

Oregon Ocean Policy Advisory Council

DRAFT Meeting Summary

Meeting of November 30, 2007

Event Center on the Beach, Gold Beach, Oregon

Executive Summary

Issues Decided/Positions Taken:

The Council made a consensus to implement a study group to scope out the needs for updates to the Oregon Ocean Management Plan and Territorial Sea Plan.

The Council made a consensus decision to proceed with the cumulative effects of wave energy development scoping for approval at the next meeting to go to OWET for funding.

The Council made a consensus decision to carry the existing OPAC officers' terms through June 30, 2008.

By a 6-5 vote, the Council decided to move forward with an outreach committee and with outreach plan preparation, but not approval or implementation of the plan until the South Coast County Commissioner seat is filled.

The Council made a consensus decision to approach Sea Grant and ask for their involvement in outreach coordination for the marine reserves nomination process.

Action Items:

OPAC Members:

A study group including David Allen, Jim Good, Onno Husing, Jeff Kroft, Paul Klarin, Laurel Hillmann, Cheryl Coon, Fran Recht, Jim Relaford and John Holloway will meet to consider the possible scope of work for recommending amendments to the Oregon Ocean Management and Territorial Sea Plans.

A group comprising Paul Engelmeyer, Terry Thompson, Jessica Hamilton, Onno Husing, David Allen, Brad Pettinger, Fred Sickler and Cathy Tortorici will work on a response to NOAA's request for comments on the pending aquaculture bill in Congress.

OPAC members not on the Marine Reserves Working Group should send comments on the draft marine reserves documents to Laurel Hillmann before the next OPAC meeting.

OPAC Staff:

Circulate the cumulative effects draft of November 29, 2007, for OPAC member comments.

Circulate the marine reserves policy document with a deadline for OPAC member comments of December 31, 2007.

Next Meeting:

Monday and Tuesday, January 7-8, 2008, in Astoria-Warrenton

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); **Robin Hartmann** (Coastal Conservation or Environmental Organization); **Scott McMullen** (North Coast Commercial Fisheries); **Brad Pettinger** (South Coast Commercial Fisheries); **Jim Pex** (South Coast Charter, Sport or Recreational 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); **Laurel Hillmann** (Department of Parks & Recreation); **Dalton Hobbs** (Department of Agriculture); **Onno Husing** (Oregon Coastal Zone Management Association); **Paul Klarin** (Department of Land Conservation & Development); **Greg Pettit** (Department of Environmental Quality); **Louise Solliday** (Department of State Lands);

Members Absent: **Jim Good** (Public at Large); **Robert Kentta** (Oregon Coastal Indian Tribes); **Vicki McConnell** (Department of Geology and Mineral Industries); **Jay Rasmussen** (Oregon Sea Grant College); 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); **Cathy Tortorici**, (NOAA Fisheries); **Karen Chase** (Oregon Department of Energy); **Jeff Feldner** (Oregon Sea Grant).

Invited Speakers: **Kerry Griffin** (NOAA Fisheries).

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): **Mayor Karl Popoff** (Gold Beach); **State Representative Deborah Boone** (House District 32); **State Representative Wayne Krieger** (House District 1); **Commissioner Georgia Knowlin** (Curry County); **Linda Buell, Mick Buell** (Garibaldi Charters/FACT); **Commissioner Lucie LaBonte** (Curry County); **Susan Chambers** (*The World* newspaper); **Leesa Cobb**, (Port Orford Ocean Resources Team); **Andy Lanier** (Department of Land Conservation & Development); **Peg Reagan** (Conservation Leaders Network); **Commissioner John Griffith** (Coos County); **John Holloway** (Recreational Fisherman's Alliance/Oregon Anglers); **Megan Mackey** (Pacific Marine Conservation Council); **Fran Recht** (Pacific States Marine Fisheries Commission); **Peter Stauffer, Charlie Plybon** (Surfrider Foundation); **Wendy Yorkshire** (staff for State Representative Boone); **Jim Relaford** (Port of Brookings Harbor); **Don Mann, Ginny Goblirsch** (Port of Newport); **Jeff Feldner** (Oregon Sea Grant Program); **Richard Heap, Jim Welter, Ray Brouette** (Oregon South Coast Fishermen); **Ben Enticknap** (Oceana); **George Rhodes** (Brookings businessman);

Warren Glazer (Brookings); **Clayton Dalrymple**, **Lawrence Johnson** (Port of Gold Beach); **Mark Sippola** (US Army Corps of Engineers); **Jenna Borberg** (OSU Sea Grant); **Georgia Newton** (Curry County); **Kathy Wall** (Port of Coos Bay); **Elizabeth Kuljis** (Gold Beach); **Val Corly** (Gold Beach); **Jun Arebon** (City of Port Orford); **Commissioner Marilyn Schaefer** (Curry County); **Commissioner Marilyn Kittelman** (Douglas County); **Barry Nelson** (Oregon Salmon Commission); **Neal Coenen** (Newport); **Bryan Grumman** (Gold Beach); **Paul Merz** (STEP/Common Ground/CROOS); **Dixie Boley** (Fisherman Direct Seafoods); **Harry Hoogesteger** (Southern Curry Watershed Council); **Shanea Wallace**, **Emmie Yeiter**, **Leea Rackard**, **Ana Swan**, **Katie Flannigan**, **Randall MacLaurie**, **Taura Boback**, **Jim Canery**, **Lindsey McDonald**, **Molly Honeker**, **Sunny Bell**, **Cora Cleveland** (Gold Beach High School); **Les Cohen** (Brookings Harbor Chamber of Commerce); **Jeff Werner**, **Steven C. Brown**, **Kevin Hiersche**, **Brent Liene** (commercial fishermen); **Greg Harlow** (Northwest Steelheaders); **Jack Rowe**, **Dori Rowe**, **Robert Phillips** (sport fishermen); **Mayor Pat Shuman** (City of Brookings); **Karim Shumaker** (Port Orford); **Dave Webb** (Brookings); **Frank Wallace** (Klamath Falls); **Laurel Johnson**, **Paavo Carroll** (FESRI/F/V *Titan*); **Kathy Lindley** (CFWA); **Jim Rogers**, **Lou Caste** (citizens); **Dorthea Peterson**, **Barrett Edgar** (Gold Beach); **Pat Piper**, **Betty Mears** (Brookings Harbor); **David McCutcheon** (Port Orford); **Corrine Shoemaker**, **John Rohrbeck** (South Coast- Port Orford?); **Mark Forweb** (Sierra Club); and Gus Gates (Florence).

Total recorded attendance: 111.

Meeting Minutes:

Morning Session

The meeting was brought to order by Chair Scott McMullen at 8:41 a.m. Gold Beach Mayor Karl Popoff welcomed the meeting to Gold Beach and underscored the importance of OPAC's deliberations to his community.

Introductions:

The OPAC members introduced themselves and stated their affiliations.

Review and Approval of Summary of September 25, 2007 OPAC Meeting (Scott McMullen):

David Allen requested two changes: 1) insert the word "action" after the word "OPAC" in the second of the two policies relating to OPAC use of agency resources (page 4 of draft); and 2) delete the word "negative" describing John Griffith's opinions and insert the words "disagreeing with" prior to the words "the Governor" (page 6 of draft). The Council then approved the draft meeting summary, as amended with David Allen's changes, by consensus.

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

David circulated a memorandum to OPAC and the audience, in which he explained his rationale for creating a working group to address the need to review the Oregon Ocean Management and Territorial Sea Plans. The Land Conservation and Development

Commission (LCDC) amended the Territorial Sea Plan in 2001 and subsequently, the 2003 Oregon Legislature amended ORS 196.443(1) to require that the Council periodically review the Territorial Sea Plan and provide recommendations to LCDC. Chair McMullen asked David to work with a small study group to return to OPAC with an assessment of the work needed, a list of issues and a proposed timeline. The Council made a consensus decision to proceed with the study group, which will include David Allen and Jim Good (as cochairs), Onno Husing (OCZMA), Jeff Kroft (DSL), Paul Klarin (DLCD), Laurel Hillmann (OPRD), Cheryl Coon (unaffiliated), Fran Recht (PSMFC), Jim Relaford (Port of Brookings Harbor), Neal Coenen (unaffiliated) and John Holloway (Oregon Anglers).

Update on Wave Energy Planning (Robin Hartmann and Cathy Tortorici):

Cathy Tortorici delivered a PowerPoint presentation, describing the preliminary results of the Wave Energy Ecological Effects Workshop held at the Hatfield Marine Science Center on October 11-12, 2007. The 50 scientists attending the workshop used different breakout discussions to summarize what is known, not known, assess levels of certainty and uncertainty, prioritize ecological issues and help to define needed baseline studies, monitoring and mitigation. The breakouts ran along the lines of receptors (like fish and marine mammals) and also stressors (like acoustics and toxics). The workshop confirmed: the ecological importance of nearshore zone, the possible extent of effects based on present information, the high levels of uncertainty and broad data gaps, the need for baseline studies and effective monitoring and adaptive management, and the extreme importance of location in facility siting. The results will be summarized in a publication of the next few months and made widely available.

Cathy also gave a brief update on an effort among herself, Jonathan Allan, Robin Hartmann and Greg McMurray to scope a request for proposals (RFP) for a cumulative effects study on wave energy development. Cumulative effects analyses are mandated by a number of statutes and rules, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Oregon Territorial Sea Plan (TSP). A broad definition of cumulative effects includes the summation of all effects of a given activity, prior activities and future activities, on both the ecological and socioeconomic systems. The scope of the analysis, as it stands, includes nine steps in two phases, described on the handout given to OPAC. Important components of the analysis include: analyses presently being done in the United Kingdom, existing information on ecology and socioeconomics in the Pacific Northwest and the Oregon coast, identification of needed data and conceptual models, and characterization of short- and long-term effects. Robin then reported on the November 29, 2007 Wave Energy Working Group (WEWG) meeting that was conducted the previous afternoon and requested that the Council endorse moving ahead with the cumulative effects analysis scoping and RFP for consideration for funding by the Oregon Wave Energy Trust. The Council requested that the cumulative effects outline be circulated for OPAC comment, and a consensus decision was made to proceed with the cumulative effects scoping for approval at the next meeting to go to OWET for funding.

Election of OPAC Officers (Scott McMullen):

The Council made a consensus decision to carry the existing officers' (Chair and Vice Chair) terms from December 30, 2007, through June 30, 2008, which coincides with the ends of 12 of the 14 voting members' terms.

Update on Marine Reserves Planning (Frank Warrens):

Frank reported on the very productive November 29, 2007 Marine Reserves Working Group (MRWG) meeting. The MRWG allocated the morning largely to revising the policy guidance document, which came close to being finalized. Jane Barth then summarized the changes made to the policy document with the aim of simplifying and streamlining it. Some wordsmithing and definitions still need to be worked out. Frank acknowledged that OPAC will work towards meeting the fall 2008 deadline for submitting marine reserves advice to the Governor, but that the public nomination process will *not* begin in January. There was some discussion of the need for a task list leading clearly to the launch of the nomination process.

The afternoon's effort was addressed largely to marine reserves outreach, and specifically to consideration of an outreach memorandum that had been authored by Ginny Goblirsch and Jeff Feldner, who are affiliated with the Oregon Sea Grant program (Ginny is retired). The MRWG considers Sea Grant to be a desirable partner for the marine reserves outreach effort. Ginny and Jeff then summarized their memorandum to the Council, and outlined their strategy for getting meaningful involvement from coastal citizens and the fishing community: the communications must go both ways to be successful.

Public Comment (general):

Wayne Krieger (State Representative District 1): Wayne advised the Council to follow carefully the guidance provided by the 2003 Legislature in HB 3534, codified at ORS 196.405 *et seq.*, and gave some historical context for the legislation.

Lucie LaBonte (Curry County Commissioner): Lucie spoke to the role of the counties in ocean planning, and stated her intent to address this issue through OPAC's new study group.

Barrett Edgar (Gold Beach): Barrett stated his appreciation for the Council's work, and expressed that the benefits and costs of wave energy development should be shared along the coast, that this development be conducted by companies based in the United States, and that all Oregonians have an equal interest in the coast and ocean.

John Holloway (Oregon Anglers/RFA): John stated that OPAC's South Coast County Commissioner seat needs to be filled and that OPAC should be setting its own agenda and more closely following the statutory requirements of ORS 196.405 *et seq.*

Georgia Knowlin (Curry County Commissioner): Georgia expressed her interest in resolving the issue of the South Coast County Commissioner seat and wants John Griffith seated.

Debbie Boone (State Representative District 32): Debbie welcomed OPAC to Gold Beach, encouraged the Council to pursue ocean research opportunities, including sea-floor mapping, and also to get legislative initiatives out early so that the Coastal Caucus understands them.

Luncheon Address

Kerry Griffin (NOAA Fisheries): *NOAA and the Aquaculture Bill of 2007*.

Kerry delivered a PowerPoint presentation that explained both the pending legislation on ocean aquaculture, and NOAA's role in the proposed regulatory regime. The present policy follows earlier policies and the guidance of the recent ocean commissions, but goes further in establishing a regulatory regime under NOAA. Statistics show that aquaculture is, and will continue to be, an increasing national and international sector as demand for seafood grows. Kerry outlined some interesting international effort, such as that for the barramundi in Australia. The proposed regulatory regime would require many controls (*e.g.*, environmental monitoring) and constraints (*e.g.*, only US corporations; only native species). NOAA would like to obtain Oregon's considered comments on the pending legislation and Kerry requested that OPAC take on that challenge.

Chair McMullen charged the earlier existing aquaculture study group chaired by Paul Engelmeyer, and including Terry Thompson, Jessica Hamilton, Onno Husing, David Allen, Brad Pettinger, Fred Sickler and Cathy Tortorici, with a response to NOAA's request for comments.

Afternoon Session

Public Comment (Marine Reserves Planning):

Jim Relaford (Port of Brookings Harbor): Jim opined that the marine reserves process needs to find *legitimacy*, and that the need for reserves is not clear; hence he advises suspending the process.

Don Mann (Port of Newport): Don addressed the outreach program, saying that information from the process needs to be included in the process, even if that means changing the process.

John Griffith (Coos County Commissioner): John commended the appointment of the OPAC study group for recommendations regarding plan amendments, then recalled the 2002 OPAC marine reserves recommendation, and suggested that OPAC suspend the marine reserves process, which shows disrespect for local governments.

Pat Sherman (Brookings Harbor Mayor): Pat compared the Oregon coast to the Lake Erie of the 1970s and expressed that the existence of a simplistic system of marine reserves in Lake Erie would not have helped that situation in any way at all.

Ben Enticknap (Oceana): Ben spoke to the rationale behind the recommendation for marine reserves, including the reproductive potential of bigger, older, fatter female fish, explained that it isn't necessary to have a crisis to find wisdom in marine reserves implementation, and recommended clear benchmarks for the process.

George Rhodes (Brookings businessman): George welcomed the Council to the area, urged the Council to appoint a business group in addition to a fisherman's group to advise the marine reserves process, and reminded OPAC that the Governor had stated that economic impacts would be *avoided*, not *minimized*.

Brent Leine (fisherman): Brent commented that the marine reserves timeline is too tight, and the outreach is inadequate and needs much more effort to keep coastal residents informed about the process.

Peg Reagan (Conservation Leaders Network): Peg stated her support for marine reserves and agreed that a delay in the nomination process is feasible, but recommended a specific timeline.

Jim Welter (Oregon South Coast Fishermen): Jim commented on the lack of data and no money to do marine reserves.

Lucie LaBonte (Curry County Commissioner): Lucie reminded the group how effective ODFW is with outreach with the fishing community, that there are many ongoing measures for fisheries, and recommended that research areas will have more traction with fishermen than marine reserves.

Marilyn Schafer (Curry County Commissioner): Marilyn asked the Council why surfing, diving, and kayaking might be allowed in marine reserves, explained the problem of bacteria exceedances on Oregon beaches, and recommended that the marine reserves process not go forward without adequate funding.

Marilyn Kittelman (Douglas County Commissioner): Marilyn commented that the council members' name cards should note the council members' affiliation; stated her support for John Griffith as a representative for the South Coast County Commissioner seat; and said that she had not yet conceded that marine reserves will ever exist on the Oregon coast.

Linda Buell (Garibaldi Charters): Linda thanked OPAC for its consideration of the marine reserves issue, and spoke to her support for a locally-based process that includes good use of coastal knowledge, the semantics of marine reserves versus research reserves (supports the latter), and the general lack of information supporting the reserves process.

Mick Buell (Garibaldi Charters): Mick expressed his concern about the difficulty of transitioning from a fishing business to a tourist business, with marine reserves reducing the prospect of catching fish, which is what tourists seem to want.

Leesa Cobb (Port Orford Ocean Resources Team): Leesa described the Port Orford Ocean Resources Team's (POORT's) many and varied outreach efforts to work with the fishing community to identify special ocean areas that might qualify as marine reserves in the vicinity of Port Orford.

Kevin Hiersche (Gold Beach Fisherman): Kevin, representing the sea urchin fishermen who fish on Port Orford Reef and Rogue Reef, expressed concern about the marine reserves process, and marine reserves designations on those reef areas.

Barrett Edgar (Gold Beach): Barrett supported the position of POORT, expressed appreciation for the OPAC forum, suggested that the process focus on common interests in order to move forward, and supported the siting of a new marine science center on the south coast.

Gary Wickham (Port Orford Ocean Resources Team): Gary urged the state to fully-fund the marine reserves process, to get Oregon State University involved in marine science on the south coast, suggested the process go slowly, and challenged the public to educate themselves on marine reserves.

David McCutcheon (Port Orford): David is a live-fish permit holder; he used the loss of the California urchin fishery in a reserve to illustrate the potential impact to a specific fishery and recommended the state consider buying out some of the commercial fisheries.

Les Cohen (Brookings Harbor Chamber of Commerce): Les commented that Oregon's fisheries are well-managed, expressed his concern about the aggressive marine reserves timeline and also the importance of an effective and successful outreach component, and urged caution because of the huge impact the process would have on every sector of the south coast.

Megan Mackey (Pacific Marine Conservation Council): Megan's organization supports the Governor's commitment to establish marine reserves, and urged the council to use any time delay in the process effectively.

Harry Hoogesteger (South Curry Watershed Council): Harry, speaking as an individual, opined that it is important to future generations to leave natural resources in better shape than the prior generation, and supports a limited system of marine reserves.

Pete Stauffer (Surfrider Foundation): Pete supported the approval of the marine reserves policy document, stated that the ocean recreation community looks forward to participation in the important outreach process, and agrees that a well-used delay is in the best interest of the process.

Neal Coenan (Newport): Neal drew on 32-years of prior experience in this arena to explain the role of a limited system of marine research reserves as a management tool, stated support for the delay in the process, and suggested some specifics of how the outreach effort might be successful in an interactive fashion with the nomination process.

Susan Allen (Oregon Ocean): Susan spoke in support of marine reserves that will maximize human access and minimize socioeconomic impacts on coastal communities, and provide a long-term solution to protecting marine biodiversity; she supports the outreach process as it is being planned by OPAC.

Corrine Shoemaker (South Coast- Port Orford): Corrine spoke in support of moving forward with the marine reserves nomination process.

Mark Forweb (Sierra Club): Mark expressed hope that OPAC will keep moving forward with marine reserves so that the state will realize their benefits to fish breeding stocks on the Oregon coast.

John Rohrbeck (South Coast – Port Orford): John stated his support of the marine reserves nomination process based on the worldwide record of marine reserves successes, and also supports the outreach process.

Laura Greathead (Gold Beach): By email, Laura expressed her support for OPAC's marine reserves process.

Paula Cracas (Port Orford): By email, Paula expressed support for OPAC's marine reserves process.

Georganne White (Port Orford): By email, Georganne expressed her support for OPAC's marine reserves process, using the forestry industry and salmon crisis as evidence that management tools such as marine reserves will help us to avoid these crises.

Jim Rogers (Port Orford): In a letter, Jim summarized his experiences with natural resources in 40 years living in Curry County, and expressed his support for the establishment of marine reserves and his pride in south coast fishermen.

Marine Reserves Planning: OPAC Action (Scott McMullen/Frank Warrens/Jane Barth): Scott and Frank asked Jane to work with the council members towards formal approval of a marine reserves outreach committee and process, and also the marine reserves policy document. Several council members (Brown, Allen, Thompson) stated their discomfort

with proceeding on implementation of the outreach effort until the South Coast County Commissioner seat is filled. (OPAC Counsel Shipsey clarified here that an empty seat on the Council in no way affects the legal legitimacy of the council's decisions or actions.) Jane clarified that there were three separate issues: 1) the development of the outreach materials; 2) the actual implementation of the effort; and 3) the South Coast County Commissioner seat. After lengthy discussion of the possible permutations, the Council voted 6-5 supporting favor of a motion to move forward with an outreach committee and with outreach plan preparation, but not approval or implementation of the plan until the South Coast County Commissioner seat is filled (**Ayes** – *Allen, McMullen, Pettinger, Pex, Thompson, Warrens*; **Nays** – *Bergeron, Brown, Engelmeier, Hartmann, Sickler*).

It was then clarified that the nomination process would be postponed a maximum of three months. Laurel Hillmann will circulate the marine reserves policy document with a deadline for OPAC member comments of December 31, 2007. The needs statement being developed by Jack Brown, *et al.*, will next be circulated to the marine cabinet agencies and a single set of comments developed.

Some final discussion related to the Council's strong preference for the involvement of the Oregon Sea Grant program in the outreach program. Sea Grant representatives said that their involvement was possible, but if and only if the outreach content and message were reactive to feedback from the coastal communities. However, the Council identified a fundamental tension between the desire to have two-way outreach, versus preserving the hard policy work and decisions that have gone into outreach documents like the policy draft. The Council also seemed to have a general preference for the concept of an outreach coordinator, as earlier advanced by the outreach committee. The Council made a consensus decision to approach Sea Grant and ask for their involvement in outreach coordination for the marine reserves nomination process.

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

The next OPAC meeting will be held in Astoria-Warrenton (logistics to be announced) on Tuesday, January 8, 2008.

New Issues Raised by OPAC Members:

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

The meeting was adjourned by Chair Scott McMullen at 5:01 p.m.