

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
January 20, 2010; 5:30pm**

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

MINUTES

Attendance: Mark Schneider; James Moore; Wayne Butler; Margie Whitmer; Steve Bodnar; Steve Rumrill; Bob Main; Reg Pullen; Matt LeDoux; Bill Poppe; Dave Lacey; Valerie Pena; Jamie Doyle; Gus Gates; Steve Bodnar; Don Peabody; Mike Graybill; Jan Hodder; Jim Pex; Steven Shimotakahara; Cristen Don; John Schaefer; Mike Lane; Aaron Simons; Kathy Wall; Andrea Wall.

Guests: Armand Pena, Timm Slater, John Bragg

Open: Kathy Wall opened the meeting at 5:45pm.

Kathy said she thought it was interesting because this is a new month, a new year and a new decade which opens lots of possibilities. She went on to say that Mike Gaul's office is officially cleared out and he is on vacation now until his retirement date the first of March.

Kathy changed the order of the Agenda and asked Cristen Don to give her 3013 update now and put the minutes from the last meeting off for a while because it would entail a larger discussion. Bob Main also asked to speak to clarify something he said about MOUs at the last meeting. Before Bob came up, Kathy did say that she received the MOU that NSAT (Near Shore Action Team) has on the Otter Rock pilot proposal; it will be distributed before the next meeting so it can be brought up as an agenda discussion item if needed.

Bob Main: He said he had some legal misinformation about MOUs which he stated at the last meeting. There are various types of MOUs; a MOU in the strictest sense is only a handshake and has little legal bearing. However, the BLM, the Forest Service, and other government entities that use MOUs do have legal standing in various courts. It depends on what you agree to. Those MOUs are totally legal. Mr. Main also had talked about the City of North Bend and the Tribes having an MOU and in that conversation he did not mean to infer that either party was not pulling their end. Since there are different kinds of MOUs, if you use one, you need one that is legally enforceable.

Before Cristen spoke, Kathy asked the group if they minded if she took some pictures to include on the web site. No one had any objections.

Cristen Don: Cristen gave an update for Marine Reserves (MR) on the rest of the coast and implementation of HB3013. For the three evaluation sites, Cape Perpetua, Cascade Head and Cape Falcon, the teams have been formed and will be conducting their first community team meeting next week; one Tuesday, one Wednesday and one Thursday. There are 16 voting members on each team and each member also has an alternate. ODFW has a Request for Proposal (RFP) out right now for the three evaluation sites because they are looking to hire professional facilitation teams for those meetings.

Two pilot sites: The Red Fish Rock team has been expanded and it is now the Red Fish Rock Community Team. They have met twice and formed several working groups geared toward helping with various aspects of getting the MR up and running. The prohibitions for both prep sites do not go into effect until June 30, 2011, but there is a lot of up-front work that would include developing monitoring plans including ecological and socio-economic monitoring. The management plan needs to be worked on in collaboration between ODFW and the Community team. That has to do with education and outreach as well as compliance and enforcement. The team has decided to form a third working group that will probably be more active during the summer.

Site at Otter Rock: The Depoe Bay Near Shore Action Team (NSAT) has decided that they will look to expand the MR advisory team. They want to get some additional expertise to help ODFW in developing the monitoring plans and the overall management plan. They will be holding a series of community meetings in February; one in Depoe Bay, one in Otter Rock and one in Newport to get the word out that they are looking for additional expertise that could help them with the management and monitoring plans. Cristen will send Kathy the announcements of the meetings to put out to this group.

On February 1st ODFW will have the entire MR staff on board. They have ecological and socio-economic scientists working with the pilot site teams to start developing monitoring plans.

Question: How many new positions were developed at ODFW? Cristen said that there were five including hers. Anna Pocenham will be covering Cristen's old position. The funding came from the \$1 million left over from the New Carissa. ODFW is also looking for additional funds to help with additional biological monitoring and socio-economic studies – they are applying for lots of grants.

Question: Who are you applying to? There is a pre-proposal in to Myer Memorial Trust; they are working with the Coastal Caucus to identify other appropriate places to apply for funding. They are also looking at Myer Memorial to get professional facilitation funds for the three evaluation sites.

Gus Gates suggested we should have access to information from ODFW since we are part of HB 3013. Cristen said that ODFW always posts all the materials they have on the website for Oregon Marine Reserves website. And will be posting regular updates on what the community teams for both the pilot sites and the evaluation sites are up to and

what they are receiving from ODFW staff or other outside sources. Cristen will provide the link to Kathy for this information.

Kathy Wall wanted to talk about some things from her December emails. She said that her comments about allowing people to withdraw from the committee were because she heard that people feel like they are spending time that they could spend better somewhere else. She thinks if you feel that this is not a good process, she wants to remind you that it is voluntary and if you cannot be committed to the end, there should be a change. She was happy no one said OK "here is my resignation".

Don Peabody had some comments on the process and whether or not the committee was the groups committee. Kathy read Don's email: Mr. Peabody wants clarification on the Port's originally stated position that this is a members committee in process. Mike Gaul said that this committee was ours and that the members would drive the process. He also said that we would try to go by consensus but if no consensus, we would move to a voting process. Mr. Peabody felt that paragraph 2 of the 12/30 email appears to directly contravene the Port's original instructions as to the process by which we would come to a final recommendation. He asked when did this committee move from a member driven collaborative process to one of command and control by the Port? He has not seen consensus by the committee agreeing to the action and consensus failing, he has seen no votes taken. The Port staff's current position as stated in the 12/30 communication with respect to the process/facilitation brought forth by Ms. Doyle appears to be in conflict with the Port's stated operating guidelines of this committee.

Kathy Wall said that there were several questions about Jamie being the facilitator of this group and Kathy wants to clarify that Jamie is not the facilitator for the group. Kathy asked Jamie to work with her to define a process that was good for the group; that could be documented; and that we could say at the end of the process that we came to this recommendation and this is how we got there. Jamie is not a facilitator; she is an ex-officio member of the committee who Kathy asked for help.

Kathy went on to say that it is a members committee but she needs to get all of the input and hopes you realize that the Port needs to find a way to address all the inputs and a way to treat them all fairly. If she made a misstep in everyone's opinion, she will take responsibility and will find a way to work through it.

Mr. Peabody still feels that Jamie was serving the role of a facilitator whether it was meant or not. She was trying to drive us to a process and we should get through our process through a collaborative process not a designed process.

Kathy said that there would be conversation later in this meeting on the process – we would re-look at it and see if there is another option.

Kathy said that the next discussion item was on the minutes. She received some comments from John Griffith and she presented them to the committee. John talked about Rep. Roblan's convened Nearshore Task Force; Mike Graybill said at the time 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 is bringing this up because the comments were not really part of the conversation. She 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 that foot note. No one objected so it is noted will be noted in these minutes and footnoted in last month's meeting that Mike Lane not John Griffith was asked to join the Nearshore Task Force. Mike Graybill said if we were footnoting, we should add Gus Gates who was also asked to be a part of that group.

John Griffith's email comments continued and said that when we got to the minutes right after the break, "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".

John requested that the minutes read: "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." The question was "is there a problem and how do you address it" was brought up again. Jan Hodder made the proposal that we just say that there are modifications to the minutes and include the above statements. **It was moved by Mike Graybill to approve the minutes as modified and was seconded by Don Peabody. The motion carried.**

Mr. Peabody commented further on the minutes. He felt that the first half of the meeting was well documented and the last half was more editorializing. Kathy Wall explained that we have a recorder for the minutes plus we take notes as we go along. She said at that point in the meeting, people were talking over each other, voices were not easy to identify and some were not caught on the recording. Based on the recording and lack of taking turns to talk, there was a lot of over talking and it was more difficult to get that portion of the meeting than when Loren was talking. When he was talking, someone asked a question and he answered with no over talking.

Someone asked if the tapes were saved. No they are digital and erased. Mr. Peabody felt that was the problem; he would like to be able to go back to the recording at some point if there was a question.

Mr. Graybill spoke up and said that the legal obligation for minutes is to record motions passed and decisions made. He said that there is no obligation to summarize. This is from Roberts Rules of Order. What we are creating is a meeting summary and there are no official guidelines on writing a summary; that is why you approve the minutes in the following meeting; it gives people the ability to correct what the group feels is wrong and then that will become the official record.

Mr. Peabody stated that this is a contentious issue and the minutes are the record of why we came to a decision. At some point in the future, what is said before another body like OPAC, the minutes become the back up. Mr. Graybill said that is why you have the opportunity to correct them at the next meeting.

Kathy Wall inserted that if the members feel that they need more time to consider the modifications to the minutes, and you want to postpone approving December's minutes, she is willing to allow more time.

Mr. Peabody asked that the digital records be retained with the written minutes. Kathy Wall said she would look into it.

Valerie Pena said that we should be able to download the minutes to a CD and keep them.

At this point Mike Graybill made a motion to approve the minutes as modified; Don Peabody made the second. The vote was approval.

Facilitation: Kathy Wall said she would take responsibility for her email. She did not put enough information in to clarify what Mr. Graybill was doing in looking for programs for funds that might benefit the group. Mike did a lot of research and Kathy thanked him. One thing that did come out of his efforts was that Kathy got an email from Bob Bailey for DLCD and he said that there were funds left over for facilitation from the OPAC process. He could allow this group to use them without any requirement except for a timeline. They have a contract for those funds for 12 months and we would have to modify it to match our time period. She asked if there were requirements of who the facilitator would be and was told no; it is OK to move forward however we want. Kathy is working on an application for ODFW for expenses for these meetings to cover meeting room, water, coffee, admin time, minutes etc. Cristen said that we could use a portion of that money for facilitation as well. We have access to a good amount of money that would get us through October time period. Kathy wanted to know whether the group was interested in accepting the funds for professional facilitation.

James Moore – What exactly are the funds needed for? What is it going to bring about? Kathy said it would be for getting into a better process; having a conversation about where the process we are using failed or could be improved; how you would like to have this conversation. Mr. Moore wanted to know why that costs money. Kathy said it would be used to get someone who has facilitation experience.

Kathy went on to say that the Port is a member of Special Districts Association of Oregon (SDAO) and has access to a facilitator through SDAO. She has talked to a man from SDAO and she has his bio for anyone who wants to see it. Kathy has heard from Crystal Shoji, who is a local land use planning facilitator and she is interested in working with this committee. Jane Barth who facilitated the OPAC process expressed interest early in our process. Kathy has not talked to her recently. Kathy also talked with Jon Richards who was with the Business Development Center through Southwestern Oregon Community College. He is interested and available. There is also the possibility of partnering with Crystal Shoji and Jon Richards or Crystal and George Dunkel of SDAO.

If you do not want facilitation, then you are stuck with Kathy. If you are going to go with Kathy, then the group needs to move into a conversation about a process that we can agree to move forward with and that will validate our decision in the end.

Jan Hodder asked Cristen Don what her group expects from a facilitator. Cristen responded that their RFP has the duties listed in their proposal. They include, providing facilitation at every meeting; help with recording the notes and summaries; work with the chair and co-chair which are elected by the team; develop each agenda; help the team to come up with a process; debriefing after the meetings with the chair and co-chair to see what resources need to be provided, speakers etc.

Jan asked if there was some kind of criteria required for the facilitation. Cristen said yes; years of experience, description of how they would implement the process; budget; and the criteria are scored. People applying know what each of the criteria is and after the team documents the scores for each applicant; ODFW is required to hire the person with the highest score.

Mike Graybill: This group has a distinct status in HB3013 because it just came into the process differently. The decision we have is different than the other groups, but the process that the other groups would use, will be similar to what we need to do; there are just different decisions. Recognizing that the Cape Arago group has been called out separately in HB 3013 and the Port has been tasked with assembling this community based group, is it the Ports obligation to report to the legislature or it is ODFW? If it is ODFW's obligation, then he wants to know why ODFW is not soliciting for facilitation services for this group as well as the others.

The Port will be making a recommendation to the State in general. The Port Commissioners will get a report from this group; and they will consider the recommendations and then send them to OPAC. OPAC will make the recommendation to ODFW. Before rulemaking, the State would have to do an economic analysis. ODFW can help but they would need more funding.

Gus Gates said he thinks having a facilitator could lighten the load on the Port. He is in favor of a facilitator – taking advantage of SDAO would be advantageous.

Don Peabody would like to table the facilitator process until the next meeting because there are members missing tonight who have gone through this process. He would like to hear from both of them before we make a decision. Mr. Graybill said that we have a quorum tonight so we can make a decision. Jan Hodder thinks we should be careful about holding meetings up because someone is not here. We need to move forward and work on finding a process tonight.

Mike Graybill thinks it would be advantageous to have someone be a facilitator who is not familiar to us as a group.

Kathy Wall said that the facilitator available from Special District is not from this area, he is not familiar with us or the subject matter. His rates are the best out of the few she

has talked to however we would be paying for travel. Kathy's feels her conversations with him show her that he would be good for this group.

Some questions were asked about who is Special Districts. It is small taxing districts, water, school, fire, police etc.

Jan Hodder asked about trying out some of the facilitators before we make a decision. Kathy Wall commented that we could but it would probably bring up some scheduling issues. It might take us off track where we would need more meetings. Jan thought maybe more than Kathy finding some people, asking who would be interested in doing facilitation and have them apply. Kathy said that yes we could do that, but the people she has talked to have said yes, it is something they would like to do.

Someone asked if the three best ones that Kathy chose could come on one night and talk to us. Kathy said she can arrange it, but she can't assure that they can all make it on the same day and it might involve changing the date of the February meeting.

Will funds have to be available to pay for the applicants? Kathy said that two of them are local. Someone suggested the applicants put their thoughts in an email. Kathy said that she thought that was too cumbersome. There are thirty five people in here, and Kathy would have to send all the information out, then she would have to send around all the responses etc.

Kathy asked Cristen what ODFW's time period was for accepting applications. She said the closing date was tomorrow.

Kathy will talk to the four people she has, and she will get with Cristen to see who is applying for that process. Mike suggested Kathy weed out the ODFW people. Valerie Pena said that she didn't have a problem with Kathy weeding them out, but she thinks that those people are totally focused in one area and she feels that they would not be unbiased. Cristen added that these are professional companies and they don't have an agenda. They know they are being hired for a controversial environmental issue located on the Oregon Coast but they do not know about the Marine Reserves issue.

Steve Bodnar has not seen anything yet that calls for facilitation – unless we are talking about someone who is going to be charged with providing information we have requested. Are we really at that point? He has not received any information he has asked for; he has tried to provide information as he runs across it. We have not even started talking about MR yet. We have talked about process; we have put in our wish list for what we think will help make a decision.

Kathy Wall said yes, she did think the facilitator could help identify what we need and find a way to bring it to the group, but also define a process that the group can live with that incorporates the information you have requested and be able to move it forward.

Steve Bodnar said if we are representing constituents then we are bringing to this group what they are concerned about. If we took a vote today, he knows how he would have to vote, it doesn't matter whether it is 8 months away or today. He has canvassed his people from Brookings to Newport. I don't need to be facilitated.

Mike Graybill: Our group represents a variety of capacities. Some can give/get feed back to and from people and some can't. Some are representing organizations which can give direction – but where does someone go to get feed back when they represent the public at large? Is Mike here because of the South Slough and he needs to go to his management for answers, or is he here because he can provide scientific expertise. He thinks the group has uneven membership. He feels we may have more people representing their personal opinions than representing the groups.

Kathy commented that maybe that is one of the issues professional facilitation can help us come to terms with.

Jim Pex said that this process is getting pretty drawn out. His suggestion is to pick a few people from this group along with Kathy to interview for a facilitator and then bring a couple before the group.

A facilitator does not make decisions but they do tend to filter which is one advantage of having one.

Gus suggested that this group pick a chair and a vice chair who would work with the facilitator to make sure that the groups wishes are brought to the table.

Mr. Moore thinks we need to have a consensus that we need a facilitator. That is one vote. If you decide you are going to have one, then you pick your committee to interview. Someone has to rule. This is the fifth month and we are still talking about process.

Mr. Poppe – I have contacted my constituents and it is very tough to explain how we have been stumbling around. I don't want to waste their time. Their concerns are economic impacts in the Charleston Community of a potential MR. Have we had any discussions about that? No. Have we gotten any direction? No. I think we need to vote on whether we want a facilitator and then vote on whether we should appoint a group to talk about it.

Jim's motion will express your interest in whether to have a facilitator again.

James Moore wants Jim Pex to put his motion on hold and then accept another motion to come up before it.

Mr. Pex said that the simplest way to do that was to have the vote and if you don't want to vote on it, just vote no. Then we can have a second motion.

Motion by Jim Pex: We pick four people from this group willing to volunteer to assist Kathy in a selection of a facilitator for the next meeting. Steve Shimotakahara made the second.

Count: 16 yes; opposed 3

Break at 7:18pm

The people nominated were: Jim Pex, Mike Helfrich, Gus Gates, Wayne Butler and Kathy Wall. It was voted and approved. They will talk to a few facilitators, choose one (or a team) and have them at the next meeting.

ODFW or anyone else can email Kathy with suggestions for criteria.

Mike Graybill: We need to agree to cooperate and allow the facilitator to lead and we will adhere to their process. The facilitator will have to have sufficient authority to control the group.

Kathy would expect the facilitator to establish the process with the group. Jim Pex said that his intent was for the small group to interview, they will make a selection and that is who it will be.

Wayne Butler said that SOORC approved a map on the complete fishing industry and it is approved for this committee.

Someone asked about the Chair and Vice Chair – Kathy thinks that is something we should present to the facilitator.

Gus Gates said that there is a new clearing house of information of the various activities happening on Oregon's nearshore and offshore. There is a section on Oregon's Territorial Sea Plan Amendment Process, Nearshore Research Taskforce and Marine Reserves. www.oregonocean.info

In Bandon next Friday is Ocean Policy Advisory Council Meeting from 9 – 4:30pm in the Community Conference Center.

Cristen said that there is new info on mapping that Chris Goldfinger is doing in conjunction with NOAA.

Dr. Rumrill would like the group to consider a whole series of presentations:

1. Mapping; characterization of the habitat and communities
2. Fish Communities/populations; what species we have and what habitat they are using; distribution and management of regulations they are under; status of populations.
3. Socioeconomic of ports, marinas and shoreline merchants
4. Look at the Marine Protected options that are available

5. Species we have here locally that are liable to benefit from the conservation efforts.

After we look at all of these, then maps should put together some arrangements of different levels of protection and then look at cost benefits of that analysis. Kathy Wall asked that Dr. Rumrill would bring those all back when we have the facilitator.

Mike Graybill said that he received the most recent summary of the characterization of the Commercial and Recreational fisheries in Oregon. It is a very comprehensive source of information; it breaks down the economic value etc. which he sent to Kathy Wall. Kathy said that she would send it out to the group. This report shows port by port information so you can see how Coos Bay differs. The report is from 2008 and it is compared clear back to the 50's. There are actually two reports, biological and economic analysis.

Kathy said that they will go through the facilitator process and Andrea will send out an email regarding where the February meeting stands.

The meeting was adjourned at 7:50 pm