

Distributed Materials
June 30, 2008

Draft Meeting Agenda. 2 pages.

Draft Meeting Summary, OPAC. March 28, 2008. 4 pages.

Draft Oregon Marine Reserve Policy Guidance (June 20, 2008). 8 pages.

Issues for which complete (all but one in all cases) consensus was not reached at the 6/20/08 OPAC MRWG meeting. 3 pages.

Oregon State Police Fish and Wildlife Division. Recommendations to OPAC – Marine Reserve Areas. June 30, 2008. 1 page.

Memo to OPAC from David Allen and Paul Klarin regarding Rulemaking Advisory Group. June 30, 2008. 2 pages.

Oregon Ocean Policy Advisory Council
Draft Meeting Agenda*
Monday, June 30, 2008, 9 am - 3:30 pm - Regular Meeting
Oregon Dept. of State Lands, 775 Summer St NE, Salem

*Please note that this agenda is an attempt to give notice of the intended sequence of events at the meeting. Time or topics may change up to the last minute, but the Chair will try to make sure that public comment opportunities are related to discussion of major issues or decisions as indicated below.

Sunday Evening – OPAC Social

7:00 pm Strawberry Shortcake and Ice Cream Social. Agriculture Building, Salem.
Please come and join us for Willamette Valley strawberries, homemade shortcake, and Tillamook Ice Cream. The event will be at the WW I memorial, just north of the Agriculture Building (635 Capitol St NE) on the south/west side of Mill Creek. Park on Capitol St heading north, Summer St heading south, or in the small lot beside the Agriculture Building and Veterans' Affairs.

Monday – Regular OPAC Meeting
Land Board Meeting Room, OR. Dept. of State Lands

9:00 am Welcome and Introductions – *Scott McMullen* (OPAC Chair), *Council Members*

9:05 am Review and Approval of Minutes of *last* OPAC Meeting (10 minutes) - *Scott McMullen* (OPAC Chair), *Council Members*
Scott will **review** the minutes and ask for amendments and council **adoption**, as amended.

9:15 am West Coast Governors' Agreement (15 minutes) – *Jessica Hamilton* (Governor's Office)
Jessica will **report** on the current status of the West Coast Governors' Agreement on Ocean Health. The Agreement represents a proactive regional collaboration to protect and manage the ocean and coastal resources along the entire West Coast of the US.

9:30 am Marine Reserve Enforcement (30 minutes) – *Lt. Jeff Samuels* (Oregon State Police)
Jeff will **review** issues relating to enforcement of regulations on Marine Reserves.

10:00 am Territorial Sea Plan (30 minutes) – *David Allen* (Co-Chair, TSP Working Group)
David will **report** on recent activities of the Territorial Sea Plan Working Group.

10:30am Break (15 minutes)

10:45 am Marine Reserve Community Meetings (30 minutes) – *Christen Don & Jeff Feldner*
Cristen and Jeff will **report** on the series of informational community meetings presenting to the public the site proposal process.

11:15 am Marine Reserves Guidance Document (105 minutes) – *Scott McMullen* (OPAC Chair)
Scott will **lead** a discussion of the final draft of the Marine Reserves Guidance Document. The document has recently been revised to reflect consideration of public comments, the Governor's Executive Order, and comments from OPAC.

12:00 pm Working Lunch.

- 1:00 pm Public Comment (60 minutes) – *Scott McMullen* (OPAC Chair)
Members of the public who wish to provide comments to OPAC are asked to sign in on a comment sheet prior to the public comment period. **The total time will be divided evenly among those signed up to speak. Members of the public with written comments are advised to submit them in written form, as time limits will be strictly observed.**
- 2:00 pm Marine Reserves Guidance Document (105 minutes) – *Scott McMullen* (OPAC Chair)
Continued: Scott will **lead** a discussion of the final draft of the Marine Reserves Guidance Document. The document has recently been revised to reflect consideration of public comments, the Governor’s Executive Order, and comments from OPAC. It is expected that there will be a vote on **adoption** of this document at the conclusion of the discussion.
- 3:00 pm Other Issues Raised by Members; Future Meetings; Announcements of Coming Events (30 minutes) -- *Scott McMullen* (OPAC Chair)
Agenda items and new issues for the next OPAC meetings will be solicited.
The following dates are proposed for future OPAC meetings in 2008:
OPAC. Late August. Date and location TBD.
OPAC and MRWG. Wednesday, October 8 in Garibaldi.
OPAC. Thursday and Friday, October 23 and 24, in Florence.
OPAC. Monday, November 17 in Lincoln City.
- 3:30 pm Adjourn

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Logistics: **Please note and obey municipal parking restrictions.** The City of Salem is very strict in parking enforcement. Parking is available in a pay lot between Marion and Center Streets, and Winter and Summer Streets. There are also numerous meters on the streets around DSL. Many of these meters have time limits, however. Free parking in neighborhood streets north of DSL is also available, but be aware that some neighborhood streets may have non-resident parking restrictions.

Contact Information: Jay Charland — 503 373-0050 x 253 jay.charland@state.or.us

Oregon Ocean Policy Advisory Council
DRAFT Meeting Summary
May 22, 2008
Charleston, Oregon

Issues Decided/Positions Taken

- The council approved the draft minutes from the March 28, 2008 meeting with one amendment.
- OPAC approved and adopted the inclusion of membership status on member nameplates on display during OPAC meetings.
- OPAC approved and adopted a revised procedure for recording meetings. Videos of the meetings will not be posted in the Internet. Video records of the meetings will be made available to OPAC members and the public.
- Scott McMullen was re-elected as Chair of OPAC; Jim Good was re-elected as Vice Chair of OPAC; Frank Warrens was re-elected as Executive Committee Member-at-Large. Each will serve a two-year term commencing July 1, 2008 and ending June 30, 2010.
- Jim Good, Jay Rasmussen, Paul Klarin, and Frank Warrens are designated the Oregon Marine Reserves web site steering committee.
- The Territorial Sea Plan Working Group was established with the following members: David Allen (co-chair), Paul Klarin (co-chair), Scott McMullen, Jim Good, John Griffith, Terry Thompson, Onno Husing, Robin Hartmann, Fred Sickler, Jeff Kroft, Laurel Hillmann, and Cathy Tortorici.
- OPAC agreed to have Scott McMullen, Ed Bowles, and Frank Warrens draft the cover letter to accompany the Coarse Review Criteria and Site Proposal Form.
- OPAC decided to hold a Marine Reserves Working Group meeting and a full OPAC meeting to finalize the Marine Reserves Guidance Document.

Action Items

- A document which reflects what MRWG produced on May 21, 2008 will be distributed to all OPAC members. Members will return edited versions to Laurel Hillman (OPRD), who will compile and distribute an integrated document with comments included.
- MRWG will decide upon a final draft version during their June 20, 2008 meeting in Salem. This version will be distributed to OPAC prior to their June 30, 2008 meeting.
- Jay Charland (DLCD) will develop a method for distributing videos of OPAC meetings to members and the general public.
- Steve Shipsey (DoJ) will amend the OPAC Operating Procedures as directed by the Council.

Next Meetings

Marine Reserves Working Group: Friday, June 20, 2008. ODFW offices in Salem. 9 am to 3 pm.

OPAC: Monday, June 30, 2008. DSL offices in Salem. Time TBD.

Attendance

Members Present (voting): **David Allen** (Public at Large); **Jim Bergeron** (Ports, Marine Transportation, Navigation); **Paul Engelmeyer** (Statewide Conservation or Environmental Organization); **Jim Good** (Public at Large); **John Griffith** (South Coastal County Commissioner); **Robin Hartmann** (Coastal Conservation or Environmental Organization); **Scott McMullen** (North 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). [13]

Members Present (ex officio): **Ed Bowles** (Governor's Office); **David Fox** (Department of Fish & Wildlife); **Onno Husing** (Oregon Coastal Zone Management Association); **Paul Klarin** (Department of Land Conservation & Development); **Jim Myron** (OPRD); **Greg Pettit** (Department of Environmental Quality); **Louise Solliday** (Department of State Lands). [12]

Members Absent: **Jack Brown** (Coastal Cities), **Brad Pettinger** (South Coast Commercial Fisheries), **Vicki McConnell** (DOGAMI), **Dalton Hobbs** (ODA), **Jay Rasmussen** (Sea Grant), **Robert Kentta** (Oregon Coastal Indian Tribes), **Cathy Tortorici**, (NOAA Fisheries).

Invited Speakers: **Barbara Seekins** (NOAA) and **Andy Lanier** (DLCD)

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

Public Comment speakers (with affiliation if provided): **Steve Bodnar** (CBTA); **Ben Enticknap** (Oceana); **Gus Gates** (Our Ocean); **John Holloway** (RFA/OR Anglers); **James Jungwirth**; **Megan MacKay** (PMCC); **Peg Reagan**; **Jim Relaford** (Port of Brookings);

Others in Attendance: **Kaety Hildenbrand** (Oregon Sea Grant); **Greg Harlow** (Northwest Steelheaders)

Note: Department of State Lands Director Louise Solliday stepped out of the room during the public comment statement of James Jungwirth of Williams, Oregon.

Distributed Materials

Draft Meeting Agenda. 2 pages.

Draft Meeting Summary, OPAC. March 28, 2008. 4 pages.

Proposal Form for Sites for Further Review. OPAC Marine Reserves Process. Draft dated 5-21-08. 2 pages.

OPAC Coarse Review Criteria. OPAC Marine Reserves Process. Draft dated 5-21-08. 2 pages.

OPAC Marine Reserves Guidance. Draft dated 5-15-08. 3 pages.

Economics Workshop. Scientific and Technical Advisory Committee. Draft Plan dated 5-19-08. 2 pages.

Overview of Marine Reserves Process, Draft dated 5-19-08. One page.

Marine Reserves Process: Schedule for the Proposal Process. Draft dated 5-19-08. One page.

F.A.C.T. Fisherman Advisory Committee for Tillamook. February 2008. One page.

Video Index

Item	Time Index
Call to Order, Welcome & Introductions	0:01:50
Review and Approval of Minutes	0:03:40
OPAC Member Nameplates	0:04:40
Updates to OPAC Procedures	0:05:45
OPAC Membership, Terms of Service	0:09:05
Election of Officers	0:10:05
Oregon Marine Reserves website	0:24:50
Wave Energy Working Group update	0:56:40
Finavera Buoy update from DSL	1:02:30
Territorial Sea Plan Working Group	1:14:40
Kaety Hildebrand, Oregon Sea Grant	1:36:40
Paul Klarin, DLCD. TSP Stakeholder group	1:48:35
Marine Reserves Guidance Document, session 1	2:20:10
Lunch Presentation	3:11:50
Public Comment	3:47:10
Marine Reserves Site Proposal Process, Ed Bowles	4:20:10
Marine Reserves, Coarse Review Criteria	5:00:50
Proposal Form for Sites for Further Evaluation	5:44:00
Marine Reserves Guidance Document, session 2	6:13:50
Scheduling for the next meetings	7:09:30
Meeting adjourned	7:17:15

For a copy of the video record of this meeting, please contact Jay Charland at (503) 373-0050 x253 or at jay.charland@state.or.us.

1 **OREGON MARINE RESERVE POLICY, PLANNING AND IMPLEMENTATION**
2 **RECOMMENDATIONS: A REPORT TO THE GOVERNOR FROM OPAC**

3
4 **INTRODUCTION**

5 This document was prepared by the Oregon Ocean Policy Advisory Council (OPAC). OPAC
6 approved this document on *Month, Day, 2008*.

7
8 **MARINE RESERVE DEFINITION**

9 A **marine reserve*** is an area within Oregon's Territorial Sea or adjacent rocky intertidal area
10 that is protected from all extractive activities, including the removal or **disturbance** of living and
11 non-living marine resources, except as necessary for monitoring or research to evaluate reserve
12 condition, effectiveness, or impact of stressors.

13
14 **OVERALL PURPOSE OF OREGON'S MARINE RESERVE SYSTEM**

15 The State of Oregon is considering the establishment of a **system** of fewer than ten marine
16 reserves along our coast as part of an overall strategy to manage its marine waters and submerged
17 lands using an **ecosystem**-based approach. The overall purpose of marine reserves is to provide
18 an additional tool to help **protect**, sustain, or restore the **nearshore** marine ecosystem, its
19 **habitats**, and **species** for the values they represent to present and future generations. Such
20 action complements the collective efforts of Oregon, Washington, and California to manage the
21 California Current in an ecosystem-based manner as expressed in the West Coast Governors'
22 Agreement on Ocean Health (Gregoire, Kulongoski, and Schwarzenegger, 2007).

23
24 **MARINE RESERVE GOAL**

25 Protect and sustain a system of fewer than ten marine reserves in Oregon's Territorial Sea to
26 **conserve** marine habitats and **biodiversity**; provide a **framework** for scientific research and
27 effectiveness monitoring; and avoid significant adverse social and economic impacts on **ocean**
28 **users** and coastal communities.

29
30 A system is a collection of individual sites that are representative of marine habitats and that are
31 **ecologically significant** when taken as a whole.

32
33 **MARINE RESERVE OBJECTIVES, PRINCIPLES AND GUIDELINES**

34 The following **objectives** apply to the entire marine reserve process. The following planning
35 principles and guidelines are designed to guide the proposal, selection, implementation and
36 management of marine reserves. The objectives, principles and guidelines are not prioritized.

37
38 **Marine Reserve Objectives**

- 39 1. Protect areas within each **biogeographic region**¹ of Oregon's Territorial Sea that are
40 important to the natural diversity and abundance of marine organisms², including areas of
41 high biodiversity³ and special natural features⁴.

* Words that are in the definitions section (pages 4-8) are **bolded** the first time they appear in the text.

Draft Oregon Marine Reserve Policy Guidance
Last revised based on changes made at the MRWG meeting on 6/20/2008

- 1 2. Protect key types of marine habitat⁵ in multiple locations along the coast to enhance
2 **resilience** of nearshore ecosystems to natural and human-caused effects.
- 3 3. Site fewer than ten marine reserves and design the system in ways that are compatible with
4 the needs of ocean users and coastal communities. These marine reserves, individually or
5 collectively, are to be large enough to allow scientific evaluation of ecological effects, but
6 small enough to avoid significant adverse economic or social impacts.
- 7 4. Use the marine reserves as **reference areas** for conducting ongoing research and monitoring
8 of reserve condition, effectiveness, and the effects of natural and human-induced stressors.
9 Use the research and monitoring information in support of nearshore resource management
10 and **adaptive management** of marine reserves.
- 11 5. Although marine reserves are intended to provide lasting protection, individual sites may,
12 through adaptive management and public process, later be altered, moved, or removed from
13 the system, based on monitoring and evaluation, in order to meet prescribed goals and
14 objectives.

Marine Reserve Planning Principles and Guidelines

- 17 1. The public, including ocean users, coastal communities and other stakeholders, will be
18 involved in the proposal, selection, regulation, monitoring, compliance and enforcement of
19 marine reserves.
- 20 2. Outreach and public engagement will be an ongoing part of the marine reserves planning and
21 implementation process. Available scientific and other information will be made available to
22 the public through outreach and websites.
- 23 3. Science and **local knowledge** will be used in the planning process for marine reserves. Such
24 information will also be used to monitor and adaptively manage them into the future.
- 25 4. The planning process will encourage coordinated and collaborative marine reserve proposals
26 from communities of place or interest. Communities of place may include coastal counties,
27 cities, and ports; communities of interest may include fishing organizations, fishery/gear
28 groups, governmental and inter-governmental organizations, and non-governmental
29 organizations. Priority consideration will be given to proposals developed by groups
30 comprised of coastal community members, ocean users and other interested parties.
- 31 5. The design and siting of marine reserves will take into account the existing regulatory regimes
32 (e.g., fisheries management, **ocean shore** management, watershed management, land use
33 planning, and water quality regulations) along with existing and emerging uses such as buried
34 cables, ocean outfalls, wave energy, and proximity to ports.
- 35 6. The size and spacing of marine reserves will take into consideration the need to conserve
36 marine biodiversity and characteristic habitats and species in Oregon's Territorial Sea,
37 balanced with the need to avoid significant adverse social or economic impacts on ocean
38 users and coastal communities.

Preliminary⁶ Marine Reserve Implementation Principles and Guidelines

- 39 1. **Ecosystem based management** will be used as a guiding principle.
- 40 2. Marine reserves as a system and each individual marine reserve will have a plan that includes
41 clearly defined objectives, monitoring protocols, compliance and enforcement provisions,
42 effective management measures, and a commitment of long-term funding necessary to
43 achieve its goals.
- 44 3. Marine reserves will be adequately enforced.
- 45

Draft Oregon Marine Reserve Policy Guidance
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- 1 4. Marine reserves will be adequately monitored and evaluated in support of adaptive
 2 management. Cooperative and collaborative research will be encouraged as well as utilization
 3 of fishing vessels as research platforms. These activities will be compatible with the goal of
 4 conserving marine habitats and biodiversity.
- 5 5. Education and economic development opportunities that are compatible with the goal of
 6 conserving marine habitats and biodiversity will be encouraged.
- 7 6. Marine reserves are not intended to prevent marine transit, safe harbor, and beach access.
- 8 7. Significant adverse social and economic impacts of marine reserves on ocean users and
 9 coastal communities will be avoided and positive social and economic effects will be sought.
- 10 8. Baseline data will be collected at each site. The types of baseline data, and the timing and
 11 methods of data collection will be driven by the research and monitoring objectives and
 12 sampling designs employed at each site.

NOTES

¹ This does not imply there needs to be an equal number of reserves in each region. There are two biogeographic regions, one from the mouth of the Columbia River to Cape Blanco, and the second from Cape Blanco to Cape Mendocino (which is located in Northern California).

² This includes areas essential to marine organism life histories and behaviors. Examples include areas important for marine species reproduction, including nurseries, spawning areas, egg production sources, recruit aggregation areas, larval dispersal routes, and adult as well as juvenile movement between depths.

³ Habitat types based on depth and bottom structure may serve as surrogates for organism community types.

⁴ Examples of special natural features may include geological formations (such as canyons or pinnacles), seafloor vents, dominant oceanographic fronts, major river plumes, ocean current eddies or jets.

⁵ An individual reserve can contain more than one habitat type. See definitions section.

Key Types of Marine Habitat for Marine Reserves	
Rocky intertidal	
Soft bottom subtidal	0-25 m (13.67 fathoms or 82 feet) greater than 25 meters depth
Hard bottom subtidal	Low topographical relief (0-25 m) High topographical relief (0-25 m) Low topographical relief (over 25 m depth) High topographical relief (over 25 m depth) Canopy-forming kelp (0-25 m)

Note: Rocky intertidal is between the extreme high tide line (EHTL) and extreme low tide line (ELTL). For the rest of the habitats, "0" represents the territorial sea coastal baseline of Mean Lower Low Water (MLLW).

⁶ These implementation guidelines and principles are very preliminary during this planning stage. Actual implementation guidelines and principles will evolve as the process gets closer to implementation.

DEFINITIONS

1
2 **Adaptive Management:** a systematic process for continually improving management
3 policies and practices by learning from the outcomes of operational programs (BC Forest
4 Service, 2006).

5 **Biogeographic region:** a geographical region containing a distinctive assemblage of species
6 and/or habitats. Physical and biological science supports the idea of dividing the Oregon
7 coast into regions, due to differences in primary bottom types and current patterns that
8 influence the dispersal and retention of larval fishes and invertebrates. It is important to have
9 multiple reserves for each region and habitat type to enhance resiliency and for statistical
10 replication. Cape Blanco is a well-documented "break" in coastal ocean physical and
11 biological properties. A biogeographic region designated south of Cape Blanco would extend
12 into Northern California. Economic and social data should be gathered and organized on a
13 biogeographic region basis as much as possible to aid all participants in the reserve process.

14 **Canopy forming kelp:** a sub-set (or ecotype) of hard bottom (rocky) subtidal habitat.
15 Canopy forming kelp grows on many of Oregon's shallow rocky reefs, typically in waters
16 between 5 and 25 meters (ODFW, 2006). Generally, this term is used to refer to canopy
17 forming kelp species such as *Nereocystis* and *Macrocystis*.

18 **Coastal Biodiversity:** at its simplest, a term meaning the diversity of life forms and
19 communities that occur in the coastal zone, including nearshore ocean waters. Diversity is a
20 concept that means "variety or multiformity, a condition of being different in character and
21 quality (Patrick, 1983, in Ray, 1988, in OPAC, 1994)." There is no single way to define,
22 measure, or evaluate diversity of life; rather there are at least four interrelated ways:

- 23 • *species diversity*, which refers to the variety and abundance of species in an ecosystem;
- 24 • *ecological diversity*, which refers to the variety of types of biological communities found
25 on earth;
- 26 • *genetic diversity*, which refers to the genetic variation that occurs among members of
27 the same species; and
- 28 • *functional diversity*, which refers to the variety of biological processes or functions
29 characteristic of a particular ecosystem. This may be the most important way of
30 referring to biodiversity in a coastal management sense (OPAC, 1994).

31 The United Nations Convention on Biological Diversity defines biological diversity (aka
32 biodiversity) as "the variability among living organisms from all sources, including, 'inter
33 alia', terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which
34 they are part: this includes diversity within species, between species and of ecosystems (UN,
35 1992)."

36 **Conserve:** to manage in a manner which avoids wasteful or destructive uses and provides
37 for future availability (Oregon Statewide Planning Goals and OPAC 1994).

38 **Disturbance:** extraction of living organisms and non-living materials, or human induced
39 changes to the environment that cause mortality of organisms.

40 Examples of disturbances may include:

- 41 • Dredging
- 42 • Dumping/Disposal
- 43 • Harvest of marine organisms
- 44 • Energy development
- 45 • Pipeline/conduit/cable placement
- 46 • Pollution discharge, point-source and non-point pollution

Draft Oregon Marine Reserve Policy Guidance

Last revised based on changes made at the MRWG meeting on 6/20/2008

1 • Mining

2 Allowed activities will be established with the management plan for each site or through
3 rulemaking.

4 **Ecologically significant:** contributing to biodiversity, resilience of the system and its
5 populations and ecological communities.

6 **Ecosystem:** an ecosystem is a dynamic complex of plant, animal, and microorganism
7 communities and the nonliving environment interacting as a functional unit. Humans are an
8 integral part of ecosystems. Ecosystems vary enormously in size; a temporary pond in a tree
9 hollow and an ocean basin can both be ecosystems (Millennium Assessment, 2005).

10 **Ecosystem-Based Management:** ecosystem-based management is an integrated approach
11 to management that considers the entire ecosystem, including humans. The goal of
12 ecosystem-based management is to maintain an ecosystem in a healthy, productive and
13 resilient condition so that it can provide the services humans want and need. Ecosystem-
14 based management differs from approaches that focus on a single species, sector, activity or
15 concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-
16 based management:

- 17 • emphasizes the protection of ecosystem structure, functioning, and key processes;
- 18 • is place-based in focusing on a specific ecosystem and the range of activities affecting it;
- 19 • explicitly accounts for the interconnectedness within systems, recognizing the
20 importance of interactions between many target species or key services and other non-
21 target species;
- 22 • acknowledges interconnectedness among systems, such as between air, land and sea; and
- 23 • integrates ecological, social, economic, and institutional perspectives, recognizing their
24 strong interdependences (McLeod et. al., 2005).

25 **Evaluation Criteria:** the guidelines and/or rules that enable judgments, choices, or
26 decisions to be made about how well individual marine reserve proposals address the goal
27 and objectives about how such proposals might be fit together to form a recommended
28 system of marine reserves.

29 **Framework:** a broad overview or outline composed of ideas or principles that are used to
30 plan or decide something, within which details can be added in the future (e.g., a strategic
31 framework for policy setting the context for individual programs and projects).

32 **Goal:** a clear, concise statement of the intended result or outcome toward which effort is
33 directed; it is what you hope to accomplish or achieve over time. Goals are made operational
34 through more specific objectives or tasks.

35 **Habitat:** the environment in which an organism, species, or community lives. Just as
36 humans live in houses, within neighborhoods, within a town or geographic area, within a
37 certain region, and so on, marine organisms live in habitats which may be referred to at
38 different scales (OPAC, 1994).

39 **Hard Bottom Subtidal:** see rocky subtidal

40 **Key Types of Marine Habitat:**

- 41 • Rocky intertidal
- 42 • Soft bottom subtidal
 - 43 ▪ 0-25 meters
 - 44 ▪ greater than 25 meters depth
- 45 • Hard bottom subtidal
 - 46 ▪ Low topographical relief (0-25 m)

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- 1 ▪ High topographical relief (0-25 m)
- 2 ▪ Low topographical relief (over 25 m depth)
- 3 ▪ High topographical relief (over 25 m depth)
- 4 ▪ Canopy forming kelp (0-25 m)

5 Rocky intertidal is between the extreme high tide line (EHTL) and extreme low tide line
6 (ELTL). For the rest of the habitats, "0" represents the territorial sea coastal baseline of
7 Mean Lower Low Water (MLLW). See the individual habitat types for definitions. 25
8 meters=13.67 fathoms or 82 feet.

9 **Local Knowledge:**

- 10 • *Traditional ecological knowledge* is the knowledge of a localized place that is passed down
11 through time through social and cultural practices (Wedell, 2005).
- 12 • *Local fisheries knowledge* is a particular type of local knowledge acquired through
13 experiences and observations made during fishing and related activities. It may include
14 knowledge of: local distribution of fishes and habitats, unique underwater structures,
15 geological features, ecological interactions, local fishing businesses, social dynamics of
16 fishing, fishing communities' territories of use, local economics and networks of regional
17 economies of which communities are a part, and local fishing culture (adapted from
18 Hall-Arber et. al., 2002).
- 19 • *Local fisheries knowledge:* "Knowledge about commercial, subsistence, and recreational
20 marine fishing/harvest, including the marine environment* and species; fishing culture
21 and society; fishing technology and practices; and business and economic aspects of
22 fishing (NMFS, 2004)."
- 23 • *Local ecological knowledge:* local knowledge acquired through experiences and observations
24 collected through activities such as bird watching, beach walking, tidepooling, charter
25 boat fishing, whale watching, diving, surfing, and kayaking.

26 **Marine Environment:** those areas of coastal and ocean waters, the Great Lakes and their
27 connecting waters, and submerged lands thereunder, over which the United States exercises
28 jurisdiction, consistent with international law (Executive Order 13158, May 26, 2000).

29 **Marine Protected Area (MPA):** any area of the marine environment that has been reserved
30 by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection
31 for part or all of the natural and cultural resources therein (Executive Order 13158, May 26,
32 2000).

33 **Marine Reserve:** an area within Oregon's Territorial Sea or adjacent rocky intertidal area
34 that is protected from all extractive activities, including the removal or disturbance of living
35 and non-living marine resources, except as necessary for monitoring or research to evaluate
36 reserve condition, effectiveness, or impact of stressors.

37 **Nearshore:** the area from the coastal high tide line offshore to the 30-fathom (180 feet or
38 55 meter) depth contour. However, this does not always stay within the state boundary of 3
39 miles. For the purposes of the planning process, marine reserves will be within the
40 boundaries of Oregon's Territorial Sea as well as some rocky intertidal areas.

41 **Objective:** an action statement designed to help move toward the goal.

42 **Ocean Shore Recreation Area:** "Ocean shore" means the land lying between extreme low
43 tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or
44 the line of established upland shore vegetation, whichever is farther inland.

45 "Ocean shore" does not include an estuary as defined in ORS 196.800. "State recreation
46 area" means a land or water area, or combination thereof, under the jurisdiction of the State
47 Parks and Recreation Department used by the public for recreational purposes.

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1 **Oregon Territorial Sea:** the waters and seabed between the coastal baseline of Mean
2 Lower Low Water seaward to the three nautical mile (3.45 statute miles) limit of state
3 jurisdiction (OPAC, 1994; Christie and Hildreth, 1999; ORS 196.405). The inner boundary
4 that separates the territorial sea from internal waters is called the "baseline" and baselines are
5 drawn across river mouths, along outer points of complex coastlines and offshore islands
6 (Frohnmayr, 1986; Christie and Hildreth, 1999; Kalo et. al., 1999).

7 **Protect:** save or shield from loss, destruction, or injury or for future intended use (Oregon
8 Statewide Planning Goals and OPAC, 1994).

9 **Reference area:** an area that provides a baseline to compare with non-reserve areas,
10 specifically to evaluate changes in habitat, species abundance, and species composition due
11 to natural changes, fishing and other human effects.

12 **Replicate:** any one reserve in which a particular habitat type is represented

13 **Resilience:** the amount of natural or manmade disturbance an ecosystem can absorb while
14 retaining the same function, structure, and feedbacks (Walker and Salt, 2006). The concept
15 of resilience also applies to the economic and social function of coastal communities.

16 **Rocky Intertidal:** hard substrates that fall between the extreme low tide and extreme high
17 tide along the coastline that are alternately exposed and covered by tides (Fox et. al., 1994,
18 ODFW, 2007). Oregon's coastline has approximately 82 linear miles (21%) of rocky
19 intertidal habitat (ODFW, 2006).

20 **Rocky Subtidal:** (aka hard subtidal) habitat includes all hard substrate areas of the ocean
21 bottom that are never exposed at low tides. They often are referred to as reefs, rocky reefs,
22 rocky banks, pinnacles or hard bottom. Rocky subtidal habitats can exist anywhere in the
23 subtidal region from just beyond the limit of the area exposed by tides (intertidal) out to the
24 westward boundary of the Territorial Sea. Some rocky subtidal areas are extensions of rocky
25 shoreline features such as headlands, cliffs or rocky intertidal, while others exist as isolated
26 regions of rock surrounded by sandy substrate habitat. Some of these habitat areas are
27 contained entirely within the Territorial Sea, while others extend westward into deeper water
28 habitat. Rocky reefs may have relatively low topography barely raised above the surrounding
29 seafloor, or may rise from the seafloor many meters, often with exposed rocks, seastacks or
30 small islands (ODFW, 2006).

31 **Socioeconomic (social and economic) impact:** Scope and content to be determined.

32 **Soft Bottom Subtidal:** soft bottom subtidal habitat is defined as extending from the lowest
33 reaches of the intertidal west to the outer extent of the Territorial Sea. Subtidal soft bottom
34 habitats are diverse, as a result of distinct organism assemblages that are influenced by
35 differences in substrate type (sand vs. mud), organic content and bottom depth. The Oregon
36 coast primarily is an exposed, high energy environment, so most soft bottom subtidal areas
37 are sandy. Mud can be a more pronounced bottom type in areas receiving less energy from
38 water movement (e.g., isolated and sheltered embayments) and in deeper waters toward the
39 outer edge of the Territorial Sea (ODFW, 2006).

40 **Species:** a population or collection of populations of closely related and similar organisms
41 capable of interbreeding freely with one another but not with members of other species
42 under natural conditions (OPAC, 1994).

43 **System:** a collection of individual sites that are representative of marine habitats and that are
44 ecologically significant when taken as a whole.

45 **Topographical relief:** The three-dimensional complexity of the seafloor. In general, soft-
46 bottom (mud and sand) seafloors have the least topographical relief, followed increasingly by
47 pebbles, cobbles, boulders, rock ridges, and rock pinnacles. At larger spatial scales,
48 submarine canyons and seamounts have high topographical relief.

Draft Oregon Marine Reserve Policy Guidance
Last revised based on changes made at the MRWG meeting on 6/20/2008

1 **User:** an individual, group or entity that makes use of the territorial sea and adjacent rocky
2 shoreline, whether it is for traditional, recreational, educational, commercial or other
3 purposes.
4

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Issues for which complete (all but one in all cases) consensus was not reached at the 6/20/2008 OPAC MRWG meeting

Page 1, lines 1-2: Title

OREGON MARINE RESERVE POLICY, PLANNING AND IMPLEMENTATION
RECOMMENDATIONS: A REPORT TO THE GOVERNOR FROM OPAC

Comment [LH1]: Jeff Feldner thinks that the document name is too long. One suggestion was to return to the old name, Oregon Marine Reserve Policy Guidance.

Page 1, line 9: Definition

...or adjacent rocky intertidal area that ...

Comment [LH2]: John Griffith: delete

Page 1, lines 16-22: Overall purpose

... as part of an overall strategy to manage its marine waters and submerged lands using an ecosystem-based approach. The overall purpose of marine reserves is to provide an additional tool to help protect, sustain, or restore the nearshore marine ecosystem, its habitats, and species for the values they represent to present and future generations. Such action complements the collective efforts of Oregon, Washington, and California to manage the California Current in an ecosystem-based manner as expressed in the West Coast Governors' Agreement on Ocean Health.

Comment [LH3]: JGr: Delete, end with to study their effects.

Page 1, lines 25-28: Goal

Protect and sustain a system of less than ten marine reserves in Oregon's Territorial Sea to conserve marine habitats and biodiversity; provide a framework for scientific research and effectiveness monitoring; and avoid significant adverse social and economic impacts on ocean users and coastal communities.

A system is a collection of individual sites that are representative of marine habitats and that are ecologically significant when taken as a whole.

Comment [LH4]: Delete most of this sentence and say: "Designate places in Oregon's Territorial Sea to provide more specially managed sites for scientific research and effectiveness monitoring and avoid significant adverse social and economic impacts on ocean users and coastal communities"

Comment [LH5]: JGr: Delete.

Page 1, lines 39-41: Objectives

1. Protect areas within each biogeographic region of Oregon's Territorial Sea that are important to the natural diversity and abundance of marine organisms, including areas of high biodiversity and special natural features.

Comment [LH6]: JGr: Delete

Page 2, lines 1-2: Objectives

2. Protect key types of marine habitat in multiple locations along the coast to enhance resilience of nearshore ecosystems to natural and human-caused effects.

Comment [LH7]: JGr: Delete

Page 2, lines 11-14: Objectives

5. Although marine reserves are intended to provide lasting protection, individual sites may, through adaptive management and public process, later be altered, moved, or removed

from the system, based on monitoring and evaluation, in order to meet prescribed goals and objectives.

Page 2, lines 25-30: Planning Principles and Guidelines

4. The planning process will encourage coordinated and collaborative marine reserve proposals from communities of place or interest. Communities of place may include coastal counties, cities, and ports; communities of interest may include fishing organizations, fishery/gear groups, governmental and inter-governmental organizations, and non-governmental organizations. Priority consideration will be given to proposals developed by groups comprised of coastal community members, ocean users and other interested parties.

Page 2, line 40-44: Implementation Principles and Guidelines

1. **Ecosystem based management** will be used as a guiding principle.
2. Marine reserves as a system and each individual marine reserve will have a plan that includes clearly defined objectives, monitoring protocols, compliance and enforcement provisions, effective management measures, and a commitment of long-term funding necessary to achieve its goals.

Page 3, line 1-4: Implementation Principles and Guidelines

4. Marine reserves will be adequately monitored and evaluated in support of adaptive management. Cooperative and collaborative research will be encouraged as well as utilization of fishing vessels as research platforms. These activities will be compatible with the goal of conserving marine habitats and biodiversity.

Page 3: Notes

John would like to delete all notes

Page 4, lines 5-37: Definitions

John would like to delete the definitions for: Biogeographic region, canopy forming kelp, coastal biodiversity and conserve

Page 4, line 39 through Page 5, line 3: Definitions

- John would like to add to the definition for disturbance: "...or human actions that cause an animal to react (per Marine Mammal Protection Act).
- Add a bullet to that same definition that reads, "Motoring or paddling through a designated area."

Page 5, line 4-24 and lines 29-31: Definitions

John would like to delete the definitions for: Ecologically significant, Ecosystem and Ecosystem-Based Management along with Framework.

Page 6, line 26-28, line 33, and 38: Definitions

- John would like to delete the definitions for: Marine Environment
- John wants to alter the definition for marine reserve (see above comment on page 1).

Comment [LH8]: JGr: would like to delete and add "or the failure of the state of Oregon to continue to finance research at the reserve(s).

Comment [LH9]: JGr: Add, Priority consideration will also be given to cities, ports and/or county governments that state that they do not want one or more marine reserves designated off their shores. Under no circumstances shall a marine reserve be designated in the Territorial Sea if a coastal county board of commissioners resolves that marine reserve(s) shall not be located off that coastal county's shore.

Comment [LH10]: JGr: Delete

Comment [LH11]: JGr: Delete. Read: Marine reserves as a whole...

Comment [LH12]: JGr: Delete

- John would like to change the language in the definition for “nearshore” to read: the area from the coastal high tide line offshore to the 30-fathom (180 feet or 55 meter) depth contour. For the purposes of the planning process, marine reserves will be within the boundaries of Oregon’s Territorial Sea as well as some rocky intertidal areas.” This removes the language about part of the nearshore not necessarily following the 3 mile Territorial Sea boundary.

Page 7, line 7-15: Definitions

John would like to delete the definitions for: Protect, Replicate, and Resilience

Page 8, lines 1-3: Definitions

John would like alter the definition for “user” to read: an individual, group or entity that makes use of the territorial sea for traditional, recreational, educational, or commercial purposes.

Oregon State Police Fish and Wildlife Division
Recommendations to OPAC - Marine Reserve Areas
June 30, 2008

1. **Easily observed from land**
 - Not positioned in areas which require enforcement officers to hike long distance to overlook area from land – i.e. Cascade Head
2. **Use existing landmarks and regulatory boundaries**
 - Areas easily distinguished by line of sight – headlands, river/bay mouths
 - Exact distance of vessel will require further inquiry or investigation to determine if indeed within area
3. **Areas identified further by Latitude/Longitude**
 - Straight lines preferred (squares or rectangles) vs curves or fathom lines
 - Stonewall Bank Yelloweye Rockfish Conserv. Area (YRCA) example
4. **Full closures easier to enforce**
 - If some activities are allowed then more difficult to enforce as enforcement will have to verify if person/vessel within marine reserve is engaged in unlawful activity
 - Allow for transit across area
5. **Who specifically to enforce?**
 - Some agency (Oregon State Police) fully charged with enforcing these areas
 - Citizens and other agencies (USCG etc.) can assist by providing information yet someone has to be tasked with the enforcement – OSP
 - Goal to gain voluntary compliance through education and enforcement
6. **Legislative consideration for additional OSP funding**
 - Currently Division members have full complement of duties to perform
 - Additional FTE to enforce Marine Reserves – Marine Protected Areas to accomplish desired level of enforcement (periodic to 24/7 ?)
 - One FTE = \$230,000 per biennium (includes equipment)
 - Recommendation to not implement site until officers on the ground
 - Year and half until officers hired and fully trained - CDFG experience
 - Potential Equipment, Etc.
 - Radar chart/plotter (vehicle mounted?)
 - FLIR (Forward Looking Infra-Red)
 - Aircraft \$'s (fuel/flight time)
7. **Movement of Crab gear into area by swell**
 - Dec 2, 3 storm moved some Oregon crab gear into WA by over 20 miles
 - Culpable mental state vs. weather event

To: OPAC members
From: David Allen and Paul Klarin
Co-chairs, TSP working group
Re: Rulemaking advisory workgroup
Date: June 30, 2008

This is a preliminary list of potential stakeholder interests for the rulemaking advisory workgroup (RAW) for wave energy. Once formed by LCDC (this item will be brought before the commission to consider later in the fall), RAW will be involved in the planning process for wave energy, as outlined in the enclosed timeline prepared by DLCD staff. RAW will likely consist of around 25 members, but in the meantime please review this list and provide any input to us before the initial TSP working group meeting later this summer:

1. DLCD
2. DOE
3. DSL
4. ODFW
5. OPRD
6. WRD
7. Counties
8. Cities
9. Ports
10. Tribal
11. Environmental
12. NSAT
13. SOORC
14. FINE
15. FACT
16. POORT
17. Albacore Commission
18. Dungeness Crab Commission
19. Salmon Commission
20. Trawl Commission
21. Recreational fishing
22. Charter fishing
23. Commercial fishing
24. Recreational non-fishing
25. Public utilities
26. Private utilities
27. OWET
28. Industry
29. Scientific
30. Technical
31. Citizen at large
32. Sustainable energy at large
33. Seafood processing
34. Seafloor cables
35. Shippers/navigation

DLCD Wave Energy Planning

Schematic Timeline 1.1

April 15, 2008

