

**NARRATIVE INFORMATION SHEET**  
**FY2020 Site-Specific Hazardous Substance Brownfield Assessment Grant Application**  
**CIT/MEDC – Ko’Kwel Wharf Property**

**1. Applicant Identification:**

Coquille Indian Tribe (CIT)  
Mith-Ih-Kwuh Economic Development Corporation (MEDC)  
3201 Tremont Avenue  
North Bend, OR 97459

CIT/MEDC submitted a Site-Specific grant application for the Ko’Kwel Wharf Property in FY2019 but we were not funded. Using EPA feedback, we have revised and strengthened our approach to assessment, reuse planning, and community outreach for this FY2020 application resubmittal.

**2. Funding Requested:**

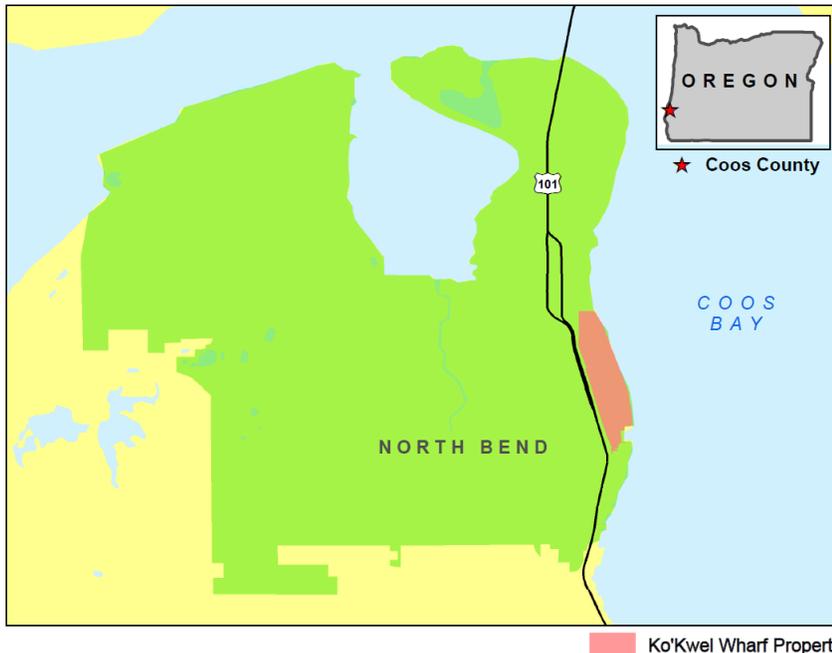
- a. Assessment Grant Type: Site-Specific
- b. Federal Funds Requested: \$350,000 (waiver of \$200,000 limit requested)
- c. Contamination: Hazardous Substances

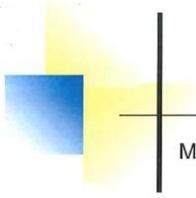
**3. Property Location:**

- a. City: City of North Bend
- b. County: Coos County
- c. State: Oregon (tribally owned lands)

**4. Property Information:**

Ko’Kwel Wharf Property  
3050 Tremont Avenue  
North Bend, OR 97459





**5. Project Contacts:**

a. Project Director  
 Eric Day  
 (541) 756-0662  
 ericday@tribal.one  
 3201 Tremont Avenue  
 North Bend, OR 97459

b. Chief Executive  
 Judy Duffy-Metcalf  
 (541) 756-0662  
 judyduffy@tribal.one  
 3201 Tremont Avenue  
 North Bend, OR 97459

**6. Population:**

Number of Tribal Members Affected: **1,150**

Number of Non-Tribal Members Affected: **9,765** (population of North Bend)

**7. Other Factors Checklist:**

| Other Factors   | Page #  |
|---|---|
| Community population is 10,000 or less.   | The population of North Bend is 9,765<br>See Narrative Section 2.a.i (pg. 4)  |
| The applicant is, or will assist, a federally recognized Indian tribe or United States territory.   | Coquille Indian Tribe is the applicant<br>(see Threshold Criteria)  |
| The priority brownfield site(s) is impacted by mine-scarred land.   | N/A   |
| The priority site(s) is adjacent to a body of water (i.e., the border of the priority site(s) is contiguous or partially contiguous to the body of water or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them). | The property is adjacent to Coos Bay<br>See Narrative Section 1.a.ii (pg. 1 and 2)                                      |
| The priority site(s) is in a federally designated flood plain.  | The property is partially within floodplain<br>See Narrative Section 1.a.ii (pg. 1)                                     |
| The redevelopment of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects.   | Property redevelopment will involve green stormwater management and wind energy<br>See Narrative Section 1.b.ii (pg. 3) |
| 30% or more of the overall project budget will be spent on eligible reuse planning activities for priority brownfield site(s) within the target area.   | 31% of overall project budget will be spent on reuse planning activities.<br>See Narrative Section 3.b (pgs. 8 & 9)     |

N/A = not applicable

**8. Letter from State Environmental Authority:** A letter of acknowledgement and support from the Oregon Department of Environmental Quality is attached.

CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application

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DEQ Letter of Support



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

TTY 711

November 26, 2019

Terri Griffith  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 155  
Mailstop: ECL-133  
Seattle, WA 98101-3140

RE: FY2020 Site-Specific Hazardous Substance Brownfield Assessment Grant Application, Mith-Ih-Kwuh Economic Development Corporation – Ko'Kwel Wharf Property, North Bend, Oregon

Dear Ms. Griffin:

The Oregon Department of Environmental Quality (DEQ) acknowledges the assessment grant application from the Coquille Tribe's Mith-Ih-Kwuh Economic Development Corporation (MEDC). MEDC is focusing on the redevelopment of the Ko'Kwel Wharf Property. The Property was a former Weyerhaeuser Mill and a former Marshfield Manufactured Gas Plant adjacent to Coos Bay in North Bend, Oregon.

DEQ worked with Weyerhaeuser and MEDC to address historical contamination at the former mill site. DEQ closed three cleanup sites (ESCI #527 in 2009, ESCI #4074 in 2013, and ESCI #4802 in 2007) and two leaking underground storage tank sites (LUST #06-94-0049, and LUST #06-06-1367) for commercial and industrially zoned property. MEDC is asking for \$350,000 for a Phase II Environmental Assessment, remedial planning, and reuse planning. With the vision to include workforce-housing, parks, and open space, evaluating the Property for these non-industrial/commercial uses would be helpful.

DEQ supports the MEDC's application for a site-specific assessment grant for the Ko'Kwel Wharf Property.

Sincerely,

*Chris Steindorf acting manager*

Mike Kucinski  
Cleanup Manager

ec Eric Day, MEDC  
Mary Camarata, WR BF Coordinator  
Patricia Atkins, HQ BF Coordinator  
Len Farr, Jr., Stantec

CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application

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RANKING CRITERIA NARRATIVE

## **1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION**

### **1.a. Target Area & Brownfields**

**1.a.i. Background and Description of Target Area:** Our ancestors first came to the Coos Bay region 14,000 years ago. In the late 18<sup>th</sup> century, the Coquille Indian Tribe (CIT) was decimated by European diseases. Two peace treaties with the US government in the 1850s failed in Congress. In 1857, the CIT were forced from their lands and marched 100 miles north to the Siletz Reservation. In 1954 CIT's legal status with the US government was terminated<sup>1</sup>. For decades, the CIT labored to regain sovereignty and lands. On June 28, 1989, Congress restored CIT's status as a sovereign Indian Nation and is one of only nine federally recognized Indian tribes in Oregon.

The PROPERTY that is the subject of this site-specific brownfield assessment grant (GRANT) was first developed in 1856 with a sawmill by the founder of North Bend, Asa Simpson<sup>2</sup>. North Bend, and their primary industries were developed because of plentiful regional natural resources. Numerous mills operated along Coos Bay's waterfront by the late 1800s. The Depression was a local disaster, but after World War II, North Bend experienced good times and high employment. North Bend's dependence on natural resources continued and a major decline in traditional natural resource industries began in the 1980s. In the years 1981-83, more than 2,000 Coos County timber jobs were lost. After more than 130 years of wood product manufacturing on the PROPERTY, the mill was closed in 1989, a severe blow to the local economy, furthering the decline of the local wood products industry and eliminating 225 family-wage jobs. In June 2019, Georgia-Pacific closed yet another mill in Coos Bay laying off 111 workers. Mill closures created numerous brownfields on lands formerly used for wood product manufacturing and on lands with businesses that supported those industries. After the PROPERTY sat vacant for 15 years, CIT acquired it in 2004 with intent to redevelop. Currently the PROPERTY remains fee land.

Despite these regional challenges, today North Bend is home to a historic downtown with art galleries and antique shops and is the gateway to the Oregon Dunes National Recreation Area. The Mill Casino (built on a former waterfront lumber mill site adjacent and south of the PROPERTY) is North Bend's most significant tourist attraction and one of our community's largest employers. The Coos History and Maritime Museum (built on a former waterfront industrial site) opened in 2015 and is attracting many visitors. The mill sites that once employed many in our community are gone, never to return, but the brownfield properties left in their wake, such as the PROPERTY, present opportunities to stimulate our local economy and sustain our people.

**1.a.ii. Description of the Brownfield Site:** The ~50-acre waterfront PROPERTY was operated as a sawmill for ~130 years. In 1950, wood production appreciably expanded, including the addition of a plywood mill. A Manufactured Gas Plant (MGP) operated on a portion of the PROPERTY from ~1910 to ~1938. Environmental issues related to former industrial activities on the PROPERTY include:

- Wood treating chemicals - Pentachlorophenol was used as a wood treating agent for several decades, and eventually was replaced with NP-1, a nonchlorophenolate sapstain inhibitor.
- Wood waste was burned in three "wigwam" burners that are associated with combustion biproducts including metals, dioxins/furans, and polycyclic aromatic hydrocarbons (PAHs).
- Solvents and degreasers used in equipment and rolling stock maintenance and repair.
- Polychlorinated biphenyls (PCBs) associated with transformers and other electrical equipment.
- Phenol-based resins associated with plywood manufacturing.
- Petroleum as 1) fuel for heavy equipment, 2) hydraulic oil associated with mill and heavy equipment, and 3) lubricants associated with mill equipment.
- Coal tar wastes high in PAHs and volatile organic compounds and purifier wastes high in sulfur and cyanide compounds are related to the MGP.

The PROPERTY is located in the Sherman Heights-Pony Creek Neighborhood of North Bend. This neighborhood is defined as the heart of North Bend and consists of a portion of downtown and the primary shopping district. The neighborhood also contains many residents and all but one of North Bend's schools. Within a 2-mile radius of the PROPERTY, an estimated 16,306 people are living in 7,063 households<sup>3</sup>. The eastern portion of the PROPERTY, along Coos Bay, is semi-developed with a dilapidated wharf. Five acres, of the northern section is located within a federally designated 100-year flood zone<sup>4</sup>. The PROPERTY has two current uses. 1) The northernmost ~27 acres are leased to a log export company. Raw logs are stored and loaded onto ocean-going vessels for foreign export. 2) The southern ~23 acres are used by short-term users as a recreational vehicle park and parking

<sup>1</sup> House Concurrent Resolution 108

<sup>2</sup> <https://cooshistory.org/research/timeline-of-south-coast-history/>

<sup>3</sup> United States 2010 Census Bureau

<sup>4</sup> Oregon Dept. of Geology and Mineral Industries, FEMA Flood Zone Change Map, City of North Bend, 2010

for The Mill Casino. Across US Route 101, which forms the western PROPERTY boundary, land use is primarily residential and includes North Bend High School located only 0.5 miles to the west.

The PROPERTY, in its current state is underutilized and has not been developed because of undetermined environmental issues and the lack of a definitive redevelopment plan. Considering that North Bend has no ability to expand geographically as it is bound by Coos Bay on three sides, and the City of Coos Bay on the other, this PROPERTY represents the largest available site for redevelopment in North Bend and is the City's highest redevelopment priority. Assessment and reuse of the PROPERTY are a regional priority because it represents a rare opportunity to spur economic growth, build workforce housing, reconnect citizens and tribal members to critical natural and cultural resources and improve the overall health of the community.

### **1.b. Revitalization of the Target Area**

**1.b.i. Reuse Strategy and Alignment with Revitalization Plans:** The PROPERTY represents the only regional 10+ acre waterfront redevelopment opportunity. CIT and its investment entity, Mith-Ih-Kwuh Economic Development Corporation (MEDC), created under Section 17 of the Indian Reorganization Act, are committed to building workforce housing, promoting tribal culture, and improving socio-economic opportunities for the underserved people of Coos County thereby improving social equality in the community. The mixed-use reuse plan is well aligned with North Bend land use plans including its *2017 Comprehensive Plan and Urban Renewal Plan*. At the State level, the Oregon Governor's Regional Solutions team has identified access to natural resources, business creation and expansion, enhanced recreational economy, and alternative energy development as some of their top priorities for the South Coast-Umpqua Region<sup>5</sup>.

Current PROPERTY zoning (General Commercial C-G) allows for businesses, open space, and residential development and is therefore consistent with the envisioned reuse plan. A mixed-use redevelopment will provide housing and commercial enterprise opportunities and will attract tourists to waterfront attractions along Coos Bay. This makes the PROPERTY extremely well-suited to establish North Bend and Coos Bay as a top tourist destination on the southern Oregon coast.

High-level reuse goals/themes for the PROPERTY include:

#### **REDEVELOPMENT GOALS**

- Workforce Development
- Housing Affordability
- Open Space/Waterfront Access/Park
- Preservation of History and Culture

#### **REDEVELOPMENT THEMES**

- Design for Equity
- Welcoming & Tourist Friendly
- Active & Vital Public Realm
- Green Streets and Sustainability

Our PROPERTY reuse strategy is in the preliminary planning stages; whereas CIT plans to create a detailed Master Plan in terms of land uses and the spatial arrangement for building placement, circulation, open space, and stormwater management. Environmental site assessment (ESA) activities will guide the master plan formation to respond to potential hazardous site materials and cleanup alternatives. Development parcels will be located and permitted strategically to redevelop the PROPERTY in concert with a remedial action plan that is compliant with State and federal environmental regulations. Our reuse strategy involves the formation of a master plan that will include up to 30 acres for mixed-use commercial and workforce housing, up to 14 acres for wetland restoration and a linear waterfront park, and up to 6 acres for parking and circulation. CIT/MEDC intends to occupy some commercial parcels and lease the remaining space to private tenants.

The PROPERTY is located in the North Bend Waterfront Park Planning District, the district most isolated from existing park facilities. Bay access and open space are high priorities for the Tribe and North Bend in order to rectify this park "desert" and to preserve Tribal heritage. A local non-profit group, *CONNECT! The Boardwalk*, has developed a draft concept plan for the Coos Waterfront Park and Walkway to connect existing waterfront walkways in North Bend and Coos Bay. CIT/MEDC have been supportive of this plan and recognize the PROPERTY as a key linkage to develop a pedestrian trail between the two cities.

**1.b.ii. Outcomes and Benefits of Reuse Strategy:** Funding from this GRANT and other resources will allow for community engagement and development of a specific PROPERTY redevelopment plan. The following outcomes and benefits are integral components of the reuse strategy.

- **Workforce Development and Economic Stimulus:** Our highest redevelopment priority is to create family-wage jobs and stimulate the local economy thereby improving the economic stability and overall health of local families. Our reuse plan will create up to 500 jobs, (16 jobs/acre<sup>6</sup> for 30 acres of commercial development parcels). We expect a mix of retail, restaurant, grocery and

<sup>5</sup> <https://www.oregon.gov/gov/admin/regional-solutions/Pages/SouthCoast.aspx>

<sup>6</sup> Oregon Department of Land Conservation & Development - Industrial and Other Employment Lands Analysis

service jobs. Along with The Mill Casino, which employs 500+, this will make the PROPERTY and adjoining casino a major regional employment center, tourist destination and economic hub.

- **Workforce Housing:** Affordable housing is second only to gainful employment as a predictor of the health and welfare of local families. We anticipate building approximately 200 new housing units on the PROPERTY, intermixed with commercial parcels. The market should easily absorb these units given the low homeowner vacancy rate in the area (2%). Workforce housing has been identified as a major issue throughout Oregon and the West Coast. Also, the rental market in North Bend is severely limited with only 4 available units identified in North Bend<sup>7</sup>.
- **Parks and Open Space and Preservation of Tribal History and Culture:** The CIT people have a culture shaped by a history rich in strife and triumph. Many aspects of our modern life were adapted from centuries old traditions. Incorporating our history and culture into a reuse strategy is essential. Coos Bay has played a vital role in our history as a food source, transportation corridor spiritual presence. Past industrial activities not only polluted the land and water but also cut off access to the bay from our people. Restoring connectivity to the waterfront is a critical reuse component for the Tribe and community. As the largest regional urban waterfront property available for reuse, we have a unique opportunity to reconnect the local community and Tribal members with Coos Bay. A bay-front boardwalk and linear park will be created with access for water-related recreation (e.g. fishing, paddle boarding and kayaking). The park will include interpretive signs showcasing our rich history. These amenities will benefit community health directly by removing the regional park desert and increasing recreational opportunities for all.
- **Energy Efficiency/Green Infrastructure:** We will incorporate energy efficiency elements into newly constructed PROPERTY buildings. CIT/MEDC is committed to operating their enterprises with energy efficiency and sustainable practices. As an example, The Mill Casino joined Pacific Power’s Blue Sky program as a visionary partner and is dedicated to utilizing 11% renewable energy. We plan to continue this momentum and our coastal location is well-suited for inclusion of small-scale renewable wind energy generation in our reuse plans. Future development on the PROPERTY will employ green stormwater management practices to improve Coos Bay water quality. PROPERTY and regional stormwater will be contained and treated on the PROPERTY with rain gardens, bioswales, and/or green streets prior to flowing into Coos Bay. Wetland restoration will be part of PROPERTY stormwater management and the park/trail system will include interpretive signs describing wetland mechanisms and their role in improving water quality.

### **1.c. Strategy for Leveraging Resources**

**1.c.i. Resources Needed for Site Reuse:** Having a “shovel ready” site is important to tapping into many available funding sources for redevelopment. Funds from this GRANT will be used to evaluate PROPERTY environmental conditions and create a cleanup plan. Removal of these barriers will act as a catalyst and open doors to programs and funding sources for the next project phases. Several of those programs and sources are identified below.

The PROPERTY is located within the following economic development zones, which provide significant monetary and/or investment tax incentives.

- Enterprise Zone (EZ) – The PROPERTY is within an EZ which provides 3-5-year exemptions to property taxes on new investments.
- Opportunity Zone (OZ) – The PROPERTY is within an OZ (Census Tract 3) by designation as a low-income community. An opportunity fund is currently being established to receive money from a bonding structure to facilitate investment within this specific OZ. During a summer 2019 conference hosted by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw, the PROPERTY was included in an OZ-focused tour where local, State and federal conference attendees considered the PROPERTY to be an excellent OZ site.

A regional commitment to economic development through tourism and urban renewal is evident in several projects and programs. A new Tourist Information Building<sup>8</sup> was constructed in downtown North Bend using Urban Renewal Agency funds and in 2019 The Coos Bay Downtown Foundation was awarded \$20k to develop the Coos Bay Main Street Economic Vitality Plan to identify visitor and business opportunities for economic growth<sup>9</sup>. In 2019, the City of North Bend received a grant from the Oregon State Marine Board to repair and replace their California Street Boat Ramp adjacent to the PROPERTY. North Bend waterfront properties, including the PROPERTY, are in the urban renewal district which has a tax increment financing program and can provide a source of reuse funding.

<sup>7</sup> [www.zillow.com](http://www.zillow.com), accessed 10/29/2019

<sup>8</sup> North Bend Urban Renewal Agency Resolution No. 40

<sup>9</sup> <https://industry.traveloregon.com/resources/news/>

The PROPERTY is eligible for project funding from several State resources. One resource already utilized is the Business Oregon Brownfield Redevelopment Program. In 2019, CIT/MEDC received a \$25K integrated planning grant from the program to evaluate prior PROPERTY ESA activities. CIT/MEDC is eligible to receive a technical assistance grant (\$60K) for environmental/cleanup activities and low-interest cleanup loans from the program and we plan to apply for these grants once assessment and remedial planning is complete. In November 2019 CIT/MEDC was awarded a technical assistance grant (\$125K) from the Oregon Department of Land Conservation and Development to support PROPERTY master planning activities. Oregon recently adopted a comprehensive strategy to expand infrastructure financing tools. These include the West Coast Infrastructure Exchange (WCX), creating a State infrastructure commission, to energize public-private financing.

**1.c.ii. Use of Existing Infrastructure:** The PROPERTY is located amongst existing infrastructure on or adjoining the PROPERTY from prior mill operations (water, sewer, electric, natural gas, etc.). There is ready access to existing utility and transportation-related infrastructure which can be reused or enhanced, to minimize investment. The PROPERTY is adjacent to US Route 101 and transportation-related infrastructure improvements associated with redevelopment are expected to be minimal. An evaluation of infrastructure investments required to redevelop the PROPERTY is needed and will be conducted by CIT/MEDC outside of GRANT funding. A known infrastructure challenge for the PROPERTY is transportation accessibility. The PROPERTY is bound by Coos Bay to the east and active railroad tracks to the west.

Stormwater is a key infrastructure issue for the PROPERTY and region. The PROPERTY represents an opportunity for green stormwater management. CIT/MEDC will incorporate on-site management of stormwater with low-impact green technologies as described in Section 1.b.ii above. Funding mechanisms for infrastructure improvements are listed in Section 1.c.i.

**2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT**

**2.a. Community Need**

**2.a.i. The Community’s Need for Funding:** As the economic development arm for the CIT, MEDC is charged with developing businesses to generate revenue to support the Tribe. CIT’s economic needs are constantly growing as the cost for health care, housing and other necessities for Tribal members increase annually. CIT/MEDC would like to invest in the PROPERTY but real/perceived contamination is a barrier to this vision. In 2008, The Home Depot terminated plans to develop a 130,000-square foot store on the PROPERTY, because of redevelopment barriers associated with the PROPERTY. Neither the Tribe (1,150 members) nor North Bend (population 9,765<sup>10</sup>) has the funding to address PROPERTY brownfield issues, or to engage with the community to develop an equitable reuse strategy. CIT/MEDC is willing to invest Tribal resources to redevelop the PROPERTY, but first must understand and resolve associated environmental challenges.

**2.a.ii. Threats to Sensitive Populations**

**2.a.ii.1. Health or Welfare:** The primary health and welfare impacts to sensitive populations affected by the PROPERTY include an inadequate supply of affordable housing and family-wage jobs as well as blight and safety concerns. Data demonstrating the disproportionately large sensitive populations affected by these health and welfare impacts are summarized in the table below and are discussed further in Sections 2.a.ii.2 and 2.a.ii.3.

| <b>Sensitive Populations</b>   | <b>PROPERTY (Census blockgroup 410110003001)</b> | <b>North Bend</b> | <b>Oregon (for comparison only)</b> |
|--------------------------------|--|-------------------|-------------------------------------|
| Children (under 17)            | 291 (30%)  | 2,722 (29%)       | 28%                                 |
| Minority                       | 220 (23%)  | 1,928 (20%)       | 23%                                 |
| Native American                | 39 (4%)  | 369 (4%)          | 1%                                  |
| Low-Income Households (<\$25K) | 141 (31%)  | 1,059 (28%)       | 23%                                 |

All data from EJScreen 2013-2017 ACS Summary Report

The Coos Bay/North Bend area is experiencing a housing crisis at all market levels. Rents in the area have steadily increased since 2011 to the point where many underserved populations are homeless or living in substandard housing. Renter incomes have not kept pace with surging rent prices. Through PROPERTY redevelopment, increased availability of workforce housing and family-wage jobs will have a ripple-affect throughout our community, directly and indirectly improving the quality of life for many residents.

<sup>10</sup> 2018 Population Estimates from US Census Bureau

Blight is a major problem in southern North Bend where the PROPERTY is located. While fenced-off, the PROPERTY attracts many homeless to the area and drug use is rampant as evidenced by discarded needles. Theft and property crime in south North Bend, general indicators of poverty, are reported at significantly higher rates in North Bend per 100k people as compared to Oregon and national averages<sup>11</sup>. Redevelopment will contribute to the reduction of community blight not only on the PROPERTY, but in other North Bend neighborhoods as well. As proven by many studies, a reduction in blight will have a commensurate impact in reducing crime and improving public health.

**2.a.ii.2. Greater Than Normal Incidence of Disease and Adverse Health Conditions:** Coos County ranks 30<sup>th</sup> and 35<sup>th</sup> of 36 Oregon counties in overall health outcomes and health factors<sup>12</sup> and has the highest rate of cancer deaths (197.6 deaths per 100,000) of any Oregon county<sup>13</sup>. Coos County also has high rates of 1) asthma-related hospitalizations (9.0 per 10,000), ranking 33<sup>rd</sup> of 36 Oregon counties and 2) heart disease hospitalizations (48.6 per 10,000), ranking 36<sup>th</sup> of 36 counties for the most recent 5-year reporting period<sup>14</sup>. The youth in our community also are struggling with 26% of children living in households below the poverty level (32<sup>nd</sup> of 36 counties), above average teen birth rates, and the 2<sup>nd</sup> lowest high school graduation rate (58%) of counties in a State that ranks 3<sup>rd</sup> worst nationally. Only 27% of people living in Coos County are within ½ a mile of a park. Having regular access to places for physical activity can greatly reduce rates of chronic disease<sup>15</sup>.

The members of the CIT experience an even higher incidence of disease and adverse health conditions. For example: 1) the Oregon Tribal member heart disease death rate is 24% higher than Oregon non-Hispanic whites and 2) Oregon Tribal member cancer mortality rates are 20% higher for males and 36% higher for females as compared to Oregon non-Hispanic whites<sup>16</sup>.

**2.a.ii.3. Disproportionately Impacted Populations:** Assessment, cleanup, and reuse of the PROPERTY will substantially aid in mitigating cumulative resident exposure to contamination associated with the PROPERTY. The PROPERTY will also provide opportunity for improved community health by creating open space, connected walking paths and family-wage jobs. The PROPERTY will also spur regional economic growth providing opportunity for economic mobility for many of our community members.

Economic data obtained from the EPA’s Environmental Justice Screening and Mapping Tool (EJ Screen) for the PROPERTY area (census blockgroup 410110003001) are summarized below.

- The percentage of the area population that is low income is in the 79<sup>th</sup> percentile nationally;
- The per capita income in the census blockgroup is \$18,441 compared to \$31,443 nationally;
- More than 22% of families live below poverty level, nearly twice the national rate (12.3%);
- People in the blockgroup have high unemployment – 7% compared to 6.5% in Coos County and 4% nationally.

| Demographic Indicator     | %ile State | %ile Region | %ile US |
|---------------------------|------------|-------------|---------|
| Overall Demographic Index | 77         | 76          | 62      |
| Under 5-Years in Age      | 92         | 89          | 89      |
| Over 64-Years in Age      | 79         | 84          | 85      |

EJ Screen demographic data for the census blockgroup indicates that sensitive populations, including seniors, children and pregnant women are present at high numbers in the surrounding neighborhood and therefore disproportionately impacted by the PROPERTY.

## 2.b. Community Engagement

**2.b.i. and 2.b.ii. Community Involvement:** CIT/MEDC’s community involvement plans will emphasize neighborhood members directly affected by the PROPERTY; those living and working nearby and Tribal members yet to realize the economic benefits of CIT/MEDC’s investment. Early in the project we will distribute informational flyers detailing contaminant information related to the PROPERTY and educating those directly affected by potential contaminant exposure. Prior to public meetings, we will distribute information in person or via website or mail to encourage participation. Engagement activities will target residents and businesses located adjacent to the PROPERTY.

We have been pursuing this GRANT for several years. CIT/MEDC submitted a Site-Specific grant application for the PROPERTY in FY2019 but we were not funded. Using EPA feedback, we have revised and strengthened our approach to assessment, reuse planning, and community outreach for this FY2020 application resubmittal. Through the resubmittal process, we have enhanced our reuse strategy with input from regional partners that includes city and State agencies, nonprofit

<sup>11</sup> <https://www.areavibes.com/north+bend-or/crime/>

<sup>12</sup> 2019 County Health Rankings Report - Oregon

<sup>13</sup> [https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/CHRONICDISEASE/DATAREPORTS/Documents/datatables/ORCountyCancer\\_All.pdf](https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/CHRONICDISEASE/DATAREPORTS/Documents/datatables/ORCountyCancer_All.pdf)

<sup>14</sup> <https://epht.oregon.gov/DisplayData.aspx>

<sup>15</sup> 2015 data from the National Environmental Public Health Tracking Network

<sup>16</sup> 2014 American Indian & Alaska Native Community Health Profile - Oregon

organizations, and citizen groups particularly for the underserved and underrepresented people in our community. CIT/MEDC is committed to authentic community outreach initiatives to redevelop the PROPERTY in a way that benefits the entire community. The list below presents key partners who have pledged to work with CIT/MEDC to evaluate, cleanup and redevelop the PROPERTY.

**Abridged List of Project Partners**

| Partner Organization  | Point of Contact                                    | Specific Project Role   |
|---|---|---|
| Oregon Dep. of Land Conservation and Dev. (DLCD) – 541.574.1584   | Hui Rodomsky<br>hui.rodomsky@state.or.us            | CIT/MEDC will use DLCD grant funds to develop a master plan for PROPERTY reuse.               |
| Oregon Dep. of Environmental Quality (DEQ) - 541.687.7435         | Mary Camarata<br>Mary.Camarata@state.or.us          | DEQ will provide oversight during Phase II ESA activities to develop a closure and reuse plan |
| City of North Bend – City Planner<br>541.756.8535                 | Chelsea Schnabel<br>cschnabel@northbendcity.org     | To integrate PROPERTY redevelopment into North Bend’s Urban Renewal Plan                      |
| Coos County Friends of Public Health - 541.751.2425               | Frances Smith<br>ccfoph@gmail.com                   | To incorporate specific public health elements into PROPERTY reuse plan                       |
| South Coast Dev. Council<br>541.888.7003                          | Sam Baugh<br>sam@scdcinc.org                        | To promote regional mission to provide quality jobs through responsible development           |
| Coos Watershed Association<br>541.888.5922                        | Jon Souder<br>jsouder@cooswatershed.org             | To integrate environmental protection and economic stability into PROPERTY reuse plan         |
| North Bend Housing Authority<br>541.751.2042                      | Marka Turner<br>mturner@ccnbchas.org                | To advocate for affordable housing options into redevelopment plan                            |
| Bay Area Chamber of Commerce<br>541.266.0868                      | Timm Slater - timmslater<br>@oregonsbayarea.org     | A voice for the local business community in redevelopment planning                            |
| Coos Bay-North Bend Visitors and Convention Bureau - 541-269-0215 | Janice Langlinais<br>info@oregonsadventurecoast.com | To advocate for tourism opportunities including bay access, parks and public open space       |

**2.b.iii. Incorporating Community Input:** We will communicate project progress and solicit input from the local community using the following means:

- Create a website within 3 months of project initiation. Information posted on the website will include: 1) project specific informational fact sheets; 2) a calendar indicating the project schedule and notices of upcoming meetings; 3) a link to an online survey to solicit input regarding PROPERTY redevelopment planning; and 4) links to brownfield websites containing educational materials
- Hold a minimum of five public meetings (see Section 3.a.i for schedule). One such project meeting was held on November 13, 2018 where the preliminary reuse plan was presented and discussed. Another meeting is currently being planned. Project meetings include exhibitions to showcase progress and interactive exercises to engage with the public to develop PROPERTY reuse ideas.
- Use of local print/online media, such as our local daily newspaper, The World and the Coquille Tribal Newsletter, to report project progress and announce upcoming public meetings. In November 2019, CIT/MEDC published an article in the Coquille Tribal Newsletter informing readers of the pursuit of this GRANT and the intent to assess, cleanup and redevelop the PROPERTY for mixed-use commercial/residential and park space.
- We will attend and present information regarding the project at industry trade group meetings and club meetings (Elks, Eagles, Rotary, etc.); an average of 2 per year over the life of the project. To ensure that community input is considered, responded to and adopted, where appropriate, the following actions will be taken (particularly for those directly affected by the PROPERTY): 1) we will publish survey results and other input received to ensure transparency amongst stakeholders; 2) we will work actively to enhance leadership capacity of community members and groups to empower their voice; and 3) efforts will be made to describe how reuse plans were affected by community input, and explain economic, social, environmental and political causes for the selected reuse approach. At all meetings hosted by CIT/MEDC, special accommodations will be made to ensure participation by people with disabilities and non-English speakers.

**3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS**

**3.a. Description of Tasks/Activities and Outputs:**

**3.a.i Project Implementation:** CIT/MEDC has selected a Qualified Environmental Professional (QEP) to assist with project implementation if the GRANT is awarded. As the grantee, CIT/MEDC procured and contracted with the QEP in accordance with CIT/MEDC internal rules and with Code of Federal Regulations 2 (CFR) 200.317-326. Advanced procurement of a contractor experienced with EPA brownfield grant projects will allow CIT/MEDC to begin the project as soon as funds are available. For each task below, implementation elements and task leads are described. The project schedule and task outputs are discussed following task descriptions.

**Task 1 – Cooperative Agreement (CA) Oversight and Reporting:** This task will include: 1) quarterly progress reporting (QPRs), 2) annual disadvantaged business enterprise (DBE) reporting, 3) Property

Profile Form submission and updates in the EPA’s Assessment, Cleanup and Redevelopment Exchange System (ACRES) system, 4) summary report detailing accomplishments, expenditures, outcomes, outputs, lessons learned, and resources leveraged, and 5) travel expenses associated with grantee attendance of three educational brownfield conferences.

**Task Lead:** CIT/MEDC (Eric Day and Maeora Mosieur) and the QEP will work collaboratively in completing all EPA reporting requirements and in tracking project progress and budget to ensure that funds are spent in accordance with this application.

**Outputs:** QPRs (will include Gantt Chart inclusion/updates [see Section 3.c]), Initial ACRES System Property Profile Entry and Updates, Annual DBE Reports, Financial Reports, Monthly Progress Meeting Minutes, Project Closeout Report.

**Task 2 – Community Engagement:** This task will include: 1) preparing a detailed public involvement plan, 2) implementing meaningful community engagement to develop and refine the redevelopment strategy for the PROPERTY, 3) coordinating and conducting at least four interactive meetings with stakeholders and the public, 4) preparing meeting materials and presentations, 5) preparing and distributing brochures, fact sheets, and other public information material, and 6) creating a brownfield webpage used to solicit input on a redevelopment strategy for the PROPERTY, and to educate and communicate project progress to the community.

**Task Lead:** CIT/MEDC (Eric Day) will lead this task and will be supported by the QEP. CIT/MEDC will determine the content, location and date for each public/stakeholder meeting. CIT/MEDC and the QEP will collaborate in preparing meeting materials and presentations.

**Outputs:** Public Involvement Plan, Webpage, Fact Sheets in English and Spanish, Meeting Agendas, Minutes and Materials.

**Task 3 – Phase II ESA:** Multiple Phase II ESAs have been performed at the PROPERTY. Using \$25k in grant funding leveraged from the Business Oregon Brownfield Program, CIT/MEDC has thoroughly evaluated all available prior PROPERTY ESA information. Two primary ESA data gaps have been identified: 1) all prior work assumed PROPERTY redevelopment would be commercial only which is inconsistent with the current CIT/MEDC PROPERTY vision which includes mixed-use commercial and residential; and 2) areas of the PROPERTY (e.g. former paint shop, machine shop, export warehouse areas and Coos Bay sediment) where ESA activities have not been adequately completed. The GRANT will be used to collect sufficient data to evaluate the PROPERTY in alignment with the current reuse vision. CIT/MEDC would enter the property into the Oregon Department of Environmental Quality’s (DEQ’s) Voluntary Cleanup Program (VCP) to conduct investigation activities that will meet Oregon’s Environmental Cleanup Law. A preliminary PROPERTY-specific sampling and analysis plan (SAP) has been prepared to address these data gaps in sediment, soil, groundwater, and soil vapor with the collection and analysis of 120 samples at specific areas of the PROPERTY.

| Sample Matrix     | Sediment | Soil | Groundwater | Soil Vapor |
|-------------------|----------|------|-------------|------------|
| Number of Samples | 30       | 60   | 15          | 15         |

Analytical parameters for the SAP will include a selection of volatile organic compounds (VOCs), PAHs, metals, pentachlorophenol, dioxins/furans and polychlorinated biphenyls (PCBs). Following GRANT award, a final SAP and Quality Assurance Project Plan (QAPP) will be prepared and will conform with the DEQ’s *Quality Assurance Policy for Environmental Cleanup Programs*. We will complete all National Historic Preservation Act (NHPA) §106 and Endangered Species Act (ESAct) §7(a)(2) requirements prior to initiating ESA activities. Following EPA and DEQ approval of all pre-ESA project elements, Phase II ESA activities will be implemented including health and safety plan (HASP) preparation, utility locating, field sampling, laboratory testing, data validation, and report preparation. The report will include both newly collected data, and historical data, and will include a comprehensive risk assessment consistent with the current PROPERTY redevelopment vision including an evaluation of urban residential receptors.

**Task Lead:** The QEP will lead this technical task and will work with the DEQ to ensure that the work is conducted in accordance with State requirements. CIT/MEDC will provide oversight for the QEP during this task and CIT/MEDC’s natural resource group will work collaboratively with the QEP in completing NHPA §106 and ESAct §7(a)(2) requirements.

**Outputs:** SAP, QAPP, NHPA §106 and ESAct §7(a)(2) Deliverables, Laboratory Reports, Phase II ESA Report including an updated Comprehensive Risk Assessment.

**Task 4 – Remedial Planning:** ESA and risk assessment will identify remediation areas and a reuse plan will define specific spatial distribution of future PROPERTY uses. Using available information, cleanup options for will be evaluated to inform cleanup costs. An Analysis of Brownfield Cleanup Alternatives (ABCA) will be prepared to determine an appropriate mitigation plan and will assist in future applications for State or federal cleanup funding.

**Task Lead:** The QEP will lead this technical task with oversight by CIT/MEDC.

**Outputs:** An ABCA with cleanup alternatives and associated costs.

**Task 5 – Reuse Planning:** Currently, CIT/MEDC has a high-level redevelopment vision for the PROPERTY. We will undertake reuse planning efforts that incorporates information obtained from ESA and Remedial Planning activities to obtain additional clarity regarding an equitable PROPERTY redevelopment strategy. Planning efforts will include engaging with the community with emphasis placed on those most impacted by the PROPERTY. Primary re-use planning activities that will be undertaken include: 1) site reuse visioning including hosting a design charrette with the community and stakeholders and having design professionals create reuse alternatives 2) development of an action plan to identify implementable actions consistent with the redevelopment plan for the PROPERTY and that achieves desired redevelopment outcomes (see Section 3.c). We also anticipate completing limited market studies to evaluate the feasibility of the reuse vision.

**Task Lead:** CIT/MEDC (Eric Day) will lead this task with significant support from the QEP. As a planner, Mr. Day is fully capable of directing the QEP’s work on this task. It is recognized that a diverse skill set will be required to complete this task and that the QEP may subcontract a portion of the task work specialty planning contractors.

**Outputs:** A comprehensive action plan containing a preferred redevelopment strategy for the PROPERTY. The market study will be included as action plan appendices.

3.a.ii Anticipated Project Schedule: The anticipated schedule of activities, demonstrating completion of all project implementation within the 3-year GRANT period, is summarized below.

| Task No. | Task Name                       | Description                       | FY2021   |    |    |    | FY2022 |    |    |    | FY2023 |    |    |    | FY24 |
|----------|---------------------------------|-----------------------------------|--|----|----|----|--------|----|----|----|--------|----|----|----|------|
|          |                                 |                                   | Q1   | Q2 | Q3 | Q4 | Q1     | Q2 | Q3 | Q4 | Q1     | Q2 | Q3 | Q4 | Q1   |
| 1        | Oversight/ Reporting Activities | Quarterly Reporting               |  | ■  | ■  | ■  | ■      | ■  | ■  | ■  | ■      | ■  | ■  | ■  | ■    |
|          |                                 | Annual DBE Reports                |  |    |    |    | ■      |    |    |    | ■      |    |    |    | ■    |
|          |                                 | ACRES Database Submittals         | A property profile will be submitted Q1 of 2020 and updated periodically with new information. |    |    |    |        |    |    |    |        |    |    |    |      |
|          |                                 | Final Report                      |  |    |    |    |        |    |    |    |        |    |    |    |      |
| 2        | Community Engagement            | Public Involvement Plan           | ■  |    |    |    |        |    |    |    |        |    |    |    |      |
|          |                                 | Public/Stakeholder Meetings       |  | +  |    |    | +      |    |    | +  |        |    | +  |    |      |
|          |                                 | Webpage Updates                   |  | ■  | ■  | ■  | ■      | ■  | ■  | ■  | ■      | ■  | ■  | ■  | ■    |
| 3        | Phase II Investigation          | SAP and QAPP Preparation/Approval | ■  | ■  |    |    |        |    |    |    |        |    |    |    |      |
|          |                                 | NHPA and ESA Requirements         | ■  | ■  |    |    |        |    |    |    |        |    |    |    |      |
|          |                                 | Investigation Activities          |  |    | ■  | ■  |        |    |    |    |        |    |    |    |      |
|          |                                 | Risk Assessment Update            |  |    |    |    | ■      | ■  |    |    |        |    |    |    |      |
| 4        | Cleanup Planning                | Develop Cleanup Options/Costs     |  |    |    |    |        |    | ■  | ■  |        |    |    |    |      |
|          |                                 | Prepare ABCA                      |  |    |    |    |        |    |    | ■  | ■      |    |    |    |      |
| 5        | Reuse Planning                  | Site Reuse Vision                 |  | ■  | ■  | ■  | ■      | ■  | ■  | ■  | ■      | ■  | ■  | ■  |      |
|          |                                 | Market Studies                    |  |    |    |    | ■      | ■  | ■  | ■  | ■      | ■  | ■  | ■  |      |
|          |                                 | Action Plan Preparation           |  |    |    |    | ■      | ■  | ■  | ■  | ■      | ■  | ■  | ■  |      |

3.a.iii Task/Activity Lead: See Section 3.a.i.

3.a.iv Outputs: See Section 3.a.i.

**3.b. Cost Estimates and Outputs:** CIT/MEDC will not charge the GRANT for salary dollars or administrative costs and will perform its role described in Section 3.a using its own resources. Cost details for each project element that will be charged to the GRANT are described below.

**Hazardous Substance Budget Summary Table**

| Budget Categories         |                 | Project Tasks               |                         |                     |                      |                    | TOTAL               |
|---------------------------|-----------------|-----------------------------|-------------------------|---------------------|----------------------|--------------------|---------------------|
|                           |                 | 1: CA Oversight & Reporting | 2: Community Engagement | 3: Phase II ESA     | 4: Remedial Planning | 5: Reuse Planning  |                     |
| Direct Costs              | Personnel       | \$0.00                      | \$0.00                  | \$0.00              | \$0.00               | \$0.00             | \$0.00              |
|                           | Fringe          | \$0.00                      | \$0.00                  | \$0.00              | \$0.00               | \$0.00             | \$0.00              |
|                           | Travel          | \$5,000.00                  | \$0.00                  | \$0.00              | \$0.00               | \$0.00             | \$5,000.00          |
|                           | Equip./Supplies | \$0.00                      | \$0.00                  | \$0.00              | \$0.00               | \$0.00             | \$0.00              |
|                           | Contractual     | \$25,000.00                 | \$25,000.00             | \$185,000.00        | \$25,000.00          | \$85,000.00        | \$345,000.00        |
| <b>Total Direct Costs</b> |                 | <b>\$30,000.00</b>          | <b>\$25,000.00</b>      | <b>\$185,000.00</b> | <b>\$25,000.00</b>   | <b>\$85,000.00</b> | <b>\$350,000.00</b> |
| <b>Indirect Costs</b>     |                 | <b>\$0.00</b>               | <b>\$0.00</b>           | <b>\$0.00</b>       | <b>\$0.00</b>        | <b>\$0.00</b>      | <b>\$0.00</b>       |
| <b>Total Budget</b>       |                 | <b>\$30,000.00</b>          | <b>\$25,000.00</b>      | <b>\$185,000.00</b> | <b>\$25,000.00</b>   | <b>\$85,000.00</b> | <b>\$350,000.00</b> |

**Task 1 – Cooperative Agreement Oversight and Reporting:** (Total Budget: \$30,000) The budget for Task 1 includes \$5,000 in expenses for Eric Day to attend two national and one state/regional brownfield conference. Estimated travel costs include airfare (\$600/conference = \$1,800) and

hotel/meal/ transportation costs (\$355/day/3x3-day conferences=~\$3,200). The budget includes \$25,000 (200 hours @ \$125/hour) for contractual project management costs and all EPA reporting requirements. CIT/MEDC will hold monthly progress meetings with their contractor.

**Task 2 – Community Engagement:** (Total Budget: \$25,000) The community engagement budget includes \$25,000 (200 hours @ \$125/hour) for our contractor to assist in 1) public involvement plan preparation, 2) implementing meaningful community engagement including holding four interactive meetings with stakeholders and the public, 3) preparing project brochures and fact sheets, and 4) providing content for the project webpage.

**Task 3 – Phase II ESA:** (Total Budget: \$185,000) The Task 3 budget includes drilling services (\$45,000), utility locates (\$5,000), laboratory testing (\$75,000), and 480 hours of contractor time at \$125/hour (\$60,000) for field sampling activities, reporting and risk assessment. **Phase II ESA activities are estimated at 53% of this GRANT total budget.**

**Task 4 – Remedial Planning:** (Total Budget: \$25,000) The Task 4 budget includes 200 hours of contractor time at \$125/hour to develop a PROPERTY-specific ABCA.

**Task 5 – Reuse Planning:** (Total Budget: \$85,000) The reuse planning budget will include 680 hours of contractor (environmental, urban design and economics) time at \$125/hour. We anticipate that the allocation of hours for primary reuse planning outputs will be as follows: reuse visioning - \$50,000 (400 hours @\$125/hour); action plan preparation – \$20,000 (160 hours @ \$125/hour); and limited market studies - \$15,000 (120 hours @ \$125/hour).

**3.c. Measuring Environmental Results:** CIT/MEDC will expand upon the high-level Gantt Chart schedule included in Section 3.a to create tracking tools to measure and evaluate progress in output completion. The specific outputs associated with each task described in Section 3.b will be incorporated into the schedule. This tool will be invaluable in tracking progress, thereby ensuring that GRANT funds are expended in a timely and efficient manner. The schedule will be updated for and included in each project QPR to keep the EPA apprised of project progress.

Redevelopment outcomes that will be tracked, measured and evaluated include: 1) number of acres for which environmental issues have been resolved and made ready for reuse, 2) number of jobs created, 3) number of housing units built, 4) square feet of commercial space built, 5) acres of wetlands created/enhanced and/or used for water quality improvements, 6) acres of land redeveloped for open space/parks, 7) linear feet of bay-front boardwalk constructed, 8) dollars of public and private funding leveraged, 9) amount of additional property tax revenue generated, and 10) kilowatts of energy generated by renewable energy facilities. We recognize that the redevelopment schedule for the PROPERTY will extend beyond the 3-year GRANT period and commit to continuing to update the ACRES database system regarding the above-listed outcomes achieved beyond the GRANT period.

## **4. PROGRAMMATIC CAPABILITY & PAST PERFORMANCE**

### **4.a. Programmatic Capability**

**4.a.i and 4.a.ii Organizational Structure and Description of Key Staff:** The organizational structure of CIT/MEDC consists of General and Tribal Councils, MEDC Board of Directors, a CEO (Ms. Judy Duffy) and executive staff. CIT also has planning, economic development, environmental, legal, and other staff for project support. The key staff members include:

**Eric Day, Executive Director of Planning and Development:** Mr. Day will be the technical lead for the project. He will manage all contractors and coordinate with the EPA and other agencies related to the project. He was hired by MEDC in 2017 to lead its planning and development group. Prior to being hired by MEDC, Mr. Day was the Planning Director at the City of Coos Bay, where he was the technical and community outreach lead for a \$400,000 Brownfields Community-Wide Assessment grant awarded to the City of Coos Bay in 2016. Mr. Day's educational background is in urban planning and previously he has worked as a planner in the public and private sectors.

**Maeora Mosieur, Chief Financial Officer** - Ms. Mosieur has been the CFO for MEDC since 2000. Her career in finance began in 1988 with Oregon First Community Credit Union where she became CFO. At MEDC, Ms. Mosieur is responsible for oversight of all federal and non-federal assistance agreements.

**Ray Doering, Director of Public Affairs & Compliance** – Mr. Doering will serve as the director of community outreach for the project. He has served as for CIT/MEDC since 2004 where he oversees corporate communications and government relations. Ray previously worked in a grant-funded position with the Small Business Development Center in Washington and served in communications and policy development with the Pennsylvania House of Representatives.

**4.a.iii. Acquiring Additional Resources:** CIT/MEDC routinely acquires additional expertise and resources to complete a wide variety of projects, including environmental assessment and planning projects. As an example, in 2012 CIT/MEDC acquired property in Medford, Oregon for its *The Cedars at Bear Creek* project. Prior to acquiring the property, CIT/MEDC contracted with a consultant to conduct prior-to-purchase environmental due diligence. Following acquisition of the property, a request was submitted to the Bureau of Indian Affairs to transfer property into trust, which triggered review under the National Environmental Policy Act (NEPA). In completing the NEPA review process for the project, CIT/MEDC engaged multiple consultants. We are familiar navigating State and federal environmental laws and with EPA procurement requirements (2 Code of Federal Regulations 200.317-326) and will abide by these requirements in procuring additional project resources.

**4.b. Past Performance & Accomplishments**

**4.b.ii.1 Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements: Purpose and Accomplishments.** MEDC has previously received various assistance agreements from federal and non-federal sources. Three recent examples most similar in size, scope and relevance to this application are identified below, and are described in subsections that follow.

| Awarding Agency  | Purpose                       | Funding     |
|--|-------------------------------|-------------|
| Department of Health and Human Services (2017)                 | Self-Governance               | \$3,739,542 |
| National Oceanic and Atmospheric Admin. (NOAA) (2016 and 2017) | Fish Population Restoration   | \$709,244   |
| Bureau of Indian Affairs (BIA) (2017)                          | Tribal Transportation Program | \$318,381   |

**Self-Governance:** CIT receives annual funding to manage Tribal member health services. The basis for self-governance is the idea that Tribes are better suited to manage their own healthcare. The current funding agreement allows CIT to provide: 1) outpatient medical and pharmacy services, 2) mental health and social services, 3) a purchase-referred care program and 4) program management. Project outputs include successful implementation of these healthcare programs. CIT has been successful in implementing its self-governance program and achieving the intended outcomes of improved economic and social well-being of the CIT community. Our experience with self-governance will allow CIT/MEDC to effectively manage this GRANT.

**Fish Restoration:** The Tribe considers salmon to be an integral symbol of culture and heritage. Salmon populations have declined significantly over the last century due largely to habitat destruction. CIT/MEDC has played a major role in obtaining funding and supporting habitat restoration in the Coquille River Basin. Grant funding received from NOAA was utilized to assist with the China Camp Creek and Winter Lake Restoration projects. The project is utilizing the Working Landscapes approach by balancing agricultural interests with fish and wildlife objectives. CIT/MEDC, through implementation of the fish restoration grant has gained an understanding of regional stakeholders and the community’s perspective regarding habitat restoration projects.

**Transportation Program:** CIT/MEDC receives annual funding from BIA for its Transportation Program. The funding is used to perform planning, research, design, engineering, construction, and maintenance of highway, road, bridge, or transit facility programs located within the tribal community. In 2017, the majority of BIA funding was utilized for Plankhouse Loop Road improvements. Project outputs included widening and paving of the road, and improvements to the Plankhouse and the Canoe Shop parking lots including: 1) paving, 2) drainage improvements including catch basins, curbs and gutters, 3) Americans with Disabilities Act (ADA) sidewalks, 4) landscaping and irrigation, and 5) striping and signage. Project outcomes include access improvements to the Plankhouse and Canoe Shop, both of which are important Tribal facilities. CIT/MEDC cherish Tribal ancestral traditions and values and works diligently to revive lapsed cultural practices. Through implementation of this transportation grant CIT/MEDC has implemented transportation-oriented planning projects and used the funds to strategically manage transportation projects that most benefit Tribal members and the community.

**4.b.i.2. Compliance with Grant Requirements:** CIT/MEDC complied with all work plan, schedule, and terms and conditions requirements during implementation of all three of the assistance agreements described above. All output and outcome commitments made in each of these three agreements were achieved. All reporting was completed in accordance with agreements’ respective requirements and schedules. CIT/MEDC regularly conducts audits of their organization particularly in programs that receive federal funding. No findings of significance have been reported in these audits.

CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application

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Threshold Criteria for Assessment Grant Proposals

**THRESHOLD CRITERIA FOR ASSESSMENT GRANT PROPOSALS**  
**FY2020 Site-Specific Hazardous Substance Brownfield Assessment Grant Application**  
**CIT/MEDC – Ko’Kwel Wharf Property**

**III.B Threshold Criteria for Assessment Grants**

**1. Applicant Eligibility**

- a. The Coquille Indian Tribe (CIT) is a federally-recognized Indian tribe.
- b. Mith-Ih-Kwuh Economic Development Corporation (MEDC) is a Tribal investment entity created under Section 17 of the Indian Reorganization Act. A description of Section 17 corporations within the *Tribal Business Structure Handbook - 2008 Edition* prepared by the Office of Energy and Economic Development is provided below. An organization chart for MEDC is provided in **Attachment A**.

Section 17 corporations are tribal in character, they are wholly-owned by the tribe and are essentially extensions of tribal government. They share the same privileges and immunities as the tribal government. The corporate charters may convey the following powers to the incorporated entity:

- Power to buy and sell real and personal property; including the power to purchase restricted Indian lands;
- To enter into leases or mortgages of tribal land for a term of 25 years without Section 81 approval by the Secretary of the Interior;
- To enter into contracts or agreements without Section 81 approval by the Secretary of the Interior; and
- Further powers "as may be necessary to the conduct of corporate business."

A federal corporate charter often permits the corporation to establish and manage subsidiary corporations. Tribes have operated construction, manufacturing, gaming, and government contracting companies through Section 17 corporations. A Section 17 corporation holds assets or property separately from the tribal governing body. Land and assets used by corporation are specifically conveyed or set aside for the corporation. A Section 17 corporation will typically have separate bank accounts, separate directors and separate assets.

A package of materials related to the formation of MEDC as a federally chartered tribal business corporation is provided as **Attachment B**.

**2. Community Involvement**

In support of this grant application for the Ko’Kwel Wharf Property (PROPERTY), CIT/MEDC hosted a Revitalization Community Outreach Event on November 13, 2018 to engage the public in initial stages of the grant application effort. During the event, CIT/MEDC provided an overview of the project, and discussed ways that the community can become involved in the project. The meeting was well attended indicating a significant interest by the community in the project.

CIT/MEDC is committed to true and authentic community engagement in creating a redevelopment strategy for the PROPERTY. This includes involving underserved and underrepresented communities in the reuse process. CIT/MEDC's community involvement plans also will emphasize the members of the community directly affected by the PROPERTY; those living and working nearby and tribal members who are not receiving the economic benefits that redevelopment of the Prop their investment in acquiring the PROPERTY should bring.

We will communicate project progress and solicit input from the local community using the following means:

- Create a website within 3 months of project initiation. Information posted on the website will include: 1) project specific informational fact sheets; 2) a calendar indicating the project schedule and notices of upcoming meetings; 3) a link to an online survey to solicit input regarding PROPERTY redevelopment planning; and 4) links to other brownfield websites that contain brownfield educational materials.
- Hold a minimum of five public meetings (see Section 3.a.i for schedule), the first of which was already held on November 13, 2018. These meetings will include a presentation regarding project progress and interactive exercises intended to engage attendees in providing their ideas regarding PROPERTY redevelopment.
- Use of local print/online media, such as our local daily newspaper, The World, to report project progress and announce upcoming public meetings.
- We will attend and present information regarding the project at industry trade group meetings and club meetings (Elks, Eagles, Rotary, etc.), on average 2 per year over the life of the project.

At all meetings hosted by CIT/MEDC, special accommodations will be made available to ensure the participation of people with disabilities and non-English speakers.

To ensure that community input is considered, responded to, and in many cases adopted, particularly for those directly affected by the PROPERTY, the following actions will be taken: 1) we will publish the results of surveys and other input received to ensure transparency amongst stakeholders; 2) we will work actively to enhance the leadership capacity of community members and groups to empower them in being heard; and 3) in finalizing the redevelopment plan for the PROPERTY, effort will be made to describe how the plan was affected by community input, and explain the economic, social, environmental, political, psychological causes for the redevelopment course of action selected.

### **3. Expenditure of Assessment Grant Funds**

CIT/MEDC does not have an active US Environmental Protection Agency (EPA) Brownfields Assessment Grant.

### III.C Additional Threshold Criteria for Site-Specific Proposals Only

#### 1. Basic Site Information

- a. Site Name: Ko'Kwel Wharf
- b. Site Address: 3050 Tremont Avenue, North Bend, OR 97459
- c. Current Owner: CIT/MEDC



*The five tax lots comprising the site are depicted between Tremont Avenue (US Route 101) and Coos Bay.*

#### 2. Status and History of Contamination at the Site

Substantial assessment work was completed at the site by multiple consultants more than a decade ago. There are a number of environmental database records associated with the site including:

- Environmental Cleanup Site Information (ECSI) Site ID No. 4074;
- ECSI Site ID No. 527;
- ECSI Site ID No. 4802;
- Leaking Underground Storage Tank (LUST) Log No. 06-94-0049; and,
- LUST Log No. 06-06-1367.

Due to turnover in staff at CIT/MEDC, very little institutional knowledge regarding the status and history of contamination at the site currently exists. CIT/MEDC applied for and received a brownfield grant from the Business Oregon Brownfield Program that was used to complete a detailed review of existing environmental reports in order to gain a detailed understanding of the status and history of contamination at the site. Some information regarding status and history of contamination at the site is provided below.

- a. Type of Contamination: Contamination at the site includes primarily hazardous substances. Known major sources of contamination are summarized below.
  - i) Pentachlorophenol associated with former site wood products manufacturing;
  - ii) Metals associated with several former wigwam burners located on the site;
  - iii) Polycyclic aromatic hydrocarbons associated with the former Marshfield Manufactured Gas Plant (MGP), which operated on a portion of the site; and
  - iv) Contamination related to incidental spills and releases of lubricating and hydraulic oils associated with former site log export service heavy equipment operations.
- b. Operation History and Current Uses: Historical site operations are known to have primarily included a MGP and various wood products manufacturing and export services. Below is text from the Record of Decision prepared by the Oregon Department of Environmental Quality (DEQ) for ECSI 4074.

*The property was redeveloped in 1950 for lumber export operations, which included a sawmill, a planer building, a green sort building, a green chain, a machine shop, a paint shop, and a powerhouse. The former planer building was located directly northeast of the former Marshfield MGP. Prior to 1950, various sawmill and lumberyard operations occurred on the property starting in the 1880s when the Porter Sawmill began operating. A wigwam burner associated with these operations was formerly located immediately east of the former MGP.*

Current site operations include: 1) The Mill Casino overflow parking; 2) a recreational vehicle park; 3) raw log export services (this operation is associated with a tenant).

- c. Property Environmental Concerns: Some progress has been made in assessing environmental concerns at the site. However, the following data gaps remain.
- i) Hazardous substance assessment was incomplete in a number of former operational areas such as in the vicinity of the former Paint and Machine Shops;
  - ii) Prior assessment activities did not take a redevelopment plan into account and assumed an industrial land use, while the current vision for the site includes urban residential and commercial land uses;
  - iii) Prior assessment activities did not evaluate for all contaminants of potential concern based on historical operational history on the PROPERTY including but not limited to polychlorinated biphenyls (PCBs), and dioxins/furans; and,
  - iv) No bay sediment sampling was conducted in the southern portion of the site and is needed to facilitate shoreline improvements that will provide public parks/open space with access to the bay.

### 3. Brownfield Site Definition

The site meets the following definition of a brownfield.

*"...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."*

- a. The site is not listed or proposed for listing on the National Priorities List;
- b. The site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and,
- c. The site is not subject to the jurisdiction, custody, or control of the US government. MEDC understands that land held in trust by the US government for an Indian tribe is eligible for brownfields funding. However, the site is not currently held in trust.

### 4. Enforcement or Other Actions

CIT/MEDC is unaware of any ongoing or anticipated environmental enforcement or other actions related to the site.

### 5. Sites Requiring a Property-Specific Determination

- a. The site is not subject to planned or ongoing removal actions under (CERCLA);

- b. The site has not been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the US or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA);
- c. The site is not subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
- d. The site is not a land disposal unit that has submitted a RCRA closure notification and is not subject to closure requirements specified in a closure plan or permit;
- e. Neither all nor part of the site is subject to TSCA remediation as a result of a polychlorinated biphenyl release; and,
- f. The site is not, nor has it ever, received monies for cleanup from the Leaking Underground Storage Tank (LUST) Trust Fund.

**6. Threshold Criteria Related to CERCLA/Petroleum Liability**

Hazardous substances are the predominant contaminant at the site. Therefore, MEDC addresses hazardous substance eligibility below.

a. Property Ownership Eligibility – Hazardous Substance Sites

CIT/MEDC affirms that it is exempt from CERCLA liability.

i) Exemptions to CERCLA Liability

(2) Indian Tribes

The CIT and MEDC (a Tribal investment entity created under Section 17 of the Indian Reorganization Act) are exempt from CERCLA liability because of their status as a federally-recognized Indian tribe; the EPA does not consider Indian tribes liable under CERCLA.

**7. Waiver of the \$200,000 Limit**

CIT/MEDC is requesting \$350,000 in assessment funding for the Ko'Kwel Wharf site. A one-page justification for a waiver of the \$200,000 limit is provided as **Attachment C**.

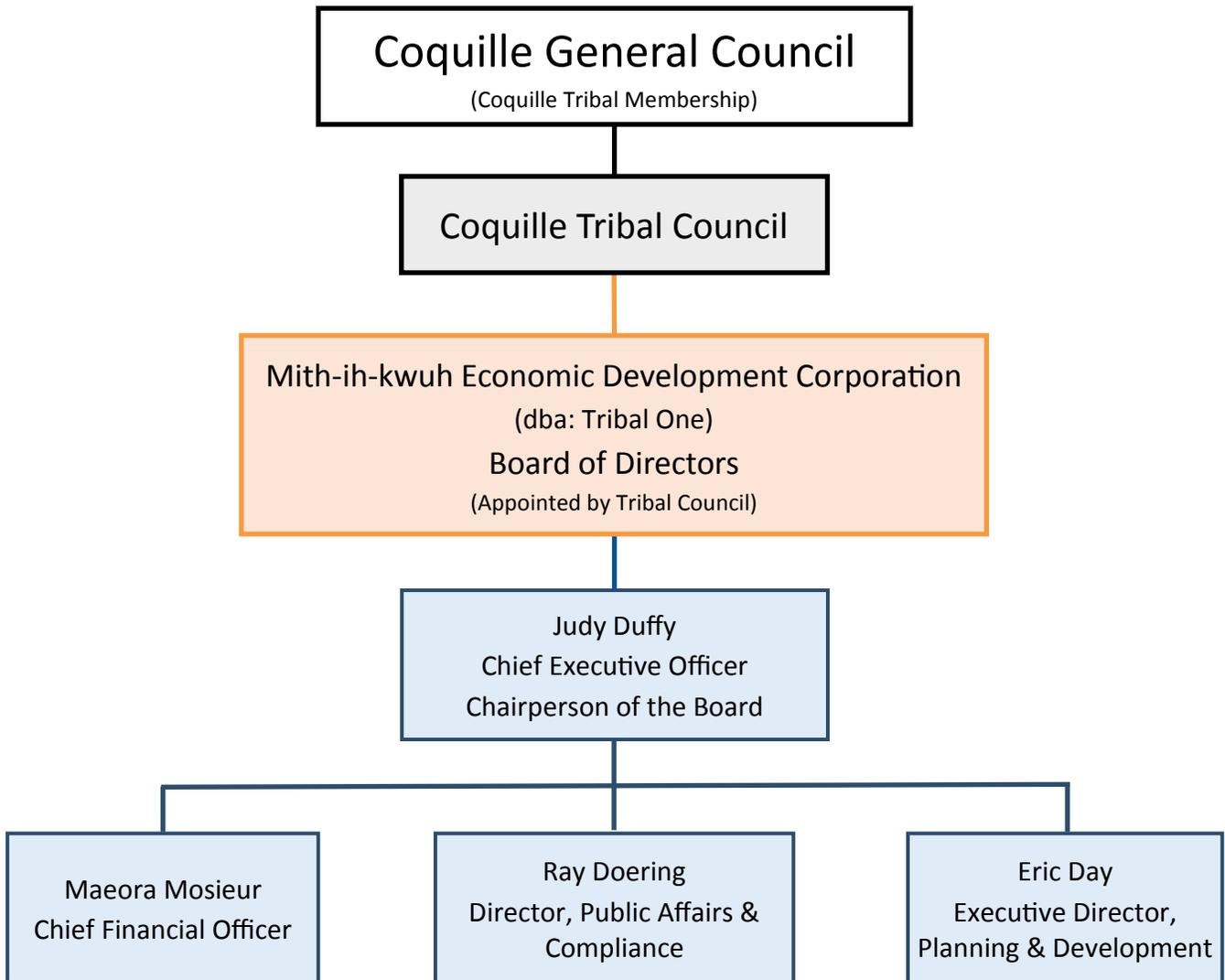
CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application - Threshold Criteria for Assessment Grant Proposals

Attachment A

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MEDC Organizational Chart



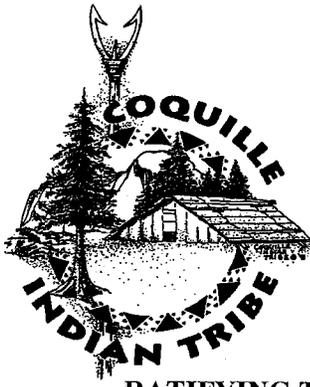
CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application - Threshold Criteria for Assessment Grant Proposals

Attachment B

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MEDC Formation Information Package



# COQUILLE INDIAN TRIBE

3050 Tremont Street North Bend, OR 97459

Phone: (541) 756-0904 Fax: (541) 756-0847

www.coquilletribe.org

## RESOLUTION

CY1106

### RATIFYING THE CHARTER FOR THE MITH-IH-KWUH CORPORATION

- WHEREAS,** the Coquille Indian Tribe ("Tribe") is a federally recognized Indian tribe pursuant to the Coquille Indian Restoration Act of June 28, 1989, 25 U.S.C. § 715, et seq. ("the Act"); AND,
- WHEREAS,** the Tribe is governed by the Coquille Tribal Council pursuant to the Tribal Constitution adopted by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991 (the "Tribal Constitution"); and the Tribal Council is empowered to establish Tribal policies, enact Tribal laws and act for the Tribe; AND,
- WHEREAS,** the Tribal Constitution dedicates the Coquille Indian Tribe to, among other things, the promotion of economic welfare of Coquille Indians; AND
- WHEREAS,** it is the intent and desire of the Tribal Council to form a corporation, the Mith-ih-kwuh Development Corporation (the "Corporation") wholly owned by the Tribe and managed by its own Board of Directors for the purpose of engaging in the economic development activities specified in the Corporation's Federal Charter of Incorporation (the "Charter"); AND
- WHEREAS,** Section 17 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. § 477 ("Section 17"), authorizes the Secretary of the Interior ("Secretary"), upon petition by the Tribe, to issue a charter of incorporation to the Tribe; AND
- WHEREAS,** The Coquille Restoration Act, at 25 U.S.C. Subsection 715a(e) states that, "[t]he Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C.A. § 461 et seq.], shall be applicable to the Tribe and its Members"; AND
- WHEREAS,** Tribal Council Resolution CY10132 approved the Charter for the Mith-Ih-kwuh Development Corporation (the "Corporation") and to petition the Secretary of the Interior to approve the charter; AND
- WHEREAS,** on January 24, 2011 the Tribe received a letter dated January 18, 2011 from the Northwest Regional Director of the Bureau of Indian Affairs affirming the approval of the Charter; AND
- WHEREAS,** the final stage of the Charter process requires ratification of the of the Charter by the Tribal Council; AND

**RESOLUTION CY1106**

Ratifying the Charter for the Mith-Ih-Kwuh Corporation

Page 2

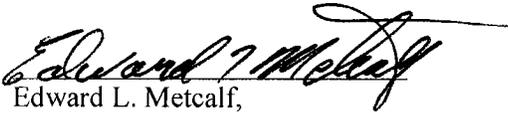
**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby ratifies the Charter for the Mith-Ih-kwuh Corporation attached to this resolution as Exhibit A;

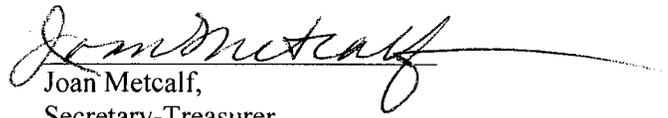
**NOW, THEREFORE, BE IT FINALLY RESOLVED**, that the Tribal Chairperson or in his absence or unavailability, the Tribal Vice-Chairperson, shall have the authority to sign all documents needed to give this resolution full force and effect.

**CERTIFICATION**

The foregoing Resolution was duly adopted at the special Tribal Council meeting held on the Coquille Indian Tribal Reservation at North Bend, Oregon, on January 31, 2011 with the required quorum present by a vote of

6 For; 0 Against; 0 Absent; 0 Abstaining.

  
Edward L. Metcalf,  
Chairperson

  
Joan Metcalf,  
Secretary-Treasurer

APR 06 2011

Honorable Ed Metcalf  
Chairman  
Coquille Indian Tribe  
3050 Tremont Street  
North Bend, Oregon 97459

Dear Chairman Metcalf:

This letter is to confirm receipt of Resolution No. CY 1105, ratifying the Corporate Charter for the Coquille Tribe's Mith-ih-Kwuh Development Corporation (Charter) for the promotion of economic welfare of Coquille Indians. The Corporate Charter was enacted pursuant to Section 17 of the Indian Reorganization Act of June 18, 1934, as amended, and the charter was approved by the Northwest Regional Director on January 18, 2011. A copy of the Resolution with the approved Charter was forwarded to our Washington D.C. office for their record and information. If you have any questions, please contact Betty Scissons, Tribal Government Services, at (503) 231-6723.

Sincerely,

  
Northwest Regional Director

MAR 22 2011

MAR 22 2011

MEMORANDUM

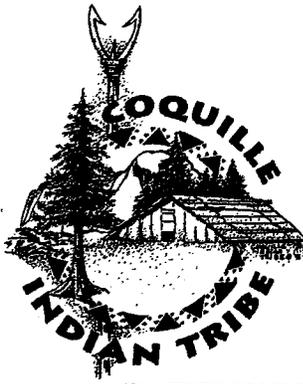
To: Deputy Director--Indian Services  
MAILSTOP 4513 MIB

From: **ACTING** Northwest Regional Director

Subject: **ACTING** Coquille Tribe Ratification of Corporation Charter of Incorporation

We are in receipt of Resolution No. CY 1106, ratifying the Corporate Charter for the Coquille Tribe's Mith-ih-Kwuh Development Corporation for the promotion of economic welfare of Coquille Indians. This resolution was enacted on January 31, 2011, by the Coquille Business Council. The Corporate Charter was enacted pursuant to Section 17 of the Indian Reorganization Act of June 18, 1934, as amended. The Northwest Regional Director approved the Charter of Incorporation on January 18, 2011. Attached for your records are three (3) copies of the complete document and resolution. If you have any questions, please contact Betty Scissons, Tribal Government Services at (503) 231-6723.

Attachment



# COQUILLE INDIAN TRIBE

3050 Tremont Street North Bend, OR 97459  
Phone: (541) 756-0904 Fax: (541) 756-0847  
www.coquilletribe.org

## RESOLUTION CY1106

### RATIFYING THE CHARTER FOR THE MITH-IH-KWUH CORPORATION

- WHEREAS,** the Coquille Indian Tribe ("Tribe") is a federally recognized Indian tribe pursuant to the Coquille Indian Restoration Act of June 28, 1989, 25 U.S.C. § 715, et seq. ("the Act"); AND,
- WHEREAS,** the Tribe is governed by the Coquille Tribal Council pursuant to the Tribal Constitution adopted by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991 (the "Tribal Constitution"); and the Tribal Council is empowered to establish Tribal policies, enact Tribal laws and act for the Tribe; AND,
- WHEREAS,** the Tribal Constitution dedicates the Coquille Indian Tribe to, among other things, the promotion of economic welfare of Coquille Indians; AND
- WHEREAS,** it is the intent and desire of the Tribal Council to form a corporation, the Mith-ih-kwuh Development Corporation (the "Corporation") wholly owned by the Tribe and managed by its own Board of Directors for the purpose of engaging in the economic development activities specified in the Corporation's Federal Charter of Incorporation (the "Charter"); AND
- WHEREAS,** Section 17 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. § 477 ("Section 17"), authorizes the Secretary of the Interior ("Secretary"), upon petition by the Tribe, to issue a charter of incorporation to the Tribe; AND
- WHEREAS,** The Coquille Restoration Act, at 25 U.S.C. Subsection 715a(e) states that, "[t]he Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C.A. § 461 et seq.], shall be applicable to the Tribe and its Members"; AND
- WHEREAS,** Tribal Council Resolution CY10132 approved the Charter for the Mith-Ih-kwuh Development Corporation (the "Corporation") and to petition the Secretary of the Interior to approve the charter; AND
- WHEREAS,** on January 24, 2011 the Tribe received a letter dated January 18, 2011 from the Northwest Regional Director of the Bureau of Indian Affairs affirming the approval of the Charter; AND
- WHEREAS,** the final stage of the Charter process requires ratification of the of the Charter by the Tribal Council; AND

**RESOLUTION CY1106**

Ratifying the Charter for the Mith-Ih-Kwuh Corporation

Page 2

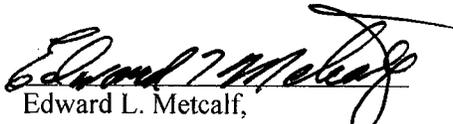
**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby ratifies the Charter for the Mith-Ih-kwuh Corporation attached to this resolution as Exhibit A;

**NOW, THEREFORE, BE IT FINALLY RESOLVED**, that the Tribal Chairperson or in his absence or unavailability, the Tribal Vice-Chairperson, shall have the authority to sign all documents needed to give this resolution full force and effect.

**CERTIFICATION**

The foregoing Resolution was duly adopted at the special Tribal Council meeting held on the Coquille Indian Tribal Reservation at North Bend, Oregon, on January 31, 2011 with the required quorum present by a vote of

6 For; 0 Against; 0 Absent; 0 Abstaining.

  
Edward L. Metcalf,  
Chairperson

  
Joan Metcalf,  
Secretary-Treasurer



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Northwest Regional Office  
911 N.E. 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169



JAN 18 2011

Honorable Ed Metcalf  
Coquille Tribe of Oregon  
3050 Tremont Street  
North Bend, Oregon 97459

Dear Chairman Metcalf:

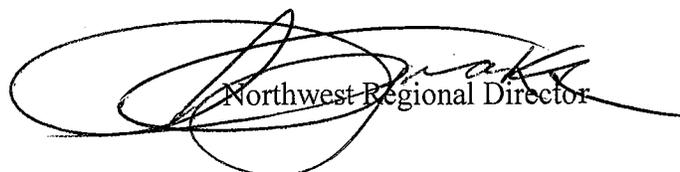
We have completed our review of the proposed Charter of Incorporation for the Mith-ih-kwuh Economic Development Corporation, submitted by the Coquille Tribe (Tribe). The proposed charter was accompanied by Resolution CY10132, enacted on December 16, 2010, requesting that the Secretary of the Interior issue a Charter of Incorporation to the Tribe pursuant to Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended. All Regional Directors have been delegated the authority for approval of Charter of Incorporations in accordance with 3 IAM 4.4 and the Director, Bureau of Indian Affairs' Memorandum of October 11, 2006, Policy for Approval of New, Revised or Amended Tribal Organic Documents.

The initial Federal Charter of Incorporation for the Mith-ih-kwuh, an entity of the Coquille Tribe, has been reviewed by this office and the Office of the Regional Solicitors. There were several recommended comments which were addressed in the Charter that was submitted on December 21, 2010. This recent Charter of Incorporation does not contain any provision that is contrary to applicable federal law. As evinced by the signature of the Northwest Regional Director on the Certificate of Approval, the enclosed Federal Charter is hereby approved. It shall become effective on the date of ratification by the Tribal Council of the Coquille Tribe. Nothing in this approval shall be construed as authorizing any action that would be contrary to federal law.

Upon ratification of the Charter by the Tribal Council, please provide this office with three (3) copies of the original document, including the resolution of ratification by the Tribal Council. Enclosed is the approved original of the Charter of Incorporation for your records.

If you have any questions, please contact Betty Scissons, Tribal Government Specialist, at (503) 231-6723.

Sincerely,

  
Northwest Regional Director

Enclosures

**FEDERAL CHARTER OF INCORPORATION  
ISSUED BY THE UNITED STATES OF  
AMERICA TO**

**THE COQUILLE INDIAN TRIBE  
FOR THE  
MITH-IH-KWUH ECONOMIC  
DEVELOPMENT CORPORATION,**

**A Federally Chartered Tribal Business Corporation**

**RECITALS**

**WHEREAS** the Congress of the United States enacted the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended (hereinafter the "Act"), which in part authorizes the Secretary of the Interior to issue a Federal Corporate Charter to an Indian Tribe; and

**WHEREAS** the Coquille Indian Tribe (hereinafter the "Tribe") is a federally recognized Indian tribe recognized under the Coquille Restoration Act 25 U.S.C. §715 et seq. (the "Restoration Act") and recognized by the Internal Revenue Service as an Indian Tribal Government under the Tribal Governmental Tax Status Act (26 U.S.C. § 7871 *et seq.*); and

**WHEREAS** on December 16, 2010, the governing body of the Tribe petitioned the Secretary of the Interior to issue a Federal Charter of Incorporation to the Tribe to establish a business corporation as authorized by Section 17 of the Indian Reorganization Act, 25 U.S.C. § 477, as amended; and

**WHEREAS** 25 U.S.C. §715a(e) provides that the Indian Reorganization Act (25 U.S.C. 461 et seq. shall be applicable to the Tribe and its members; and

**WHEREAS**, the Tribal Constitution does not include an impairment of contracts clause and the Tribe desires, by and through the § 17 Charter of the Corporation, to provide assurance to business associates that the Corporation may enter into contracts without the Tribe subsequently enacting laws materially impairing such contracts other than as necessary to protect health or safety within the jurisdiction of the Tribe; and

**WHEREAS**, the terms and provisions of this Charter were ratified by the Tribal Council on **January 31, 2011**, pursuant to Resolution No. CY-11-06; and

**WHEREAS** all of the legal prerequisites to the issuance of this Charter have been fulfilled;

**NOW, THEREFORE**, I, \_\_\_\_\_, Regional Director of the Northwest Regional Office-Bureau of Indian Affairs, by virtue of the power conferred upon the Secretary of the Interior and delegated to me, do hereby issue this **CHARTER OF INCORPORATION** ("Charter") to the Tribe State of Oregon, for the **MITH-IH-KWUH ECONOMIC DEVELOPMENT CORPORATION**, to be operative when ratified by the governing body of the Tribe.

## ARTICLE I - NAME

The name of the Corporation is the Mith-Ih-Kwuh Economic Development Corporation (hereinafter the "Corporation").

## ARTICLE II - PRINCIPAL OFFICE AND REGISTERED OFFICE

A. Principal Office. The principal office of the Corporation shall be located on the Coquille Indian Reservation ("Reservation"), which is in Coos County, Oregon. The Corporation may have such other offices, either within or without the Reservation, as the Board of Directors may designate or as the business of the Corporation may require from time to time.

B. Registered Office. The registered office of the Corporation shall be located in Coos County, Oregon. The registered office may be changed from time to time by the Board of Directors. In any event, the registered office of the Corporation shall be located in the Tribe's Service Area (as defined in the Restoration Act), on the Tribe's Reservation or on Tribal trust land.

## ARTICLE III - AUTHORITY FOR CHARTER

The Corporation is organized, incorporated and chartered under the laws of the United States as a federally chartered Corporation under 25 U.S.C. § 477, as amended, and shall have the powers, privileges and immunities granted by that statute and as specified in this Charter.

## ARTICLE IV - STATUS OF CORPORATION

A. The Corporation is a legal entity that is wholly owned by the Tribe, but is distinct and separate from the Tribe. The activities, transactions, obligations, liabilities and property of the Corporation are not those of the Tribe; provided, that the Corporation may act on behalf of the Tribe in the circumstances and to the extent specified in Section VIII.B.

B. The Corporation shall have the same federal income tax status as the Tribe. It shall also enjoy any other federal tax benefits available to an entity that qualifies as an instrumentality or integral part of a federally recognized Indian tribal government under the Indian Tribal Government Tax Status Act, codified at 26 U.S.C. §7871, as amended and any other applicable Federal law.

C. The Corporation shall have the same immunities as the Tribe. Nothing in this Charter shall be deemed to waive the Tribe's or the Corporation's immunity from suit.

D. The Corporation shall be subject to Tribal law provided, however, that no valid legal contract between the Corporation and any non-Tribal person or entity, and no non-Tribal person or entity which enters into any such contract with the Corporation, shall be subject to any Tribal law enacted subsequent to the execution of such contract to the extent such subsequent Tribal law is held by a court of competent jurisdiction to effect a material impairment of such contract and to have a primary purpose other than protecting health or safety within the jurisdiction of the Tribe.

## **ARTICLE V - OWNERSHIP OF CORPORATION**

- A. The total number of shares of common stock which the Corporation shall have authority to issue is one (1) share with no par value.
- B. All shares in the Corporation shall be wholly owned by the Tribe (hereinafter referred to as "the Shareholder") for the benefit of the Tribe and its enrolled members. No individual or legal entity other than the Tribe shall acquire any shares in the Corporation.
- C. The Tribe's shares in the Corporation shall not be sold, transferred, pledged or hypothecated, voluntarily or involuntarily.
- D. The Coquille Tribal Council ("Tribal Council") shall serve as the Shareholder's exclusive representative, and all rights of the Shareholder shall be exercised by the Tribal Council, in accordance with this Charter and applicable tribal law.

## **ARTICLE VI - PERIOD OF DURATION**

The period of the Corporation's duration is perpetual, or until this Charter is revoked by Act of Congress, pursuant to 25 U.S.C. § 477, as amended.

## **ARTICLE VII - CORPORATE PURPOSES**

The purposes for which the Corporation is organized are:

- A. To engage in, carry on and conduct any type of lawful business, enterprise or venture in which federal corporations chartered pursuant to 25 U.S.C. § 477, as amended, may engage;
- B. To provide for the efficient and effective utilization of the resources of the Tribe in a manner that protects its long-term interests;
- C. To accomplish the segregation of tribal governmental assets and liabilities from corporate assets and liabilities;
- E. To improve the economic conditions and circumstances of the Tribe and its members;
- F. To provide a vehicle for the Tribe to accomplish the financing of projects used by the Tribe in the circumstances and to the extent specified in Section VIII.B.; and
- G. Such other purposes described in the Corporate Bylaws.

## **ARTICLE VIII - CORPORATE POWERS / CORPORATE BYLAWS;**

- A. Subject to the limitations contained in this Charter and the provisions of applicable federal law, the Corporation is authorized to exercise such powers as provided in its corporate bylaws. The Corporation shall be authorized to adopt bylaws ("Bylaws" or "Corporate Bylaws") for the regulation and governance of the Corporation consistent

with this Charter and the laws and regulations of the Tribe, provided that such bylaws and any amendments to the bylaws must be approved in advance by the Tribal Council. Copies of the bylaws shall be provided to the Shareholder's representative.

- B. Subject to the limitations imposed by Article XIV and the bylaws, the Corporation is also empowered to borrow money or incur indebtedness on its own behalf, provided, however, any such borrowing shall be subject to the following restrictions:
1. any such borrowing shall be to finance or refinance property used or to be used for other purposes allowed pursuant to Section 7871 of the Internal Revenue Code of 1986, as amended;
  2. each such borrowing shall be payable solely from (a) that property and income identified and pledged thereto by the Corporate Board pursuant to Section B of this Article, whether or not such property or income is derived from property financed in whole or in part with the proceeds of such borrowing, or (b) all or any part of the revenues of the Tribe specifically allocated to the corporation by the Tribal Council for the purpose of paying or securing such borrowing; and
  3. no such borrowing shall create an obligation of the Tribe or constitute a waiver of the sovereign immunity of the Tribe, nor shall the Tribe be liable thereon other than to the extent specifically provided in accordance with this Section, and such limitation shall be expressly stated in each such borrowing.

#### ARTICLE IX - LIMITATIONS ON CORPORATE POWERS

- A. The Corporation shall have no power:
1. To expressly or by implication enter into any agreement of any kind on behalf of the Tribe or any member of the Tribe.
  2. To pledge the credit of the Tribe.
  3. To dispose of, pledge, or otherwise encumber real or personal property of the Tribe, except that the Corporation shall have the power to encumber real property pursuant to the terms of written lease agreement(s) between the Tribe and the Corporation.
  4. To waive any right, privilege, or immunity of, or release any obligation owed to, the Tribe.
  5. To subject the Tribe to debts, liabilities or other obligations (expressly impliedly or otherwise) arising from contract, tort, statute, regulation, licensing, taxation, or any other matter .
  6. To exercise any authority other than that authorized by this Charter, the corporate bylaws or by resolution of the Tribal Council.

B. The Corporation must secure the prior written consent/approval of the Shareholder in order to take any of the following actions:

1. To merge into or with another Corporation;
2. To dissolve the Corporation;
3. To sell or otherwise dispose of all or substantially all of the Corporation's assets, other than in the usual and regular course of its business;
4. To enter into a joint venture, partnership, or other similar arrangement;
5. To submit any amendment(s) to this Charter, as provided below;
6. To adopt or amend bylaws;
7. To undertake any other matter identified in the bylaws as requiring advance Shareholder approval.

C. The Bylaws may identify additional matters that require Shareholder approval before they become effective.

## **ARTICLE XI - BOARD OF DIRECTORS**

A. Management Authority. The business affairs of the Corporation shall be directed exclusively by its Board of Directors. The Tribe shall have no authority to direct the business affairs of the Corporation, except as provided in this Charter and the corporate bylaws.

B. Initial Board of Directors. The Initial Board of Directors of the Corporation shall be appointed by the Shareholder at the time this Charter is ratified by the Tribal Council.

C. Number and Positions. One Director position is designated as Chairperson of the Board. Unless he or she resigns, is removed or is suspended, the Corporate Chief Executive Officer, if one is employed by the Corporation, may at the option of the Shareholder serve as Chairperson of the Board for the length of his or her employment as Chief Executive Officer. The Board shall consist of seven (7) members (including the Chairperson) elected by the Shareholder, but the number of Directors may thereafter be increased or decreased at any time by a duly adopted resolution of the Shareholder. The Chairperson shall preside at Board meetings. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. The Shareholder may appoint one of its members as non-voting, ex-officio members of the Board.

D. Qualifications of Directors.

1. Each Director shall possess the level of business and cultural experience and expertise determined by the Shareholder, to be necessary to carry out the duties of a Director and to contribute to the ability of the Corporation to achieve its Purposes.

2. No person who has been convicted of a felony within the last five (5) years shall sit on the Board. Whether or not a conviction is a felony will be based on the law of the jurisdiction where the individual was convicted.
3. No person who has ever been convicted of any crime involving theft, fraud, perjury or conversion of money or property shall sit on the Board.
4. Except as permitted by this Charter or the corporate Bylaws, no employee of the Corporation or of the Bureau of Indian Affairs shall be eligible to serve as a Director during the time of such employment.
5. Directors must pass all background investigations under Applicable Law (as defined in the Bylaws) and comply with all minimum standards of character established under Applicable Law.
6. A majority of the Board of Directors must be members of the Tribe.
7. Board members must qualify for all licenses and character standards applicable to their position under Applicable law (as defined in the Bylaws).

E. How Elected. Elections shall be held at the first annual meeting of the Shareholder. Vacancies can be filled by special election held at any regular or special meeting of the Shareholder. Except as otherwise provided in this Charter or the Bylaws, the Tribal Council will afford members of the Coquille Indian Tribe an opportunity for nomination to a vacant Board position.

F. Term of Office. Except as otherwise provided in this Charter, the Directors shall be elected for terms of three (3) years each, and shall serve only for the term of office or until resignation, removal or death. When a term is completed, a Board member will continue to serve until their successor is elected. When electing Directors to increase the number of Directors or to fill a vacancy, the Shareholder may lengthen or shorten the term of office of any Director then being elected in order to achieve staggered terms of office.

G. Duties of Directors. The Board of Directors shall manage the general affairs and business of the Corporation. The Directors shall in all cases act as a Board, regularly convened, by a majority vote, and they may adopt such rules and regulations for the conduct of their meetings and the management of the Corporation as they may deem proper, not inconsistent with this Charter, the Bylaws or Applicable Law (as defined in the Bylaws). A Director shall perform the duties of a Director in good faith, in a manner the Director believes to be in the best interests of the Corporation and the Shareholder, and with such care as an ordinarily prudent person would use under similar circumstances in a like position. In performing such duties a Director shall be entitled to rely on factual information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

1. One or more officers or employees of the Corporation whom the Director reasonably believes to be reliable and competent in the matters presented;
2. Legal counsel, public accountants or other persons as to matters which the Director reasonably believes to be within such person's professional expertise or

competence; or

3. A committee of the Board upon which the Director does not serve, duly designated in accordance with a provision of the Bylaws, as to matters within its designated authority, which committee the Director reasonably believes to merit confidence,

but the Director shall not be considered to be acting in good faith if the Director has knowledge concerning the matter in question that would cause such reliance to be unwarranted.

H. Limitations

1. No member of the Board of Directors shall act as an agent of the Corporation without having authority to do so expressly granted to the Board member by a Board Resolution, the Charter or the Bylaws.

2. No two persons who are married to each other, parent and child, in-laws, or siblings may sit on the Board at the same time.

I. Directors' Meetings. Regular Meetings of the Board of Directors shall be held no less than four times a year. Special meetings of the Board of Directors may be called by the Chairperson of the Board at any time, and must be called by the Chairperson or the Secretary upon the request of two Directors.

J. Quorum. At a meeting of the Board of Directors, a majority of the Board members then in office shall constitute a quorum for the transaction of business; but in the event of a quorum not being present, a lesser number may adjourn the meeting from time to time without further notice. Ex-officio members of the Board shall not be counted in reaching a quorum of the Board.

K. Voting. At a meeting of the Board of Directors, each Director has one vote. Ex-officio members of the Board may not vote. Except as otherwise required by this Charter or the Bylaws, a majority of votes cast by a quorum of the Board of Directors carries any issue.

L. Meeting Options; Action Without a Meeting. Except as otherwise restricted by the Bylaws of the Corporation, members of the Board of Directors or any committee designated thereby may participate in a meeting of the Board or committee by means of a conference telephone call or similar communications equipment by which all persons participating in the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting. Except as otherwise restricted in this Charter or the Bylaws, any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors, and the consent shall have same effect as a unanimous vote.

M. Resignation and Removal of Directors.

1. Any Director may resign at any time by giving written notice to the Tribal Council Chairperson and the Board Chair, and such resignation shall be effective on the date specified in the notice.

2. Any one or more of the Directors may be removed with or without cause at any

time by motion or resolution of the Shareholder.

3. Suspension by Shareholder. The Shareholder may temporarily suspend one or more Directors, provided that such action shall only be effective if taken by an affirmative vote of a majority of the members then serving on the Tribal Council. Notwithstanding any other provision of this Charter, such suspension shall be effective immediately unless otherwise specified. Notwithstanding any other provision of this Charter, the Shareholder may appoint temporary Directors to fill the temporary vacancy created by the Council's suspension.

N. Staff Positions and Duties. The Board of Directors may employ, appoint, supervise and terminate employees and agents of the Corporation and define their duties and fix their compensation consistent with the requirements and limitations of this Charter and the Bylaws. The staff positions, job descriptions, duties, and powers of the staff of the Corporation shall be provided in the Corporation's bylaws and/or business plans. Staff positions shall not be created and staff shall not be directed to perform work that unnecessarily duplicates the duties of employees of the Tribal government or the Board of Directors.

## ARTICLE XII – DIVIDENDS AND PAYMENTS

A. The Corporation may pay dividends and will make payments to the Tribes according to the terms of a Memorandum of Agreement with the Tribal Council as provided in the corporate bylaws

B. All dividends declared by the Board of Directors shall be paid to the Tribe as the owner of the Corporation and not to any or all individual members of the Tribe.

## ARTICLE XIII - REPORTS TO SHAREHOLDER

A. The Corporation shall maintain its financial records in conformity with generally accepted accounting principles.

B. The Board of Directors of the Corporation shall, no less frequently than on a quarterly basis, report in writing to the Shareholder on the financial and operating condition of the Corporation, including the assets and liabilities of the Corporation and the official actions of the Corporation's Directors, officers, and employees. The content of the report shall be determined jointly by the Board Chair and the Tribal Council Chairperson.

C. The financial and operating records of the Corporation shall at all reasonable times be open to inspection by the Shareholder.

D. The Corporation shall, within 6 months following the close of the Corporation's fiscal year, submit to the Shareholder an audited financial statement showing the status of the

Corporation as of the last day of the Corporation's fiscal year.

#### ARTICLE XIV – LIMITED LIABILITY AND SOVEREIGN IMMUNITY

- A. General. The properties and assets, real, intellectual and personal, of the Corporation's Shareholder, Directors and officers are not subject to the debts and liabilities of the Corporation.
- B. Preservation of Tribal Assets. Nothing in this Charter may be construed as creating or recognizing any rights to encumber, levy, affix, adjudicate and/or take judgment against any assets or property owned by the Tribe for any action, adjudication or determination of liability of the Corporation.
- C. No Waiver of Tribal Sovereign Immunity. No waiver of the Corporation's immunity shall be implied. A waiver of the Corporation's immunity granted in accordance with this Charter and the corporate bylaws is not a waiver of the sovereign immunity of the Tribe and does not create a liability on the part of the Tribe for the debts or obligations of the Corporation. The Tribe by the adoption of this Charter and the establishment of the Corporation is not waiving its sovereign immunity in any respect or consenting to the jurisdiction of any court. Neither the Corporation nor any Director, officer, agent, employee or representative of the Corporation, acting in such capacity relative to the Corporation, has the power to grant such consent or waiver with respect to the Tribe or the Tribe's officers, employees, representatives or members.
- D. Tribal Sovereign Rights and Immunities Reserved. In the exercise of any of its powers, the Corporation shall have all of the rights, privileges and immunities of the Tribe as a federally-recognized Indian tribe, including but not limited to sovereign immunity from suit and process, to the same extent that the Tribe would have such rights, privileges and immunities if it engaged in the activities undertaken by the Corporation in the Tribe's own name. All inherent sovereign rights of the Tribe as a federally-recognized Indian tribe with respect to the existence and activities of the Corporation, including sovereign immunity from suit in any state, federal or tribal court, are hereby expressly reserved. The Corporation's immunity from suit shall not extend to actions against it or its officers or Directors acting in their official capacity brought by the Tribe, provided that such suit is brought solely in the name of and for the sole benefit of the Tribe.
- E. Waiver of the Corporation's Immunity. The immunity of the Corporation may be waived only by express resolution of the Board of Directors, and in accordance with the provisions of this Charter and the corporate bylaws. Except as provided in this Charter and the corporate bylaws, the Corporation's ability to sue and be sued and to waive its immunity from suit or other legal process must at all times remain with the Board of Directors to be granted by duly adopted resolution. Waivers of immunity are disfavored and will be granted only when necessary to secure a substantial advantage or benefit to the Corporation. Neither the power to choose whether or not to sue and be sued **provided** in this Charter, nor any express waiver of immunity by resolution of the Corporation, may be deemed: (i) a consent to the levy of any judgment, lien or attachment upon any property of the Tribe or upon property of the Corporation other than property specifically pledged or assigned; (ii) a consent to suit with respect to any land within the exterior boundaries of the Reservation or other trust land; or (iii) a consent to the alienation,

attachment or encumbrance of any such land. The Corporation is not authorized: (i) to consent or submit to any suit, arbitration or alternative dispute resolution; or (ii) to waive any defense of sovereign immunity or exhaustion of Tribal remedies in any matter in which any relief of any kind is sought against the Corporation when the Corporation, its Directors, officers, employees, representatives or agents may otherwise enjoy the defense of sovereign immunity or exhaustion of Tribal remedies under applicable federal, state or tribal law, except when the consent, submission, or waiver:

1. Is provided in writing in the form of a resolution duly adopted by the Board of Directors of the Corporation of continuing force and effect;
2. Is given in connection with a particular agreement, matter or transaction entered into by the Corporation to further its purposes;
3. Is limited to claims arising from the acts or omissions of the Corporation, its Directors, officers, employees or agents in connection with such agreement;
4. Is limited in duration;
5. Limits the enforcement of any judgment or remedy being sought to specific amounts that are to be paid, or the performance of specific acts that are expressly specified, under the agreement;
6. Limits recourse to the assets of the Corporation to which the agreement relates and specifies that no assets of the Tribe or any Tribal member or affiliate, may be liable for any judgment or award rendered;
7. Provides explicitly that it does not permit general, compensatory, consequential or punitive damages, or the transfer of any interest in land, any interest in land within the Tribe's Indian lands (except for a leasehold interest in lands owned by the Tribe) or the transfer or encumbrance of any other asset owned by the Tribe;
8. Identifies the party or parties for whose benefit the waiver is granted and the remedies available to them, the transaction(s) and the claim(s) for which the waiver is granted, the property or funds of the Corporation which may be subject to execution to satisfy any judgment or order which may be entered in the claim(s), the court(s) or other forum(s) in which suit against the Corporation or such other method of resolving the dispute may be heard, the law that will apply to the resolution of the dispute, and the remedies available to the party or parties; and
9. Complies in all respects with the requirements of the corporate bylaws.

F. Form of Waiver. Any consent, submission or waiver by the Corporation authorized under this Charter shall be in the form specified and a copy of such waiver shall be delivered to the Shareholder's representative.

G. No State Authority. Nothing in this Charter, and no action taken by the Corporation

pursuant to this Charter, shall be construed as permitting, recognizing, or granting the State of Oregon or any other state or local governmental body regulatory, taxing, or other jurisdiction over the property of the Corporation that is located within the boundaries of the Reservation is or over activities of the Corporation or its employees.

## **ARTICLE XV – RESERVED**

## **ARTICLE XVI – DISSOLUTION AND REVOCATION**

A. After issuance of this Charter by the Secretary of the Interior and ratification by the Tribal Council, the business of the Corporation may be dissolved and this Charter revoked only as provided in this Article XVI.

B. The Corporation may be dissolved and this Charter revoked by the act of the Corporation as follows:

1. The Board of Directors shall adopt a resolution recommending that the Corporation be dissolved and this Charter be revoked and directing that the question of dissolution be submitted to a vote at a meeting of the Shareholder, which may be either an annual or special meeting.

2. Written notice shall be given to the Shareholder in the manner provided in this Charter for giving notice of meetings of the Shareholder, and shall state that the purpose, or one of the purposes, of the meeting is to consider the advisability of dissolving the Corporation and revoking this Charter.

3. At the Shareholder meeting, a vote shall be taken on a resolution to dissolve the Corporation.

4. Upon adoption of the resolution, a statement of intent to dissolve shall be executed by the Corporation by its Chairperson or Vice-Chairperson and by its Secretary and verified by one of the officers signing the statement, and shall be delivered to the Secretary of the Interior.

5. Upon filing with the Secretary of the Interior of the statement of intent to dissolve, the Corporation shall cease to carry on its business, except insofar as necessary for the winding up thereof, but its corporate existence shall continue until this Charter is revoked by act of Congress in accordance with 25 U.S.C. § 477, as amended.

6. After filing the statement of intent to dissolve, the Corporation shall immediately cause notice thereof to be mailed to each known creditor of the Corporation; shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its Shareholder, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business, and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, to its Shareholder.

7. By Board resolution or Tribal Council resolution adopted at any time prior to revocation of this Charter by act of Congress, the Corporation may revoke voluntary dissolution proceedings. Written notice of the revocation shall be filed with the Secretary of the Interior. Upon filing the notice of revocation of voluntary dissolution proceedings, the revocation shall be effective and the Corporation may again carry on its business.

8. If voluntary dissolution proceedings have not been suspended or discontinued, when all debts, liabilities and obligations of the Corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the Corporation have been distributed to the Shareholder, the Tribe and the Secretary of the Interior shall take all actions necessary to obtain an act of Congress revoking this Charter and dissolving the Corporation.

#### **ARTICLE XVII - AMENDMENTS**

A. The authority to petition for amendments to this Charter is vested in the Shareholder, but such amendments shall have no legal effect until approved by the Secretary of the Interior and ratified by the Tribe in accordance with 25 U.S.C. § 477, as amended, and in accordance with applicable tribal law.

B. The Board of Directors may request the Shareholder to petition the Secretary of the Interior for amendments to this Charter. However, the final decision shall be made by the Shareholder.



## CERTIFICATE OF APPROVAL

I, Stanley Speaks, Northwest Regional Director, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 stat. 984, 25 U.S.C. § 477), as amended, and delegated to me by 3 IAAM 4.4 and Memorandum of October 11, 2006, Policy for Approval of New, Revised, or Amended Tribal Organic Documents. I do hereby approve this Federal Corporate Charter for use by the Coquille Tribe and its enterprise, the Mith-ih-kwuh Economic Development Corporation. It shall become effective upon ratification by the Tribal Council as required by 25 U.S.C. § 477: Provided, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to federal law.

Signed by:

Date:

1/18/2011

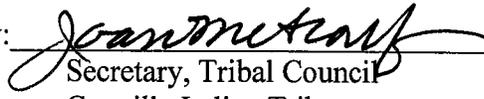
**RATIFICATION**

After regulatory review, the Director, Northwest Regional Office, Bureau of Indian Affairs has approved the Charter for the conduct of corporate business, not inconsistent with the law.

This Charter is hereby ratified by the Coquille Tribal Council and shall be operative from and after the date of this ratification.

Signed by:   
Acting Chairperson, Tribal Council  
Coquille Indian Tribe

Date: March 15, 2011

Signed by:   
Secretary, Tribal Council  
Coquille Indian Tribe

Date: March 15, 2011

CIT/MEDC - Ko'Kwel Wharf Property

FY2020 US EPA Hazardous Substance Site-Specific Brownfield Assessment Grant  
Application - Threshold Criteria for Assessment Grant Proposals

Attachment C

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Waiver of \$200,000 Limit Justification

**REQUEST FOR WAIVER OF \$200,000 FUNDING LIMIT**  
**FY2020- Site-Specific Hazardous Substance Brownfield Assessment Grant Application**  
**CIT/MEDC – Ko’Kwel Wharf Property**

1. **Description of the site:** The Ko’Kwel Wharf Property (PROPERTY) located in North Bend, Oregon is 50 acres in size and offers 4,000 feet of Coos Bay frontage. The PROPERTY is owned fee-simple by the Coquille Indian Tribe/Mith-Ih-Kwuh Economic Development Corporation (CIT/MEDC). The level of contamination at the Property has been partially determined through previous investigation activities, but investigation data gaps remain. New investigation data must be collected for PROPERTY-specific chemicals of potential concern (COPCs), to refine remedial action areas, and to update screening for the current mixed-use redevelopment plan. Known contamination that exceeds cleanup levels includes:
  - a. Pentachlorophenol in former wood treating area (additional work is needed to further refine extent and concentration of this contamination); and,
  - b. Coal tar and purifier wastes associated with former manufactured gas plant (additional investigation is needed to refine extent and concentration of polycyclic aromatic hydrocarbons (PAHs), cyanide, and volatile organic compounds).Suspected contamination that has not yet been adequately investigated includes:
  - a. Wigwam burner combustion biproducts including metals, PAHs, and dioxins/furans;
  - b. Solvents and degreasers used in former equipment and rolling stock maintenance;
  - c. Polychlorinated biphenyls (PCBs) associated with former transformers and other electrical equipment;
  - d. Phenol-based resins associated with former plywood manufacturing; and,
  - e. Petroleum as i) fuel for running stock, ii) hydraulic oil associated with mill and heavy equipment, and iii) lubricants associated with mill equipment.
2. **Why assessment costs exceed the funding limit:** As indicated in the grant application, we have estimated that the project will require \$350,000 to complete. All three primary elements described for our project (Phase II Investigation, Remedial Planning and Re-Use Planning) are viewed as critical to success. Costs are estimated to exceed the funding limit because the PROPERTY is relatively large (50 acres) and the environmental site assessment needs to be substantially updated with new data and revised screening criteria. Also, our project success is highly dependent upon incorporating meaningful community involvement to refine a redevelopment plan for the PROPERTY.
3. **Circumstances that justify the extra costs:** The PROPERTY is a critical piece of economic development planning in North Bend, Oregon. Redevelopment of the PROPERTY is contingent upon eliminating environmental site assessment data gaps and developing a cost-effective cleanup plan. Assessment, cleanup and redevelopment of the PROPERTY will provide much-needed economic development, job creation and opportunity for CIT/MEDC and the citizens of North Bend and Coos Bay.

| Application for Federal Assistance SF-424  |  |  |
|--|--|--|
| * 1. Type of Submission:<br><input type="checkbox"/> Preapplication<br><input checked="" type="checkbox"/> Application<br><input type="checkbox"/> Changed/Corrected Application | * 2. Type of Application:<br><input checked="" type="checkbox"/> New<br><input type="checkbox"/> Continuation<br><input type="checkbox"/> Revision | * If Revision, select appropriate letter(s):<br><input type="text"/><br>* Other (Specify):<br><input type="text"/> |
| * 3. Date Received:<br><input type="text" value="12/03/2019"/>   | 4. Applicant Identifier:<br><input type="text"/>   |  |
| 5a. Federal Entity Identifier:<br><input type="text"/>   | 5b. Federal Award Identifier:<br><input type="text"/>  |  |
| <b>State Use Only:</b>   |  |  |
| 6. Date Received by State: <input type="text"/>  | 7. State Application Identifier: <input type="text"/>  |  |
| <b>8. APPLICANT INFORMATION:</b>   |  |  |
| * a. Legal Name: <input type="text" value="Mithihkwuh Economic Development Corporation"/>  |  |  |
| * b. Employer/Taxpayer Identification Number (EIN/TIN):<br><input type="text"/>  | * c. Organizational DUNS:<br><input type="text" value="1169462300000"/>  |  |
| <b>d. Address:</b>   |  |  |
| * Street1:   | <input type="text" value="3201 Tremont Ave"/>  |  |
| Street2:   | <input type="text"/>   |  |
| * City:  | <input type="text" value="North Bend"/>  |  |
| County/Parish:   | <input type="text"/>   |  |
| * State:   | <input type="text" value="OR: Oregon"/>  |  |
| Province:  | <input type="text"/>   |  |
| * Country:   | <input type="text" value="USA: UNITED STATES"/>  |  |
| * Zip / Postal Code:   | <input type="text" value="97459-3062"/>  |  |
| <b>e. Organizational Unit:</b>   |  |  |
| Department Name:<br><input type="text"/>   | Division Name:<br><input type="text"/>   |  |
| <b>f. Name and contact information of person to be contacted on matters involving this application:</b>  |  |  |
| Prefix: <input type="text" value="Mr."/>   | * First Name:  | <input type="text" value="Raymond"/>   |
| Middle Name:   | <input type="text"/>   |  |
| * Last Name:   | <input type="text" value="Doering"/>   |  |
| Suffix:  | <input type="text"/>   |  |
| Title:   | <input type="text" value="Director"/>  |  |
| Organizational Affiliation:<br><input type="text"/>  |  |  |
| * Telephone Number: <input type="text" value="541-982-3047"/>  | Fax Number: <input type="text"/>   |  |
| * Email: <input type="text" value="raydoering@tribal.one"/>  |  |  |

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Environmental Protection Agency

**11. Catalog of Federal Domestic Assistance Number:**

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

**\* 12. Funding Opportunity Number:**

EPA-OLEM-OBLR-19-05

\* Title:

FY20 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

MEDC's Assessment Grant Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

|                     |   |
|---------------------|---|
| * a. Federal        | <input type="text" value="350,000.00"/> |
| * b. Applicant      | <input type="text" value="0.00"/>       |
| * c. State          | <input type="text" value="0.00"/>       |
| * d. Local          | <input type="text" value="0.00"/>       |
| * e. Other          | <input type="text" value="0.00"/>       |
| * f. Program Income | <input type="text" value="0.00"/>       |
| * g. TOTAL          | <input type="text" value="350,000.00"/> |

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed: