

**Oregon International Port of Coos Bay**  
**Marine Reserves Recommendation Committee**  
**December 16, 2009 5:30 p.m.**

**North Bend City/Coos Curry Housing Authorities**  
**1700 Monroe Street, North Bend, OR 97459**

**MINUTES**

**Attendance:** Margery Whitmer, Don Peabody, Rick Goche, Wayne Butler, Mike Boehme, John Griffith, Valerie Pena, Reg Pullen, Mike Helfrich, Bill Poppe, Keith Tymchuk, Dave Lacey, Mike Graybill, Jan Hodder, Bob Main, Mike Lane, Don Ivy, Bart Stein, Jamie Doyle, Kathy Wall, Aaron Simons, Andrea Wall

**Guests:** Armand Pena, Scott Osborne

**Open:** The meeting was opened at 5:40 p.m.

Opening Comments by Kathy Wall - Kathy asked that anyone who had something to distribute to the group send it to her first or at least include her in the distribution so she can keep track of the documents.

Self-introductions were requested for the attendees.

Approval of the minutes from the last meeting:

Upon a motion by Don Peabody, second by Bob Main, the minutes of the November 18, 2009 meeting were approved.

Kathy said that she received an email from Anna Pakenham on the rule making process. DSL approved their rules for marine reserves and marine protected areas on December 8, 2009. These rules establish the Otter Rock Marine Reserve and the Redfish Rocks Marine Reserve and Marine Protected Area. ODFW approved their rules on December 11, 2009; they will govern fishing and hunting in the two areas. She said that none of ODF&W's rules will go into effect until June 30, 2011 so they have the time to develop baseline data. Oregon Parks and Recreation Commission will consider their proposed administrative rules on January 28, 2010.

Loren Goddard from Depoe Bay NSAT (Near Shore Action Team) was introduced to give the committee some history on how NSAT came to their proposal and what their process was for the Depoe Bay pilot site.

Mr. Goddard said that he would entertain questions at any time during his talk.

NSAT was formed nearly 5 years ago because it was felt there were definitely changes coming in the nearshore waters. The team was sanctioned by the city; they are a city Commission answerable to the City Council. The meetings are conducted in a public

forum in accordance with Oregon Public Meeting Laws. They try to make sure that everyone gets an opportunity to be heard. The meetings are always held on the third Thursday at 6pm at City Hall.

The team consists of 8 voting members and an Advisory Council of six. There is a broad spectrum of backgrounds – commercial fisherman, charter operators, business owners and other interested people.

Initially the team was interested in Marine Reserves – not necessarily in promoting them – they knew little about them when they started. They also knew that Marine Reserves would become an issue with the State so felt it was best to be proactive and learn as much as they could about Marine Reserves before it became a real issue.

A description Mr. Goddard used was: they knew there was a hammer blow coming and they wanted to direct the blow to their toes instead of their head. Depot Bay is a very unique community and it relies heavily on the marine environment. People come to see the uniqueness of Depot Bay, not the gift shops; in no other place can you sit in virtually any restaurant in town and have an ocean view. Whale watching is a major mainstay of the Charter fleets; and there is the fishing component. Because of the market influences the commercial fishing is not strong in the harbor any more but the Charter industry is alive and well. Depot Bay relies on the nearshore reefs that are available to them.

Kathy Wall asked what the team's process was for learning more about Marine Reserves. Mr. Goddard said that one of the City Councilors is also a voting member of OPAC so they had access to information from OPAC which others might not have had. They looked at what was going on with OPAC and what direction they were going and tried also to educate themselves through Oregon Sea Grant from OSU. The site that ultimately became the pilot site is one the NSAT developed early on.

Question: The team received a lot of input from the community at public meetings and received consensus with the community on where to site this project; however, after this was done, there was discontent from the environmental community saying it wasn't big enough to accomplish what it should. Wasn't there the possibility of the site moving off shore? Mr. Goddard said that one of the team's biggest fears has been mission creep; but the great thing about it being a pilot site is that it has to be shown to be effective. If it is not effective, it will go away.

Question: Did someone develop any criteria to show whether or not the site was effective? Would someone say OK this site is successful, can we now enlarge it? Mr. Goddard said that they picked a site with a large diversity of habitats. He also said that his team didn't have any ability to make up the criteria – that would take scientific aptitude.

The team chose the site because of the diversity known through the experienced fishermen on the team. They are not scientific people but they have over 200 years of combined experience/ knowledge of the area.

Question: Do you think that except for the State's threat, you would not have voluntarily sacrificed some fishing ground? No, we wouldn't have. Mr. Goddard's personal take is that most of the Oregon Coast is a defacto Marine Reserve given the kind of weather we have, and the fact that the fisheries are well monitored by ODFW.

NSAT felt that "no" was not an option so they chose to find an area, define the size and generally be proactive. They did not feel that saying "no" would do any good; the State would still move ahead; this way NSAT would be directing them.

Question: Do you feel that it is a large enough area that if it fails, it will be considered a good test? Mr. Goddard said that he feels that the diversity of the site will provide good information; also there is potential for expansion.

The site is located 3 ½ miles south of the entrance to the harbor and is about 730 acres. It is from the low water mark (this was changed from the high water mark to accommodate clamming) out to about ½ mile off shore.

Question: Since the Governor said the Marine Reserves should not significantly affect the economies of the area; and they are set up where you don't fish, how is that going to change anything? What exactly are we trying to do here?

Mr. Goddard said he was personally giving up fishing area.

Comment: I am against setting up a Marine Reserve in the Coos Bay area because no one has shown enough to convince me it will work; we need to wait and see what the pilot site reveals – maybe the information received will convince me that it will work.

Question: How much of the 730 acres is in the surf zone? Maybe ½ is in the surf zone where you don't fish and wash rocks would also curtail some of the fishing.

Question: The State changed your recommendations for whatever reason from the high water mark to the low water mark. Were there any other requirements for choosing the site? There was a request early on from ODFW to increase the size on the seaward side to move the boundary to include the toes of the reef, rocky islands. We resisted that because in all the public outreach meetings we conducted, those were the boundaries that we defined and the public approved.

Some of the parameters are gently sloping sandy bottom, rocky reef, kelp forest etc.

There is no extractive activity allowed except for clamming.

There is to be a technical management plan for each reserve: Who is going to be on the team? Are all fishing and recreational activities to be curtailed?

The discussion continued for some time on whether you could have some extractive activity or not. What the definition of the Marine Reserve was in relationship to

extractive activity and what the definition of the Marine Protective Area was in regard to extractive activity.

Question: Has there been any discussion about changing any fishing limits or regulations of any kind near the Marine Reserve areas? Not that Mr. Goddard is aware of.

Discussion continued regarding the allowable limits and what the Marine Reserve would actually do and how it would or would not benefit the fishers.

Continuing Mr. Goddard's report: NSAT has a MOU (Memorandum of Understanding - not a legally binding contract) with ODFW which establishes the criteria for the pilot site on how the Marine Reserve is regulated, sets aside some conditions that keep Depot Bay involved. The MOU covers enforcement boundaries. Mr. Goddard said that he would email a copy of the MOU to Kathy Wall to distribute to whoever wanted to read it.

Mike Graybill commented that Arnie Roblan convened a nearshore ocean Task Force and John Griffith was supposed to be a part of it although he did not make the first meeting. Mr. Graybill said the purpose of the group was to discuss what kind of research would go on characterizing these experimental trials in the pilot project and to set up criteria to judge the pilot site to measure if it was successful; so there is a process mapped out to measure the success.\*

\*John Griffith wrote in his email to Kathy Wall about Rep. Roblan's convened nearshore task force; Mike Graybill said that he thought John had been included in that group. John Griffith wanted the minutes changed to reflect that he was not invited to join. Kathy suggests footnoting the minutes to say that Mike Lane not John Griffith was asked to join. The question was asked if anyone had a problem with a foot note. No one did so it is noted in these minutes and footnoted in last month's meeting that it was Mike Lane not John Griffith asked to join the nearshore task force. Mike Graybill brought up that if we were footnoting, we should add Gus Gates who was also asked to be a part of that group also.

Mr. Goddard said it was the coastal caucus with Arnie Roblan spearheading it.

The discussion continued regarding the whole process and the validity of it.

Question: where is the funding for Depoe Bay coming from? Mr. Goddard said that they are 100% volunteer funded by nothing – zero budget.

Mr. Goddard said that Cristen Don with ODFW is very deeply immersed in this project and she is a source of information.

What is a description of site? It is roughly rectangular – linear. There are three rocks which are seabird sanctuaries and they are included. The site goes ½ mile out and is about 2.25 miles long. You can still walk on the beach – beach comb but no fishing.

Does the MOU reference the planning process where it says there is to be a commitment of long term funding to meet the goals and enforcement? Are there any dollars defined. No – there are no dollar figures in the MOU. Mr. Goddard’s team did not have the means to calculate those costs – NSAT needs to trust the State.

Someone asked Mr. Goddard that after doing this for 5 years, are there things you would have done differently? Only educate myself better.

Someone asked if Mr. Goddard really felt it was better to offer a token sacrifice to the State and the Marine Reserves proponents than to say “Hell No”. He said absolutely. Given what they were faced with when the nomination for sites came out, had we not been involved, we would have been looking at a potential marine reserve that would have absolutely devastated our fleet. The proponents argued they wanted only 15% of the Territorial Sea, but that 15% was where the fish were.

The discussion continued about the validity of the site and the smallness of it.

Question: Do you think that we could say no to Marine Reserves. He commented that what the two pilot sites have done is to give you two years to think about it. He does not think we will be able to not have some manner of Marine Reserves in our area. There are too many forces trying to change things.

The comment was made that two years is not enough for any kind of study; two years is because that is when OPAC looks at the four other potential sites again - budgetary probably. Rick Goche commented that he is not going to be willing to make a yes recommendation until the pilot sites are working and showing positive results.

Mike Lane thanked Mr. Goddard for stepping up to the line with his team. NSAT set precedence for community/public input that wasn’t happening two years ago when OPAC was first commanded to come up with a network of Marine Reserves.

Question: Was there any discussion about Marine Reserves other than the fisheries benefits? That has been the main thrust – benefit to the fish biomass. The only activity being curtailed is extraction. The primary focus was fishing because we are a fishing community.

Mr. Goddard does not think Marine Reserve will bring any tourism. We promote whale watching but what can you see with a Marine Reserve? The interest is far more scientific than scenic.

Discussion flowed around what Marine Reserves can and cannot do, job creation, criteria, South Slough etc.

The subject came back to money – where is it coming from? Mr. Goddard said that one of their premises in the beginning was if you want a Marine Reserve here, then you need to figure out how to pay for it because this community cannot.

Coos Bay has two years – what is your opinion if in 2011 we are still waiting to see what happens with the pilot project and don't want to do something until 2015 or 16 or 17? Mr. Goddard said that while he thinks that is valid, he does not think it will fly with those pushing for the Marine Reserves. The administration in the State Government is listening very closely to the extreme conservation groups. Several years ago he heard someone from the Governor's office say, "don't even think of saying no – no is not an option".

What constitutes the cost of managing a Marine Reserves? Cost of enforcement and science, administrative costs for an estimate of \$1.5 million a year per reserve. Comment: If HB #66 and #67 don't go through, the Government will be laying off. What then?

7:10 break time.

After the break the meeting was turned over to Jamie Doyle to continue on the questions and process which was started at the last meeting. She started out by reviewing and explaining the process that the group would be going through. She explained that the reason for this process was to have documentation to back up our recommendation whether it was yes/or no to the Marine Reserves. This cannot be just an emotional response or no one will take us seriously; we need to have back-up documentation.

The meeting broke down after a small portion of the explanation and there was a lot of discussion for the rest of the meeting about why this would or would not work; or people did not understand how this whole process was to help.\*\*

\*\*John Griffith wanted to have the minutes changed to say the following instead of the above paragraph. "After introducing the next step of the proposed process, discussion ensued for the rest of the meeting, mostly about why this process would not work and that the majority of committee members who spoke felt that the process was designed to lead the committee into a trap.

Continuing: The question is "Is there a problem? How do you address the problem?" was brought up again.

Some people in this committee feel that Jamie is trying to force a process toward Marine Reserves. She was trying to say that she was not pushing either way – she just wanted the committee to have the backup documentation to back up their decision, yes or no at the Port's request.

Question: how will this process answer the questions of economic impact problems with a Marine Reserve? The discussion went on questioning how any of this could help us make a decision about Marine Reserves.

It all kept coming back to "do we want Marine Reserves"? And if we do, how big, where etc.?

After another hour of talking, it was decided that everyone would go home to read the questions which were distributed and each person was to mark what they felt was relevant. Then for the next meeting everyone will come back and discuss them as a whole group.

The meeting was adjourned at 8:20 p.m.