO. 2016-06

A RESOLUTION CREATING A COMMERCIAL FISHING USERS GROUP COMMITTEE

WHEREAS, the Port of Newport Board of Commissioners ("Commission") adopted By-laws on May 22, 2014; and

WHEREAS, Section 6(f) gives the Commission authority to form committees; and

WHEREAS, Committees formed by the Commission shall conform to public meeting and records laws and Committee reports shall be given to the Commission on a monthly basis; and

WHEREAS, the Commission understands the importance of the commercial fishing fleet, not only to the Port of Newport, but to the economy of the entire central Oregon coast; and

WHEREAS, the Commission feels that having a committee representing commercial fishing interests to advise and make recommendations on various policy issues affecting the businesses dependent upon commercial fishing would be wise; and

WHEREAS, the Commission desires to form a permanent committee of commercial fishing interests to aid the Board of Commissioners in making decisions critical to the policies, facilities and services available primarily on the North Commercial docks and International Terminal; NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Purpose and Authority. To create a permanent committee that would 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. Topics to be discussed, include:

A. Capital Infrastructure
B. Maintenance
C. Security
D. Rates/Fees
E. Budget/Finances
F. Other Policies

Section 2. Membership. The Committee will be made up of 11 members and a quorum of 6 will be required to meet. Positions 1, 3, 5, 7, 9, and 11 are two-year terms starting July 1, 2016. Positions 2, 4, 6, 8, and 10 are four-year terms starting July 1, 2016. All positions would renew for four-year terms. A member of the Port of Newport Commission shall serve as a non-

voting ex officio liaison to the Committee. Members will be selected from the following groups:

A. Port Dock 7 moorage holder
B. Port Dock 5 moorage holder
C. Commercial Fish Buyer
D. Limited Entry Seller
E. Midwater Trawler
F. Oregon State University Sea Grant
G. Crabber
H. Shrimper/Trawler
I. Tuna/Salmon
J. Longliner
K. Industry Support Services

Section 3. Staff. The North Commercial Harbormaster will staff the committee and the Administrative Assistant will provide minutes. The port's management team, specifically the International Terminal Facility Manager and Directors, will also be available to the Committee for technical support. Staff support may be contracted to gain efficiencies.

Section 4. Budgetary Implications. First year annual labor cost estimate is $2,610. Material cost estimate is $120. Costs would come from the General Fund and are budgeted.

Section 5. Selection. The Port Commission delegates authority to Port Management to fill committee spots attempting to find individuals from each of the categories in Section 2.

Section 6. Meetings/Bylaws. The Committee will meet initially to determine a regular schedule. The Harbormaster and Administrative Assistant will develop an agenda for the committee and the committee will select a Chair and Vice Chair from its membership. These meetings shall follow public meeting and record rules. The Committee shall create by-laws for the efficient use of time and development of decisions. Minutes of the committee will be included in the Commission's monthly board packet.

Section 7. Effective Date. Resolution shall take effect immediately.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 26th day of July, 2016.

Walter Chuck, President

ATTEST:

Patricia Patrick-Joling, Secretary/Treasurer

PORT OF NEWPORT
RESOLUTION NO. 2016-10

A RESOLUTION AMENDING THE COMMERCIAL FISHING USERS GROUP COMMITTEE MEMBERSHIP TO INCLUDE A DISTANT WATER FISHERY REPRESENTATIVE

WHEREAS, the Port of Newport Board of Commissioners formed a Commercial Fishing Users Group Committee via Resolution No. 2016-06 on July 26 2016; and

WHEREAS, the Commission would like to add a representative from the distant water fishery to the Committee membership and assign Jeff Lackey to the position; NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Amend the Membership section to read as follows:

Section 2. Membership. The Committee will be made up of 12 members and a quorum of 7 will be required to meet. Positions 1, 3, 5, 7, 9, and 11 are two-year terms starting July 1, 2016. Positions 2, 4, 6, 8, 10, and 12 are four-year terms starting July 1, 2016. All positions would renew for four-year terms. A member of the Port of Newport Commission shall serve as a non-voting ex-officio liaison to the Committee. Members will be selected from the following groups:

A. Port Dock 7 moorage holder
B. Port Dock 5 moorage holder
C. Commercial Fish Buyer
D. Limited Entry Seller
E. Midwater Trawler
F. Oregon State University Sea Grant
G. Crabber
H. Shrimper/Trawler
I. Tuna/Salmon
J. Longliner
K. Industry Support Services
L. Distant Water Fishery

Section 3. Codify. Staff is directed to codify this amendment into the Committee By-laws according to past administrative practices.

Section 4. Effective Date. Resolution shall take effect immediately.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 27th day of September, 2016.

Walter Chuck, President

ATTEST:

Patricia Patrick-Joling, Secretary/Treasurer

Port of Newport Commerical Fishing Users Group Committee

Committee	Position #	Sector	Expiration	First	Last	Business	email address	Phone	Ext	Alt	Address	City, ST Zip
	1	Port Dock 7 Moorage	30-Jun-18				TBD				929 NW Hurbert St.	Newport, OR 97365
	2	Port Dock 5 Moorage	30-Jun-20	Mike	Pettis	Jaka-B; Challenge; Patriot	mkpettis@charter.net	(541) 961-5162		(541) 336-2351	310 SE Yaquina View Drive	Newport, OR 97365
	3	Commercial Fish Buyer	30-Jun-18	Mark	Newell	Newell's Seafood	newellseafoods@aol.com	(541) 270-4715		(541) 336-5615	3025 S. Bay Rd	Toledo, OR 97391
	4	Limited Entry Seller	30-Jun-20	Ernie	Phillips	4Phillips Seafood Inc.	ogernie@gmail.com	(541) 870-5211			39145 Eagles Rest Rd.	Dexter, OR 97431
	5	Midwater Trawler	30-Jun-18	Mark	Cooper	Perseverence	marcon@peak.org	(541) 270-2791		(541) 336-2015	9859 Yaquina Bay Rd	Newport, OR 97365
	6	OSU Sea Grant	30-Jun-20	Kaety	Jacobson	OSU Sea Grant	kaety.jacobson@oregonstate.edu	(541) 574-6534	27	(541) 270-5796	1211 SE Bay Blvd	Newport OR 97365
	7	Crabber	30-Jun-18	Ted	Gibson	Lady Kaye	gibsontk@jnrcom.com	(541) 270-2166		(541) 265-9504	1981 Fruitvale Rd	Newport, OR 97365
	8	Shrimper/Trawler	30-Jun-20	Gene	Law	Ms. Law	mslaw2645@hotmail.com	(541) 351-0089		(541) 336-2645	754 Olalla Rd.	Toledo, OR 97391
	9	Tuna/Salmon	30-Jun-18	Bob	Aue	Winterhawk	thedunes06@yahoo.com	(541) 270-0791			P.O. Box 763	Toledo, OR 97391
	10	Longliner	30-Jun-20	Bob	Eder	Timmy Boy	1roberteder@gmail.com	(541) 961-0569		(541) 265-6650	P.O. Box 721	Newport, OR 97365
	11	Industry Services	30-Jun-18	Sara	Skamser	Foulweather Trawl	fwtrawl@gmail.com	(541) 961-1588		(541) 754-6424	P.O. Box 311	Newport, OR 97365
	12	Distant Water Fleet	30-Jun-20	Jeff	Lackey	Miss Sue; Seeker	jeff.lackey.fish@gmail.com	(541) 961-1452			1075 SE Spruce Way	Newport, OR 97365

Staff	Job Title		First	Last	Business	email address	Phone		Alt	Address	City, ST Zip
	North Commercial Harbormaster		Kent	Gibson		ncomharbormaster@portofnewport.com	(541) 270-5557		(541) 961-2115	600 SE Bay Blvd	Newport, OR 97365
	International Terminal Supervisor		Pete	Zerr		nitsupervisor@portofnewport.com	(541) 961-6010		(541) 265-9651	600 SE Bay Blvd	Newport, OR 97365
	Administrative Assistant		Karen	Hewitt		khewitt@portofnewport.com	(541) 265-7758			600 SE Bay Blvd	Newport, OR 97365
	General Manager		Kevin	Greenwood		kgreenwood@portofnewport.com	(541) 265-7758		(541) 961-9517	600 SE Bay Blvd	Newport, OR 97365
	Director of Operations		Jim	Durkee		dirops@portofnewport.com	(541) 265-7758		(541) 961-3904	600 SE Bay Blvd	Newport, OR 97365

Commission	Position										
	Liaison		Walter	Chuck		wchuck@portofnewport.com	541-270-4919		541-574-9078	600 SE Bay Blvd	Newport, OR 97365
	Alternate										

"ATTACHMENT A"

Port of Newport Capital Facilities Plan (Capital Improvement List)

ENR Construction Cost Index (as of November 2015): 10092

1. COMMERCIAL MARINA				
Priority	**CFP Priority**	**Project**	**Current Cost**	**Reference document**
S	1	Port Dock 5 Piling Replacement for X, C & D fingers ($10k x 38 pile)	$384,959	FY1516 REQ
S	2	PD-5 Whalers/Rub boards	$41,608	FY1415 REQ
S	3	PD-7 Electrical Upgrades	$11,442	FY1415 REQ
N	2	Port Dock 1 Replacement	$802,056	2013 CFP
N		Floats under/roof Swede's Building	$13,170	FY1516 REQ
N		#3 Hoist Replacement	$131,696	FY1516 REQ
N		New Swing #4 Hoist w/ Extension	$15,196	FY1516 REQ
N		PD-7 E/F Docks (1)	$1,013,050	FY1516 REQ
M	1	Port Dock 7 Replacement	$3,635,986	2013 CFP
M	1	Port Dock 5 Improvements	$828,791	2013 CFP
M	1	Marina Dredging	$2,189,535	2013 CFP
M	2	Hoist Dock (Center Section) Replacement w/ Hoist upgrade (2)	$681,747	FY1516 REQ
M		40' x 60' x 14' New Shop	$162,088	FY1516 REQ
L		Hoist Dock Expansion (to west)	$1,519,574	FY1516 REQ
		Asphalt Patch on Hoist Dock (2)		
		(1) park of PD-7 replacement		
		SUBTOTAL	**$11,045,939**	

2. RECREATIONAL MARINA				
Priority	**CFP Priority**	**Project**	**Current Cost**	**Reference document**
S	1	Trash dumpsters (x10)	$30,391	FY1516 REQ
S	2	Replace rip rap in SW corner of marina/fishing pier walkway	$30,391	FY1516 REQ
S	3	North Restroom Siding	$5,065	FY1516 REQ
S	4	Fish dumpsters (x3)	$3,039	FY1516 REQ
S	5	Storage containers	$6,078	FY1516 REQ
N	2	Residing buildings in marina (north, south, central)	$60,783	FY1516 REQ
N	2	Paint OPS building and marina store	$10,130	FY1516 REQ
N	2	Wastewater Pump Station Replacement - South Beach	$32,082	2013 CFP
N	2	Marina Dredging	$2,871,225	2013 CFP
N	2	Reconstruction of Recreational Marina Docks[1]	$139,023	2013 CFP
N	2	Electrical Load Center South Beach Marina	$106,941	2013 CFP
N	3	Picnic Bunker Rebuild	$38,499	2013 CFP
N	3	Pavement Reconstruction/Seal Coating (all areas)	$427,796	2013 CFP
N	3	Old Boat Ramp Fill (includes gangway & asphalting)	$303,915	FY1516 REQ
N	2	New electrical pedestals	$141,827	FY1516 REQ
N	2	Pay Station Machine	$20,261	FY1516 REQ
N	2	Repair Service Dock	$50,652	FY1516 REQ
M	3	OSMB Service Dock Trail Connection	$3,039,149	OSMB WAG
L	0	South Beach Marina Fuel Facility - Tank Replacement	$224,576	2013 CFP
done	0	South Beach/Fishing Pier Storm Sewer Outfall Replacement	$86,286	2013 CFP
		SUBTOTAL	**$7,628,109**	

3. INTERNATIONAL TERMINAL				
Priority	**CFP Priority**	**Project**	**Current Cost**	**Reference document**
S	1	Consolidation lay-down yard for break-bulk, container shipping	$6,536,022	2015 TIGER
S	1	Grading of Hall Property (1)	$506,525	2015 quote
S	1	Grading of Port's 9-acre lot (1)	$50,652	2015 quote
L	2	International Terminal Fire Water Line Loop	$136,195	2013 CFP
		Asphalt Parking Lot area west of shop	$80,000	2016 quote
		Security Fencing		FY16 request
		(1) part of lay-down area		
		SUBTOTAL	**$7,309,394**	

4. RECREATIONAL VEHICLE PARKS				
Priority	**CFP Priority**	**Project**	**Current Cost**	**Reference document**
S	1	Upgrade Sattelite Equipment	$6,078	FY1516 REQ
N		Relocate RV dump site	$10,130	FY1516 REQ
L	2	Renovate RV Park Annex	$705,809	2013 CFP
done	1	Dryers (x7) for $4970	$0	FY1516 REQ
		SUBTOTAL	**$722,017**	

5. OTHER FACILITIES				
Priority	**CFP Priority**	**Project**	**Current Cost**	**Reference document**
N	1	New Port Offices/Parking Area/Customs Office	$939,100	Capri 2014
N	2	Cyber Security Assessment/Cameras/Utility Infrastructure	$253,262	2015 quote
N	3	Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	$160,411	2013 CFP
N	3	Rogue Brewery (Dry Moorage Building) Foundation/Seawall Stabilization	$320,822	2013 CFP
L	3	Fishing Pier Replacement	$1,587,449	2013 CFP
		Other Tenant Improvements		
		SUBTOTAL	**$3,261,044**	

6. VEHICLES AND EQUIPMENT				
Priority		**Project**	**Current Cost**	**Reference document**
S	1	small utility truck (OPS)	$15,196	FY1516 REQ
N	1	Skiff and motor for marina OPS (SB)	$12,157	FY1516 REQ
N	1	Electric maintenance cart (SB)	$10,000	FY1516 REQ
N	1	utlity truck for Commercial side	$20,261	FY1516 REQ
		Forklift for IT		FY16 request
		Forklift for North Commercial		FY16 request
		SUBTOTAL	**$57,614**	

	SUMMARY TOTAL	
1	COMMERCIAL MARINA	$11,045,939
2	RECREATIONAL MARINA	$7,628,109
3	INTERNTATIONAL TERMINAL	$7,309,394
4	RECREATIONAL VEHICLE PARKS	$722,017
5	OTHER FACILITIES	$3,261,044
6	VEHICLES & EQUIPMENT	$57,614
	TOTAL	**$30,024,117**

NOTES

S - Short Term (next budget year)
N - Near Term (years 1 to 5)
M - Mid Term (years 6 to 10)
L - Long Term (years 11 to 20)

BUDGET PROJECT PRIORITY LIST FOR FISCAL YEAR 2016-17

Notes

for projects over $5,000

RANK 15/16	RANK 16/17		PROJECT		COST	RESOURCE	NET	FUND	RUNNING	
3	1	FEBCH	ITSF	NIT	$ 6,500,000	$ 6,500,000	$ -	CONST	$ -	Permit in place, Pending funding
	2	ASL	PD5 Pile Replacement/dock repair	NC	$ 300,000		$ 300,000	GF	$ 300,000	Permit in place, estimated start Nov. 2016. Will pull from last year's cash reserves
9	3	BCDAH	Security	ALL	$ 180,000	$ 135,000	$ 45,000	CONST	$ 345,000	Grant application inprogress. Includes $16,000 for NIT fencing.
10	4	EH	North SB R/R Siding	SB	$ 5,000	$ -	$ 5,000	FMRF	$ 350,000	2015/16 fiscal year work
	5	CEG	Maint Dept - 2 utility trucks	MD	$ 40,000		$ 40,000	GF	$ 390,000	Required if maint. crew approved
	6	ADEG	Swedes Building Floats/Roof/paint/zincs	NC	$ 25,000		$ 25,000	FMRF	$ 415,000	Critical
	7	G	Replace all Clean-way SWPP basins with stainless steel	NIT	$ 7,000		$ 7,000	GF	$ 422,000	
	8	AEG	Replace H90 forklift with new	NIT	$ 50,500		$ 50,500	GF**	$ 472,500	**Replacement could come from FMRF
	9	AEFH	New mutli use area engineering	SB	$ 15,000		$ 15,000	GF	$ 487,500	Needed for boat ramp infill improvements
	10	EFG	New multi purpose lot lighting	SB	$ 32,000		$ 32,000	GF	$ 519,500	Required due to Rogue expansion 4 at $8000 ea use LED lamps
	11	EFG	Relocate RV SS dump site	SB	$ 10,130		$ 10,130	GF	$ 529,630	
	12	ADFH	New west marina greenbelt/walkway/public area	SB	$ 30,000		$ 30,000	GF	$ 559,630	
	13	CEG	New/Additional Toyota forklift	NC	$ 36,000		$ 36,000	GF	$ 595,630	Not a replacement. New addition.
	14	CEG	Riding parking lot sweeper	ALL	$ 50,000		$ 50,000	GF	$ 645,630	
						TOTAL	**$ 645,630**			
1			New Docks on Dock 7	NC	$ 3,400,000	$ 3,400,000	$ -	CONST		Funding not available
2			Hoist Dock	NC	$ 740,000	$ 592,000	$ 148,000	FMRF		Funding not available
4			Dock 5 Whalers/Bumpers	NC	$ 50,727	$ -	$ 50,727	FMRF		Materials acquired. Acquisition complete.
5			PD7 Electric	NC	$11,000		$ 11,000	FMRF		Project pending. Will be completed.
6			Trash Dumpsters Replacement	SB	$ 30,000	$ -	$ 30,000	FMRF		Project completed
7			RV Park Sattelite Equip.	SB	$6,000		$ 6,000	FMRF		Project completed at end of 14-15
8			Boat Ramp Fill	SB	$300,000	$300,000		---		To be completed this summer as part of Rogue lease

PRIORITY CONSIDERATION

A. Capital Facilities Plan Priority
B. Outside Resources/Leverage available
C. Direct Income Producers/Expense Savers (efficiencies)
D. Legal Requirements (obligated to act)
E. Safety/Preventitive
F. Beautification
G. New Need
H. Listed in Prior Year

PORT OF NEWPORT
RESOLUTION NO. 2017-__

A RESOLUTION SETTING RATES, FEES, AND CHARGES

WHEREAS, ORS 294.160 requires the governing body of a unit of local government to provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase; and

WHEREAS, Port of Newport Facilities Code Sec. 1.2(f) and 2.10(c)(6) requires the Commission to set rates and charges for moorage and electrical usage by the adoption of a "fee schedule" by resolution; and

WHEREAS, the Port Commission last adjusted rates, fees and charges via Res. No. 2016-02 on May 24, 2016; and

WHEREAS, the Port Commission feels that user fees should help to offset those costs related to the depreciation and on-going maintenance of the port; NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. **Service Rates**. Rates apply to all Port of Newport locations unless otherwise noted. Rates become effective July 1, 2017. Port owned equipment to be operated by port personnel. Rates are per hour, ¾ hour minimum, in 15 minute increments, unless otherwise noted.

	OLD	NEW	+/-
A. Forklift. In addition to labor rate.			
1. Small. Toyotas.			
a. Per hour	$11.33	$11.67	3%
b. Minimum charge	$ 7.21	$8.75	21%
2. Large. All at International Terminal (IT).			
a. Per hour	$28.33	$29.18	3%
b. Minimum charge	$17.00	$21.89	29%
B. Hoist Dock. Tie up fee, per hour. Includes use of hoist.			
1. One hour minimum, up to 3 hrs.	$37.34	$38.46	3%
2. After 3 hours.	$44.29	$45.62	3%
C. Hoist Dock Cranes. In addition to hoist dock rate.			
1. Large Capacity. In addition to labor rate.			
a. Per hour	$39.66	$40.85	3%
b. Minimum charge	$30.64	$30.64	0%
2. Launch Sail Boats. Includes recovery, per launch.	$42.49	$43.76	3%
D. Service Docks.			
1. Swede's. In addition to moorage.	daily moorage rate	same	
E. City Water.	at city's rate	same	
F. Fuel Surcharge. International Terminal only. Per gallon	$ 0.031	$0.032	3%
G. Electricity. Swede's Dock, Dock 1, and IT. Per day charge.			
1. 208/220 v, single phase & 208 v three phase	$15.19	$15.65	3%
2. 120v. IT	$ 6.44	$6.63	3%
3. PD 7 Service Dock, 110v pumps	$ 6.44	$6.63	3%
4. PD 7 Yard Charge, trucks	$11.59	$11.94	3%
H. Hydraulic Crane. In addition to labor rate. 30 ton capacity, per hour, min 1 hr.	$132.61	$136.59	3%

		OLD	NEW	+/-
I.	Pump/Line Service. Includes one Port employee only. Additional staff required will be billed at the established hourly labor rate. Per hour	$58.45	$56.08	3%
J.	Storage.			
	1. Outside Lot Storage			
	a. Per square foot, daily rate	$ 0.010	$0.011	10%
	b. Per square foot, monthly charge	$0.216	$0.222	3%
	c. Minimum monthly charge	$21.63	$22.95	3%
	d. Boat trailer only, per night	$ 2.16	$2.22	3%
	e. Boat on trailer, per night, 10 days limit	$ 7.42	$7.64	3%
	2. Emergency Storage Fee. Per day billed as guest. For vehicles, boats or trailers prior to being considered unclaimed property in possession (ORS 98.245) Charge for improper use of parking lot (i.e. boat repair)	$21.63	$22.28	3%
K.	Gear Work. Boat crew is responsible for clean-up. If Port Employees are required to clean up area, the boat account will be billed at the established hourly labor rate.			
	1. Commercial Marina, per day	$18.80	$19.36	3%
	2. Terminal Lot, per day. Short term use only. Deep-draft cargo has priority	$18.80	$19.36	3%
	3. South Beach Marina, per day	$18.80	$19.36	3%
L.	Work Barge. In addition to labor rate.			
	1. Work Boat, per hour. Licensed captain extra	$124.63	$128.37	3%
	2. Wood Barge, per day (work boat extra)	$23.69	$24.40	3%
	3. Skiff, per hour	$13.39	$13.79	3%
M.	Clean-up. Fees will be charged for each man-hour at the established labor. Equipment charges are extra			
	1. Oil Spills, per hour	$92.70	$95.48	3%
N.	Disposal Fees.			
	1. Just Oil, per gallon	$ 0.300	$0.309	3%
	2. Oil-Water Mix, per gallon	$ 0.760	$0.783	3%
	3. Net Disposal and/or Related Gear, per pound	$ 0.165	$0.170	3%
	4. Garbage, per pound	$ 0.113	$0.116	3%
O.	Port Labor. Includes administration staff and fully burdened.			
	1. Per hour; 3/4 hour minimum, in 15 min. increments	$50.50	$51.65	2%
	2. Overtime. Any services required outside the established working hours, unless otherwise posted, will be charged at one and one-half times (1.5) the normal rate for labor. Per hour, 1 hour minimum	$75.75	$77.48	2%
	3. Emergency Call-out. Any services requiring a port employee not currently on duty to report to duty after hours, will be charged at twice (2.0) the normal rate for labor. Per hour	$100.94	$103.30	2%
P.	Pallet Charge. Any Port owned pallet leaving yard, each.	$ 5.46	$5.62	3%
Q.	Dredge Spoils. Includes state fees; may be waived for other public agencies or beneficial uses. Per cubic yard.	$ 2.00	$2.00	0%
R.	Keys/Cards.			
	1. South Beach Facilities. Cards.			
	a. Original/first two	free	free	n/a

	OLD	NEW	+/-
b. Replacement/additional	$ 5.67	$5.84	3%
2. Bay Front Facilities. Keys.			
a. Original/first one	$15.97	$16.45	3%
b. Replacement/additional	$28.33	$29.18	3%

Section 2. Bay Front Charges. Per linear foot. All charges for greater length between dock and boat.

	OLD	NEW	+/-
A. Moorage. Per linear foot.			
1. Daily	$ 0.45	$0.46	3%
2. Calendar Month	$ 8.25	$8.50	3%
3. Semi-Annual	$31.31	$32.25	3%
4. Annual	$41.56	$42.81	3%
B. Annual Parking Permit. Permit effective for calendar year starting April 1st. Commercial Fisherman only	$21.00	$22.00	5%

Section 3. International Terminal Charges. International Terminal Tariff No. 1 adopted via Res. No. 2014-03 on May 22, 2014. All fees authorized via Tariff No. 1. Effective July 1, 2014.

A. Port Security Fee. (§I.13). Per day	$895.00	$895.00	0%
B. Materials & Supplies. (§I.31). Cost plus	25%	25%	0%
C. Dockage Charges. (§III.13). Rate per day, by length.			
1. 000.00 – 351.05 ft.	$1,627.00	$1,627.00	0%
2. 351.05 – 371.02 ft.	$1,792.00	$1,792.00	0%
3. 371.02 – 400.26 ft.	$1,981.00	$1,981.00	0%
4. 400.26 – 426.51 ft.	$2,203.00	$2,203.00	0%
5. 426.51 – 449.48 ft.	$2,373.00	$2,373.00	0%
6. 449.48 – 475.72 ft.	$2,607.00	$2,607.00	0%
7. 475.72 – 498.69 ft.	$2,960.00	$2,060.00	0%
8. 498.69 – 524.93 ft.	$3,527.00	$3,527.00	0%
9. 524.93 – 551.18 ft.	$3,639.00	$3,639.00	0%
10. 551.18 – 574.15 ft.	$3,822.00	$3,822.00	0%
11. 574.15 – 600.39 ft.	$4,373.00	$4,373.00	0%
12. 600.39 – 626.64 ft.	$5,092.00	$5,092.00	0%
13. 626.64 – 649.99 ft.	$5,787.00	$5,787.00	0%
14. Above 650 ft., added on top of above rate, per ft.	$ 8.90	$8.90	0%
15. Exceptions for certain vessels (§II.14) per ft. per day	$ 0.80	$0.80	0%
D. Service and Facility Charges. (§III.2). Per 1000 board feet, unless noted.			
1. Logs. Scribner scale, ex dock	$ 7.75	$7.75	0%
2. Cants.	$ 6.00	$6.00	0%
3. Lumber. Packaged rough.	$ 5.22	$5.22	0%
4. Lumber. Packaged surfaced.	$ 4.63	$4.63	0%
5. Plywood, Veneer, corestock & hardboard, /1000 kilos	$ 5.87	$5.87	0%
6. Pulp, Linerboard, bales or rolls, 2000 kilos	$ 3.49	$3.49	0%
7. Other commodities, per metric ton or 1000 bf	$ 6.83	$6.83	0%
8. Other commodities, per cubic meter	$ 5.69	$5.69	0%
E. Wharfage Assessment. (§III.6). Minimum charge for any single bill of lading	$10.00	$10.00	0%

	OLD	NEW	+/-
F. Wharf Charges. (§III.7). Per 1000 board feet, unless noted. In addition to Service and Facility Charges.			
1. Logs. Scribner scale, ex dock	$ 9.50	$9.50	0%
2. Cants.	$ 6.00	$6.00	0%
3. Lumber. Packaged rough.	$ 4.55	$4.55	0%
4. Lumber. Packaged surfaced.	$ 4.03	$4.03	0%
5. Plywood, Veneer, corestock and hardboard, per 1000K	$ 3.96	$3.96	0%
6. Pulp, Linerboard, bales or rolls	$ 2.72	$2.72	0%
7. Other commodities, per 1000 kilos	$ 5.57	$5.57	0%
8. Other commodities, per cubic meter	$ 4.57	$4.57	0%
G. Cargo Staging Area. (§IV.2). Base rent for 3-acre surge area.			
1. Per week, seven days	$2,000.00	$2,000.00	0%
2. Per day, less than seven days	$300.00	$300.00	0%
H. Line Service. (§V.3). Labor will be charged at the rates set out in the current ILWU/PMA West Coast Contract. Rate schedule per day.			
1. 2 men	$520-$656	$520-$656	0%
2. 4 men	$1,061-$1,317	$1,061-$1,317	0%
3. 6 men	$1,575-$1,973	$1,575-$1,973	0%
4. 8 men	$2,153-$2,631	$2,153-$2,631	0%

Section 4. South Beach Charges. Per linear foot. All charges for greater length between dock and boat except for F-Dock which is boat length only. Effective October 1, 2017.

	OLD	NEW	+/-
A. Moorage. Per linear foot.			
1. Daily	$ 0.64	$0.66	3%
2. Weekly	$ 3.82	$3.93	3%
3. Calendar Month	$ 9.79	$10.08	3%
4. Semi-Annual	$36.04	$37.12	3%
5. Annual	$57.02	$58.73	3%
6. Live aboard. Monthly rate by agreement only.			
a. First person	$49.95	$51.45	3%
b. Each Additional	$43.26	$44.56	3%
c. Electrical Surcharge, per extra plug on dock	$30.90	$31.83	3%
B. South Beach Charter Rates.			
1. Annual Moorage, per linear foot (PONFC)	$44.92	$46.72	4%
2. Charter License	$300.00	$300.00	0%
C. Dock Box. Following Harbormaster specs	$309.00	$318.27	3%
D. Electrical Upgrade. From 20 to 30 amp. One-time	$53.05	$54.64	3%
E. Line Replacement. Per foot, per time	$ 1.00	$1.00	0%
F. Launch Fee.			
1. Daily	$ 6.00	$6.00	0%
2. Annual			
a. Resident	$55.00	$65.00	18%
b. Resident Senior	$50.00	$60.00	20%
c. Non-resident	$75.00	$80.00	7%

	OLD	NEW	+/-

Section 5. Recreational Vehicle Park Fees. Effective October 1, 2017. Applicable state and municipal lodging tax will be an additional charge.

A. High Traffic Surcharge. Per night (2 night min.) Added to all RV Park stays in Marina RV Park, RV Park Annex, and Dry Camping.

1. Memorial, Labor Day, 4th of July	--	$20.00	n/a
2. Seafood & Wine Festival	--	$50.00	n/a
3. Other Special Events	--	Varies	

B. Peak Season (Summer). May 1 – October 31. Base rate before taxes.

1. All Marina Park Sites			
a. Daily			
i. Regular	$44.50		
(Base Rate before taxes)	$39.98	$41.18	3%
ii. Good Sam	$40.05		
(Base Rate before taxes)	$35.98	$37.06	3%
b. Weekly			
i. Regular	$279.50		
(Base Rate before taxes)	$251.12	$258.65	3%
ii. Good Sam	$251.55		
(Base Rate before taxes)	$226.01	$232.79	3%
c. Monthly Rate	$783.00	$806.49	3%
2. The Annex.			
a. Daily	$34.50		
(Base Rate before taxes)	$31.00	$31.93	3%
b. Weekly	$209.00		
(Base Rate before taxes)	$187.78	$193.41	3%
c. Monthly	$620.00	$638.60	3%
3. Dry Camping.	$20.50	$21.11	3%

C. Off Season (Winter). November 1 – April 30.

1. All Sites in the Marina Park			
a. Daily			
i. Regular	$39.50		
(Base Rate before taxes)	$35.49	$36.55	3%
ii. Good Sam	$35.55		
(Base Rate before taxes)	$31.94	$32.90	3%
b. Weekly			
i. Regular	$237.00		
(Base Rate before taxes)	$212.94	$219.33	3%
ii. Good Sam	$213.31		
(Base Rate before taxes)	$191.64	$197.39	3%
c. Monthly Rate	$672.00	$692.16	3%
2. The Annex.			
a. Daily	$34.49		
(Base Rate before taxes)	$31.00	$31.93	3%
b. Weekly	$209.00		
(Base Rate before taxes	$187.78	$193.41	3%
c. Monthly	$620.00	$638.60	3%
3. Dry Camping.	$20.50	$21.11	3%

D. Pet Fee. Charged additionally.

	OLD	NEW	+/-
1. Daily. First pet free; each additional	$ 2.00	$2.00	0%
2. Weekly. First pet free; each additional	$10.00	$10.00	0%
3. Monthly. Charged per pet including first	$10.00	$10.00	0%
E. Individual Fee. First two people free; each additional person charged.			
1. Daily	$ 2.00	$2.00	0%
2. Weekly.	$10.00	$10.00	0%
3. Monthly.	$30.00	$30.00	0%
F. Vehicle Fee. Any combination of three axle pieces of equipment (i.e. trailer, fifth wheel, truck/car, storage trailer). Charged for fourth piece.			
1. Daily	$ 2.00	$7.00	250%
2. Weekly.	$10.00	$15.00	50%
3. Monthly.	$30.00	$35.00	17%
G. Reservation Deposit. Payable at booking. Deposit will be applied to actual stay, subject to cancelation fee if applicable.			
1. Daily and Weekly	1st night's rate	same	
2. Monthly	1st month's rate	same	
H. Cancelation Fee.			
1. Daily or weekly reservation, non-holiday.			
a. 72 hours or more before check-in date	$10.00	$10.00	0%
b. Less than 72 hours before check in date.	1st night's rate	same	
2. Daily or weekly reservation, holiday.			
a. 14 days or more before check-in date	$10.00	$10.00	0%
b. Fewer than 14 days before check-in date	1st night's rate	same	
3. Monthly reservations.			
a. 30 days or more before check-in date.	---	$50.00	n/a
b. Less than 30 days before check-in, or early check-out	---	$100.00	n/a
I. Service Fee Reimbursement. For electric pedestal physical damage. First service call included in base rate. All other service reimbursements may be charged at actual cost to port.	$79.00	$79.00	0%
J. Laundry Machines. per load.	$ 2.00	$2.00	0%
K. Process Fees. Any additional fees incurred by the Port as part of an eviction process.			
1. Notice.	$50.00	$50.00	0%
2. FED Complaint.	$200.00	$200.00	0%
3. Court Hearing	$165.00	$165.00	0%
4. Writ of Execution.	$140.00	$140.00	0%

Section 6. Civil Penalties. Penalties found in PONFC (Sec. 7.4(a)). Paid in full. Effective July 1, 2017.

	OLD	NEW	+/-
A. Class A Violation			
1. 0-14 days, per day.	$300.00	$300.00	0%
2. 15-29 days, per day.	$600.00	$600.00	0%
3. 30+ days, per day	$1,000.00	$1,000.00	0%
B. Class B Violation			

		OLD	NEW	+/-
1.	0-14 days, per day.	$150.00	$150.00	0%
2.	15-29 days, per day.	$300.00	$300.00	0%
3.	30+ days, per day	$500.00	$500.00	0%
C.	Class C Violation			
1.	0-14 days, per day.	$30.00	$30.00	0%
2.	15-29 days, per day.	$60.00	$60.00	0%
3.	30+ days, per day	$100.00	$100.00	0%
D.	Class D Violation			
1.	0-14 days, per day.	$15.00	$15.00	0%
2.	15-29 days, per day.	$30.00	$30.00	0%
3.	30+ days, per day	$50.00	$50.00	0%
E.	Parking Violation. Per event, both vehicles and trailers.			
1.	0-10 days, paid within.	$40.00	$40.00	0%
2.	11-20 days, paid within.	$85.00	$85.00	0%
3.	21+ days, paid within.	$125.00	$125.00	0%
F.	Dumping Violation. Per event	---	$500.00	n/a

Section 7. Administrative Fees. Staff may require payment or deposit in advance of service (ORS 192.440(4)(a)). Effective July 1, 2017.

A.	Public Records Request Fee Schedule.			
1.	Copies of Public Records. Per Page...	$ 0.25	$0.25	0%
2.	Copies of Sound Recordings	$10.00	$10.00	0%
3.	Copies of By-laws, Codes, Plans, bound documents	$20.00	$20.00	0%
4.	Copies of Nonstandard documents	$20.00	$20.00	0%
B.	Research. Written request required. Hourly rate. ½-hr. min.	$50.50	$51.65	2%
C.	Computer Time. Port operator. Hourly rate. ½-hr. min.	$50.50	$51.65	2%
D.	Faxes/Emailing/Copies. Per Page			
1.	Local.	$ 1.00	$1.00	0%
2.	Long Distance	$ 1.50	$1.50	0%
3.	Incoming	$ 1.00	$1.00	0%
4.	Copies	$ 0.25	$0.25	0%
E.				
F.	Lamination. Per Page, letter size.	$ 2.00	$2.00	0%
G.	Notice Posting. For non-payment of lease or moorage	$62.00		
H.	Failure to Register. For research related to unregistered boats	$31.00	$32.00	3%
I.	South Beach Meeting Room. Must be pre-arranged and authorized. Keys must be obtained and returned. Certain waivers by managment.	$75.00		0%
1.	Half day	--	$40.00	
2.	Full day	$75.00	$80.00	7%
J.	International Terminal Meeting Room. Must be pre-arranged and authorized.			
1.	Half day	--	$30.00	n/a
2.	Full day	--	$60.00	n/a
K.	Returned Check Fee. Plus bank fees.	$50.00	$50.00	0%
L.	Per Annum Interest Rate. Applied to past due accounts.	18%	18%	0%
M.	POV Mileage Reimbursement Rate (IRS)	current		
N.	Travel Reimbursement Rates follow current IRS per diem			

	OLD	NEW	+/-
rates ..... current			
(http://www.gsa.gov/portal/category/104711)			
O. Impound Seizure Fee. Vessel impounding.	$750.00	$750.00	0%
P. Special Use Permit Fee. GM has authority to adjust usage fee based upon non-profit status and other criteria			
1. Application Fee	$100.00	$100.00	0%
2. Usage Fee, Number of Participants, Attendees, Contestants, Volunteers at Event			
a. 1-200.....	$400.00	$400.00	0%
b. 201-500.....	$650.00	$650.00	0%
c. 501-1000.....	$900.00	$900.00	0%
d. 1001-5000.....	$1,400.00	$1,400.00	0%
e. 5001-10,000.....	$1,900.00	$1,900.00	0%
f. 10,001-20,000.....	$2,400.00	$2,400.00	0%
g. More than 20,000.....	$5,000.00	$5,000.00	0%
3. Vendors, per each.....	$40.00	$40.00	0%
Q. Insurance Certificate Limits			
1. General Liability, per occurrence.....	$2MM	$2MM	0%
2. General Liability, in aggregate.....	$2MM	$2MM	0%
R. Security (TCB) costs reviewed and passed along to applicant.		same	
S. Impound Seizure Fee. Car/Truck/Trailer.....	$100.00	$100.00	0%
T. Background Check	$25.00	$25.00	0%
U. Credit Check.....	$35.00	$35.00	0%
V. Notary Fees (OAR 160-100-0410). Acknowledgement, Affadavit/Jurat, Oath/Affirmation, Witness/Attest.....	$10.00	$10.00	0%

Section 8. Insurance Certificate Limits. Effective July 1, 2017. Additional coverages may be required based upon business type and Port's discretion. A certificate naming the Port as an additional insured in also required.

	OLD	NEW	+/-
A. Leases/Tenants.			
1. General Liability, Each Occurrence.....	$2MM	$2MM	0%
2. Damaged to Rented Premises (each occurrence).....	$300K	$300K	0%
3. Medical Expense (any one person).....	$5K	$5K	0%
4. Personal & Adverse Injury.....	$2MM	$2MM	0%
5. General Aggregate.....	$2MM	$2MM	0%
6. Products – Comp/Op Aggregate	$2MM	$2MM	0%
B. Moorage/Vessels.			
1. Commercial Vessels			
a. General Liability			
(1) Protection & Indemnity / Wreck Removal	$250K		
(2) Pollution Coverage.....	$300K		
(3) Combine Coverage / Wreck Removal	$600K		
2. Recreational Vessels			
a. General Liability			
(1) Ocean Marine Liability / Wreck Removal.....	$300K		
(2) Pollution Coverage.....	$300K		
(3) or Watercraft Liability, specifically includes wreck removal and pollution. Umbrella clauses must identify boats exceeding 25 ft.	$500K		

3. Charter/Guide Vessels
   a. General Liability $1.7MM
4. International Terminal Vessels (Tariff No. 1(§17))
   a. Maritime Employer's Liability (Jones Act) $1MM
   b. Commercial and/or Comprehensive Marine General Liability $5MM
5. . NOAA Visiting Vessels
   a. Commercial and/or Comprehensive Marine General Liability $5MM

C. Vendors (reserved)

Section 9. Retails Sales, Gift Certificates, Promotions, Sponsorships and Sundries. The Commission delegates to Manager the ability to set prices for sundries, cards, magnets, cups, DVDs, gift certificates, coupons, promotions, advertising, sponsorships and other retail and marketing items.

Section 10. Delegation of Responsibility. The Commission delegates to General Manager the ability to adjust these rates on a temporary basis to better manage services at the Port of Newport. Any adjustments to these rates will be reported to the Commission at its next regular meeting.

Section 11. Annual Review. The Commission, through assistance by Port staff, shall annually review and adopt a new rate, fees and charges resolution prior to the subsequent budget's adoption.

Section 12. **Repealer.** All previous rates and/or rate resolutions are hereby repealed.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 23rd day of May, 2017.

ATTEST:

Walter Chuck
President

Patricia Patrick-Joling
Secretary/Treasurer

Port of Newport

FACILITIES CODE

Ordinance 1-2013

PORT OF NEWPORT FACILITIES CODE

Table of Contents

Chapter 1. General Provisions

1.1 ***Title.*** This Code and any amendments hereto shall be called, collectively, the Port of Newport Facilities Code.

1.2 ***Definitions.*** As used in this Code, the following terms are defined as follows:

(a) Active Fishing Vessel. A vessel which is engaged in a bona fide commercial fishing operation under one or more valid licenses, which may include, but are not limited to, a current or previous season vessel fishing license, current season fish tickets, landing permits, or other proof to establish fishing activity.

(b) Commercial Marina. The mooring facilities of the Port of Newport, including, but not limited to, Port docks 1,3, 5, 7, docking facilities at Newport International Terminal when used by vessels not involved in maritime shipping, the hoist dock, parking lots, and storage facilities.

(c) Commercial Vessel. Any vessel, regardless of size or occupation, that is engaged in marine commerce.

(d) Draft. The depth of water a vessel draws when fully loaded.

(e) Emergency. A state of imminent danger to life or property or navigation or the environment in which time is of the essence.

(f) Fee Schedule. Moorage and other appropriate rates, fees and charges as determined from time to time by resolution of the Board of Commissioners of the Port.

(g) Gear. All manner of fishing accessories, electronics, netting, and other items used or intended to be used for marine activity or such items necessary or convenient for the use of the vessel.

(h) General Manager. The person duly appointed as such by the Commission of the Port of Newport.

(i) Harbor Area. All land and water areas under the ownership, lease and/or jurisdiction of the Port.

(j) Harbor Master. The person appointed by the General Manager or Port Commission to hold that position and any Assistant, Port security officer or other employee authorized or designated by the General Manager or Harbor Master to enforce the provisions of this Code.

(k) Hazardous Vessel. A vessel which is determined by the Harbor Master to be unseaworthy or in a state of disability which if unduly prolonged could endanger the marine environment or life or property or become a hazard to navigation.

(l) Inactive Fishing Vessel. A fishing vessel which cannot meet the active fishing vessel requirements as set forth in §1.2(a) above.

(m) Industrial Waste. Any liquid, gaseous or solid waste substances or combination thereof resulting from any process of industry, manufacturing, trade, agricultural or agricultural operation or business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the harbor properties or the waters controlled by the Port of Newport.

(n) Litter. Any and all types of debris and substances, whether liquid or solid or a combination thereof, including but not limited to garbage, refuse, rubbish, glass, cans, bottles, paper and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, dead animals or fish carcasses or parts thereof, manure, human or animal wastes, putrid, decaying or deleterious substances or matter, petroleum wastes, or any machinery, appliances or automobiles or parts thereof, or any other substances which may render the harbor properties or waters controlled by the Port unsightly, noxious, or otherwise unwholesome or to the detriment of the public health and welfare.

(o) Liveaboard Vessel. Any vessel with occupants on board more than seven consecutive nights in any thirty-day period.

(p) Marine Commerce. Trade, service or industry which is related to or dependent upon the sea or products of the sea.

(q) Moorage. Any place where a vessel lies when at anchor or is made fast to a dock or is laid alongside another vessel made fast to a dock, and shall include side and multi-side ties.

(r) Moorage Facilities. Those facilities of the Port of Newport where vessels may moor to wharves, docks, pilings, and finger piers in assigned or designated spaces. Fuel docks and designated public piers at Newport Marina at South Beach and elsewhere within the Port are not designated moorage facilities.

(s) Moorage License Agreement (MLA). A written agreement between the boat Owner or Operator and the Port of Newport for the assignment of, use of, and/or payment for moorage.

(t) Newport International Terminal. The shipping terminal situated on Port properties which handles import and export cargoes.

(u) Open Flame Device. Any stove, furnace, lamp, heater, fireplace or other similar device operating upon or burning coal, peat, kerosene, fuel oil, diesel oil, gas, gasoline, charcoal, wood or similar fuel, any candle, fuel burning lamp, open flame lantern, or any similar device which provides light or heat by means of a covered or visible flame or hot coals or embers.

(v) Operator. Any person who claims, expressly or otherwise, lawful care, custody, or control of a vessel by virtue of legal title, equitable interest, lease or charter therein which entitles him to possession or has authority over the operation of the vessel pursuant to authority of the legal or equitable owner or charterer.

(w) Overall Length. The distance along the centerline from the foremost part of the bow (including the bowsprit) to the aftmost part of the stern, including any outboard motors or brackets, regardless of keel length and regardless of registered or documented length.

(x) Overall Width. The distance between the outermost part of each side of the vessel, regardless of registered or documented width.

(y) Owner. The person or entity that owns the vessel as determined by applicable State or Federal law.

(z) Park. To place or leave any vehicle, trailer, or vessel on land within the boundaries of the Port of Newport.

(aa) Person. An individual, partnership, corporation, association or other form of legal entity.

(bb) Port. The Port of Newport.

(cc) Port Commission. The governing body of the Port of Newport.

(dd) Port Properties. The Commercial Fishing Docks, Newport Marina at South Beach, Newport International Terminal, and all other lands, properties and facilities owned or operated by the Port of Newport.

(ee) Recreational Marina. The Newport Marina at South Beach and all of its facilities, including the launch ramp, parking lots, storage facilities, and docks.

(ff) Resident Vessel. Any vessel holding an annual or semi-annual Moorage License Agreement with the Port of Newport.

(gg) RV Park. The designated parking areas for recreational vehicles at the Newport Marina at South Beach.

(hh) Seafood Product. Salmon, bottom fish and fish of all types and species; clams, shrimp, crab and shellfish of all types and species; and all other seafood, or seafood products, whether intended for animal or human consumption.

(ii) Sewage. Water, chemical, or other liquid containing human or animal wastes from vessels, motor vehicles, trailers, residences, buildings, industrial or commercial establishments or other like places or activities.

(jj) Sport Vessel. Any vessel, regardless of size, not engaged in marine commerce and not possessing a commercial fishing, charter or passenger transportation license.

(kk) Staging. Use of Port facilities or properties as a station for working on or changing gear belonging to a fishing vessel.

(ll) Transient Moorage. Short-term berthage for one month or less, for use of moorage facilities whereby the vessel is granted authority by the Port to moor.

(mm) Transient Vessel or Guest Vessel/Boat. Any vessel using a Port moorage facility and which belongs to an owner who does not have a semi-annual or annual Moorage License Agreement for that vessel with the Port. Transient vessels or guest boats include, but are not limited to: vessels seeking a harbor of refuge, day(s) use or overnight(s) use of a moorage facility on a space as available basis.

(nn) Underway. The condition of a vessel, not at anchor, without moorings, and not made fast to the shore or ground.

(oo) Vehicle. Any self-propelled or powered device designed for transportation of persons and property. For the purpose of this Code, the word "vehicle" does not include boats, boat trailers, or travel trailers.

(pp) Vessel. Every description of watercraft or other floating device, including seaplanes, used or capable of being used in or on the water.

1.3 ***Purpose and Scope.*** The purpose of these rules and regulations is to secure the most effective control and management of the harbor properties and facilities of the Port of Newport.

1.4 ***Interpretation.*** If any section or part of this Code is found to be inconsistent with any laws of the State of Oregon or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be interpreted in the manner most consistent with its original intent that is not inconsistent with any laws of the State of Oregon or the United States or any rules, regulations or standards established pursuant thereto. Nothing contained in this Code shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.

1.5 ***Severability.*** Should any portion or the application thereof to any person or property be found invalid for any reason, the validity of the remainder of these rules and regulations or the application of such remainder to other persons or property shall not be affected.

1.6 Application. These rules and regulations are applicable to all properties and facilities of the Port of Newport and to all waters subject to its jurisdiction. All vessels and persons entering or using the facilities shall be subject to the policies herein defined.

1.7 Availability of Code. This Code shall be available for free on the Port's website and anyone may inspect a copy of this Code at the Port of Newport or Newport Marina offices. The Port may make copies of this Code available for purchase by the public as well.

1.8 Construction. The use of any gender shall include all genders; the singular shall include the plural and the plural shall include the singular; and the provisions of this Code shall apply to individuals, partnerships, associations, and corporations alike.

1.9 General Manager. The General Manager is to administer the functions of all Port facilities. Whenever by the provisions of this Code, a power is granted to the General Manager or a duty is imposed upon him, the power may be exercised or duly performed by an assistant of the General Manager, unless it is expressly otherwise provided.

1.10 Registration and Moorage License. The Operator of any vessel which is not a resident vessel must, within 24 hours of commencement of use of Port moorage, register said vessel with the Port, enter into a Moorage License Agreement and, if applicable, receive from the Port an assigned moorage space.

(a) Registration.

(1) If arrival time is after regular business hours or otherwise when Port personnel or security are not on duty, registration may be made by completing and depositing the registration form available at the drop-in boxes at the Port Administrative and Newport Marina offices.

(2) Payment for the initial term of moorage and any required deposit is required at the time of registration. The vessel, its Owner(s), and Operator(s), if any, are each jointly and severally liable for all moorage charges.

(3) When registering, the Operator of a vessel shall provide to the Port:

A) The name, number, type, dimension (including Overall Length and Overall Width), description and use of the vessel;

B) Proof of ownership and current and valid documentation and/or registration information;

C) Proof of insurance coverage that complies with §1.15 below;

D) Current billing address;

E) The Operator's name, residence and mailing address, email address, and telephone number;

F) Operator's valid driver license number; and

G) Included as part of registration, the contact person(s), other than the Owner or Operator, who will be available to address any needs of the vessel while in Port waters, must be updated from time to time by the owner/operator if or when conditions of vessel responsibility change.

(4) If the Operator is not the owner of the vessel, owner authorization for moorage and other charges shall be made available upon request of the Port.

(5) At the time of registration, the Operator of the vessel shall provide written notice to the Port of any structural issues which could result in damage if the vessel is towed or otherwise relocated by the Harbor Master. This notice must be updated from time to time by the owner/operator when condition of vessel changes.

(6) Registration shall constitute permission for the Port to move or dry dock the vessel for such purposes as permitted under this Code.

(7) Failure to Register. Failure to register is a Class B Violation of this Code.

(b) Moorage License. At the time of registration, the Operator of a vessel shall enter into a Moorage License Agreement (MLA) with the Port in the form and manner provided by the Port. A vessel is not properly registered with the Port until the execution of the MLA.

(1) The Port may issue or renew a moorage license for up to, but not exceeding one (1) year. Upon expiration of the period stated therein, the Moorage License Agreement and all rights of the licensee thereunder shall, subject to §1.10(b)(6) below, automatically terminate.

(2) Prior arrangements must be made with the Port on any payment plan other than payment in full. If moorage is not prepaid, the Owner or Operator of the vessel may request, by writing to the General Manager, permission to make installment payments, which the General Manager may grant upon such terms and conditions the General Manager, in their discretion, deems appropriate. Failure to meet the conditions of payment or payments as set forth in an approved installment plan is a Class D Violation of this Code and may result in a fine and/or immediate removal or seizure and sale of the vessel.

(3) The Moorage License Agreement and moorage license emanating therefrom shall allow the use of the moorage facility for moorage purposes only and do not operate to grant further rights, privileges or uses. Additional uses are not permitted except as expressly permitted in writing by the Port.

(4) Where registration is completed by an Operator of a vessel who is not its Owner, the Port may, at its option, require the vessel's Owner enter an MLA with the Port within seven days of such request. Failure to comply with a request under this

subsection shall entitle the Port, at its sole option, to terminate the Moorage License.

(5) Holdover Moorage. If a Moorage License Agreement is not renewed, moorage shall be due at the applicable transient rate and is payable in advance. No Moorage License Agreement may be renewed unless the conditions of original issuance are met nor may a Moorage License Agreement be issued or renewed unless all fees and charges due and payable are paid.

(6) In the event the Moorage License Agreement expires or is terminated, the obligations of the Licensee thereunder regarding financial responsibility, including insurance obligations, as well as obligations regarding the condition of the vessel, its safety, care and seaworthiness, shall continue until the vessel is removed from Port Property and waters.

(c) Transferability of Moorage Licenses.

(1) Moorage License Agreements are not transferable. A Moorage License Agreement is personal to the applicant and cannot be assigned, sold, transferred or involuntarily seized, except a vessel owner may transfer title to a corporation or other entity in which the vessel owner owns and maintains a controlling interest. Such entity shall also enter an MLA with the Port and shall be, with the original licensee, jointly and severally liable for all amounts due under the initial license.

(2) Moorage License Agreements may only be issued to the Operator or Owner of a vessel and shall be valid only for a specific vessel or a replacement vessel of the same length in a numbered or Port-designated moorage, if any. The moorage space, if any, designated by the Moorage License Agreement may not be sublet by the licensee.

(3) Upon any transfer of title to the vessel, the selling vessel owner shall notify the Port and pay any moorage or other charges due at that time. The Moorage License Agreement shall automatically terminate upon sale of the vessel unless it has been transferred to a vessel of equal length as provided in §1.10(c)(2) above.

(d) Nothing herein shall restrict the emergency and/or temporary utilization of any vacant space within the Port facilities by the Port. However, such utilization shall be managed to provide for minimum impact upon any permanently assigned spaces.

(e) Assigned moorage spaces may be reassigned at the option of the Port if the orderly administration of the moorage facility so requires. If the licensee does not consent to reassignment, the Moorage License Agreement shall automatically terminate, the licensee shall remove the vessel from the assigned moorage space, and shall receive a refund of moorage fees as set forth in §1.10(h) below, less any payments due to the Port.

(f) A vessel which moors at the Port, the owner of which is indebted to the Port for previous moorage, may be impounded immediately.

(g) Licensees may apply for reassignment of any assigned moorage spaces, however, reassignment is not a right or privilege of the Moorage License Agreement.

(h) Cancellation of Long-Term Moorage. A semiannual or annual Moorage License Agreement may be cancelled by a vessel owner/operator upon thirty (30) days written notice to the Port. Refunds are not prorated. The licensee will be entitled to a refund calculated by subtracting from the then effective charge for the term of the License being cancelled less any amounts remaining unpaid thereunder, the scheduled charge for the actual duration of moorage.

(i) By registration or making fast to Port property, the vessel Operator accepts the condition of the Port facilities as is, and by continuing to moor at Port facilities, vessel owner/operator accepts the Port facilities as their conditions change.

1.11 Port Charges. A vessel, its Operator and, if different, its Owner, as well as the owner and the possessor of personal property using moorage facilities or using other services, goods or materials from the Port shall be liable for all charges for moorage and storage at the rates provided in the then-current fee schedule as provided in §7.8 below.

1.12 Delinquent Transient Moorage. If the prepaid Moorage License Agreement for a transient vessel expires and the transient vessel remains at Port properties, the transient vessel owner/operator must renew the Moorage License Agreement and prepay further transient moorage fees within twenty-four hours of the date or time the prior transient Moorage License Agreement expires. Transient vessels which return to the Port after expiration of a prior Moorage License Agreement shall re-register and enter a new Moorage License Agreement with the Port, prepay current transient moorage, and pay any outstanding transient moorage.

1.13 Failure to Renew. Should any transient vessel Operator fail to renew the transient Moorage License Agreement or register and obtain a new Agreement within the time required, the vessel is abandoned.

1.14 Terms of Payment. Moorage charges apply against vessels, their owners and operators and are payable in advance unless a payment plan has been agreed upon in writing with the Port. Invoices covering charges other than moorage charges, as issued by the Port, are due and payable upon presentation.

1.15 Insurance.[1] All vessels mooring at the Port must carry liability insurance that, at a minimum, meets the following criteria:

(a) Commercial Vessels.

[1] Port of Newport Resolution 2014-04 Amending Facilities Code 5/22/2014

(1) General Liability (Protection and Indemnity) insurance coverage, including wreck removal coverage, with a minimum policy limit of $250,000 and coverage for pollution in the amount of $300,000.

(2) Resident vessels shall have the Port of Newport named as an additional insured with respect to such policies and provide proof thereof within 30 days of registration with the Port.

(3) Transient vessels shall provide proof of adequate coverage upon registration with the Port. Any transient vessel moored for 30 days or more must have the Port of Newport named as an additional insured with respect to such policies.

(b) Recreational Vessels

(1) Ocean/Marine Liability Insurance coverage, including wreck removal coverage, with a minimum policy limit of $300,000 and coverage for pollution in the amount of $300,000; or

(2) Watercraft Liability that includes pollution and wreck removal with a minimum of $500,000.

(3) Resident vessels shall have the Port of Newport named as an additional insured with respect to such policies and provide proof thereof within 30 days of registration with the Port.

(4) Transient vessels shall provide proof of adequate coverage upon registration with the Port. Any transient vessel moored for 30 days or more must have the Port of Newport named as an additional insured with respect to such policies.

(c) Changes to limits/coverage may be adopted via rates, fees and charges resolution.

Chapter 2. Port Facilities

2.1 ***Application.*** Unless otherwise specified, the provisions of this chapter apply at all Port-owned or operated facilities and properties except for those Port-owned upland properties leased to others.

2.2 Abandoned Vessels

(a) A vessel and its associated personal property is abandoned if it: is not properly registered with the Port within 24 hours of commencement of use of Port moorage, is declared to be by any other provision of this Code, or otherwise appears to the Port to be abandoned.

(b) Personal property other than vessels is abandoned if:

(1) The property is left on or in Port facilities without identification, evidence of ownership, or notification to the Port of ownership for a period of more than five (5) days; or

(2) Personal property marked as belonging to a vessel is left on or in Port facilities in excess of five (5) days after expiration of the MLA for that vessel.

(c) Sale of Abandoned Vessels or Personal Property. Abandoned vessels and personal property may, at the option of the Port, be secured and sold at public auction as provided in Chapter Seven herein.

2.3 Safekeeping of Vessels.

(a) Vessels present in the Port must at all times be securely moored, and subject to any exceptions herein, completely seaworthy, fully operational and ready for immediate cruising in local waters.

(b) The vessel, its Operator and Owner shall pay and be liable for any damage or harm to persons or property, as well as any remediation or cleanup costs, including without limitation, salvage, removal and environmental cleanup costs, resulting from a vessel's failure to be securely moored, completely seaworthy, fully operational and ready for immediate cruising in local waters without regard to the fault of the Owner and/or Operator. This liability is to be joint and several.

(c) A vessel that has capsized, sunk or otherwise become disabled in such a manner as to constitute a hazard to navigation or use of Port facilities is per se unseaworthy.

(d) Safekeeping Activities. When permitted by this section, the Port or its contractors or agents may engage in any of the following Safekeeping Activities with respect to any vessel in Port waters or on Port property:

(1) Board the vessel;

(2) Inspect the vessel;

(3) Pump and/or dewater the vessel;

(4) Replace defective mooring lines or add additional mooring lines;

(5) Disconnect the vessel from the Port's electrical system;

(6) Remove the vessel from moorage facilities, secure it and place it in storage; and

(7) Such other work, maintenance, repair or mitigation activities as may be reasonably necessary under the circumstances then known to the Port personnel making such decisions, in their absolute discretion.

(e) The Port's right to engage in Safekeeping Activities does not create any obligation or duty on the part of the Port to so act. The safekeeping of a vessel is solely the responsibility of its Operator and Owner, if different.

(f) The Harbor Master may engage in the above-described Safekeeping Activities when they determine the existence of any of the following conditions with respect to a vessel or the Port:

(1) A vessel taking on excessive amounts of water or in need of dewatering with excessive frequency;

(2) Fire or open flames on or near any vessel;

(3) The vessel is connected to the Port's electrical system in a manner not consistent with §2.10 and §2.11 of this Code;

(4) Severe weather or any other conditions or events pose a risk to the vessel, the Port or other vessels or pose a risk of the creation of a hazard to navigation that could be mitigated by engaging in Safekeeping Activities

(g) The Harbor Master may move or relocate a vessel within the Port for any of the reasons described in §2.3(f) above, as well as for the safe, orderly and efficient operation of the Port.

(h) Notice. The Port shall, prior to engaging in Safekeeping Activities, provide notice to the Operator of the vessel at least fifteen (15) days prior to engaging in the Safekeeping Activities or removal as follows:

(1) By posting a notice on the vessel in a conspicuous place; and

(2) By mailing notice of the planned Safekeeping Activities to the Operator at the address on file with the Port;

(3) By providing written notice in person to the Operator of the vessel; or

(4) By providing notice in any manner to which the Operator has consented in a Moorage License Agreement.

(5) The notice shall contain a brief description of the condition or conditions authorizing Safekeeping Activities, the actions required to remedy said condition or conditions, the Safekeeping Activities the Port anticipates will be necessary to remedy the condition or conditions, and a statement that the vessel, its Owner and, if different, Operator are jointly and severally liable for the costs of any Safekeeping Activities, and failure to timely pay for such activities will constitute abandonment of the vessel. The Port is not limited to utilizing only the Safekeeping Activities set forth in the notice.

(6) If, in the discretion of the Harbor Master, the condition of the vessel or other condition authorizing Safekeeping Activities presents an emergency, no advance notice need be given, but the Port shall provide notice as soon as practicable after engaging in the Safekeeping Activities. This notice shall describe the condition or conditions leading to the Port's determination that an emergency existed, the condition or conditions leading to Safekeeping Activities, the Safekeeping Activities performed, the charges due therefor, and a statement that the vessel, its Owner and, if different, Operator are jointly and severally liable for the costs of any Safekeeping Activities, and failure to timely pay for such activities will constitute abandonment of the vessel.

(i) Costs of Removal or Safekeeping Activities. The vessel, its Operator and, if different, Owner shall be jointly and severally liable for the costs of the Safekeeping Activities, based upon the fee schedule then in effect. All expense and risk of loss or damage resulting from the Safekeeping Activities and/or removal shall be borne by the vessel, its Operator and, if different, its Owner.

(1) Should the charges under this section go unpaid more than ten (10) days after mailing notice thereof to the Owner and, if different, Operator, the vessel is abandoned.

2.4 Vessels under repair. Vessels undergoing repairs need not be completely seaworthy, fully operational and ready for immediate cruising in local waters under the following circumstances:

(a) The vessel is undergoing short-term repairs of thirty days or less, which repairs are the cause of the vessel being not seaworthy, fully operational or ready for immediate cruising in local waters; or

(b) Written authorization has been obtained from the Port for repairs rendering the vessel inoperable longer than thirty days and only to the extent that any conditions imposed in such written authorization are fully complied with.

2.5 Denial of Services.

(a) The Port may deny moorage if, in the absolute discretion of the Harbor Master, said moorage would present a hazard to the safety of the harbor or the general public.

(b) The Port may deny moorage facilities or other services or equipment to any person or vessel delinquent in the payment of any authorized fee or charge.

(c) The Port may deny services or equipment to any person or vessel if, in the absolute discretion of the Harbor Master, such services or use of such equipment would present a hazard to the safety of the harbor or to the general public.

(d) An owner/operator of a vessel shall remove the vessel from the harbor area and any Port facilities and may not cause, suffer or permit the vessel to be moored, tied or

affixed to any harbor facilities in the Port harbor area after the Harbor Master has notified the owner/operator of the vessel that moorage or mooring facilities are denied.

(e) Notice of denial of the privilege to commence use of moorage, mooring facilities, services or equipment to a non-registered or registered vessel may be given by the Harbor Master verbally or in writing, and shall be effective immediately.

(f) Notice relating to a request for services and use of equipment shall be effective immediately.

(g) Verbal notice or written notice personally delivered to the owner/operator relating to the termination of the privilege to use moorage or mooring facilities shall be effective twenty-four (24) hours after the time of delivery unless a later effective date is specified in writing.

(h) Written notice of denial of moorage or mooring facilities for a registered vessel may be mailed to the address designated on the registration information or may be posted in a conspicuous place on the vessel. A written notice that is posted or mailed shall be effective at 4:30 p.m. on the fifth day following posting or mailing of such notice.

(i) A person may appeal the denial of services under this section as provided in §7.1 below.

2.6 Custodial Care of Vessels. The Port does not accept vessels for custodial care.

2.7 Vessel Identification. All vessels entering the Port area shall have identification marked as required by law. Documented vessels must display official documentation numbers issued by the Coast Guard and the name of the boat on the hull.

2.8 Mooring/Cross-Tying. Vessels must be securely moored with bow, stern, and spring lines of adequate size. No cross-tying of vessels is allowed, except as expressly authorized by the Harbor Master.

2.9 Fenders/Bumpers. Vessels are required to use fenders. The owner or operator of a vessel with an assigned moorage space may install standardized pre-molded rubber or vinyl bumpers of commercial manufacture as approved by the Harbor Master. Dock-affixed fenders may consist only of materials approved by the Harbor Master and may not include carpeting, rubber tires, fire hose or similar materials.

2.10 Electrical Service

(a) Electrical facilities erected on the Port docks for the purpose of providing electricity shall not be used for any other purpose, and no person may tie or connect any rope, line or make any attachment to moor any vessel to any electrical stanchion or other electrical facility.

(b) All electrical cords and wiring shall be properly grounded and carry Underwriter's Laboratory approval for marine related service. No person may make any electrical

connection to any electrical outlet of the Port except through the use of Underwriter's Laboratory approved cords and plugs which are in good condition and repair.

(c) The Operator may connect to electrical service at the moorage location subject to the following:

(1) The Port does not guarantee continuity of electric service to any vessel, the characteristics of any service that is provided, or the characteristics of the vessel service circuit breaker.

(2) Use of electrical service shall be at vessel Owner and Operator's own risk.

(3) No person may permit or suffer the drawing of more voltage or amperage than posted at the point of connection. The Port may at any time measure the voltage and amperage being drawn.

(4) The connection of any vessel or electrical device to the Port's electrical system must be in a manner consistent with the National Electrical Code.

(5) No cords or wires may be placed on the dock or fingers in such a manner to cause or contribute to damage or injury to people or to facilities or property of the Port.

(6) The vessel operator shall pay to Port all electrical charges based upon a fee schedule adopted by resolution by the Port Commission from time to time and in effect at the time.

2.11 Stray Voltage Prevention.[2]

(a) The Port may measure the electrical power leads to any vessel connected to the Port's electrical power outlets and disconnect the vessel if it does not meet the following criteria:

(1) The A.C. current in the two current-carrying conductors of the 120 volt, single-phase power leads are equal.

(2) The A.C. currents in the two current carrying conductors of a 120V/208V-240V single- phase electrical circuit balance.

(3) The A.C. currents in the three current-carrying conductors of a 120V/208V-240V three-phase electrical circuit balance with respect to the current draw.

(4) No. A.C. electrical current is flowing in the electrical circuit ground wire.

(5) No D.C. electrical current is flowing in the ground wire or A.C. conductors.

[2] Port of Newport Resolution 2014-04 Amending Facilities Code 5/22/2014

(6) The ground wire is continuously connected on board the vessel to the interface termination as required by the National Electrical Code.

(7) The 120 volt A.C. single-phase receptacle socket and plug will be the industry standard, presently the 30 ampere L_30 twist lock set.

(8) The power cord shall meet or exceed marine grade three conductor Number 10 wire marine cable for 120 volt A.C. single-phase circuits.

(9) Power cords for 120V/208V-240 volt single-phase and 120V/208V-240 volt three-phase currents shall be of conductor size and insulation type to meet or exceed the U.S. Coast Guard requirements for marine applications.

(10) Power cord ends and receptacles for higher voltage single phase or three phase current shall be approved by the Port prior to use.

(11) No amount of stray voltage is present.

(12) No vessel or electrical device may be wired to the Port's electrical system in any manner other than approved electrical cords, cables or appropriate approved conductors with approved cord ends and approved electrical receptacles.

(b) Any vessel in violation of this section or §2.10 above is hazardous and shall be subject to termination of moorage and removal if Operator fails to correct the violation(s) within thirty (30) days after notification of the violation(s).

2.12 Fire Extinguishers. All vessels must carry on board U.S. Coast Guard approved and operable fire extinguishers. Fire hoses and other firefighting equipment are to be used for fire control only.

2.13 Sewage/Waste Disposal from Vessels. No person on a vessel equipped with a toilet may use or permit the use of such toilet while using moorage facilities or within the harbor area unless the vessel is equipped with facilities in good operating condition adequate to treat, hold, incinerate or otherwise handle sewage in such a manner that is capable of preventing pollution. For the purposes of this Section, an acceptable water pollution control device is one which has been approved by the U.S. Coast Guard for this purpose.

2.14 Public Use of Port Properties/Facilities[3].

(a) Closure. The docks and Port properties are closed between dusk and dawn to the public, except to authorized moorage holders, their agents or employees having business to tend to on the vessels. Authorization for public use of Port properties or facilities after dark must be obtained from the General Manager. Violation of this section is a Class C Violation of this Code.

[3] Port of Newport Resolution No. 2016-11 Amending the Facilities Code 9/27/2016

(b) Special Uses Permitted. The activities described in this section may not be conducted upon Port properties without a Special Use Permit obtained from the Port. The Commission may, by resolution, establish criteria for and restrictions upon the issuance of permits, and may grant exclusive licenses for the conduct of such activities. This restriction does not apply to the Port's lessees when upon the leased premises. A "Special Use" is defined as any private activity conducted wholly or partly on Port property that requires the use of Port services, such as closure of a portion of Port property or parking, use of Port property, or other Port services (e.g. moorage). A Special Use may include, but is not limited to, parade, festival, exposition, show, sale, event or other similar activity, or any activity to which the user has invited the public to attend or otherwise publically promoted.

2.15 Compliance with Regulations, Laws, Signs, Safety Standards.

(a) Persons or entities utilizing Port facilities or equipment shall obey all Municipal, County, State and Federal rules, regulations and laws.

(b) Persons or entities utilizing Port facilities or equipment shall comply with all posted signs as well as any instructions by Port personnel and shall comply with all administrative or operational rules, policies and procedures issued or posted under the authority of the General Manager or Port Commission.

(c) Persons or entities utilizing Port facilities or equipment shall conform their conduct to generally accepted safety practices, requirements and standards to insure that the actions or vessel of such persons or entities do not become a hazard to them, other vessels or persons, or Port facilities and Port properties.

(d) The Port may prevent, restrict, or suspend any activity deemed hazardous by the General Manager or Harbor Master to that person or other vessels, or persons, on Port facilities and Port properties.

2.16 Consumption/Use of Alcoholic Beverages/Controlled Substances. Consumption of alcoholic beverages or possession of open containers of alcoholic beverages, except on OLCC (Oregon Liquor Control Commission) licensed premises or private vessels, is prohibited. Using or possessing unlawful controlled substances on Port property is prohibited.

2.17 Vessel Movement and Speed/Personal Watercraft. Vessel movement within the moorage area shall comply with all posted speed limits, rules and regulations as determined by the Harbor Master, and shall at no time create a wake. Use of water skis within the moorage area is prohibited. Use of jet skis within the moorage area is prohibited.

2.18 Fueling. No person may fuel or cause to be fueled, a vehicle or watercraft on properties of the Port except at areas designated by the Fire Marshal and approved by the Port for that purpose.

(a) No person may store or cause to be stored, any fuel for any vehicle or watercraft in or upon any vehicle or watercraft on or upon the Port properties or harbor area except in tanks or containers designed for that purpose, and in areas where such tanks or

containers may not come into contact with sparks or excess heat or other conditions which may cause it to ignite.

(b) Fueling is allowed at Port approved and designated facilities only, and is subject to fees as determined from time to time by the Port Commissioners and in accordance with other applicable agreements.

2.19 Combustibles. Combustible materials shall be stored in such place and manner as to prevent accidental combustion and fire, except that rags and waste materials saturated with combustible fluids must be removed from Port property immediately after use.

(a) No person may dump, discharge, or pump, or allow to be dumped, discharged, or pumped, any oil, spirits, gasoline, distillate, any petroleum products, or any other flammable materials onto Port properties or into the waters of the Port.

(b) No person may smoke on the fuel dock or on any other Port facility posted with no-smoking signs.

2.20 Explosives. No person may knowingly transport, carry, convey, store, stow, load or unload, or use on board any vessel within the jurisdiction of the Port of Newport, any explosives or other dangerous articles except in accordance with the regulations of the United States Coast Guard, as set forth in Title 46 of the Code of Federal Regulations, or as authorized by the State Fire Marshal.

(a) It shall be the duty of the vessel owner and/or its operator to notify the Port of Newport not less than five (5) days prior to the arrival in port of any vessel carrying any such explosives or dangerous articles.

(b) No explosives or dangerous articles may be handled at any dock, wharf, pier or other place within the harbor not previously approved by each of the following: the General Manager, Harbor Master, Fire Chief of the City of Newport, and the Commissioners of the Port of Newport. Approval authority by the General Manager and Harbor Master may not be delegated.

2.21 Waste/Litter/Sewage Disposal. No person may throw, place, leave, deposit, or abandon, or cause or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, litter, or sewage on any Port properties or harbor area, except in designated receptacle areas designated by the Port for the disposal of such materials or substances.

(a) Refuse or waste containers provided by the Port may only be used for wastes, litter or sewage generated on Port properties or from a vessel's voyage.

(b) Vessel owners and operators are personally liable for any and all costs associated with cleanup outside of designated receptacle areas of wastes, litter or sewage generated on Port properties by their vessel, crew or guests.

2.22 Interference with Utilities. No person may tap or interfere with any water outlet, water pipe, water connection, telephone equipment, TV cable, electrical outlet or electrical device maintained or operated by the Port.

2.23 Seafood Product Sale or Purchase. No person may set up buying stations without first obtaining all required licenses and permits and leasing from the Port, on terms provided by the Port, the area at which any buying station is to be established.

2.24 Commercial Activity on Port Property. The commercial activities described in this section may not be conducted upon Port Properties without a permit or license obtained from the Port. The Commission may, by resolution, establish criteria for and restrictions upon the issuance of permits, and may grant exclusive licenses for the conduct of such activities. This restriction does not apply to the Port's lessees when upon the leased premises.

(a) Charter boat operations of any variety;

(b) The cleaning or processing of any Seafood Product for remuneration when not conducted solely upon a vessel moored under an MLA or other agreement with the Port.

2.25 Fish Processing on Port Property. No person may clean or process fish or shellfish on any walkways, wharves, docks, barges or piers owned, managed or otherwise controlled by the Port, except in locations specifically designated and posted for that purpose by the General Manager.

2.26 Fishing/Crabbing on Port Property. No person may fish or crab on, about or from the walkways, wharves, docks, barges or piers owned, managed or otherwise controlled by the Port, except in areas specifically designated and posted for that purpose by the General Manager. No person may fish or crab in designated areas except during the hours of daylight, from one hour before sunrise to one hour after sunset. Crab gear may not be left unattended. Moorage customers may fish from their own boats, solely at their own risk and liability. Any person engaging in such activity in designated areas shall promptly remove all equipment, gear or paraphernalia from said facility during hours of darkness.

2.27 Supervision of Children. Children under 12 years of age shall not be allowed on the Port docks unless wearing an appropriate personal flotation device and supervised by a parent or responsible adult.

2.28 Open Flame Devices/Cooking. No person having charge of or access to a vessel which is moored at or located upon Port property or facilities may leave such vessel unattended while an open flame device is in operation. No cooking or open flames of any sort are allowed on the walkways, wharves, docks, barges or piers of the Port, except as specifically allowed at the RV Park at Newport Marina.

(a) A vessel shall be considered "unattended" if no person having attained the age of twelve (12) years is physically present upon the boat or vessel.

2.29 Fireworks. No fireworks are allowed on any properties owned, managed or otherwise controlled by the Port, with the exception of pyrotechnic displays as specifically allowed by the Port Commission and the Fire Marshal.

2.30 Flares/Firearms. It is unlawful for any person to discharge flares or firearms in the harbor area, on the walkways, wharves, docks, barges, piers or any properties owned, managed or otherwise controlled by the Port or while moored to Port facilities.

2.31 Swimming/SCUBA Diving/Related Activities. Swimming, scuba diving, skin diving, snorkeling, and related activities are not allowed from or near to properties owned, managed or otherwise controlled by the Port, except when such activities are required for vessel maintenance. Marker flags are required at the location of such underwater maintenance activity.

2.32 Operation of Wheeled Vehicles on Docks. Bicycling, skateboarding or use of motorcycles or any other wheeled vehicle, except for dock-carts, hand-carts, wagons, or wheelbarrows used for transporting supplies to and from a vessel, unless said vehicle or device is designed for and used by a physically handicapped person to ambulate is not permitted on the Port docks. Use of wheeled vehicles is permitted where expressly allowed by posted signs and only while such use complies with the posted signs. Violation of this section is a Class D violation of this Code.

2.33 Placement of Structures. No buildings or structures of any nature whatsoever may be placed or constructed on Port properties or facilities without first obtaining written approval of the Port.

2.34 Gear and Vessel Equipment/Dock Boxes/Steps and Stairways. All vessel Operators, crew or guests using the Port area or its facilities for moorage or otherwise shall keep the pier or finger in the vicinity of the vessel neat, clean, orderly, and shipshape.

(a) Except as otherwise provided in this Code, no gear, equipment, materials, tackle, dock boxes, small boats, dinghies or other storage or debris may be left on Port docks, piers, finger piers or other Port facilities or properties except in areas the Port has designated and posted for such purposes.

(b) Any property left elsewhere upon Port facilities without a storage permit is abandoned and may immediately and without notice be moved.

(c) Steps and stairways shall be of a size and construction acceptable to the Harbor Master, and shall be marked with owner identification and boat name. Steps and stairways may not be used as storage areas. The placement of steps and stairways may not create an obstruction and may not extend further than half the width of the finger pier. It is the responsibility of the Operator to meet all applicable state and federal standards.

2.35 Welding, Metal Cutting/Fabrication. Welding, metal cutting and/or fabrication are prohibited on Port floating and fixed docks, wharves, walkways or other Port properties,

except in designated areas and with the express permission of the Harbor Master. No person may perform any welding, metal cutting and/or fabrication in a manner reasonably likely to cause injury, harm, or damage to any person or property at or about the area of use, nor may any person perform any welding, metal cutting and/or fabrication unless using equipment which meets minimum safety requirements as determined by the Harbor Master and having in their possession a fire extinguisher of the kind approved by the U.S. Coast Guard for use on a commercial vessel.

2.36 Sandblasting/Spray Painting. Sandblasting and spray painting are prohibited on Port docks, wharves and walkways.

2.37 Net Repair. Nets may be repaired on vessels and in specifically designated areas on Port property.

(a) The Harbor Master must authorize any net repair on Port facilities unless the net repair is taking place on a vessel or in an area designated for that purpose.

(b) A fee, as set forth in the fee schedule in effect at the time, will be charged for lot space used for net repair.

2.38 Gear Repair.

(a) The Harbor Master must authorize any gear repair on Port facilities unless the repair is taking place on a vessel or in areas designated for that purpose.

(b) All gear being repaired on Port facilities must be marked with readily visible owner name, vessel name and documentation or registration number.

2.39 Lot Storage.

(a) Subject to availability, space may be made available to moorage holders for the purposes of short-term staging or long-term storage of working gear only such as net, crab pots, crab tanks and other similar commercial fisheries gear. Preference will be given to semi-annual or annual moorage agreement holders. Gear storage is subject to the following conditions:

(b) No gear may be left on Port properties, including the hoist dock or the east pier at the International Terminal, without first entering a Lot Storage Agreement with the Port. Notification to the Port of removal of gear is required. If notification of removal is not provided, storage charges will continue to accrue.

(c) Each item or group of crab pots, or similar fishing gear, stored at Port facilities shall be marked with a tag containing the name and number of the vessel to which the gear belongs. A single tag may be utilized for each group of crab pots or similar fishing gear if the tag specifies the number of crab pots or similar fishing gear included in the group. Gear shall be secured in a manner that facilitates safe movement by forklift.

(d) Except as elsewhere provided herein, Port equipment used for the movement or placement of gear may be operated by Port personnel only.

(e) The Port may move stored property for better utilization of Port properties.

(f) Unidentified gear is abandoned personal property and may be disposed of accordingly.

2.40 Hoist Use. No person may operate a Port owned hoist in a manner that poses a substantial risk of injury, harm or hazard to any person or property at or about the hoist, nor may any person operate a hoist in such a manner as to cause harm or damage to said hoist. The person or entity operating the hoist shall indemnify, defend and hold Port harmless from any claims, losses or damages caused by the operation of the hoist.

(a) Operators are responsible for safe operation and use of hoists and are required to visually inspect all gear and equipment prior to operation of hoists. It is a violation of this Code to operate a hoist without the knowledge, training and/or experience necessary therefor.

(b) Hoists with a lifting capacity in excess of 1,750 pounds may be operated exclusively by Port personnel.

(c) Accidents, loss or damage are to be reported to Port personnel as soon as possible. The person operating the hoist, their vessel and its operator are liable for any repair costs.

(d) Overloading hoists, tampering with limit switches, double-blocking, re-rigging, or unauthorized repairs or modifications of hoists are expressly forbidden. Any damage caused by the foregoing shall be the sole responsibility of the vessel owner/operator.

(e) Failure to report damage or tampering with a hoist shall result in termination of rights of use of the facility.

(f) Upon completion of hoist work, hoist and control panels should be returned to their original position.

(g) Violations of any provisions of this section are Class A Violations of this Code.

2.41 Forklifts. No person other than a Port employee may operate a Port owned forklift. Subject to availability, said forklift and operator may be made available by the Port upon request at the risk of the person or entity requesting such services, who by the act of requesting such services shall indemnify, defend and hold the Port of Newport harmless against any claims, losses or damages caused by the operation of the forklift.

(a) It is a Class A Violation of this Code for any person other than a Port employee to operate a forklift on Port property.

2.42 Parking/Traffic.[4]

(a) No person may park any vehicle or trailer on Port property in a manner not consistent with all applicable posted signs.

(b) The Commission may, by resolution, require permits to park in any area designated as permit only parking. The Commission may also, by resolution, limit the quantity of permits available and set eligibility criteria therefor.

(c) Overnight vehicle camping is allowed on Port property only at the RV Park at Newport Marina or other areas designated as dry camping.

(d) No person may park or permit a motor vehicle to remain unattended, in front of any launch ramp, walkway, or turnaround of the Port.

(e) No person may park or permit an unattended motor vehicle to remain in fire lanes, driveways, the gear storage area or any other area where parking is posted as prohibited.

(f) No person may remain in or occupy any motor vehicle, trailer, camper or other vehicle between the hours of 10:00 p.m. and 4:00 a.m while said vehicle is parked on Port properties except in designated and posted areas.

(g) Overnight parking is available for Port customers only in designated and posted areas only.

(h) Operation of a motor vehicle on Port properties in excess of the posted speed limit or in a manner which creates a hazard to motor or foot traffic or property is prohibited.

(i) No person may repair or dismantle any motor vehicle, boat trailer, or recreational vehicle that is parked on Port properties, except with the express authorization of the Harbor Master.

(j) Any vehicle parked in violation of this Code is subject to impoundment and may be towed from Port properties and stored at the owner's risk and expense thereof in the manner provided by ORS 98.805 to 98.818.

(k) The penalty for a parking violation of this section may be set by the Port Commission by resolution. The penalty for a parking violation can be found in the then-current Port Rates, Fees and Charges.

(l) The violation of any other provision of this section is a Class D violation of this Code. If any violation of this code results in a disruption to the orderly and efficient operation of the Port or any portion thereof, said violation is a Class B violation of this Code.

[4] Port of Newport Resolution No. 2014-11 Setting Rates, Fees and Charges 9/23/2014

2.43 Animal Control on Port Property. No animals are allowed on Port properties or on Port docks unless leashed and controlled by the owner, or on or in private property.

(a) Animals are not allowed on the docks except to go directly to or from a boat and must be on a leash and controlled by the owner. No animal may be tied to any portion of the Port docks or properties.

(b) No person having control of any animal on Port facilities may allow waste or droppings of that animal to remain on any wharf, dock, barge, pier or walkway of the Port. Animal waste or droppings shall be immediately removed and placed in the nearest waste receptacle.

(c) The Harbor Master shall be authorized to request the impound by county animal control of any animal in violation of this Code.

(d) The violation of this section is a Class D Violation of this Code.

2.44 Regulation of Signs. No person may write or post any written or printed matter in any place on Port properties, except upon bulletin boards designated for that purpose and only after obtaining permission from the General Manager.

2.45 Tents. Tents are prohibited except in areas designated for tent camping.

2.46 Public Art.[5] Public art, commemorative benches, nameplates or other similar structures shall be reviewed and approved by the Port Commission before installation. The Commission may adopt a resolution to manage the review of public art and structures.

Chapter 3. International Terminal

3.1 [RESERVED]

Chapter 4. Commercial Marina

4.1 Application. Unless otherwise specified, the provisions of this Chapter are applicable at the Port of Newport Commercial Marina. Where inconsistent with general provisions of Chapters 1 and 3 of this Code, the more specific provisions of this Chapter control.

4.2 Moorage.

(a) The Harbor Master is responsible for ensuring the efficient use of Port moorage facilities at the Commercial Marina.

(b) No person may moor any vessel in a location not designated for that vessel's length without the consent of the Harbor Master.

[5] Port of Newport Resolution No. 2016-11 Amending the Facilities Code 9/27/2016

(c) Any vessel not registered with the Port wishing to moor at the Commercial Marina shall attempt to contact the Harbor Master via, at a minimum, VHF Channel 12 prior to arrival and making fast to Port moorage facilities.

(d) The Harbor Master may instruct any vessel making such contact to moor at a specific location or berth, and the Owner or Operator shall moor the vessel in the assigned location.

(e) If the Owner or Operator of any unregistered vessel is unable to contact the Harbor Master or other Port personnel prior to arrival and making fast to Port moorage facilities, the vessel may, subject to the provisions of this Code and Chapter moor at any available location appropriate for its size.

(f) The Harbor Master may order the movement and relocation of any vessel moored in the Commercial Marina when necessary for the efficient utilization and/or operation of moorage facilities within the Port.

(1) Such order is to be accomplished by contacting the contact person designated in the Moorage License Agreement for the vessel and, if the contact person is unavailable, the Operator and if different the Owner. If the Harbor Master is unable to reach either the contact person, Operator or Owner, the order may be made by posting notice upon the vessel.

A) The contact shall be made by any method designated in the Moorage License Agreement other than by mail.

(2) It is a Class B Violation of this Code for a vessel to fail to comply with a relocation order within four hours of its being orally conveyed to the contact person, Operator or Owner, or posted on the vessel.

(3) A moorage licensee violates this Code if the Contact Person designated in the MLA is unavailable, whether or not contact is made with the vessel's Operator or Owner.

4.3 Rafting. Except as provided below, rafting within the Commercial Marina is prohibited.

(a) A vessel may raft to another vessel that is securely moored to an inner berth in the Commercial Marina, and only if by rafting the vessel does not interfere with the efficient use and operation of the Marina.

(b) A vessel may also raft to any other vessel in the Commercial Marina if the Harbor Master explicitly provides consent therefor.

4.4 Liveaboard Vessels. Subject to the provisions of this section Liveaboard Vessels are prohibited in the Commercial Marina.

(a) Any Commercial Vessel actively engaged in trade, may apply for and enter a Liveaboard Agreement with the Port. The Liveaboard Agreement may specify a specific location or berth in which the vessel is required to moor.

(b) A vessel that would otherwise qualify as a Liveaboard Vessel, but where the living aboard is simply incidental to that vessel's trade, is not a Liveaboard Vessel, provided the vessel has no more than three occupants.

(c) The Commission may set by resolution a maximum number of Liveaboard vessels permitted in the Commercial Marina and the Port may establish assigned moorage locations for Liveaboard vessels.

Chapter 5. Recreational Marina

5.1 Application. Unless otherwise specified, the provisions of this Chapter are applicable at the Port of Newport Marina at South Beach. Where inconsistent with more general provisions of this Code, the more specific provisions of this Chapter control.

5.2 Registration. Vessels mooring at the Recreational Marina must register and enter a Moorage License Agreement ("MLA") with the Port at the Recreational Marina Office before or within 24 hours of arrival.

(a) Late Registration. Vessels that arrive outside the hours of operation of the Recreational Marina Office without registering and entering an MLA with the Port prior to arrival shall pay, in addition to moorage fees under the MLA, a Late Registration Charge equal to one additional night's moorage.

5.3 Launch Ramp.

(a) No person may launch or retrieve a vessel from the launch ramp without prepayment of launch or retrieval fees in amounts set by the Port. A vessel that is subject to a current and not delinquent MLA with an assigned moorage location at the Recreational Marina may be launched and retrieved without payment of launch or retrieval fees.

(b) No unattended or unattached trailers are permitted in the launch or ramp area. Trailers must be moved to an area designated by the Port for trailers immediately upon launching.

(c) Notwithstanding any other provision of this Code, it is a Class C Violation of this Code to: moor a vessel in the launch area; fail to remove a trailer from the launch or ramp area immediately after launching a vessel; or to otherwise obstruct or hinder use of the launch or ramp area. If any of the above violations result in a disruption to the orderly operation of the launch area, the violations shall be of Class B.

5.4 Dock Use and Moorage.

(a) Moorage is permitted in only designated areas and only in a vessel's assigned slip.

(b) Docks are for the use of moorage patrons. Crabbing and fishing from the docks is permitted only for moorage patrons and only from their own vessels or assigned moorage locations.

(c) Docks and finger piers shall be kept clear of all equipment or gear including fillet tables. Mooring lines may not be tied across other moorage slips or walkways.

(d) All tie-up lines and hoses shall be neatly coiled when not in use.

(e) No portion of any vessel moored, including the bowsprit, may extend over the docks.

5.5 Liveaboard Vessels.

(a) Liveaboard Vessels may not be moored in the Recreational Marina unless the Owner or Operator of the Vessel has applied for and entered a Liveaboard Agreement with the Port on terms set by the Port. The Port may, by resolution, set a maximum number of Liveaboard Vessels allowed in the Recreational Marina.

(b) The Port may, by resolution, set eligibility criteria for Liveaboard Vessels including, without limitation, the size, type and condition of the vessel, as well as the creditworthiness, criminal and rental history of the party seeking to enter the Liveaboard Agreement. The Port may further require a formal application to live aboard in a form set by the Port and may charge a reasonable fee to evaluate the application.

(c) Prevention of Sewage Discharge. The Owner or Operator of a vessel mooring under a Liveaboard Agreement shall, upon notice by the Port, render their vessel unable to readily discharge sewage into harbor waters. The Owner or Operator of any such vessel shall permit, upon reasonable notice, the Port to board and/or enter any vessel moored under a Liveaboard Agreement for the purposes of inspecting the vessel for improper discharge of sewage or the addition of dye markers to the vessel's sewage holding tank.

5.6 Dock Storage.[6] Subject to this section, no bins, lockers, stairways, ladders, dinghies, small boats, fishing or crabbing equipment, fillet tables, or other personal property may be left on docks or piers.

(a) Storage boxes may be placed at the triangular finger pier connection provided they are:

(1) Triangular in shape (90-degrees),

(2) 50" width across back,

(3) 30" along each of the two sides and

(4) No taller than 33", and

(5) Approved by the Harbormaster.

[6] Port of Newport Resolution 2014-04 Amending Facilities Code 5/22/2014

(b) If a piling obstructs ability to use triangular area for storage box, a rectangular box no larger than 24" wide, 48" long and 33" high may be placed on the dock immediately in front of vessel, if the box is approved by the Harbormaster.

(c) No boxes are to be homemade or constructed by Rubbermaid or SunCast or of similar construction material.

(d) Boxes must be attached with exterior brackets to allow for removal without opening the box. Specific instructions can be obtained from the Harbormaster or at the Marina Office.

(e) Such boxes are for the storage of equipment and tools related to the vessel only and may not be used a fillet tables. No flammable liquids may be stored at any time, and no powered electrical appliances of any sort may be stored for use therein.

(f) Port may provide pre-approved boxes to moorage customers for an appropriate charge.

(g) Portable stairways no wider than half the width of the finger pier may be left on the finger pier in a manner that does not obstruct foot traffic along the finger pier.

(h) Both storage boxes and portable stairways must be labeled with the name of the vessel and/or its Owner/Operator.

5.7 Signs.

(a) Posting of signs for the sale of vessels moored in the Recreational Marina is permitted provided such signs are posted only on the vessel marketed for sale, the size of any such sign does not exceed one square foot, and provided the sign does not advertise any activity not permitted by this Code.

5.8 Maintenance and Repair.

(a) Repairs involving exterior or spray painting, sandblasting, welding or burning on vessels are prohibited without the advance written authorization of the Harbor Master.

5.9 Reservations.

(a) The Port may, but is not obligated to, take advance reservations for moorage for vessels other than Transient Vessels for monthly, annual or semi-annual moorage up to 6 months in advance.

(b) The Port shall collect a nonrefundable reservation fee at the time of the making of a reservation in an amount set by the Port. The reservation fee will be applied to moorage fees for the time reserved.

(c) The individual or entity making the reservation shall, prior to or concurrent with arrival and before mooring, register the vessel with the Port and execute and MLA.

Chapter 6. Port of Newport RV Park

6.1 Application. Unless otherwise specified, the provisions of this Chapter are applicable at the Port of Newport RV Park at the Marina at South Beach (the "RV Park"). Where inconsistent with general provisions of Chapters 1 and 3 of this Code, the more specific provisions of this Chapter control.

6.2 Conditions of Admittance and Occupancy.

(a) The RV Park is for recreational vehicles only. It may not be used as a permanent address.

(b) All individuals within the RV Park must at all times comply with the applicable provisions of this Code as well as all posted signs and rules. Failure to do so is a violation of this Code.

6.3 Registration. Patrons shall register prior to parking within the RV Park.

6.4 Fees. All fees are payable in advance.

6.5 Parking. Parking shall be only in numbered areas assigned for overnight use only, except in the areas of the dry camping area where areas are not numbered.

(a) One recreational vehicle plus one towing or towed vehicle is allowed per assigned space. No boats or boat trailers are allowed in RV spaces, unless the combined length of all vehicles, trailers, and the like, is less than the maximum length allowed for the particular space.

6.6 Campfires and Open Flames[7]. No open campfires or open flames are permitted within 15 feet of a structure, vehicle, trailer or combustible material. Propane crab cookers are also prohibited within five feet of a structure or vehicle. Portable propane grills and warmers are allowed in campsites and picnic bunkers.

6.7 Refuse. Patrons may only dispose of refuse in containers provided for that purpose and shall keep RV spaces free of debris. Failure to so act is a violation of this Code.

6.8 Pets. Pets shall be kept leashed and under the control of the owner at all times. Pets may not be left on a leash or tether outside the RV when the owner is not present.

6.9 Quiet Hours. It is a violation of this Code to cause an unreasonable amount of noise or other disturbance during posted quiet hours.

Chapter 7. Enforcement

7.1 Peace Officers. The provisions of this Code may also be enforced by any peace officer of the State of Oregon, County of Lincoln, City of Newport or Port of Newport.

[7] Port of Newport Resolution No. 2016-11 Amending the Facilities Code 9/27/2016

7.2 Notice and Opportunity to be Heard. Where the Port undertakes action under sections 2.5, 2.24 and 7.12 of this Code, such action may be appealed only as follows:

(a) First, by providing written notice of appeal to the General Manager within ten days of service of notice of the action to be appealed. The notice shall contain, at least, a statement describing the action appealed, the facts forming the basis for the appeal, and the name, mailing address and phone number of the person appealing. The General Manager shall rule upon the appeal within twenty-one days of receipt thereof. The General Manager's ruling shall be served upon the appealing party via first class mail to the address provided in the appeal.

(b) The General Manager's decision on the appeal may be appealed to the Board of Commissioners of the Port of Newport by providing written notice thereof to the Port within five days of service of the General Manager's decision. The notice shall contain, at a minimum, a statement describing the action appealed, the facts forming the basis for the appeal, and the name, mailing address and phone number of the party appealing.

(c) The appeal shall be heard by the Commission at its next regularly scheduled meeting or at a special session of the Commission, provided that notice thereof is mailed to the person appealing at least one week prior thereto.

(d) The action appealed shall remain valid and in force unless and until overturned by the General Manager or by resolution of the Commission.

(e) The duties of the General Manager under this section may not be delegated.

(f) Where a right to appeal actions by the Port exists under Federal or State law that preempts this Code, including, without limitation, due process rights under either the United States or Oregon Constitutions, such appeal shall be conducted under the provisions of this section.

7.3 Civil Penalties. Any person or vessel violating the provisions of this Code shall be liable to the Port for a civil penalty as provided in this Chapter.

7.4 Schedule of Civil Penalties.

(a) The civil penalty assessed under this Chapter shall be as follows, together with the costs to repair or replace any Port property damaged by the violation, or if the damage is not repaired, in the amount of the diminution in value thereof as a result of the violation:

Paid in Full	***0 – 14 Days***	***15 – 30 Days***	***30+ Days***
Class A Violation	$300.00	$600.00	$1,000.00
Class B Violation	$150.00	$300.00	$500.00
Class C Violation	$30.00	$60.00	$100.00

Class D Violation	$15.00	$30.00	$50.00
Parking Violation	See Current Rates		

(b) The violation of any provision of this Code for which a violation class is unspecified shall be deemed a Class C violation

7.5 Continuing Violations. When a violation of this code is of a continuing nature, a separate violation will be deemed to occur on each calendar day that the violation continues, and the person or vessel responsible therefore shall be liable for a civil penalty for each violation.

7.6 Chronic Violations. A violation is deemed to be chronic if it occurs more than once in a ninety day period in which case the scheduled penalty shall double.

7.7 Action to Collect Civil Penalty.

(a) The Port may commence a civil action to collect any civil penalty or penalties under this Chapter, together with interest at the statutory rate and the Port's reasonably incurred attorney fees, costs, disbursements and other costs of collection.

(b) It shall be an affirmative defense to any action under §7.7(a) that the person or vessel against whom the action is brought did not commit the violation(s) alleged.

7.8 Civil Action for Amounts Due under this Code.

(a) The Port may commence a civil action against any person or vessel responsible for payment of any charges or liabilities under this Code for any amounts due together with the Port's reasonably incurred attorney fees, costs, disbursements and other costs of collection.

7.9 Civil Action for Damage to Port Property or Interference with Port Operations.

(a) Any person or vessel that causes either damage to Port property or a substantial interference with Port operations shall be liable to the Port for any costs or damages incurred by the Port in connection therewith.

(b) The Port may commence a civil action to collect any liability under §7.9(a) together with interest at the statutory rate and the Port's reasonably incurred attorney fees, costs, disbursements and other costs of collection.

7.10 Assignment. Any right of action created under this chapter may be assigned by the Port. The assignee thereof will remain subject to any defenses available against the Port.

7.11 Disposal of Vessels and Personal Property.

(a) Hazardous vessels, or abandoned vessels to which no failure to pay is attributable, may be seized, removed and disposed of by the Port pursuant to the procedures of ORS 830.907 to ORS 830.927.

(b) Any vessel or piece of personal property to which a failure to pay is attributable located within any Port facility may be foreclosed upon by the Port pursuant to the procedures of ORS 87.152 to ORS 87.214.

(1) The Port may take any steps reasonably necessary to retain possession of any such vessel or personal property including, without limitation, the use of chains, ropes, and locks, removal from the water, or removal to storage areas to secure the vessel and ensure that the same remains in the possession and control of the Port and cannot be removed from Port facilities.

(2) The notice required by ORS 87.192 (2) shall also be posted to the vessel in a conspicuous place, if the vessel has not been moved under §7.11(b)(1) above, and if the vessel has been so moved, at a conspicuous place at the moorage location from which the vessel was moved.

(c) Except as otherwise required by law, the Port shall in no way be obligated to give the Owner and/or Operator of a vessel or the owner and/or bailee of personal property, notice prior to the securing or removal of a vessel or personal property.

(d) Reservation of Other Rights and Remedies. The rights and remedies granted under this Code are cumulative with the Port's other rights and remedies existing at law (specifically including, without limitation, the procedures found in ORS 98.245 and ORS 783.010, *et seq.*), in equity or admiralty. Each such right and remedy may be exercised, wholly or in part, from time to time and without waiving any other rights or remedies which the Port may have against the vessel, the vessel Owner or Operator, or against the personal property of the same. No delay in the enforcement of any right or remedy shall be deemed to constitute a waiver or election with respect to any rights or remedies.

7.12 Termination of Moorage.

(a) In addition to other penalties set forth in this Code, moorage of any vessel may be terminated upon thirty (30) days' notice that:

(1) The vessel and/or its owner or operator has been in violation of any part of this Code classified as a Class A or B violation as set forth herein more than three times in a twelve (12) month period; or

(2) that the vessel and/or its Owner/Operator has been in violation of any part of this Code or any ordinance of the Port of Newport and the violation is not corrected or ceased prior to expiration of a thirty (30) day notice period; or

(3) That the vessel is hazardous and setting forth the reasons therefor.

(b) Notice of termination of moorage shall be by personal delivery or by mailing by certified mail notice to the Owner and the Operator at the last known addresses provided to Port by Owner or Operator, and by posting a notice on the vessel. The notice shall state that

moorage will be terminated and that the Owner and/or Operator have 30 days from the date of the notice to remove the vessel from the moorage facility unless the Owner and/or Operator satisfies to the General Manager that the Owner and/or Operator is either not in violation or has cured the violation and no similar violation occurred within the past 12 months, and the vessel Owner and/or its Operator pays to the Port all liabilities due it arising out of the violation. Upon termination of the Moorage License Agreement after such 30-day notice, if the affected vessel has not been removed from Port properties, the same shall be abandoned.

References

2013/05/28 Ordinance No. 1-2013 Adopting the Port Facilities Code

2014/05/22 Port of Newport Resolution 2014-04 Amending Facilities Code to Change Sections Related to Insurance Coverage, Stray Voltage, South Beach Dock Storage

2014/09/23 Port of Newport Resolution 2014-11 Setting Rates, Fees and Charges: Parking Violations

2016/09/27 Port of Newport Resolution 2016-11 Amending Facilities Code to Add Provisions for Fire Safety, Special Events and Public Art

Violations by Class

Class	Code
A	***2.40 Hoist Use.*** 2.40(g) (g) Violations of any provisions of this section are **Class A** Violations of this Code.
A	***2.41 Forklifts.*** 2.41(a) It is a **Class A** Violation for any person other than a Port employee to operate a forklift on Port property.
B	***1.10 Registration and Moorage License.*** 1.10(a)(7) . . .Failure to register is a **Class B** Violation of this Code.
B	***2.42 Parking/Traffic.*** 2.42(l) . . .If any violation of this code results in a disruption to the orderly and efficient operation of the Port or any portion thereof, said violation is a **Class B** Violation.
B	***4.2 Moorage.*** 4.2(f)(2) It is a **Class B** Violation of this Code for a vessel to fail to comply with a relocation order within four hours of its being orally conveyed to the contact person, Operator or Owner, or posted on the vessel.
B	***5.3 Launch Ramp.*** 5.3(c) Notwithstanding any other provision of this Code, it is a Class C Violation of this Code to: moor a vessel in the launch area; fail to remove a trailer from the launch or ramp area immediately after launching a vessel; or to otherwise obstruct or hinder use of the launch or ramp area. If any of the above violations result in a disruption to the orderly operation of the launch area, the violations shall be of **Class B**.
C	***2.14 Public Use of Port Properties/Facilities*** 2.14(a) Closure. The docks and Port properties are closed between dusk and dawn. . . Violation of this section is a **Class C** Violation of this Code.
C	***5.3 Launch Ramp.*** 5.3(c) Notwithstanding any other provision of this Code, it is a **Class C** Violation of this Code to: moor a vessel in the launch area; fail to remove a trailer from the launch or ramp area immediately after launching a vessel; or to otherwise obstruct or hinder use of the launch or ramp area. If any of the above violations result in a disruption to the orderly operation of the launch area, the violations shall be of Class B.
C	***7.4 Schedule of Civil Penalties.*** 7.4(b) The violation of any provision of this Code for which a violation class is unspecified shall be deemed a **Class C** violation.
D	***1.10 Registration and Moorage License.*** 1.10(b)(2). . . Failure to meet the conditions of payment or payments as set forth in an approved installment plan is a **Class D** Violation of this Code and may result in a fine and/or immediate removal or seizure and sale of the vessel.
D	***2.32 Operation of Wheeled Vehicles on Docks.*** Bicycling, skateboarding or use of motorcycles or any other wheeled vehicles. . .is not permitted on Port docks. . . Violation of this section is a **Class D** Violation of this Code.
D	***2.42 Parking/Traffic.*** 2.42(l) The violation of other provision of this section is a **Class D** Violation of this code. . .
D	***2.43 Animal Control on Port Property*** 2.43(d) The violation of this section is a **Class D** Violation.

PORT DOCK 5 CONCEPTUAL ALTERNATIVES ANALYSIS SUMMARY REPORT
For the
Port Dock 5 Pier Approach – Structural Renovation Design Project
Newport, Oregon

October 11, 2016

OBEC Consulting Engineers

Corporate Office:
920 Country Club Road, Suite 100B
Eugene, Oregon 97401
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PORT DOCK 5 CONCEPTUAL ALTERNATIVES ANALYSIS SUMMARY REPORT
For the
Port Dock 5 Pier Approach – Structural Renovation Design Project
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October 11, 2016

Prepared by:
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Reviewed by:
Nick Robertson, PE, SE

OBEC CONSULTING ENGINEERS

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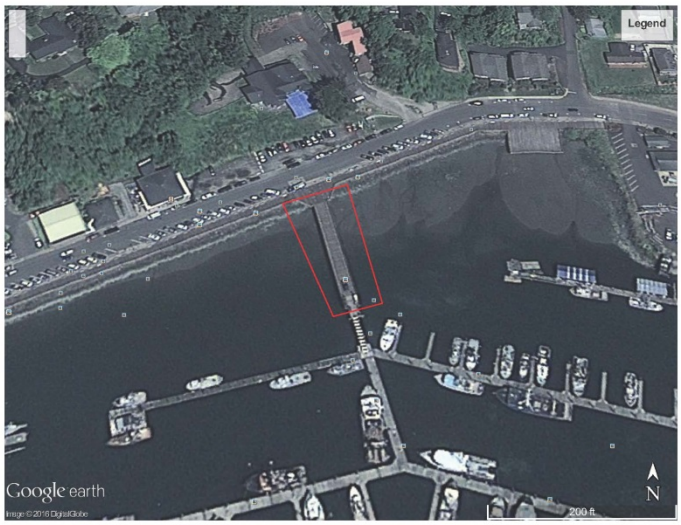
For the
Port Dock 5 Pier Approach – Structural Renovation Design Project
Newport, Oregon

Executive Summary

The Port of Newport's Port Dock 5 is in need of structural rehabilitation. OBEC Consulting Engineers (OBEC) conducted an evaluation of alternatives to implement the rehabilitation. Three alternatives were considered: 1) repairing the existing structure; 2) replacing the existing structure; and 3) replacing the structure with an enlarged and enhanced structure. The results of the OBEC's analysis led to the recommendation for implementing Alternative 2, with the following caveats. Alternative 2 meets a majority of the Port's goals and would be the most expeditious in allowing full function of the dock for the long term. Alternative 3 rated highest overall in the evaluation process. Due to the existing structural condition of the Dock 5 piles, the anticipated lengthy permitting time frame, and the significant cost of Alternative 3, the logical path to achieving Alternative 3 is to approach it in phases. If grant funding for Alternative 3 appears likely within a few years, the Port should consider implementing Alternative 1for the lowest cost in the near future and then expanding to Alternative 3. Another solution could be to approach the renovation in three phases, beginning with Alternative 1 as Phase 1, installing a new deck as detailed for Alternative 2 as Phase 2, then expanding the deck and adding piles as detailed in Alternative 3 for Phase 3. Throughout this evaluation it is assumed either Alternative 1 or Alternative 2 has been constructed prior to Alternative 3 and is incorporated into the Alternative 3 structure.

Introduction

The mission of the Port of Newport (Port) is to provide and maintain marine infrastructure to support commercial and sporting vessels that drive economic development in Yaquina Bay. Port Dock 5, a vintage timber structure, is a critical piece of the Port's infrastructure and provides access to the marina that is home to the largest commercial fishing fleet in Oregon. Port Dock 5 is used primarily by the commercial fishing fleet, and serves as the only access to approximately 80 vessel moorings and a floating fuel facility. In order to serve the fleet, 24/7 access to the dock system must be maintained.



Port Dock 5 is approximately 210-feet-long by 20-feet-wide. The timber dock is supported by 11 bents. Ten of the bents consist of five timber piles and diagonal braces. The furthest offshore bent consists of two steel pipe piles. The dock connects to a City-owned boardwalk at the shore side and connects to the floating docks with a ramp system. In 2011, the Port conducted an

internal inspection of the dock and concluded that the Port Dock 5 timber substructure, including piles and cross bracing, is in critical condition and needs to be replaced.

The inspection was performed by Pete Dale, a former Port Project Manager. OBEC reviewed Mr. Dale's summary report, which is included as Appendix 1. Several contributing factors lead us to believe that the current condition of the Dock 5 timber pile support system is not serviceable, including: the extensive pile structural deterioration noted in the original report; the five years since the inspection during which the deterioration has certainly progressed; our own visual assessment of the deteriorated structural bracing system for the piles; and witness accounts of the offshore end of the dock swaying side to side when vehicular traffic drives on the dock. Repair of timber piles or bracing in this advanced state of deterioration is not practical or cost effective.

In 2012, the ramp to the floating docks was replaced with a new aluminum ramp system supported by steel piles. Due to the unknown current structural capacity, vehicular traffic on the dock is currently restricted to the first 50 feet.

OBEC was retained by the Port in August of 2016 to perform an alternatives analysis to identify a preferred structural rehabilitation and/or replacement strategy for Port Dock 5. On August 31st, OBEC led a kickoff workshop with key stakeholders, including dock users, Port staff, and other key community members, to help better define the problem, determine the overall project goals, communicate the design criteria, and brainstorm structural repair and replacement alternatives. Following the project kickoff workshop, OBEC completed an alternatives analysis looking at three alternatives that represented: 1) a cost- and safety-driven rehabilitation replacing only the deteriorated pile support system; 2) a complete replacement of the dock in kind; and 3) a complete replacement and improvement of the dock. This report presents our summary of the evaluation method, results, and recommendations of the alternatives analysis.

Project Goals

During the kickoff workshop, seven key project goals were identified: safety, function, environment, cost, maintenance, access during construction, and future expandability. Each of these goals will be used to evaluate the three design alternatives. Below is a summary of how each of these goals is addressed. A number of additional project preferences were noted during the kickoff workshop that could potentially be implemented with any of the three alternatives at additional project cost.

Safety – The primary purpose of this project is to replace the deteriorated substructure of the existing dock. A successful project alternative will address long-term durability and stability issues with the existing dock, restore the full existing functionality of the dock, including vehicle access, and provide a minimum design life of at least 40 years.

Function – This goal represents the dock's ability to meet the needs of the commercial fishing fleet, such as commercial dock sales, and vehicle and pedestrian access. It also represents the dock's ability to meet code requirements, such as fire suppression and ADA requirements. In order of priority, preferences for enhancements to be addressed include upgraded utilities (both fire suppression and electrical capacity), vehicular parking on the dock, an offshore turn-around to improve vehicular circulation, a more functional receiving and staging area at the offshore end of the dock, and a permanent bathroom facility on the dock.

Environmental – Each alternative was evaluated on a basis of the likely environmental and permitting challenges that must be overcome to allow construction. Evaluation will be based on cost, time, risk, and overall project feasibility. Special consideration was given to project concepts that were more likely to meet permitting requirements through self-mitigation.

Cost – This goal represents the up-front capital costs required to construct each alternative. As part of this evaluation, a planning-level cost estimate was completed for the three alternatives. Understanding that grants and other external funding sources are considered a likely means of financing the project, each alternative has been evaluated based on its likelihood to qualify for federal or state funding.

Maintenance – Long-term costs associated with upkeep and maintenance were assessed qualitatively for each of the alternatives. This category was evaluated based on the predicted lifespan of each alternative and what long-term maintenance needs are predicted over the desired 40-year lifespan. Additionally, each alternative's maintenance requirements were evaluated based on the likelihood of future temporary closures to the dock as a result of deterioration or maintenance activities.

Construction Access – It is imperative that the floating docks remain open 24/7 during construction and that both pedestrian access and utilities are maintained with minimal disruption. Each alternative was evaluated on the basis of keeping access open throughout construction. Each alternative was evaluated for constructability, and requirements such as: necessary temporary accesses, construction staging, and short-term dock closures (<24 hour).

Future Expansion – Each of the alternatives were evaluated on their ability to incorporate future phases of construction to reach a full build out solution. The evaluation criteria for this goal includes how readily the structure can be expanded, as well as how easily the future expansion can be conducted in a manner that achieves each of the other six project goals.

Additional Stakeholder Notes:

- The driveway and any future parking needs to accommodate large pickup trucks and delivery vans.
- The dock will need to integrate with existing City of Newport facilities at the shore.
- The dock should maintain an industrial/commercial feel to best serve the fishing community and minimize tourist loitering.
- Restricting access with gates is not considered a benefit.
- Providing a hoist is not considered a benefit.
- An evaluation of the best option for extending the lifespan of the piles (galvanizing vs. coated vs. cathodic protection), is separate from the alternatives evaluation.
- Current landing area for the ramp is structurally and functionally obsolete; consideration should be made for replacement in the future. This will not be considered in the alternatives evaluation.
- At this time, no viable alternate permanent access to the dock could be identified.
- Tsunami loading will not be considered in the evaluation.

Design Criteria

The following criteria were used for the analytical and objective concept evaluations:

- 2015 IBC with Oregon Amendments
  - Basic Wind Speed, 3 sec gust = 115 MPH
  - Wind Exposure = D
  - Risk Category = I
  - Importance Factors Iw= 1, Ie= 1, Is= 1
  - Seismic Site Class = D
  - Seismic Design Category = D, Sds = 1.14g, S1= 0.71g
- Pile capacities – proposed piles are 24" dia x .500" open end pipe embedded 30 feet into the siltstone
  - Allowable bearing capacity = 120 tons
  - Allowable uplift capacity = 47 tons
- Tsunami – do not design for tsunami
- Live Loads:
  - Vehicle loads
    - F350 extended bed/quad cab five-ton truck, max axle load = 7,000 lbs
    - Box Van 10-ton vehicle, max axle load = 16,000 lbs
    - Solid tire forklift, Hyster S50CT (assumed), 5,000 lbs capacity, max axle load = 12,000 lbs
  - Distributed load on deck = 50 PSF (pedestrian and minor permanent loads such as dumpsters, totes, and portable toilets)
  - Ground snow load = 2 PSF
- No mooring or berthing loads
- Design Life = 40 years (Alternatives 2 and 3 will realistically provide a structural design life of 75 years due to modern design codes and materials)
- Datum used for site elevations is MLLW. Top of deck and mudline elevations are based on measurements taken by Kent Gibson, the Port Harbormaster, on 9-8-16.
- Top of siltstone bedrock is assumed to be elevation -23.5 feet MLLW based on a nearby 2000 boring log, the 2012 pile driving log, and jet probe data from 1992. (See Appendix 2)

Conceptual Alternatives

Three alternatives were considered for this evaluation process. Conceptual design was performed for each of the three alternatives (approximately 10 to 15% design completion). The design incorporated the above goals and design criteria. A construction cost estimate was then prepared for each alternative. The anticipated accuracy of the cost estimate and the contingency allowance is based on the Association for the Advancement of Cost Engineering (AACE) recommended practice 18R-97. Using these guidelines, and the 10 to 15% design completion level, a reasonable expectation of accuracy is +/- 30%. Structural analysis for wind, seismic, and vehicle loads was performed using RISA and L-Pile software.

Alternative 1 – Replace Existing Substructure

Summary – The concept proposes to replace each of the 10 remaining timber pile bents with two 24-inch pipe piles and a steel beam cap spanning between the piles. The footprint of the deck will remain the same. The timber deck, stringers, and railings would remain in place. Figures 1a and 1b present the plan and section of Alternative 1. The distance between new piles is dictated by the distance required to clear the embedded tips of the outside timber batter piles.

Safety – OBEC understands from the Port that the existing dock timber decking and stringers have been maintained and are in serviceable condition. Our assessment of the safety goal for Alternative 1 is based on the assumption that the existing deck timber is in serviceable condition. OBEC has not conducted a condition assessment to verify the existing condition. We recommend a condition assessment including representative testing of deck and stringer timbers be performed prior to proceeding with Alternative 1. A cost for this assessment has been included in Table 5a. The proposed replacement piles and pile caps will provide structural integrity for the substructure. This alternative does not address utilities, so no safety enhancement will be realized for the utilities.

Function – Alternative 1 will allow vehicle access to be re-instated on the dock to pre-closure levels. No improvement in traffic flow or structural capacity will be included. ADA access and the fire suppression system will not be addressed. None of the preferred enhancements to function would be addressed with this alternative.

Environmental – The proposed 20 replacement piles will be installed outside the existing dock footprint, which will be considered an impact by the regulatory agencies. The additional area is approximately 170 SF, or a 4% increase. OBEC believes this impact will be mitigated by the removal of 50 creosote timber piles and approximately 30 creosote timber braces. This project should fall within the regulatory agencies programmatic maintenance permit. It is estimated it will take approximately one year to procure environmental permits from the time design work begins. OBEC does not believe Alternative 1 will trigger a requirement to provide stormwater treatment. However, there is a risk that NMFS will require it. The pile driving must take place within the in-water work window, which is currently November 1 through February 15th.

Pile installation will require an impact hammer. Noise dampening methods, such as a bubble curtain and/or a cushion, will be employed. A marine mammal watch will be required.

Cost – The cost estimate for Alternative 1 is presented in Table 1. Alternative 1 is the lowest cost alternative.

Maintenance – We propose to apply a high quality, corrosion-resistant coating on the piles and caps. Over the 40 year life of the piles and caps, this coating may need to be touched up on occasion if it is damaged. The timber deck will most likely need periodic replacement of deteriorated elements, if not complete replacement, within the 40-year life of the piles. We estimate the average annual cost of replacing deteriorated timber deck elements to be $20,000. This cost is not included in the cost estimate for Alternative 1. The Port should expect maintenance costs to vary year-by-year and a maintenance plan and budget should be established for the timber deck.

Construction Access – OBEC has spoken to two marine contractors with experience driving piles in Yaquina Bay, and at Port Dock 5 in particular, regarding contractor and pedestrian access during the pile replacement work. It is feasible to get a derrick barge adjacent to the near shore end of the dock during high tide. Looking at the predicted tide gages in November of 2017, it appears that near-shore work on the piles would be able to proceed during daylight hours three days a week for about 10 hours a day. It would not be safe to have pedestrians on the dock while pile setting and driving is taking place. Therefore, a temporary alternate access will be required. Installing a float in the existing gap between Dock 5 and Dock 3 floats is recommended to provide access when the contractor is required to block access to Dock 5. It is estimated blocking access to Dock 5 will be required for15 to 20 days, total, or two to three days a week over a six-week period between November and February. We understand the Port has floats available that could be used for the alternate access. The cost of installing the floats is included in the mobilization estimate.

Future Expansion – The Alternative 1 piles and pile caps are designed to accommodate future construction of a concrete deck to replace the timber deck, upgrade utilities, and/or expand the footprint of the dock to enhance traffic flow and add parking. Therefore, Alternative 1 could form the foundation for proceeding with Alternative 2 and then Alternative 3 in the long term. No changes in the Alternative 1 design or cost estimate would be required to proceed with Alternatives 2, and eventually 3, in the future. The new Alternative 1 piles would be installed with extra height to allow raising the elevation of the deck in the future to accommodate stormwater drainage for Alternatives 2 and 3.

Alternative 2 – Replace Entire Structure in the Existing Alignment

Summary – This concept proposes to replace the entire fixed dock structure in the same location with steel piles, steel pile caps, and a concrete deck. The dock plan dimensions will not change. Figures 2a and 2b present the plan and section of Alternative 2.

Safety – The proposed complete replacement will provide structural integrity for a 40-year life. The traffic flow will remain unchanged. Electric and fire suppression upgrades will enhance safety for tenants.

Function – Alternative 2 will allow vehicle access to be re-instated on the dock in accordance with the project design criteria. ADA access conforming to the ADA-ABA Chapter 10 will be required. It is not practical for Port Dock 5 to meet the general ADA gangway slope requirements. Section 1003.2.1.3 allows an exception for which gangways 80 feet or longer are not required to meet the 1V:12H slope requirement. We recommend shortening the fixed dock to allow an 80-foot-long gangway. This will require deleting 38 feet of the dock, or two structural bents. The 80-foot gangway would have a slope at MLLW of approximately 1V:5H. (The existing gangway slope is approximately 1V:3H).

Installing the 80-foot gangway will most likely necessitate modifying the main marina landing floatation to accommodate the additional gangway load. A cost estimate has been included in Table 2 to modify the float.

The fire suppression system will be upgraded to comply with current NFPA requirements to a standpipe at the offshore end of the dock. The electrical power supply is proposed to be upgraded to a system capable of serving two 50 amp 125/250V receptacles per vessel. The

cost estimate includes only providing the service to the offshore end of the gangway. Slip pedestals and float conduit/cable are not included. Parking on the dock, traffic circulation, and bathroom facilities on the dock will not be addressed.

Environmental – The proposed 20-foot-wide by 172-foot-long deck, longer gangway, and 18 new piles (3630 SF) will result in a footprint reduction of 570 SF from the existing timber dock. Although construction of the new dock will be considered an impact by the regulatory agencies, OBEC believes this impact will be mitigated by the removal of 50 creosote timber piles, approximately 30 creosote timber braces, treating stormwater, and the reduced overall footprint. This project should fall within the regulatory agencies programmatic maintenance permit. It is estimated to require approximately one year to procure environmental permits from the time design work starts.

The intention for stormwater treatment reflected in the cost estimate is to collect the runoff at the shore end of the dock by sloping the deck towards shore. The runoff will be collected in catch basins draining to a filter vault installed beneath the boardwalk. The filtered runoff would be returned to the bay through an outfall pipe. Several other options for treatment should be explored in the next phase of design.

Similar to Alternative 1, pile driving must be completed during the in-water work window and pile installation will require an impact hammer. Noise dampening methods, such as a bubble curtain and/or a cushion, will be employed. A marine mammal watch will be required.

Cost – The cost estimate for Alternative 2 is presented in Table 2.

Maintenance – We propose to apply a high quality, corrosion-resistant coating on the piles and cap steel. Over the 40-year life of the piles and caps, this coating may need to be touched up on occasion if it is damaged. The concrete deck should not require maintenance except for routine cleaning. Periodic inspection and maintenance will be required for the upgraded fire suppression system, the new stormwater collection system, and the upgraded electrical system.

Construction Access – Similar to Alternative 1, it would not be safe to have pedestrians on the dock while pile setting and driving is taking place. Therefore, a temporary alternate access will be required. Installing a float in the existing gap between Dock 5 and Dock 3 floats is recommended to provide access when the contractor is required to block access to Dock 5. It is estimated blocking access to Dock 5 will be required for nine to ten days, total, or two to three days a week over a four-week period between November and February. Piles would be installed very close to each side of the existing timber deck. Once the piles are installed, a temporary four-foot-wide walkway will be installed on knee braces at each new pile along the east side of the existing dock. This will allow pedestrian access during construction of the new deck. The temporary access walkway could be made permanent to enhance pedestrian safety; however, permitting impacts would have to be considered. New utilities would be installed along-side existing utilities. The existing utilities would remain in use during construction. After switching over to new utilities, the old utilities would be removed. There will be an interruption of utility services during the switch, which should be kept to less than one day.

Removing the offshore 38 feet of the existing timber dock will require a temporary installation of the new 80-foot gangway to one side of the dock and perhaps a temporary float to connect to the main floating dock. Temporary support for utilities would also be required.

Future Expansion – The proposed new structure is designed to accommodate expanding the footprint of the dock to enhance traffic flow and add parking. Alternative 2 could precede Alternative 3 and serve as the eastern portion of Alternative 3.

Alternative 3 – Replace and Expand Entire Structure

Summary – This concept proposes to replace the entire fixed dock structure with a wider concrete deck supported with steel piles and steel pile caps. The wider deck will allow two-way traffic, space for a vehicle to turn around at the offshore end, parking for 12 vehicles, and a five-foot-wide sidewalk. Figures 3a and 3b present the plan and section of Alternative 3. Due to the anticipated length of time required to obtain permits and funding for this alternative, it is assumed that Alternative 1 or 2, or both 1 and 2, would have already been implemented before an Alternative 3 project begins.

Safety – The proposed replacement and expansion will provide structural integrity for a 40-year life. Two-way traffic, the turnaround area, and the pedestrian sidewalk will greatly enhance dock safety. Electric and fire suppression upgrades will enhance safety for tenants.

Function – Similar to Alternative 2, we recommend shortening the fixed dock to allow an 80-foot-long gangway to comply with ADA requirements.

Fire suppression and electrical service functions and limitations are the same as Alternative 2. Alternative 3 will allow two-way vehicle traffic and 12 parking spaces on the dock. The proposed layout will accommodate an F350 quad cab long bed truck performing a three-point turn around at the offshore end. The traffic plan is presented in Figures 4a and 4b. Permanent bathroom facilities were not included at the Port's request. Portable toilets are proposed for Port Dock 5 due to difficulties with unauthorized use of permanent bathroom at other Port facilities. The proposed vehicle access will require coordination with the City of Newport. The existing boardwalk and Bay Street access to the dock may need to be modified. Lighting has been added along the dock to improve safety.

Environmental – The proposed 50'-4"-wide by 172-foot-long deck, longer gangway, and 27 new piles (8600 SF) will result in a footprint increase of 4400 SF from the existing timber dock. Removal of 50 creosote timber piles, approximately 30 creosote timber braces, and treating stormwater will provide mitigation, but we believe further mitigation will be required. There will be impact pile driving and marine mammal watches required. Alternative 3 will require a formal consultation and biological assessment along with mitigation proposals and implementation. It is estimated to require approximately two years to procure environmental permits from the time design work starts. Stormwater treatment and pile driving concerns are similar to Alternative 2.

Cost – The cost estimate for Alternative 3 is presented in Tables 3 and 4. Table 3 presents cost data for Alternative 3 as an expansion of Alternative 1. Table 4 presents cost data for Alternative 3 as an expansion of Alternative 2.

Maintenance – Alternative 3 maintenance is similar to Alternative 2. Additionally, Alternative 3 offers the potential for optimizing access to utilities. Perhaps a utility trench with a removable cover could be formed into the concrete deck or utilities could be routed under the sidewalk and could be accessed with a manlift.

Construction Access – The footprint would expand to the west of the existing dock since the mudline is shallower to the west and less likely to be useful for vessels. The construction sequence envisioned for Alternative 3 starts with building the new western portion first along-side the existing dock (which has been repaired with Alternative 1or 2). The new piles required will be 15 to 20 feet from the existing dock, so the existing dock could remain in operation throughout construction of the western portion. For Alternative 1+3, once the western portion is complete, dock operations would transfer to the western portion, and the existing timber deck would be demolished and replaced. All utilities would be newly routed in the western portion and switched over from the existing dock with only a few hours of interrupted service. For Alternative 2+3, all utilities would already be replaced under the existing dock footprint, so no interruption of utilities will occur.

Future Expansion – Alternative 3 will be the ultimate build-out. No expansion for this alternative is being considered.

Evaluation of Alternatives

The process of evaluating the above alternatives was done using a framework for rating how each alternative meets the goals of the Port Dock 5 stakeholders. Each goal was assigned a "weight" relative to the other goals based on the goal's importance to the stakeholders. Each alternative was assessed with a score from 1 to 5 for each goal. That score was then multiplied by the weight assigned to each goal. The sum of the weighted goal scores for each alternative were compared to determine which alternative rated the highest.

The scoring is based on the following:

1. Unacceptable – likely not feasible
2. Undesirable – very difficult
3. Neutral
4. Favorable
5. Superior

The evaluation results are presented in Table 6. Stakeholders reviewed the draft issue of this report and shared some concerns with the assigned goal weights. We increased the weight for the seventh goal "Future Expansion" from 3 to 4 to address stakeholder concerns. Please see the note on Table 6. This change did not impact the overall evaluation results.

As stated above, constructing Alternative 3 independent of Alternative 1 or 2 is not considered feasible. The following Alternatives were evaluated:

- Alternative 1
- Alternative 2
- Alternative 1 and 3
- Alternative 2 and 3

Miscellaneous Items

- GRI performed a brief preliminary evaluation of site geotechnical conditions and pile load capacities. The site is prone to liquefaction and lateral spread of the sloping mudline during a seismic event. Liquefaction could occur during seismic events that are lower in

magnitude than the infamous subduction zone event. The conceptual design for the three Alternatives did consider liquefaction and lateral spread loads.

- OBEC considered other concepts that may be of interest to the Port, but would require further study to evaluate.
    - For Alternate 2, expanding the deck over the tops of the piles would provide an extra four to six feet of deck width for minimal expense. The concern would be the environmental impacts of increasing the footprint.
    - Lengthening the gangway is required to meet ADA requirements. Another option for maintaining the deck footprint would be to shorten the length perpendicular to shore and expand into a marginal wharf along the shoreline.
    - For Alternatives 2 and 3, it may be possible to utilize the existing steel bent piles supporting the existing gangway as an intermediate support for the new longer gangway. This could reduce the cost of the new gangway.
    - It may be possible to optimize the design for Alternatives 2 and 3 to be more cost-effective using longer free spans between piles.

Conclusions and Recommendations

The evaluation results clearly show Alternative 3 is the alternative that best meets all the stakeholders' goals and objectives. As stated above, in terms of time to procure permits and grant funding, the current critical structural condition of the dock makes moving directly to Alternative 3 unfeasible. The Port should consider Alternative 1 or 2 as the solution or a first phase of the solution. Another solution could be to approach the renovation in 3 phases, beginning with Alternative 1 as Phase 1, installing a new deck as detailed for Alternative 2 as Phase 2, then expanding the deck and adding piles as detailed in Alternative 3 for Phase 3. This alternative would result in a higher total project cost than going directly from Alternative 1 to Alternative 3 and has not been studied in detail at the time of this report.

Alternative 2 is the next highest rated alternative. This alternative will provide complete structural integrity and new or upgraded utilities. The drawbacks are that no improvements are provided for vehicles and pedestrians, and access during construction will be problematic.

Alternative 1 has the lowest ratings due to safety and function limitations, maintenance concerns, and construction access problems. There is risk associated with the existing timber deck, which would remain in place with Alternative 1. The timber deck is assumed in a serviceable condition, but will certainly require maintenance over the design life of this project. The Port should initialize an annual maintenance plan if Alternative 1 is selected.

In the scenario where the Port does not foresee future grant funding availability for Alternative 3, Alternative 2 will serve the Port and stakeholders as a long-term solution better than Alternative 1. In the converse scenario, where the Port does see grant funding opportunities for Alternative 3 within three years, Alternative 1 will be the most cost-effective first phase.

Path Forward

The Port now has alternative solutions and cost data in hand to use as tools to start project planning. To assist the Port in finding project funding, we have assembled a list of grant or loan opportunities (see Table 7). This list includes resources that have been used for similar projects by

the Port of Newport and other Oregon ports, that OBEC is aware of through other clients, and state and federal opportunities that appear to be applicable to the Port Dock 5 Renovation Project. There are most likely other resources available not included here, so further research is recommended.

The alternative concepts presented in Figures 1 through 4 and discussed above are the result of an abbreviated design process. We estimate the current design to be between 10% and 15% complete. There are many details and options to be refined and developed for all the alternatives. At the completion of design, the details may differ from what is currently shown in the figures.

In order to present a potential path forward, an alternative must be chosen and an extrapolated schedule of activities must be established. We have chosen the option of renovating in two phases with Alternatives 1+3 as a representative project timeline. This path could be adjusted to fit any of the alternatives. The costs shown are taken from Tables 1 to 5. The following steps are recommended to progress this project as funding resources become available.

Year 1* Approximate Professional Services = $110,000

- Perform a condition assessment of the existing timber deck
- Perform geotechnical investigation
- Develop permitting strategies
- Perform preliminary design (approximately 30% completion) for Alternative 1
- Solicit stakeholder input on 30% design (this will be used for permit submittal so need agreement with stakeholders)
- Prepare permitting documents and applications for Federal, State, and local agencies for Alternative 1
- Submit permit applications for Alternative 1.

Year 2* Approximate Professional Services = $85,600; Construction = $1,085,000

- Coordinate permitting for Alternative 1
- Perform final design (100% complete) for Alternative 1
- Prepare bid package for Alternative 1
- Solicit bids for Alternative 1
- Perform construction for Alternative 1

Note: If Alternative 2 was considered in lieu of Alternative 1, the Year 1 and Year 2 steps would be similar. The cost for Year 1 Professional Services = $118,000. The cost for Year 2 Professional Services = $160,000; Construction = $1,608,000

Year 3 Approximate Professional Services = $71,600

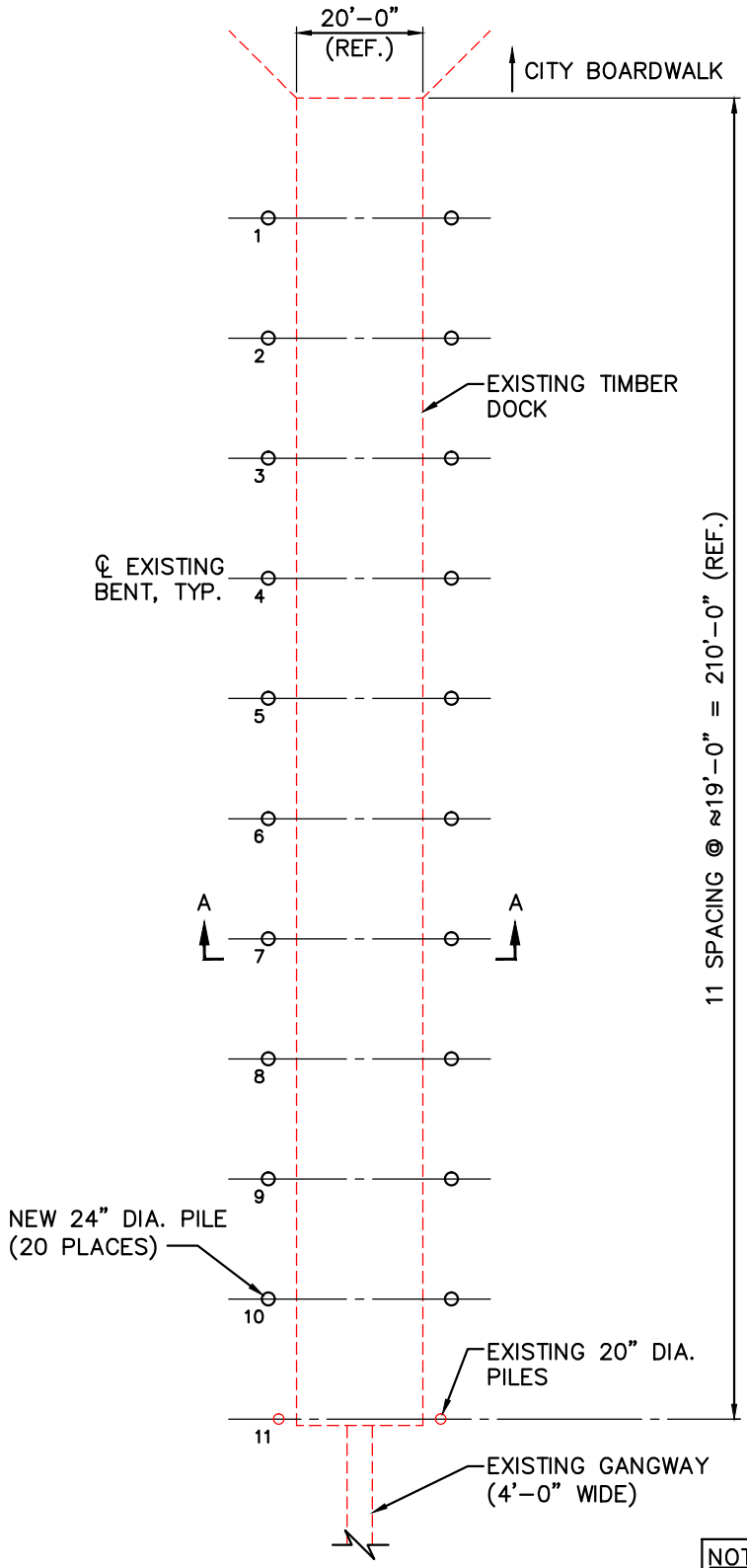
- Develop permitting strategies for Alternative 3, including mitigation
- Perform preliminary design (approximately 30% completion) for Alternative 3
- Solicit stakeholder input on 30% design (this will be used for permit submittal so need agreement with stakeholders)
- Prepare permitting documents and applications for Federal, State, and local agencies for Alternative 3 including mitigation proposals and biological assessment
- Submit permit applications for Alternative 3.

Year 5 Approximate Professional Services = $165,100 Construction = $1,725,000

- Coordinate permitting for Alternative 3
- Perform final design (100% complete) for Alternative 3
- Implement mitigation
- Prepare bid package for Alternative 3
- Solicit bids for Alternative 3
- Perform construction for Alternative 3

*Year 1 and Year 2 steps could potentially be completed within a 12 month period

FIGURES



N

NOTE:
SEE FIGURE 1b
FOR SECTION A–A.

PLAN

Scale: 1"=30'

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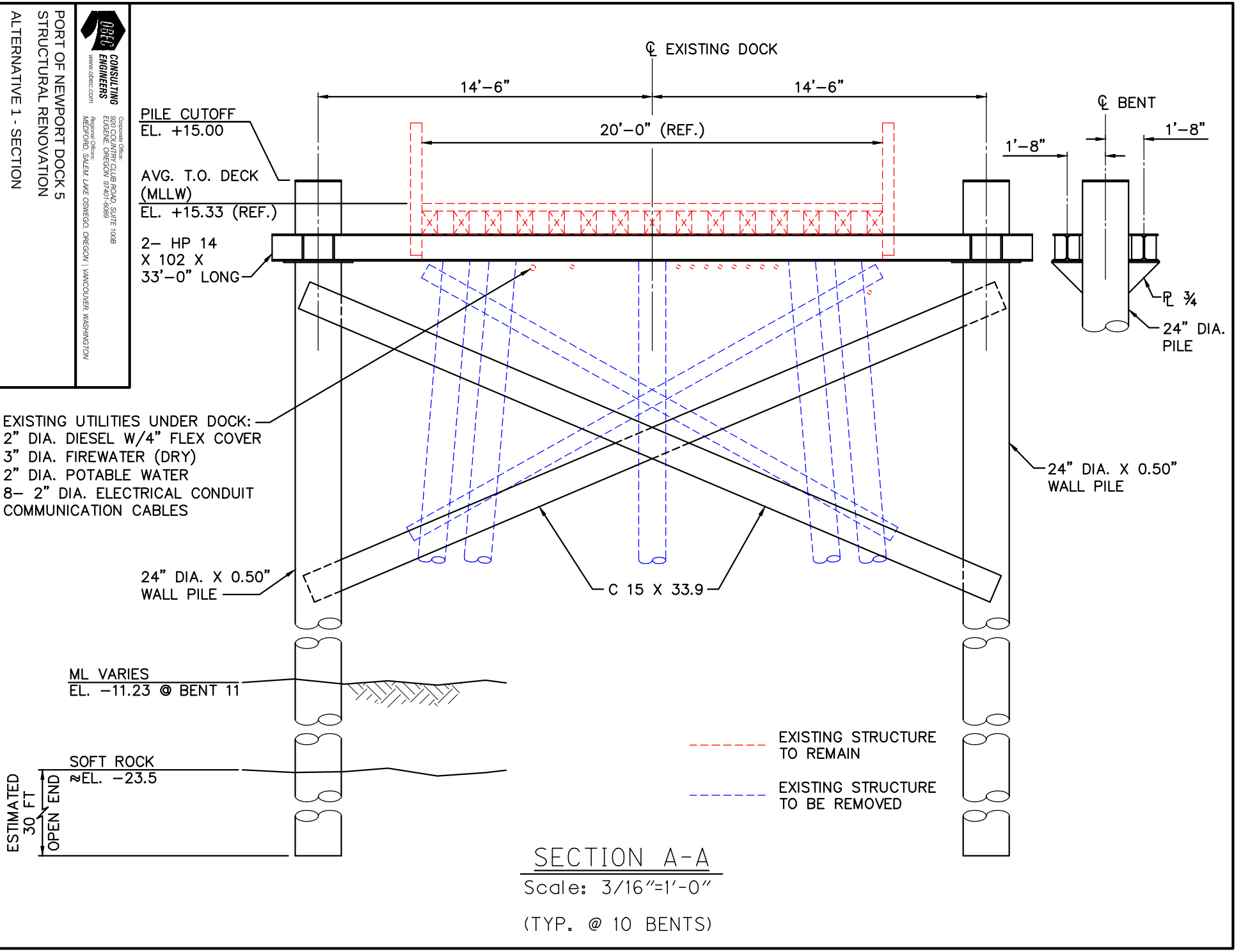
PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION

ALTERNATIVE 1 - PLAN

DATE: OCTOBER 2016

FIGURE 1a



SECTION A-A

Scale: 3/16"=1'-0"

(TYP. @ 10 BENTS)

PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION
ALTERNATIVE 1 - SECTION
DATE: OCTOBER 2016

FIGURE 1b

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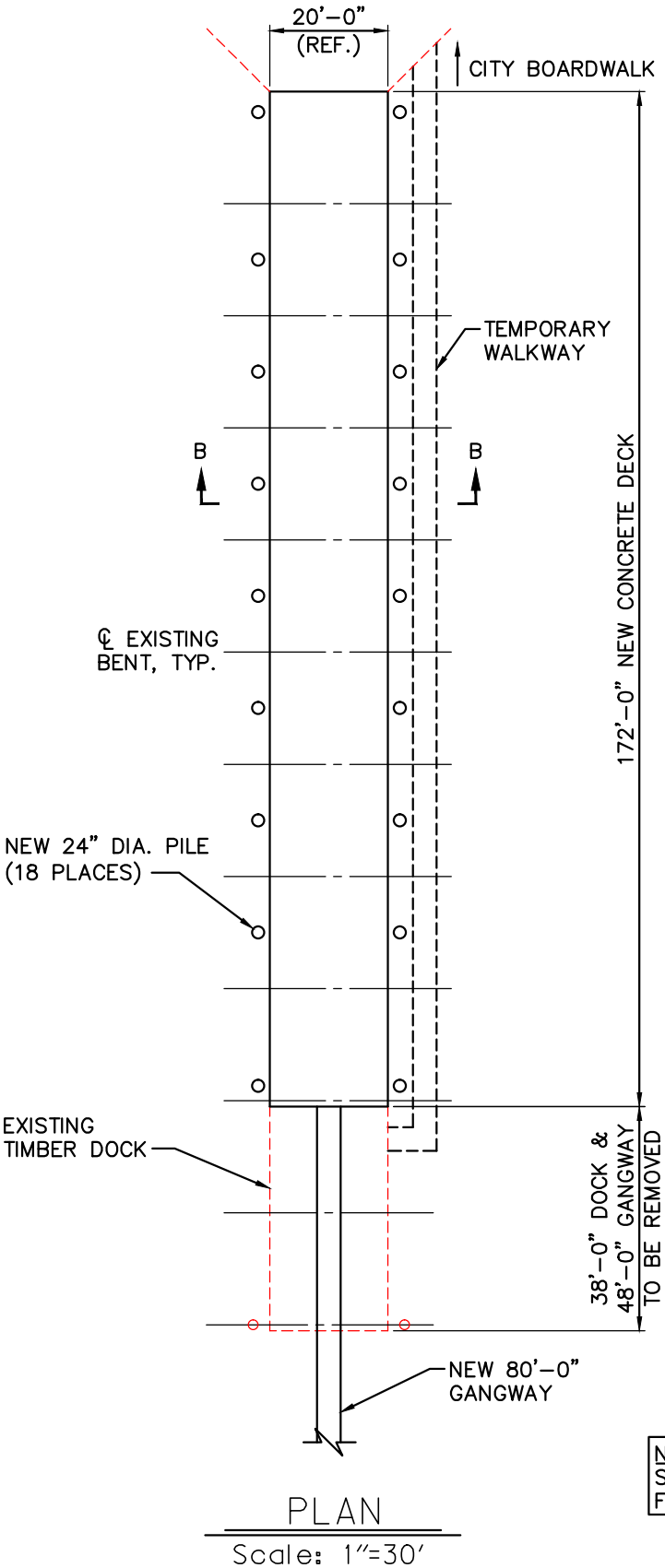

PLAN

Scale: 1"=30'

NOTE:
SEE FIGURE 2b
FOR SECTION B–B.

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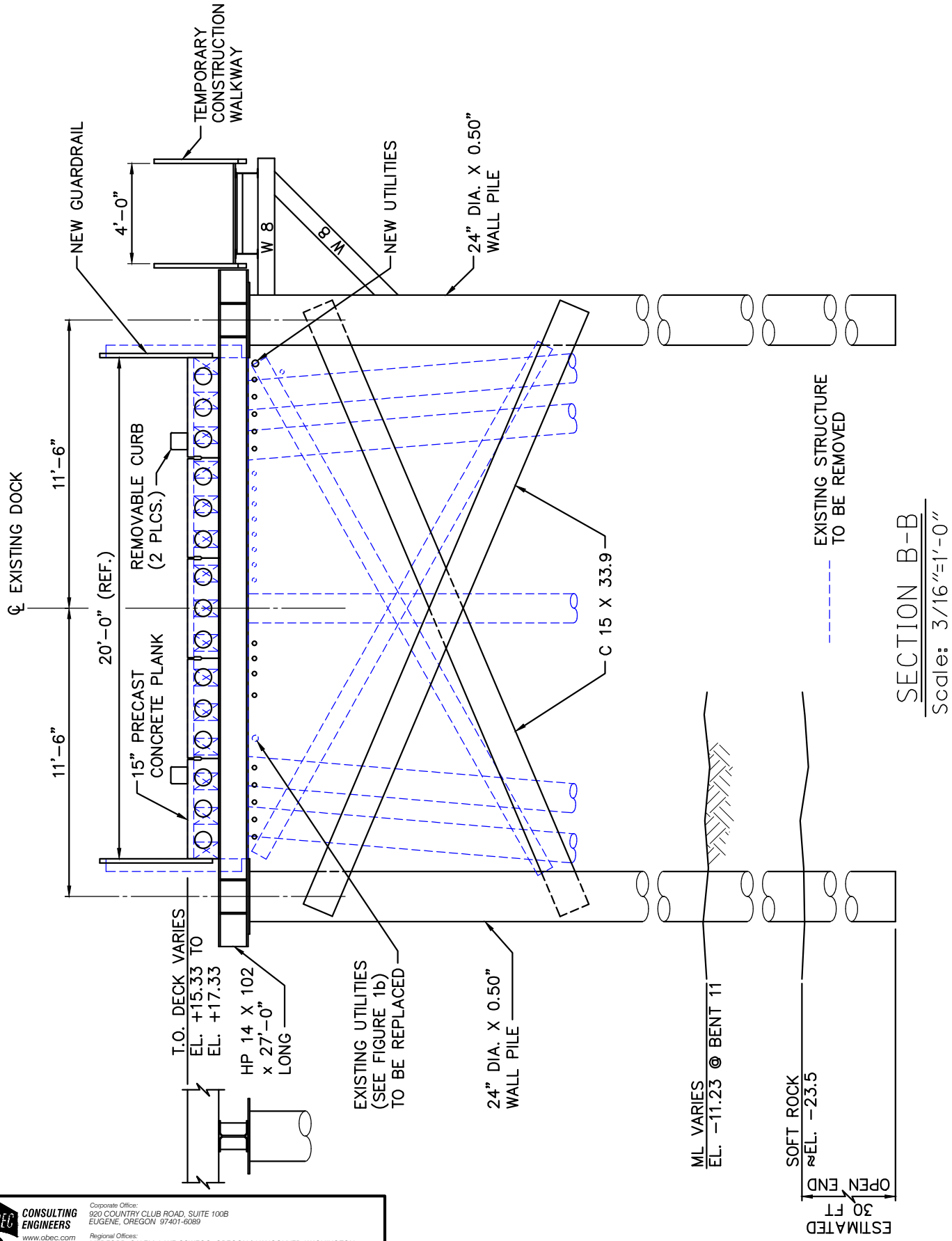
PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION

ALTERNATIVE 2 - PLAN

DATE: OCTOBER 2016

FIGURE 2a



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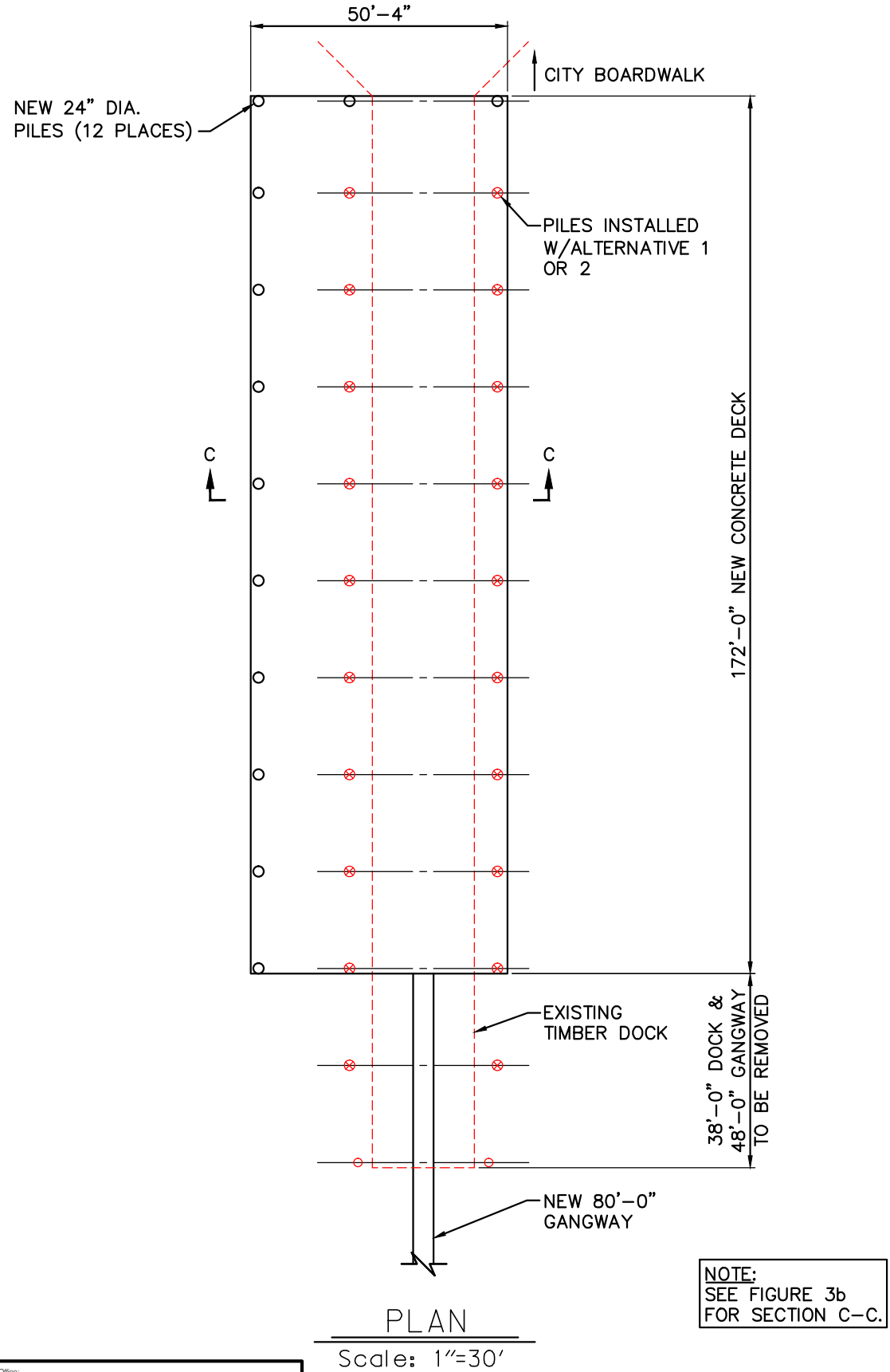
PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION

ALTERNATIVE 2 - SECTION

DATE: OCTOBER 2016

FIGURE 2b



NOTE:
SEE FIGURE 3b
FOR SECTION C–C.

PLAN

Scale: 1"=30'

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PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION
ALTERNATIVES 1 & 3 - PLAN
(ALTERNATIVES 2 & 3 PLAN SIMILAR)
DATE: OCTOBER 2016

FIGURE 3a

OBEC CONSULTING ENGINEERS
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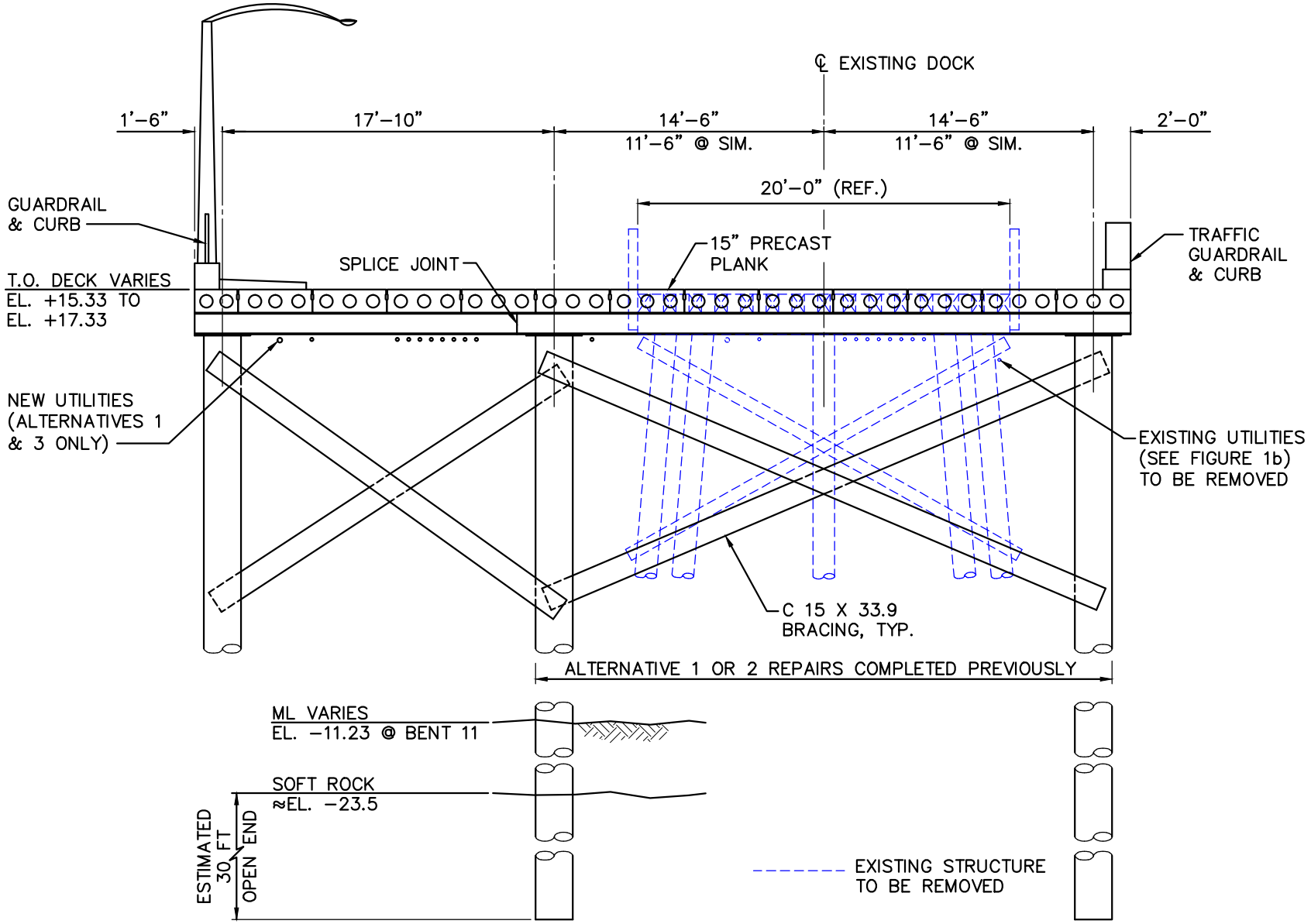
PORT OF NEWPORT DOCK 5
STRUCTURAL RENOVATION
ALTERNATIVES 1 & 3 - SECTION
(ALTERNATIVES 2 & 3 SIMILAR)
DATE: OCTOBER 2016

FIGURE 3b



SECTION C-C
Scale: 1/8"=1'-0"

C:\OBEC\PWOBEC01\D0306102\08600001_06 ALTERNATIVE 3 SECTION.DWG
2016/10/05
11:29

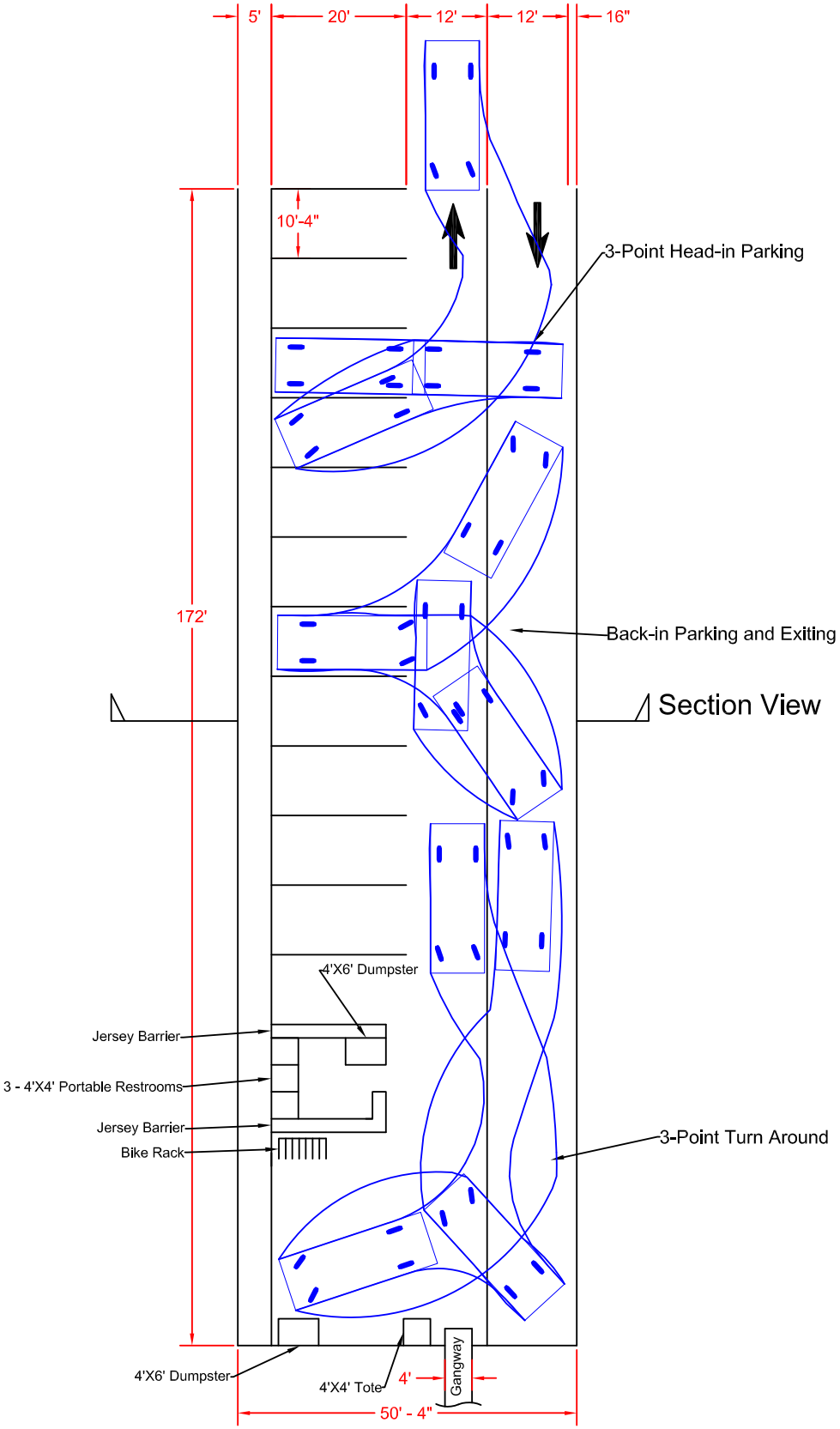


Figure 4a

OBEC CONSULTING ENGINEERS
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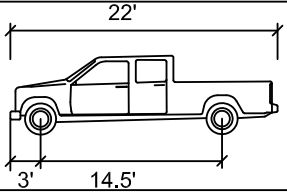

Quad Cab Longbed

Width	: 8'
Lock to Lock Time	: 6 sec
Steering Angle	: 31.6 Deg

Port Dock 5
Alternative 3
Plan View

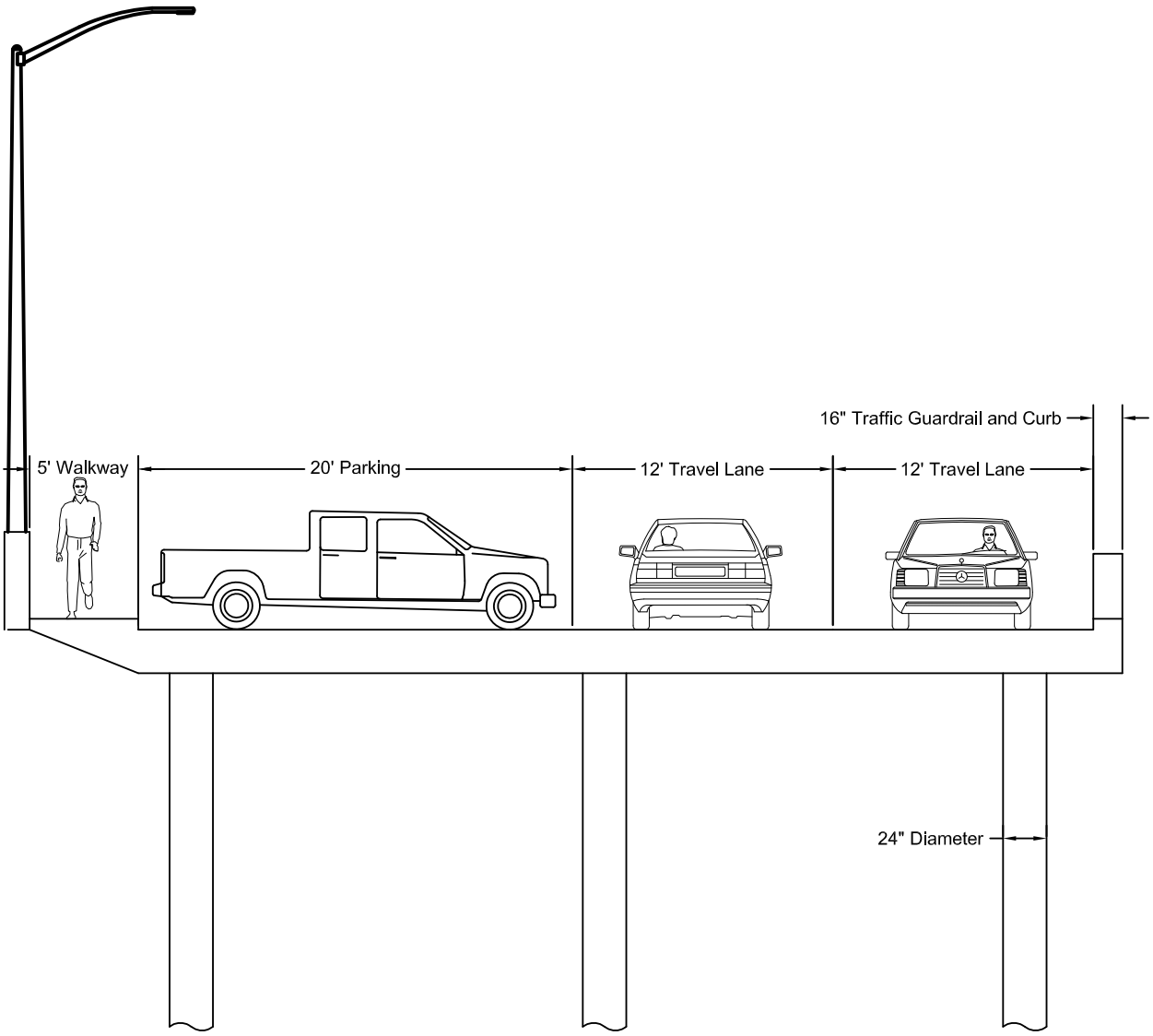

Figure 4b

CONSULTING ENGINEERS
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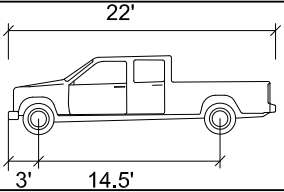

Quad Cab Longbed

Width	: 8'
Lock to Lock Time	: 6 sec
Steering Angle	: 31.6 Deg

Port Dock 5
Alternative 3
Section View

TABLES

TABLE 1
Alternative 1 Cost Estimate

Item No.	Description	Unit	Quantity	Unit Cost	Total Cost
1	Mobilization/De-Mob (including access float)	LS	1	$100,000	$100,000
2	Piles- 24" dia x .5 wall material	EA	20	$8,625	$172,500
3	Piles - Installation	EA	20	$6,000	$120,000
4	Pile Caps- Steel HP 14	EA	20	$3,400	$68,000
5	Pile Caps- Installation	EA	20	$12,000	$240,000
6	Bracing- C15x33.9	LF	1035	$44	$45,540
7	Install Bracing	EA	32	$1,200	$38,400
8	Demo existing timber piles, brcg, & disposal	Ton	50	$1,000	$50,000
	Subtotal				$834,440
	Contingency (30%)				$250,332
	Indirects/professional services (see Table 5)				$195,637
	Total Cost				**$1,280,409**

TABLE 2
Alternative 2 Cost Estimate

Item No.	Description	Unit	Quantity	Unit Cost	Total Cost
1	Mobilization/De-Mob (including access float)	LS	1	$100,000	$100,000
2	Piles- 24" dia x .5 wall material	EA	18	$8,625	$155,250
3	Piles - Installation	EA	18	$6,000	$108,000
4	Pile Caps- Steel HP 14	EA	9	$2,400	$21,600
5	Pile Caps- Installation	EA	9	$6,000	$54,000
6	Bracing- C12x33.9	LF	960	$44	$42,240
7	Install Bracing	EA	30	$1,200	$36,000
8	Demo existing timber deck, piles, brcg, & disposal	Ton	115	$1,000	$115,000
9	Precast concrete deck w/ 3" AC	SF	3440	$42	$144,480
10	Guardrail- 4" spa	LF	344	$175	$60,200
11	curb- precast parking bumper 8"x13"x6'	EA	60	$69	$4,140
12	4' wide x 80 ft long gangway	EA	1	$70,000	$70,000
13	Stormwater collection piping	LF	100	$15	$1,500
14	Stormwater catch basins	EA	2	$1,000	$2,000
15	Stormwater filter vault	LS	1	$25,000	$25,000
16	Stormwater discharge/outfall	LS	1	$25,000	$25,000
17	New electrical service (for fixed dock only)	LS	1	$15,000	$15,000
18	conduit & cable	LF	2250	$28	$61,875
19	Light poles	EA	5	$1,800	$9,000
20	Light fixtures- LED floodlight	EA	5	$1,300	$6,500
21	new fuel line dock & gangway	LF	250	$100	$25,000
22	Firewater pipe & standpipe replacement	LS	1	$23,000	$23,000
23	Temporary walkway + knee brace supports	LF	200	$300	$60,000
24	New 2" potable water line	LS	1	$12,000	$12,000
25	Temp access/utility support for demo 9-11	LS	1	$40,000	$40,000
25	Modify existing float for new gangway	LS	1	$20,000	$20,000
	Subtotal				$1,236,785
	Contingency (30%)				$371,036
	Indirects/professional services (see Table 5)				$278,292
	Total Cost				**$1,886,113**

TABLE 3
Alternative 1+3 Cost Estimate

Item No.	Description	Unit	Quantity	Unit Cost	Total Cost
1	Mobilization/De-Mob (including access float)	LS	1	$100,000	$100,000
2	Piles- 24" dia x .5 wall material	EA	12	$8,625	$103,500
3	Piles - Installation	EA	12	$6,000	$72,000
4	Pile Caps- Steel HP 14	EA	10	$1,800	$18,000
5	Pile Caps- Installation	EA	10	$6,000	$60,000
6	Bracing- C12x33.9	LF	1035	$44	$45,540
7	Install Bracing	EA	32	$1,200	$38,400
8	Demo existing timber deck & disposal	Ton	65	$1,000	$65,000
9	Precast concrete deck w/ 3" AC	SF	8660	$42	$363,720
10	Guardrail- 4" spa	LF	344	$175	$60,200
11	curb- precast parking bumper 8"x13"x6'	EA	60	$69	$4,140
12	4' wide x 80 ft long gangway	EA	1	$70,000	$70,000
13	Stormwater collection piping	LF	100	$15	$1,500
14	Stormwater catch basins	EA	2	$1,000	$2,000
15	Stormwater filter vault	LS	1	$25,000	$25,000
16	Stormwater discharge/outfall	LS	1	$25,000	$25,000
17	New electrical service (for fixed dock only)	LS	1	$15,000	$15,000
18	conduit & cable	LF	2250	$28	$61,875
19	Light poles	EA	5	$1,800	$9,000
20	Light fixtures- LED floodlight	EA	5	$1,300	$6,500
21	new fuel line dock & gangway	LF	250	$100	$25,000
22	Firewater pipe & standpipe replacement	LS	1	$23,000	$23,000
23	New 2" potable water line	LS	1	$12,000	$12,000
24	Modify existing float for new gangway	LS	1	$20,000	$20,000
25	Mitigation (assume one acre (4:1))	LS	1	$100,000	$100,000
	Subtotal				$1,326,375
	Contingency (30%)				$397,913
	Construction Cost Expansion from 1 to 3				$1,724,288
	Alternative 1 previously installed	LS	1	$1,280,409	$1,280,409
	additional Indirects/professional services (see Table 5)				$236,584
	Total Cost for 1+3				**$3,241,281**

TABLE 4
Alternative 2+3 Cost Estimate

Item No.	Description	Unit	Quantity	Unit Cost	Total Cost
1	Mobilization/De-Mob (including access float)	LS	1	$100,000	$100,000
2	Piles- 24" dia x .5 wall material	EA	12	$8,625	$103,500
3	Piles - Installation	EA	12	$6,000	$72,000
4	Pile Caps- Steel HP 14	EA	10	$1,800	$18,000
5	Pile Caps- Installation	EA	10	$6,000	$60,000
6	Bracing- C12x33.9	LF	1035	$44	$45,540
7	Install Bracing	EA	32	$1,200	$38,400
8	Precast concrete deck w/ 3" AC	SF	5220	$42	$219,240
9	Guardrail- 4" SPA	LF	172	$175	$30,100
10	curb- precast parking bumper 8"x13"x6'	EA	60	$69	$4,140
11	Stormwater collection piping	LF	50	$15	$750
12	Stormwater catch basins	EA	1	$1,000	$1,000
13	Light poles	EA	5	$1,800	$9,000
14	Light fixtures- LED floodlight	EA	5	$1,300	$6,500
15	Mitigation (assumes one acre (4:1))	LS	1	$100,000	$100,000
	Subtotal				$808,170
	Contingency (30%)				$242,451
	Total Cost Expansion				$1,050,621
	Alternative 2 cost previously installed	LS	1	$1,886,113	$1,886,113
	additional Indirects/professional services				$219,164
	Total Cost				**$3,155,898**

TABLE 5a

Professional Service Estimate - Alternative 1

Table 5a Professional Services Estimate - Alternative 1									
		OBEC	OBEC	OBEC	OBEC	OBEC	OBEC		
		PROJ	PROJ	MARINE	ACAD	PERMIT	PROJ	TASK	JOB
Professional Services		MNGR	ENGR	ENGR	DRAFTER	LEAD	SURVEYR	TOTAL	TOTAL
Alternative 1									
1.0	Project Management and Coordination	40						40	$6,320
2.0	Topo and Bathy Survey	4			24		80	108	$11,944
3.0	Condition Assessment of Deck	4	16	60	16				$9,696
4.0	Preliminary Design and Drafting (30%)	12	20	40	40			112	$11,836
5.0	QA/QC Internal Review	12						12	$1,896
6.0	Permit Drawings	2	4	8	24			38	$3,712
7.0	Environmental Permitting (OBEC or Port Consultant)	8				225		233	$24,439
8.0	Detailed Design	8	40	60				108	$12,304
9.0	Final ACAD Construction Drawings	4	10	14	40			68	$6,822
10	Specifications	4	6	12				22	$2,558
11.0	QA/QC Internal Review	12						12	$1,896
12.0	Building Permit Application	8		24	12			44	$4,480
13.0	Bidding Assistance	12	12	8				32	$4,308
14.0	Construction Technical Support	8	16	24				96	$5,680
15.0	Construction Management		96					96	$13,536
16.0	Construction Inspection	8	108					116	$16,492
17	Project Close-out/As-Builts	8	12		24			44	$5,068
	TOTAL HOURS	**154**	**340**	**250**	**180**	**225**	**80**	**1181**	
	HOURLY RATES	$158	$141	$90	$88	$103	$115		
	TOTAL LABOR ESTIMATE	**$24,332**	**$47,940**	**$22,500**	**$15,840**	**$23,175**	**$9,200**		**$142,987**
	Expenses								
	Geotech							$40,000	
	Third party (special) inspection							$10,000	
	Hotel and per diem @ $200/day x 10 days							$2,000	
	Mileage for 4 round trips at .565/mi (275 rd trip)							$650	
	EXPENSE ESTIMATE							**$52,650**	
	TOTAL ALTERNATIVE 1 PROF SERVICES ESTIMATE								**$195,637**

TABLE 5b

Professional Service Estimate - Alternative 2

Table 5b Professional Services Estimate - Alternative 2									
1.0	Project Management and Coordination	60						60	$9,480
2.0	Topo and Bathy Survey	4			24		80	108	$11,944
3.0	Preliminary Design and Drafting (30%)	16	60	80	80			236	$25,228
4.0	QA/QC Internal Review	12						12	$1,896
5.0	Permit Drawings	2	4	12	30			48	$4,600
6.0	Environmental Permitting	8				300		308	$32,164
7.0	Detailed Design	20	80	100				200	$23,440
8.0	Final ACAD Construction Drawings	4	40	60	100			204	$20,472
9.0	Specifications	4	6	12				22	$2,558
10	QA/QC Internal Review	12						12	$1,896
11.0	Building Permit Application	8		24	12			44	$4,480
12.0	Bidding Assistance	12	12	8				32	$4,308
13.0	Construction Technical Support	40	80	98	70			288	$32,580
14.0	Construction Management		96					96	$13,536
15.0	Construction Inspection	8	108	40				156	$20,092
16.0	Project Close-out/As-Builts	8	12		24			44	$5,068
	TOTAL HOURS	218	498	434	340	300	80	1870	
	Expenses								
	Geotech							$40,000	
	Third party (special) inspection							$20,000	
	Hotel and per diem @ $200/day x 15 days							$3,000	
	Mileage for 10 round trips at .565/mi (275 rd trip)							$1,550	
	EXPENSE ESTIMATE							**$64,550**	
	TOTAL ALTERNATIVE 2 PROF SERVICES ESTIMATE								**$278,292**

TABLE 5c

Professional Service Estimate - Alternative 1+3

Table 5c Professional Services Estimate - Alternative 1+3									
1.0	Project Management and Coordination	40						40	$6,320
2.0	Preliminary Design and Drafting (30%)	16	40	60	80			196	$20,608
3.0	QA/QC Internal Review	12						12	$1,896
4.0	Permit Drawings	2	4	8	24			38	$3,712
5.0	Environmental Permitting	16				500		516	$54,028
6.0	Detailed Design	16	80	80				176	$21,008
7.0	Final ACAD Construction Drawings	8	60	80	120			268	$27,484
8.0	Specifications	4	6	12				22	$2,558
9.0	QA/QC Internal Review	12						12	$1,896
10	Building Permit Application	8		24	12			44	$4,480
11.0	Bidding Assistance	12	12	8				32	$4,308
12.0	Construction Technical Support	40	80	98	70			288	$32,580
13.0	Construction Management		96					96	$13,536
14.0	Construction Inspection	8	68	40				116	$14,452
15.0	Project Close-out/As-Builts	8	12		24			44	$5,068
	TOTAL HOURS	202	458	410	330	500		1,900	
	Expenses								
	Third party (special) inspection							$20,000	
	Hotel and per diem @ $200/day x 10 days							$2,000	
	Mileage for 4 round trips at .565/mi (275 rd trip)							$650	
	EXPENSE ESTIMATE							**$22,650**	
	ALTERNATIVE 1 TOTAL SERVICES							**$195,637**	
	TOTAL ALTERNATIVE 1+3 PROF SERVICES ESTIMATE								**$432,221**
	Additional above Alt 1 services								**$236,584**

TABLE 5d

Professional Service Estimate - Alternative 2+3

Table 5d Professional Services Estimate - Alternative 2+3									
1.0	Project Management and Coordination	40						40	$6,320
2.0	Preliminary Design and Drafting (30%)	16	40	60	80			196	$20,608
3.0	QA/QC Internal Review	12						12	$1,896
4.0	Permit Drawings	2	4	8	24			38	$3,712
5.0	Environmental Permitting	16				500		516	$54,028
6.0	Detailed Design	16	60	60				136	$16,388
7.0	Final ACAD Construction Drawings	8	12	20	100			140	$13,556
8.0	Specifications	4	6	12				22	$2,558
9.0	QA/QC Internal Review	12						12	$1,896
10	Building Permit Application	8		24	12			44	$4,480
11.0	Bidding Assistance	12	12	8				32	$4,308
12.0	Construction Technical Support	40	80	98	70			288	$32,580
13.0	Construction Management		96					96	$13,536
14.0	Construction Inspection	8	68	40				116	$14,452
15.0	Project Close-out/As-Builts	8	12		24			44	$5,068
	TOTAL HOURS	202	390	330	310	500		1,732	
	Expenses								
	Third party (special) inspection							$20,000	
	Hotel and per diem @ $200/day x 10 days							$2,000	
	Mileage for 4 round trips at .565/mi (275 rd trip)							$650	
	EXPENSE ESTIMATE							**$22,650**	
	ALTERNATIVE 2 TOTAL SERVICES							**$278,292**	
	TOTAL ALTERNATIVE 2+3 PROF SERVICES ESTIMATE								**$496,328**
	Additional above Alt 2 services								**$218,036**

TABLE 6
Final Evaluation

Goals	Description	Weight	1	2	1+3	2+3
Safety	Address long-term durability and stability issues with the existing dock and pedestrian safety	5	2	3	5	5
Function	The dock's ability to meet the needs of the commercial fishing fleet and code issues such as commercial sales, vehicle and pedestrian access, and ADA requirements. In order of priority, preferences to be addressed are upgrading utilities, parking on the dock, an offshore turn-around, and a bathroom facility on the dock.	5	2	3	5	5
Environment	The cost/time/risk to meet the environmental and permit conditions to allow construciton	4	4	3	2	2
Cost	The up-front capital costs to construct. Consideration given for ability to qualify for grants and other funding sources.	4	4	3	2	2
Maintenance	The lifespan of the dock alternative and the required long term maintenance requirements.	3	2	4	3	4
Construction Access	The ability to construct the chosen alternative with minimal closures to the dock.	4	2	2	5	4
Future Expansion	The ability to incorporate future phases of construction to reach a full-build out solution in the future. (See note below)	4	3	4	5	5
		Weighted Totals	78	90	115	114

Ratings:

1 Unacceptable—likely not feasible
2 Undesirable—very difficult
3 Neutral
4 Favorable
5 Superior

Note: This weight was revised 9-30-16 based on feedback from stakeholders.

TABLE 7
Funding Resources

FUNDING SOURCE	PROGRAM NAME	WEB ADDRESS	NOTES
Oregon Economic & Community Development (OECD)	Infrastructure Finance Division- Load Fund	http://www.oregon4biz.com/How-We-Can-Help/Finance-Programs/	
OECD	Port Programs Port Revolving	http://www.orinfrastructure.org/Infrastructure-Programs/PRLF/	
OECD	Port Planning & Marketing Fund	http://www.orinfrastructure.org/Infrastructure-Programs/PPM/	
Oregon Department of Fish and Wildlife	Restoration and Enhancement	http://www.dfw.state.or.us/fish/RE/	
Ford Family Foundation	Rural Capital Projects	www.tfff.org	
USDOT/ MARAD	Marine Transportation System Funding	https://www.marad.dot.gov/ports/strongports/port-planning-and-investment-toolkit/funding-strategy-module/	Multitude of possibilities
ODOT	Connect Oregon	http://www.oregon.gov/ODOT/TD/TP/Pages/connector.aspx	
USDOT	Tiger Discretionary Grants	https://www.marad.dot.gov/ports/office-of-port-infrastructure-development-and-congestion-mitigation/tiger-grants/	Port received $2M in 2015

APPENDIX 1

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

Memo

To: Don Mann

From: Pete Dale

Copy: U P D A T E D - Final - Revisions

Date: May 11, 2011l

Re: Port Dock - 5

Port Dock – 5 Inspection Survey

Port Dock-5 is a timber pile driven structure with timber decking approximately 260' in length extending south and provides accesses the commercial fishing vessel moorage. The present age of the in-water pile structure is unknown but discussion with staff indicates that the existing Creosote support piling are in the excess of fifty years of service. Various design alterations indicate that the dock header, support stringers and timber decking has been refurbished in the last fifty years.

The existing timber piles are approximately twelve to fourteen inches in diameter and support the dock structure. From the pier head on Bay Boulevard to the gangway connection, there are thirteen pile bents. Each bent is comprised of five (5) piles per bent consisting of three vertical support piles with two (2) exterior drawn or battered piles per bent. The supported timber pile caps appear to be incised treated lumber that is not Creosote treated lumber and indicates the modern replacement of the original construction. Additionally the timber deck supporting stringers are incised treated lumber, which also indicate modern replacement

Service utilities are suspended beneath Port Dock-5 to provide electrical power, potable water, fire main and marine diesel to the established fuel facility. The electrical and water systems are in fair condition with no apparent critical replacements needs at this present time. These systems are definitely ageing and approaching the end of their useful life. The marine diesel piping is protective rapped, single-wall steel pipe that transverses the dock inside of a three-sided wooded pipe chase. This pipe chase run's the entire length of the dock directly under the timber dock deck. It is very difficult to adequately survey this fuel piping, however, it is recommended that it be replaced with a modern double wall fuel system in the near future. Additionally, connected to this fuel piping system beneath the dock, there are two (2) control-stop valves that are totally inaccessible and would provide no assistance in controlling a system failure. These valves should be updated and relocated to a convenient area where immediate access is available.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

The Port Dock-5 gangway connection has been identified as a priority for critical need replacement of the existing support piling and the structural support header. An in-the-water survey has been conducted to assess the over all condition of entire structure and to identify additional concerns for the structural integrity of the entire dock.

The overall condition of Port Dock-5 can be assessed as fair with substantial deterioration. At the present time certain identifiable portions are extensively decayed and very near to the end of their useful life. Recent low tides have allowed the inspection of the shallow water piles and their associated structural members. The thirteen support bents contain approximately 65 Creosote piles of which 34 piles are structurally compromised by various conditions of deterioration. These conditions include center core rot, open penetration rot, water logged and punky wood, large splits and open cracks with other conditions associated with serious deterioration. These conditions contribute to an overall compromise of 52% of the piling with a significant amount of piling in structural failure. The pile cap headers and timber deck stringers appear to be in good condition with the exception of the gangway connection headed that is in need of replacement. The existing timber decking appears to be in fair condition. Virtually all of the cross bracing has deteriorated to the extent of failure or renders little or no cross support which contributes to the structural instability of the dock. Physical movement of the dock can be experienced from motor vehicle movement across the dock.

Considering the age and environmental exposure, it is speculated that a considerable amount of support piling has deteriorated and is contributing to the instability of the dock. The replacement of the cross bracing is recommended if solid piling can be utilized for structural anchor points. My opinion is that a major replacement effort will be necessary within five years to avoid an eminent structural failure. Other recommendations include the removal of excess bearing weight by removing unused buildings and restricting motor vehicle traffic out onto the dock. A definite future plan for replacement is necessary.

APPENDIX 2

GRI
9750 SW Nimbus Avenue
Beaverton, OR 97008-7172
p | 503-641-3478 f | 503-644-8034

MEMORANDUM

To: Jenny Carlson, PE, SE / OBEC Consulting Engineers

Date: October 11, 2016

GRI Project No.: 5905

From: Scott Schlechter, PE, GE; and Brian Bayne, PE

Re: Preliminary Design Recommendations for Port Dock 5 Pile Replacement
Port of Newport, Oregon

This letter provides preliminary design recommendations associated with proposed modifications to Port Dock 5 at the Port of Newport. The location of the existing dock is shown on the Site Plan, Figure 1. The project involves replacement of decayed timber piles with new steel pipe piles and possible expansion of the dock.

As you know, GRI previously provided consultation for the Port regarding replacement piles in our October 20, 2011, memorandum to the Port, titled "Design Recommendations for Port Dock 5 Pile Replacement, Port of Newport, Oregon. As part of that scope of work, GRI observed installation of a 20-in.-diameter pipe pile replacement in January of 2012. The previous pile replacement effort considered piles with an allowable axial capacity of about 20 kips. We understand much larger loads are being considered for the current design alternative.

This memorandum presents our preliminary geotechnical design recommendations for the replacement piles.

ADDITIONAL PROJECT BACKGROUND

As part of this study, GRI reviewed several sources of geotechnical information in the area. The information reviewed included our January 13, 2012, site visit report regarding installation of a 20-in.-diameter pipe pile near the end of Port Dock 5. Our January 13, 2012, site visit report is attached for reference. In addition, a geotechnical report completed by Foundation Engineering, Inc. (FEI) for an upstream waterline crossing was reviewed. The locations of the two closest borings, HDD-1 and HDD-3, are shown on Figure 1, and the boring logs are attached. GRI also reviewed the attached jet probe data completed near Port Dock 5 that was summarized in a May 1996 US Army Corps of Engineers report for the Newport North Marina Breakwater in Yaquina Bay, Oregon, titled "Final Detailed Project Report and Environmental Assessment." To minimize costs at this phase of design, additional geotechnical borings have not been completed. A discussion regarding potential future geotechnical explorations is included in the Conclusions and Recommendations section of this memorandum.

Based information provided by OBEC Consulting Engineers (OBEC), the ground surface/mudline elevation in the area of the pile supported dock ranges from about elevation +4 to elevation -12 ft Mean Lower Low Water (MLLW). Beneath the floating dock the mudline elevation ranges from about elevation -13 ft to elevation -16 ft.

Geology

Relatively shallow interbedded alluvial deposits of sand and silt typically mantle the north side of the bay. Miocene-age siltstone and sandstone of the Nye Formation underlie the alluvial deposits (Snavely, et. al 1972). Upland areas north of the proposed pile replacement are commonly mantled with loose to medium dense sand, gravel, and silt fill. Borings in the area indicate the uppermost surface of the siltstone or sandstone is typically highly weathered and in places has weathered completely to a residual silt soil. Based on our experience in the area, the depth, degree of weathering, and relative consistency or hardness of the underlying siltstone all tend to be highly variable.

CONCLUSIONS AND RECOMMENDATIONS

General

We understand the decayed timber piles will likely be replaced with18-in.-diameter, or larger, steel pipe piles. The recommendations in this report have been provided for 18-in.-diameter piles and the design parameters should be updated during final design if larger pile diameters are utilized. We anticipate the piles will be driven through shallow, potentially liquefiable, alluvial soils into the underlying residual soil or siltstone layer. The assumed depth and variable weathering and hardness of this unit will be a significant design and construction consideration. Preliminary pile design recommendations are included in the sections below.

Seismic Design Considerations

Code-Based Response Spectrum. Because of the potential public use of the facility, we understand the dock improvements will be designed in accordance with the 2012 *International Building Code* (IBC) and 2014 Oregon Structural Specialty Code, which incorporates recommendations from the ASCE 7-10, *Minimum Design Loads for Building and Other Structures*. The 2012 IBC and ASCE 7-10 seismic hazard levels are based on a Risk-Targeted Maximum Considered Earthquake (MCE_R). The ground motion associated with the probabilistic MCE_R represents a targeted risk level of 1% in 50 years probability of collapse in the direction of maximum horizontal response. In general, these risk-targeted ground motions are developed by applying adjustment factors of directivity and risk coefficients to the 2% probability of exceedance in 50 years, or 2,475-year return period hazard level, ground motion developed from the 2008 U.S. Geological Survey (USGS) probabilistic seismic hazard maps. The risk-targeted probabilistic values are also subject to a deterministic limit. The maximum horizontal direction spectral response accelerations were obtained from the USGS Seismic Design Maps (SDM) for the coordinates of 44.6316° N latitude and 124.0481° W longitude. The S_S and S_1 parameters identified for the site are 1.71 and 0.76 g, respectively. These bedrock spectral ordinates are adjusted for Site Class with the 0.2- and 1.0-second period site coefficients, F_a and F_v, based on subsurface conditions or with a site-specific response analysis. The design-level response spectrum is calculated as two-thirds of the Site Class-adjusted MCE_R-level spectrum.

Our analysis has identified a potential risk of liquefaction at the site. In accordance with ASCE 7-10, sites with subsurface conditions identified as vulnerable to failure or collapse, such as liquefied soils, are classified as Site Class F. For Site Class F sites, ASCE 7-10 Section 20.3 requires completion of a site-specific ground motion analysis unless the structures have a fundamental period of vibration less than or equal to 0.5 second. The response spectrum for sites with structures having a fundamental period less than 0.5 second can be derived using the non-liquefied subsurface profile. Based on discussions with OBEC, the project's structural engineer, the fundamental period of vibration for the dock will be about 0.5 second. Therefore, in accordance with the results of subsurface investigations in the area, Site Class D is

appropriate for seismic design of the structure. In this regard, the code-based F_a and F_v coefficients for Site Class D can be used to estimate the ground surface risk-targeted maximum considered earthquake (MCE_R) spectrum. The spectra are based on a damping ratio of 5%. The MCE_R- and design-level response spectra parameters are tabulated below.

2014 OSSC SEISMIC DESIGN RECOMMENDATIONS

Seismic Parameter	Recommended Value
Site Class	D
MCE_R 0.2-Second Period Spectral Response Acceleration, S_{MS}	1.71 g
MCE_R 1-Second Period Spectral Response Acceleration, S_{M1}	1.15 g
Design-Level 0.2-Second Period Spectral Response Acceleration, S_{DS}	1.14 g
Design-Level 1-Second Period Spectral Response Acceleration, S_{D1}	0.76 g

Liquefaction. Liquefaction is a process by which saturated granular materials, such as sand, and non-plastic and low-plasticity silts, temporarily lose strength during and immediately after a seismic event. Liquefaction occurs as seismic shear stresses propagate through saturated soil and distort the soil structure causing loosely packed groups of particles to contract or collapse. If drainage is impeded and cannot occur quickly, the collapsing soil structure increases the pore water pressure between the soil grains, resulting in a temporary reduction or loss of soil strength and significant post-earthquake ground surface settlement. In waterfront areas, liquefaction can also cause large lateral spreading deformation of the existing banks. The risk of liquefaction-induced lateral spreading at the site is discussed in the Lateral Spreading section of this memorandum.

The risk of liquefaction is typically evaluated using a simplified procedure that compares the earthquake-induced cyclic shear stresses within the soil profile to the ability of the soils to resist these stresses. The cyclic stresses induced within the soil profile are typically estimated on the basis of earthquake magnitude (M_w) and peak ground acceleration (PGA). The ability of the soils to resist cyclic stresses is commonly based on their shear strength as characterized by Standard Penetration Test (SPT) N-values or cone penetration test (CPT) probe tip resistances. The cyclic resistance of fine-grained soils, such as silt and clay, requires consideration of other factors, such as undrained shear strength, soil plasticity, overconsolidation ratio, and site-specific cyclic testing, when appropriate.

The potential for liquefaction at the site was evaluated using the procedure recommended by Boulanger and Idriss (2014), which utilizes the peak ground acceleration (PGA) to predict cyclic shear stresses induced within the soil. In accordance with ASCE 7-10 Section 11.8.3, the PGA used in liquefaction hazard evaluation is to be consistent with the Maximum Considered Earthquake Geometric Mean (MCE_G) PGA. The mapped MCE_G PGA is provided on Figure 22-7 of ASCE 7-10. The mapped MCE_G on Figure 22-7 is based on the 2008 USGS SDM and reflects a seismic hazard of 2% probability of exceedance in 50 years. The mapped bedrock MCE_G PGA and Site Class D, code-based adjusted peak ground acceleration for the site are both 0.83 g.

Based on the 2008 USGS interactive deaggregations, Cascade Subduction Zone ground motions provide the most significant contribution to the probabilistic seismic hazard at the site. For liquefaction studies, a magnitude M9.0 earthquake with peak ground acceleration PGA_M of 0.83 g and a water table at mean sea level was assumed.

For our liquefaction studies we assumed the siltstone is overlain by 10 ft of sand with an average SPT N-value of 10 blows/ft. Our analysis indicates the loose to medium dense sand located below the groundwater table to the top of the siltstone are susceptible to liquefaction during ground motions associated with the PGA_M defined by ASCE 7-10. Our analysis indicates the potential for up to 3 in. of liquefaction-induced settlement near the end of the dock.

Lateral Spreading. Lateral spreading involves the horizontal displacement of large volumes of soil as a result of seismically induced liquefaction and inertial loading. Lateral spreading can develop on shallow sloping ground or near a moderately to steeply sloping free face, such as a river channel. Differential internal movements within the spreading mass usually create surface features, such as ground cracks or fissures, scarps, and grabens in overlying unsaturated or non-liquefied soils. Lateral displacement may range from a few inches to many feet depending on soil conditions, the steepness of the slope, and the magnitude, duration, and source-to-site distance of the earthquake. Associated differential vertical movements, or ground surface subsidence, may range up to about half of the total horizontal movement.

The methods presented by Youd, et al. (2002) were utilized to evaluate the risk of lateral spreading at the site. In the Youd, et al. methodology, earthquake magnitude and distance, slope geometry, and the thickness and material characteristics of the liquefiable layers are required input parameters. The lateral spreading estimates were completed using the same earthquake sources, magnitudes, and PGA's considered for the liquefaction analyses. The results of our analysis indicate lateral spreading deformations occurring at the top of the slope will be significant (greater than several feet) during a design-level earthquake. To further refine lateral spreading estimates, additional geotechnical explorations should be considered.

Design Alternatives for Lateral Displacement Forces. Earthquake-induced damage to waterfront structures at sites with liquefiable soils is well documented. Stresses induced on piles are typically generated from the inertial mass of the structure and lateral soil loading from both the lateral spreading liquefied soils and the non-liquefied crust of soil generally present above the groundwater table. Case histories have shown that the forces or displacements induced by the non-liquefied soil crust are generally significantly larger than the forces generated from the liquefied soils with reduced strengths. Design for the lateral spreading soils is typically completed by application of estimated soil displacements and/or forces to the structure. A purely force based approach is applied if the structure is essentially rigid and cannot accommodate the estimated lateral movement. The displacement approach is commonly applied if the structure is sufficiently flexible and can accommodate the estimated deformation without structurally failing. The displacement approach is a somewhat iterative analysis and typically involves analyzing the structure as it deforms with increasing applied lateral loads up to the maximum estimated lateral soil displacements or maximum lateral load.

As an alternative to designing the structure to accommodate large forces and/or displacements due to lateral spreading, the potentially liquefiable soils could be improved with ground improvement methods. However, based on discussions with the design team, ground improvement is not being considered due to

relatively high costs and permitting constraints. We understand the dock will be designed with a force based approach to meet life-safety requirements. Additional discussion of seismically induced lateral earth pressures under lateral spreading loads is provided in the Seismic Lateral Earth Pressures section of the report.

Tsunami and Other Seismic Hazards. Tsunami hazard maps provided by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) indicate the site is located within the potential tsunami inundation zone (DOGAMI, 2012). Based on the results of this study and our experience with similar sites, in our opinion, there is a high risk of tsunami inundation at the site following a Cascadia Subduction Zone earthquake. The DOGAMI 2012 mapping effort also estimates subsidence along the Oregon Coast as a result of varying Cascadia Subduction Zone earthquake scenarios and some subsidence should be anticipated during a Cascadia event. The site is located within about 1/2 km from the inferred location of the Yaquina Bay fault which is not well defined but is considered potentially active in the current USGS seismic hazard mapping estimate.

Seismic Lateral Earth Pressures

As previously discussed, liquefaction-induced deformations toward the bay will result in large soil forces acting on the structure. Figure 2 provides lateral pressure criteria that may be used to analyze the piles for lateral spreading loads during a seismic event. We have estimated the earth pressure from the non-liquefied fill (above water level) may be computed using an equivalent fluid having a unit weight of 350 pcf. The passive pressure will act over two pile diameters for pile sections above the water level, assumed at Mean Sea Level for design. An equivalent fluid weight of 35 pcf will act over one pile diameter for pile sections below Mean Sea Level to elevation -14 ft (MLLW). This pressure is based on 30 percent of the total overburden pressure as outlined in Japanese Road Association methodology (Yokoyama, et al., 1997).

Pile Design Considerations

Axial Capacity. The previous pile replacements completed in 2012 assumed maximum allowable capacities of about 20 kips. Based on correspondence with OBEC, we understand the axial loading for the new piles is currently unknown but may require much larger design loads. Based on our experience in the area, we estimate that open- or closed-end, 18-in.-diameter piles driven into the underlying siltstone with an adequately sized hammer can develop allowable compressive capacities on the order of 120 tons. Piles should have a minimum center-to-center spacing of at least three pile diameters. The actual pile penetration required to achieve this capacity is difficult to predict due to the significant variations in the weathering and hardness of the siltstone and the lack of explorations at the proposed pile location area. However, based on our experience in the area, we anticipate 18-in.-diameter open-end pipe piles will obtain the 120 ton allowable capacity with embedment of about 30 ft into the underlying siltstone. We have estimated closed-end pipe piles will likely obtain the capacity with embedment of about 20 to 25 ft into the underlying siltstone. The allowable capacity and anticipated embedments assume a factor of safety of at least 2 based on soil support considerations. We do not anticipate strength loss will occur in the siltstone during a design-level earthquake, therefore, a one-third increase above the allowable capacity can be used to evaluate seismic loads. Somewhat larger capacities or smaller embedment depths may be achievable if 24-in.-diameter piles are utilized.

The allowable pile capacities and anticipated embedment provided above are based on pile load testing completed for a nearby site. Due to the known variability in weathering and hardness of siltstone in the

area, we recommend considering an indicator pile program to better evaluate the pile capacities and range of embedment lengths. The indicator pile program could involve installing piles at separate ends of the dock to better evaluate changes in subsurface conditions. Practical refusal criteria should be developed based on the proposed impact hammer and driving observations during initial installation. As an alternative, it may be prudent to consider geotechnical explorations to further evaluate the subsurface conditions.

We understand the piles may be subjected to uplift loading during a seismic event. We recommend using an allowable pile adhesion of 500 psf in the siltstone for resistance to uplift loading. The allowable adhesion is based on a factor of safety of 1.5.

The piles can be installed with an impact hammer or combination of vibratory hammer and impact hammer capable of driving the pile to the desired penetration without damaging the pile. We anticipate a suitably sized vibratory hammer can be used to install the open-end pipe piles to a minimal embedment into the siltstone before encountering practical refusal. We recommend installing the 18-in.-diameter pipe piles with an air or diesel hammer developing a minimum rated energy of 90,000 ft-lbs and capable of driving the piles to the desired capacity without damaging the piles. To avoid damage to the pile during installation, driving stresses should not exceed 0.9 F_y for steel piles. Due to potential hard driving conditions, the open ended pipe piles should be fitted with a driving or cutting shoe that mounts flush with the outside of the pile (inside cutting shoe).

A description of the proposed pile driving equipment and accessories to be used for the production piles should be provided to the geotechnical engineer for review prior to mobilizing the equipment to the site. We also recommend that a continuous record of the driving resistance (blows/ft or blows/in.) for each pile driven be maintained at the time of installation for the full depth of pile penetration. We recommend the geotechnical engineer observe or review all pile installation.

Lateral Capacity. Lateral structural loads can be resisted by the piles in bending. The lateral load behavior of the piles can be analyzed using the computer program LPILE by Ensoft, Inc. We recommend using the input parameters summarized in the following table to model the soils at the site. A range of weak rock properties has been presented to evaluate the variability of the underlying siltstone. As indicated in the table, we have assumed no lateral soil resistance in the zone of lateral spreading during a seismic event due to the large estimated soil movements. In addition, the lateral spreading loads provided in Figure 2 need to be considered for the seismic lateral pile design.

SOIL AND ROCK PROPERTIES FOR LPILE ANALYSIS

Soil Unit	Elevation, ft	LPILE Soil Type	Properties								
			K, pci	γ, pcf	C, psf	ϕ	ε50	E, psi	Krm	RQD, %	UU, psi
Sand (Static)	Above Mean Sea Level	Sand (Reese)	25	110	N/A	32°	N/A	N/A	N/A	N/A	N/A
Sand (Seismic)	Above Mean Sea Level	Assumes no lateral soil resistance in zone of lateral spreading[2]									
Submerged[1] Sand (Static)	Mean Sea Level to Elev. -14 ft (MLLW)	Sand (Reese)	20	48	N/A	32	N/A	N/A	N/A	N/A	N/A
Submerged[1] Sand (Seismic)	Mean Sea Level to Elev. -14 ft (MLLW)	Assumes no lateral soil resistance in zone of lateral spreading[2]									
Submerged[1] Sand (Static)	Elev. -14 ft (MLLW) to Top of Siltstone	Sand (Reese)	20	48	N/A	32	N/A	N/	N/A	N/A	N/A
Submerged[1] Sand (Seismic)	Elev. -14 ft (MLLW) to Top of Siltstone	Use Static Soil Parameters with P-modifier = 0.1									
Siltstone	Below top of Siltstone	Weak Rock	N/A	68	N/A	N/A	N/A	5,000 to 50,000	0.0005	50	100 to 400

Notes:

1) Submerged soils are below the groundwater level.
2) Lateral spreading loads should be applied to the piles as discussed on Figure 2 for seismic analysis.

It should be noted that LPILE provides isolated, single-pile capacities. Depending on the direction of the loading and orientation of the piles, group effects should be considered for spacing less than five pile diameters. This reduction is often applied as a p-multiplier. LPILE uses a p-multiplier as a reduction of the k_h value for pile spacing less than five pile diameters. The following table provides a summary of p-multipliers for various center to center pile spacing.

LATERAL PILE GROUP ANALYSIS

Center to Center Pile Spacing	Calculated p-multipliers for Rows 1, 2, and 3+
3d	0.80, 0.40, 0.30
4d	0.90, 0.65, 0.50
5d	1.0, 0.85, 0.70

Additional design methodology of laterally loaded pile groups is provided in the December 1996 Federal Highway Administration publication FHWA-HI-96-033, titled "Design and Construction of Driven Pile Foundations."

LIMITATIONS

This memorandum has been prepared to aid the design team in the preliminary design of the replacement piles for this project. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the replacement piles. As project plans develop, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this memorandum in writing.

The conclusions and recommendations submitted in this memorandum are based on the subsurface information developed primarily by others for nearby projects. With respect to the work performed by others, we did not participate in the implementation of the work and did not independently verify the accuracy or completeness of the information provided. We make no representations or warranty regarding instruments of service completed by others.

We appreciate the opportunity to work with you on this project. Please contact the undersigned if you have any questions.

Submitted for GRI,

Renews 06/2017

Scott M. Schlechter, PE, GE, D.PE
Principal

Brian Bayne, PE
Senior Engineer

This document has been submitted electronically.

References:

Boulanger, R.W., and Idriss, I.M. 2014, CPT and SPT based liquefaction triggering procedures, Report No. UCD/CGM-14/01, Center for Geotechnical Modeling, Department of Civil and Environmental Engineering, University of California, Davis, CA, pp. 134.

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North

0 150 300 FT

BORING COMPLETED BY OTHERS

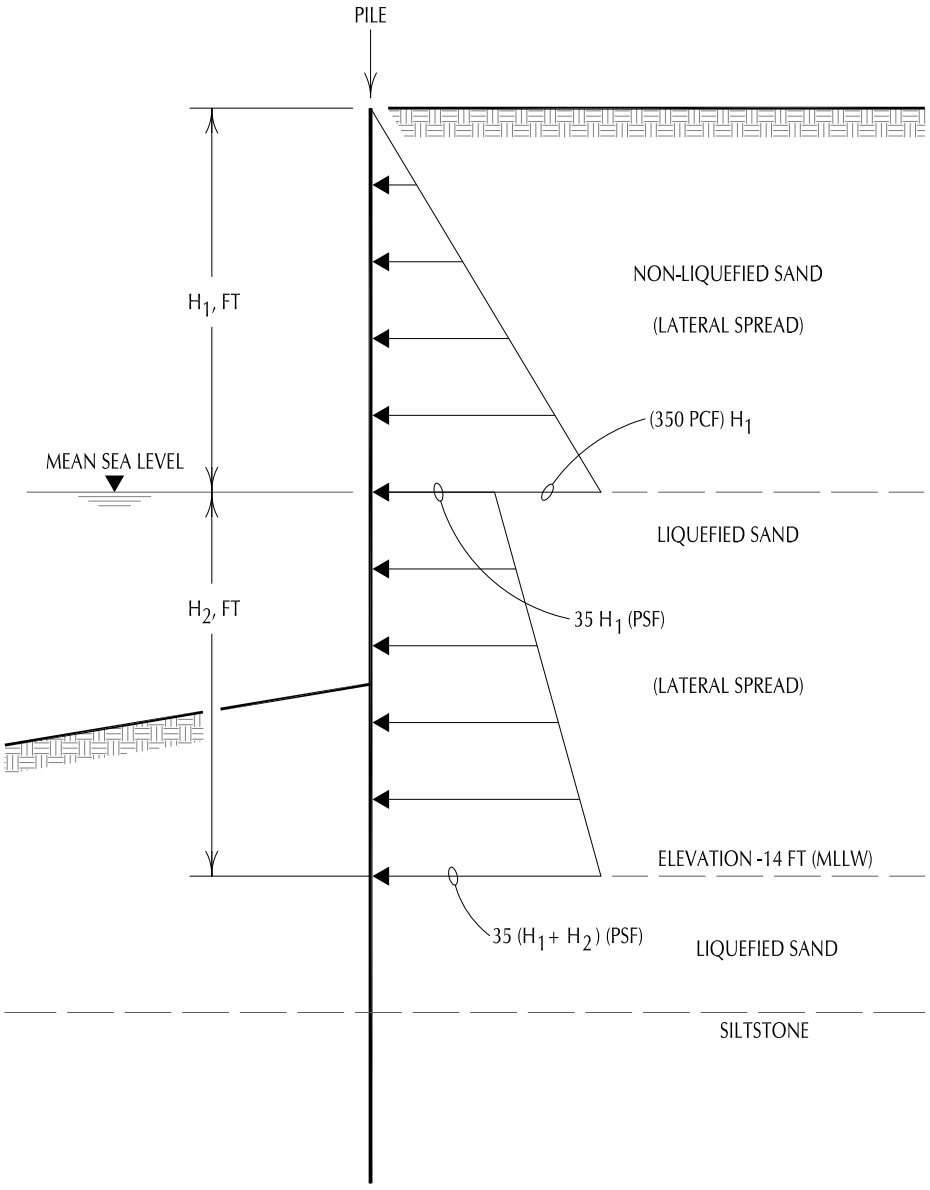
SITE MAP FROM GOOGLE EARTH PRO, DATED MAY 24, 2012

GRI

PORT OF NEWPORT
PORT DOCK 5 PILE REPLACEMENT

SITE MAP

OCT. 2016 JOB NO. 5905 FIG. 1



NOTES:

1) GROUNDWATER ASSUMED AT MEAN SEA LEVEL.

2) LIQUEFACTION MAY OCCUR TO TOP OF SILTSTONE.

3) LATERAL SPREAD ESTIMATED TO ELEVATION -14 FT (MLLW).

4) EARTH PRESSURES ACTS OVER TWO PILE DIAMETERS ABOVE THE WATER LEVEL AND ONE PILE DIAMETER BELOW THE WATER TABLE.

GRI

PORT OF NEWPORT
PORT DOCK 5 PILE REPLACEMENT

LATERAL EARTH PRESSURES

(LIQUEFIED SOIL CONDITIONS / LATERAL SPREADING LOADS)

OCT. 2016 JOB NO. 5905 FIG. 2

GRI
9725 SW Beaverton-Hillsdale Hwy, Suite 140
Beaverton, OR 97005-3364
p| 503-641-3478 f| 503-644-8034

SITE VISIT REPORT

Project: Port of Newport Dock 5
Feature: Steel Pipe Pile Installation
Client: Port of Newport
Site Address:

Date: January 13, 2012 **Project No.:** 5261
Time of Site Visit: 1135 AM to 1220 PM
Weather: Sunny/Fair 50's
Submitted by: Jim Alders, EIT
Contractor: Billeter Marine LLC
Permit No.:

GRI visited the site to observe pile installation at the request of Peter Dale of the Port of Newport. GRI met with Pete Billeter with Billeter Marine LLC (BML) the pile driving contractor for the project on site.

GRI observed BML place and drive a 20-in.,-diameter, 0.5-in.-wall, open end steel pipe pile using an APE 150-8 vibratory hammer. The water surface at an elevation of about 6.7 was used as a reference elevation. The driving was easy to a depth below the water surface of about 30 ft when it slowed. At a depth below the water surface of about 37 to 37.5 ft driving slowed to about 1-in. per minute of driving. The pile experienced practical refusal at about 38.5 ft below the water surface leaving the pile tip at an elevation of about -31.8. In our opinion, based on the pile support conditions observed during driving the pile placed on the east side of dock 5 is suitable to support the design loads. GRI recommended to Peter Dale that the pile on the west side of dock 5 be installed to similar practical refusal conditions.

Reviewed by:
Comments:

Date:
Copies to: Jim Alders EIT

GRI
Portland, Oregon

Sequence 1

PILE DRIVING RECORD

Date: 1/13/12 Job No.: 5261

Project: Port of Newport Dock 5

Field Engineer: JSA

Remarks: Mudline @ about 17 ft below water surface or about 26 ft below top of joist supporting the end of the dock. Driving stiffened markedly @ about 30 ft below the water surface. Practical refusal @ about 38.5' below waterline

Pile Cap –

Pile No. East side of dock

Pile Type 20" Ø 0.5" wall open end Steel pipe

Hammer (Make/Model) APE 150-B
Vibratory Hammer

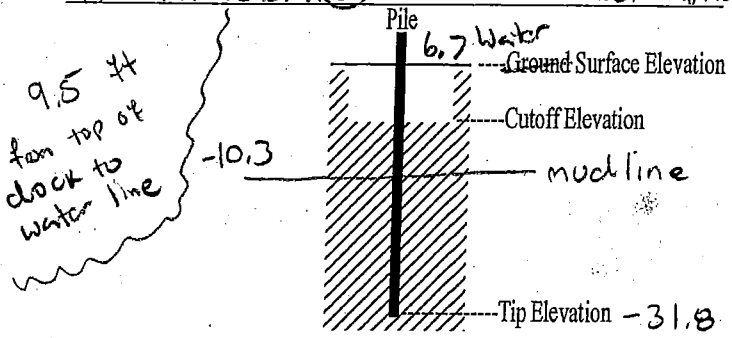
Pile Penetration

Length Driven ~21.5' (ft)

~~Ground~~ Water Surface Elevation ~~16.2~~ 6.7 (ft)

Pile Tip Elevation (after driving) -31.8 (ft)

Pile Cutoff Elevation _____ (ft)

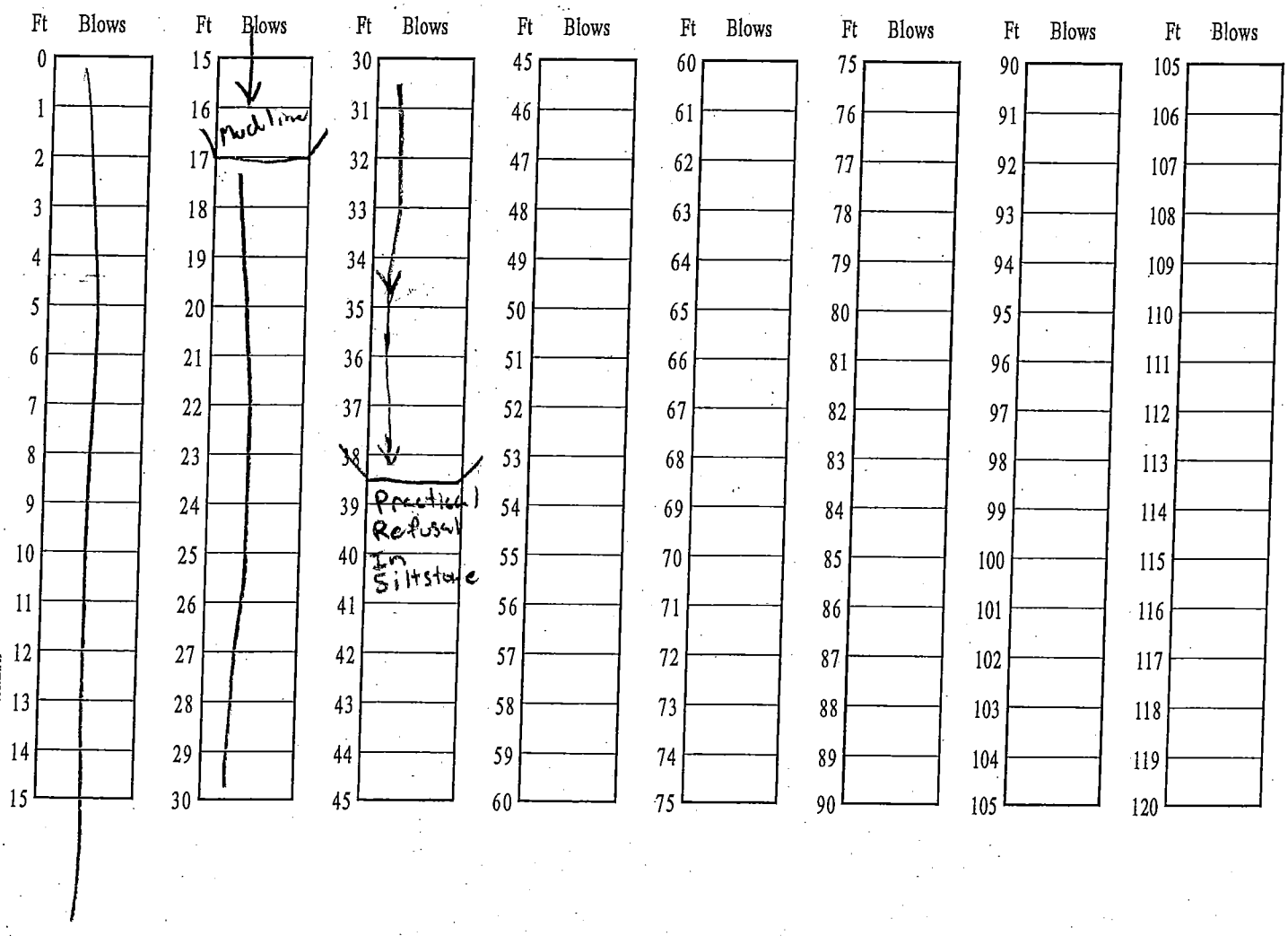


Time

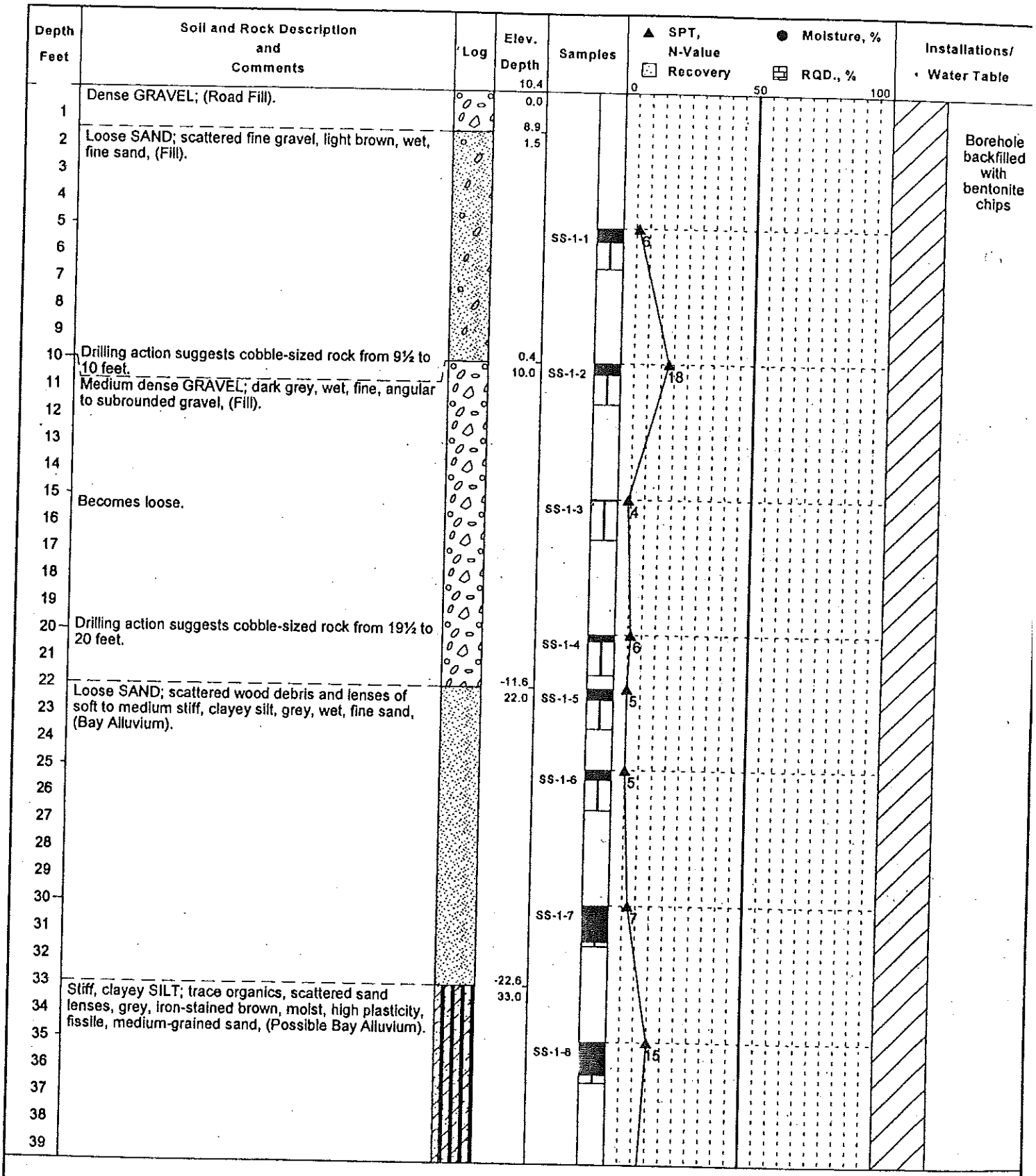
Start Driving 1140 (am/pm)

Finish Driving 1215 (am/pm)

Total Driving Time 35 (hrs/min)



3273 PILE DRIVING RECORD.P65



Project No.: 2001031

Surface Elevation: 10.4 feet

Date of Boring: April 5, 2000

Boring Log: HDD-1

Sta. 1 + 24, 5' Lt.

Yaquina Bay Undercrossing

Newport, Oregon

Foundation Engineering, Inc.

Depth Feet	Soil and Rock Description and Comments	Log	Elev. Depth	Samples	SPT, N-Value / Moisture, % / Recovery / RQD., %	Installations/ Water Table
40	No sand lenses noted between ±40 and 41½ feet.		-29.1		0 50 100	
41			39.5	SS-1-9	12	
42						
43						
44						
45	Grades to stiff SILT; some clay, grey, moist, medium			SS-1-10	3	
46	to high plasticity, micaceous.					
47						
48						
49						
50	Becomes very stiff at ±50 feet.			SS-1-11	19	
51						
52						
53						
54	Grades to hard SILT; some clay, grey, moist, medium		-43.6 54.0			
55	to high plasticity, micaceous, fissile, (Decomposed			SS-1-12	39	
56	Nye Mudstone).					
57						
58						
59				SS-1-13	43	
60				RUN 1		
61						
62						
63				RUN 2		
64						
65						
66	Extremely weak (R0), clayey SILTSTONE; grey, highly		-55.6 66.0	RUN 3		
67	to moderately weathered, very close to close-jointed,					
68	some clay infilled joints, some vertical laminations, micaceous, (Nye Mudstone).			RUN 4		
69						
70	Siltstone becomes more competent below 59 feet, no vertical laminations apparent.					
71				RUN 5		
72						
73	Below 72 feet, siltstone becomes moderately weathered, trace coarse-grained particles, fissile,					
74	quartz grains and scattered shell fragments apparent.			RUN 6		
75	Below 74 feet, siltstone becomes slightly weathered. More abundant shell fragments and red-brown,			RUN 7		
76	glass-like, semi-round fragments are apparent.					
77	Black organic/charcoal fragments noted at 77 feet.			RUN 8		
78						

Project No.: 2001031

Surface Elevation: 10.4 feet

Date of Boring: April 5, 2000

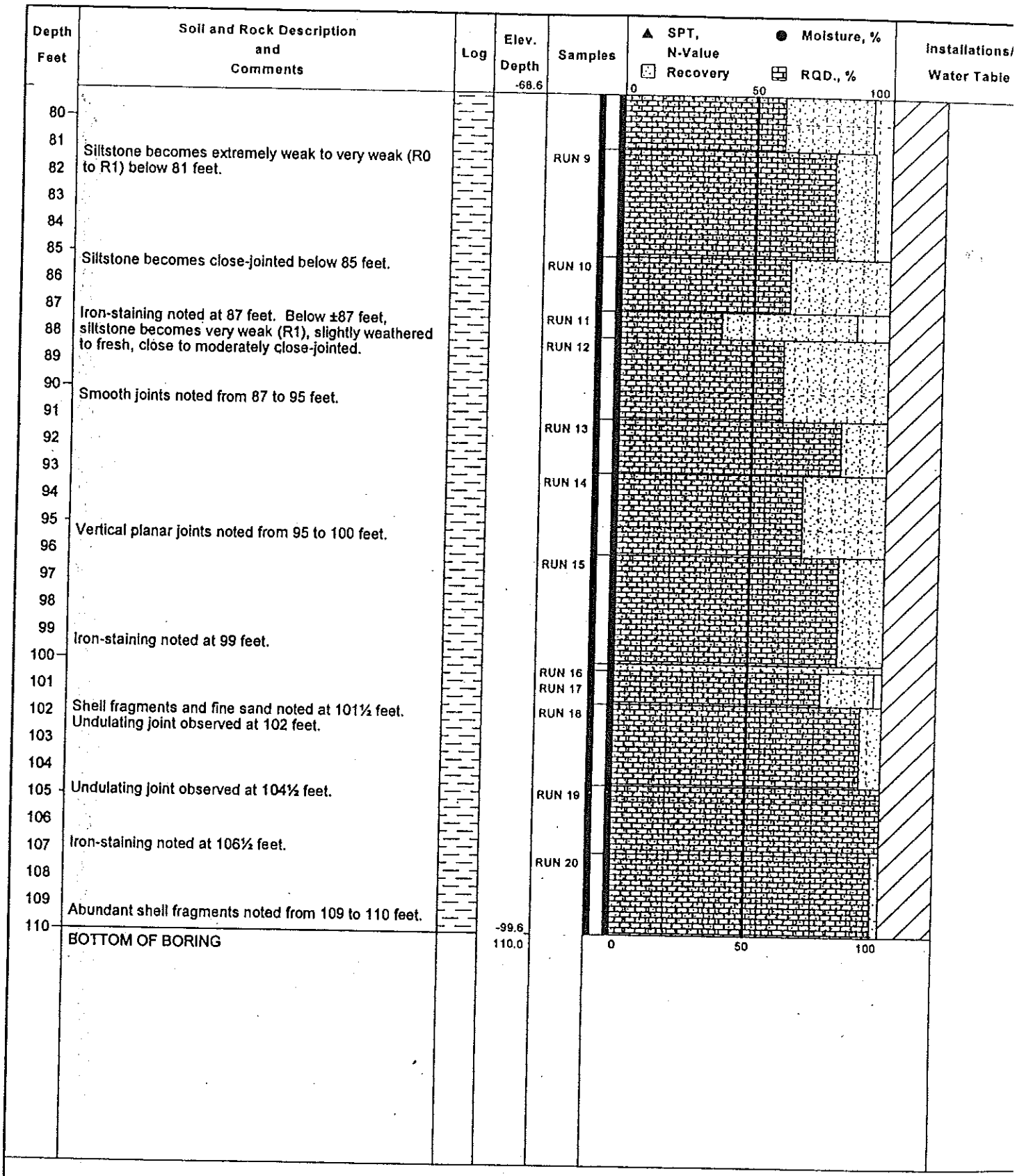
Boring Log: HDD-1

Sta. 1 + 24, 5' Lt.

Yaquina Bay Undercrossing

Newport, Oregon

Foundation Engineering, Inc.



Project No.: 2001031

Surface Elevation: 10.4 feet

Date of Boring: April 5, 2000

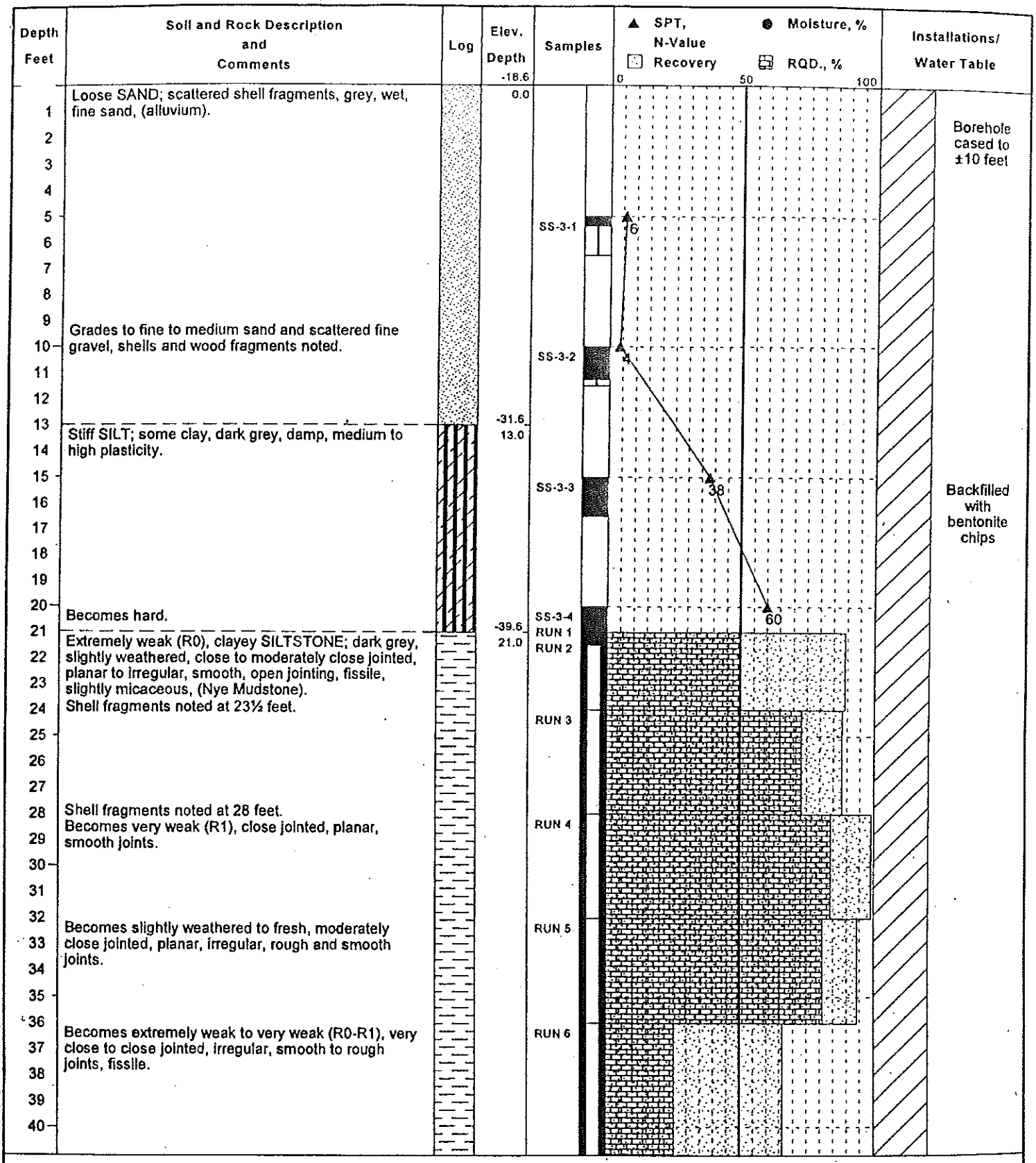
Foundation Engineering, Inc.

Boring Log: HDD-1

Sta. 1 + 24, 5' Lt.

Yaquina Bay Undercrossing

Newport, Oregon



Project No.: 2001031

Surface Elevation: -18.6 feet

Date of Boring: May 17, 2000

Boring Log: HDD-3

Sta. 5 + 60, 69' Rt.

Yaquina Bay Undercrossing

Newport, Oregon

Foundation Engineering, Inc.

Depth Feet	Soil and Rock Description and Comments	Log	Elev. Depth	Samples	▲ SPT, N-Value / ● Moisture, % / ⊡ Recovery / ⊞ RQD., % (0 — 50 — 100)	Installations/ Water Table
42	Becomes very weak (R1), moderately close jointed, planar, irregular and smooth joints, trace shell fragments noted.		-59.7	RUN 7		
43	Becomes close jointed, planar, smooth joints.			RUN 8		
44				RUN 9		
45						
46	Jointing becomes irregular, rough and open, fissile.			RUN 10		
47						
48						
49						
50	Becomes extremely weak to very weak (R0-R1), trace organics noted, fissile.			RUN 11		
51						
52						
53	Moderately weathered, very close jointed from ±52 to 53 feet.			RUN 12		
54	Becomes slightly weathered, close jointed, rough, irregular and open joints, fissile.			RUN 13		
55						
56						
57						
58				RUN 14		
59	Becomes extremely to very weak (R0-R1).			RUN 15		
60						
61	Becomes very weak (R1), slightly weathered to fresh.			RUN 16		
62						
63	Becomes very fractured, very close jointed.			RUN 17		
64						
65						
	Inner barrel stuck.		-84.3	RUN 18		
	BOTTOM OF BORING		65.7			

Project No.: 2001031

Surface Elevation: -18.6 feet

Date of Boring: May 17, 2000

Foundation Engineering, Inc.

Boring Log: HDD-3

Sta. 5 + 60, 69' Rt.

Yaquina Bay Undercrossing

Newport, Oregon

DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each boring or test pit by our field representative. The log contains information concerning sampling depths and the presence of various materials such as gravel, cobbles, and fill, and observations of ground water. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the laboratory examinations and tests. Our recommendations ore based on the contents of the final logs and the information contained therein and not on the field logs.

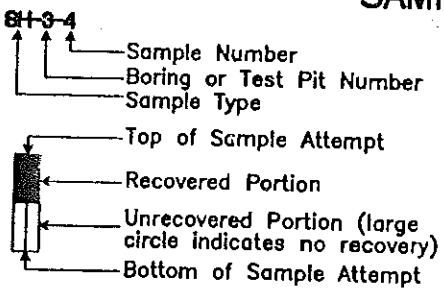
VARIATION IN SOILS BETWEEN TEST PITS AND BORINGS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by us during construction.

TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore appraximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

SAMPLE OR TEST SYMBOLS



S – Grab Samples
SS – Standard Penetration Test Sample (split–spoon)
SH – Thin–walled Shelby Tube Sample
C – Core Sample
CS – Continuous Sample

▲ Standord Penetration Test Resistance equals the number of blows o 140 lb. weight falling 30 in. is required to drive a standard split–spoon sampler 1 ft. Practical refusal is equal to 50 or more blows per 6 in. of sampler penetration.

● Water Content (%).

UNIFIED SOIL CLASSIFICATION SYMBOLS

G – Gravel	W – Well Graded
S – Sand	P – Poorly Graded
M – Silt	L – Low Plasticity
C – Clay	H – High Plasticity
Pt – Peat	O – Organic

FIELD SHEAR STRENGTH TEST

Shear strength measurements on test pit side walls, blocks of soil or Shelby tube samples are typically made with Torvane or pocket penetrometer devices.

TYPICAL SOIL/ROCK SYMBOLS

Sand
Silt
Clay
Gravel
Basalt
Siltstone

WATER TABLE

Water Table Location

(1/31/00) Date of Measurement

Piezometer Tip Location (if used)

FOUNDATION ENGINEERING INC.
PROFESSIONAL GEOTECHNICAL SERVICES

5030 SW PHILOMATH BLVD.
CORVALLIS, OR 97333–1044
BUS. (541) 757–7646 FAX (541) 757–7650

SYMBOL KEY
BORING AND TEST PIT LOGS

Explanation of Common Terms Used in Soil Descriptions

Field Identification	Cohesive Soils			Granular Soils	
	SPT	S_u* (tsf)	Term	SPT	Term
Easily penetrated several inches by fist.	0 – 1	< 0.125	Very Soft	0 – 4	Very Loose
Easily penetrated several inches by thumb.	2 – 4	0.125–0.25	Soft	5 – 10	Loose
Can be penetrated several inches by thumb with moderate effort.	5 – 8	0.25 – 0.50	Medium Stiff (Firm)	11 – 30	Medium Dense
Readily indented by thumb but penetrated only with great effort.	9 – 15	0.50 – 1.0	Stiff	31 – 50	Dense
Readily indented by thumbnail.	16 – 30	1.0 – 2.0	Very Stiff	> 50	Very Dense
Indented with difficulty by thumbnail.	31 – 60	> 2.0	Hard		

* Undrained shear strength

Term	Soil Moisture Field Description
Dry	Absence of moisture. Dusty. Dry to the touch.
Damp	Soil has moisture. Cohesive soils are below plastic limit and usually moldable.
Moist	Grains appear darkened, but no visible water. Silt/clay will clump. Sand will bulk. Soils are often at or near plastic limit.
Wet	Visible water on larger grain surfaces. Sand and cohesionless silt exhibit dilatancy. Cohesive silt/clay can be readily remolded. Soil leaves wetness on the hand when squeezed. "Wet" indicates that the soil is wetter than the optimum moisture content and above the plastic limit.

Term	PI	Plasticity Field Test
Nonplastic	0 – 3	Cannot be rolled into a thread.
Low Plasticity	3 – 15	Can be rolled into a thread with some difficulty.
Medium Plasticity	15 – 30	Easily rolled into thread.
High Plasticity	> 30	Easily rolled and rerolled into thread.

Term	Soil Structure Criteria
Stratified	Alternating layers at least 1 inch thick – describe variation.
Laminated	Alternating layers at less than 1 inch thick – describe variation.
Fissured	Contains shears and partings along planes of weakness.
Slickensides	Partings appear glossy or striated.
Blocky	Breaks into lumps – crumbly.
Lensed	Contains pockets of different soils – describe variation.

Term	Soil Cementation Criteria
Weak	Breaks under light finger pressure.
Moderate	Breaks under hard finger pressure.
Strong	Will not break with finger pressure.

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COMMON TERMS
SOIL DESCRIPTIONS

Explanation of Common Terms Used in Rock Descriptions

Field Identification		UCS (psi)	UCS (MPa)	Strength (Hardness)
Indented by thumbnail.	R0	< 100	0.25–1.0	Extremely Weak (Extremely Soft)
Crumbles under firm blows with geological hammer, can be peeled by a pocket knife.	R1	100–1000	1.0–5.0	Very Weak (Very Soft)
Can be peeled by a pocket knife with difficulty, shallow indentotions made by firm blow with geological hammer.	R2	1000–4000	5.0–25	Weak (Soft)
Cannot be scraped or peeled with a pocket knife, specimen can be fractured with a single blow of geological hammer.	R3	4000–8000	25–50	Medium Strong (Medium Hard)
Specimen requires more than one blow of geological hammer to fracture it.	R4	8000–16000	50–100	Strong (Hard)
Specimen requires many blows of geological hammer to fracture it.	R5	16000–36000	100–250	Very Strong (Very Hard)
Specimen can only be chipped with geological hammer.	R6	> 36000	> 250	Extremely Strong (Extremely Hard)

Term	Weathering Field Identification
Fresh	Crystals are bright. Discontinuities may show some minor surface stoining. No discoloration in rock fabric.
Slightly Weathered	Rock mass is generally fresh. Discontinuities are stained and may contain clay. Some discolorotion in rock fabric.
Moderotely Weathered	Significant portions of rock show discolorotion and weathering effects. Crystals are dull and show visible chemical alteration. Discantinuities are stained and may contain secondary mineral deposits.
Highly Weathered	Rock can be excavated with geologist's pick. All dicantinuities exhibit secondary mineralization. Complete discoloration of rock fabric. Surface of core is friable and usually pitted due to washing out of highly altered minerals by drilling water.
Decomposed	Rock mass is completely decomposed. Original rock "fabric" may be evident. May be reduced to soil with hand pressure.

Spacing (meters)	Spacing (feet)	Spacing Term	Bedding/Foliation
< 0.06	< 2 in.	Very Close	Very Thin
0.06 – 0.30	2 in. – 1 ft.	Close	Thin
0.30 – 0.90	1 ft. – 3 ft.	Moderately Close	Medium
0.90 – 3.0	3 ft. – 10 ft.	Wide	Thick
> 3.0	> 10 ft.	Very Wide	Very Thick (Massive)

Vesicle Term	Volume
Some	3 – 20%
Highly	20 – 50%
Scoria	> 50%

Stratification Term	Description
Lamination	< 1 cm thick beds
Fissile	Preferred break along laminations
Parting	Preferred break direction
Foliation	Metamorphic layering of minerals

RQD %	Designation	RQD %	Designation
0 – 25	Very Poor	75 – 90	Good
25 – 50	Poor	90 – 100	Excellent
50 – 75	Foir		

Rock Quality Designation (RQD) is the percent of a core run with intact lengths greater than 0.1 m excluding breaks caused by drilling.

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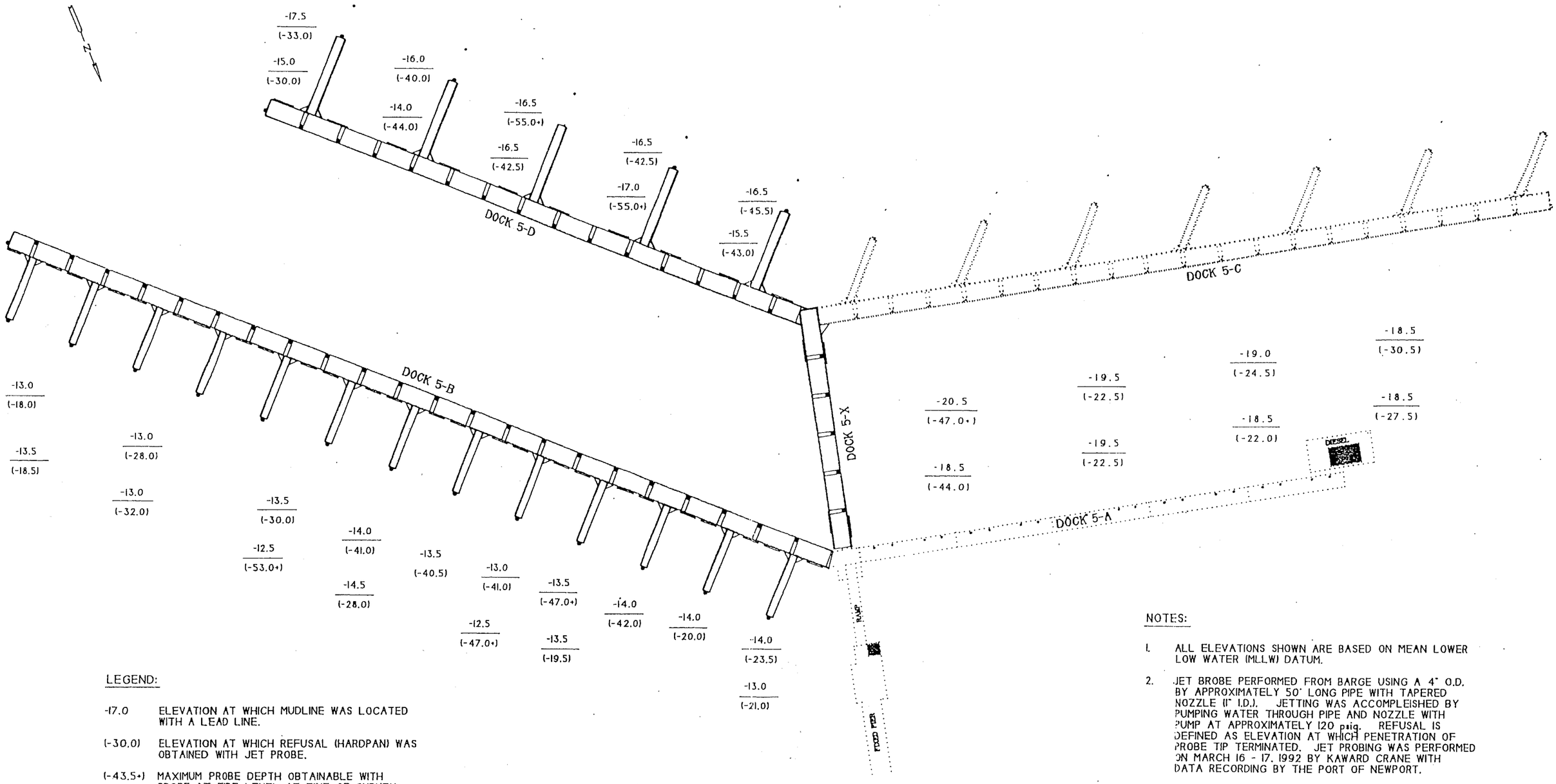
COMMON TERMS
ROCK DESCRIPTIONS



LEGEND:

-17.0 ELEVATION AT WHICH MUDLINE WAS LOCATED WITH A LEAD LINE.

(-30.0) ELEVATION AT WHICH REFUSAL (HARDPAN) WAS OBTAINED WITH JET PROBE.

(-43.5+) MAXIMUM PROBE DEPTH OBTAINABLE WITH PROBE AT TIDE LEVEL AT TIME OF SURVEY. REFUSAL NOT OBTAINED.

NOTES:

1. ALL ELEVATIONS SHOWN ARE BASED ON MEAN LOWER LOW WATER (MLLW) DATUM.
2. JET BROBE PERFORMED FROM BARGE USING A 4" O.D. BY APPROXIMATELY 50' LONG PIPE WITH TAPERED NOZZLE (1" I.D.). JETTING WAS ACCOMPLEISHED BY PUMPING WATER THROUGH PIPE AND NOZZLE WITH PUMP AT APPROXIMATELY 120 psig. REFUSAL IS DEFINED AS ELEVATION AT WHICH PENETRATION OF PROBE TIP TERMINATED. JET PROBING WAS PERFORMED ON MARCH 16 - 17, 1992 BY KAWARD CRANE WITH DATA RECORDING BY THE PORT OF NEWPORT.

BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

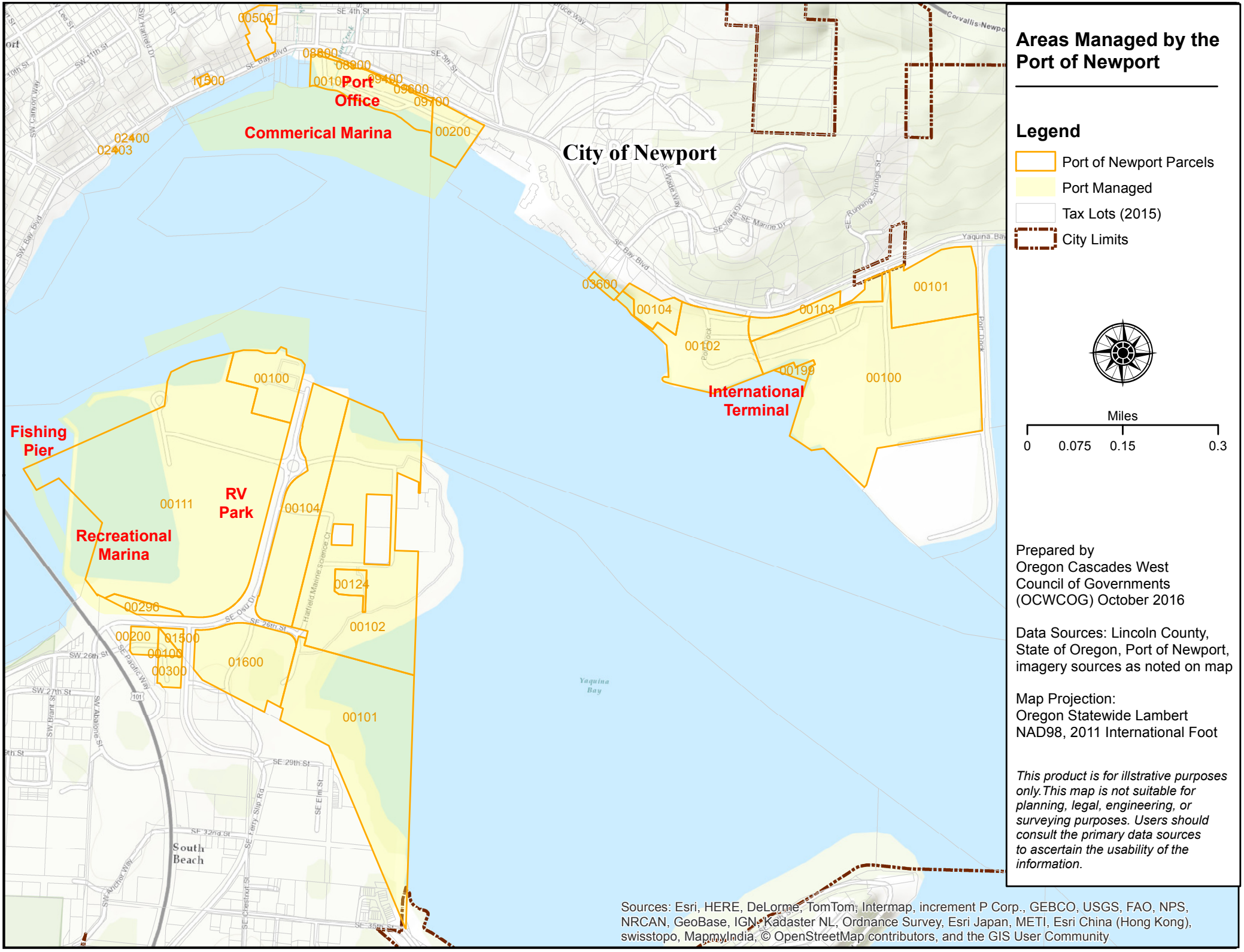
PORT OF NEWPORT
COMMERCIAL MARINA REHABILITATION PROJECT

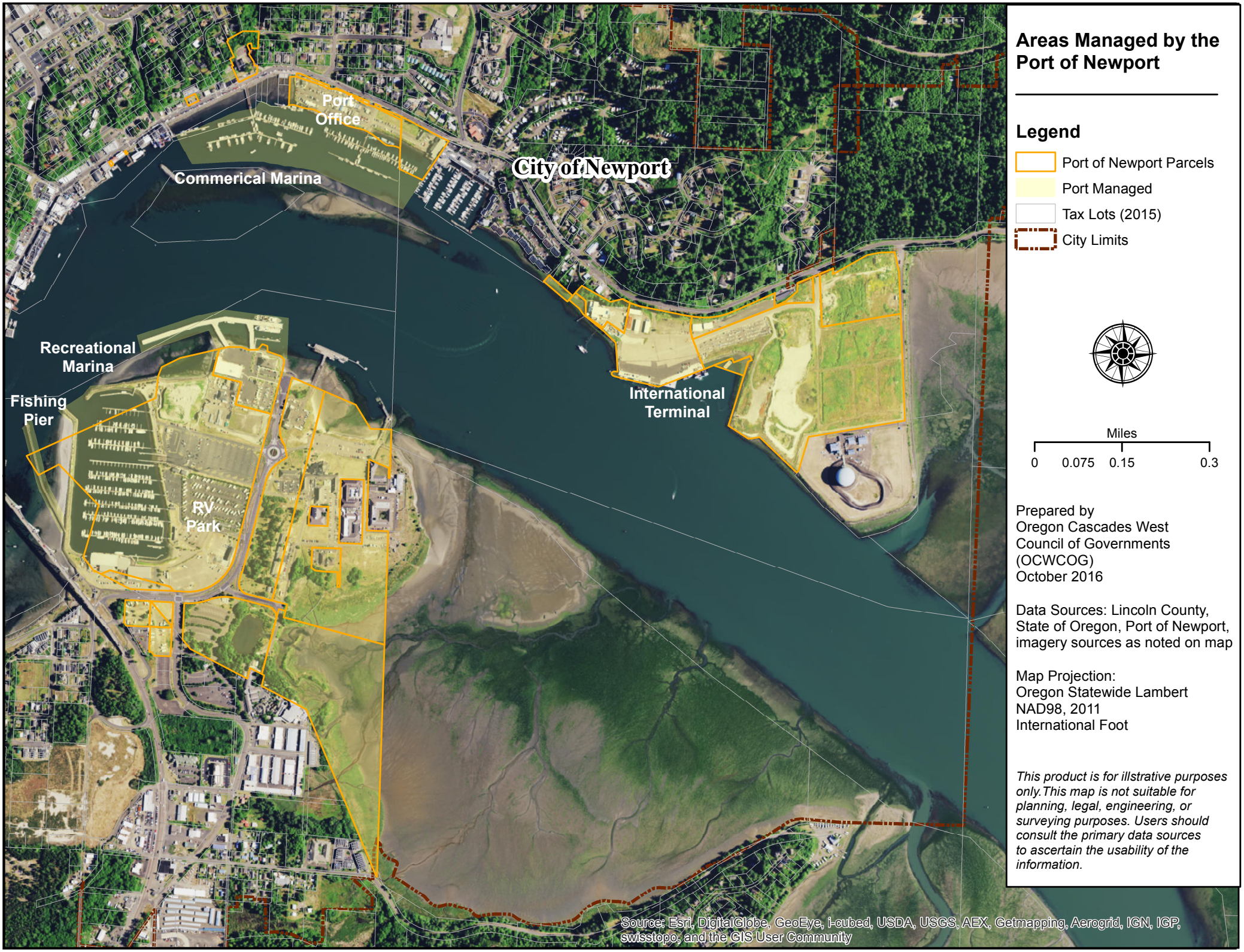
DOCK 5 JET PROBE DATA

OREGON COAST ENGINEERS, INC.
Engineers, Planners & Surveyors
1061 NE AVERY STREET NEWPORT, OREGON 97365 PHONE (503) 265-3545

REV	DATE	DESCRIPTION	BY

DATE 10/02/92 | DRAWN BY DAH | DRAWING NO. 10
SCALE 1"=60' | APPRVD BY


Areas Managed by the Port of Newport
Legend
Port of Newport Parcels
Port Managed
Tax Lots (2015)
City Limits
Miles
0
0.075
0.15
0.3
Prepared by
Oregon Cascades West Council of Governments (OCWCOG) October 2016
Data Sources: Lincoln County, State of Oregon, Port of Newport, imagery sources as noted on map
Map Projection:
Oregon Statewide Lambert
NAD98, 2011 International Foot
This product is for illstrative purposes only.This map is not suitable for planning, legal, engineering, or surveying purposes. Users should consult the primary data sources to ascertain the usability of the information.
Port Office
Commerical Marina
City of Newport
International Terminal
Fishing Pier
RV Park
Recreational Marina
South Beach
Yaquina Bay
00500
08800
08900
09400
09600
09700
00100
00200
02400
02403
11500
03600
00104
00103
00101
00102
00199
00111
00124
00296
01500
00108
00300
01600
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Areas Managed by the Port of Newport

Legend

- Port of Newport Parcels
- Port Managed
- Tax Lots (2015)
- City Limits

Miles

0 0.075 0.15 0.3

Prepared by
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October 2016

Data Sources: Lincoln County, State of Oregon, Port of Newport, imagery sources as noted on map

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Oregon Statewide Lambert
NAD98, 2011
International Foot

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Northwest Port Planning Team
Strategic Solutions

Capital Facilities Plan

Prepared for:

Port of Newport

Consulting Engineers & Geologists, Inc.
275 Market Ave.
Coos Bay, OR 97420-2219
707/441-8855

January 2013
612023

Reference: 612023

Capital Facilities Plan

Prepared for:

Port of Newport
600 SE Bay Blvd.
Newport, OR 97365

Prepared by:

Consulting Engineers & Geologists, Inc.
275 Market Avenue
Coos Bay, OR 97420-2219

As a member of the:

Northwest Port Planning Team
Strategic Solutions

January 2013

QA/QC: SKD

Table of Contents

Appendices

Introduction

Objectives

The Port of Newport's Strategic Business Plan establishes the vision of the future within the Port's sphere of influence. It embodies what the Port wants to be at a chosen point in time. The determination of needed facility improvements, estimated project costs, and the scheduling over time of improvement implementation are the essential tasks of Capital Facilities Plan (CFP). The scheduling is based on a series of priorities according to need, desire, and importance, and to the Port's ability to pay. Capital improvement planning provides the vital link between the Ports' Strategic Plan and the actual construction of improvements. The CFP states when the improvements will be built and what they will cost.

Important advantages and benefits gained from capital improvement planning include the following:

1. Ensure required facilities projects established by the Port's CFP will be carried out so as to provide uninterrupted service
2. Maintain the Port in compliance with regulatory requirements
3. Call the Port's attention to facility deficiencies and promote corrective actions
4. Produce cooperation and coordination among various interest groups as well as different governmental units, (state, county and city)
5. Ensure projects are not built before they are needed, or so late that costs become prohibitive and stymie orderly growth.
6. Ensure project funds can be provided in a logical manner
7. Guarantee review of new facilities to determine whether policy decisions were properly made on how a new project would be financed, and
8. Help protect the Port from pressure groups demanding pet projects.

The primary goal of the capital facilities plan is to; 1) identify the needed public improvement projects related to the Port facilities; 2) provide estimated project costs; and 3) prepare a scheduling plan, over time, of improvement implementation. The scheduling is based on a series of priorities which consider need, desire, importance, and financing options/capabilities.

Capital Improvement Projects

The term "capital improvement" refers to new or expanded physical facilities for the Port that are of relatively large size, are relatively expensive, and are considered permanent with respect to usefulness to service area customers. Large-scale replacement and rehabilitation of existing facilities also falls within this category. Equipment, such as a utility truck, is not classified as a capital improvement for the purposes of this report.

Design Criteria and Level of Service

Design Life of Improvements

The design life of the Port's infrastructure components is sometimes referred to as its useful life or service life. The selection of a design life is a matter of judgment based on such factors as the type and intensity of use, type and quality of materials used in construction, and the quality of workmanship during installation. The estimated and actual design life for any particular component may vary depending on the above factors. The establishment of a design life provides a realistic projection of service upon which to base an economic analysis of new capital improvements. The typical design life for system components are discussed below.

Floating Docks

Modern concrete floating docks are estimated to have a useful life of 35 to 50 years. Lightweight dock systems, such as timber, aluminum and steel typically have a life of 20 to 30 years.

Piling Supported Docks/Piers

On average, industry experts estimate that a galvanized, epoxy coated or galvanic protected steel pile has 8 – 10 years before it will require constant maintenance and up keep. These piles typically have a lifespan of 30 years. Steel pile lifespan can be significantly extended with the use of HDPE sleeves and caps. The service life of timber pile in a marine environment is dictated by the type of wood used and treatment. The life span of a treated timber pile in a marine setting ranges from 30-50 years. The disadvantage of timber pile is the limited diameter choices and difficulty in splicing for longer lengths needed for many applications.

Buildings, Upland Structures and Equipment

Major structures and buildings should have a design life of approximately 50 years. Mechanical equipment such as motors, pumps, lifts etc. usually have a useful life of about 15-20 years. The useful life of equipment can be extended when properly maintained.

Asphalt Surfaced Parking/Storage Areas

Asphalt surfaces for parking and storage areas typically have practical service lives of 15-20 years in the mild coastal climate. With the absence of base material failures (as typically represented by extensive cracking or "alligatoring" asphalt surface life may be extended an additional 5-10 years through seal coating.

Basis for Cost Estimates

The cost estimates presented in this Plan will typically include four components: construction cost, engineering cost, contingency, and legal and administrative costs. Each of the cost components is discussed in this section. The estimates presented herein are preliminary and are based on the level and detail of planning presented in this Study. As projects proceed and as site-specific information becomes available, the estimates may require updating.

Construction Costs

The estimated construction costs in this Plan are based on actual construction bidding results from similar work, published cost guides, and other construction cost experience. Where required, estimates will be based on preliminary layouts of the proposed improvements.

Future changes in the cost of labor, equipment, and materials may justify comparable changes in the cost estimates presented herein. For this reason, common engineering practices usually tie the cost estimates to a particular index that varies in proportion to long-term changes in the national economy. The Engineering News Record (ENR) construction cost index is most commonly used.

It is anticipated that construction of any necessary projects will start by the summer of 2014. Cost estimates presented in this Plan for construction performed in later years should be projected with an increase of three percent per year. Future yearly ENR indices can be used to calculate the cost of projects for their construction year based on the annual growth in the ENR index.

The cost estimates provided within this Plan assume that all projects are constructed under public contract. Port construction projects or "in-house" projects can often be performed at a lower cost than the contracted rates represented herein. This would allow the Port to do more with the funding that is available to them.

It is also recommended that in the event other public works projects are being performed in the same location, (i.e., sewer, street, storm, etc.), planning priority be given to combining these water projects with the projects at hand. The Port can save money in doing this by eliminating repetitive mobilization, demolition, and road patching in the same locations.

Contingencies

A contingency factor equal to approximately 15 percent (15%) of the estimated construction cost has been added. In recognition that the cost estimates presented are based on conceptual planning, allowances must be made for variations in final quantities, bidding market conditions, adverse construction conditions, unanticipated specialized investigation and studies, and other difficulties which cannot be foreseen at this time but may tend to increase final costs.

Engineering

The cost of engineering services for major projects typically includes special investigations, a predesign report, surveying, foundation exploration, preparation of contract drawings and specifications, bidding services, construction management, inspection, construction staking, start-up services, and the preparation of operation and maintenance manuals. Depending on the size and type of project, engineering costs may range from 15 to 25 percent of the contract cost when all of the above services are provided. The lower percentage applies to large projects without complicated mechanical systems. The higher percentage applies to small, complicated projects. The engineering costs for design and construction projects within this Plan will average 18 percent of the construction cost.

Additional engineering services may be required for Port specialized projects. This could include geotechnical evaluations, structural evaluations, and other specialized consulting activities. Due to the nature of some projects and the high skill level of current Port personnel, comprehensive engineering support may not be required for all projects. In some cases, details, specifications, and contract administration services may be appropriate for the development of some projects. The cost for these services will depend on the individual projects and the level of support requested.

Legal and Administrative

An allowance of four percent (4%) of construction cost has been added for legal and administrative services. This allowance is intended to include internal project planning and budgeting, grant administration, liaison, and interest on term loan financing, legal services, review fees, legal advertising, and other related expenses associated with the project.

Land Acquisition

Some projects may require acquisition of additional right-of-way or property for construction of specific improvement. The need and cost for such expenditures is difficult to predict and must be reviewed as a project is developed. Effort was made to include costs for land acquisition, where expected, within the cost estimates included in this Plan. However, it should be noted that the cost of land is subjective and depends on the seller, current land use practices, the size of the plot to be acquired, options available to the Port and many other issues.

Existing Facilities

The Port of Newport was originally formed to promote water related commerce in Lincoln County and throughout its history has evolved and refined the provision of services to the commercial and recreational fishing fleets, to the tourist and for ocean observation and marine research support. Port facilities are situated in three distinct areas bordering portions of The Yaquina Estuary. The South Beach facilities primarily support the recreational fleet, ocean observation and marine research and tourism activities. The Ports' "Bay Front" facilities on the north shore of the bay support primarily the commercial fishing fleet along with some tourism. The Ports' International Terminal is also located on the north shore of the Bay, to the east of the "Bay Front" facilities, adjacent to the Northwest Natural Gas LNG tank.

Service Facilities

The South Beach Port facilities consist of a 600 berth recreational boat basin originally installed in 1978-79, a four lane boat launch facility with parking which was installed to replace the original marina launch facility in 2005, a 92 space RV Park installed in 2006, an older 52 space RV Park, the recently completed NOAA Marine Operations Center – Pacific (MOC-P) pier, office/operations building and Warehouse, several buildings leased to Oregon Brewing and other leased properties associated with ocean observation ad marine research organizations (Oregon State Hatfield Marine Science Center, USA of Fish and Wildlife Service, Oregon Coast Aquarium, etc).

The Commercial Marina facilities consist of Port Dock's 3, 5,7, Swede's Dock and the Hoist Dock along with upland dry storage and parking. The Port's Bay Front facilities also include Port Dock 1, which is used for some transient vessel berthing along with providing a tourist platform for bay viewing and sea lion observation.

The International Terminal area contains facilities which consist of the Terminal Dock Facility (currently under complete reconstruction), along with some commercial fleet dry storage area and several leased properties and structures. Appendix A contains mapping of existing leased facilities.

A comprehensive inventory of Port owned facilities associated with all properties are presented in Appendix B. The inventory includes an estimated current value of each facility along with an estimated replacement cost. The following table indicates a summary of Port owned facilities and estimated current values and replacement costs.

		Replacement Costs		Estimated Exist. Value
Buildings	$	30,200,295	$	26,611,254
Docks/Piers	$	52,283,864	$	36,883,726
Parking	$	4,889,105	$	3,854,041
Other Facilities & Structures	$	787,000	$	338,999
Equipment	$	759,500	$	496,000
	$	88,919,764	$	68,184,020

While the numbers presented above are estimated, they give a perspective of the extent what the Port owns and has responsibility for.

Utilities

Along with the more visible Port owned facilities used for providing Port services and associated with lease holds, there exists considerable utility infrastructure supporting the Port and its operations. Much of the utilities providing services to the Port are owned and operated by outside agencies (City of Newport, Central Lincoln PUD, etc) however, the Port does own and operate some underground utilities primarily associated with storm drainage and area lighting. Appendix C presents an inventory of utilities which are situated on Port properties which are necessary for Port Operations and identifies the controlling agency of the Utility. Appendix C contains mapping of existing utilities serving the Ports various service areas.

Recommended Projects

Projects identified through the Port's capital facilities planning process are listed in the table below:

Project	Est. Cost
South Beach/Fishing Pier Storm Sewer Outfall Replacement	$80,685
Old Boat Ramp Fill	$64,116
Reconstruction of Recreational Marina Docks	$130,000
Renovate RV Park Annex	$660,000
Fishing Pier Replacement	$1,567,000
Additional fish Cleaning Station	$40,000
Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	$150,000
Rogue Brewery (Dry Moorage Building) Foundation/Seawall Stabilization	$300,000
Picnic Bunker Rebuild	$36,000
Pavement Reconstruction/Seal Coating (all areas)	$400,030
Wastewater Pump Station Replacement - South Beach Marina	$30,000
South Beach Marina Fuel Facility - Tank Replacement	$210,000
South Beach Marina Fish Dumpster Cleaning Area	$40,000
Port Dock 1 Replacement	$750,000
Port Dock 5 Improvements	$775,000
Port Dock 7 Replacement	$3,400,000
Hoist Dock Center Section Replacement	$637,500
New Port Offices/Parking Area - Construction	$878,149
International Terminal Fire Water Line Loop	$127,355
Dredging of Marina's - North and South	$4,732,302
Electrical Load Centers - South Beach Marina	$100,000
North Operations/Shop building - Replacement or remodel	TBA
Hand Launch Vessel Storage Building	TBA

All of the proposed projects will be consistent with the Port's adopted policies and plans, i.e. environmental values and utilization of best management practices.

The projects listed above are more thoroughly described below in a format which presents each project on a single page without specific priority numbers allocated. This format is presented as a means of using the document for ongoing revisions and prioritization as needs and funding availability for projects change. Project prioritization is presented in the following section.

Project: South Beach/Fishing Pier Storm Sewer Outfall Replacement

The storm water collection system which primarily serves the parking and roadway surface runoff associated with the Rogue Brewery Buildings and the adjacent City streets delivers storm water to the bay through a 30" diameter outfall pipe which has failed. The original outfall was installed in the 1978-79 original construction of the recreational marina. The existing outfall pipe is buried 12-15' deep on the landside portion, passes under the shoreline rock slope protection and extends out into the intertidal area.

Project Priority:

Estimated Project Cost: $80,685

Project Featurs:

- Permitting required
- Work during "in-water" work period
- Deeply buried pipe day lighting in bay with tide gate

Project: Old Boat Ramp Fill

Fill and Level the old marina boat ramp to match grade of existing dry camping area at South Beach Marina. This old boat ramp was abandoned upon commission of the recently installed boat ramp located farther north in the vicinity of the marina store. Placing an engineered fill in this area would provide additional, usable space for Port leased properties or activities. Fill materials could be imported from the dredge spoil stockpile north of the new boat ramp parking area. The area is currently used for shoreline access by the public and lightweight boat (kayak) launching which should be taken into consideration for final design.

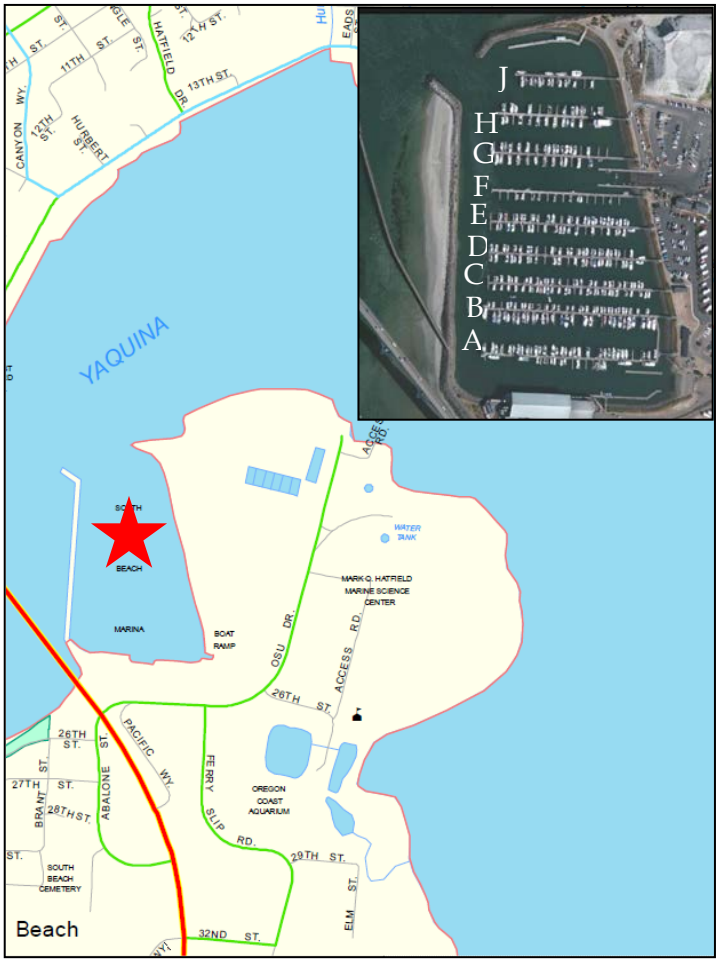
Project Priority Number:

Estimated Project Cost:
$64,000 (engineered fill) +
$63,000 (gravel base and pavement)

Project Features:

- Permitting may be required
- Maintain water access for hand launch craft

Project: Continued Re-Building Recreational Marina Docks



The Port has started a program of re-building/re-furbishing the existing concrete docks of the recreational marina. Dock H was completed the summer of 2011 and Dock G is currently being renovated and should be completed soon. Each of the docks is having new tie-rods installed along with whalers and electrical services for each slip. The concrete floats are being pressure cleaned and new finger fillets and piling guides installed. Dock G is being completed with in-house labor at a cost to the Port of approximately $130,000. This process does impact the Port's revenues as moorage fees are lost for the season as each dock is renovated.

Project Priority:

Estimated Project Cost:
$130,000 per dock

Project Features:

- Work performed in-house
- Temporary loss of revenue from displaced moorage during construction

Project: Renovate RV Park Annex

The RV Park Annex has aged water and electrical hook up facilities and poorly delineated gravel spaces with minimal aesthetic value. While there is a need for availability of "lower-end" RV sites, this area needs some renovation. This project includes the replacement of site underground facilities, and sprucing up the surface and landscaping for the 52 spaces contained at the facility.

Project Priority:

Estimated Project Cost:
$780,000

Project Features:

- Improve appearance and utilities/facilities while accommodating mid to lower RV camper expense range.

Project: Fishing Pier Replacement

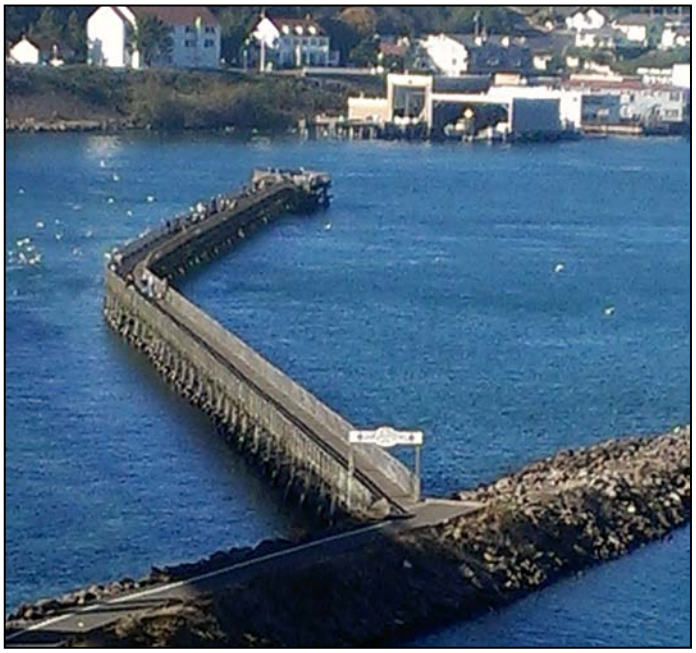
The timber fishing pier is a very popular attraction for tourists, especially for catching crab. The fishing pier railing and decking is showing wear and some minor deformation indicating minimal lateral and/or vertical movement in the pier. The pier appears to be sound; however, some planking and rail replacement and maintenance needs to be performed and total replacement should occur within the next 5 – 10 years.

Project Priority:

Estimated Project Cost: $1,567,000

Project Features:

- Permitting
- Work during "in-water" work period



Project: Additional Fish Cleaning Station

During peak season use of the boat ramp and marina facilities, the five existing fish cleaning stations do not provide enough capacity to satisfy the demand. It is recommended that two new fish cleaning stations (side by side – double cleaning tables) be sited in the South Beach area.

Project Priority:

Estimated Project Cost: $46,000

Project Features

- Facilities could be best sited for targeted use by charter boat customers.

Project: Rogue Brewery, (Dry Moorage Building) North Wall/Siding Replacement

The Dry Moorage Building portion of the Rogue Brewery building has the original north wall siding which is extremely deteriorated. Access to this side of the building is problematic and has precluded siding replacement in the past. Rogue Brewery has made considerable improvements to the building along with several expansions. The North wall siding needs replaced.

Project Priority:

Estimated Project Cost: $150,000

Project Features:

- Waterside work from barge or float
- Established leasehold

Project: Rogue Brewery, (Dry Moorage Building) Foundation/Seawall Stabilization

Original construction of the South Beach Marina in 1979 included a soldier pile seawall with integral foundation for the he Dry Moorage Building portion of the Rogue Brewery building. The foundation/sea wall consists of approximately 60' 'H-pile' with concrete lagging and a concrete pile cap which supports the structures north wall. Over the past several years, the seawall has been moved laterally several inches. The sea wall needs to be stabilized or replaced. It is estimated the cost for stabilizing the seawall would be approximately $250,000 - $300,000.

Project Priority:

Estimated Project Cost: $300,000

Project Features:

- Waterside work from Barge
- Geologic Investigation for Design
- Needed for continuation of established leasehold

Project: Rebuild Picnic Bunkers at South Beach Marina Complex

In the South Beach Marina Complex, there are three separate areas which contain picnic bunkers which were installed in the original 1978-79 construction of the facilities. One area, located at the south end of the Yaquina Bridge, near the fishing pier contains 6 bunkers. An area near the old boat ramp, up on the level with the Rogue Distillery contains 3 bunkers and on the north point there are another 3 bunkers, near the fueling dock. These facilities are also very popular during summer months for use by tourists. Each bunker consists of a concrete slab with a half wall surrounding a picnic table. In all the current facilities, the half walls are very deteriorated and tables need replaced. The proposed project recommends using the existing slab after cleaning along with replacing all wood structures, half wall and picnic table top and benches as designed. All picnic table steel supports need to be cleaned and coated prior to installation of new benches and table top.

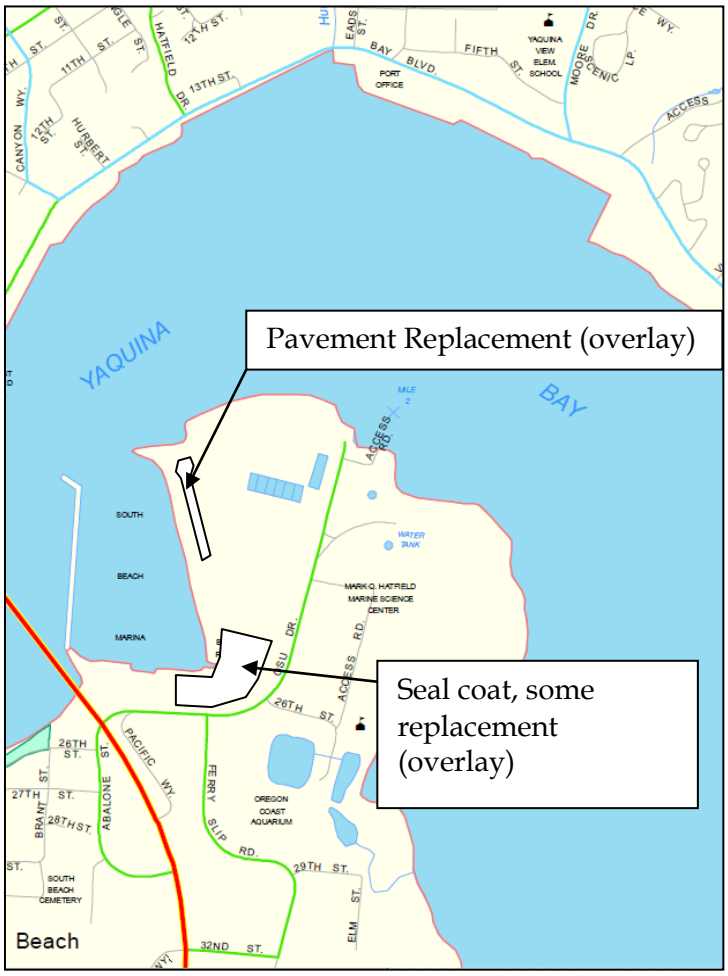
Project Priority:

Estimated Project Cost:
$36,000

Project Features:

- Use existing design, clean and seal concrete and replace wooden elements with pressure treated

Project: Pavement Reconstruction and Seal Coating



Between 40-50%% of paved areas on the South Beach Marina Area (excluding RV parks), that are maintained by the Port, consists of the original pavement installed in the 1978-79 marina construction. The areas in which this pavement is located are in portions of; the Rogue Ales Brewery paved parking and storage areas; the dry camping area, the Rogue Ales Office paved storage and parking area; and the Rogue Distillery, old Boat ramp picnic bunker and fish cleaning station parking area. The frontage, loop road which extends north from the new boat ramp to the turn-around loop at the north point area is also original pavement. The majority of these paved areas appear to be structurally sound and show only loss of surface asphalt indicated by an exposed aggregate surface texture. Approximately 10% of these paved areas need to be reconstructed starting with the aggregate base and installing new paved surfaces. The remainder of the paved areas could have the service life extended through replacement of eroded asphalt by surface or seal coating.

Project Priority:

Estimated Project Cost: $200,000

Project Features:

- Replace failed pavement areas with new overlay
- Re-surface areas with sound surface with appropriate seal coat

Project: Wastewater Pump Station Replacement

A small wastewater lift station which serves the RV park, Structure and restrooms located in the vicinity of the new boat ramp is aged and needs replacement. While the pump station is being operated and maintained by the City of Newport, the ownership of the facility is not clear. The existing pump station does not comply with City standards for pump stations and experiences high volumes of sand intake which quickly erodes pump impellers. Aside from replacing the pump station, an investigation needs to be performed in the collection system to identify and curtail the source of sand introduced into the system.

Project Priority:

Estimated Project Cost: $30,000

Project Features:

- Replace Station with City of Newport approved facility

Project: Fuel Tank Replacement – South Beach Marina

The South Beach Marina currently has a vessel fueling facility located at the very north end of the marina. The facility consists of floating docks, fuel dispensers, control building, fuel lines and two 20,000 gallon fiberglass lined fuel tanks. The fuel tanks are located underground in the vehicle turn-around loop at the north end of the frontage road adjacent to docks H, J, and F. New fuel lines, electrical service and dispensing facilities have recently been replaced with the facility. The underground tanks will need to be replaced within the next 7 – 10 years. The tanks would be replaced with above ground, self contained, spill-proof facilities. The estimated cost for replacing the tanks is $210,000.

Project Priority:

Estimated Project Cost:
$210,000

Project Features:

- Above ground, self contained fuel tanks

Project: Fish Dumpster Washdown Area – South Beach Marina

The South Beach Marina currently maintains three fish cleaning stations and has an identified need for a fourth. Each station has a waste dumpster located adjacent to the cleaning sinks in which all fish and crab waste is deposited. There is a need for a self contained, environmentaly friendly site where the emptied dumpsters can be washed down. The estimated cost for a washdown site is $40,000.

Project Priority:

Estimated Project Cost: $40,000

Project Features:

- Self contained
- Use of Best Management Practices for Environmental controls

Project: Port Dock 1 Repair/Replacement

Port Dock 1 is a working transient tie-up dock for the fishing fleet and also serves as a tourist observation platform for viewing the local waterfront features and sea lion activity. The existing structure is becoming deteriorated and needs immediate improvement/repairs to maintain its level of use. There currently is no railing on the bayside perimeter of the pier and several of the sub-structure cross bracing timbers is no longer functional. The remaining service life of the pier is limited due to the state of deterioration.

Project Priority:

Estimated Project Cost: $750,000

Project Features:

- Mixed use serving commercial fleet and public tourists

Project: Port Dock 5 Improvements

Currently approximately 25% of the steel piling associated with this dock is in a state of deterioration

Several other improvements/ additions have been identified for this facility. The 235 foot long 22 foot wide access pier and the landing float need replacing. This facility has also been identified as needing a restroom facility for moorage customers. The restroom facility could be added adjacent to the access pier or be and "on-the-water" structure, dependent upon further siting analyses.

Project Priority:

Estimated Project Cost: $1,115,000

Project Features:

- Access Pier and Fleet moorage floating docks involved
- New Restroom facility for serving fleet users

Project: Port Dock 7 Replacement

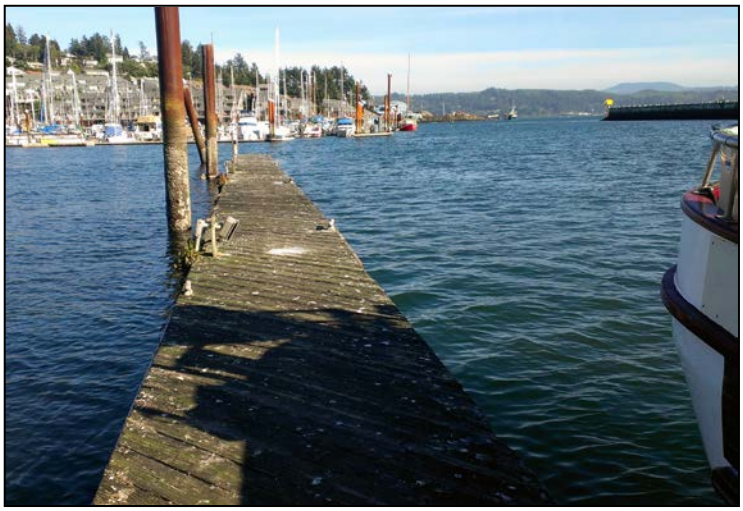
Port Dock 7 is in extremely poor condition. Within the past few years several of the steel pilings have failed and sections of dock have had to be removed.

Project Priority Number:

Estimated Project Cost: $3.4M

Project Features:

- Extensive repair and replacement of failing facilities



Project: Hoist Dock Center Section Replacement

The Hoist Dock located adjacent to the old Port office building is experiencing failure in the old timber construction section situated in the center of the structure. The Hoist Dock currently fronts the Bay along a 220 foot length. The two end sections (approximately 70 ft long for each) are made up of a steel piling supported concrete structure. The interior section is timber construction. The wooden dock fender piles and whalers structure is also in need of replacement.

Project Priority:

Estimated Project Cost: $637,500

Project Features:

- Facility Needed to maintain good revenue generating facility for Port
- Permitting required

Project: New Port Offices, Utilities and Parking

The Port offices are currently located in a temporary structure since the old offices have been declared uninhabitable.

Project Priority:

Estimated Project Cost: $878,000.

Project Features:

- Complete office facilities with Board meeting room/Conference room
- Associated parking facilities

Project: International Terminal Fire Water Loop

The International Terminal area needs to have the fire water supply lines looped to provide for adequate fire water supply.

Project Priority:

Estimated Project Cost: $258,000

Project Features:

- Approx 1,000 lineal feet of 8 " PVC Water Main

Project: Marina Dredging

Both the Recreational and Commercial marinas need to be dredged. It has been approximately 30 years since either has been dredged and the shoaling is starting to cause issues. The recreational marina needs to be dredged to a 10 foot depth (below Mean Lower Low Water) and the commercial marina needs to be dredged to between 10 and 15 foot depths. The project would involve removing approximately 4' depth of materials in each of the marinas.

Project Priority:

Estimated Project Cost: Recreational Marina – $2,685,000
Commercial Marina – $2,050,000

Pending Activities:

- Permitting required
- Spoils disposal monitoring (testing)

Additional Projects

Miscellaneous projects that have been identified as needed for the provision of Port services also include:

- Replacement of two electrical load centers located at the South Beach Marina
    - Estimated Cost: $100,000
- Replacement or remodeling of the Commercial Marina operations/shop Buiding
    - Estimated Cost: Yet to be determined
- South Beach Marina "Hand Launch" vessel storage facility
    - Estimated Cost: Yet to be determined

Capital Facilities Plan (CFP)

The improvements, which have been discussed in the previous sections, were assessed by Port commissioners and staff related to prioritization of the projects. Projects were evaluated on a basis of physical need, desire, importance and availability of funding, Appendix D contains an example of a table which was used for ranking projects. The prioritization process placed the projects in three priority categories, Priority 1-3. The priority 1 projects are projects to be scheduled for work within the next 1-5 years. Priority 2 projects to be scheduled within the next 10 years and Priority 3 projects within the next 15 years.

Because almost all of the proposed projects are actually upgrades or reconstruction/replacement of existing facilities necessary for the provision of Port services and/or revenue sources, it is extremely difficult to place definitive priorities on the proposed work. The reality is that project performance will most likely be driven by availability of funding to perform the work. The following is an initial cost and priority summary table of the identified projects for the Port:

Project Description	Priority	Estimated Cost of Improvement
Port Dock 7 Replacement	1	$3,400,000
Wash down facility for the South Beach Marina fish waste trash bins	1	$40,000
Hoist Dock (Center Section) Replacement	1	$637,500
Reconstruction of Recreational Marina Docks	1	$130,000
Port Dock 5 Improvements	1	$775,000
New Port Offices/Parking Area	1	$878,149
Marina Dredging	1	$4,732,302
SUBTOTAL - PRIORITY 1 PROJECTS		$10,592,951
Renovate RV Park Annex	2	$660,000
Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	2	$150,000
Electrical Load Center South Beach Marina	2	$100,000
International Terminal Fire Water Line Loop	2	$127,355
Wastewater Pump Station Replacement - South Beach	2	$30,000
Port Dock 1 Replacement	2	$750,000
SUBTOTAL - PRIORITY 2 PROJECTS		$1,917,355
South Beach/Fishing Pier Storm Sewer Outfall Replacement	3	$80,685
Picnic Bunker Rebuild	3	$36,000
Pavement Reconstruction/Seal Coating (all areas)	3	$400,030
Fishing Pier Replacement	3	$1,567,000
Old Boat Ramp Fill	3	$64,116
SUBTOTAL - PRIORITY 3 PROJECTS		$2,147,831
TOTAL ALL PROJECTS		**$14,658,137**

Financing

Grant and Loan Programs

Some level of outside funding assistance in the form of grants or low interest loans will help assure that the proposed improvement projects are affordable to the Port of Newport. The amount and types of outside funding will dictate the amount of local funding that the Port will have to secure. In evaluating grant and loan programs, the major objective is to select a program, or a combination of programs, which are most applicable and available to the intended project.

A brief description of the major Federal and State funding programs, which are typically utilized to assist qualifying ports in the financing of improvement programs, is given below. Each of the government assistance programs has its own particular prerequisites and requirements. These assistance programs promote such goals as aiding economic development, benefiting areas of low to moderate-income families, and providing for specific community improvement projects. Not all ports or projects may qualify for all programs.

The Oregon Business Development Department (OBDD) is an excellent source of funding to help finance public improvements.. The OBDD has three separate programs offering funding assistance, including Community Development Block Grants (the Port is only eligible for this program if the grant is sponsored by the City of County on behalf of the Port), the Special Public Works Fund, and the Water/Wastewater Financing Program.

The Infrastructure Finance Authority (IFA) helps ports develop infrastructure and public facilities and address their utility and economic needs through these programs:

Connect Oregon

In 2005, the Oregon Legislature created the Multimodal Transportation Fund to invest in air, marine, rail, and public transit infrastructure improvements. The Fund is part of what is known as the Connect Oregon program; providing grants and loans to non-highway transportation projects that promote economic development in Oregon. The legislature authorized issuance of $100 million in lottery-backed revenue bonds to fund the program in each of the 2005-07, 2007-09, and 2009-11 biennia. An additional $40 million was authorized in 2011 for the 2011-13 biennium.

In creating the Multimodal Transportation Fund, the Legislature found that local governments and businesses often lack sufficient capital and technical capacity (i.e. engineering, planning, labor and/or equipment) to undertake multimodal transportation projects and that public financial assistance can help support these long-term economic growth and job creation projects.

Connect Oregon projects have resulted in success from creating job opportunities to retaining major employers. The projects have also resulted in reduced transportation costs, barriers to economic development removed, and improved safety. Together, the initial three phases of the Connect Oregon program have improved multimodal connections and better integrated transportation

system components, thereby improving the flow of commerce and promoting economic development within Oregon. ODOT administers the program pursuant to OAR 731-035.

The Port of Newport's International Terminal Improvements, currently under construction have been partially funded through the Connect Oregon program..

Port Revolving Fund

The Port Revolving Fund is a loan program to assist Oregon ports in the planning and construction of facilities and infrastructure. Each applicant is limited to a total loan amount from this fund of no more than $3 million at any one time. The loan term can be as long as 25 years or the useful life of the project, whichever is less. Interest rates are set by the IFA at market rates, but not less than Treasury Notes of a similar term minus one percent. Funds may be used for port development projects (facilities or infrastructure) or to assist port-related private business development projects. The variety of eligible projects is very broad and may include, but are not limited to:

- water-oriented facilities;
- industrial parks; and
- airports and commercial or industrial developments.
- Eligible project costs can include:
- engineering;
- acquisition;
- improvement;
- rehabilitation;
- construction;
- operation; and
- maintenance or pre-project planning.

Port Planning and Marketing Fund

This grant program helps ports fund planning or marketing studies related to expanding their trade and commerce activities. Funding is provided through a transfer of the interest earned on the Oregon Port Revolving Fund. The Port Planning and Marketing Fund is primarily a grant program. Grants from the Port Planning and Marketing Fund are capped at $50,000 or 75 percent of the total cost of the project, whichever is less. A 25 percent local cash match is required for all projects.

This includes developing and marketing facilities and services that support important industries in the state, including:

- agriculture
- aviation
- fishing
- maritime
- commerce
- transportation
- tourism/recreation

- wood products

Marine Navigation Improvement Fund

The Marine Navigation and Improvement Fund provides grants and loans that fund either: a federally authorized project that needs matching funds; or a non-federally authorized project that directly supports or accesses an authorized navigation improvement project.

Federally authorized projects

These include projects designed and operated by the U.S. Army Corps of Engineers. The federal government provides 75 percent of the funding; the state Legislature provides the 25 percent match.

Projects must be:

- authorized by Congress;
- large enough to have a positive national cost/benefit ratio;
- sponsored by a port; and
- listed in the port's business or strategic plan.

Non-federally authorized projects
These projects are smaller and cannot qualify for federal assistance. The proposed project must support a certain level of commercial or recreational activity in order to qualify for state funding. These projects must:

- meet the criteria of a freight project or a commercial/recreation project;
- be a new water project that directly supports, or provides access to, a federally authorized navigation improvement or navigation channel project;
- be ready to begin in the biennium funding is requested; and be listed in a port's business or strategic plan.

Projects can be funded:

- up to 100 percent through a loan, if the port can support that level of debt from its general fund;
- up to 75 percent through a state grant for projects with a record of activity that meets the minimum criteria; or
- up to 50 percent through a state grant for new water projects anticipated to meet the minimum criteria within a couple of years of completion.

Low-interest loans
Interest rates are determined during the financial review. Loan terms will not exceed 25 years.

Grants
Grants are available for projects that meet one or more of the following criteria:

- Job creation and/or retention as a direct result for the project.

- The project deals with critical public safety issues and the IFA's financial analysis determines the port's borrowing ability cannot finance the project.
- There is an imminent threat that the port will lose permits and the IFA's financial analysis determines the port's borrowing ability cannot finance the project.

Local Funding Sources

Local revenue sources for capital expenditures include ad valorem taxes, various types of bonds, lease and tenant revenues. Local revenue sources for operating costs include ad valorem taxes, and lease and tenant charges and user fees.

Property Taxes

There are three types of property taxes that taxing districts may impose: taxes from the permanent rates, local option levies, and bond levies. Only the permanent rates are fixed. Bond levies typically are approved in terms of dollars, and the rates are calculated as the total levy divided by the assessed value in the district. Local option levies may be approved either in rate or dollar terms. If the local option levy is in dollar terms, then rates are calculated the same way as for bond levy rates.

Taxes from the permanent rates, typically referred to as operating taxes, are used to fund the general operating budgets of the taxing districts. They account for the single largest component of property taxes. Strictly speaking, the permanent rates are rate limits, so districts may use any rate up to their permanent rate. Local option taxes represent the only way taxing districts can raise operating revenue beyond the permanent rate amount. Even so, these taxes are the first to be reduced if the Measure 5 limitations are exceeded. Because voters at the local level must approve these levies, they represent one aspect of local control over the level of property taxes. Measure 50 requires that local option levies, in elections other than general elections, be approved by a majority of voters with at least 50 percent of all registered voters actually voting. Bond levies have remained largely unchanged. They are used to pay principal and interest for bonded debt. Under the provisions of Measure 50, new bond levies, like new

Local Option and Serial Levies

The Oregon Constitution allows a local government to levy annually the amount that would be raised by its permanent rate limit (Base) without further authorization from the voters. When a local government has to increase the permanent rate limit or when the rate limit does not provide enough revenue to meet estimated expenditures, the government may request a local option levy from the voters. Approval requires a "double majority." This means that at least 50 percent of the registered voters must vote, and a majority of those who vote must approve the levy. Since 1991, the constitution has limited the maximum amount of taxes to support the public schools to $5 per $1,000 of real market value. The maximum amount to support other government operations is $10 per $1,000 of real market value.

Voters can approve local option levies for up to five years for operations and up to 10 years or the useful life of capital projects, whichever is less. Local option levies require a "double majority" for

approval. A common funding mechanism for capital projects is to acquire voter approval for a serial levy (more than one year) to pay for the cost of specifically targeted projects.

Bonds

The municipal bond market is the source of most loans for public agencies in the United States, including Oregon. The municipal bond market will purchase one of two types of bonds from the Port — a general obligation bond or a revenue bond. The two types of bonds differ in how the Port chooses to repay the loan, and are discussed in more detail below.

General Obligation Bonds

General obligation (G.O.) bonds are backed by the Port's full faith and credit, as the Port pledges to assess property taxes sufficient to pay the annual debt service. This tax is exempt from the State's constitutional limit of $10/$1,000 of assessed value. The Port may, at its discretion, use any other source of revenue, including user fees or leasehold/tenant revenues, to repay the bonds. If it uses these other sources, it then reduces the amount to be collected from taxes.

Oregon Revised statutes limit the maximum bond term to forty (40) years for agencies. Except in the event that RD will purchase the bonds, the realistic term for which G.O. bonds should be issued is fifteen (15) to twenty (20) years. Under the present economic climate, the lower interest rates will be associated with the shorter terms.

Financing of capital improvements by G.O. bonds is usually accomplished by the following procedure:

1. Determination of the capital costs required for the improvement.

2. An election by the voters to authorize the sale of bonds.

3. The bonds are offered for sale.

4. The revenue from the bond sale is used to pay the capital costs associated with the project(s).

General Obligation bonds are preferable to revenue bonds in matters of simplicity and cost of issuance. Since the bonds are secured by the power to tax, these bonds usually command a lower interest rate than other types of bonds. General obligation bonds lend themselves readily to competitive public sale at a reasonable interest rate because of their high degree of security, their tax-exempt status, and public acceptance.

These bonds can be revenue-supported wherein a portion of the user fee is pledged toward payment of the debt service. Using this method, the need to collect additional property taxes to retire the bonds is eliminated. Such revenue-supported G.O. bonds have most of the advantages of revenue bonds, plus lower interest rate and ready marketability.

General obligation bonds are normally associated with the financing of facilities, which benefit an entire community and must be approved by a majority vote.

The disadvantage of G.O. bond debt is that it is often added to the debt ratios of the underlying agency, thereby restricting the flexibility of the agency to issue debt for other purposes. Furthermore, G.O. bond authorizations must be approved by a majority vote and often necessitate extensive public information programs.

Revenue Bonds

For revenue bonds, the Port pledges the net operating revenue of the port authority to repay the bonds. The primary source of the net revenue is user fees, leases and tenant feees, and the primary security is the Port's pledge to charge user fees sufficient to pay all operating costs and debt service. The lender requires the Port to provide two additional securities for the revenue bonds that are not required by a G.O. bond. First, the Port must establish a bond reserve fund equal to the lesser of maximum annual debt service or 10% of the bond amount. Second, the Port must increase user fees such that net the cash flow from operations plus interest earnings are equal to or greater than 125% of annual debt service, known as a 1.25 debt coverage ratio.

The general shift away from ad valorem property taxes and toward a greater reliance on user fees makes revenue bonds a frequently used option for payment of long term debt. Many agencies prefer revenue bonding, because it insures that no tax will be levied. In addition, debt obligation will be limited to system users and tennants since repayment is derived from such fees. An advantage with revenue bonds is that they do not count against a municipality's direct debt, but instead are considered "overlapping debt". This feature can be a crucial advantage for a municipality near its debt limit. Rating agencies evaluate closely the amount of direct debt when assigning credit ratings. Revenue bonds also may be used in financing projects extending beyond normal municipal boundaries. These bonds may be supported by a pledge of revenues received in any legitimate and ongoing area of operation, within or without the geographical boundaries of the issuer.

Successful issuance of revenue bonds depends on the bond market evaluation of the revenue pledged. Revenue bonds are most commonly retired with revenue from user fees. Recent legislation has eliminated the requirement that the revenues pledged to bond payment have a direct relationship to the services financed by revenue bonds. Revenue bonds may be paid with all or any portion of revenues derived by a public body or any other legally available monies. If additional security to finance revenue bonds is needed, a public body may mortgage grant security and interests in facilities, projects, utilities or systems owned or operated by a public body.

Normally, there are no legal limitations on the amount of revenue bonds to be issued, but excessive issue amounts are generally unattractive to bond buyers because they represent high investment risks. In rating revenue bonds, buyers consider the economic justification for the project, reputation of the borrower, methods and effectiveness for billing and collecting, rate structures, a provision for rate increases as needed to meet debt service requirements, track record in obtaining rate increases historically, adequacy of reserve funds provided in the bond documents, supporting covenants to protect projected revenues, and the degree to which forecasts of net revenues are considered sound and economical.

Agencies may elect to issue revenue bonds for revenue producing facilities without a vote of the electorate (ORS 288.805-288.945). Certain notice and posting requirements must be met and a sixty

(60) day waiting period is mandatory. A petition signed by five percent of the municipality's registered voters may cause the issue to be referred to an election.

Improvement Bonds

Improvement (Bancroft) bonds can be issued under an Oregon law called the Bancroft Act. The bonds are an intermediate form of financing that is less than full-fledged G.O. or revenue bonds, but is quite useful especially for smaller issuers or for limited purposes.

An improvement bond is payable only from the receipts of special benefit assessments, not from general tax revenues. Such bonds are issued only where certain properties are recipients of special benefits not occurring to other properties. For a specific improvement, all property within the improvement area is assessed on an equal basis, regardless of whether it is developed or undeveloped. The assessment is designed to apportion the cost of improvements, approximately in proportion to the afforded direct or indirect benefits, among the benefited property owners. This assessment becomes a direct lien against the property, and owners have the option of either paying the assessment in cash or applying for improvement bonds. If the improvement bond option is taken, the Port sells Bancroft improvement bonds to finance the construction, and the assessment is paid over 20 years in 40 semi-annual installments with interest. Cities and special districts are limited to improvement bonds not exceeding three percent of true cash value.

With improvement bond financing, an improvement district is formed, the boundaries are established, and the benefited properties and property owners are determined. The engineer usually determines an approximate assessment, either on a square foot or a front-foot basis. Property owners are then given an opportunity to object to the project assessments. The assessments against the properties are usually not levied until the actual cost of the project is determined. Since this determination is normally not possible until the project is completed, funds are not available from assessments for the purpose of making monthly payments to the contractor. Therefore, some method of interim financing must be arranged, or a pre-assessment program, based on the estimated total costs, must be adopted. Commonly, warrants are issued to cover debts, with the warrants to be paid when the project is complete.

The primary disadvantage to this source of revenue is that the property to be assessed must have a true cash value at least equal to 50 percent of the total assessments to be levied. As a result, owners of undeveloped property usually require a substantial cash payment. In addition, the development of an assessment district is very cumbersome and expensive when facilities for an entire community are contemplated. In comparison, G.O. bonds can be issued in lieu of improvement bonds, and are usually more favorable.

Capital Construction (Sinking) Fund

Sinking funds are often established by budget for a particular construction purpose. Budgeted amounts from each annual budget are carried in a sinking fund until sufficient revenues are available for the needed project. Such funds can also be developed with revenue derived from system development charges or serial levies.

A Port may wish to develop sinking funds for future improvements. This fund can be used to rehabilitate or maintain existing infrastructure, construct new infrastructure elements, or to obtain grant and loan funding for larger projects.

The disadvantage of a sinking fund is that it is usually too small to undertake any significant projects. Also, setting aside money generated from user fees without a designated and specified need is not generally accepted in agency budgeting processes.

Funding Recommendations

This Capital Facilities Plan outlines a plan for all necessary improvements, which represent a significant investment for the Port. Therefore, a strategy and plan for financing the recommended improvements must be developed.

While the financing package that the Port will ultimately utilize depends on the results of coordination with the various funding agencies, this section will summarize the general direction the Port should proceed with and provide some insight into the potential impacts to rate payers.

As outlined earlier in this section, improvements projects recommend for the Port total approximately $14.7 million dollars. The Port should proceed with the following steps as it moves forward with the financing strategy for the water system improvement projects:

1. As soon as this Capital Facilities Plan is approved, the Port District should contact Infrastructure Finance Authority (IFA) to schedule a one-stop meeting. At this one-stop meeting, all of the potential agencies who may be able to provide funding will send representatives to discuss the funding needs and develop a funding package for the improvement projects. The agencies will make recommendations and will discuss what each agency can offer. The result will be a funding package made up of grants and loans from a number of agencies to fund the projects.
2. Following the one-stop meeting, the Port District should immediately process the necessary paperwork to apply for the funding included in the funding package recommended at the one-stop meeting. This will require numerous applications and other administrative efforts to apply for funding. The Port District should apply to any and all programs or agencies that have the potential to provide grant money to reduce the impact to rate payers.
3. Due to the magnitude of the required improvements, the Port District will not likely receive grants sufficient to cover all of the costs of the project. In fact, the Port District will most likely be required to take out loans for a significant portion of the project costs.
4. Once the Port District receives notification that they have secured the necessary funding \to complete the work, they can begin the pre-design and design activities in preparation for bidding and construction of the improvements.

Appendix A

Lease Property Maps

Appendix B

Facility Inventory

Appendix C

Port Utility Inventory

Appendix D

Port Utility Maps

Appendix E

Project Prioritization Worksheet Template

Port of Newport

STRATEGIC BUSINESS PLAN AND CAPITAL FACILITIES PLAN

JANUARY 14, 2013

ACKNOWLEDGEMENTS

PORT OF NEWPORT

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INTRODUCTION

HISTORY OF THE NEWPORT PORT DISTRICT

The Port district was formed in 1910 to promote water-related commerce in Lincoln County. The Port is located on the central Oregon coast and encompasses the Yaquina Bay estuary. The Port boundaries extend north to Otter Rock, east up to six miles inland, south to Seal Rock and west to the Pacific Ocean. The Port of Toledo is adjacent to the Port of Newport's eastern boundary and the Port of Alsea adjoins the Seal Rock boundary.

In 1948, a private company sank two flat-bottom concrete barges at McLean Point to serve as wharves for cargo handling. The terminal was operated by private operators from the 1950s through the late 1970s. In 1982, the Port purchased the terminal and in 1987 contracted Jones Oregon Stevedoring/Newport Terminal Company to manage the facility. The Port terminated the contract in 1995 and assumed the management. The Port is currently completing a thorough renovation of the International Terminal which is expected to be complete in December, 2012.

To meet an ever-increasing demand for boat launching, parking and moorage facilities on the north shore of the bay, in 1978-79 the Port began construction of a 600 berth recreational boat basin, four lane launch ramp and harbor improvements in South Beach.

In 1991 Oregon Brewing located their brewing operations and a tasting room in a part of the former dry boat storage building at the South Bay Marina and now occupies the entire building for storage and distribution. In 2006, the Port completed a $3.2 million Destination RV Park that includes 92 spaces, store, operations building and registration/activity center.

A new chapter in the Port's history will be written in the next two years as it plans and constructs a new Port of Newport Administration office building on the north shore of Yaquina Bay.

PORT COMMISSIONERS

The Board of Commissioners is elected, at large, from the Port District. The Board is comprised of five members elected for four year terms. The current Board is comprised as follows:

JoAnn Barton, President, was first elected to the Commission on July 1, 2007 and re-elected July 1 2011. Her current term expires on June 30, 2015. Ms. Barton is retired from a career as a therapist in primary education.

David Jincks, Vice President, was appointed to the Board on February 2, 2009 and his current term expires on June 30, 2013. Mr. Jincks is a commercial fisherman.

Don Mathews, Treasurer, was appointed to the Board on January 30, 2001 and elected to the Board on July 30, 2001. His current term expires on June 30, 2013. Mr. Matthews owns a business in Newport.

Walter Chuck, Secretary, was appointed to the Commission November 22, 2011. Mr. Chuck's term expires June 30, 2013. Mr. Chuck is the operator at several water treatment plants in the region.

Dean Fleck, Assistant Secretary-Treasurer, was first elected to the Board July 1, 2007 and re-elected in 2011. Mr. Fleck's term expires on June 30, 2015. Mr. Fleck is the manager of Englund Marine Supply in Newport.

PORT MANAGEMENT STAFF

Mr. Don Mann, General Manager joined the Port in January 1996. Mr. Mann has over 30 years of experience in the port industry and economic development. He previously worked for the Oregon Economic Development Department where he proceeded to conclude his career with the state as the Regional Development Officer for Clackamas and Hood River Counties. He serves on several local and regional Boards including as Secretary of the Oregon Ports Group and currently serves on the Boards of Directors for the Pacific Northwest Waterways Association and the Greater Newport Chamber of Commerce.

Pat Albaugh, Finance Director has more than two decades of public, private and non-profit experience at the Finance Director/Controller level. Prior to joining the Port, Pat spent seven years at the Port of Cascade Locks as Director of Finance & Operations.

Pete Dale, Project Manager/Engineer Technician joined the district in October, 2006 and has over thirty years experience in marine and heavy construction project management.

Maureen Keeler, Special Projects Manager/Administrator Coordinator, has been with the Port District since 1986. Ms. Keeler assists the General Manager with business administration and planning and is responsible for special projects and grant writing.

In addition, to the staff described above, other Port employees include a Facilities Lease Manager for NOAA MOC-P, an administrative assistant, four accounting clerks and ten operations and maintenance personnel.

OVERVIEW OF STRATEGIC BUSINESS PLANNING PROCESS

The Strategic Business Planning process for the Port of Newport is consistent with the process recommended in Ports 2010: A New Strategic Business Plan. The Plan was prepared by the Oregon Business Development Department and adopted by the Infrastructure Finance Authority and the Oregon Business Development Commission in May and September, 2010, respectively. The Scope of Work includes preparation of a

Public Outreach Plan, including coordination with the Port's primary lessees and patrons, and the commercial fishing fleet.

The technical analysis is comprised of five primary tasks:

- *Management and Coordination with the Port staff and Commission.*
- *Data Collection regarding the existing conditions of the Port including management policies and procedures, financial status, and facilities, including International Terminal and the NOAA Marine Operations Center – Pacific (MOC-P).*
- *Draft SBP including a definition of the problems and opportunities, the policy and regulatory context within which the Port operates and proposals and recommendations to guide the future of the Port.*
- *Final SBP including goals, objectives and strategies to guide the management of the port including its financial resources, environmental context and marketing opportunities. And, a Capital Facilities Plan which will address the needs of the Port's marine facilities, equipment, properties and buildings and utilities.*
- *The fifth task is preparation and implementation of a public Outreach Plan which will assure that all of the Port's constituents have an opportunity to express their points of view and comments during the planning process.*

The final Strategic Business and Capital Facilities Plans are intended to serve the Port Commission and staff for the next five years.

VALUES, VISION AND MISSION

Values Statement

Values represent the Port's most deeply held driving forces, which help us determine our highest priorities. They are the foundation on which we as Port Commissioners and as staff conduct ourselves and perform work for the Port. They serve as our guiding principles -- the motivation for our goals, strategies and actions to accomplish our mission. They clarify who we are as the Port of Newport, articulate what we stand for, and express what we deem as acceptable standards for how the Port of Newport interacts with users, customers, partners, and our own team members.

Governing Values

Leadership**.** The Port of Newport accepts **responsibility** for taking the lead role on behalf of the citizens of the Port district in actively pursuing **economic progress**, which we believe means building and maintaining an economically diverse and thriving community that is resilient in its ability to respond positively to changing conditions and circumstances.

Service. Our business is public service – to the commercial and recreational fishing fleets, to the tourist and marine industries, to our lessees and visitors, and to the citizens of the Port District. Our intent is to strive constantly for **quality** in all the services we provide.

Collaboration. We pursue and maintain mutually supportive partnerships with our neighbors, including the private sector and local, state and federal government agencies. In the Port's experience, the greater Newport community owes a significant part of its success to the foundational belief of governments and citizens alike to work with determination toward common goals in a spirit of mutual respect and cooperation.

Accountability. The Port serves as a steward of public resources. We manage our properties in a responsible manner, and support our personnel – our human resources – through regular feedback and evaluations designed to improve competence and performance.

Sustainability. The Port recognizes that we must manage the resources of the built environment and the natural environment in a manner that does not compromise the ability of future generations to meet their needs. To that end, we will maintain our capital facilities in working order, we will manage the funds entrusted to us wisely, prudently and ethically, and we will maintain policies that guide us in helping nurture a healthy estuary that is the foundation of our working waterfront.

Optimism. We have confidence in the importance of our mission, and in our ability to overcome obstacles, seize opportunities, and pursue our vision through steadfastness of purpose, awareness of our core values, and persistent focus on achievement.

Vision Statement

The idea behind a vision statement is to express, more or less in future tense, what we want the Port (and Newport) to be at some future point. Since a mission statement and the Strategic Business Plan itself are typically five-year efforts, the Vision Statement looks a little farther (10 or 20 years) into the future. Our vision expresses what we want to see, what we believe we can accomplish if we stretch our capabilities and aim for the vision.

- Vision: The Port of Newport will serve as the premier Oregon coast port for the commercial fishing fleets, for recreational fishing and tourism, and for ocean observation and marine research support. We will be one of the top two Oregon coast ports for waterborne commerce while protecting and enhancing the beauty and integrity of the natural environment which is the foundation of our working waterfront community.

Mission Statement

A Mission Statement defines the Port of Newport's purpose – what we do and why we do it. The intention of having a mission statement is to give the Port's public, its customers (and ourselves) a succinct awareness of that purpose.

Current Mission Statement: "Promote and support projects and programs in cooperation with other community organizations and businesses, that will create new jobs and increase community economic development."

New Mission Statement: "Build and maintain waterfront facilities, and promote/support projects and programs in cooperation with other community organizations and businesses that will retain and create new jobs and increase community economic development."

PUBLIC PARTICIPATION

The Strategic Business Planning process was initiated by the Port in August 2012. A press release was provided to the Newport News Times in order to alert the community to the initiation of the Port business planning program.

In September, two Focus Group workshops were conducted to learn the primary stake holder's opinions of the port and its future. The 14 participants were organized in to two groups representing the Port's facilities and development on the north and south side (South Beach) of Yaquina Bay. More specifically, the participants represented port tenants such as commercial fishers, business owners such as the Rogue Brewery, Hatfield Marine Science Center and NOAA MOC-P. The opinions of the stakeholders were presented as Strengths, Weaknesses, Opportunities and Threats (SWOT) to the Port. The senior Port staff and representatives of the Commission also participated in a SWOT session with the consulting Team.

In addition to the workshops, specific telephone and in-person interviews with representatives of the City of Newport, Lincoln County and the Economic Development Alliance of Lincoln County were conducted.

I. EXECUTIVE SUMMARY

The Strategic Business Plan is one of two documents. The Port's Capital Facilities Plan is included as a separate document.

ECONOMIC AND MARKET TRENDS

The national economy is currently expanding at a modest rate, following the most severe recession in the post WWII era. The State and local economies have been performing marginally better, and are expected to continue that trend through the current expansion cycle.

Relative to other areas in Oregon, the economy of the North Coast has performed well by comparison. Combined unemployment in Clatsop, Tillamook, and Lincoln County is currently at 7.0%, significantly below 7.6% at the state and national level. The Port district's economic composition is highly reliant upon fishing, forestry and logging, and tourism. The Port of Newport plays an important role in each of these sectors, as well as the emerging marine and ocean observing research and education sector identified by the City of Newport as a target industry.

MARKET OPPORTUNITIES

The Port of Newport has a number of key market opportunities, many of which are related to leveraging existing investments. The new Marine Terminal has the potential to serve a broader range of business types over time, providing for the direct accommodation of new businesses as well as supporting the broader economy of Lincoln County and the State of Oregon.

The Port is well positioned to contribute substantively to the regional economy, with major investments in key industries such as fishing, tourism and shipping. The commercial fishing fleet is already a major contributor to the region's economy, but the terminal and improvements to facilities have the potential to expand Newport's share of that industry. The emerging marine science cluster in Newport has future potential, as well as ongoing efforts to promote and expand the tourism sector.

PLAN OBJECTIVES AND STRATEGIES

The objectives and strategies provide the overall direction of the Port's major programs. The objective is a specific target or milestone the Port wishes to achieve and the strategies describe how you are going to accomplish the objective. There are four major categories of objectives which include: Management, Economic Development, Coordination and the Business Units. The Port is managed by its governance, financing, human resource and environmental policies.

The Port owns and operates five different, yet complementary, types of businesses. These include: Commercial Fishing Fleet facilities and services, a Sport Marina and Recreational Vehicle (RV) Park, vacant available properties and real estate leased to complementary businesses. The Port is completing the rehabilitation of its International Terminal which will provide facilities and equipment to import and export specific commodities. A new NOAA MOC-P facility was dedicated on Newport Bay in the Spring of 2012. The facility provides many new opportunities for the Port in the marine science arena as described further in the plan

FACILITIES AND PROPERTY

The Port's facilities and real estate are divided by Yaquina Bay in to two distinct development areas, namely the North Shore Development Area and the South Beach Development Area.

- North Shore Development Area is Newport's "working waterfront" and comprised of the land and water side improvements between Bay Boulevard and the limits of the commercial fishing docks and the leased water areas. This area is primarily utilized by Commercial fishers and the Distant Water Fleet.

  The International Terminal is in the final stages of renovation and is expected to be completed by early 2013. The facility is a multi-use facility serving both the cargo shipping needs and the commercial fishing Distant Water Fleet.

- South Beach Development Area is comprised primarily of facilities designed to service sport and recreation fishers, traveling tourists via RVs and facilities designed to provide a positive experience for active visitors as well as those enjoying the beauty of the Yaquina Bay and its environs.

  Completion of the NOAA MOC-P facility brings an expanded vision an opportunity of the potential for Marine Science research to this part of the Oregon coast.

CAPITAL FACILITIES PLAN

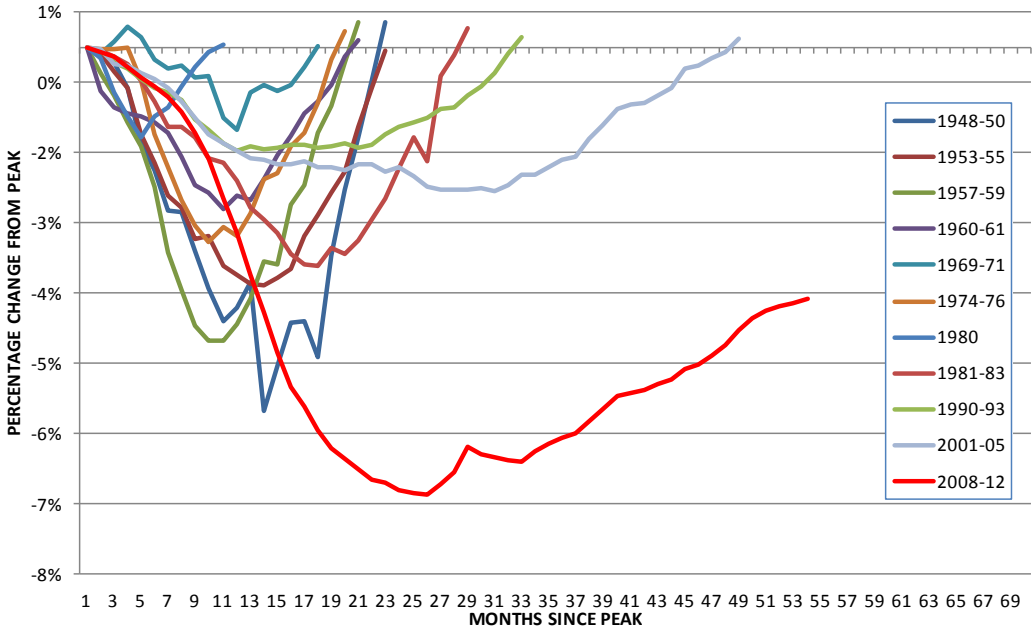
The Capital Facilities Plan (CFP) is a separate document and establishes a vision of the Port's facilities and properties. The needed facility improvements, estimated project costs and the scheduling over time of improvement implementation are the essential components of the CFP.

II. ECONOMIC AND MARKET TRENDS

A. NATIONAL TRENDS

The National economy appears to be firmly into recovery, although to-date that recovery has been less than robust. In terms of Gross Domestic Product (GDP), the economy has been expanding for over two consecutive years. When the recent recession is compared to other post-WWII recessions, it becomes clear that the downturn is historic in terms of employment losses and duration. Employment is not expected to regain its pre-recession levels until 2014, over six years from the initial employment losses.

PERCENTAGE JOB LOSS AND DURATION: POST WWII RECESSIONS, NATIONAL



SOURCE: Bureau of Labor Statistics and JOHNSON REID

On-going uncertainty about the future continues to drive the status quo; specifically the protracted European Debt Crisis, economic deceleration in Asia, and most importantly the clarity of long-term domestic fiscal policy.

From peak to trough, nonfarm payroll employment in the United States fell by over 7.7 million jobs during the "Great Recession". However, the nation's employment situation has begun to slowly improve. In the first half of 2012, non-farm payrolls rose by an average of roughly 200,000 per month in the first quarter and 70,000 per month in the second quarter. The economy has regained nearly 2.8 million jobs and the unemployment rate has fallen back to 7.8%.

Over the longer term, the pace of economic growth is expected to accelerate moderately following 2013. Gradually, idle resource in the economy will begin to be productive, drawing growth higher to 4.3% between 2014 and 2017, and narrowing the production gap by 2018 and growing at the rate of potential (around 2.4%) thereafter.

Payrolls should continue to increase at a moderate pace in the near-term. However, because unemployment had been driven down by lower labor force participation, the unemployment rate will recover at a slower pace.

B. State and County/Port District

Payroll employment in Oregon has begun to recover from the recent recession. The State has exhibited 26 consecutive months of positive year-over-year job growth while adding nearly 50,000 jobs since post recession low employment. In the long-term, Oregon's economic growth is expected to outpace growth at the national level. Through 2020, the Oregon economy, as measured by employment, is expected to outpace the national average, growing by an estimated 15% compared to 11% nationally. Incomes in Oregon are also expected to be above average, growing at 2.2% annually compared to just 2% at the national level.

Through 2020, the Oregon Office of Economic Analysis forecasts 245,000 new jobs in the Oregon economy. Mirroring national forecasts, a significant share (44%) are expected to fall on Professional and Health Services. Manufacturing and Construction are expected to add over 46,000 jobs in the state while growth in trade and other service categories is expected to be more measured.

Local Employment Forecast

Relative to other areas in Oregon, the economy of the North Coast has performed well by comparison. The North Coast unemployment rate tracks very closely to the national average, and outperformed the state average coming out of the recession. Combined unemployment in Clatsop, Tillamook, and Lincoln County is currently at 7.0%, significantly below 7.6% at the state and national level. Since the bottom of the business cycle the North Coast economy has added roughly 4,200 jobs. The City of Newport serves as a major economic engine for the County and broader region. In addition to the area's substantial fishing and tourism industry, it also houses UPS and FedEx facilities at the Newport Airport, which provide important links for local businesses.

By mid-2012, the Lincoln County economy had over 16,700 non-farm payroll jobs. An evaluation of the structure of the Lincoln County economy reveals the significance of its tourism and traded-sector industries. (LQ analysis is generally conducted on private sector employment, so government concentrations from Newport's NOAA operation are not present). The following table shows a location quotient analysis of Lincoln County, comparing the employment composition by sector within the County to State and National levels.

Location quotients are a way to readily compare the industrial activity levels among different areas of the country. In general, location quotients are ratios that compare the

concentration of a resource or activity, such as employment, in a defined area to that of a larger area or base. For example, location quotients can be used to compare County employment by industry to that of the nation. When the location quotient is greater than 1.0, the analysis indicates that this sector represents an export or "basic" industry. Basic industries are also commonly referred to as "traded sector" industries. Products and services exported out of the area are the primary means that wealth is added to an area, and as a result, are the primary focus of most economic development efforts.

Location Quotient Analysis, Lincoln County, Oregon (2011)

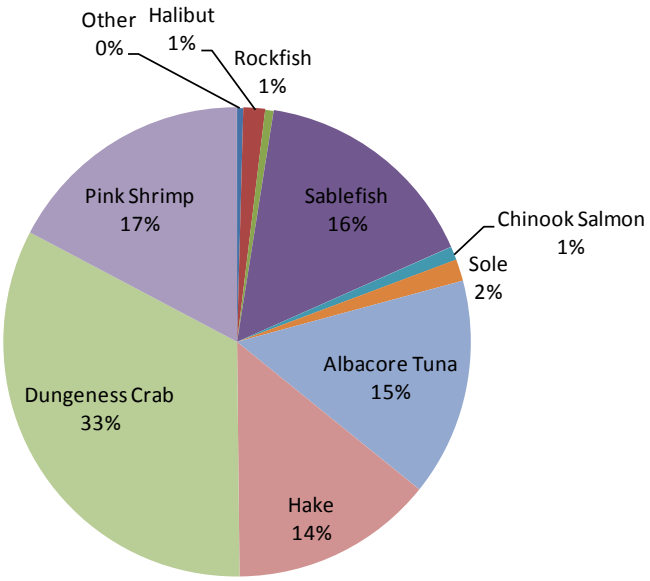
Industry	Employment		Distribution		Location
	U.S.	Lincoln	U.S.	Lincoln	Quotient
Traded Sectors					
114 Fishing, hunting and trapping	8,312	100	0%	1%	98.39
113 Forestry and logging	55,665	111	0%	1%	16.31
311 Food manufacturing	1,454,090	313	1%	2%	1.76
321 Wood product manufacturing	336,235	59	0%	0%	1.43
112 Animal production and aquaculture	230,610	34	0%	0%	1.21
Tourism & Retail					
487 Scenic and sightseeing transportation	27,313	40	0%	0%	11.98
721 Accommodation	1,784,558	1,726	2%	13%	7.91
448 Clothing and clothing accessories stores	1,353,784	521	1%	4%	3.15
453 Miscellaneous store retailers	778,386	211	1%	2%	2.22
445 Food and beverage stores	2,825,284	659	3%	5%	1.91
485 Transit and ground passenger transportation	429,815	99	0%	1%	1.88
722 Food services and drinking places	9,587,402	2,074	9%	16%	1.77
531 Real estate	1,384,500	273	1%	2%	1.61
452 General merchandise stores	3,095,518	454	3%	3%	1.20
Other High LQ Industries					
813 Membership associations and organizations	1,315,466	370	1%	3%	2.30
562 Waste management and remediation services	363,699	92	0%	1%	2.07
237 Heavy and civil engineering construction	820,345	144	1%	1%	1.44
444 Building material and garden supply stores	1,147,148	175	1%	1%	1.25
Other Typical or Lower LQ Industries					
236 Construction of buildings	1,211,690	177	1%	1%	1.19
446 Health and personal care stores	986,124	144	1%	1%	1.19
442 Furniture and home furnishings stores	438,243	62	0%	0%	1.16
447 Gasoline stations	823,620	107	1%	1%	1.06
441 Motor vehicle and parts dealers	1,683,213	210	2%	2%	1.02
451 Sports, hobby, music instrument, book stores	581,603	62	1%	0%	0.87
623 Nursing and residential care facilities	3,162,214	320	3%	2%	0.83
811 Repair and maintenance	1,163,914	112	1%	1%	0.79
238 Specialty trade contractors	3,441,010	329	3%	2%	0.78
515 Broadcasting, except Internet	285,846	26	0%	0%	0.74
443 Electronics and appliance stores	526,699	46	0%	0%	0.71
814 Private households	641,473	56	1%	0%	0.71
522 Credit intermediation and related activities	2,548,004	220	2%	2%	0.71
812 Personal and laundry services	1,287,882	108	1%	1%	0.69
339 Miscellaneous manufacturing	572,591	46	1%	0%	0.66
492 Couriers and messengers	521,240	38	0%	0%	0.60
517 Telecommunications	880,139	63	1%	0%	0.59
561 Administrative and support services	7,347,425	509	7%	4%	0.57

SOURCE: U.S. Bureau of Labor Statistics

The commercial and sport fishing industries are major contributors to the local and regional economy. The commercial fishing fleet at Newport captured over 82 million pounds of fish, crab, squid and clams in 2011, with an estimated value at the fisherman's

level of over $44 million. The primary contributors in terms of value for commercial fishers were Dungeness crab, shrimp, sablefish (black cod), albacore tuna and hake (pacific whiting).

VALUE OF 2011 COMMERCIAL LANDINGS



The commercial fishing industry impacts the local economy through increases in personal income from harvesting and processing, as well as providing support to local industries and businesses. The Newport area also is positively impacted by the distant water fleet, which uses Newport as a home port as well as for repairs and/or provisions.

Sportfishing is also a major contributor to the local and regional economy. The regional economic impact (REI) of saltwater sportfishing on the Oregon Coast from trips in 2010 was estimated at $822 thousand for salmon and $3.5 million for bottomfish, halibut, dive and tuna.[1] This estimate includes charter, private boat and bank access to ocean and estuary sites. Not included are expenditures on capital items such as boats, vehicles to pull boats and second homes.

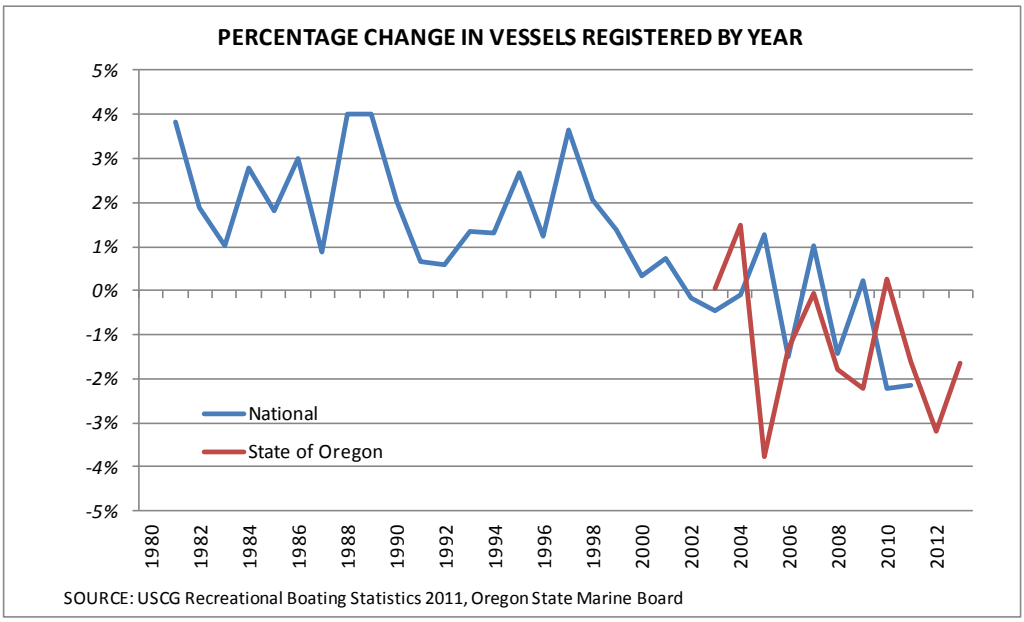
Travel generated expenditures for fishing in Lincoln County were estimated at over $32 million for fishing and almost $7.7 million for shell fishing in 2008.[2] Local recreation expenditures accounted for an additional $3.5 million in activity in the County. Sportfishing contributions included expenditures for overnight lodging, meals and other tourist-related activities.

In addition to the commercial fishing fleet, the Port's operations involve four broad sportfishing market segments: ocean charters; ocean and freshwater private boat

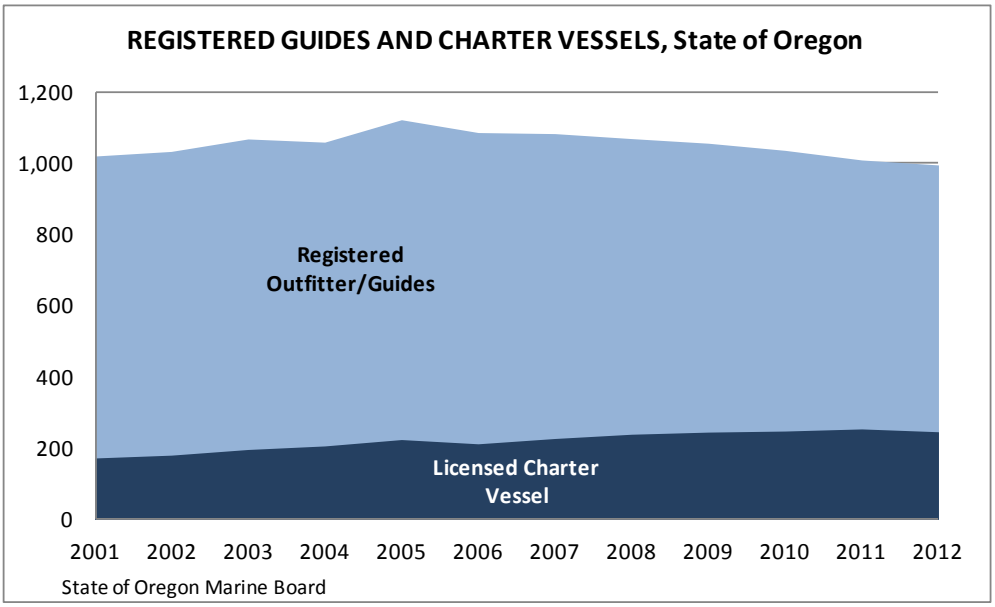
1 The Research Group, personal communication with TRG December 2012.

2 Dean Runyan Associates, Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008 State and County Expenditure Estimates, Oregon Department of Fish and Wildlife, Travel Oregon

trailerable; ocean and freshwater private boat moorage; and bank and pier pole and shellfish anglers. Over the last decade, the State of Oregon has seen highly significant decline in the number of boat registrations and use days, both on an absolute and a per capita basis. As shown in the following graphic, this trend is consistent with the national trend.



In the State of Oregon, the number of registered vessels has dropped by 13% over the last decade. The number of new boat titles recorded has dropped by 35% from 2005 through 2012. The decline in boat registrations would be expected to be associated with a decline in moorage and boat launch demand for the Port's sport marina. While moorage fees have decreased at the Port from 2011 through 2012, fees are still above 2009 levels. Launch fees at the Port have declined though from a peak in 2004.



While recreational vessel registrations have declined in the State, the charter industry has shown steady growth over the same period. The Central Oregon Coast accounts for over 22% of fishing guides in the State.

In July 2012, the City of Newport completed a draft of its economic opportunity analysis as a part of its periodic review process. This analysis identified key industries targeted by the city for future growth. Growth is expected to reflect community aspirations and policies facilitating the recruitment, retention, and growth of firms in targeted sectors. Specific sectors included:

- *Marine and Ocean Observing Research and Education*
- *International Commerce*
- *Fishing and Seafood Processing*
- *Tourism*

The Port of Newport has historically played a significant role in the development of all four of these industries, and is expected to be one of the lead agencies in ongoing efforts to support these sectors.

C. SUMMARY

The national economy is currently expanding at a modest rate, following the most severe recession in the post WWII era. The State and local economies have been performing marginally better, and are expected to continue that trend through the current expansion cycle.

The Port district's economic composition is highly reliant upon fishing, forestry and logging, and tourism. The Port of Newport plays important roles in each of these sectors, as well as the emerging marine and ocean observing research and education sector identified by the City of Newport as a target industry. The commercial fishing industry is a major contributor to the vitality of the local economy, and the industry is highly reliant upon Port facilities and services. The recreational fishing fleet, including charters, also plays a significant role in the local and regional economy.

III. MARKET OPPORTUNITIES

The Port of Newport has a number of key market opportunities, many of which are related to leveraging existing investments. The new Marine Terminal has the potential to serve a broader range of business types over time, providing for the direct accommodation of new businesses as well as supporting the broader economy of the Oregon Coast and the State of Oregon. The commercial fishing fleet is already a major contributor to the region's economy, but the terminal and improvements to facilities have the potential to expand Newport's share of that industry. The emerging marine science cluster in Newport has future potential, as well as ongoing efforts to promote and expand the tourism sector.

The following is a discussion of future market opportunities for the Port of Newport. There is no prioritization implied by the order of discussion, and the opportunities presented are representative and not comprehensive.

A. MARINE TERMINAL

- New Business - The terminal represents a significant investment by the Port, and ongoing efforts should be made to optimize the potential positive impacts of this facility on the local and regional economy. The following is a list of areas of potential opportunity.
    - Import/Export - The facility will expand shipping options for local and regional businesses, and the Port should actively pursue additional users of the facilities. Prospective future users could include value added lumber/forest products, fishing related products and waste paper. Proximity to Asian markets represent an opportunity for greater trade, and recent efforts have been made to broaden the export market for crab to Europe.
    - Development of upland property - Seek opportunities to develop or encourage the development of upland properties with industry that benefits from proximity to the terminal facilities.
    - Commercial fishing fleet expansion - Continue to expand on facilities and services to support the commercial fishing fleet at the terminal.
    - Short sea shipping - Consistent with the import/export opportunity, seek to expand shipping options for the local and regional economy.
    - Marine Science/Research uses - Renewable Energy & Servicing
    - Coordinate with State efforts
- Opportunity to purchase additional property - Strategically look for opportunities to control upland and proximate properties
- Improve the economic performance of the facility to provide for net income generation to support other Port facilities and operations. While the debt service obligations associated with the facility can be serviced through the expected initial tenants, expansion of the use of the facility can provide positive cash flow to support other Port efforts and business units.

B. COMMERCIAL/INDUSTRIAL

- The Port of Newport controls a significant real estate portfolio, including raw sites and improved properties. These are largely concentrated along the bay frontage, and include some of the area's key improvements such as the Hatfield Marine Science Center, the NOAA-MOC-P facility, and the Rogue Brewery properties. The Port has not traditionally served as a property developer, except in limited instances such as the NOAA-MOC-P facility. Port control of properties allows for active land development to support Port objectives, as well as strategic management of those properties. In some cases, this may be associated with limiting development activity if inconsistent with Port objectives.
- The following are seen as areas of market opportunity in terms of its commercial/industrial portfolio.
    - Acquisition of real estate - The Port can acquire additional real estate assets on an opportunistic as well as strategic basis. This should be preceded by a more strategic look at the Port's goals, objectives and future needs.
    - Support for the Ocean Technology Center
    - Storage buildings - These types of real estate improvements are functionally valuable to the commercial and sport fishing fleet, and can also provide for net positive cash flow.
    - Parking - The commercial fishing fleet has consistently expressed a need for additional convenient parking options. This is a functional requirement, and also has the potential to impact the general perception of Newport as a commercial fishing location. Strategic planning to address parking needs should be a precursor to any asset allocation or acquisition strategy.
    - New office space for Port - The Port will require new office space within the next few years. The need for the facility will impact property requirements, but may also serve as an opportunity to leverage the Port as an anchor tenant for a larger development, and/or potentially joint use of spaces such as meeting rooms.
    - In light of the scarcity of available bay front and proximate properties, the Port should evaluate its existing portfolio of properties in a strategic manner. Property uses and disposition should be guided by the Port's goals and policy objectives.

C. TOURISM

The tourism sector is a critical component of the local and regional economy, and the Port's control of much of the waterfront property along the bay make it a major player in the local tourism market. Investments such as the RV Park and sport marina actively and directly support the local tourism industry, while tenants such as Rogue also play a supporting role in tourism generation. The commercial fishing fleet is also seen as a promoter of tourism, both through the availability of fresh local seafood as well as inherent appeal of a working harbor. While much has been done to support the tourism sector, the following are a few market opportunities to expand upon the Port's role in the local tourism sector.

- RV Park - A number of marginal improvements at the Port's RV park can improve the facilities marketability vis-à-vis alternative facilities on the Central Oregon Coast.

- Aesthetic values of the RV Park can be improved
- Upgrading bathrooms
- Expanded information technology
- Increase and improve the facility's web presence

- Sport Marina - The sport marina is a major generator of visitor activity, but could be enhanced over time.
  - Develop dry storage as an amenity and income generator
  - Increase the number of fish cleaning stations
  - Increase coordination and monitoring of ocean charters

- Eco Tourism - The eco tourism sector is a growing industry, and the bay front presents an excellent opportunity to provide facilities and services to promote and support this industry.
  - Kayak launch and storage - enhance and promote non motorized access points.
  - Develop collateral materials promoting eco-tourism. This would include area maps of kayak watch sites, and can be coordinated with the City.
  - Paddle boarding

- Trade Shows/Boat Shows - Program events with strong draws to extend and enhance the shoulder seasons.

- Festivals - In a similar vein, the Port could host events similar to the Oregon Coast Jazz Festival, providing for additional venues.

- Cruise Vessels - While not perceived as a priority at this time, the Port has periodically considered encouraging the docking of cruise vessels.

D. OTHER

The Port has a number of additional market opportunities to further support its goals and objectives, as well as to potentially enhance its financial position. The following is a summary of some key opportunities.

- Commercial Fleet - The commercial fishing fleet is a major contributor to the local and regional economy, and support for the fleet has long been a priority of the Port. The following are some potential future actions related to the commercial fleet.
  - Parking management/Parking district - addressing the parking needs of the fleet will be critical the long term health and potential expansion of the fleet
  - Branding - work with the commercial fleet to evaluate potential branding opportunities for locally caught seafood. Examples of branding efforts may include Alaska's Copper River Salmon and Port Orford's Sustainable Seafood.
  - Collaboration with resource agencies at the State and Federal level
  - Sustainable marine resources
  - Improve customer service/relations
- NOAA MOC-P
  - GSA Vendor Training Programs, to encourage a greater local capture of NOAA expenditures
  - Accommodate expansion as available

- Ongoing Support of the Marine Science Cluster

IV. PLAN OBJECTIVES AND STRATEGIES

The following Objectives and Strategies are based on the following resources:

- *The Port of Newport Strategic Business Plan Update – 2008*
- *Two Focus Group sessions comprised of key Port stakeholders*
- *SWOT – Strengths, Weaknesses, Opportunities and Threats Workshop held with the Port of Newport Commissioners and senior staff.*
- *NPPT past experience with the Oregon port industry*
- *Yaquina Bay Ocean Observing Initiative Strategic Framework*
- *International Terminal Renovation Project Economic Analysis*

A. MANAGEMENT

Governance

Objective

Review existing and adopt new Port Commission policies to provide written guidance for (1) stronger continuing education requirements for members of the Board of Commissioners, and (2) opportunities for staff development.

Strategy

As part of the Management Plan section of the Strategic Business Plan, review the Special Districts Association of Oregon (SDAO) policy manual. Consider any specific minor modifications appropriate to the circumstances of the Port of Newport, edit and adopt policies similar to the following:

- Board of Commissioners Education
  In order to effectively carry out their duties, board members must be adequately informed. As part of these duties, Commission members are encouraged to attend on a continuing basis such conferences and training programs identified as suitable training in order to meet the terms of the Individual Business Agreement between the Port of Newport and the State of Oregon.

- Staff Training and Development
  The Port of Newport provides continued education and training for employees to enhance job performance and assist in potential career advancement within the District. The District shall provide such in-service training as deemed necessary and beneficial to the delivery of services and performance of duties.

Financial Principles

Objective

Maintain Port financial strength and flexibility to strategically and sustainably support the Port's mission.

Strategies

A. Increases to user fees (boat slips, RV spaces) should be linked to improved facilities in order to remain competitive in the market.

B. Utilize quality “state of the art” technology to maximize the accounting of Port financial resources and expenditures.

C. Be alert to potential Port liability issues in the event of loss of life or damages from Charter Boat operations.

D. Develop regular management reports that break down operating trends and budgeting by a series of relevant business units.

E. Regular identification and evaluation of risks, including forward looking forecasts.

Human Resources

Objective

Maintain and enhance Port management, personnel, and service capabilities to ensure the efficient and effective delivery of Port and community services.

Strategies

A. Provide on-going training of commissioners and staff consistent with the 2010 Statewide Port System Plan template, as listed in the Governance section preceding.

B. Utilize training videos and other state of the art technology to facilitate training and minimize job absences.

C. Improve customer service/relations with all tenants, lessees and tourists by utilizing customer relations training.

Environmental Values and Policies

Declaration of Environmental Values The Port of Newport serves as a steward for Port district resources, which include the facilities and infrastructure of the built environment as well as the land, water and air quality of the natural environment. The Port recognizes that the built environment provides necessary shelter, transportation and employment opportunities for its citizens. The Port also recognizes that proper attention to the quality of the natural environment is essential to maintain a resilient and thriving coastal ecosystem that in turn provides a healthful and attractive setting for living, working and recreating. The Port assumes responsibility for ensuring that its actions will promote a healthful, beneficial and sustainable environment for the enjoyment of its citizens.

Expected Actions during Five-Year plan period Port will adopt the following policies that maintain best management practices in all operations, comply with all applicable environmental laws, utilize up-to-date manuals of procedure, and maintain employee training for responding to environmental emergencies.

Environmental policies
Objective: Adopt best environmental practices available.

Strategies: Review and adopt an Environmental Plan component of the Port of Newport Strategic Business Plan that contains at least the following policies:

A. The Port will strive to prevent new sources of contamination on Port property through best management practices and continued improvement of written standard operating procedures.

B. The Port of Newport will minimize impacts and seek opportunities to enhance natural resources where appropriate while carrying out Port projects.

C. The Port will comply fully and promptly with all applicable environmental laws and regulations.

D. The Port and its subcontractors will maintain in good working order manuals of procedure for responding to environmental emergencies, and will ensure periodic training of staff in such procedures.

E. The Port will maintain cooperative working relationships with local, state and federal permitting and resource agencies.

F. The Port will respond in a timely and thorough fashion to inquiries or expressions of concern regarding environmental issues related to Port or tenant activities.

Capital Facilities Plan

Objective:

Adopt the 2013 Capital Facilities Plan and update the plan on an annual basis. The Capital Facilities Plan is included as a separate document.

B. ECONOMIC DEVELOPMENT

Objectives:

Promote, protect and expand traditional community economic activities and businesses.

Promote and support improvement in the level of local employment, community income and general economic activity.

Develop and market existing Port assets and services, and acquire new assets to enhance local employment and income levels.

Strategies

A. Existing Economic Development Activity

1. Promote and support the expansion of community and regional tourism and recreation facilities, programs and activities.

2. Collaborate with the state by "Branding" supportable and sustainable fisheries.

B. New Economic Development Opportunities

1. Actively seek additional users for the International Terminal, including an outreach program to local and regional firms with potential inbound and/or outbound shipping needs. Industry targets would include but not be limited to finished lumber and scrap paper.

2. Continue to participate as a partner in Ocean Observation in collaboration with the Hatfield Marine Science Center and NOAA MOC-P.

3. Continue to support the concept of the Ocean Technology Center by coordinating with other public and private players including OSU Sea Grant, ODFW, UW, and private interests. The Center will expand Marine science research such as wave energy and servicing the technology.

4. Extend the tourism shoulder season with continued growth of the Seafood & Wine Festival, Wild Seafood weekend, boat shows, and other activities and events that can occur in the off season.

5. Leverage the new marine facilities to expand the distant water fleet and support "at sea" processing vessels.

C. Marine Science

1. Enhance opportunities in marine science for existing businesses on the central coast

2. Attract scientific entities and institutions to invest and work in Newport.

3. Attract new businesses, including high-tech, that will support the new cutting edge work in marine science on the Oregon Coast.

4. Enhance current marine infrastructure to provide safe and efficient work platforms for scientific entities, institutions and the movement of maritime commerce.

C. COORDINATION

1. Identify, develop and enhance cooperative relationships with public and private organizations that share an interest in economic and community development.

2. Maintain and nurture the current quality relationships with the Corps of Engineers and other city/state/federal agencies

3. Coordinate the Port's import/export Plan with the state's collaboration to encourage value added lumber/forest products for export.

D. BUSINESS UNITS

Commercial Fishing Fleet

A. Provide quality services and facilities to the commercial fishing industry.

B. Promote and support development and expansion of marine science and fisheries research

C. Improve the poor condition of slips serving the commercial fleet including: an upgrade and repair to Port Dock 7, Hoist Dock and approach to Dock 5, prepare dredging plan for commercial moorages and upgrading utilities in and around existing slips.

D. Prepare a Maintenance Plan, identify and budget adequate funds, and prepare a maintenance schedule for the Maintenance Team to implement the plan.

E. Enhance and maintain Newport's services to the Distant Water Fleet, such as Foul Weather Trawl.

F. Encourage the members of the Parking Management District to participate in a Master Planning effort for the Port's properties on the north side. The Plan would not only address parking and circulation but also benefit new gear storage and a new port office location.

G. When adding new or replacing major existing sections of piers and floating docks, consider adding meters to determine individual electrical and water usage, subject to an analysis that the likely benefits of lowered utility costs exceed the amortized cost of meter installation.

Sport Marina and RV Park

Prepare a Master Plan for the South Beach area that will include for example: additional fish cleaning stations, dry storage for recreational boaters, improved restrooms, an access point for non-motorized boats and recommendations for short/long term development of under-utilized or vacant parcels, and a utility metering system for individual marina spaces.

Real Estate

A. Monitor opportunities to purchase additional land areas for new and/or expanding uses that are compatible with the theme of the development on the north and south, in order to address the lack of sufficient developable real estate for existing and new businesses and parking on the North side and very limited opportunities at South Beach

B. Utilize existing available properties prudently by either maximizing income or fulfilling public policy objectives.

C. Periodically review gear storage areas for illegal or outdated gear so as to free new space for storage.

D. Be alert to the possibilities of expansion by NOAA MOC-P, ocean observation, marine science and marine technology industries by reserving adjacent land and shoreline areas to capture such opportunities.

International Terminal

A. Maintain and promote an appropriate level of ocean terminal services and facilities.

B. Maximize International Terminal cargo opportunities such as finished lumber, development of upland area, cruise ships (in time), coordination with GP at Toledo, etc.

NOAA MOC-P

A. Explore the potential to draw in related service businesses and support local businesses with the GSA's Vendor Training Program

V. FACILITIES AND PROPERTY

The following is a summary of the Port's facilities on Yaquina Bay. The facilities are separated by the Bay and occur on the north and south shorelines. For the purposes of this report, the areas that are developed and managed by the Port of Newport are referenced as:

- *North Shore Development Area and,*
- *South Beach Development Area*

NORTH SHORE DEVELOPMENT AREA

The **North Shore Development Area** comprises water-side and land-side development areas as well as Port-owned equipment:

The 214-slip marina is utilized primarily by Commercial fishers and the Distant Water fleet. In addition to Docks 1, 3, 5 and 7, Swede's Dock provides over 240 feet of floating moorage for boat maintenance, and the 220-foot fixed moorage contains four hoists of varying capacities, enabling large and small vessels to perform gear changes, off-loading fish product and other maintenance and repair work. Land-side improvements include paved parking and gear storage areas at Dock 7 and leases to Englund Marine and the Yaquina Bay Yacht Club. The Port's temporary main office is located in this area as well as a vacated building which has served as the Port office in the past. The Port's operations building which houses the forklifts used for the commercial fleet and maintenance shops for that area are located near the hoist dock. There is also a Restroom and Oil Reclamation Building for use by the Port's moorage tenants. The Port also leases office space to the federal Bureau of Customs and Border Protection (known as the US Customs Service until combined into the U.S. Department of Homeland Security in 2003).

There are 60 paved parking spaces serving Dock 7 and the port offices. Twenty three spaces are adjacent to the Englund Marine retail outlet and three spaces have been delineated at International Terminal.

The Port owns and operates several pieces of equipment used in day-to-day operations and maintenance of Port Facilities. Much of the portable equipment is used at all the Port facilities (North Shore and South Beach) and some is assigned to specific locations. Port-owned vehicles and Port equipment include:

- *Tugboat 34' long and 200 horsepower engine*
- *Boston Whaler outboard motor boat, 90 hp engine*
- *GROVE RT530E 30 ton mobile crane*
- *Five forklifts ranging in lifting capability from 2 ½ tons to 25 tons.*
- *Five Dock Hoists – Four are at the commercial fleet moorage facilities and one is at the international terminal ranging in lifting capability from one to five tons.*
- *Seven Pick-Up trucks ranging from ½ Ton to 2 1/2 tons.*

International Terminal is in the final stages of renovation and is expected to be completed by early 2013. This facility is a multi-use facility serving both the cargo shipping needs and the commercial fishing Distant Water Fleet. The terminal will provide 610 linear feet of berthing for deep draft vessels and barges serving the West Coast and Hawaii as well as small ships serving the Pacific, as well as providing space for the Distant Water Fleet when cargo vessels are not in port. There is also an additional 400 feet of berthing for the fishing industry vessels at the east berth. The Terminal is a 17 acre facility.

SOUTH BEACH DEVELOPMENT AREA

The South Beach Development Area is comprised of the following primary uses:

- *Major recreational (sport) marina made up of 527 slips.*
- *Three Recreational Vehicle Parks (RV) offering a total of up to 224 spaces.*
- *A Marine Operations Center – Pacific (NOAA MOC-P) facility.*
- *A distillery, restaurant, and other smaller retail uses serving Sport and Commercial fishers and visitors.*
- *643 parking spaces in six different locations serving the multi-use South Beach area, exclusive of the 178 spaces that are integral to the MOC-P facility.*
- *Hatfield Marine Science Center of Oregon State University*

The **Sport Marina** has slips ranging in size from 24 to 48 feet in length. Larger vessels can be accommodated at linear tie-ups. The marina has a full multi-lane boat ramp and pay station, transient dock, serviced fuel dock, fresh water hook-ups, a sanitary pump out station and shore power. The other facilities associated with the Marina include:

- *Marina Store and RV Office, Laundry and Activity Center*
- *Public Pier*

Recreation Vehicle (RV) Parks

The Port has three separate areas at the South Beach facility providing space for recreational vehicles; two are fully serviced and the other has no services (except as noted below). The most recent rate increases for the Port's RV parks was in the years 2008, 2009 and 2010. The Port decided it would be prudent to forego rate increases in 2011 and 2012, based on comments received from potential customers and on general economic conditions.

Marina RV Park. This is the largest facility, containing a total of 92 fully-serviced spaces. Services include water, sewer, TV and electrical hook-ups, with a choice of 30-amp or 50-amp service available. All spaces and roadways are paved. Pricing for these sites is $2/night higher than others because of the location and market demand, although the Port offers the Good Sam Club 10% discount for these sites also. The registration office is located at the Marina RV Park; the building includes an activity center (seating capacity = 70 persons) that is available for reservation by groups and the general public. Laundry, shower and restroom facilities are also available at this building. Although site sizes vary to some extent, the Marina RV Park generally contains the largest and most sought-after sites:

- *45 sites are pull-through, about 62 feet long and 16-18 feet wide;*
- *11 sites are pull in, roughly 45-50 in length but wider at 22-25 feet;*
- *11 sites are front-view/back-in, about 34 feet long and 24 feet wide, but units up to 40 feet can locate there and overhang the space, depending on the RV's configuration;*
- *13 sites are other back-ins; these are usually perimeter sites, some near the laundry;*
- *12 sites are shorter pull-in/back-out, generally 35 feet long and 23 feet wide.*

RV Park Annex. This 52-space park is located south of OSU Drive, across the street from the Oregon Coast Aquarium, and is separated from the view of the Marina by the Rogue Brewery parking area and the Dry Camp RV park. The Park can accommodate RVs up to 50 feet in length in some sites. The park has no asphalt paving, but all pads are graveled. All sites are fully serviced (water, sewer, TV and power); a few sites have 50-amp service but most have 30-amp only. All sites are priced the same, and all are back-in (no pull-through). Length and width vary; generally, length of sites is 30-36 feet (some are 25-27 feet) and some are 25-30 feet wide. Users have access to restroom and shower facilities.

Dry Camp. This park has no services except for one public dump station; users have access to the coin-operated laundry facilities. Its lower pricing makes it more popular with some campers, especially during the Independence Day holiday period and during the Wine and Seafood Festival in late February. Site capacity depends upon the size of vehicles and the method of parking, but is probably no greater than 80 RVs.

There are a total of 643 parking spaces at South Beach. These are located adjacent to specific uses. For example, 139 spaces are available to the Rogue Ale Brewery and House of Spirits, 102 spaces to the Dry camping area, 86 to the marina store and 304 for Boat trailer parking and Boat Ramp.

<u>NOAA MOC-P Facilities</u>
The MOC-P facility is located on the north shore of the Port's South Beach development area. On the land side, the facility is comprised of five (5) buildings including:

- Office Building, Warehouse, Guard Building
- Generator Building and HAZ-MAT Storage Building

On the Bay front is 1,300 linear feet of dock designed to accommodate NOAA's fleet of ships. There is also a 224 foot dock for smaller boats. The parking areas accommodate 178 vehicles.

<u>Service Facilities</u>
There are a variety of facilities that provide services to the Port's Multi-Use South Beach development, all associated with the marina, RV parks, recreation and minor retail outlets. These include:

- Six public restrooms, three fish cleaning stations, three picnic areas, four information kiosks, and miscellaneous minor facilities such as a boat washdown, diver shower, and fishing pier.

VII. CONSISTENCY WITH STATE AND REGIONAL PLANS

A. PORTS 2010 – A NEW STRATEGIC BUSINESS PLAN

The Oregon Business Development Commission (OBDC) recently adopted *"Ports 2010: A New Strategic Business Plan for Oregon's Statewide Port System."* The purpose of the Oregon Statewide Port Strategic Plan is to: "Define the State of Oregon's future role, interest and investment in the statewide port system based on a realistic assessment of port markets, and economic and business development opportunities." Building on past planning efforts and lessons learned, the ports' current situations and their future outlook, the state's strategic plan provides a set of recommendations and implementation strategies intended to create a successful business relationship between Oregon's state government and all of Oregon's ports.
The state's goals include:

- *Improve state support and funding for ports to identify and grow their existing business lines.*
- *Identify strategies for Oregon's ports to tap into emerging markets and respond quickly to new opportunities.*
- *Organize the state's programs to facilitate the success of Oregon ports.*
- *Provide education, outreach, training, advocacy and support for ports.*
- *Provide financing programs and investment strategies to improve the ports' ability to pursue existing business lines and net markets.*

The plan also includes a template which is intended to serve as a guide to ports for their Strategic Business Plans. The Port of Newport's Strategic Business Plan has been designed to comply with the state's template.

B. STATEWIDE PLANNING GOALS AND POLICIES

Since 1973, Oregon has maintained a strong statewide program for land use planning. The foundation of the program is a set of 19 statewide planning goals. The goals express the state's policies on land use and on related topics such as natural resources, economic development and transportation. The goals are mandatory and have been adopted as Oregon Administrative Rules (OAR) Chapter 660. Cities and Counties are responsible for complying with Chapter 660 by assuring that their Comprehensive Plans and Development Ordinances fulfill the requirements of the OAR for each Goal.

The Port's responsibility is to coordinate the improvement of its facilities and long range plans with the general purpose government. In some communities, ports have an excellent working relationship with the cities and counties and in others, productive cooperation is often not achieved. As noted later within this section, the relationship between the Port and City of Newport is considered to be excellent.
The Statewide Planning Goals that provide a framework for Port programs in the Newport area especially include:

1. Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*
   The Oregon Administrative Rule Chap.660.009.0000 DIV.9 Economic Development was amended in 2008 and specifies the requirements for complying with the goal. Cities and counties are required to assess the national, state and local trends and inventory their commercial and industrial zoned lands. Based on an assessment of future economic opportunities, the jurisdiction must identify and plan for the number and types of sites that will be required to accommodate the need.

   The Goal 9 planning process is an opportunity for a port to incorporate its vision into various cities' and the county's Comprehensive Plans. By coordinating the port's long range plans with the city and county, future regulatory issues related to commercial and industrial development, have an improved standing with the state and federal agencies. The Department of Land Conservation and Development has been very aggressive in the past two to five years in providing funds to communities to update this section of their Comprehensive Plans.

2. Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*
   Goal 12 refers to "transportation" as the movement of people and goods. The Oregon Administrative Rule Chap.660-012-0000 Division 12 Transportation Planning (filed in August 2002) is directed at all modes including port facilities, airports, railroads and regional pipelines. The rule requires jurisdictions to prepare Transportation Systems Plans (TSPs) that are composed of transportation system planning and transportation project development.

3. Goal 16 – Estuarine Resources: *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries*.

   The Yaquina Bay component of the Lincoln County Estuary Management Plan identifies specific management units based on inventories and characteristics that describe whether the unit shall be managed for natural, conservation or development uses. Where uses are needed that would not otherwise be allowed (such as the outfall and storm drainage for the South Beach development area emptying into a "natural" management unit), a formal public process known as a "goal exception" must be undertaken (and was during the plan's adoption phase) to justify what would otherwise be a conflict with the goal.

4. Goal 17 – Coastal Shorelands: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life*

and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

As with estuarine areas, coastal shorelands within Yaquina Bay are divided into various management units, each based on the underlying characteristics of the area, and with management objectives and policies tailored to the type of unit (natural, conservation or development). As noted in the next section, the Port of Newport's developable property is appropriately designated and protected for development.

C. City and County Policies and Plans

The Port of Newport's land and waterside holdings occur almost entirely within the incorporated limits of the City of Newport, meaning that it is primarily City (and to some limited extent County) plans and policies that may affect the Port's ease of conducting business. For purposes of expediency, this review will focus on policies and plans within those two jurisdictions.

1. **Lincoln County.** The County's Comprehensive Plan does not specifically address the Port of Newport. Section 1.0135, "Economic Policies", includes policies which require the County to "work with port districts…" to "establish clear and concise long range goals" (Policy #8) and "to promote commerce and industry" (Policy #9). The Lincoln County Estuary Management Plan (LCEMP) provides the basis for management of shorelands and estuarine areas, including the properties and location of the Port of Newport, identified in the LCEMP as "Newport Sub-area". The LCEMP has not been through periodic review for a significant time period since its adoption in 1982, but the Plan contains clear requirements that all local governments, including the Port of Newport, will be partners in its update. Part V "Estuarine Use Standards" set forth requirements dealing with structures, dredging, shoreline stabilization, fill, marina and port facilities, dredged material disposal and other activities that affect the Port of Newport's planning and operations.

2. **City of Newport**. The Port of Newport's major landholdings and waterside development are situated entirely within the incorporated limits of the City of Newport. As such, the City's Comprehensive Plan – which also subsumes relevant portions of the Yaquina Bay portions of the Lincoln County Estuary Management Plan – deals specifically with Port of Newport issues on many levels. In the interests of brevity and focus, the following specific sections are noted:

    a. Chapter 5d, "Water Transportation" section of the Transportation chapter, is relatively short in scope; the relevant portion is Table 9 listing needed capital facilities projects for the Port of Newport at the time of preparation of the plan (two decades prior to this Port Strategic Business Plan).

    b. Chapter 5g, "Port Facilities", is a seven-page section that describes the Port's existing facilities, their various conditions, recommended improvements and priorities, although the data in the Plan dates to a CH2M Hill, Inc. report of 1989, "Update of Port Element of Comprehensive Plan".

c. Chapter 7, “Yaquina Bay and Estuary Section”, comprises three parts that each apply to the Port of Newport: it describes the inventory of resources and uses (pulled from the Estuary Management Plan), identifies individual management units with Yaquina Bay and assigns specific management objectives as well as permitted and proscribed uses within each management unit. To summarize the portions most relevant to the Port of Newport:

- The relevant management units for Port of Newport operations are especially Unit #4 (the federal navigation channel and turning basin), Unit #5 (the North Shore to McLean Point) and Unit #7, (South Beach).

- This section also includes two goal exceptions, the second of which is for storm water drainage and outfall for the portion of South Beach that naturally drains into Management Unit 9-A (which would otherwise have been prohibited based on the characteristics and management objectives of Unit #9 when LCDC goal #16 is applied.

- This chapter includes a “Port Development Plan” that is a summary of the previously described 1989 report prepared by CH2M Hill, Inc., identifying “Industry Demands”, “Potential Development of Bay Front Areas”, and “Development Restrictions” (essentially limited funding and environmental regulations).

- Chapter 7 sets forth a goal (“To recognize and balance the unique economic, social, and environmental values of the Yaquina Bay Estuary”) and fifteen policies to implement the goal. Of the fifteen policies, at least the first twelve involve or impact the Port directly, although the Port of Newport is mentioned by name only once (Policy #6, “Protection of Mitigation Sites”) and “Implementation Measure #3” under Policy #15, “Temporary Alterations in Natural and Conservation Management Units”.

- Implementation Measure #3 states “The Port of Newport and the city shall cooperate in the implementation of the Port Development Plan (dated July of 1989) or any other plan adopted by the port and consistent with the city's Comprehensive Plan”.

3. **Assessment.** Part of the State of Oregon’s requirement for conducting a strategic business plan is to “characterize the working relationship of the port with the county, local cities and special districts.” Based on results of focus group meetings held as part of the process to develop this Strategic Business Plan, and especially a telephone interview with the Newport Community Development Director, it is appropriate to characterize the working relationships involving the Port of Newport as “excellent”, primarily through the proactive collaboration and attitude of the Port General Manager. In particular, staff noted that the Port and the City communicate regularly on a range of issues, and that the Port typically contacts the City early on issues. Specific City coordination issues elicited from the interview (some of which also were noted at the focus group meetings) include:

- The City and the Port both own waterfront property, and they have a common interest in how they each manage their properties.

- Likely the most important coordination issue for the City is how the City's investment in new infrastructure is tied to the Port's needs and plans. That is, the City bases some of its investments in (for example) sewer-line and water-line extensions on the Port's plans and proposed projects. The City wants to ensure that the Port actively pursues its proposed projects to fruition to help justify the City's advance investment, especially regarding the "marine related footprint".

- The Port is seen as active in local environmental issues to the extent that it involves the Port's interest; the Port is seen as interested in and serious about mitigation, such as their planting of eelgrass.

- Public perception of the Port's environmental values, policies and practices has improved slightly based on improving values at the Port.

- The Port should continue active discussions with the City of Newport regarding the future of the Newport Municipal Airport and the Port's role.

- The public would probably accept seeing the port consider large vacant industrial property holdings with the idea of purchase.

- The City recognizes that its plan components regarding port facilities are dated, and expects to incorporate especially the capital facilities planning components into future updates of the City's Comprehensive Plan.

APPENDIX A EXISTING CONDITIONS ASSESSMENT

A. POLICIES AND PROCEDURES

1. **Port Commission.** The Port is in the process of updating its policy document entitled "Commission Duties and Responsibilities" adopted in May, 1993. The policy document clearly specifies the Port Commission's policy-making role and line of overall authority, and delegates administrative functions to its General Manager. The policy document thoroughly covers matters appropriate to the proper functioning of the Port of Newport, particularly the authority and limitations of the Port Commission, and sets forth clear rules for the conduct of a Port Commissioner.

2. **General Administration.** The Port's principal administrative document, published in booklet form as "Ordinance No. 1 – 1991" is under revision by Port staff. Completion of a draft for Port Commission review is expected before the end of the current fiscal year. Ordinance No. 1 was adopted January 22, 1991, and modified March 23, 1993 by Ordinance No. 2 – 1993 (relating to delinquent accounts and to the Port's ability to secure a vessel or property without prior notice to the owner). The document provides clear, published rules and regulations for moorage and harbor services, operation of harbor facilities, and rules and fee schedules specific to South Beach Marina and to the RV Park. The Port utilizes the availability and expertise of Special District Association of Oregon (SDAO); SDAO annually does risk evaluations of operations and provides a written report to the Port. The central office is in the process of ensuring that it has a copy (physical or on computer) of every facilities written procedures, although that process is not yet at completion.

3. **Finance and Personnel.** The Director of Finance also serves as the personnel officer and maintains an extensive set of policies on the full range of accounting procedures (such as accounts payable and receivable, payroll, internal controls, records retention and others), public finance and contracting, and personnel procedures. Most of these policies are housed in computer files rather than print form.

4. **Port Facilities.** Each of the Port's major public facilities has standard operating procedures for safe equipment operation, even down to details of the kind of clothing that should be worn for each kind of equipment (for example, use of a chain saw versus a drill press). Each facility maintains a spill response plan; the central office has a copy of all such plans. The Port is preparing an overall "Emergency Response Plan", to include items such as evacuation procedures in public emergencies; a final draft is currently being reviewed by the Port Commission. This document is scheduled to be finalized by the end of 2012. Each facility provides a representative to the Port's Safety Committee, which meets monthly.

5. **Assessment.** Although the Port does not maintain one single overarching "policy document", (a) the Port Commission by rule and by practice appears to understand its role as policy maker; (b) staff maintains a variety of policy documents and appears to utilize them as a means of implementing Port Commission direction; and (c) the Port is moving toward having one centralized site that will have a copy of all policies and procedures. One area where the Port would benefit from additional

clarity in policy form is Port Commissioner training and staff development. The Port Commission's "Duties and Responsibilities" document mentions Commissioner training, but it is passive rather than directive, leaving training up to the volition of each particular Commissioner. Although there is sentiment in favor of staff development, there is no clear policy supporting it, no description of the circumstances and extent to which it could be accomplished, nor any identification as to how it could be funded.

B. OPERATIONS

General Comments.

1. **Maintenance.** Maintenance workers are out in the elements all day, every day, regardless of the weather; maintenance workers and working facility managers account for twelve employees out of a total port staff of twenty personnel. Port staff maintains all leased buildings (such as roofs and windows); contracted labor has been increased over the last 10 years to the point that it is now estimated by staff to be approximately 40% in the categories of landscaping, painting and janitorial. The Port developed a "Facilities Maintenance Plan – Draft" detailing major assets for each facility, the various maintenance projects needed, and estimated costs, but the document has not been updated since Fiscal Year 2007/2008.

2. **Management and Administration.** The General Manager has five direct reports, including the Director of Finance, Administrative Assistant, Special Projects Manager, NOAA MOC-P facility, and Project Manager/Engineer Technician (to whom the two harbormasters and the International Terminal Manager report). Typical of other similar sized ports, some members of the staff move to the busier facility (South Beach Marina) part of the week during the summer season. The Director of Finance also splits his time at each of the marina facilities to provide increased staff coverage and assistance.

3. **Commercial Fishing Facilities and Services.** The Port of Newport utilizes separate harbormasters for each of their two marina facilities. Normally, the Commercial Marina complex includes four other maintenance staff plus the harbormaster. Maintenance employees are moved to other facilities when a project or seasonal demand requires it; for example, one of the Commercial Marina maintenance employees is temporarily assigned to South Beach to help complete repairs to G Dock. Typical routine maintenance includes repairs to water lines, electrical lines, cleats, and pump-aheads, plus staying current with dumpsters and bathroom cleaning and similar tasks. However, as much as 75% of staff time is estimated to be devoted to running the hoists and fork lift equipment for the fishing community. The Port charges an hourly tie-up fee for boats at the hoist dock, and charges $42.50/hour for fork lift use (more for crane work). Staff performs monthly (or more frequent) inspections of the crab pot and gear storage area to ensure compliance with storage and fee revenue requirements.

   Major upcoming projects requiring substantial staff time includes maintenance dredging as well as dock repair/replacement. (The Port has removed several hundred feet of dock footage over the last few years because of significant

deterioration of steel piling.) Port staff would not perform the dredging, but would likely be required to move finger docks out of the dredge's way, and would also perform much of the dock repair, except for pile-driving.

Most Port administrative activities are housed at the Commercial Marina offices. This office receives fewer customer service requests at the office than the South Beach facility, although maintenance staff members are frequently in customer contact throughout the facility. The Port recently began, in cooperation with the Hatfield Marine Science Center (HMSC) and OSU Sea Grant, a "Working Waterfront" docents program using uniformed volunteers who help answer many tourists' questions about operations and usage at the Port's facilities. The program is not only popular with tourists but also enables staff (and commercial fishers) to share the use of the Port Dock One facility with preference to the commercial fishing industry

4. **RV Facilities and Sports Marina at South Beach.** Facility staff housed at the RV Facility office includes an office manager, full-time clerk, and part-time clerk, plus the Director of Finance splits his time between the North and South facilities as needed. Maintenance staff normally comprises the harbormaster plus three full-time maintenance staff, supplemented in the busy summer season with temporary help. Port employees are currently rebuilding G-Dock so that it can be reopened for customers. G-dock work by staff includes replacing utilities and walers, and reattaching finger docks. In order to complete the work, Port staff devotes three days of activity per week to G-Dock; this project takes time away from other routine maintenance activities, which include cleaning/emptying dumpster, fish dumpster, fish cleaning and filleting stations, and laundry facilities (two separate locations in the Marina). Customer service calls may account for less than 5% of weekly activity, depending on the season. Most of the customers contact the office with their requests, where the maintenance need is entered into a log book that is checked daily by maintenance staff. Some activities are performed by private firms. For example, a janitorial service cleans the restrooms, major landscaping services are typically hired once per year for vegetation spraying and removal, and the Port's fuel facility is leased and run by private operators.

5. **International Terminal.** The Terminal Facility Supervisor does the crane work on site, servicing the commercial fishing fleet, including responsibility for berthing of vessels tying to the dock. When the Distant Water Fleet is in, the manager may spend as much as 90% of his time on the crane, assisting for example with gear removal and change; the Supervisor also operates forklifts and other equipment to provide service to the fleet with storage and other needs, and is responsible for maintenance of facilities and equipment. When Terminal renovations are completed, duties will include working with the Stevedores, Longshoremen and major lessees at the Terminal to facilitate safe and effective handling of cargo.

6. **NOAA MOC-P Facility.** This facility has a separate full-time manager. The agreement between NOAA and the Port specifies that the Facility Manager will conduct frequent inspections of major components, such as HVAC system, emergency generators, and docks to maintain full functionality. Maintenance

includes both physical actions (for example, janitorial) and also preventative maintenance through scheduled inspections. The manager utilizes a software program to assist in keeping track of scheduled maintenance and monitoring activities at the facility. The facility manager is also the lead at the Port to initiate and implement use of a software program of similar capability to establish software database maintenance schedules for all Port assets and facilities.

Assessment.

1. Staffing structure. Operations in a heavily utilized harbor require constant staff attention to routine and preventive maintenance, both for user safety and for "maintaining" revenue flows. The Port's prime location near the salt air environment of the ocean simply hastens the deterioration and maintenance needs of fixtures and equipment. Most of the Port's staffing structure appears properly weighted toward physical operations and maintenance; this includes not just the maintenance crews and their working supervisors, but also the accounting staff that also serves heavy customer demands at the two marina facilities. Port management mobilizes staff from one Port facility toward another, as needed. The Port also focuses on operational safety for users, removing (for example) several sections of Commercial Marina docks because of deteriorated steel pilings.

2. Facility cost versus revenue issues. Dock sections removed for safety reasons represent lost revenue opportunities, assuming that new revenues would amortize replacement costs over a reasonable time period. There are, however, no funds budgeted or identified to acquire the needed dock materials and piling and to pay for pile driving services. Later sections of this Strategic Business Plan will indicate whether revenues from the commercial marina have kept pace with commercial marina costs. It appears from existing Port documents that South Beach Marina rate increases have significantly outpaced rate increases for the Commercial marina and its operational costs.

3. Priorities and Focus**.** The Capital Facilities Plan process now underway will help the Port identify and prioritize longer term capital replacement items such as deteriorated steel piling. In the meantime, the priority of maintenance staff activities has been to focus on the reconstruction of the docks at South Beach, and to maintain services to the commercial fishing fleet. Over the past several years, Port administration and Commission has sharply focused on the successful completion of two major projects, the NOAA MOC-P facility and International Terminal. These projects not only will provide a dynamic boost to the Newport economy but have also garnered positive state-wide attention to the community of Newport, in no small part because of the Port's ability to garner significant community and state-wide financial support. Now that one project is complete and the other nearly so, the Port can utilize the Strategic Business Plan process underway to refocus its efforts on the noted maintenance and revenue issues.

APPENDIX B DETAIL OF FINANCIAL CONDITION

The Port of Newport's financial profile has changed significantly over the last few years, as major capital improvements such as the NOAA MOC-P and International Terminal have boosted capital assets as well as long term liabilities through bond issuance. The Port's total net assets at the end of the 2011 Fiscal Year was just over $49.3 million, reflecting assets of $95.5 million and liabilities of $46.2 million.

SUMMARY OF NET ASSETS
AT END OF FISCAL YEAR
(Thousands)

	Port-Wide			Net Change		
	2009	2010	2011	09-10	10-11	09-11
ASSETS						
Cash and Investments	$9,492	$22,482	$18,272	$12,990	($4,210)	$8,780
Other Assets	$447	$466	$1,409	$19	$943	$962
Capital Assets	$12,336	$38,999	$75,837	$26,663	$36,838	$63,501
Total Assets	$22,275	$61,947	$95,518	$39,672	$33,571	$73,243
LIABILITIES						
Current Liabilities	$1,105	$15,148	$3,338	$14,043	($11,810)	$2,233
Long-Term Liabilities	$13,271	$12,819	$42,826	($452)	$30,007	$29,555
Total Liabilities	$14,376	$27,967	$46,164	$13,591	$18,197	$31,788
NET ASSETS						
Invested in Capital Assets						
Net of Related Debt	$6,489	$29,760	$43,475	$23,271	$13,715	$36,986
Restricted	$390	$2,978	$2,242	$2,588	($736)	$1,852
Unrestricted	$1,020	$1,242	$3,637	$222	$2,395	$2,617
Total Net Assets	$7,899	$33,980	$49,354	$26,081	$15,374	$41,455

SOURCE: Audited Financial Statements, Fiscal Years Ended June 30, 2011, June 30, 2010 and June 30, 2009

The Port's land assets have increased across the board, with the exception of equipment, which declined slightly due to depreciation. Much of this shift is associated with a change in the valuation methodology for land as opposed to net new acquisitions or escalation. Total capital assets at FYE 2011 were $63.5 million higher than at FYE 2009.

SUMMARY OF CAPITAL ASSETS
FISCAL YEAR ENDING JUNE 30TH
(Thousands)

	Total Port			Net Change	
	2009	2010	2011	09-10	10-11
NON-DEPRECIABLE ASSETS					
Land	$2,732	$20,222	$20,222	$17,490	$0
Construction in Progress	$3,348	$12,716	$29,206	$9,368	$16,490
Total Non-Depreciable Assets	$6,079	$32,937	$49,427	$26,858	$16,490
DEPRECIABLE ASSETS					
Land Improvements	$9,548	$9,548	$18,261	$0	$8,714
Buildings & Docks	$12,023	$12,167	$23,209	$144	$11,042
Equipment	$825	$789	$789	($36)	($0)
Total Depreciable Capital Assets	$22,396	$22,504	$42,259	$108	$19,755
LESS ACCUMULATED DEPRECIATION					
Land Improvements	($6,568)	($6,719)	($6,690)	($151)	$29
Buildings & Docks	($9,168)	($9,410)	($8,840)	($242)	$570
Equipment	($404)	($313)	($320)	$90	($7)
Total Depreciable Capital Assets	($16,139)	($16,442)	($15,849)	($303)	$593
Total Capital Assets	$12,336	$38,999	$75,837	$26,664	$36,838

SOURCE: Audited Financial Statements, Fiscal Years Ended June 30, 2011, June 30, 2010 and June 30, 2009

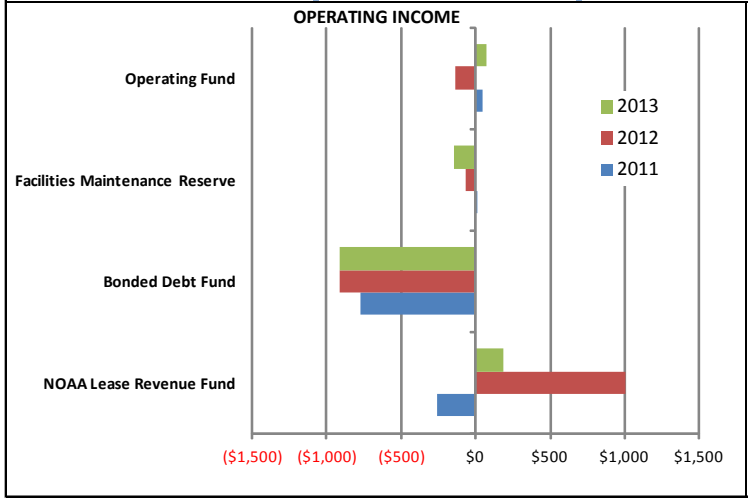
The Port of Newport uses the accrual method of accounting to track operations. Operating activities at the Port are curently reported using five funds, which are as follows:

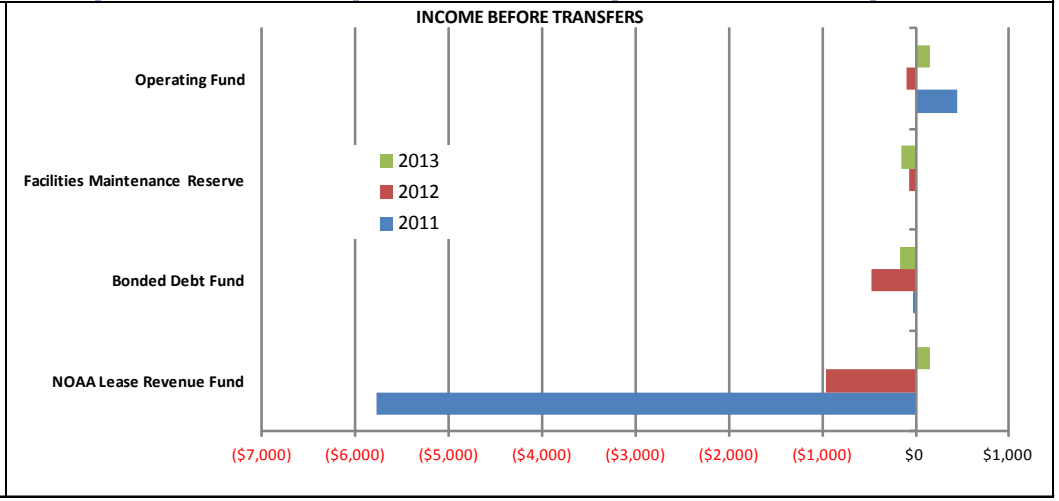
- **NOAA Lease Revenue Fund** - This fund accumulates revenues from NOAA's lease payments, and funds operating expenses and debt payments associated with the NOAA facility.
- Bonded Debt Fund - This fund is used to receive dedicated property taxes to repay the general obligation bonds for the Newport International Terminal.
- Facilities Maintenance Reserve Fund - This fund is relatively new, and is intended to meet the requirements of the facilities maintenance plan, as well as to meet unforeseen or emegerncy occurances.
- Construction Fund - This fund includes expenditures from the International Terminal Project. The fund will be collapsed into the General Operating Fund following completion of the terminal.
- Operating Fund - Most of the Port's operations are included as part of the Operating Fund.

As outlined in the next two pages, the Port's operations are largely funded by operating revenues and grants, with property taxes accounting for only a modest share of operating fund revenues. For this fiscal year it is budgeted at 2.43%, or approximately 2.7% if grants are taken out of the equation, and roughly 3% without grants and shipping. Historically, the percentage has been closer to 3%.

SUMMARY OF OPERATING ACTIVITIES
FOR THE FISCAL YEAR ENDING JUNE 30
(Thousands)

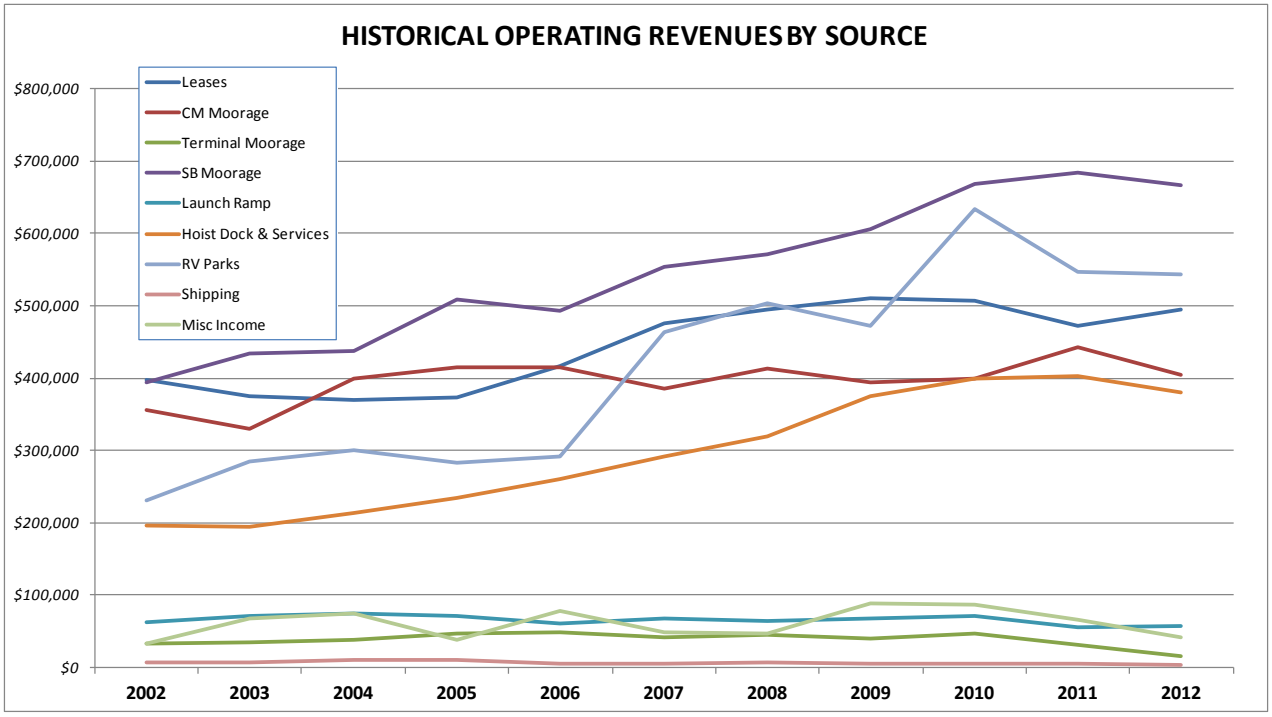
	NOAA Lease Revenue Fund			Bonded Debt Fund			Facilities Maintenance Reserve			Construction Fund			Operating Fund			Net Change	
	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	11-12	12-13
REVENUE																	
Operating Revenues	$422	$2,533	$2,533	$5	$2	$2	$0	$0	$0	$43	$21	$4	$2,708	$2,648	$3,179	($60)	$532
Non-Operating Revenues																	
Property Taxes				$745	$443	$752							$82	$88	$87	$6	($0)
Grants	$500												$3	$3	$314	$1	$311
Interest	$110	$15	$12										$8	$3	$3	($5)	($0)
Gain from Sale of Assets													$0	$1	$13	$1	$12
Bond Proceeds	$23,863									$5,394			$0	$0	$0	$0	$0
Loan Proceeds										$800	$300	$3,400	$469	$0	$0	($469)	$0
Total Revenue	$24,896	$2,548	$2,545	$749	$445	$754	$0	$0	$0	$6,237	$321	$3,404	$3,270	$2,743	$3,596	($527)	$531
EXPENSES																	
Operating Expenses	$681	$1,530	$2,350	$782	$918	$918		$66	$147	$0	$0	$0	$2,665	$2,787	$3,105	$122	$318
Non-Operating Expenses	$29,989	$1,973	$45	$0	$0	$0		$0	$0	$6,960	$8,164	$4,379	$155	$57	$337	($99)	$281
Total Expenses	$30,671	$3,503	$2,395	$782	$918	$918	$0	$66	$147	$6,960	$8,164	$4,379	$2,820	$2,844	$3,442	$24	$598
SUMMARY																	
Operating Income	($259)	$1,004	$183	($777)	($916)	($916)	$0	($66)	($147)	$43	$21	$4	$43	($139)	$75	($183)	$214
Income Before Transfers	($5,775)	($954)	$150	($33)	($473)	($163)	$0	($66)	($147)	($723)	($7,842)	($975)	$450	($101)	$154	($551)	$255
Capital Contributions	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Transfers/Net	$26	($1,100)	($150)	$9	$8	$8	$0	$44	$125	$2,596	$0	$500	($469)	($44)	($125)	$425	($81)
Change in Assets	($5,749)	($2,054)	$0	($24)	($465)	($155)	$0	($22)	($22)	$1,874	($7,842)	($475)	($19)	($145)	$29	($126)	$174



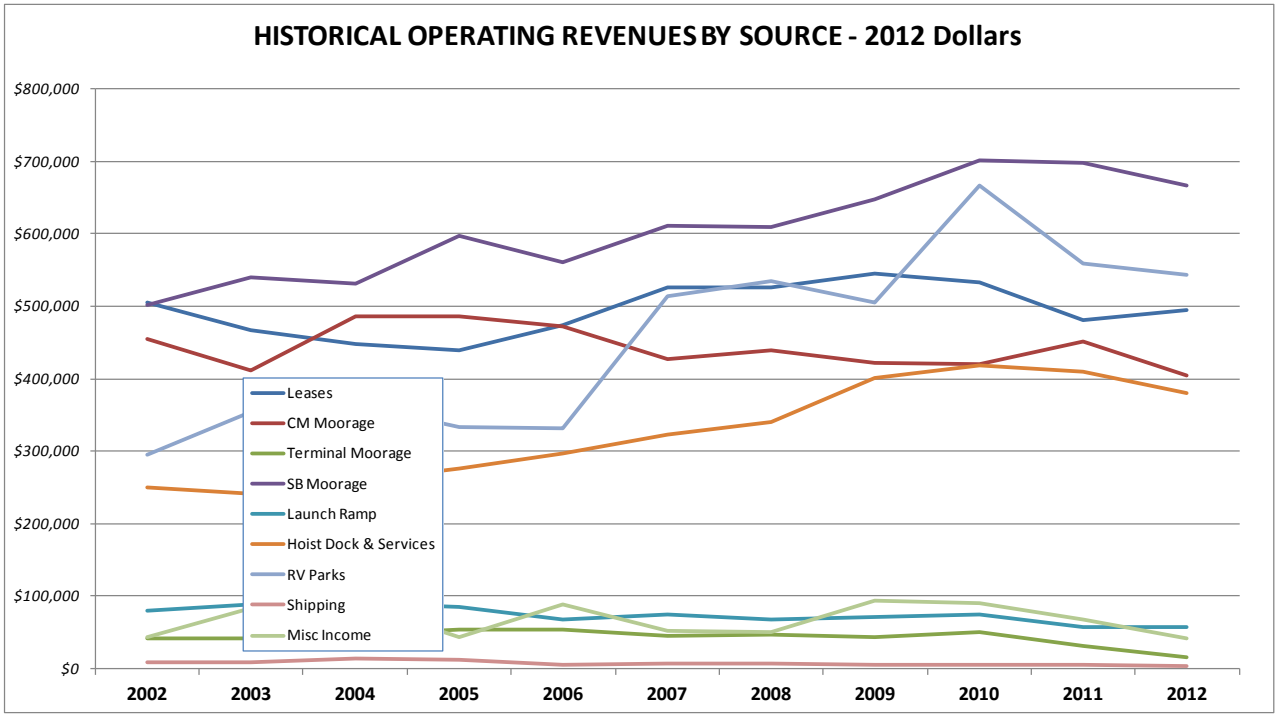


SOURCE: Audited Financial Statements, Fiscal Years Ended June 30, 2011, estimated numbers through June 30, 2012 and Proposed 12-13 Budget

In nominal terms, growth in operating revenues for the Port have historically been derived primarily from the sport marina, RV Parks, launch ramp and hoist dock and services.



When adjusted for inflation, other sources of income have remained steady or declined in the last decade.



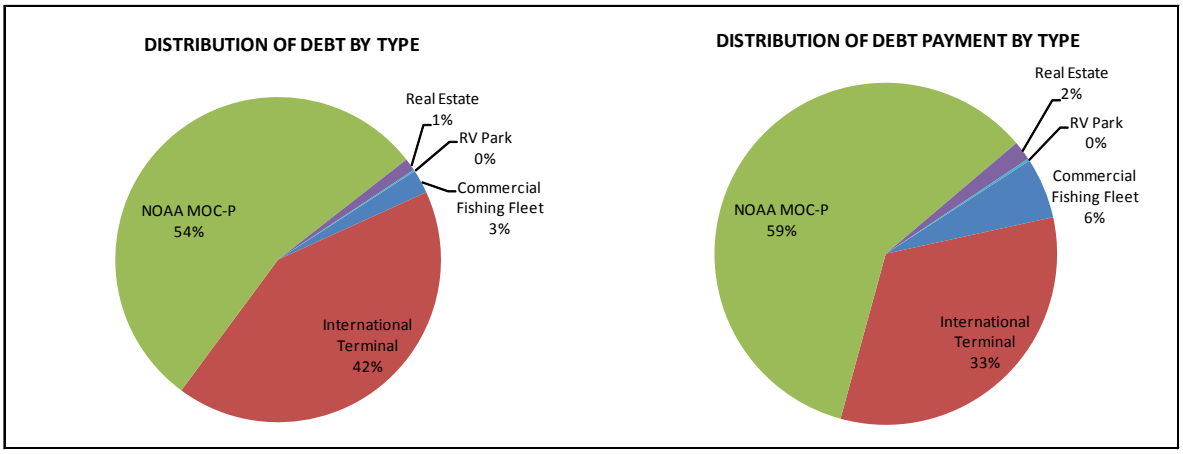
Port operating revenues have grown sharply in the sport marina, RV Park and from commercial leaes, while revenues from the commercial marina have been constant. The Port has seen considerable historic growth in revenues from the hoist dock and other services. The terminal moorage and launch ramp revenue have been flat historically, but terminal revenue should increase sharply following completion of the new facility.

As noted previously, the Port's long term debt liabilities have grown substantially, primarily attributable to the NOAA MOC-P revenue bonds and general obligation bonds for the International Terminal.

SUMMARY OF LONG TERM DEBT OBLIGATIONS
PORT OF NEWPORT

	Initial Amount	6/30/12 Principal	Maturity Date	FY 2013 Payment	Description of Use
PORT REVOLVING LOAN FUND					
Loan #153	$163,080	$21,386	4/15/2013	$21,383	Construction of storage facilities for fishing industry. Construction completed in FY 1999
Loan #161	$202,984	$101,428	6/15/2019	$17,852	Industrial buildings at South Beach, currently leased to Oregon Brewing Company.
SPECIAL PUBLIC WORKS LOAN					
Loan #L93111	$787,440	$787,440	7/15/2013	$65,157	Consolidation loan
Loan #L93012	$298,500	$54,909	7/15/2013	$30,103	Commercial dock rehabilitation, Port Docks 3, 5 & 7
Loan #L00012	$86,683	$66,531	12/1/2024	$7,520	Terminal dock remediation and geotechnical investigation. Match for grant.
Loans # J05005 & X06001	$3,248,139	$66,531	12/1/2024	$7,520	RV Park expansion and improvements
Loan #L12005	$3,000,000	$2,624,942	12/1/2024	$227,700	Newport International Terminal Dock
EPA COALITION BROWNFIELD LOAN					
Loan #Q10001	$1,500,000	$1,300,000	6/30/2032	$0	Remediation of petroleum and non-petroleum hazardous materials at International Terminal. $200,000 in loan forgiveness, zero interest through 6/30/13, interest only through 7/1/13.
SDAO FLEX LEASE					
2003 Series F	$121,000	$15,000	12/1/2013	$15,345	Rehabilitation of Port Dock 5
OREGON COAST BANK					
30 T Mobile Crane	$315,955	$156,298	11/15/2015	$51,251	Mobile Crane
9 T Forklift for Terminal	$44,046	$5,156	11/1/2012	$5,156	Terminal Forklift
Terminal Buildings	$465,811	$448,236	7/15/2025	$43,295	Terminal Buildings
TOYOTA FINANCIAL SERVICE					
Capital Lease	$33,038	$12,420	11/1/2013	$9,183	Forklift for Commercial Marina
GENERAL OBLIGATION BONDS					
Series 2007	$5,000,000	$4,550,000	12/31/2036	$291,778	Newport International Terminal Dock
Series 2008	$5,000,000	$4,620,000	12/31/2037	$228,290	Newport International Terminal Dock
Series 2011	$5,452,000	$5,440,000	12/31/2040	$337,455	Newport International Terminal Dock
REVENUE BOND					
Series 2010	$24,095,000	$24,095,000	7/1/2023	$1,998,759	NOAA MOC-P Facility
TOTAL					
Commercial Fishing Fleet	$1,719,013	$1,047,453		$192,422	Dock Rehabilitation, Equipment, Storage
International Terminal	$20,082,729	$18,606,629		$1,097,899	Construction, Equipment, Remediation
NOAA MOC-P	$24,095,000	$24,095,000		$1,998,759	Construction
Real Estate	$668,795	$549,664		$61,147	Construction
RV Park	$3,248,139	$66,531		$7,520	Expansion and Improvements
Total	$49,813,676	$44,365,277		$3,357,747	

The NOAA MOC-P accounts for 54% of overall debt, while the International Terminal accounts for 42%.



The recent performance of the General Operating fund provides limited information for projecting revenues, as the construction of NOAA MOC-P and the International Terminal have distorted income and expense streams.

	General Operating Fund FYE					Net Change	
	2009	2010	2011	2012	2013	11-12	12-13
REVENUES							
Property Taxes	$72,739	$76,021	$82,016	$87,827	$87,402	$5,811	($425)
Moorage	$1,551,774	$1,115,149	$1,158,584	$1,133,542	$1,128,012	($25,042)	($5,530)
Leases		$506,456	$472,464	$487,783	$689,854	$15,319	$202,071
Shipping Terminal	$4,961	$4,448	$5,109	$4,186	$323,596	($923)	$319,410
Hoist Dock & Services	$374,583	$398,616	$402,085	$393,951	$381,150	($8,134)	($12,801)
RV Park Revenues	$471,990	$634,010	$547,668	$528,541	$530,535	($19,127)	$1,994
Launch Ramp	$67,268	$70,480	$56,098	$56,000	$56,000	($98)	$0
Miscellaneous Income	$88,966	$79,537	$52,981	$43,767	$55,300	($9,214)	$11,533
Interest Income	$22,383	$12,033	$8,293	$3,369	$3,000	($4,924)	($369)
Sales - Property & Dredge Materials	$16,784	$978	$0	$841	$12,620	$841	$11,779
Pass Thru Revenue		$6,851	$13,000	$0	$15,000	($13,000)	$15,000
Grants	$78,700	$22,911	$2,643	$3,222	$313,816	$579	$310,594
Loans	$44,046	$33,039	$469,049	$0	$0	($469,049)	$0
Total Revenue	$2,794,194	$2,960,529	$3,269,990	$2,743,029	$3,596,285	($526,961)	$853,256
EXPENSES							
Personal Services	$1,114,179	$1,097,138	$1,061,775	$1,099,475	$1,056,331	$37,700	($43,144)
Materials and Services	$1,108,170	$1,084,468	$1,098,751	$1,172,759	$1,545,004	$74,008	$372,245
Capital Outlay	$170,062	$96,538	$155,226	$56,693	$337,443	($98,533)	$280,750
Debt Service	$467,221	$471,570	$504,085	$514,702	$503,234	$10,617	($11,468)
Total Expenses	$2,859,632	$2,749,714	$2,819,837	$2,843,629	$3,442,012	$23,792	$598,383
SUMMARY							
Income Before Transfers	($65,438)	$210,815	$450,153	($100,600)	$154,273	($550,753)	$254,873
Transfers	($67,000)						
Bonded Debt Fund		($68,540)					
Facilities Maintenance Reserve Fund		($13,454)		($44,213)	($125,000)		
Construction Fund			($469,049)				
NOAA Lease Revenue Fund		($50)	($26)				
Change in Assets	($132,438)	$128,771	($18,922)	($144,813)	$29,273		
Beginning Fund Balance	$505,840	$373,402	$502,173	$483,251	$338,438		
Ending Fund Balance	$373,402	$502,173	$483,251	$338,438	$367,711		

SOURCE: Audited Financial Statements, 2011-12 estimates and 2012-13 Budgets

Another useful exercise to understand Port operations is to break down the operations by general business units. As outlined in the following tables based on the Fiscal Year 2012-13 budget, the Port generates positive operating cash flow from the RV Park and Sport Marina, while the commercial moorage operates at a modest loss. The losses associated with the International Terminal reflect the ongoing construction, and are expected to be offset by revenues when fully operational. The NOAA facilities are designed to operate with a small annual surplus.

PORTWIDE			
Operating Revenues	$3,133.0	Operating Expenses	$2,636.0
Property Taxes	$875.0	Other	$825.0
Grant/Loan Proceeds	$14,712.0	Transfers	
Interest	$123.0	Total Expenses	$3,461.0
Gain/(Loss) on Sales	($8.0)		
Total Revenues	$18,835.0	Net Change in Assets	$15,374.0

GENERAL OPERATIONS			
Operating Revenues	$55.3	Operating Expenses	
Property Taxes	$80.7	Debt Service	
Grant/Loan Proceeds	$313.8	Transfers	
Transfers		Total Expenses	$0.0
Gain/(Loss) on Sales	$125.6		
Total Revenues	$575.4		

COMMERCIAL MARINA			
Moorage Revenue	$604.3	Operating Expenses	$615.7
Storage/Services Revenue		Debt Service	$192.4
Grants		Transfers	
Transfers		Total Expenses	$808.1
Total Revenues	$604.3		

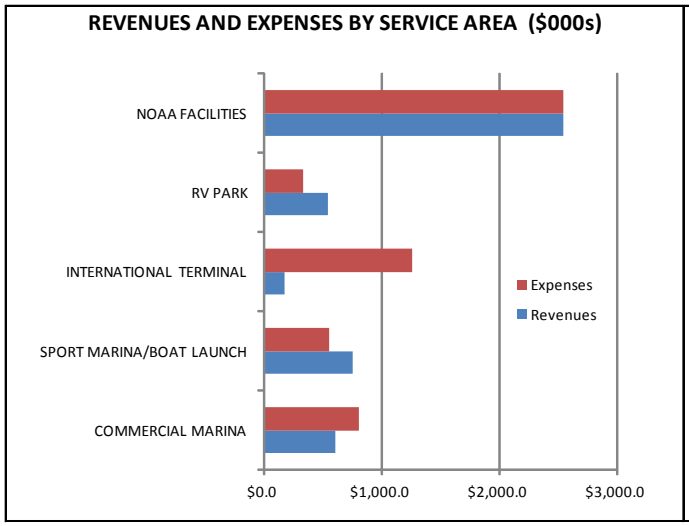
INTERNATIONAL TERMINAL			
Terminal Operations	$180.8	Operating Expenses	$169.1
Storage/Services Revenue		Debt Service	$1,097.9
Grants		Transfers	
Transfers		Total Expenses	$1,267.0
Total Revenues	$180.8		

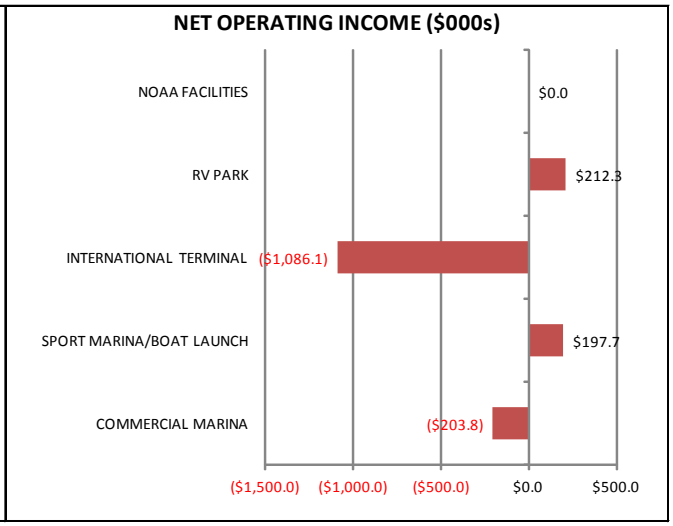
SPORT MARINA/BOAT LAUNCH			
Moorage Revenue	$755.1	Operating Expenses	$557.4
Launch Ramp		Debt Service	
Grants		Transfers	
Transfers		Total Expenses	$557.4
Total Revenues	$755.1		

RV PARK			
Operating Revenue	$544.4	Operating Expenses	$324.6
Storage/Services Revenue		Debt Service	$7.5
Grants		Transfers	
Transfers		Total Expenses	$332.1
Total Revenues	$544.4		

NOAA FACILITIES			
Lease Revenues	$2,532.9	Operating Expenses	$351.2
Other Revenue	$12.0	Capital Outlays	$44.9
Grants		Debt Service	$1,998.8
Transfers		Transfers	$150.0
Total Revenues	$2,544.9	Total Expenses	$2,544.9

REAL ESTATE				
Lease Revenue	#	$605.7	Operating Expenses	$1,163.9
Other Revenue			Debt Service	$61.1
Grants			Transfers	
Transfers			Total Expenses	$1,225.1
Total Revenues		$605.7		





While the Port currently provides operating statements that are consistent with accounting practices, we would recommend that management statements are also prepared that evaluate the operations of the Port based on a breakdown by business unit, with administrative costs allocated to the extent possible. The following diagram outlines a potential series of units that appear to be consistent with the current tracking of data at the Port.

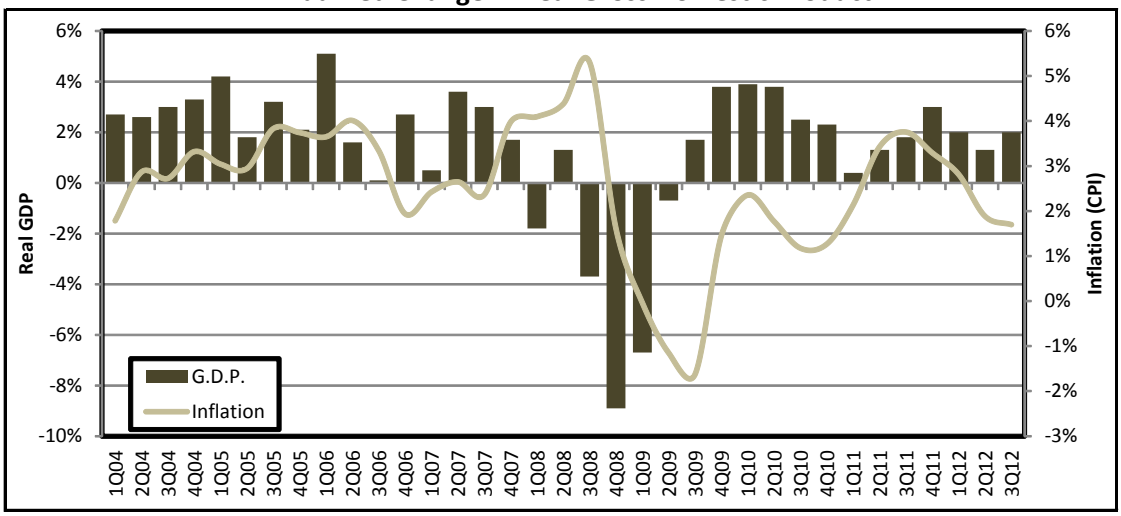
APPENDIX C ECONOMIC AND MARKET TRENDS

A. NATIONAL TRENDS

Real Gross Domestic Product

Economic activity in the United States has continued to expand a modest pace throughout 2012. Initial "advanced" estimates of GDP came in at a 2.0% annualized for the third quarter, while second quarter estimates were revised downward to only 1.3%. According to the Bureau of Economic Analysis, "The increase in real GDP in the third quarter primarily reflected positive contributions from personal consumption expenditures (PCE), federal government spending, and residential fixed investment that were partly offset by negative contributions from exports, nonresidential fixed investment, and private inventory investment. Imports, which are a subtraction in the calculation of GDP, decreased.[3]"

Annualized Change in Real Gross Domestic Product



SOURCE: Bureau of Economic Analysis

While growth has remained positive, and threat of a recessionary turn remains subdued, the national economy continues to suffer from tepid hiring and exceedingly lackluster capital investment. On-going uncertainty about the future continues to drive the status quo; specifically the protracted European Debt Crisis, economic deceleration in Asia, and most importantly the clarity of long-term domestic fiscal policy (the "Fiscal Cliff).

In light of exhibited growth and long-term inflation estimates stuck below the Fed's dual mandate targets, the Federal Open Market Committee (FOMC) moved in the third quarter to provide additional accommodative stimulus through balance sheet expansion (QE3). In doing so, the Fed committed to open ended purchases of mortgage-backed securities at a rate of $40 billion per month. The FOMC further committed to continue its maturity

[3] Bureau of Economic Analysis. National Income and Product Accounts, 3Q12 Advanced Estimate, Released October 26, 2012

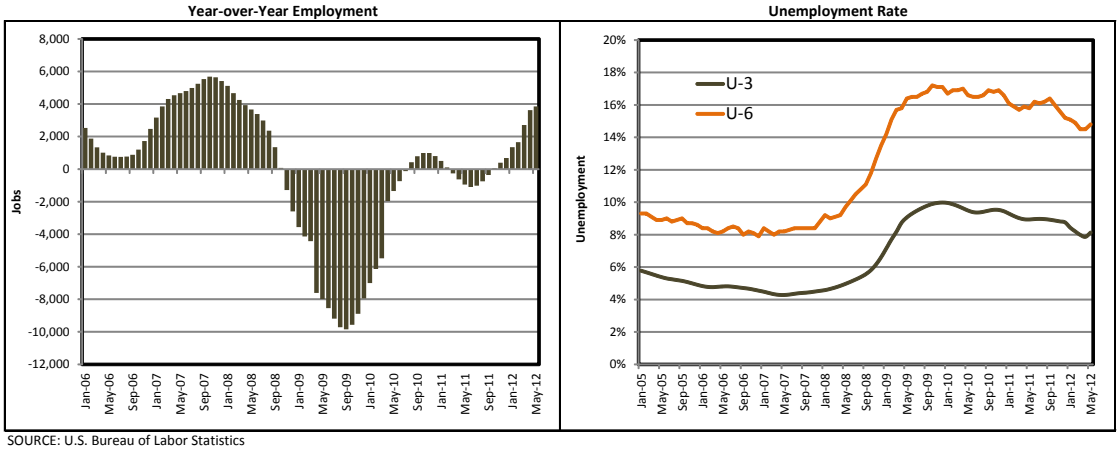
extension program (Operation Twist) and to keep the Federal Funds Rate near zero for the foreseeable future.

While the extent this monetary accommodation translates into economic expansion is a debated issue among academics, it is intended to provide strength to a sluggish recovery. And that is the outcome expected by both the Federal Reserve and the Blue Chip[4] consensus survey, which forecasts Real GDP growth in the vicinity 2.2% to 2.8% in 2013.

Employment & Labor Force

From peak to trough, nonfarm payroll employment in the United States fell by over 7.7 million jobs during the "Great Recession". This recession has been notably characterized for its depth and duration, a characteristic which international examples show are a common result of financial crises. During this period the unemployment rate rose to over 10% with the more broadly defined U-6 metric exceeding 17%[5]. The unemployment rate would likely have been significantly higher had there not been an unusually large decline in labor force participation.

However, the nation's employment situation has begun to slowly improve. In the first half of 2012, non-farm payrolls rose by an average of roughly 200,000 per month in the first quarter and 70,000 per month in the second quarter. The economy has regained nearly 2.8 million jobs and the unemployment rate has fallen back to 7.8%.



SOURCE: U.S. Bureau of Labor Statistics

Factors Affecting National Economic Conditions

- Housing: Housing has emerged as a surprising strong point in the national economy after several years in the doldrums. The majority of data indicates that the housing market has turned the corner, with a slow drawing down of excess inventory. Fixed residential investment is expected to provide some much needed support to the economy in coming years.

4 Monthly survey of over 50 leading business economists from banking, insurance, manufacturing, and brokerage industries.

5 U-3 = The total unemployed as a percentage of the labor force. It is the official unemployment rate.
U-6 = Total unemployed, plus all persons marginally attached to the labor force, plus total employed part time for economic reasons, as a percent of the civilian labor force plus all persons marginally attached to the labor force.

- Business Investment: Real business investment grew strongly in the first half of 2012, reaching an annualized rate of 6.4% through the first two quarters. This input is expected to maintain above average growth through the year. However, businesses are facing competing dynamics, with favorable borrowing conditions offset by the uncertainty of future fiscal conditions (see "Policy" below).

- Government Spending: Reductions in government spending continue to be a drag on the economy, and will likely continue to do so in the near future with on-going political pressure toward fiscal austerity.

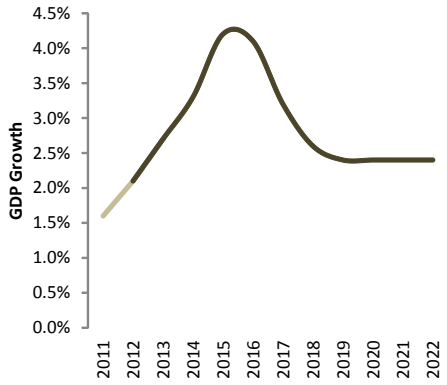
- Policy: The direction of future fiscal policy will perhaps have the greatest impact on economic conditions seen in some time. The scheduled expiration of current tax cuts in addition to spending provisions in the 2011 Budget Control Act (broadly referred to as the "fiscal cliff") would severely impact near-term growth. Just the threat of such dramatic policy action is already weighing on business investment.

- Consumer Spending: Consumer spending has remained weak reflecting high unemployment and stagnate disposable income growth. Consumer will certainly be impacted by whether or not the Bush Tax Cuts are allowed to expire in 2014.

- External Shock: The extent to which the European Recession and financial crisis and slower economic growth in Asia impact U.S. growth.

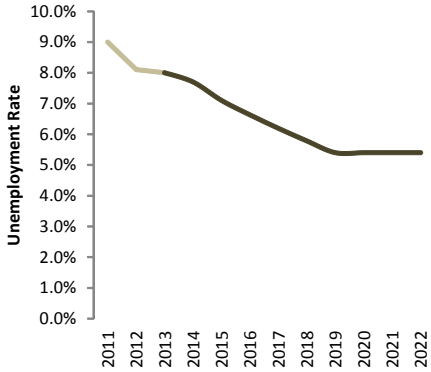
National Economic Outlook

Over the longer term, the pace of economic growth is expected to accelerate moderately following 2013. Idle resource in the economy will gradually begin to be productive, drawing growth upwards to 4.3% between 2014 and 2017, narrowing the production gap by 2018 and growing at the rate of potential (around 2.4%) thereafter.



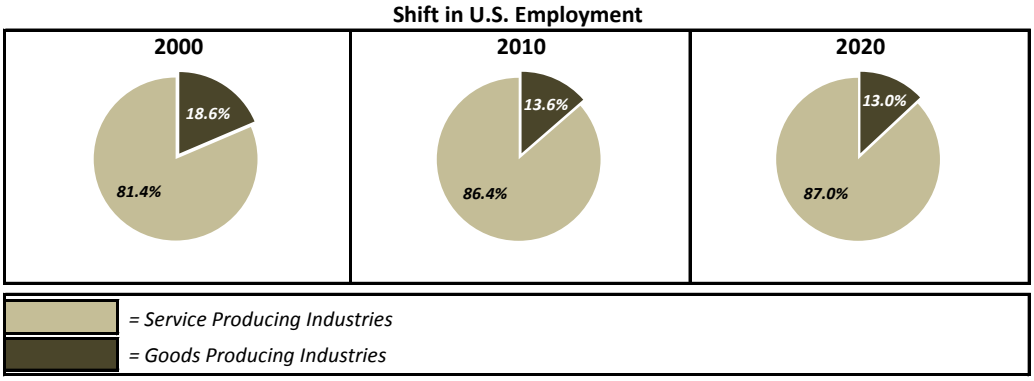
Because of the large amount of unused resources currently in the economy, inflation is expected to remain subdued in the foreseeable future, despite additional monetary easing. Further, the Federal Reserve has openly committed to keeping the Federal Funds Rate low through 2015. Inflation rates should stay below 2% through 2022 on average.

Payrolls should continue to increase at a moderate pace in the near-term, accelerating consistent with GDP growth. However, because unemployment had been driven down by lower labor force participation, the unemployment rate will recover at a slower pace. Unemployment is expected to average near 7% through 2015 and fall to 5.4% subsequently.



Factors Affecting Long-Term Economy

- National Employment Shift: The share of employment in goods producing industries has declined markedly in recent cycles on increasing worker productivity and international outsourcing. With lower cost labor still widely available in foreign markets, this is a conditions which is expected to continue in the coming decade, albeit at a far more measured pace. U.S. employment growth is expected to be strongest in Health Care, Professional & Business, and Other Services.



SOURCE: Bureau of Labor Statistics, Forecast of Industry Employment, CES Data

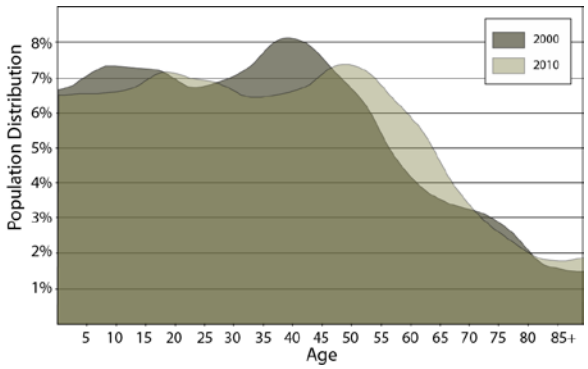
- Business Cycles: This evaluation is not attempting to predict future fluctuations in the business cycle. However, we are already several years into the current cycle, with cycles typically lasting 8 years on average. This would indicate a reasonable degree of likelihood of future economic contraction this decade.

- Monetary Policy: Monetary Policy is expected to remain accommodative into the foreseeable future. When the threat of accelerated inflation begins to solidify, Monetary Policy will subsequently tighten. However, as mentioned above, by the end of 2015 we will be approaching a typical cyclical length. With policy expected to remain tight through this period, there is some risk that monetary policy will not get off the zero bound in this timeframe, seriously constricting the monetary "toolbox" to provide future accommodation.

- Fiscal Policy: If current law holds, historic fiscal contraction will likely constrain growth considerably in the near-term, with higher growth further out resulting from a

reduction in federal debt. However, if a compromise is made and the "fiscal cliff" is avoided, growth will accelerate in the near-term with slower growth farther out as federal debt crowds out private investment.

- Demographic Factors: The aging of the baby boomer generation is already underway, with the share of the population age 55 and older approaching 25% in 2010, with the number of residents age 65 and older expected to double over the next 40 years. The economic effects of this shift will be widespread. A slowing of labor force growth will coincide with exceedingly high job replacement demand. Further, the increased demand for health care services will place additional pressure of federal balance sheets.



- Lasting Impacts of Recession: The severe depth and prolonged duration of the recent recession and subsequent lackluster recovery with have permanent long term impacts on the economy. For example, job shortages have caused lowered labor force participation and in many cases early retirement. When combined with long-term unemployment increasing the risk of skill deterioration, the level of productive capital has certainly created a new reality for potential output. Similar deferrals of capital investment have occurred at sub optimal levels.

- Other Factors: A wide range of other factors, certain and otherwise, known and unknown, will continue to shape the future of the economy in the long-term. Potential factors include the direction of energy price, unexpected improvements or deterioration in business and consumer confidence, and the direction of external factors such as the European financial crisis and the economies of Asia and Latina America.

B. State and County/Port District

Oregon's GDP growth between 2010 and 2011 was nearly three times that of the U.S. economy, making Oregon the second fastest growing economy over this period. The state's durable goods manufacturing industry was the second-fastest growing sector in the nation in 2011 at a rate of 3.94%, almost 20% of Oregon's economic growth. High tech companies such as Intel Corp., which employs about 16,300 in Portland, dominate the durable goods manufacturing industry. This can be attributed to a partial reverse of recent off shoring trends, which is occurring partially as a result of defects, delays, and theft in overseas supply chain locations.

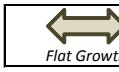
Given its geographic location, Oregon trades largely with countries on the Pacific Rim, most notably Canada and Asian powers. Unfortunately, the later region is among the most economically volatile areas of the world right now, with economic growth falling off

considerably. This, in turn, has caused Oregon's export driven growth to moderate somewhat in light of falling global demand.

Industry Analysis

The figure below outlines a breakdown of Oregon's primary industries, where they appear to be in the cycle, and forecasts of growth over the near-term.

Through the first half of 2012, employment gains were generally positive across most industries, with the exception of Government and Transportation Equipment Manufacturing. Construction grew significantly, driven by a mix of public construction projects and the beginning of a rebound in housing starts. Other export driven commodities remained positive, but growth is down from 2011 highs. Service oriented industries are stabilizing at slow and steady rates commensurate with broader economic expansion.

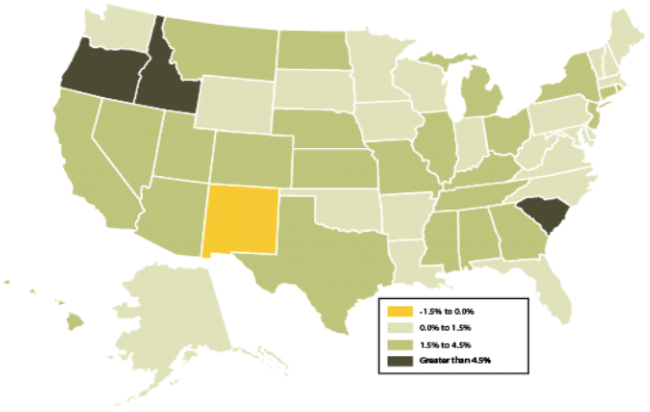
Industry	Growth Signal	Growth Projections 2012	2013	2014	Comments
Wood Products	 *Strong Growth*	**1.9%**	**6.7%**	**5.8%**	Among the strongest forecasted sectors. Driven by exports and housing recovery.
Computer & Electronic Equipment	 *Moderating Growth*	**1.8%**	**0.2%**	**1.4%**	Recent growth will moderate on falling export growth.
Transportation Equipment	 *Early Recovery*	**-0.9%**	**0.2%**	**5.2%**	Among the hardest hit recession sectors. Recovery is just beginning.
Metals and Machinery	 *Positive Growth*	**4.8%**	**2.5%**	**-0.1%**	Strong growth emerging from a hard hit sectors.
Food Processing	 *Flat Growth*	**1.3%**	**-0.5%**	**1.1%**	Exports moderating. Global demand and price volitility
Construction	 *Positive Growth*	**4.8%**	**2.5%**	**3.6%**	Looking forward to a rebound in housing starts. Still well below recession levels.
Industry	**Growth Signal**	**Growth Projections 2012**	**2013**	**2014**	**Comments**
Information	 *Stabilizing*	**0.8%**	**2.3%**	**1.9%**	Beginging to see job growth. Measured growth estimated on the horizon.
Financial Activities	 *Stabilizing*	**0.0%**	**3.0%**	**1.6%**	Weakness in real estate limits growth in 2012. Measured recovery thereafter.
Professional & Business	 *Positive Growth*	**3.7%**	**2.9%**	**4.2%**	Will grow slightly faster than the general economy. A high growth sector
Education & Health	 *Positive Growth*	**1.5%**	**1.8%**	**2.3%**	Sector remaind positive through recesssion, and growth will remain stable
Leisure & Hospitality	 *Positive Growth*	**1.9%**	**2.8%**	**2.0%**	Growth curtailed by falling discresionary spending, but remaining surprisingly positive.
Government	 *Negative Growth*	**-1.8%**	**-0.1%**	**0.6%**	Negative state and local growth partially offset by Federal gains. Future federal growth less likely.

SOURCE: Oregon Office of Economic Analysis and Johnson Reid, LLC

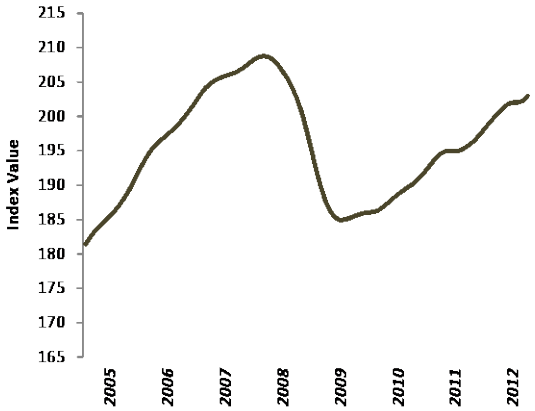
Economic Recovery Prospects

The Federal Reserve Bank of Philadelphia produces monthly indices of economic indicators for every state in the nation. The coincident indices combine four state-level indicators to summarize current economic conditions in a single statistic. The four state-level variables in each coincident index are nonfarm payroll employment, average hours worked in manufacturing, the unemployment rate, and wage and salary disbursements deflated by the consumer price index (U.S. city average). In its September 2012 release, Oregon's 3-month annualized growth reflected Oregon's recent soft patch, coming in at 1.9% compared to 2.5% nationally. However, The Fed's 6-month leading forecast has Oregon in the top 3 among all states, with estimated growth of 4.5% annualized over the next two quarters.

Six Month Leading Index Forecast (Sep. 2012)



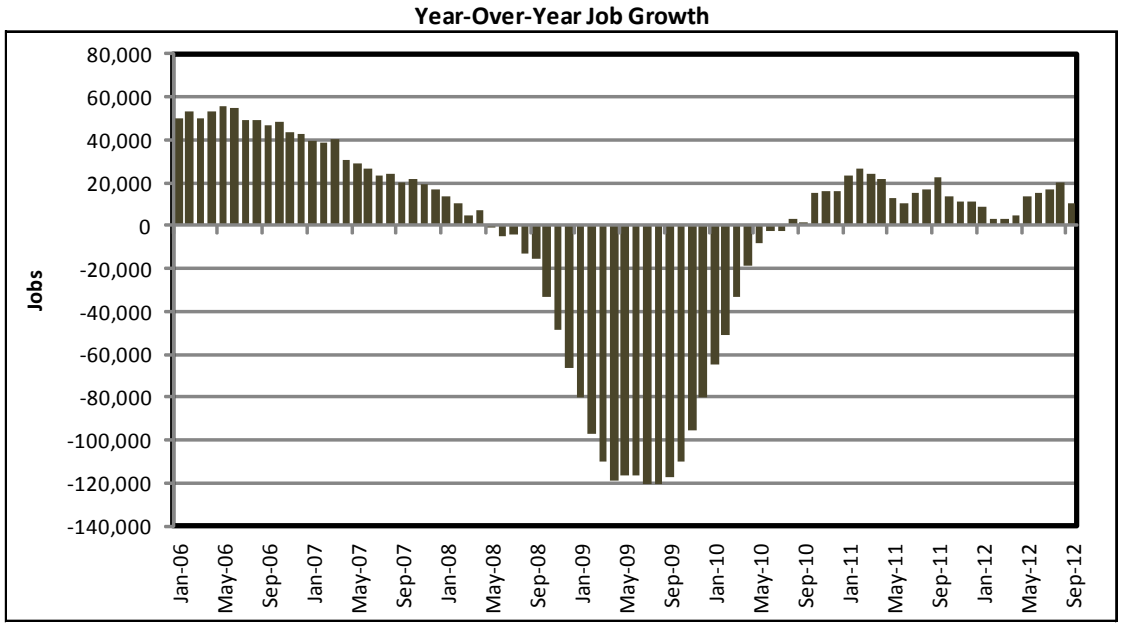
Historical Index Trend



SOURCE: Federal Reserve Bank of Philadelphia

Employment Conditions

Reflecting its recovery prospects, payroll employment in Oregon has begun to recover from the recent recession. The State has exhibited 26 consecutive months of positive year-over-year job growth while adding nearly 50,000 since post recession low employment.



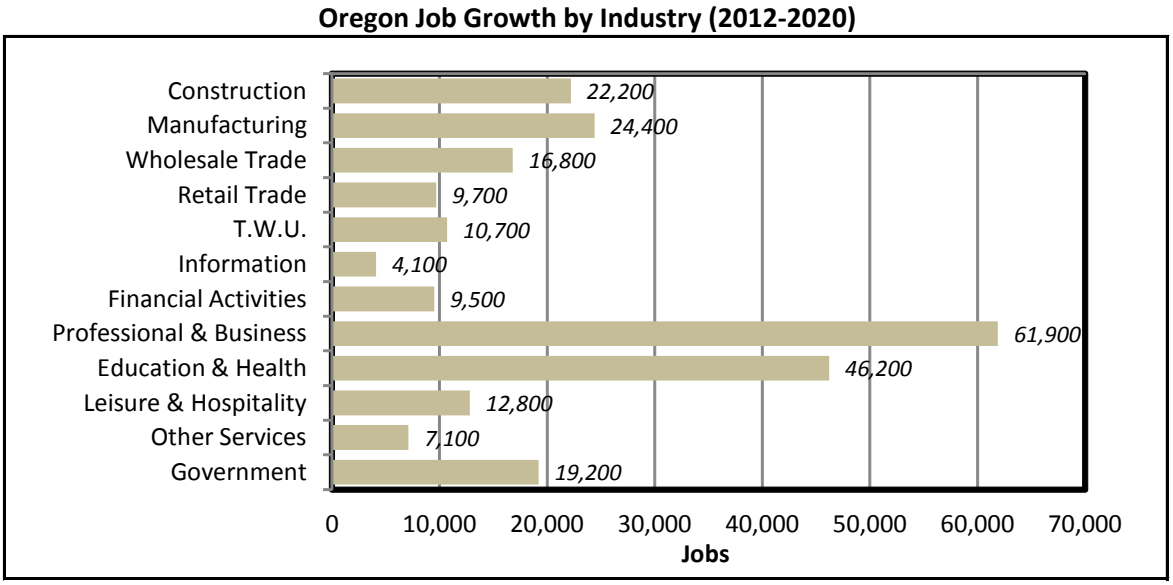
SOURCE: Oregon Employment Department

Statewide Outlook

In the long-term, Oregon's economic growth is expected to outpace growth at the national level. Through 2020, the Oregon economy, as measured by employment, is expected to outpace the national average, growing by an estimated 15% compared to 11% nationally. Incomes in Oregon are also expected to be above average, growing at 2.2% annually compared to just 2% at the national level. Over the intermediate term, Oregon's growth prospects will be a function of a number of factors.

- *Location to Asian countries and Canada continuing to drive trade growth.*
- *High commodity prices for Oregon exports.*
- *Business cost advantages.*
- *Relative cost of living and housing affordability advantages.*
- *Statewide focus on traded sector industry recruitment and retention.*
- *Quality of life.*
- *Continued growth in renewable energy and clean technology sectors.*
- *State tax incentives.*
- *Positive population growth, most notably due to net-migration from California, Nevada, and large Midwest and Eastern states. Surprisingly, Oregon maintains a negative migration rate with Washington State and Idaho.*

Through 2020, the Oregon Office of Economic Analysis forecasts 245,000 new jobs in the Oregon economy. Mirroring national forecasts, a significant share (44%) are expected to fall on Professional and Health Services. Manufacturing and Construction are expected to ad over 46,000 jobs in the state while growth in trade and other service categories is expected to be more measured.



SOURCE: Oregon Office of Economic Analysis

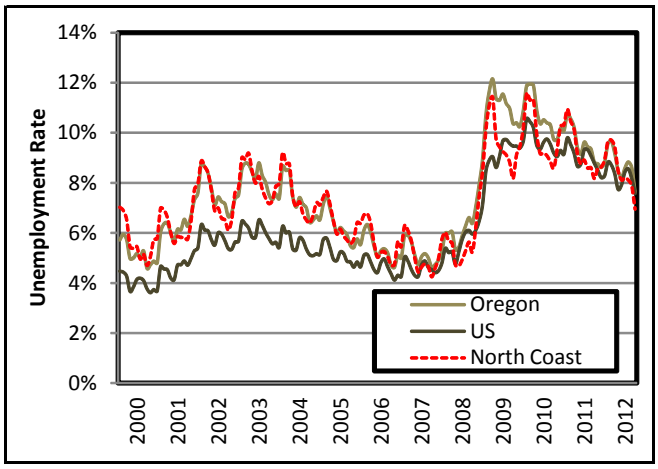
Risk Factors

While it would appear that a systematic recovery, albeit at a slow pace, is underway both nationally and in Oregon, significant downside risks remain. The single greatest risk remains external factors such as further financial meltdown in the Euro zone, a bursting housing bubble in China, or military conflict in Iran. The housing market is beginning to move from the risk to the upside category, but many other downside factors remain:

- *A reversal of commodity prices from declining to inflation.*
- *The Fiscal Cliff*
- *Unknowns legislative changes and referendums derived out of the current election cycle*
- *Again, external factors in Europe, Asia, and the Middle East*

Local Employment Forecast

Relative to other areas in Oregon, the economy of the North Coast has performed well by comparison. The North Coast unemployment rate track very closely to the national average, and outperformed the state average coming out of the recession. Combined unemployment in Clatsop, Tillamook, and Lincoln County is currently at 7.0%, significantly below 7.6% at the state and national level. Since the bottom of the business cycle the North Coast economy has added roughly 4,200 jobs.



By mid-2012, the Lincoln County economy had over 16,700 non-farm payroll jobs. The largest sectors of the economy remain government and tourism. The highest wages in Lincoln County are in Manufacturing, Natural Resources, and Health Services. Wages in Government and Wholesale Trade are also well above average.

Lincoln County Employment and Payroll

NAICS Industry	2012 Employment	% of County	Total Payroll	% of County	Average Payroll	% of Average
Natural Resources	285	2%	$6,029,920	2%	$42,315	123%
Construction	610	4%	$11,486,626	4%	$37,661	109%
Manufacturing	960	6%	$25,856,346	10%	$53,867	156%
Wholesale Trade	185	1%	$3,959,861	2%	$42,809	124%
Retail Trade	2,648	16%	$29,398,940	11%	$22,209	64%
T.W.U.	298	2%	$4,905,375	2%	$32,922	95%
Information	173	1%	$3,223,926	1%	$37,379	108%
Financial Activities	564	3%	$8,581,391	3%	$30,457	88%
Professional & Business	950	6%	$12,590,762	5%	$26,521	77%
Education & Health	1,695	10%	$37,544,730	14%	$44,301	128%
Leisure & Hospitality	3,829	23%	$32,438,726	12%	$16,944	49%
Other Services	613	4%	$5,938,390	2%	$19,391	56%
Government	3,898	23%	$81,678,377	31%	$41,913	121%
TOTAL:	***16,705***	***100%***	***$263,633,370***	***100%***	***$34,515***	***100%***

** All figures through the first half of 2012. Average wage is annualized.*
SOURCE: Oregon Employment Department

An evaluation of the structure of the Lincoln County economy reveals the significance of its tourism and traded-sector industries. (LQ analysis is generally conducted on private sector employment, so government concentrations from Newport's NOAA operation are not present.) The table following shows a location quotient analysis of Lincoln County, comparing the employment composition by sector within the County to State and National levels.

Location quotients are a way to readily compare the industrial activity levels among different areas of the country. In general, location quotients are ratios that compare the concentration of a resource or activity, such as employment, in a defined area to that of a larger area or base. For example, location quotients can be used to compare County employment by industry to that of the nation. When the location quotient is greater than 1.0, the analysis indicates that this sector represents an export or “basic” industry. Basic industries are also commonly referred to as “traded sector” industries. Products and services exported out of the area are the primary means that wealth is added to an area, and as a result, are the primary focus of most economic development efforts.

Location Quotient Analysis, Lincoln County, Oregon (2011)

Industry	Employment U.S.	Employment Lincoln	Distribution U.S.	Distribution Lincoln	Location Quotient
Traded Sectors					
114 Fishing, hunting and trapping	8,312	100	0%	1%	98.39
113 Forestry and logging	55,665	111	0%	1%	16.31
311 Food manufacturing	1,454,090	313	1%	2%	1.76
321 Wood product manufacturing	336,235	59	0%	0%	1.43
112 Animal production and aquaculture	230,610	34	0%	0%	1.21
Tourism & Retail					
487 Scenic and sightseeing transportation	27,313	40	0%	0%	11.98
721 Accommodation	1,784,558	1,726	2%	13%	7.91
448 Clothing and clothing accessories stores	1,353,784	521	1%	4%	3.15
453 Miscellaneous store retailers	778,386	211	1%	2%	2.22
445 Food and beverage stores	2,825,284	659	3%	5%	1.91
485 Transit and ground passenger transportation	429,815	99	0%	1%	1.88
722 Food services and drinking places	9,587,402	2,074	9%	16%	1.77
531 Real estate	1,384,500	273	1%	2%	1.61
452 General merchandise stores	3,095,518	454	3%	3%	1.20
Other High LQ Industries					
813 Membership associations and organizations	1,315,466	370	1%	3%	2.30
562 Waste management and remediation services	363,699	92	0%	1%	2.07
237 Heavy and civil engineering construction	820,345	144	1%	1%	1.44
444 Building material and garden supply stores	1,147,148	175	1%	1%	1.25
Other Typical or Lower LQ Industries					
236 Construction of buildings	1,211,690	177	1%	1%	1.19
446 Health and personal care stores	986,124	144	1%	1%	1.19
442 Furniture and home furnishings stores	438,243	62	0%	0%	1.16
447 Gasoline stations	823,620	107	1%	1%	1.06
441 Motor vehicle and parts dealers	1,683,213	210	2%	2%	1.02
451 Sports, hobby, music instrument, book stores	581,603	62	1%	0%	0.87
623 Nursing and residential care facilities	3,162,214	320	3%	2%	0.83
811 Repair and maintenance	1,163,914	112	1%	1%	0.79
238 Specialty trade contractors	3,441,010	329	3%	2%	0.78
515 Broadcasting, except Internet	285,846	26	0%	0%	0.74
443 Electronics and appliance stores	526,699	46	0%	0%	0.71
814 Private households	641,473	56	1%	0%	0.71
522 Credit intermediation and related activities	2,548,004	220	2%	2%	0.71
812 Personal and laundry services	1,287,882	108	1%	1%	0.69
339 Miscellaneous manufacturing	572,591	46	1%	0%	0.66
492 Couriers and messengers	521,240	38	0%	0%	0.60
517 Telecommunications	880,139	63	1%	0%	0.59
561 Administrative and support services	7,347,425	509	7%	4%	0.57

SOURCE: U.S. Bureau of Labor Statistics

In July 2012, the City of Newport completed a draft of its economic opportunity analysis as a part of its periodic review process. This analysis identified key industries targeted by the city for future growth. Growth is expect to reflect community aspirations and policies facilitating the recruitment, retention, and growth of firms in targeted sectors. Specific sectors included:

- *Marine and Ocean Observing Research and Education*
- *International Commerce*
- *Fishing and Seafood Processing*
- *Tourism*

Together, growth in these industries, combined with others, is expected to generate 2,215 new jobs over the planning period, a rate of 1.0%. The majority of jobs were forecasted to be commercial or retail/service oriented type jobs, with 733 jobs expected to be in industrial space utilizing industries.

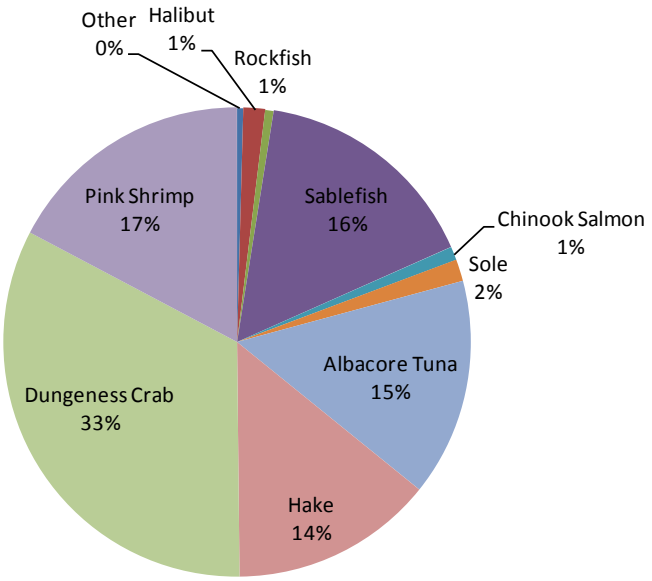
20-Year Employment Forecast, City of Newport

	2012		2033		'12-'33 Change	
Employment/Land Type	**Employment**	**% of Total**	**Employment**	**% of Total**	**#**	**AAGR**
Industrial	1,108	11%	1,841	15%	733	2.4%
Commercial	7,269	72%	8,593	70%	1,324	0.8%
Government	1,683	17%	1,841	15%	158	0.4%
Total	***10,060***	***100%***	***12,275***	***100%***	***2,215***	***1.0%***

SOURCE: City of Newport Economic Opportunities Analysis, July 2012

The commercial and sport fishing industries are major contributors to the local and regional economy. The commercial fishing fleet at Newport captured over 82 million pounds of fish, crab, squid and clams in 2011, with an estimated value at the fisherman's level of over $44 million. The primary contributors in terms of value for commercial fishers were dungeness crab, shrimp, sablefish (black cod), albacore tuna and hake (pacific whiting).

VALUE OF 2011 COMMERCIAL LANDINGS



The commercial fishing industry impacts the local economy through increases in personal income from harvesting and processing, as well as providing support to local industries and businesses. The Newport area also is positively impacted by the distant water fleet, who use Newport as a home port as well as for repairs and/or provisions.

Sportfishing is also a major contributor to the local economy. Travel generated expenditures for fishing in Lincoln County were estimated at over $32 million for fishing and almost $7.7 million for shell fishing in 2008.[6] Local recreation expenditures accounted for an additional $3.5 million in activity in the County. Sport fishing contributions included expenditures for overnight lodging, meals and other tourist-related activities.

[6] Dean Runyan Associates, Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008 State and County Expenditure Estimates, Oregon Department of Fish and Wildlife, Travel Oregon