

Oregon Ocean Policy Advisory Council

Meeting Summary

Meeting of December 9, 2005

South Slough National Estuarine Research Reserve, Charleston, Oregon

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 was appointed chair of the Science and Technical Advisory Committee (STAC) and directed to finalize the STAC guidance and return with recommended STAC membership.

The council authorized Jack Brown to represent it at the Seattle meeting on marine protected areas.

Action Items:

OPAC Members:

Jim Good: Work with Greg McMurray to finalize consensus guidelines

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

Robin Hartmann and Onno Husing: Draft letter inviting participation on *ad hoc* federal advisory committee.

OPAC Staff:

Finalize Operating Procedures document per direction of chair and members and interdigitate consensus guidelines therein, where appropriate, working with Jim Good.

Develop a list of possible funding sources and partners.

Develop and circulate the new, shorter, list of priority issues.

Next Meeting:

Friday, January 20, 2005, Newport, Oregon, at the Best Western Agate Beach.

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); **David Hatch** (Oregon Coastal Indian Tribes); **Scott McMullen** (North Coast Commercial Fisheries); **Brad Pettinger** (South 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).

Members Present (ex officio): **Patty Burke** (Department of Fish & Wildlife); **Ann Hanus/Jeff Kroft** (Department of State Lands); **Onno Husing** (Oregon Coastal Zone Management Association); **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: **Dalton Hobbs** (Department of Agriculture); **Jonathon Allan** (Department of Geology & Mineral Industries)

Invited Speakers: **Mike Graybill** (South Slough National Estuarine Research Reserve)

Staff: **Greg McMurray, Jane Bacchieri** (Department of Land Conservation & Development); **Jeff Kroft** (Department of State Lands); **Steve Shipsey** (Department of Justice, OPAC Counsel)

Observers (with affiliation if provided): **Peter Stauffer** (Surfrider Foundation); **Carolyn Waldron** (Oregon Ocean); **Amy Windrope** (Partnership for Interdisciplinary Studies of Coastal Oceans, Oregon State University); **Karen Meyer, Ralf Meyer** (GreenFire Productions); **Jan Hodder** (Oregon Institute of Marine Biology, University of Oregon); **Peg Reagan** (Conservation Leaders Network); **Pete McDougall** (COMPASS, Oregon State University); **Bill Russell** (Shoreline Education for Awareness, Inc.), **John Griffith** (Coos County); **Maryann Barnhart, Diane Bilderback, David Bilderback, Jack G.B. Christian, Billy Smith, Juli Scott, Randall Ruth** (Coos Bay); **Steve Rumrill, Derek Sowers, Pam Kylstra, Tom Gaskill, John Bragg, Craig Cornu** (South Slough National Estuarine Research Reserve); **Ed Backus** (EcoTrust); **Larry Hammons** (Lakeside); **Mark Furler, Charles Hockkery** (Gold Beach); **Wayne Butler** (Prowler Charter), **Jessica Miller** (Oregon Institute of Marine Biology, University of Oregon); **Megan Mackey, Peter Huhtala** (Pacific Marine Conservation Council); **Mary Lehman, Marjan Wazeka** (Florence); **Christopher Holmes** (College of Oceanic and Atmospheric Sciences, Oregon State University); **John Holloway** (Oregon Recreational Anglers Fishing Alliance); **Dennis Phillips** (Oregon Optimal Population Society); **Leesa Cobb** (Port Orford Ocean Resources Team); **Terry Stone** (Ophir); **Fran Recht** (Pacific State Marine Fisheries Commission); **Wayne Hildenbrand** (Myrtle Point).

Meeting Minutes:

Morning Session

Meeting brought to order by Chair Scott McMullen at 9:00 a.m.

Introductions:

Members introduced themselves and stated their affiliations.

OPAC Operating Procedures Re-Draft (Greg McMurray):

Greg reported briefly on the redraft of the operating procedures using a copy that showed updates from the original adopted in 1992. Various points were discussed, including the updates needed for legal and media changes since the original document was developed.

The operating procedures remained on the table with the expectation that they would be adopted in their final form at the next meeting.

OPAC Consensus Process (Jim Good):

Jim Good developed a three-page set of draft consensus guidelines for the Council and explained their significance. Members discussed appropriate OPAC roles and responsibilities in the context of whom may speak for OPAC and when. The group recognized a balance between trying to draft detailed or specific rules of conduct, and simply acting in good faith, and generally agreed on acting in good faith. The point was clearly made that when OPAC has adopted a position on an issue, anyone can “speak for OPAC”, whereas, while an issue is still in debate, no-one can “speak for OPAC”. There was a general consensus during this discussion that there is an expectation of reasonable behavior by the council members, and specific rules do not have to be developed for every foreseeable situation. The Chair directed Jim Good and Greg McMurray to update the consensus document and merge it with the operating procedures.

Science Advice to OPAC: Draft Model for STAC and its Membership (Jay Rasmussen):

Jay circulated a pamphlet written by Paul Adams and published by OSU on the interpretation of scientist advising policy processes. He limited his remarks to legislatively mandated STAC; there will likely be many other committees advising OPAC. Jay suggested a model wherein five to seven “brokers” in the science community would represent different areas of expertise and would select (but not be) the actual experts for given questions and issues. Jay recommended that: members of the STAC would not be OPAC members (except the chair); actual advice would be responses of specific experts to specific questions; OPAC would nominate STAC members; members would serve at the pleasure of the OPAC Chair, Vice-Chair and Director of Sea Grant (Bob Malouf); and that the STAC act as the interpreter/intermediary for communications between OPAC and actual experts. Points were made that peer review and validation need to be built into the scientific process, and that the STAC should represent all sources of scientific and technical expertise, including local and practical knowledge. Experts can be found in many places, including agencies, nongovernmental organizations and industries as well as universities. It was moved, seconded and voted unanimously that Jay Rasmussen chair the STAC; Jay accepted for a limited time in the spirit of moving the process ahead. The council directed Jay to return the next meeting with a final draft and nominations for STAC membership.

Introduction to Mandated Responsibilities and Issues (Steve Shipsey):

Steve reviewed the group’s statutory mandates, noting progress made by the council in terms of having elected a chair and meeting at least every six months. In terms of substance, the mandates are to periodically review the Ocean and the Territorial Sea Plans, as well as to advise the governor of ocean policy.

Public Comment:

Bill Russell (Shoreline Education for Awareness, Inc.): Supportive of marine reserve designation and related research.

Peg Reagan (Chair, Conservation Leaders Network): Supports creation of marine reserves.

Diane Bilderbeck (citizen – Coos Bay): Supports research on management practices, wants OPAC to include fisheries industry in decisions.

Ed Backus (EcoTrust): Supports private-public partnerships to bolster funding.

Dr. Charles Hockkery (Gold Beach): Recommends reading recent peer reviewed literature on marine reserves.

Wayne Hildenbrand (citizen – Myrtle Point): He is concerned about biased sources of funding for marine reserve planning.

Peter Huhtala (Pacific Marine Conservation Council): Supportive of marine reserve designation process; thinks economics should be represented on STAC.

Peter Stauffer (SurfRider Foundation): SurfRider supports the marine reserve process.

Billy Smith (citizen – Coos Bay): Supports marine reserves to complement other management tools.

Dennis Phillips (Oregon Optimal Population Society): Believes that the root source of ocean problems is overuse due to uncontrolled population growth.

Luncheon Address

Mike Graybill (Director, South Slough National Estuarine Research Reserve): *An overview of the South Slough National Estuarine Research Reserve: lesson learned from over 30 years of research, stewardship, and education at Oregon's first marine protected area.* Director Graybill described the somewhat remarkable success of the first-designated estuarine research reserve in the country, which is in fact, a form of marine protected area.

Afternoon Session

Report on South Coast OPAC Representative Outcome (Scott McMullen, Jim Myron): Scott reported that an ad-hoc subcommittee had crafted and sent letters on the subject of South Coast County representation to the Governor and the South Coast County Commissioners. Jim circulated a letter from Mike Carrier responding to the council's letter, and reported on efforts of the Governor's Office to resolve the impasse on appointing a representative of the South Coast Counties: the Governor will invite the South Coast County Commissioners to the capitol to resolve it.

Discussion of Mandated Responsibilities and Priority Issues (Jane Bacchieri):

The council briefly discussed the possibility of convening an *ad hoc* advisory committee comprised by representatives of the key federal agencies related to ocean policy. The members of this committee could play an important role in keeping OAPC informed of federal initiatives and also present and vet OPAC's approaches to issues with their agencies. Robin Hartmann and Onno Husing agreed to identify key federal agencies and draft a letter inviting members of those agencies to participate on such a committee and

also agreed to act, with appropriate staff support, as OPAC liaisons to the federal agencies.

The council then engaged in a fairly wide-ranging discussion of the natural tension between its desire for self determination, in terms of agenda-setting, and the mandates from the earlier OPAC and the Governor. There was a general expression of concern for the time needed for the council to mature as a group, build trust, and gain some experience in addressing marine policy issues perhaps less controversial than that of marine reserves. There was also general recognition that new OPAC members are functioning with a deficit in information and experience relative to members of the prior OPAC. The gist of one theme was that some of the members want to proceed exceedingly deliberately and carefully, notwithstanding existing mandates. However, there was a countervailing theme that other members want to proceed immediately to address the existing mandates, especially the for marine research reserve implementation.

The discussion slowly gravitated towards identifying priority issues and developing a work plan for the council. Jane Bacchieri then facilitated an exercise intended to begin to shorten the “long” list of issues compiled by the members. Jane observed that she saw problems (threats), solutions (opportunities), and processes in the original issues list, and clarified that processes didn’t really fit the issues list. The issues list below was eventually developed:

- Marine Research Reserves Planning
- Offshore Wave Energy Conversion
- Marine Aquaculture
- Bacterial Pollution (Water Quality)
- Sediment Management (dredging and littoral budget issues)
- Updating the Territorial Sea Plan
- Regulatory and Scientific Gap Analyses (for marine reserves)
- Comprehensive Nearshore Plan (for the Territorial Sea Plan)
- Economic and Social Impact Analysis for Marine Reserves
- Education and Outreach in General
- Advice to the Governor on an Oregon Coast National Marine Sanctuary
- Ecosystem-Based Management
- Potential Partnerships
- Watershed-Estuary-Ocean Linkages Analysis (uses, activities, governance)
- Restoration of the Kelp and Sea Otter Nearshore Ecosystem

Appropriate and timely funding (or lack of it) was recognized as a serious consideration for all issues to be addressed by the council. A work plan for the council will likely need to include timelines and budgets. It was also suggested that the key issues need to be described in “one pagers”, including a statement of outcomes that will assure that members of the council (and others) understand the essence of each issue. Lastly, the council members expressed a desire and need for briefings on what is known about topics

germane to council consideration, for example, the status of nearshore fish stocks and other resources.

Marine Reserves Planning Process (Jim Good):

Jim laid out a logical marine reserves planning process for the council in a handout and Powerpoint presentation. After describing the background and context, he developed the needed tasks in process and substantive categories, as listed below.

Process Tasks

1. Appoint a marine reserves planning committee.
2. Appoint a marine reserve technical committee.
3. Continuously engage coastal communities and other stakeholders.

Substantive Tasks

1. Identify guiding principles and goals.
2. Identify coast wide system design criteria.
3. Begin regional ecosystem scientific synthesis.
4. Spatially integrate system design criteria and scientific knowledge.
5. Design the Phase II planning process.

Jim noted the critical nature of funding to the process at numerous points in his presentation.

Public Comment:

Carolyn Waldron (Oregon Ocean): Concerned that progress on marine reserves planning continues as a top priority for the council.

John Holloway (Oregon Anglers): Concerned that impacts of marine reserves on both recreational and commercial fishing be considered, and use of biased foundation funds.

Ed Backus (EcoTrust): A third party can be used to apply foundation or other funds to support a process.

Terri Stone (citizen – Ophir): Supports marine reserves.

Fran Recht (Pacific States Marine Fisheries Commission): PSMFC has much GIS and fisheries information available on its web site.

Leesa Cobb – (Port Orford Ocean Resources Team): POORT has developed local information to assess possible marine reserves implementation.

Juli Scott – (citizen – Gold Beach): Concerned that the council is revisiting a commitment made three years ago instead of moving ahead.

Randal Ruth – (citizen – Gold Beach): Basic public education is an important component that supports public awareness.

Meeting adjourned by Chair Scott McMullen at 5:03 p.m.