



COMMISSION WORK SESSION MINUTES
NOVEMBER 29, 2023
495 E. COLUMBIA RIVER HWY
CLATSKANIE, OREGON 97016
****MEETING HELD AT CLATSKANIE PUD****

The Port of Columbia County held a Commission Work Session at 6:00 p.m. on Wednesday, November 29, 2023, at the Clatskanie PUD and via Zoom video conferencing with the following present:

<u>Commissioners</u>		<u>Staff</u>	
Robert Keyser	President	Sean P. Clark	Executive Director
Brian Fawcett	Vice President	Amy Bynum	Real Estate & Bus. Dev. Mgr.
Nancy Ward	2nd Vice President	Robert Salisbury	Port General Counsel
Chip Bubl	Secretary (Zoom)	Bob Gadotti (Zoom)	Executive Finance Mgr. (Ret.)
		Guy Glenn, Jr.	Executive Finance Mgr.
		Elliot Levin	N. County Ops. & Terminal Mgr.
<u>Guests</u>		Christa Burns	Administrative Asst. II
Jasmine Lillich	Clatskanie Farmer's Market	Gina Sisco	External Affairs Mgr.
Tom Gordon	(Zoom)	Susan Tolleshaug (Zoom)	Administrative Asst.
Natasha Parvey	NXT Clean Fuels (Zoom)	Elizabeth Millager (Zoom)	Operations Coordinator
Brien Flanagan	Schwabe Williamson & Wyatt		
Chris Iverson	Hagan Hamilton Insurance		
Dan Serres	Columbia Riverkeepers (Zoom)		
Alta Lynch	Scappoose Resident		
Ralph Culpepper	Scappoose Resident		
Betsy Johnson	Scappoose Resident		
Brenda Vassau	Clatskanie Resident		
Darrell	(Zoom)		

President Robert Keyser called the Port of Columbia County Commission Work Session to order at 6:00 p.m. Commissioners Robert Keyser, Nancy Ward and Brian Fawcett were present. Chip Bubl attended via Zoom.

Additions To Agenda

Robert Keyser asked the Commission if there were any additions to the agenda. There were none. Mr. Keyser moved the Executive Director's Report and Commissioner Reports before the Executive Session.

Consent Agenda

Mr. Keyser asked for a motion to approve the consent agenda. Nancy Ward moved; Brian Fawcett seconded a motion to adopt consent agenda item A: Approval of Minutes: October 11, 2023 Minutes and November 8, 2023. The motion carried unanimously.

Comments From the Public

There were no public comments at this time. The Commission will open public comments and questions after the Port Westward Dock Update.

New Business

Port Westward Dock Update

North County Operations & Terminal Manager, Elliot Levin, presented a PowerPoint on the Port Westward Dock Update. Mr. Levin informed the Commission that on November 12, 2023, at 6:45 a.m. the Port's Maintenance Supervisor was notified by the United States Coast Guard that a tug and barge had collided with the Port Westward dock. The tug-assisted barge was not affiliated with Port Westward. Mr. Levin contacted Port Executive Director, Sean Clark. The Port and Columbia Pacific Bio-Refinery (CPBR) responded immediately and made all notifications per the facility Oil Spill Response Plan. The US Coast Guard, Oregon Department of Environmental Quality (DEQ), Washington Department of Ecology and other agencies were all onsite by Sunday afternoon. An Incident Command System (ICS) was established, and Operation Briefings were held twice daily until the renewable diesel and pipelines were successfully stabilized and removed from the site on November 20, 2023.

Mr. Levin displayed pictures of the dock showing the infrastructure damage, including severely damaged pipelines and electrical conduit, which left the dock without firewater protection and electricity. Two out of the three sets of new piles placed during the 2021 dock improvement work were damaged. In addition, PGE's deactivated cargo line and PGE's water discharge line that disposes of industrial water for the Beaver plant were damaged. As a result of the damage, Port tenant CPBR is unable to load ships.

The Port appointed CPBR as Incident Commander. Safety measures were taken to secure the area and make access for pipeline evacuation and removal by the vacuum truck and spud barge. Mr. Levin reported the damaged pipelines were emptied and removed safely, there were no injuries, and the fast response led to an overall successful operation. The debris removal permit will be issued on November 30, and that will be the focus for this coming week. In the following week, there will be a dock assessment and underwater inspection for the downstream approach and adjacent area of Berth 2. Mr. Levin explained that when the downstream approach is replaced, it will have steel piles which will reduce the number of piles used to support the structure. Each pile will be placed 220 feet below the substrate in accordance with the new seismic law that went into effect on September 14, 2023. A new pipe bridge is planned in order to get CPBR back up and running. The new bridge will hold the product line, water line, and discharge line.

Mr. Levin then opened the discussion to questions and comments. Mr. Keyser said the presentation was very thorough and informative. In response to the question of when CPBR would be operational again, Mr. Levin replied that the goal is to have the berth operational during February 2024. Betsy Johnson asked about the in-water work window and whether the holidays will affect scheduling and staffing. Mr. Levin advised that the in-water window closes at the end of February. Betsy Johnson also asked who will respond to emergency calls during the holiday. Mr. Levin responded that he will be on call and available to respond to incidents if necessary. Mr. Keyser ensured the schedule would not be driven by a lack of Port staff, only by the opportunity for contractors. Port General Counsel, Robert Salisbury added that the schedule will also be driven by the results of the assessment. Mr. Clark said the goal is to get the old dock out of the water so the contractors can start driving piles. Ms. Johnson asked how cooperative the agencies have been and Mr. Levin said their response time was good. Mr. Salisbury added

that after the meeting Ms. Johnson helped get set up on Friday, the DSL permit was there on Tuesday. Brien Flanagan with Schwabe, Williamson & Wyatt agreed considering the tight schedule and permitting process. Brian Fawcett asked, given the emergency nature, if the in-water window ending in February still applies. Mr. Clark responded the Port could file for an extension and Mr. Flanagan confirmed it could, depending on the conditions and progress of the work. Ms. Johnson asked how the Port will select the contractor to build the pipe bridge. Mr. Levin responded that the Port will collaborate with CPBR. Brian Fawcett commended Port staff, CPBR and other partners for responding so quickly. Mr. Clark thanked the Commission and Port staff for the team effort and thanked Ms. Johnson for helping get the calls with all the state agencies lined up.

Resolution 2023-30

APPROVING A DOCK REIMBURSEMENT AGREEMENT WITH COLUMBIA PACIFIC BIO-REFINERY

Port General Counsel Robert Salisbury, along with Mr. Flanagan and Port Insurance Agent Chris Iverson led a discussion on the resolution. Mr. Salisbury explained the Dock Reimbursement Agreement between the Port and CPBR. Robert Keyser stated after his consultation with Commissioners, Mr. Clark, and Port staff, he issued a memo to Mr. Clark to make the highest priority of the Port the safe restoration of service for CPBR and to pause all capital projects through the Port. Mr. Iverson gave an overview of the insurance policies and encouraged the Port to confer with the claims adjuster. Mr. Salisbury informed the Commission they should expect to see a Project Manager Agreement at the next Commission meeting on December 13, 2023. Chip Bubl commented on the insurance process and responsibility of ownership. Ms. Ward cautioned the Port not to be obligated for costs that may not be covered by insurance. Mr. Fawcett asked Mr. Iverson if he foresees any issues with the insurance covering debris removal or inspections, and Mr. Iverson replied he does not see any issues. Mr. Keyser asked if there were any further questions specific to the resolution. There were none.

Brian Fawcett moved; Nancy Ward seconded a motion to approve Resolution 2023-30, approving a dock reimbursement agreement with Columbia Pacific Bio-Refinery. Motion carried unanimously.

Executive Director's Report

Provided and read by Sean Clark. The Report is on file at the Port Office.

Commissioner Reports

Chip Bubl did not have any questions, but said the presentation was very helpful.

Brian Fawcett thanked everyone for coming to the Clatskanie Public Utility's District (CPUD) to attend the Port Commission Work Session. Mr. Fawcett mentioned a recent news article about the removal of power generating dams in the Northwest, which has an impact on the Port because it affects the ability to move goods on the river. He would like to see the Port of Columbia County have a voice in this discussion.

Nancy Ward reported the Agricultural Information Committee Meeting on November 27 was productive and there is strong local demand in the animal butchering industry, which she would like to see the Port help bring to fruition. Ms. Ward would like to build a working team to support a new type of industry in Columbia County, and this industry would bring the possibility of two new facilities. Betsy Johnson provided information to the Commission on a meat processing bill recently passed by Senator Brock Smith. Ms. Ward will bring a progress report to the next Commission meeting.

Robert Keyser stated the Commission will meet as often as necessary, and he would like to see a second meeting in December to provide financial and project updates. Mr. Keyser suggested an earlier start time of 5:00 p.m. for the December 27 work session, and the Commission was in favor. Gina Cisco, External Affairs Manager for the Port mentioned putting the next Strategic Business Plan Update on an Agenda in January 2024, and the Commission agreed. Mr. Keyser then announced that the Commission will go into Executive Session.

Executive Session

The Board held an Executive Session to deliberate with persons designated to negotiate real property transactions under ORS 192.660(2)(e), to consider exempt public records, including written legal advice from Port General Counsel, which is privileged under ORS 40.225, exempt from disclosure under ORS 192.355(9)(a), pursuant to ORS 192.660(2)(f), and to consult with Port General Counsel regarding pending litigation or litigation likely to be filed under ORS 192.660(2)(h).

**THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION THE MEETING
ADJOURNED AT 9:10 P.M.**



President

December 13, 2023

Date Adopted by Commission



Secretary