

PORT OF NEWPORT SPECIAL USE PERMIT

This permit, effective 19 April 2018, from the Port of Newport, organized and existing under the laws of the State of Oregon, hereinafter referred to as "Port", is issued to Grays Harbor Historical Seaport, hereinafter referred to as "Permittee."

The Port hereby grants permission to Permittee to use Port-designated moorage at Port Dock 3 subject to the arrangements with the Harbormaster. Use of designated area by Permittee is for the Tall Ships Lady Washington and Hawaiian Chieftain, who offer educational programs and Educational Sails and Docksidings, as per the calendars attached.

Permit is subject to the rules, regulations, and ordinances of the Port of Newport and subject to the following terms and conditions:

1. **Application Fee.** A nonrefundable application fee in the amount of \$100.00 (waived).
2. **Usage Fees.** The Port of Newport's standard transient moorage fees.
3. **Package Handling Fees & Restrictions.** The Port will accept envelopes for free on your behalf. For packages, the first one will be accepted for free. To accept each additional package, the Port will charge a \$5.00 handling fee. *Packages must be clearly labeled with their contents. Explosive or Combustible materials shall NOT be sent to the Port, and will not be accepted by the Port. Violation of this restriction will result in an immediate termination of this Special Use Permit and mooring privileges.*
4. **Reservation of Rights.** The Port reserves the right to alter or amend the terms and conditions of this permit at any time.
5. **Liability, indemnity of Port.** Permittee agrees to exercise due care in the activities described above and to abide by all Port rules, regulations and ordinances. Permittee shall indemnify and hold Port harmless from and against all claims, actions, proceedings, damages, and liabilities, including attorney fees, arising from or connected with Permittee's use of Port facilities. Permittee shall carry a comprehensive general liability insurance policy with limits of \$2,000,000.00 per occurrence and \$2,000,000.00 in aggregate, and prior to mooring shall provide the Port with a Certificate of Insurance naming the Port as an additional insured.
6. **Limitation of Port's Liability.** Permittee acknowledges that Permittee has inspected the grounds and related facilities and is satisfied that these facilities are adequate for safe use for the above-described purpose. This permit is not a contract. Port's liability is limited to its sole negligence. Port's employees will make reasonable efforts to contact Permittee and notify Permittee of conditions requiring Permittee's attention, but Port assumes no responsibility of Permittee's use of the Port's facilities. Permittee confirms and assures that there are not alcoholic beverages used or provided during this event and that certified and trained emergency response providers are on site.
7. **Nontransferability/Term.** This permit is nontransferable. This permit expires 31 July 2018.

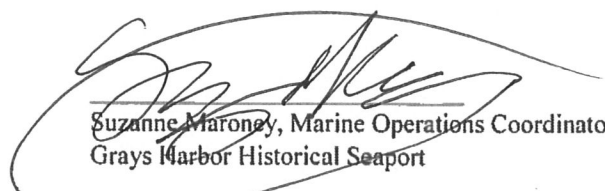
ANY AND ALL PRIOR AGREEMENTS, INCLUDING ANY PREVIOUS MOORAGE AGREEMENTS, ARE HEREBY NULL AND VOID.

IN WITNESS WHEREOF, the Port has caused this permit to be issued on the date indicated above.

Port of Newport:

Accepted By:


Doug Parsons, General Manager


Suzanne Maroney, Marine Operations Coordinator
Grays Harbor Historical Seaport

ATTACHMENTS: Ships' calendars for April and July 2018

Ports, 1. PENDING Itinerary, 2. PENDING-Moorage Requests,
 Dockside Tours, Misc, Sunset Sail, Transits

, Battle Sail, Charter,

Apr 2018 (Pacific Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
Bay Station Crescent City No Passengers	No Events		Bay Station Area No			Crescent City - 10am - Vessel Tours 2pm - Battle Sail
8	9	10	11	12	13	14
Crescent City - 2pm - Battle Sa		10pm LW	(LW) Coos Bay - Confirmed 5 30pm Dinner	7 30pm - Shanty	(HC) Astoria - Confirmed @ 17th Street	10am - Vessel Tours
15	16	17	18	19	20	21
(HC) Astoria - Confirmed @ 17th Street Dock (LW) Coos Bay - Confirmed 10am - Special				(LW) Newport -	Newport - Confirmed	2pm - Battle Sail
22	23	24	25	26	27	28
Newport - 2pm - Battle Sa	(HC) Newport - Confirmed (LW) Newport to Port Townsend (bat 3.5) No Events	4pm - HC Vessel	4pm - HC Vessel	4pm - HC Vessel	4pm - HC Vessel	(LW) Port Townsend
29	30	1	2	3	4	5
(LW) Port Townsend - Confirmed (HC) Newport - Confirmed	No Events	(HC) Newport to Westport 4pm - Vessel Tours	4pm - Vessel Tours		(HC) Westport - Confirmed @ Float 10	

Ports, 1.PENDING Itinerary, 2.PENDING-Moorage Requests,
 Dockside Tours, Misc, Sunset Sail, Transits

, Battle Sail, Charter,

Jul 2018 (Pacific Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
Aberdeen 12:30pm - Vessel 4pm - Battle Sail	No Events -	4pm - Vessel Tours	1:30pm - Vessel		(LW) Aberdeen - Pending 1pm - Vessel Tours	10am - Vessel Tours 4pm - Battle Sail
8	9	10	11	12	13	14
(HC) Aberdeen to Newport (LW) Aberdeen - Pending 10am - Vessel Tours	No Events -			(HC) Newport - Confirmed 1pm - Vessel Tours		Newport - 10am - Vessel Tours 2pm - Battle Sail
15	16	17	18	19	20	21
Newport - Confirmed 10am - Vessel Tours 2pm - Battle Sail	No Events -	3pm - Vessel Tours	1pm - HC Vessel	1pm - Vessel Tours	1pm - Vessel Tours	10am - Vessel Tours 2pm - Battle Sail
22	23	24	25	26	27	28
Newport - Confirmed 10am - Vessel Tours 2pm - Battle Sail	No Events -	3pm - Vessel Tours	1pm - LW Vessel	1pm - Vessel Tours	1pm - Vessel Tours	Tacoma Maritime 10am - Vessel Tours 2pm - Battle Sail
29	30	31	1	2	3	4
Newport - Confirmed Tacoma Maritime 10am - Vessel Tours 2pm - Battle Sail	No Events -	Newport to Blaine				Blaine - Confirmed 10am - Vessel Tours 2pm - Battle Sail



PORT DOCK 3

Typical moorage requirements in July and August for local and visiting trawl fleet – Shrimp, Bottom Fish and Whiting. (5-22-18)

May 29, 2018

To: Port Manager Doug Parsons, and, Port of Newport Commissioners

Regarding: Tall Ships July moorage agreement

Based on the following, we ask that you consider exercising the 30 day prior moorage permit "escape clause" for Tall Ship entry in July due to lack of sufficient analysis of parking and business infrastructure impacts during this peak season. If that's not possible, then, move their location to South Beach Marina or the International Terminal where there is adequate parking that doesn't compete with our overflowing district in July.

Late February: we received information that the Tall Ships from Washington State were planning on returning to Newport in April for 20 days, and again in July for 36 days.

Mid- March: Recalling the parking issues experienced in years past when they arrived on Memorial Day Weekend in May, we asked a few questions, starting with Sara Skamser / Port Commissioner due to Doug Parson's very recent hire and start up commitments.

Q. Length of time tall ships in port in previous years? Proposed intentions and moorage requests for this year, compared to original agreement / intent by past port manager and commissions.

She asked Kent Gibson, port employee – "Help me understand tall ship moorage and purpose?" He didn't perceive any moorage concerns in April and July ... "they're good for tourism and Port Dock 3 isn't that busy". (Please note picture, above) She was informed that they'd had an agreement for free moorage in the past. (Original, unsigned MLA at that time reflected this). Sara took her concerns to Doug.

To gather more understanding, we asked some of the folks who were around when the Tall Ships first started coming to Newport:

Bud Shoemake –

Q. "What's the scope of an employee / manager / harbormaster in accepting moorage proposals?"

A. Employees take it to manager, then present all moorage proposals to commission prior to agreements/moorage contracts, both when he was here in Newport, and now, Toledo.

Don Mann –

Don concurred – Commission gets first opportunity to consider proposals in light of mission statement and possible community impacts.

History: The Tall Ships arrival started with a request for 2 – 3 days over Memorial Day Weekend with a Maritime Heritage focus (Charged public tickets + offered private charters). Agreement based on a "once a year" special event (like Loyalty Days carnival)... received periodic concerned

feedback from fishermen regarding moorage access. He also mentioned that this type of activity would be limited to a 72-hr maximum moorage agreement at his current location - Cascade Locks, due to lack of extra infrastructure.

April 16th: We continued to ask other neighbors on the Bayfront what they thought about the possible impacts this moorage agreement might bring. Finding lots of concerned questions from various stakeholders, primarily centered on lack of extra parking in July, we called Doug on April 16th to introduce our willingness to work with him and shared these concerns. He basically said it was a done deal for this year, they were going to “pay moorage like anyone else”, and that we should plan to monitor it and report back for planning the next year. We then noted the line on the agreement, “*Port reserved the right to revoke this license at any time with 30 days notice*” and asked if that was possible due to infrastructure limits in a peak seafood and tourism season? He again said to observe for the future was his recommendation.

April 19th: Doug signed a Special Use Permit for the Tall Ships – Was our concerns, or other discussion brought to the commission prior to this signing for consideration?

April 21-22nd: Preliminary “Observation” on Tall Ships first weekend arrival - The parking was filled on all entrance hills from the top to the bottom; both sides of Bay Boulevard from the Coast Guard Station to the Embarcadero (including in Port property, the Longshoreman’s parking lot, and even local fishermen’s driveways who live near the Bayfront). This was in April... many businesses in this district are still on skeleton staffing; the fish plants haven’t ramped up for their shrimp and whiting crews yet, and our usual main stream visitor base hasn’t arrived.

April 24th : I addressed the above concerns at the Port Meeting, with an offer to gather a stakeholder team that could re-visit this agreement while time was still available to act, prior to the Tall Ships arrival plan.

As long time Newport fishing and marine education/tourism business and community supporters, we feel that we can say that with our fragile coastal economy based on natural resources for our fishing community and tourism ups and downs, we can’t afford to “wait and see” when the majority of our district’s revenue is made in July and August.

Due to the lack of time to employ sufficient analysis and a resulting plan, we submit a handful of signatures from a public awareness petition that support our concerns, along with the following notes to ponder -

Please review the following preliminary list of affected Community Stakeholders and Partners able to help the new manager and current commission, with sufficient notice and scheduled planning, establish criteria that support the following:

Port of Newport Mission

“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.”

By defining goals to continue to support our “Working Waterfront Culture” these criteria can help determine potential impacts of future moorage/development requests, - just because, as Doug put it, they can pay moorage, doesn't always make it the right fit (i.e. shipbreaking).

Preliminary List of “Bayfront and Community Stakeholders / Partners” Effected by Tall Ship Moorage in July 2018 (rough draft)

Fishing Community -

Vessel Moorage Leasees - parking availability that includes crew & shoreside support/repair operation access (EX: Curry Marine charges \$135/call out, including time looking for parking...)

Processors - fish trucks; forklift movement; employee parking (gridlock Bay Boulevard hinders movement... peak season "time is money")

Sea Grant – Local marketing w/Kaety Jacobsen’s "Shop at the Dock" workshops (parking – drop attendance)

Chelsea Rose - Port Lessee and spearhead for visitor awareness to "Buy Local Dockside" sees revenue drop whenever the Tall Ships are at Port Dock 3 - no parking/dock access

Newport Fishermen's Wives - expediting parts/tools to deliver dockside (hard to deliver if parking is not available)

Sportfishing – Trade Winds & Captain's Reel are Port Leasees with multiple departures throughout the day, parking turnover is essential

Newport Police Department

–
flow; pedestrians; parking turn over/signage

Public Safety - traffic

City of Newport -

Pending parking plan?

Annual "in lieu of" parking by payees fund vs extended Tall Ship moorage without parking fee/plan

Newport Chamber of Commerce -

Long Time Tradition of planning and supporting events that bring needed economic community benefit during “shoulder seasons” (Seafood & Wine Festival in February)

Stewards of Visitor Perception - Newport promotes an authentic Oregon working waterfront and port

Bayfront District –

"Parking Perception" Current parking plan is at "tipping point" in July & August without adding numbers that lead to perception: "SOLD OUT... NO PARKING... GO SOMEWHERE NEXT YEAR". *Annual Returning Visitors* reach a saturation point - "Let's look for next year's destination with easier access" (we've all done that one).

Bay Boulevard traffic flow - affects the bottom line of year-round community-based businesses, from processing plants to seafood restaurants

Gridlocked street and parking spaces eliminate the third wave of afternoon & evening visitors who experience the waterfront, then form their Next Day activity and shopping plans from buying fish off of boats to take home, seafood dining, making reservations for a sports fishing trip or cruise, to shopping.

NOAA / OR Fish & Wildlife -

Plan and permits in position, pre-season, for potential acoustic impacts from blasting "black powder cannon enactments" on Yaquina Bay with nesting sea and shore birds; and seasonal nearshore feeding marine mammal populations

OSU/ Marine Mammal Institute -

Required to file permits with NOAA for research, etc. Help put Tall Ship plan in position, pre-season, for minimal acoustic impacts from blasting "black powder cannon enactments" on seasonal nearshore feeding marine mammal populations

American Cetacean Society/Oregon Chapter -

Local teams that collaborate with science and community stakeholders to inform, educate and preserve healthy ecosystem practices

Pacific Maritime History Center -

Outstanding year-round maritime draw with authentic past to present commercial fisheries exhibits - Visitor traffic drops due to parking gridlock generated by Tall Ships

Tall Ships of Washington (with pirate/cannon enactments, by the way, that have no record of Oregon Coast history...) have not, to date, reached out to co-market; program collaboration; special events (seems like a perfect match, leading to local benefits?)

Oregon Coast Aquarium -

Tall Ships requested help in developing short-term marine science programs and staff, vs OCA existing annual 12-month on-site education programs, plus community involvement

Potential loss of revenue that certainly needs to underwrite a key local year-round facility

Marine Discovery Tours -

In collaboration with the OCA, received a request to help in developing short-term marine science programs for Tall Ships (Why? Program Developer mentioned their "stagnant" revenue for history programs), vs MDT annual marine science and fisheries programs - suggested they develop this type of program in other ports of call without an existing local service

MDT community involvement with a track record of fundraising and BUY LOCAL campaigns - possible only due to the annual revenue from business season in July and August (shared by many waterfront stakeholders).

Thank you very much for your attention and willingness to serve on the commission, and deliver a steady course of due diligence regarding Port actions to continue to benefit the Newport community. Happy to help in any way – just give a call.

Don & Fran

Don and Fran Mathews
Marine Discovery Tours
345 SW Bay Blvd
Newport, OR 97365
541-961-0786 / Don
541-961-1983 / Fran

From: Doug Parsons
Sent: Tuesday, May 29, 2018 2:00 PM
To: franrecht@gmail.com
Cc: Karen Hewitt; Aaron Bretz
Subject: Your Inquiry Regarding the Tall Ships

Fran:

I read your e-mail note regarding the Tall Ships and wanted to provide you with some additional detail and clarification from our Port staff:

- [1] In past years the Tall Ships received free moorage during their relatively short visits to the Port of Newport.
- [2] This year the Tall Ships were required to pay the full commercial moorage rate.
- [3] With respect to the impact of the Tall Ship's cannon blasts on birds, I was told that the Oregon Dept. of Fish & Wildlife (ODFW) and the U.S. Fish and Wildlife Service were the agencies who have responsibilities in this area, based on their jurisdictions.
- [4] With respect to the impact on marine mammals, I was told that the National Oceanic and Atmospheric Administration's enforcement division was the responsible agency.
- [5] With respect to invasive species, I was told that ODFW issues the appropriate permit.
- [6] This year at least one of the Tall Ships used the Port's facilities at South Beach to dump their waste. The State Marine Board was a funding source for this facility, and they require the Port to provide this service to any ship at no charge.
- [7] The Port did not provide any of the Tall Ship crew with parking permits (either free or paid).

I hope this information proves of some use to you.

Douglas J. Parsons, General Manager
Direct Line: (541) 444-6170

Karen Hewitt, Administrative Supervisor 541-265-7758
www.portofnewport.com
www.facebook.com/PortofNewport/

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Port Commissioners
Port of Newport
c/O Karen Hewitt via email to khewitt@portofnewport.com

May 29th, 2018

Dear Commissioners:

Please accept this letter into the record regarding agenda item V.A. of your meeting tonight regarding the Tall Ships.

It is my understanding that the Tall Ships received free mooring and services (water, electricity) when they were in town in April of this year (and possibly in past years) and desire to spend an additional 3 weeks in July docked in Newport.

Moorage Waiver

I have been following the controversy about the moorage rate increases and the deferred maintenance needs. It is unconscionable that you would provide free moorage for the tall ships that re-enact historical events that were not likely a part of Oregon's history (cannon fights and the like) while needing to collect more revenue from our long established, home-ported fleet. I ask you Not to continue this waiver of moorage fees.

Balancing a Working Waterfront with Tourism

Newport has long tried to promote its working waterfront and has made good progress over the years in assuring services for the fleet (e.g. dedicated parking) and maintenance of processing and ice plants while allowing fish sales off the docks, Sea Grant 'learn about the fleet' tours, and lauding the efforts of our fleet to make the fisheries more sustainable (certification, bycatch reduction, working to solve marine mammal entanglement issues) and the like. I like and respect that focus, and emphasize the importance of keeping Newport a working fishing port. Summer is already a challenge in terms of trying to maintain a working waterfront with fork lift activity, large trucks pulling in and out of the plants, etc. with the amount of tourist traffic. So far the "normal" traffic has more or less worked.

However, even in April when the Tall Ships were visiting, things got much worse.. no parking and backed up traffic. Having the Tall Ships come in July is crazy. The Port does not need to attract more tourists to the Bayfront in July. Why would having these ships be a focus, rather than continuing to emphasize the learning about the current and past history of the fishing industry? I ask you Not to provide moorage for the Tall Ships in July.

Environmental Concerns

I do not know the exact activities of the ships when they are in port, but understand that they sail in the bay and perhaps out in the ocean and send off cannon blasts. What is the impact of these blasts on shore birds, sea birds, marbled murrelets, blue herons, eagles and peregrines that utilize the bay and ocean? What is the impact on the marine mammals in the estuary and ocean? Additionally, I am concerned about the transfer of invasive species on the hulls of these boats. They dock for extended

periods in other ports, including in the San Francisco Bay area, where there are many more invasive species than currently exists in Yaquina Bay, that could attach and be transmitted on their hulls.

Is there a record of these Tall Ships using the Port's pump out facilities for their waste or what has their practices been in the past?

I am concerned about the potential impacts of these activities and ask you to gather more information to investigate the potential impacts of these activities.

Thanks for considering these comments in your deliberations.

Sincerely,

Fran Recht
P.O. Box 1344
Depoe Bay, OR 97341
541-765-2234

Comment for May 29 Port Commission Meeting- Tall Ships

From: Janet Webster <janet.webster@charter.net>
Date: 05/29/2018 03:47PM
To: khewitt@portofnewport.com
Cc: Fran Mathews <fran@marinediscovery.com>

Dear Port of Newport Commissioners,

I reside on Bay Blvd across from Dock 5. I am concerned with the lack of a parking plan for visits by the Tall Ships to Dock 3. This spring, Bay Blvd experienced increased congestion due to traffic generated by those visiting the Tall Ships. To my knowledge, visitors were not directed to park on Port property or public lots off of Bay Blvd.

Additionally, the increased pedestrian traffic was a safety issue. These two concerns will be exacerbated with the three week proposed Tall Ship visit to Dock 3. July is normally one of the busiest time on the Bay Front for the fishing and processing industries as well as our typical tourist flow.

I suggest that the visit be changed to our shoulder months or the venue changed to South Beach or the Terminal. The Bay Front is at full capacity in July.

Thank you for listening to the people who live and work on the Bay Front.

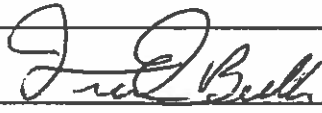






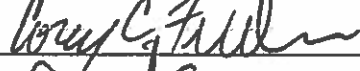


Janet Webster
113 SE Bay Blvd, Newport
janet.webster@charter.net

Petition to Deny a Moorage Agreement with the Tall Ships of Grays Harbor, WA during a Peak Operating Season.

Background and Reasons:

- ♦ The Tall Ships of Grays Harbor, WA are requesting a moorage agreement from July 11 – 31, 2018 for 220+ feet of Port Dock 3. This request is during an already highly-utilized moorage season for commercial vessels with various moorage agreements, along with a topped out capacity for our parking district.
- ♦ Additional parking taken by the Tall Ship customers will impact Captains, Crew & Support Services (Example: Curry Marine @ \$115/hour, looking for parking?). July parking also includes ramped up processing crews and peak tourism.
- ♦ We are concerned that the vessels, along with their customers, will displace our critical operational abilities with a parking crisis for 75% of July (Imagine the "4th of July" for three solid weeks?).
- ♦ We acknowledge that these vessels are unique. We request you to review the Port's mission statement "...increase community economic development" by suggesting they visit in an off season (like Seafood & Wine Fest) versus a fisheries and tourism peak season, for mutual benefit.

We, the undersigned, are stakeholders who urge the Port of Newport Commission to deny a moorage agreement with the Tall Ships of Grays Harbor, WA due to limited infrastructure during our peak operating seasons.

PRINT NAME	SIGNATURE	VESSEL NAME Position (Owner / Captain / Crew)	DATE
Frank Beeth		First Hope I owner ^{capt}	May 23-2018
KEVIN DIXON		Penny Ann ^{owner} operator	May 21
Darrell Harper		Sealion III ^{owner} operator	5-25-2018
Al Ritter		Mickey	5-24-18
Jimmy Oakes		Crew / Mickey	5-24-18
John Wagner		Pacific skipper	5/25/18
Raysha Lapham		F/v Michele Ann	5/25/18
Corey Feldner		F/v Branville ^{owner} operator	5/26/18
Daniel Eggman		F/v Bess Chat crew	5-26-18
Neal Abrahamson		Alc J	5-26-18

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PRINT NAME	SIGNATURE	VESSEL NAME Position (Owner / Captain / Crew)	DATE
Joe Rock		OWNER	5-7-18
KEVIN BASTIEN		GAL - OWNER	5/7/18
John McMillin		EVOLUTION	5/7/18
Ben White		OR 367 NR / DIVER	5/09/18
Mark Schiwe		Schiwe Marine	5/09/18
GREG MCHAMBER		capouse	5/09/18
Brett Hearne		Last Steak	5-10-18
Ward Crocker		Blue Scoop	5-11-18
GARY RIPPY		Westlandmetz	5-21-18
Neil TAUNTON		TANA 2	5-22-18
Justin Yager		Fddie + Rod	5-22-18
Robin Colman		Capt. F.V. AIE-J	5-23-18