

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
June 16, 2010; 5:30pm**

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

MINUTES

Attendance: Gus Gates; John Griffith; Mike Helfrich; Dave Lacey; Mike Lane; Bob Main; Mike Boehme; Don Peabody; Valerie Pena; Jim Pex; Reg Pullen; Steve Rumrill; Steven Shimotakahara; Bart Stein; Margie Whitmer; Jan Hodder; John Schaefer; James Moore; Rick Goche

Non-Voting Members: Crystal Shoji, Facilitator; Jamie Doyle, Oregon Sea Grant; Cristen Don, ODF&W; Kathy Wall, Port; Andrea Wall, Port.

Guests:

Opening: The meeting was called to order at 5:37 p.m.

The minutes from the last meeting were discussed. Kathy Wall said that there was a point in the minutes when they were talking about bullet #1 on the combined outline. In the minutes it said we were talking about ecological value. Kathy had in her minutes that the Territorial Seas between Reedsport and Bandon had high economic value. The next bullet then goes into the biological problem. As a result the bullet on the outline conflicts with the language in the minutes. Sometime tonight we need to get straight on which is correct.

Gus Gates said his recollection was that we discussed adding ecological value but he does not remember if we came to a conclusion on it or not.

After some discussion, it was decided that the wording should be “economic value” and there was consensus; the minutes were approved with the correction.

Mr. Pex said the next thing was a review of the definitions of Marine Reserve and Marine Protected Area. He said that according to OPAC, a Marine Reserve is considered a “no-take” zone and in many aspects a “no trespass” zone for certain vessels – generally they are an “off limits” zone.

A Marine Protected Area is an area that has a general or specific designation to protect something; how it is defined is up to traffic in the area. The idea of a MPA is pretty vague. South Slough is a MPA.

John Griffith added that the question was whether to use the OPAC definitions or not. The Marine Reserve in the OPAC definition is what ODFW adopted for regulations. An MPA is Oregon’s entire Territorial Sea. If you take the Research Reserves such as Cape

Arago, those would be MPAs and not Marine Reserves because of allowances of catch of some things but it is restricted to others.

Mr. Pex said that the last thing is the Governor's response regarding our desire to know whether or not he supports our group and the decisions that come out of it.

Dave Lacey asked to see the letter that was sent to the Governor. Kathy Wall responded that she just called and asked for a response. A copy of the letter received was in this meeting packet.

The meeting was then turned over to Crystal Shoji. She wanted to move the agenda around and start with the two presentations for this evening first.

Rick Goche was first with his presentation. He said that at the last meeting there was a desire expressed to delaminate the expert mapping which SOORC provided. This mapping is a conglomerate mapping of all the available data that we have on the fisheries, both sport and commercial. The members of SOORC deliberated this and though they understood the desire, the decision was to not do anything at this time. The whole coast has not completed the process. It has been a tenuous effort and is ripe with conflict and grave concern and they felt if the map was separated, it would derail the whole process of spatial planning.

Mike Lane added that the timing was critical and the main reason was a lack of confidence up and down the coast of other Ports. He said when the rest of the coast is in line with the process, something might be able to be shared but not outside of the SOORC meeting room. Rick said that was part of the discussion but it was not what they voted on or what they agreed upon. He does not want to give any indication one way or another about what the group might do in the future.

Steve Rumrill said to Rick Goche that the intent was to figure out particular hot spots that were really valuable to the fishing community. Is there any other way to get at that information to this committee other than the de-lamination of the map? Mr. Goche said he thought that in part the existing mapping speaks to that, it is pretty clear to him where the vast majority of their effort is.

John Griffith suggested going to OPAC records for more information on where the effort in Cape Arago is. They are all video taped.

Mike Helfrich said that the mapping project was based on confidentiality agreements. Before any information was released, they would have to go back to all the members for permission. Each person was promised confidentiality.

Mr. Goche said that the people need to be protected because that is what we told them we would do but he is still not clear how much it protects and how much it makes the information not very useful to others.

Reg Pullen was next to give a presentation. Mr. Pullen said he was just the messenger on this and his position on MR has not been very accommodating. He feels we need to get out of this stalemate. He does not feel that this committee will ever agree on any kind of proposal between Bandon and Coos Bay. The reason for that is the economic value of that stretch is so high and so heavily fished, that we cannot afford to let it go. So do we sit here and argue with each other and go away with bitter feelings or do we look at something else that might not accomplish everyone's needs, but will take care of some. With that in mind, he started talking to people regarding a combination of a Marine Protected Zone and a Marine Reserve south of Bandon. He is suggesting somewhere near the mouth of New River at 2-Mile Creek and Cape Blanco. It is open for discussion but his idea is to have an MPA from 2-Mile Creek to Floras Lake; an MR from Floras Lake to Blacklock Point; then another MPA from Blacklock Point to Cape Blanco. There is not very much fishing that is taking place in this area right now, especially sport fishing. From the Port of Bandon's point, sport fishing is really where it is at; they do not have any commercial fishing of significance out of the Port of Bandon, but a very strong sport fishing industry. We have to protect the reefs up here, we can't afford to give them up, but almost no one in Bandon turns to the south. There are not a lot of reefs in here close and by the time you get to them you have wasted too much money on gas. The commercial fishing takes place from Floras Lake to the mouth of New River and its mainly crabbing and some salmon trolling. It is an area which is lightly fished and does not have much economic impact on the Port of Bandon. It is fairly pristine and it is much closer to Bandon than Port Orford. There is a question of which port has jurisdiction over which area which we will have to look into. He thinks that all the different types of habitats that ecologists say are important are represented here. In that sense it has a high biological value. Most of the shoreline is either state park or owned by the BLM and is called an area of critical biological concern so it is relatively stable. It is natural. It is probably the best habitat for Snowy Plover nesting on the entire Oregon Coast. It is highly visible from Cape Blanco which would increase the tourism. If this was a Marine Protected Area it would probably enhance tourism and would also be fairly easy to monitor from shore. Mr. Pullen went on to say that there were some negatives as well. This is probably not the choicest reef in the world and probably does not have some of the same ecological values as some places up here at Cape Arago. But it is relatively pristine. There may have been an MOU between POORT at Port Orford and ODFW, something that was not made public that may exclude us from doing this which is why he is bringing it up, because it needs to be on the table. They talked about it at the Port of Bandon and the Commissioners allowed Mr. Pullen to go ahead and present it; there has not been a vote on it, but the Commissioners are all in agreement that this is something to talk about. Most of the charter boat fishermen he has talked to have said that this is something they could give up and maybe this would forestall losing some of this prime water up here that we feel we cannot afford to lose under any circumstances.

Someone asked how far it was from Blacklock to Floras Lake – 2-3 miles. It is about 30 fathoms deep.

Dave Lacey asked if he had talked to Port Orford Ocean Resource Team. Reg said no, but he understands that they feel we are intruding on their territory. They feel that they

can say what happens in the ocean as far as the Coos Curry line. It is an interesting concept on which Ports have authority down there. The coastline has never been divided up. It is an important issue because what happens out here determines the future of these ports.

Rick Goche says he thinks Reg has accurately and appropriately characterized the atmosphere of this group when you said that we are not going to come to an agreement on anything between Coos Bay and Bandon and it is his understanding that is what OPAC tasked us to do to come to an agreement on something. Do you think that what you are proposing is outside of that prevue? Do you think that the task we were given has that much flexibility?

He is not sure he can answer that questions, but he feels that being from the Port of Bandon, he has some right to suggest it.

Valerie Pena asked where the Elk River is. It is south of Cape Blanco and the Sixes is to the north of Cape Blanco. The Sixes would come out just south of the MR and it would be a MPA.

Gus Gates said that he applauds Reg in looking at the mapping and trying to move this forward and find something that might work. However, there are a couple of issues and he does understand the concerns of the people in POORT (Port Orford Ocean Resource Team). He thinks we need to think about it some more and have some conversations. It is definitely worthy of being looked at. He did look back at the minutes though and as John Griffith said, this group was charged at looking at something within the Cape Arago/Seven Devils area. Looking at this from a statewide north to south perspective, we also have to be cognizant of size and spacing and where other reserves might be.

John Griffith reiterated from HB3013, it says Cape Arago – Seven Devils in sections #1 and #3. We were also going to see if the Port had any more specifics. Kathy Wall said no, it was just the communities from Bandon to Reedsport.

James Moore asked about the bubble fishery. Reg said that the Marine Reserve is from Blacklock to Floras Lake and the bubble fishery is from Cape Blanco to Port Orford.

Jim Pex said that we need to address this issue of venue of this group. Alan Shanks said they addressed issues down here as part of the Seven Devils group. The Port decided the definitions for our group were the communities of the various cities represented. Mr. Pex talked to Onno Husing trying to get a better clarification as to what all this means and basically some of the groups were formed when other groups were not present and they set their own limitations and POORT picked the 43rd parallel so these are not legal definitions. If we want to consider this area, we have the right and out of courtesy we would enter into some kind of discussion with POORT. Mr. Pex also talked with Ed Bowles and he is very sensitive about us encroaching on POORT but it does not mean we cannot talk with them.

Cristen Don said that it is not just POORT but the Red Fish Rock group which would have to be consulted.

Dave Lacey said he wanted to go on record of saying the Port Orford does not like this idea.

Cristen Don said that part of the area we have been talking about was one of the original sites for a Marine Reserve and they have some reasons for why they didn't choose it.

Reg said that he spent a lot of time working at Cape Blanco at the lighthouse and what he sees is that there are not a lot of boats around Cape Blanco.

Margie Whitmer said she thinks we should consider this area. When you look at the Cape Blanco area vs. the Cape Arago, she thinks the Cape Arago economic effects are much higher. We need to talk to these people.

Jim Pex suggested that maybe we need to make it an MPA instead of an MR.

Rick Goche said he does not want to sit here and go over the same thing over and over either, but he goes back to the task we were to look at Cape Arago and he will say again we are never going to agree on anything in the area we we're tasked to look at and that is the most important thing to decide here – we are not going to agree by consensus or majority on any kind of MPA/MR between Bandon and Coos Bay. He suggests we have a vote as to whether we are going to have an MPA or MR between Bandon and Coos Bay. If the answer is no – then we are done with it. He was asked if we would be done or we would look at an alternative. Mr. Goche says we should be done because the alternative is not part of our task.

Steve Shimotakahara thinks his proposal of putting a MPA on top of a wave energy park is a viable proposal. He thinks we don't have much control over the fact that wave energy is likely to come to this area and believes that it should be sited and that by directing both federal and state funds into that type of study there should be a MPA for the community and science and for the environment. He thinks his is a viable proposal and he will continue to bring that forward. He does not think there are too many people on this committee that will disagree with the proposal. He said some think of it as a fall back position but he doesn't; he doesn't mind exploring other possibilities south of Bandon but he still thinks his is a good proposal which we should consider.

Mr. Pex said regarding Rick Goche's comment, he wants to be sure this group looks at all possibilities. He does not want any outside group to come forward and say we didn't look at this or we didn't look at that. He would like to look at this proposal and if it is not going to work, it is not going to work, but we need to be on the record to show that we considered the possibility. The same is true for Steve's proposal; and the same is true for the area from Bandon to Coos Bay. We need to consider those areas, and we need to vote on them and then we will be done. We have to do it now so someone cannot come along later and say you didn't consider this.

Mike Helfrich said he respectfully disagrees with Steve's position; he doesn't think this community is looking at MPA right now. While he is sure someone will do some research on what is happening in the wave energy zone it does not provide the habitat in a study area they are looking for.

Rick Goche wanted to ask Steve Rumrill if a MR and MPA and a Wave Energy park could go together.

Dr. Rumrill said that he felt that there were some pretty serious concerns about that kind of thing fitting the definition of a MR. It might be an MPA.

Rick said at SOORC they looked at it and talked to several people in the conservation community and decided it was not an area to consider.

Steve said that the definition for a MPA was up to us to define what the goals of an MPA would be, and yes it is a different point of view, but that is up to us to say this is the value in that type of setting.

Steve Rumrill said that yes that is why he is saying it could be some type of MPA.

Gus Gates said that he agrees with Dr. Rumrill. Wave Energy is a new technology and we have not even proved it is going to work and he is concerned about aligning two things within the same area. From a spatial management position there could be some benefits, but still there are many unanswered questions in his mind in respect to whale entanglement. But he is willing to have a conversation about something potentially to the North of the wave energy park if it ever goes in. He is fascinated by the Lakeside 10 mile reef area; maybe an MPA that could be used as a reference area. It might be interesting to compare and contrast between those two; but, combining two things in the same area will be very problematic. Going back to Jim's point from a process perspective that we do need to work through this.

Cristen Don stated that a MPA on top of wave energy would not be a part of the State system – it does not meet the criteria for protecting habitat or protecting biodiversity. It would have to be a part of a different MPA.

Bart Stein said that the first decision is whether or not to have one. We are spending a lot of time of where to site the MR or MPA, but when did we decide we were having one? We didn't. Then why are we spending hours and hours talking about where and when, when we don't know if we want one or not. We are jumping ahead – we need to have a vote. Mr. Stein said as he reads the OPAC policy published in 2008, it just recommended the interested parties in the Cape Arago/Seven Devils area led by the Oregon International Port of Coos Bay to engage in further collaborations to develop a Marine Reserve proposal. So he thinks we should decide yes or no before we decide what and where.

Mr. Pex said he understands what Mr. Stein is saying but the south of Bandon area came up and we asked Reg to look into it. We need to get a hold of POORT and see what they think and ODFW could have some input on it. If it doesn't work, it doesn't work but he does not think we should hold a vote. Mr. Pex is also trying to look down the road and we will have to justify it if we vote to not have anything. We could say based upon the economic use in the area between Cape Arago and Bandon, it is not going to work. We could say that we looked at the area south of Bandon and there are some issues there; and the area Steve Shimotakahara is talking about which probably won't work due to definition. Then at that point when we have covered the bases we can say we have exhausted all the areas.

Jan Hodder said that she and Alan Shanks have talked about Marine Reserves for years and looked all up and down the Oregon Territorial Sea. They have actually looked at Blacklock Point but it was not one the Seven Devils group was looking at. They were concerned about the very large proposal at Cape Arago. Seven Devils was sort of the alternative of that large proposal.

Jim Pex said it was a misunderstanding on his part and maybe some of the others as well. John Griffith has given us clarity of what we are supposed to be looking at – the entrance at Bandon appears to be the southern boundary as stated in HB3013.

Dave Lacey will go to the meeting in Port Orford next Wednesday and bring the south of Bandon area up with them and give us a report at the next meeting.

Steve Shimotakahara said he disagrees with Cristen; he brings attention to the OPAC recommendations of Marine Reserves and read from item #4, page 2 of 8; then item #5 and he thinks his proposal fits in with the Marine Reserve rules.

Jan Hodder thinks the idea of Wave Energy as an area of study is really important and if it doesn't happen it is bad. But they are not reference areas and are not meant to be; they are areas that are highly impacted by all of the structures or the cabling that comes to the surface or the other multitude of other things. A sand beach shore MR in the wave park could act as a reference area that would allow us to compare what is happening in natural conditions and in a site altered area such as a wave park. So we might want to consider a MR in an area that will be similar to the potential areas where wave energy might go to allow us to do the research.

Jim Pex wanted to have a quick discussion to go back to the HB3013 – do we want to look just Bandon to Cape Arago? POORT seems to have a pretty good idea of their boundaries.

Rick Goche said he would like to call for consensus for Reg's proposed MPR & MR to present to OPAC. He went on to say that if it has already been looked at by Jan's group and POORT has looked at this area and rejected it, that this will be at least the third review of this area. To call for consensus on this means it is the end of our journey – we are done.

Valerie has a problem with this – we need to have the documentation and she would not agree to consensus.

Jim said it was OK to go for consensus and we can still do some research and come back to the next meeting with more information. We do have consensus on the statement now. Jim said for consensus do we want to look at it further in cooperation with the POORT people and have a report back at the next meeting.

Gus Gates said he was having a hard time considering this without talking to Leesa Cobb and some others first. Kathy Wall suggested keeping in mind that we asked her to come up and talk to us and she declined.

Kathy and Dave Lacey will go to the POORT meeting and we should have a response from them shortly. Someone asked if you expected a written report. Mr. Pex said either a written response, or Leesa Cobb can come up here and tell us, or Kathy can report from their meeting. We need to move forward and make the gesture to POORT.

Mike Lane said it was obvious that the area from Coos Bay to Bandon has such a high economic value that we can't agree on creating an area there so we are looking on the fringes. We need to know what kind of socio-economic impact that area has on them. We cannot create something that will have impact on another Port next to us just because it won't impact us. Then in our suggestion back to OPAC we can state that we can't come up with anything in this area because of a high impact, but there may be some areas south of Bandon which might have less of an economic impact on our area and possibly on the area south of Bandon. Dave Lacey should ask those questions when he and Kathy attend their meeting. We would just like to know some reasons.

Gus said that he can live with this as long as we continue to look at other areas and are working with the process.

Cristen said that because of Red Fish Rock Marine Reserve we would have to look to see if some part of the southern part of the area we are looking at would affect the Red Fish Rock research. Parts of it may be too close to other areas ODFW is doing research on.

John Griffith said because of HB 3013 wording, if the area is south of the County Line, we should let them do it. Curry County should do the proposal. Otherwise he feels we are stepping on too many toes. He is a stickler for HB3013 because it is the only written guidelines we have and it says Bandon to Cape Arago/Seven Devils. We do not have consensus on Rick Goche's proposal.

Margie Whitmer suggested looking at a smaller area.

Jim Pex said that we can put out areas we think could be considered in our final with OPAC whether yes or no. We can say we considered all of these areas and think maybe

something might work here...or maybe there. It does not carry weight but it was discussed by this group.

Break 6:55pm.

Crystal Shoji said that we were going to discuss the Combined Outline.

At last month's meeting we agreed to the bullet points. The only question was on bullet #1 and whether we added high economic value or high ecological value.

Crystal asked if there were any concerns at this point. Dr. Rumrill said he had the same concerns he raised before. He recognizes high economic value but we need to acknowledge that we have high biological value also.

Dave Lacey asked if we would be able to adjust these bullets. Crystal said not unless there was a misunderstanding on what we agreed to last month. Mr. Pex said that we had consensus on these three bullets.

Crystal said that we were going to deal with the ecological value on the bottom part. Dave Lacey said he thought Crystal and Kathy were going to make some changes and bring it back. Kathy said not on the bullets. Crystal said the difference in the bullets was in the minutes and it was agreed they were wrong and the paper you are looking at is correct.

Continuing we will look at A – F. A lot of this we have already done or are in the midst of doing. There are a couple of things to address. We have to say where we want the public meetings; we have to say something we are not doing – anything else?

Kathy said that Jim suggested we could add "G. Finalize the conclusory statement". She continued and said that we need to put the public meetings in there so that this group can come back and digest whatever the recommendation is from the Public Meeting and then put forward the committee's recommendation to the Port Commission.

Crystal said that the public meetings would be held in Reedsport, Coos Bay area and one in Bandon. Kathy added that when we started these meetings, Mike Gaul said we would take our information out to Town Halls in the three areas. Mike Helfrich suggested that the idea was to let the committee do their work and then go to the public with recommendations. The public has been allowed to attend the ongoing Recommendation Committee meetings and the meetings were advertised as all public meetings are, but we do not take public comment at our regular monthly meetings.

Dave Lacey said that his concern was no public comment so if we add that in, he is OK with it.

Crystal asked if this was the appropriate place, we get the recommendation together; we take it out for public comment; make any changes we want to make and then take it to the Port Commission.

Rick Goche asked what we take to the public if we don't have consensus. Crystal said if we don't have consensus you don't have a recommendation and that is what we will take to the public. We tell the public at that time what we did and why and that we do or do not recommend an MR or MPA.

After much conversation and word smithing, the Combined Outline was finished with Kathy projecting the document and editing it during the discussion. Consensus was reached on all elements of the document.

Before the next meeting the Port (Kathy) will meet with Port Orford to discuss the option; the next meeting will be very important.

There will be a discussion of proposals and reasons why.

The next meeting will be July ^{28th}, however it might be in a different location. We will keep you posted as the decision is made.

The meeting was adjourned at 8:15pm.