

Oregon Ocean Policy Advisory Council

Meeting Summary

Meeting of July 17, 2007

Oregon Department of Forestry Offices, Tillamook, Oregon

Executive Summary

Issues Decided/Positions Taken:

The Council made a consensus decision to amend the OPAC Operating Procedures to add an at-large member to the OPAC Executive Committee, and elected Frank Warrens to the new position.

The Council made a consensus decision to have a subgroup of the Wave Energy Working Group develop a two-page framework for cumulative effects assessment of wave energy development.

The Council made a consensus decision to adopt the latest iteration of the goal statement for marine reserves and its attendant definition of the term "network".

The Council made a consensus decision for the Marine Reserves Working Group to develop a budget specific to the present marine reserves nomination process.

Action Items:

OPAC Members:

Respond by August 3, 2007, to Jay Rasmussen's request for qualified experiential experts to assist the Marine Reserves Working Group.

Submit priorities for action items under the West Coast Governors' Agreement to Jessica Hamilton by July 26, 2007.

Robin Hartmann, Cathy Tortorici and Jonathan Allan to develop a two-page document on wave energy cumulative effects for the next OPAC meeting.

OPAC Counsel:

Update OPAC Operating Procedures and circulate to OPAC member distribution.

OPAC STAC:

Conduct workshop during August 2007 to translate the marine reserves goals and objectives into selection criteria.

OPAC Staff:

Amend April 19, 2007 OPAC meeting summary and post on web site.

Post amended OPAC Operating Procedures on OPAC web site upon receipt from OPAC Counsel.

Provide working group agendas and working documents to the public as is feasible.

Next Meeting:

Tuesday, September 25; location TBA.

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); **Dalton Hobbs** (Department of Agriculture); **Onno Husing** (Oregon Coastal Zone Management Association); **Vicki McConnell** (Department of Geology and Mineral Industries); **Jay Rasmussen** (Oregon Sea Grant College); **Louise Solliday** (Department of State Lands); **Tim Wood** (Department of Parks & Recreation)

Members Absent: **Greg Pettit** (Department of Environmental Quality); **Jim Pex** (South Coast Charter, Sport or Recreational Fisheries); **Lane Shetterly** (Department of Land Conservation & Development); Oregon Coastal Indian Tribes (**seat vacant**); South Coastal County Commissioner (**seat vacant**).

Committee/Working Group Members: **Ralph Brown** (Scientific and Technical Advisory Committee); **Cristen Don** (ODFW); **Jim Hastreiter** (Federal Energy Regulatory Commission); **Selina Heppell** (Oregon State University); **Cathy Tortorici**, (NOAA Fisheries).

Invited Speakers: **Darci Connor** (Oregon State University, College of Oceanic and Atmospheric Sciences); **Bob Emmett** (National Marine Fisheries Service); **Bill Peterson** (National Marine Fisheries Service), **Gil Sylvia** (Oregon State University, Coastal Oregon Marine Experiment Station).

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): **Steve Bodnar** (Coos Bay Trawlers Association/Bandon Submarine Cable Council); **Linda Buell** (Garibaldi Charters); **Susan Chambers** (*The World* newspaper); **Leesa Cobb**, **Jeff Miles** (Port Orford Ocean Resources Team); **Paul Fishman** (SWCA Environmental); **John Griffith** (Coos County Commissioner); **Greg Harlow** (Oregon Steelheaders); **Randy Henry** (Oregon State Marine Board); **John Holloway** (Recreational Fisherman's Alliance/Oregon Anglers); **Christopher Holmes**, **Susan Holmes** (Oregon State University, College of Oceanic and Atmospheric Science); **Megan Mackey** (Pacific Marine Conservation Council); **Ron Mason** (public); **A.D. Gus Meyer** (Tillamook Estuary Partnership); **Lisa Mulcahy** (Partnership for Interdisciplinary Studies of Coastal Oceans); **Fran Recht** (Pacific States Marine Fisheries Commission); **Dennis Richey** (OARS); **Mary Sause** (Port of

Garibaldi); **Peter Stauffer** (Surfrider Foundation); **Carolyn Waldron** (Oregon Ocean); **Rudd Turner** (US Army Corps of Engineers); **Dick Vanderschaaf** (The Nature Conservancy); **Sarah Winter** (Oceana); **Wendy Yorkshire** (staff for State Representative Boone); **Christine Zemming** (K&L Gates).

Total recorded attendance: 57.

Meeting Minutes:

Morning Session

Chair Scott McMullen brought the meeting to order at 8:44 a.m., after allowing members time to read the previous meeting's summary, which had not yet been distributed at large.

Introductions:

The OPAC members and the audience introduced themselves and stated their affiliations.

Review and Approval of Summary of April 19, 2007, OPAC Meeting (Scott McMullen):

Terry Thompson requested that his personal objection be noted on the content of bullet number 9 under the marine reserves discussion summary, and a few typos were noted. The Council then approved the draft meeting summary, as amended, by consensus.

Science Advice to OPAC: STAC Activities (Jay Rasmussen):

Jay reported on recent STAC activities. Some members of the STAC continue to work actively with the Marine Reserves Working Group (MRWG), notably Selina Heppell and Ralph Brown. Jay has circulated a listing of qualified scientific experts who might be helpful to the MRWG, and agreed to add a listing of experiential experts vetted by the STAC as well. The STAC will have a workshop in September to help the MRWG establish marine reserves selection criteria based on the goals and objectives now being developed by the working group. Jay will circulate a request for qualified experiential experts to assist the MRWG, with responses due to him by August 3, 2007.

Results of the Public Workshop on the West Coast Governors' Agreement on Ocean Health (Jessica Hamilton):

Jessica reported on the previous evening's public workshop on the Governors' Agreement, and worked with the Council to round out and begin to prioritize the listing of potential actions that could take place under the six thematic areas of the agreement. OPAC's priorities will be submitted to the Governors along with those from California's Ocean Protection Council. OPAC members are asked to submit their priorities to Jessica upon receipt of the summary. Another public workshop is scheduled for Wednesday afternoon, July 25, from 3:30 to 5:00 p.m. in Portland, at the Hilton Hotel in conjunction with the Coastal Zone 2007 meetings. Interested parties can stay informed about the agreement by logging on to the web site: <http://westcoastoceans.gov/>.

Proposal to Change OPAC Executive Committee Structure (David Allen):

David explained his rationale for requesting an amendment to the Operating Procedures that would, in his opinion, make the Executive Committee more reflective of the overall structure of the Council, especially the importance of the voting members. After some

discussion, OPAC agreed by consensus to: add a voting member-at-large to the Executive Committee; clarify that the Executive Committee is tasked only with generating OPAC meeting agendas; clarify that active working group chairs may be invited to work with the Executive Committee; and elect an at-large representative immediately. The council then elected Frank Warrens to the at-large position (election results: five for Frank Warrens, three for Paul Engelmeyer, three abstentions and one absence). Steve Shipsey was tasked with updating and circulating the Operating Procedures document and Greg McMurray with posting the final procedures on the OPAC web site.

Panel of Scientific Experts on Oregon's Coastal Ocean:

The Changing Biological Oceanography of the Eastern Pacific Ocean and Its Influence on Oregon (Bill Peterson, National Marine Fisheries Service):

Bill's presentation pointed out the large (ocean basin scale) forces that affect the state and productivity of Oregon's coastal ocean. He first described the general physical oceanography of the Pacific Ocean, and its major currents, showing how the larger scale events in the ocean and atmosphere drive local conditions. Three major factors ultimately affect Oregon's ocean: the strength of our coastal upwelling; the seasonal reversals of the coastal currents; and the phases of the Pacific Decadal Oscillation (PDO). Times series of temperature and salinity on the Newport line, which has been studied off and on since the 1960s, help to illustrate Oregon's changing ocean and correlate well with changes in the small grazer community at the base of the food web – the copepods and krill (euphausiids) – and both correlate with changes in salmon abundance. It remains to be seen whether the global warming signal will strengthen coastal upwelling offshore Oregon, and how that will affect salmon and other important fish populations.

Changes in the Fisheries Ecology of the Oregon Continental Shelf (Bob Emmett, National Marine Fisheries Service):

Bob focused on the lesser known forage fishes, which are food sources for the state's major fisheries, in his presentation. These forage fish include anchovies, herring, sardines, smelts and eulachon, whereas important predators include hake (the fish species containing the most biomass on the continental shelf), mackerel, dogfish shark, and larger salmon. The National Marine Fisheries Service has been sampling these species on many transects off the coast of Oregon. Bob concentrated on changes occurring in the past 10 years, referring to the ocean information just presented by Bill Peterson. He illustrated how anchovy and whitebait smelt, for example, show stronger populations during warmer phases of the ocean, and how the large hake population seems to be moving north with ocean warming.. The very nearshore area is critical because it is essential habitat for many forage fish and salmon, and includes biological hotspots, but is understudied because of the difficulty of sampling in very shallow water.

Public Comment:

John Griffith (Coos County Commissioner): John reminded the Council that the Coos County Commission had requested clarification and advice from OPAC on wave energy development, which combined with marine reserves, has the potential to diminish active fishing grounds on the south coast.

Randy Henry (Oregon State Marine Board): Randy updated the Council on the Marine Board's interests in the Territorial Sea, including marine reserves and wave energy development; and also spoke to its active concerns and initiatives regarding invasive species, including its educational efforts.

Ralph Brown (STAC member): Ralph pointed out the subjectivity of whether warm phases or cold phases in the ocean are seen as positive or negative, and also to the dearth of scientific information about fish and fisheries in the very nearshore and surf zone.

A.D. Gus Meyer (public): Gus spoke to many themes, including changing ocean conditions, seafloor mapping, scientific opportunities and needed agency funding, the use of best science, the positive role of agriculture in the Tillamook basin, and the use of local expertise and knowledge.

Luncheon Address

Gil Sylvia (Oregon State University, Coastal Oregon Marine Experiment Station):

Existing Uses in Oregon's Territorial Sea.

Gil focused his presentation on the complexity and lack of good information and documentation on the existing uses of Oregon's coastal ocean. Gil noted in his introduction the frustrating lack of any new synthesis in this area, recognizing that the last meaningful work was done in the mid-eighties by Jim Good and Dick Hildreth. Gil explained how the existing uses reflect their underlying drivers, which include economic development, policy and regulatory drivers, environment, and technology. Economic development remains a principal driver, but extractive uses are being replaced in many ways by recreational ones. However both commercial and recreational fisheries remain key sectors of the coastal economy, and exemplify the complexity of stationary and spatial dynamic management in the ocean. Gil challenged OPAC to play a part in developing the needed synthesis of uses that will help to support meaningful ocean zoning in Oregon's future.

Afternoon Session

Update on Wave Energy Planning (Robin Hartmann, moved from morning session):

Robin reported out on the Wave Energy Working Group meeting that was conducted the previous afternoon and on the very large number of ongoing activities which includes:

- negotiations for the Oregon Solutions process for the Ocean Power Technologies (OPT) project at Gardiner, Oregon, have been completed with signing of a Declaration of Cooperation, OPT has filed a Preliminary Application Document with FERC, and has begun negotiations on a Settlement Agreement;
- Oregon State University will conduct acoustic guidance device tests for marine mammal behavior for the above and other projects;
- Finavera Renewables and Oregon State University will deploy three buoys during summer 2007;
- the 2007 Legislature awarded the Oregon Wave Energy Trust about \$4.2 million; the funds are divided among industry subsidies, planning, regulatory streamlining, and environmental studies;
- the Federal Energy Regulatory Commission (FERC) is nearing release of a memorandum of agreement with the Minerals Management Service to address the apparent conflicts in authority over energy siting in the EEZ;

- the Minerals Management Service conducted a national workshop on the environmental effects of alternatives energy in Reston, VA, on June 26-28;
- a science workshop on the environmental effects of wave energy in Oregon is now scheduled for October 11-12 at Oregon Sate University's Hatfield Marine Science Center;
- FERC awarded Douglas County a Preliminary Permit for a very small area adjacent to the Umpqua River jetty at which the county plans to deploy an oscillating water column device;
- Lincoln County has taken another extension on its application for the extent of its Territorial Sea and reports it is making progress in planning, especially with the Fishermen Involved in Natural Energy (FINE) group;
- there are a number of other pending and newly awarded Preliminary FERC Permits;
- the Department of State Land draft rules for leasing of the seabed for wave energy are expected to be adopted soon by the State Land Board; and
- the Oregon Science and Technology Partnership is sponsoring a wave energy development meeting in Corvallis on Friday, August 10, 2007.

Robin then summarized the previous afternoon's discussion; issues of siting, percentage area caps and cumulative effects had dominated. The Council proposed a two-page summary of a cumulative effects framework, with Robin, Cathy Tortorici and Jonathan Allan forming a WEWG subgroup. Robin suggested that each corporation and organization (e.g., county) applying for a preliminary permit make a future OPAC presentation. Robin also proposed that OPAC advise OWET in scoping its planning and environmental studies. The Council decided by consensus that the WEWG subgroup will develop the cumulative effects framework two-page document.

Update on Marine Reserves Planning (Frank Warrens):

Frank asked Jessica to update the council on the timeline and goal statement drafts from the Governor's Natural Resources Office (GNRO) that were the subject of the previous day's deliberations. Jessica described the intended process, which will begin with a six-month public nominations commencing October 2007 that closes on April 1, 2008. The process will ultimately culminate in rulemaking in Fall 2008 by the natural resource agencies with the authorities to implement the reserves. Frank briefly reviewed the previous day's discussion and progress on goals, timelines, and objectives. Jay and Selina described the STAC process: the STAC will meet in August to consider technical questions about marine reserves implementation, particularly the selection criteria. The Council discussed the issue of whether or not to solicit areas to exclude from marine reserves consideration as well as those to nominate. There was also some question about of the level of economic evaluation normally implemented by the agencies for new laws and rules, versus the possibility that the statute that applies to marine reserves recommended by OPAC [under ORS 196.443(1)(d)] could be interpreted to require more substantive evaluation. The agencies will provide staff support to answer questions from the nominators during the nomination process, but it will still be difficult to bring all nominations to the same informational level.

Next steps include refining the objectives and the STAC's review and translation into selection criteria. These steps are intended to take place during the months of July and August, and the STAC wants to have final objectives available for its August workshop. Frank expressed his desire to make available to the public the MRWG agendas and working documents, notwithstanding their development at the last minute, when possible.

OPAC adopted by consensus the statement of a goal for marine reserves and its attendant definition of the term "network". A further discussion of resources needed for the process focused on the level of support that agencies can lend to the process without additional budget appropriation by the legislature, versus the actual appropriation of new funds. The Governor's Office will approach the 2009 legislature for additional appropriations for the process, but would consider approaching the 2008 session. The Council made a consensus decision to request that the Marine Reserves Working Group develop a budget specific to the present marine reserves nomination process.

(Note: OPAC member David Allen wanted the record to reflect his absence from the meeting during the above consensus action. David also wanted the record to reflect his insistence on the implementation of a socioeconomic analysis prior to marine reserves designations, and his continued insistence that major policy recommendations such as those for marine reserves should not be made without representation on OPAC of the South Coast County Commissioner seat.)

Public Comment:

Ralph Brown (STAC member): Ralph clarified that his present role in all OPAC activities is solely as a member of the STAC; he is not representing the south coast as a proxy for an OPAC member.

Ron Mason (public): Ron expressed his disappointment that the Governors' Agreement made no mention of public uses like sport fishing; and urged the Council to consider MPAs overall, not just "no-take" marine reserves.

John Holloway (RFA Oregon Anglers): John said that his biggest concern is the social and economic impact analysis required for both marine reserves and wave energy development, how it will be done, and how it will be used in the process.

Linda Buell (Garibaldi Charters): Linda expressed her concern that there is no apparent problem that Oregon's marine reserves are intended to address, and asked for more clarity on the definition and role of marine reserves.

Steve Bodnar (Coos Bay Trawlers Association/Bandon Submarine Cable Council): Steve represents the present users of the ocean, and stated that the present users ought to have an opportunity to bid for the use of areas along with the potential new users, such as wave energy.

Update on OPAC Interviews Project (Darci Connor, Oregon State University):

Darci reported on the preliminary results of her graduate research project on OPAC and its efforts on marine protected areas. She has found in her interviews that OPAC members have very different positions as they relate to the ocean, but still have a very high amount of accord in their values and commitment to the ocean and the OPAC process. She found common themes among both the social and economic concerns of OPAC members, including loss of livelihood, coastal identity, and who gains and who

loses. Darci recommended strongly that OPAC clearly define its decision space, and views the process itself as critical to OPAC's success.

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

The next OPAC meeting will be conducted in Pacific City, Astoria or Corvallis (logistics to be established) on Tuesday, September 25, 2007.

New Issues Raised by OPAC Members:

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

Chair Scott McMullen adjourned the meeting at 4:59 p.m.