

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
January 19, 2011; 5:30 p.m.**

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

MINUTES

Attendance: Steve Bodner, Wayne Butler, Roger Craddock, Gus Gates, Rick Goché, Mike Graybill, John Griffith, Mike Helfrich, Devin Hockema, Don Ivy, Dave Lacey, Mike Lane, Matt LeDoux, Bob Main, James Moore, Barry Nelson, Don Peabody, Jim Pex Sr., Bill Poppe, Reg Pullen, Dr. Steve Rumrill, John Schaefer, Dr. Alan Shanks, Bart Stein, Keith Tymchuk, Dean Warner, and Margery Whitmer.

Non-Voting Members: Crystal Shoji, Facilitator; Jamie Doyle, Oregon Sea Grant; Cristen Don, Oregon Department of Fish & Wildlife; Kathy Wall, Port; and Donna Scholl, Port.

Guests: Susan Allen, Our Ocean; Gail Elber, The World newspaper.

Opening: The meeting was called to order at 5:35 p.m. by Chairman Pex.

Opening Remarks & Updates

There were no opening remarks.

Approval of Minutes of November 17, 2010, and Public Comment from Bandon, Charleston and Reedsport Town Hall Meetings

Mr. Pex asked for comments on the minutes. Hearing none, he asked for a motion for approval of the November 17, 2010, meeting minutes.

Upon a motion by Don Ivy (seconded by Don Peabody), the Marine Reserves Recommendation Committee members voted unanimously to approve the minutes of the November 17, 2010, meeting.

Update on Town Hall Meetings by Jim Pex and Crystal Shoji

Prior to discussion of the town hall meetings, Mr. Pex asked John Griffith to give an update on HB 2190. Griffith recommended committee members read HB 2190, which can be found on the Oregon Legislature's web site. He said it doesn't have a name but was referred by the Interim Committee on Water and the Environment and is the second step of Rep. Arnie Roblan's bill, HB 3106, from last session. He said the new bill redefines community as any group of people who are like minded about ocean management. Mike Graybill asked what the bill was proposed to do. Mr. Griffith said it was to redefine community. It also takes OPAC's scientific technical advisory committee

out of the picture and forms a new group to develop a nearshore strategic plan. He said if it were adopted today the way it is written, OPAC and everything regarding Marine Reserves (MR) up to this point would be moot. Mr. Pex said it defines the membership of the new group, it cuts the agency heads, it includes an at-large person and commercial fishermen, but does not include any recreational language whatsoever. On page 5, section 12, bullet 3 the proposed language says, "If the committee is not set up to do its job, a new discipline needs to be recommended on the committee." Mr. Pex said he wanted to bring the information forward since this is a new bill that could have an effect on the MR process as introduced by Arnie Roblan. Mr. Pex asked if there was any discussion on the bill. Kathy Wall said Susan Allen of Our Ocean will forward to her some documentation that goes along with this bill from the Nearshore Task Force. She said the Port's legislative representative said the bill doesn't have good support from the ocean caucus and they don't expect it to have enough support to go anywhere.

Crystal Shoji asked the committee to discuss the town hall meetings starting with Bandon. Wayne Butler said that after talking to people who were at the meetings, there was concern that people wanted to get up and say things not related to the proposals or the process, rather they wanted to give their opinions on Marine Reserves. He said people were disappointed their comments were limited to the proposals and that they were not allowed to voice their thoughts. He said some people approached him weeks after the meeting with a complaint that the Port's web site was not up so they couldn't provide comments. Ms. Wall said she wasn't aware that there were any problems with the Port's web site. Mr. Graybill said he also heard comments and that it might have been the Oregon Department of Fish & Wildlife (ODFW) web site, which is where the comments were directed. Mr. Lacey said he also heard the Port's web site was not working. Mr. Butler said people didn't get up to comment due to the format. Ms. Shoji said there were a lot of people at the Bandon meeting, but there were not many comments. Don Peabody said he heard the same complaint from people who wanted to speak in all of the communities but didn't feel they were able to. Mr. Pex said the committee followed the process that was decided prior to the public meetings. People were asked to focus their comments on the proposals to keep the testimony focused on information the committee may not have had knowledge of. He said he attempted to keep the meetings focused as Dr. Shanks said he wanted to comment about the poster that was provided for the proposed Reserve south of South Cove. He said the comment he heard most was that people fished there. He said he asked them to pinpoint precisely where they fished and they responded they were fishing in 150 feet of water. He said he would point out the contour lines and give the meters for each, and those were outside the proposed MR and outside the Marine Protected Area (MPA). It appeared to him that people were not actually looking at the maps carefully enough to tell the difference between where they fish and where the Reserve was being proposed. Mike Lane asked if the 25-fathom contour was outside of the MPA. Dr. Shanks explained the map was in meters and probably should have been in feet or fathoms. It appeared to him that people weren't looking carefully at the maps and weren't differentiating where they fish versus where the MPA was proposed. Mr. Butler said fisheries were closed in to 120 feet and they had to fish inside the 120-foot depth the entire season last year.

Ms. Shoji asked if there was anything good about the town halls. Dr. Shanks said he talked to a lot of people and was able to correct opinions as to whether their favorite

fishing spot was actually a proposed MR or MPA. Mr. Graybill said he learned that this committee is well representative of the community, because he did not hear anyone make a comment that the committee hadn't already addressed. He said the information presented at the town halls might have been new to citizens participating, but it was territory that the committee had covered well over the past 18 months. Any input or feedback he received was borne out in the 373 pages of public comment. He said the committee explicitly solicited what was liked or not liked about the proposals and the public's knowledge about the specific sites. Ms. Shoji asked Mr. Graybill if he thought the meetings were a good format. He responded they were what they were and there was good participation at all three meetings, but in terms of getting new information or facts that hadn't been considered or discussed, he said he had not heard any new perspectives. Bill Poppe said he agreed with Dr. Shanks that some people had a hard time identifying where things were on the maps and that not everyone fishes outside 150 fathoms.

Mr. Pex said he had heard a lot about the tribal perspective and that he met with tribal elders after the meeting. He said the conversation was interesting and that the elders are a dominant force in the community and commented to him that they were going to fish wherever they wanted to. Ms. Wall said that committee member John Schaefer is at the meetings to represent the tribal interests. Mr. Pex asked Mr. Schaefer if he communicated with the tribal elders. Mr. Schaefer said it is just two of the tribal elders representing the most vocal part of the tribal elders. He said he is trying to get more input from the general council, tribal members and the tribal council to gain an overall perspective. He said at least one of the elders isn't clear on what the MR will restrict and that they are mostly concerned about the traditional gathering in the intertidal area. He felt the areas they are currently gathering in are already restricted by the Cape Arago Intertidal Research Reserve. Mr. Pex said the tribal elders had commented how there used to be a lot of smelt and how they have now disappeared. Mr. Pex asked if there had been any scientific studies done in support of their observation. Dr. Shanks said the eulachon smelt are being listed as an endangered species. Mr. Pullen wanted to clarify that this was not the surf smelt that the tribal elders were talking about, but a Columbia River smelt. Dr. Shanks confirmed that it was a different smelt but in the same size class. However, he said, they are by-catch, and if they get listed it's a problem. He also did not know whether shrimp by-catch is impacting surf smelt. Dr. Shanks said that eulachon smelt are not in this area and do not spawn here.

Mr. Bodnar said the trawl fishery has been charged with removing the small fish from their shrimp catch and that they successfully remove the big fish from the catch. This year they will use a different net modeled after a Canadian net to separate the tiny fish from the shrimp. Tests show the small fish can be eliminated, which the fishermen are happy about because they would rather have a clean catch.

Mr. Nelson said he hoped the committee members are not saying that the tribal elders don't know what they are talking about. He said they have some interesting views and have attended quite a few federal management meetings. He said their views are very pertinent as a user group and the committee needs to remember that there are only three user groups – sport, commercial and tribes – and they are all supposed to be equal. Mr. Schaefer said that Mr. Nelson had a very good point in that the tribal elders are very knowledgeable, but they have a very narrow focus. He said they know what is out there

and they know how nature works, but when it comes to regulation they don't know as much. Mr. Schafer said he has explained several times the MR won't impact the intertidal area and that there are already regulations, not MRs, that create restrictions some of the tribal elders are disregarding. Mr. Schaefer said he has a lot of respect for the tribal elders. They do a lot of good, and they are probably the most active members of the tribe in getting things done. Mr. Nelson said they have a point in that the government has been taking things away from them for a long time.

Mr. Peabody asked Cristin Don if any of the MRs have had special rules put in place for the tribes. Ms. Don said ODFW consulted with the Siletz Tribe on the Otter Rock Marine Reserve, because the tribe has intertidal gathering rights. ODFW is going through a process now to meet with tribes at other sovereign nation gathering sites to talk about what is going on and whether or not they are seeing any potential issues. If there are issues, there will be formal consultation with each of the tribes. She said this is government to government and they are not stakeholders but sovereign nations with treaty rights. She said any recommendation from this committee will be a separate consultation. Mr. Peabody asked that if in fact the committee could create a no-take MR for scientific purposes, that it still would allow takings by the tribe. Ms. Don responded that there is the potential.

Mr. Graybill said he sat at several different stations at the different meetings and it was clear to him that the public does not distinguish between a MR and a MPA. He said it was a growing pain that the committee went through. When he explained the difference and what activities would or would not be allowed, he was not successful in communicating the difference to everyone. People either chose not to distinguish or he didn't communicate effectively enabling them to make the distinction. He said there is a large-scale misunderstanding distinction between what a MR is and what a MPA is. He felt it diminished the public's ability to comment thoughtfully and if he was to criticize the committee's process, the committee failed to make the distinction clear enough in the introductory comments.

Mr. Lane said there is a perception in the community that whether an area is designated as a MR or MPA, the system won't hold the line on whatever decision is made. Mr. Graybill said there is clearly a lack of understanding in what was explained and there were others who openly expressed distrust for mission creep, and this committee discussed that concern at length.

Ms. Wall submitted comments that were made by e-mail by Valerie Peña who requested they be made part of tonight's meeting minutes. Following are Ms. Peña's comments:

“Dear Committee members,

Unfortunately I am unable to make the January 19th meeting due to illnesses of both my parents. However, I would like to add my comments to the assessment of the December Town Hall meetings. After almost 2 yrs with the Marine Reserve Recommendation Committee trying to work together in a possible compromise solution my disappointment is great that the port seemed to be pushing hard for

the Town Hall meetings to be completed by December. I understand their financial restraints but felt the timing was bad for true input from the general public of our coastal communities.

“December is already a very busy, short month due to the Christmas and New Year's Holidays. People are busy shopping for gifts, attending special holiday and family functions and generally feeling too frazzled to attend yet another meeting. Many folks from my community expressed a desire to attend or make comments and said they just didn't have the time, energy or had other commitments. Many of our business people were busy with extra business hours getting after work shoppers into their stores. With an almost 13% unemployment rate our local economy is suffering. Our business people have to work extra hard for fewer dollars. I believe it was unfair of our committee to exclude them from our process during this month.

“Even our own committee's commercial fishermen expressed to the committee at the October meeting that December was not a good month due to their opening of crabbing season on December 1st . They stated they would not attend as they would be working all during the Christmas seasons. Our meeting attendance was down in Sept, Oct. and Nov due to our fisherman representatives working. I believe other members were intimidated into accepting the December Town Hall dates and some just wanted to be done with the commitment to the committee. Town Hall participation by our committee was lacking.

“When OPAC recommended that the Port hold these committee meetings it was due to the local people who previously testified that they had no participation in a process contrary to what the pro marine groups had testified. This committee was tasked to get community input. In October our Vice chair requested that the pro marine organizations not compromise the work we had done together by bringing in bus loads of out of town Portlanders and other cities to testify. They mostly kept this request at the Bandon and Charleston Town Halls. Reedsport was another story as the majority of those who took the allotted 20 slots to speak were taken by members of pro Marine groups from the Portland, Corvallis, Eugene and other inland cities area who offered no compromise only ultimatums. It was apparent that they were well organized in advance. This was intimidating to the predominately local Reedsport area audience who were not biologists or organized pro marine advocates paid to attend these meetings. Those locals who had planned to give verbal input were unable to do so when they found all the speaking slots were filled by out of area folks.

“The comments received by our committee and ODFW online were word for word identical, one paragraph comments, several with pages of names, addresses and phones but no personal signatures. These comments did not address the task to give input on the 4 proposals put before them. This committee was charged with not doing any social or economical harm to our own communities. The cards and comments from out of town entities showed a clear lack of understanding of our local heritage, social, economical, historical, geographical area. Reading each one wasted our committee's time.

“All and all I feel that the pro marine advocates have clearly subverted the purpose of our Town Hall meetings.

“Further, by this action, I believe that we are obligated to the people of Coos and lower Douglas County to include with the written and oral comment from the Port of Coos Bay town hall meetings those comments received at the Oregon Sea Grant, Reedsport, Bandon and Coos Bay public outreach meetings and all testimony from the people of our communities at the Charleston, Reedsport and Florence OPAC's previous Marine Reserve meetings with any Marine Recommendation forwarded from this committee. The comments from those meetings were directed at any Marine Reserves in the area between Cape Arago and Bandon not just those OPAC had received as proposals. As such these comments represent our community far more than the general comments of organized pro marine organizations.

“I respectfully ask that the Port include my comments with the Committee's meeting minutes of January 19th, 2011. Thank you, Valerie Pena, Public at Large member, Oregon International Port of Coos Bay Recommendation Committee”

Mr. Griffith said in the written comments it was apparent one group didn't get the message that it wasn't supposed to be an election, because there was one comment where 378 people signed it.

Mr. Ivy asked for a show of hands of those who attended all three town hall meetings, a show of hands from folks who attended at least some of the meetings, and then a show of hands from those who attended no meetings. Mr. Ivy said he had prepared remarks which were sent by e-mail that he would like to have submitted as part of the record. Mr. Ivy said that he had attended all three public comment meetings. Following are the written comments he submitted for the record:

“Marine Reserves Discussion: Observations, Extrapolations and Opinions From Notes Taken at Public Comment Meetings And From the Public Comment Records, Submitted by Don Ivy, Committee Member; Public at Large January 13, 2011

“There Seem to be Three (3) General Categories of Responses:

Out of Towner's who predominately favor “reserves”

Both in the public meetings and the in subsequent written responses, non-locals overwhelmingly support “reserve” concepts; and appear to be representative of even larger alignments of supporters and advocates.

“Locals who adamantly oppose any additional marine regulations

More so in the public comments than in the written comments, these are either folks who fish; are part of the fish economy, and/or folks who are generally suspect of regulations and/or regulators whatever the situation.

“Locals who generally favor “reserves,” but not necessarily what’s been proposed
In both public and written comments, these folks represent the most mixed-bag of opinions, sentiments, and arguments in support of doing something; but what that something is, is not categorically a “reserve.”

“Counting the Yea’s, Nay’s, and Ambiguities: the Yea’s have it!

Counting every public or written comment as either a yes or no or maybe, “Yes” wins. Count the Maybes with the Yes’s and it’s overwhelmingly Yes. Count the Maybes with the No’s and the Yes’s still win.

- However, none of the “Yes” can be construed as being in favor of any one or all of the alternatives. Yes can only be interpreted as being in favor of... what?
- The “No’s” also should not be construed as being opposed to any or all of the alternatives. No can only be interpreted as being against... what?
- The “Maybe’s” can be similarly construed; and probably would be best summarized as being supportive of stewardship... whatever that means.

“So, What is the “What?”

The “What” is an acknowledgement in virtually all comments that Cape Arago has values and attributes that inspire a lot of passion and a lot of opinion. Painting those values and attributes with a very broad brush:

- only headland/rocky shores/outer-coast environment that is immediately adjacent to a major estuary;
- only headland/rocky shores/outer-coast environment that is immediately adjacent to a large urban and urbanized population center;
- only headland/rocky shores/outer-coast environment that is immediately accessible to a substantial and year-round ocean commercial and recreational fishing fleet;
- there is no other “cape” or “headland” that has all these physical characteristics;
- arguably the most (and most diverse) land-based constituents- both uses and users;
- arguably has more resource management overlays on it than any other similar place;
- arguably is “critical habitat” by any eco-biological or socio-economic measure.
- scientific inquiry happens already- doesn’t require a reserve.

“Summary: Cape Arago is a “high-value” place that can’t be measured by the economy or sustainability of any one group of uses or users: ocean-going or land-based: it has value to all of us.

“But Not All the Public has Spoken

Who else needs to talk? And when might they?

Some or many organizations may reserve their comments until there is a clearer picture and/or a definite proposal from the Committee; or they may wait to communicate directly with the Port and the Governor’s Office. Or they may recognize all this as still a long row to hoe; and will deal with it if and when it ever gets to the Legislature.

“The ‘Tribal’ voice. The Coos Tribal Elder’s comments serve a Reminder. There are two local Federally Recognized Tribal Governments- and perhaps the Confederated Tribes of Siletz too- that may have things to say about Cape Arago. While Tribes may have been less visible or vocal in the past, any Tribal assertion of “sovereignty,” “reserved rights,” or “federal trust relations” that is made today will need to be tested. The State of Oregon also has special Government to Government relations with all of Oregon’s Federally Recognized Tribes; which might reveal themselves differently here than elsewhere along the coast.

“The Federal voice. There is a USFWS Oregon Islands National Wildlife Refuge matrix; and the unique status of Gregory Point-Chief’s Island brings an additional federal presence (i.e. Confederated Coos Tribes and BIA) into the discussion.

“Local Organizations. Various state-sponsored agencies, NGO’s, civic groups, local industry, and local governments will be looked to by the Governor’s Office and the Legislature.

“Individual Recommendation Committee Members. Committee members may have things to say that were not brought up during the 18 month process.

“The Committee or the Port? If indeed other/additional comments are desired, will they be solicited as part of some continuation of the Marine Reserve Recommendation Committee process? Or will they be solicited as part of the Port’s Public Comment Process once a proposal is ready to advance to the Governor’s Office?

“Next Steps: In My Opinion

- Recognize there isn’t a product to deliver to the Port.
- Recognize that “NO” is not an option.
- Recognize that that a “reserve”- at least by definition (“no extraction”) probably ain’t going to work at Cape Arago (certainly not one big enough to satisfy criteria).
- Get concurrence from Governor’s Office for Port to continue Process (up to 12 months).
- Get concurrence from the Port that Committee Process shall live on.
- Committee agrees to establish a smaller “Working Group” that will try to come up with something- by definition and description- will meet every month.
- Committee agrees to function as a Steering Committee; will meet every three months to review Work Group efforts.
- Port continues to facilitate Committee and Work Group efforts.
- Port sends something to the Governor in first quarter 2012.

“In the End; More Opinions

The Committee’s Alternatives did not meet the test of coalescing public opinion around a singular proposal or concept.

“Unless the political winds have completely shifted, the MR-MPA discussion is still alive; and Cape Arago is still in play. There’s still an opportunity to do something for ourselves before it get’s done for us or to us.

“END”

In addition to his written comments, Mr. Ivy felt in his opinion the committee’s alternative did not work. It did identify for him at least in the written record and the notes he took in the meetings, and in the CD of written comments, that there is a general public that is in favor of some sort of management activity that either articulates that we are taking care of things or expresses that we are going to do a better job. He said that unless the political winds completely change, there is still an expectation that Cape Arago is going to become a subject in this whole MR conversation, and this community is either going to do it for itself or someone is going to do it for us or to us.

Mr. Bodnar said that Mr. Ivy made two references to multiple CDs of public comment and asked if there were multiple CDs because he had only received one. Ms. Wall confirmed that there was only one CD.

Mr. Griffith asked Mr. Ivy about his second bullet “Recognize that “NO” is not an option,” but then the next point indicates “no extraction” probably isn’t going to work. He said the committee has been using the OPAC definition of no fishing, and asked Mr. Ivy to clarify his statements. Does it mean since a MR encompasses no fishing that it isn’t an option either? Mr. Ivy responded he was saying the concept of a MR by definition forbids extraction. The committee can’t just say “no,” thinking that this is the end of the process. The committee has to offer the alternative if it decides there can’t be a MR for all of the values brought to the table. There has to be something that speaks to the spirit and the intent of the whole MR conversation. If a MR is what the community is going to have, then the committee has to change the definition of it. Members have to influence someone to recognize that, at least in this area, they cannot consider reserving places for no extraction. He said there has to be some way to accommodate the current users, maybe through processes that are grandfathered over time. Mr. Ivy said it might be possible to freeze uses to what is allowed now, and move from here to some other desired situation. But, he said, the MR definition being debated simply isn’t an alternative. Mr. Ivy said in his opinion the committee cannot have “no extraction,” because there are many uses and users the committee has identified.

Mr. Peabody said that in considering other voices, government groups including Bandon, Reedsport, Coos County, Charleston and Coos Bay have good representation. He said there may not be representation for the Audubon Society or some of the other groups, but overall representation is solid. He also wanted to comment on the belief that Cape Arago is a “one-of-a-kind headland,” with which he disagreed. But if he were to agree, it seems to him that this headland allows fishing and is close to a major urban center, which gives the public access. He said Cape Perpetua, even though it is a cape, is different in that it is not a main population center on the coast. Cape Arago has a fishing area that attracts people from all over the western states. He said there are boats from California, and as far away as Wyoming. They come specifically because they can access fishing close to a major urban area. He said rather than that being a reason to protect the area, it is a reason

not to block fishing. Mr. Ivy said he didn't disagree with anything Mr. Peabody said and it is one of the things that make this interesting and unique. He felt these factors bring passion and interest to Cape Arago and give it more complexity in terms of how to respond to the question of management.

Mr. Ivy said he is not saying he has criteria for or against, but it is a lens through which many people look. How a person looks through that lens influences how one thinks about what ought to happen. Mr. Tymchuk said he disagreed with Mr. Ivy and wasn't sure there was a process more encompassing than what the committee has already been through. He said there were three public meetings that were very well attended. He suspected none of the other processes have been as elaborate or involved in seeking comment from various bodies of the public as this one has. He said if "no" is not an answer and Reserves by their traditional description don't work here, didn't one of the options offered fit both of those parameters, with one section as a Reserve and one that's not. He asked: Wasn't the idea to create a large MPA that allows current uses and doesn't that kind of fit the example? Mr. Ivy said it may and he wasn't trying to say that he had the answer. He was simply saying that he didn't feel the group had the answer to give to the Port. He said the committee's challenge is to recognize that the committee had a remarkable process and is well represented, but some members need to go back to their respective organizations and talk with their boards. That is a voice the committee has not heard. He said the committee doesn't know how those bodies will vote. If they have a public hearing and that hearing turns up a bunch of people, the outcome is unknown. There are public voices in public processes that have not been entertained and he wants the committee to remember that.

Mr. Bodnar said he wasn't able to attend any of the outreach meetings but as soon as he got the CD he created a database for the comments. He said he wasn't surprised to see there were 355 in support of a general, not a specific MR concept, just a general good feeling. He said a lot of the names were duplicates with some names appearing 9 times. There were several from New York, North Carolina, New Jersey and several from out of the country that provided testimony. He said he had to take those 355 with a grain of salt. He said Option C only had one supporter who was a local male. There were four that liked Option A with one local female, two local males and one non-resident male. There were 101 local no's (30 females and 71 males) who signed up for the no's in the public comment and only two form letters in the whole batch. He said he didn't go to the meetings. If he had to look at what was presented on the CD and people who really had a care to express their opinion, it was the 101 local people who said "no." They wrote comments. It wasn't just one comment that they were stamping their name on. There were some feelings in there about what they desired.

Mr. Bodnar said he was moved by a couple of the comments. He said he had phone calls when he got back into the country from people that filled up his tape machine. He said he had expected them to be here and he was moved when a person said this is the wrong place for a MR and he had an alternative that he would like to see discussed. Mr. Bodnar said he wasn't going to present those views because the individual was best qualified to do that himself. He said as he looked at the results on the CD, he was moved by the amount of support for not having a MR with good reasons including "I fish there. This is a place where we can go out, even in bad weather or somewhat bad weather, and not risk

our lives.” He said the form letter was an absolute turnoff and that he looked at every single page and every single name.

Mr. Pex said there were representatives from local government at the meeting tonight and he wanted to hear from each one of them. Mr. Tymchuk said he has had no comments made directly to him from Reedsport residents saying “yeah” or “no.” He said he did attend the meeting in Reedsport. He said his perspective from the local voice at the Reedsport meeting was they wanted the least invasive form of action. He felt Mr. Bodnar’s point was very well made in looking at the CD and hearing some of the voices at the Reedsport meeting that there was support for an idea but when it came to specifics, Plan A, Plan B or Plan C, people who spoke in Reedsport either spoke in support of a MR or a MPA, but generally spoke instead in terms of a concept. Mr. Tymchuk said the local Reedsport people generally were opposed, which is not exclusively opposed. He said no one has spoken to him directly, sought him out, or left messages on his phone.

Mr. Craddock said no one has come to talk with him or call to say they are either for or against. He said the City plans to bring it up at a City Council meeting for discussion in about a month. He said the City has heard nothing at all from constituents.

Mr. Main said he has received no comment from either the public or the other commissioners, or any comment in passing. He said there seem to be a lot of people from outside the area who are very passionate about having a MR. The folks who predominantly live here are very wary of MRs. The wave energy farm proposed just offshore of Reedsport seems in his perspective to be some sort of *defacto* reserve.

Mr. Pex said that when the committee process was established, it was decided that at the end of the town halls meetings the committee could take any proposal and make modifications to it if it would better suit the group. Although the committee has not voted that this is the proposal that needs modification, it doesn’t necessarily have to follow those steps. He said he agrees with Mr. Peabody that a MR is a bad idea just because of location – the proximity to the Port, the number of people who utilize that area. The other OPAC proposals are much more removed from a large population base. In general, he felt there was enough opposition to a MR, that the committee should arrive at the point of considering a MPA. But everyone is fearful of mission creep, which leads to the top bullet in the whole process. The top bullet is a letter from Governor Kulongoski that says he will support this committee’s process, yet now there is a new Governor for the next four to eight years. Mr. Pex felt the committee may need to go back and renew the letter to the Governor to get some guarantees. He said he learned at the last OPAC meeting that even if this committee makes a decision, ODFW may put a halt on the entire process for the next 10 – 15 years to give time to fund studies in support of the program. Ms. Don said there is an additional recommendation to the Legislature that once an area is designated into the system north of Cape Blanco, no other reserves would be considered from Cape Blanco or north for 10 – 15 years. Ms. Don said an evaluation also could determine whether to take away a designation. Mr. Pex said it is a generalization and perhaps this committee needs to send another letter to the Governor.

Mr. Warner, who represents the Reedsport Chamber of Commerce, said the Reedsport community has steadfastly voted to oppose any MR or MPA. He said he felt it was partly

due to the recreational potential – the loss of tourism. Since the community lost logging and everything else, it can't afford to lose tourism. He said four of the speakers at the Reedsport town hall meeting came from Portland. One represented the Sierra Club, one person represented himself as a scientist with bachelor's degree in biology, and there were two young ladies, one of whom didn't think any of the proposals were large enough. He said many people fear that once ball starts rolling, it won't be long before the whole coast is closed to fishing. They have tried to close the beaches. He felt these were factors that needed to be taken into consideration. Mr. Warner said he follows what his group tells him, which is to vote no on any MR or MPA.

Ms. Whitmer, who represents the Charleston Merchants, said she has sent e-mails a number of times describing the process and commenting on the committee's outcome. She has asked people to call or e-mail her with their input and no one has. She said she is a member of the board of the Charleston Merchants and all comments there have been opposed to a MR or MPA. Ms. Whitmer said through Ms. Peña's comments, and previous input at meetings about MR through the OPAC process previous to this, many merchants had given input. She said she hoped that input could also become part of the record for this process. Ms. Shoji asked for clarification. Ms. Whitmer said that previous input OPAC requested from local entities regarding MRs and then submitted to the Port should also be included in this process. Ms. Wall said those comments had not technically been submitted to the Port, but they are available from OPAC. Mr. Tymchuk disagreed with Ms. Whitmer and said he would be wary of including anything that had not formally been submitted as part of this process because that would open up a can of worms. He said he felt the committee would be better off just looking at the information that has been submitted to this committee.

There was a 10-minute break in the meeting at 6:40 p.m.

Ms. Don said the state is entering into a new legislative session in February and there is a MR policy bill that will be constructed and give the State orders on how to proceed. It's likely that if a recommendation comes out of this team for an actual site, there will be direction on how to move forward with that recommendation. If this process continues or there is a recommendation for a site somewhere else, she didn't know how that would be handled. The bill will also provide input for additional recommendations that come up through the validation teams and the OPAC process. If strong recommendations come out and are designated, the State will not consider any new MRs for 10 – 15 years. That eased some teams fears about mission creep. Ms. Don said she wanted to give the committee a "heads up" and encouraged committee members to talk with their legislators. Rep. Arnie Roblan will be actively engaged in writing a recommendation with his bill. Mr. Tymchuk asked whether that covers the mission creep from MPA to a MR. Ms. Don said whatever is recommended has to fit the OPAC intent. If the committee comes up with a recommendation that protects habitat and biodiversity, it needs to demonstrate the site will do that, or that it will fit into a system of reserves. She said this was one of the issues with the wave energy site being designated a MPA. Technically it could be a MPA, but wouldn't fit the intent of OPAC's definition of a full MR, which protects habitat and biodiversity, and the intent of HB 3013. It would not fit into a system of reserves that the State is trying to validate for the next 10 – 15 years.

Mr. Tymchuk said that very issue came up today at the wave energy meeting and OWEB was going to adopt a policy statement stating that the State couldn't allow any wave energy parks developed in State waters to include MPAs. Ms. Don said this process with OPAC's definition in HB 3013 doesn't mean it couldn't be a stand-alone MPA for a different type of conservation. Ms. Wall asked for clarification on an MPA associated with wave energy. Does a standalone MPA fit in the system or does there have to be a MR element associated with that to make it fit into the system for HB 3013? Ms. Don said it would be very difficult to argue that you would be able to provide full protection for habitat without some nugget of a MR. She said it could be very small, but it would be difficult to argue that you would be protecting the ecological criteria.

Mr. Nelson asked when they were going to start a research program. He said that has been one of the main complaints; there has been zero research. He asked whether the bill would require only research in a MR. Ms. Don replied that was correct. Mr. Nelson said he wanted to make sure that research is done so that that people can request it if they see a problem. Mr. Pex said the committee does not have a deadline to make a decision prior to this legislation. Secondly, if the committee decides to make a strong recommendation for another area such as south of Bandon it might satisfy the legislature as well, and it might put together another group to consider it.

Mr. Poppe asked about the e-mails the Port received and was curious about the protocol and asked if they were recorded as they came in. Ms. Wall explained a lot of the e-mails came from ODFW and she wasn't sure if they had been recorded chronologically or not. Mr. Poppe said the ones that caught his eye were the ones that were horizontal and they had "no marine reserves" and gave the person's name and address and then there were some that were emailed with a statement and a whole bunch of printed names and addresses. He asked if that was someone's club membership or did they actually e-mail those separately. Ms. Don said they had been emailed separately and their assistant added everyone's name after the same statement. Mr. Poppe said there were some that were addressed "Dear Marine Reserve," which he didn't understand. He wondered if those that came on a similar or basically the same statement and then signed individually would be given individual consideration or lumped together collectively. He asked whether the Port or the State would make that decision. Ms. Shoji explained that the committee agreed comments would not be tallied. Mr. Poppe said he was curious if they would be lumped or would the committee consider the fact they are the same statement. Ms. Wall said the ones that were horizontal or handwritten forms were the forms passed out at the town hall meetings. Mr. Poppe said he understood that and those had personal comments. Ms. Wall said the committee also accepted submission by mail and hand delivery. Mr. Poppe said he would tend to lump those that had the same statement together, because it was obvious that someone printed and handed them out so all they had to do was sign their name. Mr. Pex asked if there would be value to have the Port go back through the comments and break them out. The committee did not think so.

Mr. Graybill said as much as he would like to control the decision about a Marine Reserve at Cape Arago he had to acknowledge that he was not going to be able to do that. He said he wanted to point out while this was a very important decision to all committee members, it was important to remember "who we are and what we have been volunteering for." He said the committee was constituted because the Port of Coos Bay

has been actively participating in a decision-making process that preceded the formation of this group, after looking at OPAC and proposals that had been submitted for nomination. The Seven Devils proposal was submitted in response to a very short deadline. The evaluation criteria that ODFW was going to use was whether or not there was significant community input on the proposal and whether the proposal had scientific merit. He said the Port picked up the proposal that OPAC had rejected and said they would get public input on this proposal. This committee was formed to provide public input on the Seven Devils proposal and the Port agreed to collect community perspective on potential Marine Reserves in the Cape Arago region.

Mr. Graybill said it was also identified in Senate Bill 3013, which will soon expire, that the Port would lead the public input process. He said the committee is advisory to the Port of Coos Bay. This is a larger advisory committee than the Port typically uses to make decisions that are much more important and of much greater significance. The committee has gone beyond its charge to reach out to the community to see if it could gather even more input. Mr. Graybill said committee members represent this community and the meetings have demonstrated that. The committee's time has been spent determining whether there is some place, any place, that this community could tolerate or accept – something that might bear the designation of Marine Reserve or Marine Protected Area. Almost all of the committee's time has been committed to finding a place that the community might be able to tolerate or accept in some way, not endorse. The committee has spent 18 months doing this analysis and it is overdue.

Mr. Graybill felt the committee has confirmed that it has done a good job and felt the committee could submit a report to the Port with absolutely no expectation that the Port do anything. The Port can elect to take no action on the recommendation. The Port may do that because if bills don't pass, there is no legal mechanism to carry a recommendation forward. He said he thought the committee could report back as much as it reported at the public meetings, that it looked at 10 sites. It identified two sites outside the scope of the area. It identified a couple of other sites that people could tolerate. The committee has done no review of scientific merit. It just looked at social tolerance or community acceptability. Mr. Graybill felt it was inappropriate for the committee to think it has the skills to evaluate the scientific merits or the ecological significance of these sites. It should be a separate body that is constituted to make that evaluation. Mr. Graybill said he was prepared to advance a recommendation to the Port of Coos Bay, do it proudly and say, it used a process that was as comprehensive as possible for a bunch of volunteers.

Mr. Lacey said he didn't want to discount the voices from the Willamette Valley and while they don't live here and they don't understand how the coast works, they are the biggest driver of the economy. It is not the people from Charleston that are going down to Bandon; it is the tourists that come to the area. Mr. Lacey said he agreed that the committee has not done an economic study on how any one of these sites might affect the community. He said he remembered one person saying in Charleston that it would ruin his business. Committee members don't know what is going to happen. There is no science or economic evaluation, so it can't make any sweeping judgment. He said the report that ODFW put out testifies to the value of the tourism dollars and most of it comes from wildlife. It's not from people who come here to go fishing. He said there is a certain percentage that comes from fishing, but the majority comes from going to the

beach, taking pictures and looking for wildlife. Mr. Lacey said he didn't feel the committee had made that analysis yet.

Ms. Doyle said to Mr. Butler that he had mentioned there were people at the Bandon meeting who didn't feel comfortable commenting because they wanted to comment in a different format. She said Mr. Peabody mentioned that a bunch of people had talked to him that they hadn't commented either. Ms. Doyle asked if that meant they didn't comment at all or that they commented in a different fashion. Mr. Butler said most of those provided written comment. He said a good portion of those people had been at public meetings that were previously held where they were able to comment in an open forum and they gave their opinions at that point. The recent town hall meetings were not an open forum where they were able to give their opinion. Rather, it was basically asking what they thought about the proposals, what the committee might have missed and what they might not have wanted. Ms. Doyle said she found it interesting that they didn't want it to come out that this committee didn't take public comment well.

Ms. Doyle wanted to correct Ms. Peña's letter where she mentioned that the locals didn't have time to give input, because the slots were filled. She didn't think that was true. The Reedsport meeting ended early and people were added at the end. Ms. Shoji said people were always given an opportunity to speak. Ms. Doyle said she felt that while they might not have felt comfortable, and while she couldn't speak for anyone on the other side that wanted to make public speaking comments, she didn't feel that was accurate. Mr. Tymchuk said he wanted to make exactly the same point because at the Reedsport meeting everybody had a chance to speak. He said he knows the Reedsport people fairly well and he wasn't sure that anyone who was there was intimidated by any of the other speakers.

Commissioner Main said at the Association of Oregon Counties Conference last November in Eugene, there was a sub-committee of 34 people comprising all commissioners concerned with coastal issues, ocean policy, etc. They voted on whether to have any more MRs. He was very surprised there were 3 or 4 in support and all the rest voted no.

Mr. Nelson said the point made earlier that there has been no economic study is not really true, because there was one done through the city, through ODFW, and it determined that somewhere around \$250 per man, per fish, per day, came into the local coastal communities and that is vital to the economy. He said there are 8,000 to 10,000 people coming into Reedsport, which is a huge amount of money to that community. At the prior meetings in Reedsport, people came in from the business community and asked who would be harmed. He said it was totally astounding the amount of money that can be lost. It showed directly especially when fishing was curtailed by regulations in the area. He said there are official studies. When it comes to the valley, the people in the valley are the ones local people are conscientious of and worried about, because it is very easy for people to shut down a fishery. He said he wanted to challenge a statement made by someone earlier, that it isn't true that people are anti-regulation. What the people are against are too many regulations. Mr. Nelson said people have been in a pre-environmental mode for 30 years now, since the Magnusson Stevenson Act, and everyone knows that it's important to save the environment. The community relies on

money coming into Reedsport from the tourists. Mr. Nelson felt the bottom line was there is no biological reason for a MR, so it is very difficult to defend closing an area to fishing. He said last week he received a survey from NOAA where the agency said this is the first time in 100 years that it has been surveying that there is no overfishing in the United States. That is not to say there aren't some little problem areas, but the state of the fisheries has been improving, and one of the reasons obviously is because fishing is decreasing. Mr. Lacey said what he meant is there has been no study done on the committee proposals and he agreed with a lot of what Mr. Nelson just said.

Mr. Lane said he wanted to weigh in by representing the City of Bandon and the number of people who he has talked to there between the chamber of commerce members and the city manager. They are questioning whether a reserve site would affect their city because they are concerned about the economy. He said they don't have a real knowledge or feeling that there is a biological concern. Mr. Lane said he often hears about the pilot projects, because people feel there have already been some MRs set aside and they are wondering why the committee is trying to push more reserves before there is feedback from the pilot projects. They wonder if that is going to dilute the funding that has been set aside for research. He felt a lot of people in Bandon aren't necessarily for or against it, but they prefer to wait and see. Mr. Lane said one of the problems he has with trying to give them direction one way or the other on any of these different proposals is that they don't meet the size and space criteria. He also can't guarantee that if there is an MR that nothing would change or that it wouldn't be deemed inadequate and trigger mission creep or rejection.

Mr. Griffith said as far as the process continuing indefinitely, he recalled in the second meeting when the Port's Mike Gaul was still here, there was the suggestion that the committee should just vote then and there would be no need to have a process. However, the committee felt the need for a process. Secondly, the desire to evaluate was to allow for time to consider the economic and social effect. He said fishing is a beneficial use of the ocean, just as drinking water and domestic water use is a beneficial use of unpolluted water. People do not have to prove their use. There can't be any diminishment of land use unless there is some sort of mitigation. He said fishing is not a land use. ODFW does not run its fishing regulations past LCDC, so there is no obligation on the committee to prove anything. He said as a matter of fact, even in Kulongoski's remarks to the fishermen he said that MRs won't have an effect on significant fishing opportunities. Cape Arago certainly has significant fishing opportunities. Mr. Griffith said he meant no disrespect to Mr. Ivy, but he believed that "no" is an option because in November 2008 OPAC voted out both Cape Arago proposals. They voted them out and the Port came forward and agreed to appoint a committee to do the process. Mr. Griffith said he will be willing to join anyone else willing to petition the Department of State Lands to do a ban on the harvest of *Macrocystis* either recreational or commercial, because people do fish there. He felt it would be a responsible thing to do. There wouldn't be a big backlash, and hopefully no one is collecting it now. Mr. Griffith said Governor Kulongoski's guidance on MRs should be important to the size and spacing criteria. He said an MR is to be large enough only to allow study depending on the selected project. It could be a lot of little projects, but they should be small enough not to have any sort of deleterious effect on the social aspect. This has nothing to do with the conflict with ecologists in 2008.

Mr. Pex said OPAC operated on the process of the Governor's executive orders. He provided orders, OPAC was picked to carry them out and it didn't work. The process changed from the bottom up. He said, for example, a manager in a business who has problems in the business knows those who are closest to the action have the most accurate facts on which decisions are based. With that in mind, when the Port takes a look at whatever comes out of this committee, he felt the Port would know that this committee has a better feel for the issue than those people who sit on the Port Commission. He said he knew OPAC was very much in favor up north of having local committees and local citizens to come up with the answer rather, than to leave it for statewide organizations. Mr. Pex felt the Port would follow whatever the committee decided. He also felt it was important to realize the committee is never going to write a consensus, but it still must move forward. The committee has steps to go through before it makes a final choice. One of the final choices could be made tonight. It doesn't mean that the area isn't going to have a MR. It just means the committee wants to see how it works with the other proposed sites. If the committee votes "no," it can say no to the MR site. It can say the committee feels a MPA is appropriate regardless of what the Legislature might do. After this committee sends a decision to the Port, the Port goes to OPAC. Also in line here are the County and City governments and their relationships with OCZMA. The Legislature is going to hear what OCZMA has to say and everything he has heard so far is that organization will stand behind whatever this committee decides. Mr. Pex said he doesn't think the committee will get something that everyone is going to like. He said he would like to see the legislation take place without this group and/or the committee chooses something in the next few months.

Mr. Graybill said even during the discussion of the legislation, he was really struggling to see how it was even germane to this committee's charge. He said the MR discussion won't end with this committee's decision. The committee was charged with advising the Port. It developed a timeline to do that and he feels the committee has reached a point where a recommendation should be made to the Port. He didn't believe the recommendation should be contingent upon some piece of possible legislation that may or may not pass. Ms. Don said it would be a challenge to tell the Legislature not to toy around with this committee's recommendation. That is when the State should go ahead with implementation. She said that is how it could potentially serve the committee's needs. If the committee doesn't decide prior to the bill's passage, it would be given that sort of cover from the bill in helping forward a recommendation.

Mr. Graybill said this bill covers different uses than the legislation Mr. Pex discussed. He said there are multiple bills out there. He said he felt the committee shouldn't have possible legislation influence the process that this committee set forward 20 months ago. Ms. Shoji said the committee is at a pivotal point. She felt the committee needs to decide whether it is nearing the point to make a decision, whether it doesn't want to make a decision or whether it wants to continue the process as Mr. Ivy has suggested. She felt the committee needed to decide what it is it wants to do next. The committee may not make any final decision, but it needs to decide what direction to go at this point.

Mr. Graybill said the committee has already made a number of decisions that would readily lend themselves to a recommendation. The committee has considered some sites and rejected some sites. Some sites have been identified outside the scope of this

committee's process. It has made a commitment to continue some uses in any MR or MPA. The committee made some decisions that were presented to the public in the draft proposals that were the preamble statement. Those are decisions already made that should be formed into a recommendation offered to the Port. He added the members don't have to make any decision, because they have made a suite of decisions. The committee doesn't have to make a single recommendation to the Port. It can give them a comprehensive review of its work and come up with some ideas that members identified, such as having picked two areas north and south of the site which should be considered by somebody. The committee has consensus on this. It also singularly rejected other sites and that should go forward with the committee's recommendation.

Mr. Pex suggested taking some of these comments and making a list of what the committee would like to see in a final letter. Ms. Shoji felt it was a good idea. Mr. Nelson commented that the committee has not voted on any of them. Dr. Shanks said there were a number of sites the committee did vote on. Bart Stein said he wanted to make an objection right now. He said the committee did not vote on any site. It discussed many sites and chose to pursue looking at certain sites as opposed to other sites, but no decisions have been made on any site. He vehemently opposes the committee sending the Port of Coos Bay a report that says what it is in favor of, here is the scope of work, and let the Port Commission choose something. Mr. Stein said he felt the committee needs to make a solid recommendation that the committee is either for or against, or has a group of options that it would like the Port to recommend to OPAC. Mr. Pex said he was trying to focus the committee and suggested conceptually looking at areas that the committee would want in a letter to the Port. This is not a vote. Members have talked about rejected areas and have mentioned a couple of areas that are outside of the venue. Mr. Pex said when the committee decides to write the letter to the Port, Ms. Wall will write it, and the committee can have input into the letter. He asked that the committee focus the issues.

Ms. Shoji asked Mr. Stein if he preferred another option. Mr. Stein said he would like to see the committee come back next month and make a decision first of all whether it wants some sort of a MPA or MR, and if yes, then talk about which option or options might be appropriate. But the committee needs to start out deciding, as was said in the very beginning, is the decision "yes" or "no." If yes, then where and how?

Mr. Graybill said he was trying to bring the committee to what might be considered a draft motion. Decisions such as this don't proceed well in the absence of careful forethought and can be lost in the chaos of the moment or if someone offers an impromptu motion. If this is the culmination of the group, it should be very thoughtful. He said the committee could have multiple recommendations, instead of a single recommendation. Some of those recommendations could have a high level of certainty, and some could be less well supported. The committee could offer a report to the Port, but he would start it with offering the places that the committee had some agreement on that could be amongst a list of recommendations. He said he wasn't suggesting any particular proposal and he won't endorse any of the proposals until there is additional study of them. He said he won't vote in favor of a MR or any of the other proposals the committee has considered, because he didn't believe they have had sufficient review.

Mr. Graybill said he was trying to get to the issues the committee did endorse and when it talked about MPAs the signal was clear to him on what members agreed a MPA would constitute. The committee shared that with the public at public meetings and he didn't hear the public saying the recommendation should be any different. He said he believed the committee had a recommendation and what the nature of the restrictions would be in the MPA, including no future industrial use and no drag fishing. It would include salmon fishing, crab fishing and, in some cases, continued recreational fishing. He said those were things the committee listed as a preamble when the proposals were introduced at the public meetings. He didn't hear any feedback that said the committee should change any of those fundamental findings. The committee should move forward with those fundamental findings. The issue of evaluating proposals A, B, C, D, E, F, H is going to be another element of the recommendation and he thinks the committee should get the agreed upon narrative down. The committee should identify those elements of its recommendation that it can achieve by consensus. Most likely there is going to be a critical decision where members would have to make a motion, then they should go back to respective groups for individual input, if the committee is going to honor the oath of the process. He felt the committee could offer some provisional recommendations to the Port for the moment and come through with the final report on proposals A through H. But it shouldn't lose track of the fact that there are some things the committee has agreed upon.

Mr. Pex said he agreed with Mr. Graybill that this is a concept to be considered as a proposition. Members should pick those things that they agree to, such as including salmon and crab fishing. Mr. Graybill said that is in the brochure, that preamble statement that the committee agreed to by consensus before it went out to the public. Mr. Stein said it was not by consensus vote, because some of the committee members were not able to vote since there wasn't input from constituents. Also members were talking more about definitions of what they considered an MPA rather than an action. Ms. Shoji asked if Mr. Stein was saying the recommendations themselves should go back to the constituents for a vote. Mr. Stein said many of constituents have now given instructions on how to vote and what to vote for and why. Ms. Shoji asked if the committee were to come up with agreed upon issues, whether he would accept them and take them to his constituents. Mr. Stein answered that they could reconsider, but it would delay the committee's report by several months. Ms. Shoji said that is the process that was set up. Mr. Stein said if the committee is at the decision point, it doesn't seem to fit the charge to go back and decide to write a letter defining what a MPA should be. The committee's charge seems to be more a recommendation, as whether there should be a MR, and if the committee recommends one, where it should it be and what it would look like.

Mr. Nelson said this has been going on and on, and this is like the committee from hell. He said the discussion has been going on for years and everyone already knows what MPAs and MRs are. He said he was there when Mike recommended to OPAC that the community look into whether there is an area here. It has already been decided, there are three or four places and a "no" concept. The committee needs to vote on whether somebody wants A, B, C, D or No. Ms. Shoji said that is what the committee is trying to do. Mr. Nelson disagreed. There are all kinds of things listed and the committee has already gone through all that. It needs to have a vote. He said there is no end to this. It just keeps going and going and going.

Mr. Graybill said he wrote notes to Mr. Pex, Ms. Wall and Ms. Shoji before this meeting, asking them if this was going to be the last meeting. He said he was trying to make as few additional meetings as possible and is hoping this process that he's offering will minimize the time spent at the next meeting. He's hoping that the next meeting is the last.

Mr. Butler said he wasn't in favor of a letter going out to anybody saying that the committee approved all of these recommendations. It approved them to go out to public comment. It didn't say the group approved of each one. He said that is something he wants made very clear – the group has not made a decision on this. It approved them only to go out for public comment for people to give their feedback.

Matt LeDoux said he felt the committee is at the point of deciding whether it needs a MR or not. He said he realized each member represents groups. Maybe what members need to do, instead of coming to these meetings and talking about the same things over and over again, is take a 2-month hiatus and go back to their groups. It would allow members adequate time for everyone to get their information. He suggested skipping the February meeting and come back in March for a final vote. The first vote will be "Do we want a Marine Reserve in this area or not." And once the committee gets to that point it can decide if it's a "yes." Then it can look at the options on the table to see which one best suits the committee. Or if it's a "no," then it's done. He didn't feel the committee needed to keep going around and around. Members can keep trying to sway the process one way or the other, but it ultimately comes down to the end result. He felt the committee was at a point of having taken the public comment. It has heard everyone's comments and now it sounds like the record has just started over again.

Ms. Shoji asked Mr. Stein if he agreed with what Mr. LeDoux was saying. Mr. Stein responded that he did absolutely. Mr. LeDoux said that was the first step and then if members decide this community does want a Marine Reserve, they should sit down and look at the area where there need to be studies done. He didn't think the committee needed to keep coming to the meetings over and over again if there are studies being done. The committee could pick a couple of areas and say it wants economic studies on those areas. It could ask for scientific data about an area and meet again in 6 months. He doesn't see the harm in that, as compared to wasting more time coming to meetings, wasting money for this room, and each member taking the time out of busy schedules to be here. Mr. LeDoux said the ultimate goal here is deciding whether the community wants one and figuring out how to get to that end result. He said he thought that was the first step and it is the step that everyone has been avoiding by trying to figure out the process. He said the committee just needs to go ahead and take that leap. If it takes time for the committee to get back to constituents to find out what those groups want, then so be it. It gives members time to do it and then vote.

Mr. Stein asked if Mr. LeDoux was making a motion. Mr. LeDoux said we can make that motion. Mr. Graybill said a motion could not be made by our own process, because that would be a major decision. He said the committee could propose that motion, but because it is a critical decision, they must give all members an opportunity to weigh in, meaning they can't decide tonight. Mr. LeDoux asked if the group was comfortable moving forward with that because they could put that motion out there that says the committee is

ready to give everyone time to get to their groups. (At this point several people started talking at the same time.) Mr. LeDoux felt the discussion could be completed relatively quickly for his group, but he wasn't sure about the other groups. He asked the other committee members if anyone needed more than 30 days to make contact with their constituents. No one responded that they would need additional time.

Mr. Tymchuk said he had two observations and commented that the committee had voted in a sense. It was the consensus of this body that took six proposals off the table. They were considered and it was agreed that there were four proposals the committee would put forward. So the committee made that decision, and all were all comfortable with that. It presented four options in Bandon, Charleston and Reedsport. He didn't feel the committee could introduce the four proposals and then bring another back to the table. That would have been a very misleading process. He said that in good faith, committee members told the communities these are the four options for consideration and comment. As a result, it did arrive at consensus. He said to Mr. LeDoux he didn't remember being tasked with choosing what the committee wants to do. Neither the Port of Coos Bay nor the State of Oregon ever asked committee members what they wanted to do. That wasn't the task given to this body. Members could have done that on day one. He felt the task of this body was more to gather information and advise the Port of Coos Bay. The process should be focusing on advice the committee can give the Port, so the Port commission can choose what it wants to do. The committee process wasn't seeking what an individual committee member wants to do, but what is the best advice members can give the Port of Coos Bay.

Mr. Butler said one of the things Mr. LeDoux said was the committee needs to vote whether it wants an MR or if the answer is "no." He said that is a vote that already is in the proposals. When it comes to a vote with the proposals, there is an H, which is no MRs or MPAs. That means the committee doesn't have to vote "yes" or "no," because it is in the proposals.

Dr. Steve Rumrill said a point he tried to make earlier is that a vote for a MR or not, is a philosophical one. He felt it was premature until the committee deliberates the careful steps in trying to define where the MR would be. MRs could be huge, they could be modest, they could be very small or there could be various elements in them. He said he is in favor of moving forward the areas offered up for consideration and taking a look at the social and economic plusses and minuses associated with them. In essence, define what those Marine Reserves would be. The committee doesn't know what the economic impacts are. Mr. Ivy said Proposal H would be easy, so the committee really only needs to discuss three. Dr. Rumrill said he would expand it further by giving further consideration to the area already designated as a subtidal research reserve around Gregory Point. He said there were questions at the public meetings from people who wanted to know what that blue area was. They wanted to know about the intertidal reserve that was on the map as well, so he felt the committee should look at those areas as well.

Mr. Helfrich said he disagreed with using the word "vote." He felt it was more like a straw poll and not a formal vote. He said when the steering committee met to structure the meetings, it purposely decided to set up another table at the town halls with

information on the items that had been non-emphasized. The meetings were mainly emphasizing the four proposals, and after the public meetings if there had been a strong sentiment for the others, they would have been brought back for discussion. He said the four were considered semi-finalists, but there was no formal vote taken.

Mr. Lacey asked whether the committee could recommend asking for an evaluation of the four different proposals that were used for public comment. Mr. Pex asked Ms. Don for her input. Ms. Don said there are two types of evaluation. One is to give it to the State agency for review and input, and also input from OPAC. She said the longer evaluation would require basically a process, starting with an evaluation of the three areas and then another process for the "No MR" and "No MPA." Mr. Pex was curious whether there could be an evaluation or use of these areas if it doesn't include at least a year. He said the process would have to go through the summer at least for the recreational fishing. Mr. Griffith said there is the SOORC map with the whole area being orange except for the part that is bright red. It covers the whole area. Ms. Don said there would be the log book analysis, the recreational, charter log book analysis. Mr. Pex didn't feel the log books would be accurate enough.

Mr. Nelson said the process has narrowed to a few choices that were at the town hall meetings. He said this is not a long difficult thing and there's no need for more public process. The committee certainly is not going to ask the department to make any evaluations that have to do with biological returns. The department never did that at any of the other areas. They don't even have the process to do this. Communities voted on the other two or three places for getting the process started. And when in voting for this, it is not a vote to never have a MR. ODFW has a research vessel that sails up and down the coast. When it sees an ocean problem, it designates a research program to deal with that. For example, if there is a problem with smelt, then it shuts off the fishery. He said the committee has come to a decision. He said if the committee is going to make a decision, then make it on the three areas including the "No MR" and "No MPA." Make that what the committee votes on. The process went back to the public the last time and that is what the committee has done for all these votes. The State came down and made all the decisions two years ago. This committee has been in this process back and forth. It already is adding another month to go out and talk to constituents. It needs to vote on something next month.

Mr. Tymchuk said he thought at the last meeting, the consensus or agreement was that the committee had a two-month process to go, where members would discuss and then return for a final meeting. He didn't think tonight was going to be a voting process. The committee agreed there wouldn't be a vote tonight.

Mr. Bodnar said not having been at the meetings and not having a tally from the written comments, he felt there were only options C, H and A that were considered and there were no comments on the fourth proposal. If the committee goes by the written comments, it has only three options left and one has been eliminated. Mr. Bodnar asked which proposal he was missing. The committee responded it was Proposal G. He asked if there were any public comment in favor of Proposal G. He said if there wasn't, then Proposal G should be eliminated. He said there is a new proposal, with 355 foreigners commenting that none of these proposals are acceptable. They want a MR, but none of

the committee proposals received any of their comments. To him, no comment meant they weren't pleased with any of the proposals.

Mr. Graybill said he was hoping to have public comment influence his vote, not be his vote. He did not support the suggestion of eliminating Proposal G because the committee has been through a much more thoughtful process than the public has. The absence of comments on one or more of these proposals should only form his vote, not represent his vote. He added there are two kinds of votes with the consensus process that the committee can make decisions on, and then the pivotal vote process that was identified on the outset. He would like to identify a couple of items that would be on the list of recommendations to the Port that the committee might be able to achieve by consensus. He said he agreed with Mr. Helfrich that the committee has not officially decided, but made a provisional decision that this is how it would characterize the work of the committee at the public meetings. He said he didn't hear a whole lot of public input that would have influenced his decision as to whether or not that would be his recommendation.

He said he believed there were a number of items that could be advanced as recommendations that can be decided by consensus and those are the ones that he attempted to identify earlier. The committee has identified two sites out of its region that are worthy of further consideration by someone other than the committee. It has identified an MPA with certain descriptions of allowable uses. He believed those would be the types of decisions the committee could make at the next meeting by consensus. He believed it would be prudent to pose those as written motions, so that all members can look at those point by point. That way the committee can determine whether it can achieve this by consensus and, if not, announce in advance of its next meeting that there will be a pivotal decision on those items that can't be resolved by consensus. That would be those critical votes on A, B, C, G or H. He thought the committee could achieve by consensus the notion that they don't recommend these six sites that have provisionally been rejected. He didn't think the committee should accomplish by consensus a decision on the four proposals that were put out for public comment. What he would like to do is have someone do the thoughtful process that deliberative bodies do, which is to craft motions before the meeting so there is a written proposal to consider as opposed to a shoot-from-the-hip motion.

Mr. Tymchuk said that as someone who sits often in meetings, a shoot-from-the-hip motion doesn't work well. He said he doesn't care what the proposals are, but that a deliberative process works best with crafted motions. He said Mr. Graybill was right. If the committee is going to have some decisions, it should make a decision or decisions at the next meeting. Members will need a template or information before the committee meeting, so they can walk in prepared to act on an issue. Cities do that; counties do that; the Port does that. The committee has deliberated for 18 months. It can certainly lay a motion or a set of simple motions before members and address them and leave the meeting having completed the business. Mr. Tymchuk said he was all in favor of that if that is what the committee wants to do, but he didn't think there should be wordsmithing at the meetings. Ms. Shoji agreed that it couldn't be done. She said she was not suggesting that someone go out and make new decisions, but that someone write motions so that the committee can react.

Mr. Stein said he has enjoyed his time on the committee, but all good things should come to an end at some point in time. He thought Mr. Tymchuk's comments were very germane and valid, and that it was time for the committee to make a decision. He said to that end, he would stick his neck out and make a motion that at the next meeting the committee makes decisions. Between now and then, the committee should publish the text of the motions, so that all committee members can have a chance to study them and the decisions should start out with the A through H choices. Depending on which choice the committee decides, it may or may not have to go on and decide how to present further information. That was his motion for now. Someone seconded Mr. Stein's motion.

Ms. Shoji said the committee decided it would not make motions without trying for consensus first. Mr. Stein said if there is no consensus then there would be a motion. Ms. Shoji asked if there was consensus that the committee go through the process of making a decision or attempt to make a decision at the next meeting. At least, it should have possible decisions laid out so that people can go back after the next meeting with their papers following the process. Mr. Stein said he would like to go to constituents after this meeting, so that members can vote at the next meeting. Mr. Pex said he thought the committee needed consensus and discussion of the questions before it is taken out for a vote. The committee should frame the questions first, before putting together how the committee is going to vote. Mr. Stein felt that the questions were already framed. The committee has A through H based on his statements and he felt the committee could come back and vote on those. The vote may be "no" and possibly one of the others. His request for consensus now is, if it is one of the others, then the committee needs to take it to the next step and talk about whether to ask for more study, etc.

Mr. LeDoux said he felt that would focus the committee's efforts on studying each one of the proposals and wasting studies on the three proposals that don't get accepted. He said if there is a proposal that rises to the top, then the committee should carry out study further. He would prefer to see a vote on the four options that the committee offered, since it appears the committee was satisfied with those.

Mr. Ivy said he wanted Ms. Wall to write a letter that would explain everything the committee has done and suggest that this is the best it can do. If someone would like to organize another group to take a crack at these four alternatives and whittle them down to one, then go for it. Mr. Ivy said he would agree to serve on that committee. He said he is ready to move to Plan B, whatever that is. He also said he estimated that between 240 and 250 people showed up for the three public meetings, with 60 in Bandon, 60 in Reedsport and 120 or so in Charleston. By his count, there were a total of 49 people making public comments out of 240 people who attended the meetings. He said he will testify that he was at three meetings and most of the people in the meetings had nothing to say except to visit with their friends and complain about regulators and regulations. They didn't look at any maps and didn't make any decisions about the maps. He said that however the committee wants to fuss about the numbers, the significant thing in his view is what the public was asked to give the committee. The committee received very little to work with that would help it devise a recommendation for the Port. He believes the committee needs to explain that explicitly in a transmittal letter, that the committee is at its end and it has done its work. The committee recognizes that there is more work to do, but it would not

be members of this committee until someone charges it with that and people raise their hands and agree to it. Mr. Ivy repeated that the committee is done. It cannot get down to one option and he doesn't think it should narrow the options to one. Mr. Stein asked whether there is consensus. Mr. Ivy said he just wanted the committee to write the letter that expresses thanks for the opportunity to work on this process, but that the committee is done.

Mr. Pex asked if anyone has written down the question for consensus. Ms. Shoji said the question she believed Mr. Stein asked was where there is consensus to make a decision at the next meeting. Mr. Stein said a decision should be made on the choices A through H. Mr. Pex asked if there was further discussion on this question. Mr. Graybill said he didn't have consensus. Mr. Pex said he knew he didn't, but he was going to go through the motion.

Mr. Griffith asked if there was discussion on the motion, asking Mr. Stein if his motion was to take the four proposals and vote them up or down at the next meeting. Mr. Stein responded "yes." Mr. Pex asked whether there was consensus or further discussion. Mr. Graybill said there was not consensus. Mr. Pex said Mr. Graybill says we do not have consensus, so therefore the committee will need to take a vote of the group, which he believed was not a pivotal vote. Mr. Pex asked for discussion. Mr. Pex confirmed it was a process vote. Mr. Nelson said that the OPAC process itself came down on the vote. OPAC went around the whole room and everyone voted up or down. If OPAC did it, it is certainly good enough for this committee.

Mr. Lacey asked for the definition of a pivotal vote. Mr. Griffith responded that the vote next month will be a pivotal vote and this was a process vote. Mr. Pex said that he didn't have the document in front of him. (Several people started talking at once.)

Mr. Lane asked if the committee were to come up with a voting list of each of the four proposals, could someone actually send in a proposal that might be either a combination of the four or a suggestion that since there is no consensus, the committee set it aside for the group to decide.

Mr. Graybill said that was the reason rejected consensus. He believes the committee could make more than one recommendation, and should make more than one recommendation. He said he rejects this notion of getting it down to an up or down vote on these four proposals, because it eliminates the option which the committee has yet to discuss. The public input could have influenced the committee in advancing the four proposals. He said would prefer to create a blended suite of options based on that. Mr. Graybill said he felt the committee needed to create one or more scripted motions that it could consider, and felt this was a classic example of shooting from the hip.

Mr. Pex said there is a motion on the table and asked for a second. Mr. Main seconded the motion. Mr. Pex said this is the point where the committee takes a vote and asked for all in favor.

Mr. Ivy interjected and asked that the motion be read. Ms. Shoji responded and said the motion called for:

- 1) The committee will make decisions at the next meeting on the four proposals from A through H; and
- 2) the committee will take four votes up or down.

Mr. Ivy said that is two different things. Ms. Shoji suggested taking them one at a time.

Mr. Stein said his motion stipulated that at the next meeting, the committee would make a decision on options A through H, either “yes” or “no” on each option. Ms. Shoji clarified that he meant strictly the four proposals. Mr. Stein also said that if the committee starts out with the proposal that says “No MRs” or “No MPAs” and that gets the majority vote, then the committee is done. But if it chooses one of the other options, then all the committee has to worry about is that choice and how to present that choice to the Port.

Mr. Shanks said this would be a pivotal vote and it would require a two-thirds majority. Mr. Stein agreed that would be the process at the next meeting.

Ms. Wall said Mr. Lacey had a question that she would like to answer. She read into the record the description of a pivotal vote as follows:

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
Voting Guidelines**

Pivotal Decisions: The Committee defined Pivotal Decisions as any final decision by the Marine Reserve Recommendation Committee that is passed on to OPAC that responds to the following questions:

*Do we need a Marine Reserve?
If so, where?*

Voting Method: Pivotal Decisions require voting by a ¾ quorum (25 voting members). The Committee will determine when a pivotal decision point has been reached at a regularly scheduled meeting. Elements upon which a vote will be taken will specifically be laid out and defined. In order to provide the requested proper notice of a pivotal decision vote, and to allow as many Committee members as possible to vote, the voting will take place at the following meeting, (the pivotal decision meeting). Prior to the pivotal decision meeting, minutes will be provided to each Committee member so all members have complete background information upon which to base their vote.

Voting at the pivotal decision meeting may be carried out by members in person or by proxy through another Committee member. A proxy statement must be provided in writing to the Port. The Port will accept statements of proxy by email up to 24 hours in advance of the meeting or by hand delivery prior to the start of the pivotal decision meeting. Any proxy submitted by hand delivery will require the principal Committee member's signature on the proxy statement. The Port will confirm receipt of proxy statements received by email. It is your responsibility to ensure that you receive confirmation that your proxy has been received. The Port will announce, prior to the vote, all proxies that have been received.

A 2/3 majority of all who vote is required to pass a motion on a Pivotal Decision.

Note: Though the Committee considered allowing votes to be taken by email, Port staff believes that crafting guidelines to provide for email voting is difficult and may allow such a vote to be called into question. Therefore, Port staff advises that voting in person and/or by proxy sufficiently allows every member to vote on pivotal decisions without compromising the voting process.

On-going Decisions: The Committee defined On-going Decisions as all decisions that lead up to pivotal decisions.

Voting Method: On-going Decisions require a simple majority of those present.

Mr. Pex asked all in favor of the motion to raise their hands. Ms. Shoji counted 12 hands in favor of the motion. Mr. Pex then asked for those opposed to the motion to raise their hands. A total of 8 hands were counted in opposition. Mr. Pex said the motion carries.

Mr. Pex asked how the committee wanted the question to look. Mr. Stein said the question should ask how many are in favor of each proposal. The proposal with the most votes wins. Ms. Don said she thought there should be an option to potentially combine some. Mr. Griffith agreed in that regard, if option H came first. An option that allows fishing still might be acceptable, such as an area imposing a ban on the harvest of a certain kind of kelp or something like that. Mr. Graybill commented that this process that the committee just voted to support will preclude that. Mr. Stein disagreed. For example, he said, if the committee chooses one of the options that is a common issue right now, the next step will be deciding how to communicate that to the Port. In the committee's communication, it could include issues such as that.

Mr. Lane asked if the committee was able to send the Port suggestions ahead of time. That way, both could look at a list of things, such as the possible combination of options, rather than taking each one of these separately. He said he was afraid that the committee would close the door to some options and that one of these four options is not going to be the answer. He would like to see the committee have at least the door open to where it can offer a proposal within the frame of what was discussed and not come up with something completely new. That would at least allow the possibility of a new idea or a combination of ideas to come together to possibly rise to the top. Mr. Stein thought that might be a good idea.

Mr. Helfrich said that was precisely why he voted against it, because he thought this type of discussion might come up. He believes the committee needs to have something that is a complete package. For example, it voted on item H, but the committee also might want to recommend an area south of Bandon for consideration. The committee could indicate it feels that this recommendation should have a sunset. He said it appears there will be a fight for money to even work with the existing reserves. He asked whether committee members want to leave that recommendation hanging out there with nothing done on it for 15 years. The motion was made that it could be discussed later, but he felt the committee should be prepared to come up with a recommendation to the Port. Mr. Helfrich wasn't convinced voting on all four options at once would be good. He feared it would lead to a situation where the committee would have eight votes for one option and nine votes for another and twelve for another. Mr. Pex asked if Mr. Helfrich was suggesting another question on the vote. Mr. Helfrich responded that when he made the motion he discussed to have it either up or down.

Mr. Tymchuk said this is exactly the point Mr. Graybill has been trying to make for the last hour. Regardless of how members vote, there is going to be the need for a statement to the Port of Coos Bay that this body arrived at a consensus via a vote on a recommendation. There are also some issues the committee is going to agree on outside of that vote. That committee may suggest the Port of Coos Bay that it should advise the State of Oregon that there are sites outside of this area that need to be considered, but they weren't within the task of this body. There may be some issues on which committee

members agree that aren't part of that recommendation or part of our vote such. Those might include taking an issue off the table, or finding agreement that any MPA must allow for salmon and crab fishing. He said those are some statements that the committee can include, which is what Mr. Graybill has been trying to say. He said regardless of the vote, he wanted the committee to consider allowing members to submit to Ms. Wall or to the Port a list of those items to include in a consensus statement, regardless of the vote on a Marine Reserve. He felt there were some things the committee could provide by consensus, never unanimous, such as the fact that the committee would like to see kelp harvest taken off the table. Committee members can agree on that, but it doesn't have anything to do with the first vote. There need to be additional statements, signed statements on consensus that the committee can give to the Port as advisory. He said that would be his suggestion, that the committee allow the submission of such statements as suggestions to the Port of Coos Bay.

Mr. Griffith said he agreed with Mr. Tymchuk. He didn't feel that Mr. Stein's motion precluded what he said at all. If because the committee has been using the OPAC conventional definition, a MR is a no-fishing area, that would solve the issue. He said the committee could have a MPA that most could probably agree on, with a requirement for a permit for dragging and industrial use, and a ban on the kelp. That would not be a new MPA, but rather a recommendation to the Port of things the committee discussed and on which it reached consensus.

Mr. Stein said his motion would establish what happens at the next meeting, not that the committee can't do other business. Dr. Rumrill said when the combined outline was put together, committee members were to report on comments from constituents and decide whether or how to revise the recommendations. He felt it was a key issue whether or not the committee was giving itself leeway to take the information that it went to such great lengths to gather and incorporate it into the proposals. He felt the committee needed to revise some of the proposals based on the information and that is why he voted against this motion. Ms. Shoji asked Dr. Rumrill whether he wants to revise the proposals before the vote. Dr. Rumrill said at the time the proposals are moved forward to a vote, he would like them to have that type of language in them. Ms. Shoji asked whether he wants that to be the language that could be submitted. Dr. Rumrill said if the committee moves ahead by the next meeting, then it is going to have write those amendments in the proposal descriptions right away.

Mr. Graybill asked whether this motion will require that these be the only decisions made the next meeting. If there is an opportunity to develop an agenda, that would be important to define. It would also be very important that the committee recognize a vote for H, the "no" option and the sequence in which it votes. Everyone recognizes that H is an important initial vote, because if there is a "no" on H, then all other options should be off the table. Or, at least all other MRs should be off the table.

Mr. Graybill said he works for a public body that makes decisions and his role is to fuel them with information. That way they can make informed decisions. Decision-making bodies don't like "take it or leave it" recommendations. They want room to make a decision. He said decision makers want to see a range of options. He thought the motion that the committee was about to authorize is oriented toward a "take it or leave it"

recommendation. That appears to make some people uncomfortable. He said fundamentally this motion is guiding the committee to give “take it or leave it” advice, which the Port Commission may not appreciate as much as it would evaluation and a suite of decision options. He said he felt the committee is going to end up with a sloppy vote on these individual proposals. He thinks the committee will be faced with split votes. The Port is going to want to know what the other votes are. If the committee simply forwards a single recommendation, then he feels the committee would be falling short of its charge.

Mr. Nelson said disagreed for the reason that this is treating this problem as the main problem. The committee is not the main problem. It is an offshoot of an ongoing problem that has looked into this process continually time after time after time. The question is whether or not the community wants a MR. If people want one here, then the committee must decide what area will be in. Proposals A through H do that. He said he knows for a fact that when the agencies see a problem in the ocean, at Cape Arago or wherever, ODFW will do something about it. People have to remember that the committee isn't saying that people can or can't use this area. That is an ODFW decision. And the kelp ban is not part of the committee's deal. He said he likes the idea. He said that decision is not part of the committee's charter. If the committee wants to start a new charter where everybody is interested in doing things that will be nice for the ocean, then he would be more than willing to sit on a new committee. The question was specifically whether a MR is needed and no one has provided any biological data in support of that. The committee doesn't have any data that says the community needs this decision. That is basically what it has come down to. He said this issue has been decided numerous times and he voted specifically before and on other commissions that he is more than willing to have MRs if they include research.

Ms. Shoji said there were five minutes left to the meeting and there are still two to three people who have their cards up.

Mr. Main said the committee needs to give clear and concise direction to the Port, including the reasons why it made its decision. The other observations such as the kelp issue, etc., should be information added at the end.

Mr. Butler said when the committee starts looking at issues such as kelp, and smelt, and trawl recommendations, it doesn't have to define geographical areas. It doesn't have to open a whole other process.

Mr. Helfrich asked how the committee will conduct a pivotal vote process. He said there was some discussion whether a vote would be determined by a majority and if so, what constitutes a majority. He said there was discussion about whether the committee would have people vote electronically. He could see the need for a series of votes.

Ms. Wall read the document:

“Pivotal decisions require voting by a $\frac{3}{4}$ quarter quorum, 25 voting members. The committee will determine if a decision point has been reached at a regularly scheduled meeting. Elements upon which a vote will be taken will specifically be

laid out and defined. In order to provide the requested proper notice of a pivotal decision vote, and to allow as many Committee members as possible to vote, the voting will take place at the following meeting, the pivotal decision meeting. Prior to the pivotal decision meeting, minutes will be provided to each Committee member so all members have complete background information upon which to base their vote.”

Mr. Tymchuk commented that he wants to make sure that all of the minutes come out if that is required. Ms. Wall said voting at the pivotal decision meeting may be carried out by members in person or by proxy through another Committee member. A proxy statement must be provided in writing to the Port. The Port will accept statements of proxy by e-mail up to 24 hours in advance of the meeting, or by hand delivery prior to the start of the pivotal decision meeting. Any proxy submitted by hand delivery will require the principal Committee member’s signature on the proxy statement. The Port will confirm receipt of proxy statements received by email. It is each committee member’s responsibility to ensure that he receives confirmation that his proxy has been received. The Port will announce, prior to the vote, all proxies that have been received. A two-thirds majority of all who vote is required to pass a motion on a Pivotal Decision.

Mr. Tymchuk asked for clarification of whether it requires a two-thirds vote to pass a pivotal decision. He is assuming there will be four pivotal votes, so the committee will need a two-thirds majority to pass any one of those A, B, C or No. Assuming there is a quorum, the committee will need two-thirds vote to pass any particular part of that. He also added that he wants to know if there is anything in the creation of this body that precludes it from issuing to the Port of Coos Bay a majority and a minority opinion. That would allow to some degree Mr. Graybill’s concern that the committee conveys a realm of options. It would be able to say these were the majority decisions or this is the majority opinion. Ms. Shoji said his question sounded like a topic for another day and suggested that he write it down as a question to ask. Mr. Pex said there was nothing to preclude that.

Mr. Lane asked Ms. Wall if the Port would provide the committee members with a list of the vote options before the end of the month. He also asked whether the Port would accept suggestions from the committee for questions that can be put on the list. That way people would have a chance to review prior to their decision-making process. Mr. Pex said that was not part of the motion. He said it would require another motion. He said there is nothing that says the committee can’t do that after the vote.

Ms. Wall said she needed to determine who has what meetings and when the next meeting will be. The Port will need to determine what is going out by e-mail and what the appropriate timing would be. Ms. Wall asked if everyone could communicate with the boards and the bodies they represented within the next 30 days. Most committee members responded “yes.” Mr. Poppe asked if the committee members could vote up or down on each proposal or would they just get to vote for their favorite one. He asked if they could vote four times or vote once. Ms. Wall said she felt the committee had an issue there and there might be a need for a sub-committee. Mr. Tymchuk said the motion was to vote on them individually. Mr. Graybill said some of them have two components, some are MRs and some are MPAs. What about the MPA if you don’t like the MR? Ms.

Wall responded that it was one proposal and the combination MR/MPA is one proposal. Mr. Graybill commented this was not going to lead the committee to a robust decision. Mr. Graybill said his agency's next commission meeting was March 17, which would require him to call a special meeting to get their input. Mr. Griffith suggested he talk with commission members one at a time.

Ms. Shoji didn't feel there was enough time to get the meeting structured for the February 16 regularly scheduled meeting.

Mr. Tymchuk said it was entirely possible that if the committee votes on option A and needs a two-thirds majority vote, and option B needs a two-thirds majority vote, that it won't get majority on any of the options.

Ms. Wall suggested March 16 as the next meeting date.

Close the Meeting and Closing Remarks

There were no closing remarks.

The meeting adjourned at 8:35 p.m.