

SOUTH SLOUGH RESERVE MANAGEMENT COMMISSION

AGENDA

South Slough National Estuarine Research Reserve
South Slough Interpretive Center
61907 Seven Devils Road - Charleston, Oregon

March 21st, 2019

153rd REGULAR MEETING 1:00-4:00 P.M.

I. Call-to-Order

II. Introductions

III. Review of the 152nd regular meeting minutes

IV. Public Input*

V. Old Business

1. Update: Potential Transfer of Management of South Slough Reserve – Bree
2. Update: Winchester Creek Coho Spawning Reach Update – Bree
3. Update: Younker Point Easement Application Update – Bree

VI. New Business

1. Viewshed Maintenance – Rebecca

VII. Presentations

1. Progress on Commercial Activities Permit – Jonathan/Bree
2. Recent facility improvement Projects - Rebecca

VIII. Information Reports

1. Administration/Facilities
2. Education
3. Science
4. Coastal Training Program

IX. Adjourn

*Limited to 5 minutes each unless arranged in advance of the meeting.

** This meeting is being held in a facility that is accessible for persons with disabilities. If you need some form of assistance to participate in this meeting due to a disability, please notify Rebecca Muse at 541-888-5558 ext. 134 at least two working days prior to the meeting.

**SOUTH SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE
MANAGEMENT COMMISSION**

South Slough Reserve Interpretive Center Auditorium
Charleston, Oregon

Minutes of the 152nd Regular Meeting
November 29, 2018

Commission members present:

Vicki Walker, Chair	Bob Main
Trent Hatfield	Kris Wall
Chief Warren Brainard	David Kronsteiner
Lonne Mays	Bob Cowen

South Slough NERR staff and others present:

Bree Yednock	Rebecca Muse
Eric Dean	Christine Moffitt, FOSS
Ali Helms	Adam DeMarzo
Jonathan Forth	John Bragg
Kathy Andreasen	Jenni Schmitt
Jaime Belanger	Shon Schooler
Mike Allman	Ed Oswald

The meeting was called to order at 1:10 p.m. by Vicki Walker Director of the Department of State Lands and Chair of the Commission.

INTRODUCTIONS

Everyone introduced themselves. The Commissioners were thanked for their attendance and their willingness to reschedule the meeting date.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Chair Walker asked if there was a motion to approve the minutes of the previous meeting. Commissioner Brainard moved to approve and Commissioner Kronsteiner seconded. The motion carried unanimously.

PUBLIC INPUT

There was no public input.

OLD BUSINESS

Potential Transfer of the South Slough NERR to the UO

Bree Yednock explained that the Department of State Lands (DSL) is currently working with the University of Oregon (UO) to explore the possibility of transferring the South Slough Reserve to the university. No decisions have been made at this point; both parties are still evaluating their interest in a transfer and what it would look like.

On September 25 Bree Yednock met with the UO Strategic Planning Committee and provided an overview of the reserve, including information about who we are, what we do, how we're governed, and our budget. The committee is comprised of faculty who have been tasked with identifying opportunities for linking the Oregon Institute of Marine Biology (where the reserve's science lab is located) with main campus and other departments. Overall, the faculty expressed interest in the reserve, but there was some concern about the availability of stable funding and management from the university.

On October 4 Vicki Walker, Bree Yednock, and Matt DeVore (Department of Justice) met with UO Vice President of Research and their lobbyist and identified some areas where more information was needed. Bree Yednock and Rebecca Muse are currently pulling together information for the UO. Bree is also working with the reserve's NOAA liaison to better understand potential restrictions to the transfer of lands and assets purchased with NOAA funds. On November 19 Vicki Walker and Bree Yednock met with stakeholders Louise Solliday and Bob Bailey who have expressed interest discussing the transfer of South Slough. On November 26 Bree Yednock met with the UO Vice President for Research and faculty from UO Department of Anthropology to better understand their interest in cultural resources in the reserve. At the meeting, Ms. Yednock explained to the university that reserve staff defer to the tribes on anything that could have a cultural impact.

Chair Walker informed the Commission that any review would include tribal input from the three tribal nations, the Coquille, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI), and the Siletz Tribe.

Chair Walker added that the Land Board will vote on a resolution on December 18 to call on the Oregon Legislative Assembly to “pass a bill shifting South Slough Management costs from the Common School Fund to other sources, and/or identify alternative management options to avoid continued diversion of these funds from their intended use for the benefit of the school children of Oregon”.

Currently management costs for the South Slough Reserve cost the Common School Fund (CSF) approximately \$900,000 per year. Chair Walker thanked the Commission for their due diligence and opened the discussion to them.

The Commission had many questions and concerns. The primary concern was the need for a stable, sustainable funding source to support the reserve and its mission going forward. What entity has stable funding and if they do, how would they feel about cuts to their own budget in order to support the reserve? The Commission wanted to know what their role was in the decision-making process for the future of the reserve. They wanted to know if they would continue to serve as the Management Commission for the South Slough Reserve. By state statute, the South Slough Reserve Management Commission serves as the reserve's immediate governing body, establishing operating policies and administrative rules for the reserve. As per state statute, the members of the Commission are appointed by the Governor and serve as representatives of specific institutions, agencies, and other constituencies. There were questions regarding how local input might be weighed if the board is disbanded, and what other factors might influence their ability to make decisions. Chair Walker acknowledged their input and agreed to get information on what their involvement in the process should be. She said the Management Commission should make a recommendation at some future point.

Winchester Creek Coho Spawning Reach Update

Bree Yednock spoke with NOAA’s Program Liaison Bree Turner regarding the following options for increasing protection of the Winchester Creek Coho Spawning Reach:

- a. Land trade with Coos County – reserve staff provided the Coos County Forester with the Department of State Lands application that is used for requesting a land exchange. To date, DSL has not received an application from the County.
- b. Land Acquisition Grant – reserve staff identified two potential grant options for acquiring an extended buffer along the spawning reach: Oregon Watershed Enhancement Board (OWEB) Land Acquisition grant (next deadline October 2019) and NOAA Purchase, Acquisition, and Construction Grant (PAC, next deadline February 2019, applications offered yearly). Through discussions with staff at the granting agencies, it was determined that proposals would have a higher chance of success if the area acquired extended to the southern reserve boundary.
- c. Conservation Easement – reserve staff have had initial conversations with the Wild Rivers Land Trust to learn about conservation easements.

All these options would require approval from the South Slough Reserve Management Commission and the State Land Board.

Winchester Creek is the largest tributary into the South Slough estuary.

A slide presentation including a map was shown reviewing the spawning reach of the coho. Staff indicated a 100-foot buffer (116 acres) was the minimum for protection per ODFW's recommendation. (The steepness of the slope is also a factor in determining the size of the buffer.) In response to a question from the Chair about recent news that ODFW staff were told they could no longer enter the county forest to conduct fish surveys, Commissioner Main said that the County Commissioners would hold an executive session on November 30 to address access to surveys on county land. He said that the County is waiting for DSL to initiate a trade. Ms. Yednock replied that any question of a land trade would need to be on the Land Board schedule. The reserve manager will follow up on questions from Commissioner Wall regarding NOAA PAC funds if they are to be used. Chair Walker and Bree Yednock met with the Coquille Tribal Council and learned the Tribe would like the creek to be protected for lamprey as well as coho salmon.

Yunker Point Easement Application Update

The Department of State Lands received a revised application for a permanent easement and associated road construction across reserve-managed lands on Yunker Point. The application is currently being reviewed, and if complete, will be opened for public review. It is the reserve's position that this permanent easement and road construction are inconsistent with the reserve's management goals and objectives.

Several Commissioners inquired about the question of the applicant's alleged brush removal on state property without permission. It was suggested that a short-term use permit could be acquired. Chair Walker asked if the applicant had responded to the letter from the state regarding the removal. She asked for a follow-up on whether the letter was acknowledged.

Commissioner Main said it is possible the applicant could apply for a prescriptive easement under Oregon law given the historic use of the road. Ms. Yednock agreed to look into the issue.

Commercial Activities in the Reserve

Bree Yednock updated the Commission on proposed stipulations and recommendations for allowing limited use commercial activities in the South Slough Reserve:

Recommended special use permit templates:

Oregon State Parks

US Forest Service

Recommended licensing and certification:

Certificate of liability insurance

Oregon State Marine Board Outfitter Guide License

CPR/First Aid Certification

Recommended requirements:

Approved operating plan

Interpretive and stewardship training by reserve staff

Trip records (dates, number of participants)

Administration fee for application processing

Per trip or annual fee for operations

Staff Proposal: Create an Advisory Group* to develop the application and process. The Advisory Group could include Oregon State Parks, Bureau of Land Management, US Forest Service, others...

Oregon Administrative Rules (OAR)
Division 10
PUBLIC USES OF THE SOUTH SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE
142-010-0010
Definitions
As used in these rules, unless the context provides otherwise:
(1) "Advisory Group" means the group of local interested persons and persons with special expertise in fields relating to the Reserve appointed by the Commission to advise the Commission.

Chair Walker agreed with the staff proposal and recommended that vendors who guide trips be placed on the Advisory Group. At Chair Walker's suggestion, Commissioner Brainard agreed the addition of a tribal representative would be a good idea.

Chair Walker asked if there was a motion. Commissioner Kronsteiner moved and Commissioner Mays seconded the motion for the reserve manager to form an Advisory Group with input from the Chair, and present it at the March meeting for approval. The motion passed with all in favor.

NEW BUSINESS

Fees Report and Proposed Revised Fee Schedule

Bree Yednock introduced the agenda item recommending the Commission approve an increase in fees over the current rates that were approved by the Commission in March 2016. The increase in rates would serve to cover the increasing costs of the use of Reserve facilities.

Rebecca Muse compiled her statistics from March 2016 to October 2018 in a report to the Commission that included a cost analysis and facility rate comparisons around the area. Ms. Muse answered questions from the Commission and she was thanked for her comprehensive analysis.

After discussion Chief Brainard moved to increase by \$50 the \$200/month fees suggested in the revised fee schedule. Commissioner Hatfield seconded, and the motion passed unanimously to increase the \$200/month fees to \$250/month in the revised fee schedule.

Chair Walker asked if there was a motion to adopt the revised fee schedule with changes effective January 1, 2019. Commissioner Mays moved to adopt and Commissioner Kronsteiner seconded the motion. The motion passed with all in favor.

After additional discussion, Commissioner Cowen moved to add wording (underlined) in the description of equipment fees to read: *Vehicles, Boats, and Motorized machinery to only be operated by SSNERR personnel*

and MOU-approved partners, only for official state business. Commissioner Brainard seconded and the motion passed with all in favor.

It was suggested that in the future, partners with a MOU with the Reserve be charged when their agreement is updated. Discussion also centered on the hardship for interns who receive a limited, small stipend to be charged for housing.

PAC Grant

Rebecca Muse said reserve staff are developing a grant proposal to fund the construction of a watercraft storage building at the reserve's science lab and expanded/renovated watercraft storage at the maintenance building. Staff are currently researching building options and quotes. The deadline for the grant proposal is February 2019.

Chair Walker asked if there was a motion to give staff permission to apply for the NOAA PAC grant to provide security for SSNERR watercraft at the lab and the maintenance facility. Commissioner Kronsteiner moved and Commissioner Main seconded. The motion was approved with all in favor.

Other

Commissioner Cowen brought up some concerns from a scientific viewpoint regarding the proposed deepening of the Coos Bay navigation channel which will alter the estuarine flow. Given the impacts to the South Slough estuary, he thought that reserve staff and the Management Commission should have a significant role and say in the issue.

Chair Walker explained that DSL staff were reviewing the recent Jordan Cove removal-fill application and once the application is deemed to be complete, it will be up for public review.

Commissioners and staff discussed the issue and asked Chair Walker if it would be appropriate for reserve staff to host a public hearing or information session on Jordan Cove at the Interpretive Center or any other location. Staff wanted to know if employees can provide written comment or testify at public hearings regarding the Jordan Cove Energy Project application.

Commissioners asked if the South Slough Management Commission could take a position on the Jordan Cove application(s) because the Commission is statutorily charged with preserving and protecting the estuary. ORS 273.553(1).

Chair Walker said she would consult with DSL legal counsel and communicate their opinion to staff and the members of the Management Commission when she returned to Salem.

Presentations

Jaime Belanger and Deborah Rudd showed an award-winning video created by summer intern Mackinna Miles titled “Summer Camp 2018: The Cultivation of Wonder in the South Slough”.

Information Reports

Staff shared highlights and progress within their program areas.

Rebecca Muse will have a slide show for the next meeting highlighting facility improvements.

ADJOURNMENT

The meeting was adjourned at 3:58 p.m.