

Oregon Ocean Policy Advisory Council

DRAFT Meeting Summary

Meeting of September 25, 2007

Pacific Coast Bible Church, Pacific City, Oregon

Executive Summary

Issues Decided/Positions Taken:

A consensus decision was made to request that the comment period of the action plan for the West Coast Governors' Agreement on Ocean Health be extended from 30 to 90 days.

A consensus decision was made to adopt the working group and OPAC protocols recommended by the Executive Committee, as amended at the meeting.

A consensus decision was made to have the Wave Energy Working Group develop the scope of a request for proposals (RFP) for a cumulative effects study.

A consensus decision was made to make some edits to the marine reserves objectives draft planning document.\

A consensus decision was made to implement a marine reserves outreach strategy along the lines of Jay Rasmussen's suggestion.

Action Items:

OPAC Members:

OPAC Counsel:

OPAC STAC:

Conduct.

OPAC Staff:

Amend July 17 OPAC meeting summary as directed by the chair and post on web site.

Manufacture a sign for posting at all OPAC meetings, identifying the URL of the OPAC web site.

Integrate comments on working group documents, and also provide a report of the nature of the comments.

Next Meeting:

Friday, November 30; in Gold Beach.

Meeting Detail

Attendance:

Members Present (voting): **David Allen** (Public at Large); **Jim Bergeron** (Ports, Marine Transportation, Navigation); **Jack Brown** (Coastal City Elected Official); **Paul Engelmeyer** (Statewide Conservation or Environmental Organization); **Jim Good** (Public at Large); **Robin Hartmann** (Coastal Conservation or Environmental Organization); **Scott McMullen** (North Coast Commercial Fisheries); **Brad Pettinger** (South Coast Commercial Fisheries); **Fred Sickler** (Coastal Non-Fishing Recreation);

Terry Thompson (North Coastal County Commissioner); **Frank Warrens** (North Coast Charter, Sport or Recreational Fisheries).

Members Present (*ex officio*): **Patty Burke** (Department of Fish & Wildlife); **Jessica Hamilton** (Governor's Office); **Onno Husing** (Oregon Coastal Zone Management Association); **Paul Klarin** (Department of Land Conservation & Development); **Greg Pettit** (Department of Environmental Quality); **Vicki McConnell** (Department of Geology and Mineral Industries); **Jay Rasmussen** (Oregon Sea Grant College); **Gary Roth** (Department of Agriculture); **Louise Solliday** (Department of State Lands); **Tim Wood** (Department of Parks & Recreation)

Members Absent: **Jim Pex** (South Coast Charter, Sport or Recreational Fisheries); **Robert Kentta** (Oregon Coastal Indian Tribes); South Coastal County Commissioner (seat vacant).

Committee/Working Group Members: **Cristen Don** (Department of Fish & Wildlife); **Jim Hastreiter** (Federal Energy Regulatory Commission); **Randy Henry** (State Marine Board); **Justin Klure** (Oregon Wave Energy Trust); **Roy Lowe** (US Fish & Wildlife Service); **Cathy Tortorici**, (NOAA Fisheries).

Invited Speakers: **Jack Barth, Bob Collier** (Oregon State University, College of Oceanic and Atmospheric Science); **Michael Kelly** (University of Washington); **Cheryl Coon** (Portland Audubon); **Laura Anderson** (Local Ocean Seafoods); **Jim Golden** (Golden Consulting).

Staff: **Greg McMurray** (Department of Land Conservation & Development), OPAC principal staff); **Laurel Hillmann** (Department of Parks & Recreation); **Steve Shipsey** (Department of Justice, OPAC Counsel).

Observers (with affiliation if provided): **Commissioner Chuck Hurliman** (Tillamook County); State **Representative Deborah Boone** (House District 32); **Linda Buell** (Garibaldi Charters/FACT); **Commissioner Lucie LaBonte** (Curry County) **Susan Chambers** (*The World* newspaper); **Lt. Jeff Samuels** (Oregon State Police); **Leesa Cobb**, (Port Orford Ocean Resources Team); **Nancy Fitzpatrick** (Oregon Salmon Commission); **Andy Lanier** (Department of Land Conservation & Development); **Kathy Wall** (Port of Coos Bay); **Peg Reagan** (Conservation Leaders Network); **Allison McCormick, Kate Cusack** (Conklin, Fiskum & McCormick/University of Washington); **Commissioner John Griffith** (Coos County); **Al Barney** (Holiday Charters); **John Holloway, Walter Chuck** (Recreational Fisherman's Alliance/Oregon Anglers); **Megan Mackey** (Pacific Marine Conservation Council); **A.D. "Gus" Meyer** (Tillamook County Soil & Water Conservation District); **Fran Recht** (Pacific States Marine Fisheries Commission); **Peter Stauffer, Charlie Plybon** (SurfRider Foundation); **Dick Vanderschaaf** (The Nature Conservancy); **Wendy Yorkshire** (staff for State Representative Boone); **Ed Bowles** (Department of Fish & Wildlife); **Diane Lynch** (Conflict, Cultures and Conservation); **Bill Goodman, George Kirkham** (Pacific City Nestucca Valley Chamber of Commerce) Chamber); **Ron Mason, Sean Carleton, Jane**

Barth, Allison Arnold, Cindy Ashy, Chenin Carleton, Lacen Horter, Elva Henderson, Matt Love (citizens); **Cedar Ousel, Sean Matthews, Ryan Merton** (surfers); **Kelly Barrett** (independent fish filleter); **Mark Searle** (North Marion Charters/FACT); **Commissioner Mark Labhart** (Tillamook County); **Paul Hanneman, Craig Wenrick** (The Dorymen's Association); **Chris Aeillo** (Port Orford Ocean Resources Team); **Ann Learned** (Pacific City Doryman's Association); **Terry Learned** (boat builder); **Roy Lowe** (Us Fish & Wildlife Service); **Tim Hirsch** (*Pacific City Sun* newspaper).

Total recorded attendance: 86.

Meeting Minutes:

Morning Session

The meeting was brought to order by Chair Scott McMullen at 8:39 a.m. County Commissioner Chuck Hurliman welcomed the meeting to Tillamook County.

Introductions:

The OPAC members and the audience introduced themselves and stated their affiliations.

Review and Approval of Summary of July 17, 2007, OPAC Meeting (Scott McMullen):

David Allen requested that the meeting summary note his early departure prior to the council's reaching consensus on actions pertaining to marine reserves. David also wanted the summary to reflect his insistence on the implementation of a socioeconomic analysis prior to marine reserves designations, and his continued insistence that major policy recommendations such as those for marine reserves should not be made without representation on OPAC of the South Coast County Commissioner seat. The council then approved the draft meeting summary, as amended with David's additions, by consensus.

Science Advice to OPAC: STAC News (Jay Rasmussen):

Jay circulated a memorandum to OPAC from the Scientific and Technical Advisory Committee that summarizes the results of a workshop on marine reserves issues conducted on September 20. The memo details progress made on definitions and objectives of marine reserves. Jay also reported that the STAC will clarify the role and process of giving scientific and technical information to the Marine Reserves Working Group, and will schedule regular, triennial meetings.

Governor's Office Evolving Issues (Jessica Hamilton):

Jessica updated the council on the West Coast Governors' Agreement on Ocean Health, in particular, some the actions items under the seven topical areas of the draft action plan. There is a 30 day comment period open presently, after with the action plan is intended be finalized by the end of the calendar year. After some discussion of the amount of time needed to reasonably respond to the plan, the council agreed by consensus to request that the comment period be extended to 90 days.

Clarification of Protocols for Working Groups and OPAC (Greg McMurray):

Greg read the list of protocols developed at the last OPAC Executive Committee meeting:

- 1) All working documents will be given full and open distribution and will be marked draft as appropriate. Internal circulation will be Word documents and external circulation will be PDFs.
- 2) Working documents will be distributed to all OPAC and STAC members.
- 3) OPAC members who are not members of the working group will be ***allowed comment at a scheduled, prescribed time for each major agenda item.***
- 4) Staff should make presentations of working products during working group meetings, hence, avoiding issues of ownership or politics.
- 5) Increased effort is needed to make documents available early, and as paper copies at meetings. Guidelines are: circulation of working documents via email to membership and public lists one week ahead; and 50 hard copies, ***or copies as needed,*** for public distribution at meetings. Copies will be provided by the state agencies.
- 6) Working group meetings will use a closed, not open, table format, but will allow public attendance, and accommodate public comment as appropriate and feasible.
- 7) Only designated working group members (or their alternates, in the case of agencies) will participate in working group deliberations.
- 8) Working group members will submit document comments to the agency staff support person in a timely fashion; the staff person will integrate comments, and will also document the nature of the comments.

Greg also clarified two policies relating to OPAC needs and requests for agency resources:

- 1) DLCD travel reimbursement is available only for official OPAC functions or events.
- 2) Any direct requests for resources from agencies must be made by official OPAC ***or working group requests approved by the Executive Committee*** action and transmitted to the agency Directors.

OPAC adopted the protocols by consensus after adding (or modifying) with the ***bolded italics*** verbiage.

Update on Wave Energy Planning (Robin Hartmann):

Robin reported out on the Wave Energy Working Group (WEWG) meeting that was conducted the previous afternoon. She gave the council a summary of the working group's discussion topics, including: DSL's new rules; the wave energy ecological effects workshop scheduled for October 11-12 at OSU; an update on Finavera's test buoy deployed at Newport, the Makah Bay project, and their planned wave energy project at Bandon; the Oregon Wave Energy Trust's (OWET's) planning and budget allocations; and OPAC's role as it related to Cathy Tortorici's proposal for an approach to a cumulative effects analysis.

Robin then led a council discussion of the feasibility of developing a request for proposals for a cumulative impacts study. She noted that such a study could support the ultimate establishment of an area cap for wave energy development on the Oregon coast. A brief discussion of the merits of, and information needs for, establishing a wave energy development cap ensued, with many conceptual and practical difficulties noted. It was largely agreed that OWET funds might be available for a cumulative effect study, for which OPCAC could be the steering mechanism as well as a beneficiary of the results.

The council agreed by consensus to have the WEWG develop the scope of a draft request for proposals (RFP) for a cumulative effects study. Jonathon Allan, Robin Hartmann, Cathy Tortorici and Greg McMurray will form a sub-group to flesh out the scope of an RFP for consideration by the working group, and then OPAC.

Update on Marine Reserves Planning (Frank Warrens):

Frank reported on the Marine Reserves Working Group (MRWG) meeting conducted the previous day. Most of the day was spent discussing the STAC report from its working session on September 20. The STAC established in more detail its protocols for working with OPAC. One technical result of the STAC session was its preference for the single ecoregion break at Cape Blanco. The STAC is now reviewing the MRWG's documents in support of the public nomination process, and will meet again during October (meeting now set for October 22). The next MRWG meeting will be conducted after the STAC meeting, and Frank is advocating full day MRWG meetings to accommodate the group's workload.

Discussion followed about the use and definitions of key words (for example, "disturbance" and "permanent" and the term "marine reserve" itself) in the marine reserves documents. The working group has proposed to OPAC that the Marine reserve objectives not be prioritized. There was a clear division among the council members as to whether OPAC should approve documents or sections of documents one at a time, versus the view that all should be left in play until one major action of approval was taken. And, there was also continued difficulty among the members in understanding and accommodating the idea that the intended network of marine reserves is not a fishery management tool, *per se*, but its success may well be measured with some fish population metrics that are used in fisheries production.

Cathy Tortorici briefly reported on a new effort among NMFS, OSU and some state agencies, including ODFW and DLCD, to compile the Geographic Information System (GIS) layers needed for a first attempt at statewide planning in the Territorial Sea. It is hoped that this will be realized in about six months.

Public Comment (general):

John Holloway (Recreational Fisherman's Alliance/Oregon Anglers): John circulated a statement from the Pacific Fisheries Management Council about the West Coast Governors Agreement concluding that it is weak on fisheries, and stated that he is disappointed in OPAC for not protecting the real endangered species: fishermen.

Lucie LaBonte (Curry County): Lucie read a letter from the Curry County Commission stating their concerns on the establishment of marine reserves, especially south of Cape Blanco, asked that the south counties get representation at OPAC, and stated concerns about energy efficiency and wave energy development.

Linda Buell (Garibaldi Charters/FACT): Linda reported on the formation of the Fishermen's Advisory Committee for Tillamook (FACT), intended to deal with wave energy development siting issues.

John Griffith (Coos County): John asked about the marine reserves process group mentioned in the Executive Committee meeting summary, and stated his negative opinions about the governor and the marine reserves process.

Chris Aiello (Port Orford Ocean Resources Team): Chris commented that state funds should not be used to support development of wave energy.

Cindy Ashy (citizen): Cindy thinks that wave energy development is moving too fast; she also would like to see a cap on the industry, and has many other wave energy concerns.

Luncheon Address

Jack Barth (Oregon State University, College of Oceanic and Atmospheric Science) (Jack's co-presenter, John Delaney, from the University of Washington, was unable to attend): *Twenty-First Century Oceanography: The Ocean Observatories Initiative*. Jack reported on recent progress made at the cutting edge of ocean observation: an initiative by the National Science Foundation (NSF) to bolster the ocean observing system with new technology, including instrumentation of the seafloor in the Northeast Pacific Ocean. Both Oregon State University and the University of Washington are members of teams that have received very large grants from NSF through the Joint Oceanographic Institutions (JOI) to implement the Ocean Observatories Initiative.

Jack established the myriad of geological, physical and biological processes that make the oceans critical players in almost every facet of human use of this planet and then tuned into the Northeast Pacific Ocean and the ocean-mediated processes off the Pacific Northwest. The vision of the OOI is to "enable real-time, remote interactions between land-based user communities and thousands of *in situ*, robotic sensor arrays within the coastal basins". The goal is to "detect, respond to, quantify, model, understand and appreciate the time-scales and impact of change in ocean processes". The Juan de Fuca Plate will be a "regional node" in the OOI plan, and will deploy electro-optical cables along the seafloor to power and telemeter information from a network of submarine laboratories. Hydrate Ridge and the Newport Line, offshore Oregon, will be highly instrumented components of the OOI, and new technologies, like autonomous gliders will be employed to make the OOI a reality in the ensuing years.

Afternoon Session

Consensus Statement on Marine Protection (Cheryl Coon, Laura Anderson, Jim Golden and Mark Hixon):

Cheryl, Laura and Jim gave a short presentation on the efforts of their completely *ad hoc*, unnamed group of Oregonians, including fishers, conservations, scientists, recreationalists and coastal business people. Their goal has been to find common ground, using a civilized dialog, about the implementation of marine reserves in Oregon's

Territorial Sea. They obtained and reviewed relevant factual information and used the services of a facilitator to assist the dialog. They have developed a consensus statement, and agree on the purpose and utility of marine reserves, on the use of science and precautionary management methods, and on the importance of public process in the selections of protected areas.

Public Comment (Marine Reserves Planning):

Arnie Roblans (Oregon House of Representatives): Greg McMurray read a written letter submitted by Arnie Roblans for the meeting record.

John Holloway (Recreational Fisherman's Alliance/Oregon Anglers): John shared his perspective that marine reserves is about closing things, and asked OPAC to remember that fisheries are highly and successfully managed.

Terry Learned (boat builder): Terry observed that marine reserves impacts have already been felt in Pacific City, and described his loss of dory customers, which he attributes to the threat of marine reserves implementation.

Al Barney (Holiday Charters): Al handed out a written statement; then commented on the concept of marine reserves as being impossible to achieve, and one that will inevitably have negative impacts on the Oregon coast.

Paul Hanneman (The Dorymen's Association): Paul expressed his interpretation of the Doryman's statement on marine reserves (which he handed out), not as a hard line against reserves, but that they are just not the best approach to the needs for better science and management.

Megan Mackey (Pacific Marine Conservation Council): Megan stated that her organization supports the marine reserves process, and argued for language in the marine reserve process documents that leaves the widest interpretation (e.g., retain #6), and for multiple levels of marine protected areas.

Lucie LaBonte (Curry County): Lucie noted that there were no local government representatives on Cheryl Coon's group, invited environmentalists to participate in Curry County activities, and read resolutions from the Ports of Gold Beach and Brookings Harbor.

Walter Chuck (Recreational Fisherman's Alliance/Oregon Anglers): Walter stated his concern for the lack of a south coast county commissioner on OPAC, and his belief that all groups of users should bear the pain of marine reserves, not just fishermen.

Ben Enticknap (Oceana): Ben thanked the council for its work, addressed the issue of threats to ocean health and our lack of knowledge of the resources, and argued for multiple levels of marine protected areas.

Ron Mason (citizen): Ron observed that there is a disconnect between marine reserves claims not to manage fish, and the OPAC's discussion about managing fish: Ron thinks that marine reserves are about protecting fish.

Cindy Ashy (citizen): Cindy supported comments by the conservation organizations on marine reserve document language, made observations about the limitations of models, and suggested that OAPC fund several different, competing socioeconomic studies.

Pete Stauffer (Surfrider Foundation): Pete suggested that OPAC host a session of the science of marine reserves, agreed with other prior testimony on retaining marine reserves document language, and stated that surfing (and other activities like kayaking) are low impact and do not create a "disturbance".

Peg Reagan (Conservation Leaders Network): Peg addressed the principles for marine reserves planning, advocating the positions of the other testimony (i.e., retaining #6), not limiting marine reserves with a cap, and commended the unnamed consensus group for its work.

Sean Carleton (citizen): Sean commented on the importance of clarifying the definition of a marine reserve, argued for retaining definitions used in the public process, and urged OPAC to access the literature from the California experiences.

Cheryl Coon (Portland Audubon): Cheryl expressed her belief that #6 is essential to the marine reserves documents, and that an array of tools is necessary for marine conservation.

Leesa Cobb (Port Orford Ocean Resources Team): Leesa read a brief state from POORT that advocates the appropriate role of community-based groups in marine protected areas planning, and updated the council on POORT activities, including its use of GIS-based mapping.

Charlie Plybon (SurfRider Foundation): Charlie supported the retention of #6 in the guidelines, offered a position on a definition for “disturbance”, and that surfing is passive and does not negatively affect ecological processes in the surf zone or constitute a disturbance.

Craig Wenrick (The Dorymen’s Association): Craig stated that fishermen are by nature environmentalists, that the past 20 years have brought huge “cumulative impacts” to the local fishing industry, resulting in a much smaller presence in Pacific City, and that marine reserves need a problem statement.

Marine Reserves Planning: OPAC Action (Scott McMullen):

Staff brought the draft planning principles and guidelines document up on the projector and began a word-smithing discussion on the verbiage in the document. The relative merits of definitions for the key terms “modification”, “disturbance”. The council agreed by consensus to some edits of the document, and will pick up editing at the next working group meeting. There was then some discussion of appropriate roles and responsibilities of the entities involved in the marine reserves process (i.e., OPAC, MRWG, Marine Cabinet, *ad hoc* MR Process Group), the marine reserves process timeline, and the possibility of additional needed steps in the process. Jay Rasmussen proposed in concept, a substantial marine reserves outreach effort that would reach all of the major coastal community areas, among other targets. The council agreed by consensus to implement such a strategy, and Louise Solliday offered some staff support from DSL.

Date, Location and Agenda Items for Next OPAC Meeting (Scott McMullen):

The next OPAC meeting will be conducted in Gold Beach (logistics to be established) on Friday, November 30, 2007.

New Issues Raised by OPAC Members:

No new issues were raised by OPAC members at this meeting.

Updating the Oregon Ocean and Territorial Sea Plans: Is a New Working Group Needed?:

This agenda item was tabled.

Discussion on Oregon Ocean and Territorial Sea Plan Updates:
This agenda item was tabled.

Finavera's Planning for the Bandon Wave Energy Facility:
This agenda item was cancelled.

The meeting was adjourned by Chair Scott McMullen at 5:17 p.m.