

## Oregon Ocean Policy Advisory Council

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### DRAFT Meeting Summary

Meeting of January 20, 2006

Best Western Agate Beach Hotel, Newport, Oregon

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### Executive Summary

#### Issues Decided/Positions Taken:

*Operating Procedures and Consensus Guidelines:* The council directed staff to finalize the updated procedures and consensus document.

*STAC:* Jay Rasmussen will contact and invite STAC participation and return with a slate at the next meeting.

*OPAC Priorities:* The priority issues were ranked, resulting in marine reserves planning, marine sanctuary planning, GAP analyses and wave energy power rising to the first tier.

*Sanctuary Planning:* The OPAC Executive Committee will meet during February to consider charges to be given to the scoping committee; the council at large and the public will be invited to that meeting.

#### Action Items:

##### *OPAC Members:*

Jay Rasmussen: Accept STAC nominations and return to next OPAC meeting with recommended membership.

Jim Good and David Allen, Jack Brown, Paul Engelmeyer will work on planning the public process.

If they haven't done so already, members should turn blackout dates in to Greg McMurray so that future meetings can be scheduled.

##### *OPAC Staff:*

Invite council members to add detailed comments on their own statements and positions to the draft meeting summary if they so desire.

Finalize updated procedures and consensus document per comments of Steve Shipsey and council discussion.

Steve Shipsey will undertake a legal analysis of issues related to marine sanctuary governance.

#### Next Meeting:

Friday, March 17, 2006, at the Oregon Department of Forestry Tillamook Office (5005 3rd Street, Tillamook, OR 97141).

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### 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** (Conservation or Environmental Organization); **Jim Good** (Public at Large); **Robin Hartmann** (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); **Katy Coba** (Department of Agriculture); **Ann Hanus** (Department of State Lands); **Onno Husing** (Oregon Coastal Zone Management Association); **Vicki McConnell/Jonathon Allan** (Department of Geology and Mineral Industries); **Jim Myron** (Governor's Office); **Jay Rasmussen** (Oregon Sea Grant College); **Lane Shetterley** (Department of Land Conservation & Development); **Paul Slyman** (Department of Environmental Quality); **Tim Wood** (Parks & Recreation Department).

Members Absent: **David Hatch** (Oregon Coastal Indian Tribes); **Jim Pex** (South Coast Charter, Sport or Recreational Fisheries).

Invited Speakers: **Mike Carrier** (Governor's Office); **Bob Bailey** (Oregon Department of Land Conservation & Development); **Kathy Fosmark** (Fisherman's Association of Moss Landing).

Staff: **Greg McMurray** (Department of Land Conservation & Development); **Steve Shipsey** (Department of Justice, OPAC Counsel).

Observers (with affiliation if provided): **Peter Stauffer** (Surfrider Foundation); **Carolyn Waldron** (Oregon Ocean); **Amy Windrope, Gil Rylov** (Partnership for Interdisciplinary Studies of Coastal Oceans, Oregon State University); **Jan Hodder** (Oregon Institute of Marine Biology, University of Oregon); **Peg Reagan** (Chair, Conservation Leaders Network); **Pete McDougall** (COMPASS, Oregon State University); **John Griffith** (Coos County); **Jessica Miller** (Oregon Institute of Marine Biology, University of Oregon); **Megan Mackey, Peter Huhtala** (Pacific Marine Conservation Council); **John Holloway** (Oregon Recreational Anglers Fishing Alliance); **Fran Recht** (Pacific State Marine Fisheries Commission); **Gil Riddell** (Association of Oregon Counties); **Ken Niles, Justin Klure** (Oregon Department of Energy); **Steve Copps, Bridgette Lohrman** (NOAA Fisheries); **Nan Evans** (The Nature Conservancy); **Steve Jackson, Ron Masen, Mike Becker, Walter Chuck, Melinda McComb** (Newport); **Arlene Merems, Hal Weeks, Cristen Don, David Fox, Brett Wiedoff, Gway Rogers-Kirchner** (Oregon Department of Fish & Wildlife); **Jeff Kroft** (Department of State Lands); **Kristin Feindel** (Oregon Marine Board); **Robin Kaup, Sherry Kaup** (Silverton); **Kay Moxness** (Central Lincoln Public Utility District); **Scott Winkle** (Office of Senator Ron Wyden); **Shannan Davis** (The Research Group); **John Rose, Lars Robison** (Depoe Bay Nearshore Action Team); **Maureen Keller** (Port of Newport); **Steve Bodnar** (Coos Bay Trawler's Association); **Milton Grulkey** (F/V *Muster*); **Gary Sjostron** (F/V *Have Brew*); **Edmund Keene** (Banks); **Sheila O'Keefe** (Corvallis); **Christopher Holmes, Michael Harte** (College of Oceanic and Atmospheric Sciences, Oregon State University); **Nancy**

**Fitzpatrick** (Oregon Salmon Commission); **Dave Cleary** (Oregon State Police); **Bernard Bjork** (Lower Columbia Alliance for Sustainable Fisheries); **Michael Thompson** (Astoria Seafood Laboratory); **Stephen Theberge** (Oregon Sea Grant); **Mike Burner** (Portland); **Loren Goddard** (Depoe Bay Nearshore Action Team); Jeremy Wright (Oregon Student Public Interest Research Group); **Sarah Masterson** (Office of Congresswoman Darlene Hooley); **Susan Chambers** (The World Newspaper); **Bob Leitch** (US Army Corps of Engineers); **Evelyn McConnaughey** (Eugene); **Chuck Willer** (Corvallis); **Georgia York** (Oregon Coastal Zone Management Association).

### **Meeting Minutes:**

#### **Morning Session**

The meeting was brought to order by Chair Scott McMullen at 9:00 a.m.

#### **Introductions:**

Members introduced themselves and stated their affiliations.

#### **Review and Approval of Minutes of December 9, 2005, OPAC Meeting (Scott McMullen):**

There were comments from several members that they preferred the lengthier meeting summary format, used for prior meetings, that detailed discussion by presenting individual statement of council members. The issue is one of staff time required to produce the more detailed version, versus other tasks direct by the council. The chair directed member to review future draft minutes and add needed content to document their own comments. The council then approved the draft minutes of the December 9, 2005, meeting as written.

#### **OPAC Operating Procedures/Consensus Process Final Draft (Steve Shipsey, Greg McMurray):**

Steve explained his recent changes to the draft of the [operating procedures](#), principally detailing the number of votes required for a majority that would correspond to the number of voting members present (for example if a quorum of eight is present and votes, then a majority of five can carry a motion). The numbers are shown in a table in the new draft, which is linked above. Other detailed changes were discussed and staff was directed to return to the next meeting with a final draft ready (clearly marked with tracking of changes) for adoption.

#### **Science Advice to OPAC: STAC Membership Nominations (Jay Rasmussen):**

Jay circulated a [handout](#) with a refinement of the STAC form and functions model, which addressed all of the issues raised at the December 9, 2005, meeting, and a list of possible members in various areas of expertise. Some discussion arose around the issue of making sure that local and practical technical expertise is included as well scientific expertise. The council consensus was that Jay would accept STAC nominations until February 1, at which time he would submit a slate to the OPAC chair for approval.

#### **Report on Letter to Federal Agencies (Robin Hartmann, Onno Husing):**

Robin Hartmann reported on her effort to draft a letter of invitation for federal agencies to assist OPAC by appointing their staff to an OPAC federal advisory committee. One letter has already been sent to NOAA Fisheries. Staff will further enquire on appropriate addressees while attending the Regional Principals meeting of Coastal America in Seattle on January 27, 2006.

Priority Issues for OPAC (Greg McMurray):

The shortened list of fifteen priority issue that emerged from the December 9, 2005, OPAC meeting was summarized by Greg in a [PowerPoint presentation](#). On discussion, some of the issues were taken off the table as being redundant or to process-oriented (shown in *italics* below). Members then used sticky dots to amass an expression of OPAC priority, yielding the priority list shown below. Issues above the first line generally merit immediate attention or action; those below merit attention or action on a less immediate time frame. Below are ranking, issue, and amount of support:

1. Marine Research Reserves Planning (**21**)
2. Advice to the Governor on an Oregon Coast National Marine Sanctuary (**18**)
3. Regulatory and Scientific Gap Analyses (**12**)

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4. Offshore Wave Energy Conversion (**9**)
5. Watershed-Estuary-Ocean Linkage Analysis (uses, activities, governance)(**8**)
6. Marine Aquaculture (**7**)
7. Sediment Management (dredging and littoral budget issues)(**7**)
8. Updating the Territorial Sea Plan (**6**)
9. Comprehensive Nearshore Plan (for the Territorial Sea Plan)(**5**)
10. Bacterial Pollution (Water Quality) (**4**)
11. Restoration of the Kelp and Sea Otter Nearshore Ecosystem (**3**)
12. Education and Outreach in General (**3**)
  - *Ecosystem-Based Management*
  - *Economic and Social Impact Analysis for Marine Reserves*
  - *Potential Partnerships*

Public Comment:

*Walter Chuck* (citizen – Newport): Walter has concerns that a marine sanctuary may have negative economic and fisheries impacts.

*Edmund Keene* (citizen – Banks): Edmund is concerned about the authorities exercised within a marine sanctuary, and recommends that Oregon use other successful sanctuaries as models.

*Bernie Bjork* (Lower Columbia Alliance for Sustainable Fisheries): Bernie doesn't support the designation of a marine sanctuary as it would curtail fisheries already diminished.

*John Holloway* (Oregon Anglers): John believes that the marine sanctuary proposal is a Trojan horse that will curtail fisheries, but could support it if fisheries are not involved.

*Peter Huhtala* (Pacific Marine Conservation Council): Peter's group is neutral on the issue of a marine sanctuary at this time; OPAC should involve the public in the process.

*Ben Enticknap* (Oceana): Ben supports the vision of ecosystem-based management with implementation of marine reserves; a marine sanctuary might support that vision.

*John Griffith* (Coos County): John took issue with the Governor's process in approaching Congress and the council on the marine sanctuary proposal.

*Peg Reagan* (Chair, Conservation Leaders Network): Peg reminded the council of its prior commitment to establish a limited network of marine research reserves.

*Loren Goddard* (Depoe Bay Nearshore Action Team): Loren's group is interested in mitigating local changes associated with marine reserve or marine sanctuary designations, but is not taking a position on any proposal at this time.

### **Luncheon Address**

*Mike Carrier* (Director of Natural Resources Policy for Governor Kulongoski): *An Oregon Coast National Marine Sanctuary – OPAC's Role.*

Mike explained the thinking in the Governor's Office behind the recent proposal for an Oregon Coast National Marine Sanctuary. He thanked the council for its service, and reflected on his very positive experiences as an OPAC member. He made a distinction between the council shaping policy as an advisory body (which it is), but not deciding that policy (which is the responsibility of the executive branch of the government), and he expressed his optimism that participation this council will be a positive experience for all. He stated that because OPAC is only advisory, there is no reason why the OPAC forum should become a place of conflict and tension.

Mike acknowledges that the roll-out for the marine sanctuary proposal, in the eye of many in local government, was not preceded with consultation and "heads up" conversations, but asked the council to simply look forward and deal with the real issues as requested by the Governor. He also stated that his work with Representative Krieger to reform the statute creating OPAC, which included establishing representation on OPAC by local government, was for the purpose of making OPAC the forum in which new proposals would be addressed.

Mike then spoke to a number of issues related to the Governor's vision for a marine sanctuary. First, he believes that issues related to marine reserves and a marine sanctuary can both be addressed, at least partially, in the same broad conversation on the future of Oregon's ocean. Second, he believes that there are *bona fide* federal initiatives in the Exclusive Economic Zone that a marine sanctuary would help to address through the leverage of participation in a sanctuary planning process. Third, he believes OPAC is the appropriate body to work with the public process. Fourth, he allowed that the Governor would be willing to relax the July 1 deadline in light of the challenges in front of the council. Fifth, he expressed his belief that governance design for a marine sanctuary offers the state the most opportunity to maximize its leverage. Sixth, he urged the council not to get too wrapped up in the myriad of details but to scope the important issues, and to use the experience of other marine sanctuaries to shape something that addresses other's mistakes. Finally, he charged the council to be a place where trust is built and practiced.

### **Afternoon Session**

**Historical and Policy Context for an Oregon Coast National Marines Sanctuary (Bob Bailey):**

Bob circulated a packet of [background documents](#) and gave a [PowerPoint presentation](#) summarizing the relevant aspects of Oregon's Ocean Management Program, developed over the past 20 years, and how they provide the basis in policy for the Governor's request for an Oregon Coast National Marine Sanctuary.

Some Reflections on Real National Marine Sanctuaries (Kathy Fosmark – Fisherman's Association of Moss Landing):

Kathy expounded upon the difficulties of living with National Marine Sanctuaries in California (Monterey Bay, Channel Islands, Gulf of the Farrallones and Cordell Banks) from the perspective of a fisher. Her [written testimony](#) is attached. In discussion with the council members, it became clear that Kathy's remarks formed a quite comprehensive summary of the issues to be addressed with respect to the intersection of Sanctuary designation and management, and fisheries management.

Marine Sanctuary Planning Process (Jim Good):

Jim circulated a [memorandum](#) from him and Scott McMullen to the council, and used a [Powerpoint presentation](#) to lay out the salient points of planning to address the Governor's request for advice on an Oregon Coast National Marine Sanctuary. The three major areas of the memorandum dealt with establishing a Sanctuary Scoping Committee, establishing a Science Panel, and establishing a timeline and budget to acquire the necessary funding.

Discussion flowing from Jim's presentation centered on: how to engage the public on the issue of a proposed marine sanctuary without a well defined proposal, and with what specific questions; a legal analysis of the relationship of the various federal and state laws that would come into play in a governance of a sanctuary, especially as they regard fisheries management; the possible size and composition of a sanctuary scoping (or planning) committee; use of the Executive Committee, and other small subgroups, to move the process forward; the appropriateness of ODFW's Nearshore Planning public process as a model; using scoping to identify the key issues to be addressed (as under NEPA); and the possibility of amending the Marine Sanctuaries Act to address concerns about encroachment on fisheries management.

Steve Shipsey agreed to undertake a legal analysis of the Marine Sanctuaries Act and what opportunities might be available in the way of governance with respect to the authorities for fishing and other activities of interest to the council. The Executive Committee agreed to meet in mid- to late February and undertake some initial scoping on key issues. Jim Good and David Allen, Jack Brown, Paul Engelmeyer, agreed to work to begin planning the public process.

Public Comment:

*Fran Recht* (Pacific States Marine Fisheries Commission): Fran described the impressive amount of fisheries-related data available through the PSMFC web site.

*Steve Bodnar* Coos Bay Trawler's Association): Steve delivered a [letter](#) and spoke of the need for trust between the fishing industry and the marine planning process.

*Mark McCulloch* (citizen – Corvallis): Mark fishes and supports OPAC's efforts to work with and inform the public.

*Ron Mason* (citizen – Corvallis): Ron hopes the council will deliberate slowly and not rush to judgment on the marine sanctuary proposal, and is concerned with fishery closures.

*Carolyn Waldron* (Oregon Ocean): Carolyn's group does not yet have a position on a marine sanctuary; but supports the Governor's principles of ocean stewardship.

*Amy Windrope* (Partnership for Interdisciplinary Studies of Coastal Oceans): Amy hopes that the science of ecology will be well-represented on OPAC's STAC.

*Peter Huhtala* (Pacific Marine Conservation Council): Peter suggested that the council emulate the bottom-up approach of the Northwest Straits Commission.

*John Holloway* (Oregon Anglers): John clarified that a number of marine sanctuaries in California were discussing fisheries management by the sanctuary instead of the PMFC.

*Melinda McComb* (citizen – Newport): Melinda supports the marine sanctuary proposal and urged to council to think broadly instead of framing issues through narrow views.

Meeting adjourned by Chair Scott McMullen at 5:25 p.m.