

Oregon Ocean Policy Advisory Council

Meeting Summary

Meeting of January 8, 2008

The Loft at the Red Building, Astoria, Oregon

Executive Summary

Issues Decided/Positions Taken:

The council made a consensus decision to approve the letter from the Marine Reserves Working Group (MRWG) to the Scientific and Technical Advisory Committee (STAC) requesting information on: 1) the preferred size and spacing of marine reserves; and 2) the social and economic impacts of marine reserve implementation.

The council made a consensus decision to approve the marine reserves outreach process as described and discussed, with Oregon Sea Grant's leadership.

The council made a consensus decision to approve the marine reserves need FAQ document with changes for clarification being submitted by OPAC members to Jack Brown for incorporation at his discretion.

The council made a consensus decision to approve the marine reserves policy document as it stands, including changes discussed and agreed upon during the meeting.

The council made a consensus decision to approve the preamble statement as drafted by David Allen (see text on p. 5).

The council made a consensus decision to forward the wave energy cumulative effects scope of work to the Governor's Sustainability Office for approval and subsequent presentation to the Oregon Wave Energy Trust.

The council made a consensus decision to approve the draft aquaculture letter, with minor future amendments, to submit to the Governor's Office, or discuss at the next OPAC meeting, as appropriate.

Action Items:

OPAC Members:

Review and comment on cumulative effects scope of work by January 11.

David Allen to draft a preamble (disclaimer) for the marine reserves outreach documents.

OPAC Staff:

Greg McMurray to circulate cumulative effects scope of work for OPAC member review and comment.

Laurel Hillmann to incorporate editorial changes made during this meeting into the marine reserves policy document.

Next Meeting:

Monday February 11 or Tuesday, February 12, 2008, in Corvallis, at the LaSells Stewart Center (this meeting was later cancelled).

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); **Jeff Kroft** (Department of State Lands); **Vicki McConnell** (Department of Geology and Mineral Industries); **Greg Pettit** (Department of Environmental Quality); **Jay Rasmussen** (Oregon Sea Grant College); **Tim Wood** (Department of Parks & Recreation).

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

Committee/Working Group Members: **Randy Henry** (State Marine Board); **Cathy Tortorici**, (NOAA Fisheries); **Karen Chase** (Oregon Department of Energy); **Jeff Feldner** (Oregon Sea Grant).

Invited Speakers: **Kirsten Grorud-Colvert** (Partnership for Interdisciplinary Studies of Coastal Oceans, Oregon State University)

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 Willis Van Duzen** (Astoria); **Linda Buell** (Garibaldi Charters/FACT); **Representative Jean Cowan** (House District #); **Commissioner Lucie LaBonte** (Curry County) **Susan Chambers** (*The World* newspaper); **Suzanna Stroike** (Port Orford Ocean Resources Team); **Andy Lanier** (Department of Land Conservation & Development); **Peg Reagan** (Conservation Leaders Network); **John Holloway** (Recreational Fisherman's Alliance/Oregon Anglers); **Megan Mackey**, **Peter Huhtala** (Pacific Marine Conservation Council); **Fran Recht** (Pacific States Marine Fisheries Commission); **Peter Stauffer** (Surfrider Foundation); **Wendy Yorkshire** (Seaside); **Jim Relaford** (Port of Brookings Harbor); **Ginny Goblirsch** (Port of Newport); **Ben Enticknap** (Oceana); **Kathy Wall** (Port of Coos Bay); **Nancy Fitzpatrick**, (Oregon Salmon Commission); **Neal Coenen** (Newport); **Greg Harlow**

(Northwest Steelheaders); **Dale Beasley** (Columbia River Crab Fishermen's Association); **Ray Toste** (Washington Dungeness Crab Fishermen's Association); **Nicole Forbes, Jeremiah Baumann** (Environment Oregon); **Bob Rees** (NWGAA); **Michael Manzulli, Maura Sullivan** (coastal residents); **Diane Lynch** (Lynch Associates); **Nick Furman** (Oregon Dungeness Crab Commission); **Al Garcia, Tom Morrison** (fishermen); **Kevin Dunn** (trawl fisherman); **Terri Moffett** (Office of Senator Gordon Smith); **M.C. Nelson** (salmon troller); **Tom Otwang** (Astoria); **Mary Sause** (Commissioner Port of Garibaldi).

Total recorded attendance: 65.

Meeting Minutes:

Morning Session

The meeting was brought to order by Chair Scott McMullen at 8:45 a.m. Mayor Willis Van Duzen welcomed the meeting to Astoria (the "historical museum without walls") and expressed both his appreciation for the council's work and his concern for careful marine reserves implementation that will minimally impact coastal economies.

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 the following changes: Addition of missing names (Neal Coenen and Terry Thompson) to the study group shown on pages 1 and 4, and clarification of Jim Bergeron's and Jack Brown's positions (pages 8-9) prior to the 6-5 vote on the motion not to proceed with *implementation* of marine reserves outreach until the South Coast Commissioner seat was filled. Jim and Jack did not want to proceed at all until the seat was filled, and wanted the record to show that they voted against the motion that carried because *it was not restrictive enough*. The council then approved the draft meeting summary, with explanation of the issue in this present summary, by consensus.

Scientific and Technical Advice to OPAC: Update on STAC Activities (Jay Rasmussen):

Jay deferred his STAC report to marine reserves agenda item.

Update on the Study Group for the Oregon Ocean and Territorial Sea Plans (David Allen):

David reported that some members of the group had met the previous evening at the Bridgewater Bistro. The first meeting will take place on February 26 in Newport, venue TBA. The preliminary agenda plans for an agency staffer from DLCD and Cheryl Coon (previously an Assistant Attorney General whose client was ODFW) to give briefings that will lend some historical perspective on the existing plans and the legal issues, like the potential for OCS oil & gas leasing, that led to their creation. David announced that he would add John Griffith to the membership of the study group, and Fred Sickler was added to the group.

Update on Marine Reserves Planning (Frank Warrens):

Frank reported on the Marine Reserves Working Group (MRWG) meeting conducted during morning of the previous day. Frank repeated that John Griffith had been appointed to OPAC effective January 25 (the delay needed for paperwork to be put into place) and stated that he would add John to the MRWG.

Jay Rasmussen then reported that he had circulated a one-page memorandum from the STAC to the MRWG. The memo states that the STAC may conduct two marine reserves-related workshops in the coming months: one on the size and spacing of reserves and one on the social and economic effects of reserves implementation. Frank clarified that these workshops will be designed to respond to formal requests from the MRWG or OPAC.

Marine Reserves Planning: OPAC Action (Frank Warrens and Jane Barth):

Frank stated that the day's intended slate included four action items carried over from yesterday's meeting. The first was to approve a letter draft from the MRWG to the STAC requesting the two workshops mentioned by Jay Rasmussen (above). The council made a consensus decision to approve the letter from the MRWG to the STAC requesting information on: 1) the preferred size and spacing of marine reserves; and 2) the social and economic impacts of marine reserve implementation.

A report to the MRWG on matching the marine reserves criteria with the objectives in the policy document to be given by Robin Hartmann was deferred until the next MRWG meeting for lack of time. Patty Burke had updated the MRWG on available and desired Geographic Information System (GIS) layers being developed by ODFW, OSU, DLCDC and NMFS, and Cathy Tortorici committed to a review loop of the layers document with OPAC members.

Jay Rasmussen summarized the progress of the outreach committee since the Gold Beach meeting on November 30th. Work has continued on defining how the outreach will be conducted and by whom, and clarification of the outreach message. Sea Grant staff met the previous evening and worked to further define the scope of work for the next three to four months. Jay again made clear that Sea Grant's role as the communicator for the marine reserves process is predicated on the assumption that all communications will involve active feedback from all sectors, and that the feedback will be used to refine the process as well as the message. [At the end of the day, Jeff Feldner described the intended membership of the outreach team, including 1) a marine scientist, 2) a conservation group representative, 3) experiential/fishing, 4) state agency, 5) a coastal government representative, and 6) a process expert (facilitator).]

Frank then turned the meeting over to Jane Barth for resolution of the remaining marine reserves action items of the day, beginning with the outreach process. Jane reviewed the critical points of the process, and discussion focused on the target audience and whether or not the process was solely targeted at coastal residents. There was discussion of other efforts at outreach, for example by the conservation community, and how that outreach and its message might be coordinated with OPAC's. Clarification of OPAC's collective

understanding of marine reserves vocabulary and was an important theme – for example, OPAC finally reached agreement that the Governor’s stated commitment to *avoid*, as opposed to *minimize*, any negative impacts to coastal economies was intended to mean *to avoid to the greatest extent possible*, not to indicate a commitment to an absolute standard of no negative effect (or no action). There was also repeated discussion of the pros and cons of retaining the commitment to the network aspect of the marine reserves public nomination process, and some discussion of the types of activities that would be allowed in reserves, once designated.

Frank announced his intention of seating Coos County Commissioner John Griffith on the MRWG as soon as his appointment to OPAC becomes effective on January 25. The council made a consensus decision to approve the marine reserves outreach process as described and discussed, with Oregon Sea Grant’s leadership. Frank also announced that the STAC will schedule a *Size and Spacing Workshop* during late February.

Jack Brown described the status of his effort to create a *Frequently Asked Questions (FAQ)* document that addresses the need for feedback to the coastal residents on the importance and necessity of marine reserves. The FAQ document has already undergone a reasonably robust review among OPAC stakeholders and agencies, but not all OPAC members have been heard. Again there was concern over the whether target audience was the state’s residents at large, or just the coastal communities, since they are the so-called *hard sell*. The council made a consensus decision to approve the marine reserves need FAQ document with the opportunity for OPAC members to suggest to Jack Brown for incorporation at his discretion. A preamble (essentially a disclaimer of endorsement by OPAC) will also be developed by David Allen and agreed upon for the OPAC marine reserves outreach documents. The council also took up some revisions to the marine reserves policy guidance document. Ultimately, the council made a consensus decision to approve the marine reserves policy document as it stands, including changes discussed and agreed upon during the meeting, and to entrust Laurel Hillmann to create an edition that incorporates the changes. Last, the council made a consensus decision to approve the preamble statement as drafted by David Allen, stating:

“This document was drafted in an attempt to answer questions of concern that have been asked of OPAC regarding marine reserves. This document was drafted with input from OPAC members and state agency staff for the purpose of assisting Oregon Sea Grant in the public outreach process regarding marine reserves. This document is for informational purposes only for the public and should not be construed as approval or a decision by OPAC regarding marine reserves.”

The next MRWG meeting will take place on Monday, February 4, in Salem, in the Commission Room in the basement of the Agriculture Building (635 Capitol NE).

Public Comment (general):

Jim Relaford (Port of Brookings Harbor): Jim doesn't think that marine reserves should have been or should be mandated; but that OPAC should begin its deliberation of marine reserves with an open slate and no mandate.

Suzanna Stoike (Port Orford Ocean Resources Team): Suzanna reported that POORT continues to have public meetings and has made some initial identification of some possible future sites for marine protected areas; POORT supports the OPAC outreach process.

Lucie LaBonte (Curry County Commissioner): Lucie supports getting past the mandate issue in order to move on to meaningful talks about what marine reserves will be like, but is more comfortable with the terminology of *avoiding* negative economic effects.

Dale Beasley (Columbia River Crab Fishermen's Association): Dale pointed out that there are many sources of conflict on the fishing industry, and all of them need to be considered at once to avoid serious impact to the industry and coastal communities.

Peter Huhtala (Pacific Marine Conservation Council): Peter reviewed some of the changes in perspective since marine reserves were first publicly proposed in 2000, and stated his strong support for having Sea Grant involved in the outreach process.

Susan Allen (Oregon Ocean): Susan spoke to the importance of retaining the network concept in marine reserves planning, and her support for the transparency of the process.

John Holloway (Recreational Fisherman's Alliance/Oregon Anglers): John opined that the Governor's use of the word "avoid" was just that, and gave his support to the outreach process, but cautioned that many economic sectors may not be heard in the process.

Ben Enticknap (Oceana): Ben expressed his support for a fair, balanced and transparent process, suggested that the agenda provide periods for germane public comment prior to council decisions, and wants as much scientific information as possible made available to the public.

Peg Reagan (Conservation Leaders Network): Peg reminded the council that there was actually a balanced public response to the marine reserves proposal made in 2002 and stated that she is pleased to see movement on the issue.

Nicole Forbes (Environment Oregon): Nicole supports the establishment of a network of marine reserves based on scientific evidence, and the process and timeline as long as they are open and transparent.

Bob Rees (NWGAA): Bob supports the establishment of a network of marine reserves, and he believes that the many representatives of the fishing industry also support marine reserves, based on the changing ocean and other scientific evidence of fish stock changes, to maintain healthy stocks and biodiversity.

Michael Manzulli (coastal resident): Michael supports the implementation of scientifically designed marine reserves.

Maura Sullivan (Oregon resident): Maura witnessed fisheries collapses on the East Coast, and her training and experience in marine biology lead her to strongly support the establishment of a system of marine reserves for Oregon.

Mary Sause (Commissioner, Port of Garibaldi): Mary expressed her concern that the council bring the process to the coastal communities, and hopes the Sea Grant outreach process will help to make it clear why Oregon needs these marine reserves.

Linda Buell (Garibaldi Charters): Linda opined that she isn't ready to accept that marine reserves are going to be implemented, that marine reserves will affect coastal residents

most, and drew a parallel between the wave energy cumulative effects analysis and one needed for marine reserves.

Greg Harlow (Northwest Steelheaders): Greg is encouraged to see Sea Grant's involvement in the outreach process, but reminded the council that most of the recreational fishers in the state are not coastal residents – they live in the interior and they may not be able to attend daytime meetings.

Ann Samuelson (Clatsop County Commissioner): Ann asked why reserves are needed, and questioned the state's ability to pay for monitoring and enforcement of reserves.

Bernie Bjork (Lower Columbia Alliance for Sustainable Fisheries): Bernie stated that he believes that the Rockfish Conservation Areas (implemented by NMFS as part of the PMFC Groundfish Plan) were done in a backroom deal with conservation organizations, and expressed his suspicion and concern that OPAC's marine reserves process was being likewise being targeted by large numbers of unscrupulous, paid conservation lobbyists.

Kathy Sanders (Port of Astoria): Kathy said that she sees wasted effort in having separate processes for wave energy and marine reserves planning, and questioned the need for the aggressive marine reserves timeline.

Ray Toste (Washington Dungeness Crab Fishermen's Association): Ray said that his organization backed the earlier stated position of the Columbia River Crab Fishermen, and he shared information about the controversial Grays Harbor Ocean Energy and Coastal Protection Project, a proposed wave and wind project.

Luncheon Address

Kirsten Grorud-Colvert (Partnership for Interdisciplinary Studies of Coastal Oceans, Oregon State University): *The Science of Marine Reserves*

Kirsten presented an overview of the 2007 update of publication *The Science of Marine Reserves*, of which she is the senior editor. PISCO originally published the pamphlet in 2002, and the number of citable papers on marine reserves has roughly doubled in the ensuing five years. The studies reviewed in the paper cover some 124 reserves in 29 countries, in tropical to temperate climates. Changes attributed to marine reserves worldwide include increases in biomass, density, size (of individuals within a species) and richness (a measure of diversity). When analyzed for latitudinal differences, the papers cited demonstrated significant increases in biomass and density in both tropical and temperate latitudes. Kirsten also summarized some of the thinking that might underpin the strategic planning of a network of reserves, including the theoretical effects of size and spacing. While there appears some dissension in the scientific community on the value of marine reserves as proxies or substitutes for other specific tools in fisheries management, there seems no broad dissension in the scientific community on the potential and value of marine reserves as conservation tools.

Afternoon Session

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

Robin updated the group on recent events discussed at the prior day's Wave Energy Working Group meeting. The working group received the most recent information on:

1. Ocean Power Technology's Reedsport Wave Energy Project and related Settlement Agreement negotiations with the state and federal agencies;

2. the Makah Bay project that was the first to receive a five-year pilot FERC license;
3. the FERC proposal for *conditioned* licenses, that now allows commercial hydro licenses to be awarded prior to the completion of the environmental processes;
4. Oregon's problem with applying its hydropower permitting authority (under ORS 543) that would invoke the so-called "no dead fish rule", which applies to Oregon's salmonid resources, to wave energy projects;
5. the Minerals Management Services efforts to establish a licensing regime for its OCS Alternative Energy and Alternate Use Program, including a possible R&D lease that would last for five years and be limited to non-commercial applications and information development;
6. activities of the Oregon Wave Energy Trust in beginning to fund needed scientific studies for the industry;
7. the progress towards publication in spring as a NOAA Technical Memorandum of the results of the October Wave Energy Ecological Effects Workshop conducted at the Hatfield Marine Science Center;
8. the federal appropriations bill that included some \$8M in funds to support wave energy development and scientific studies;
9. Ray Toste's information about the proposed Grays Harbor Ocean Energy and Coastal Protection Project; and
10. the status of the Finavera buoy that sank off Newport in December.

Cathy Tortorici then summarized the efforts since the last OPAC meeting towards scoping a cumulative effects study for wave energy development, and described the significant changes in the document since the November 30 OPAC meeting. After a brief discussion, the council made a consensus decision to forward the wave energy cumulative effects scope of work to the Governor's Sustainability Office for approval and subsequent presentation to the Oregon Wave Energy Trust.

Oregon's Response to NOAA's Approach to Aquaculture (Paul Engelmeyer):

Paul reported that new analyses of the bill pending in Congress had become available from Woods Hole Oceanographic Institution, that National Association of Marine Laboratories and the state of California, among others. Paul recommended that the subgroup review the new materials and cooperate with Gil Sylvia on a forum on the issues, if timely, and then update the draft letter. Jessica urged the subgroup to finish the letter in a timely fashion for a response to Congress, probably before the next OPAC meeting. The council made a consensus decision to approve the draft aquaculture letter, with minor future amendments, to submit to the Governor's Office, or discuss at the next OPAC meeting, as appropriate.

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

The next OPAC meeting will be conducted in Corvallis (logistics to be announced) on Monday, February 11, or Tuesday February 12th, 2008 (this meeting was later cancelled).

New Issues Raised by OPAC Members:

Paul Engelmeyer pointed out that he hoped that OPAC would take advantage of opportunities for presentations by local experts on invasive species in the near future.

The meeting was adjourned by Chair Scott McMullen at 4:20 p.m.