

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
March 24, 2010; 5:30pm**

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

MINUTES

Attendance: Steve Bodnar; Wayne Butler; Gus Gates; Rick Goche; Mike Graybill; John Griffith; Mike Helfrich; Jan Hodder; Dave Lacey; Mike Lane; Matt LeDoux; Bob Main; Barry Nelson; Don Peabody; Valerie Pena; Jim Pex; Reg Pullen; Steve Rumrill; Bill Russell; John Schaefer; Alan Shanks; Steven Shimotakahara; Bart Stein; Margie Whitmer;

Non-Voting Members: Crystal Shoji; Jamie Doyle; Cristen Don; Aaron Simons; Kathy Wall; Andrea Wall.

Guests: Armand Pena, Larry Van Elsberg

Open: The meeting was opened at 5:35 p.m. by Crystal Shoji. She introduced herself to the group saying that she is a neutral facilitator; she does not have any stake in this process and does not have any strong opinions one way or the other on Marine Reserves. Her purpose is to try to help people who do have strong opinions to come to agreement; she tries to provide a framework so everyone can come together on the issue. She is an independent business person and does a lot of different facilitating for various groups. Her past training is heavy in land use planning; she does land use analysis for private clients and she works for 3 or 4 small cities. She is a National Certified Planner and a Certified Facilitator.

Ms Shoji said she would hope to find some common goals and then do analysis on how to accomplish them. She would like to focus on everyone's interests rather than their positions; what is important to you and to others.

Everyone around the table then introduced themselves and stated their affiliations as to this committee.

Ms. Shoji went through the agenda which was distributed and explained her way of doing things. The committee was encouraged to chime in with additions or changes if they wished. The 'Committee Communications' and 'Chair & Vice Chair/leadership' items were switched on the agenda as far as when they would be presented. Ms. Shoji also noted that a step was left out of the agenda and that an approach would need to be selected prior to determining panels and speakers. She indicated the agenda addition would be necessary prior to selecting panels or speakers.

Ms. Shoji started with asking what the 'charge' is and what decisions have been made so far in this process. The first answer was "Do we need a Marine Reserve in this area and

if so where do we put it. Someone said there was some very specific language from last legislature which tells us what the 'charge' is. Another person said the charge was from OPAC. Ms. Shoji asked if there were two charges.

Cristen Don said the language in the House Bill 3013 said "in supporting the development of a Marine Reserve proposal at Cape Arago and Seven Devils". Another person spoke up and said that our charge from the first meeting was to make a proposal to the Port Commission who would then make a recommendation for a proposal to OPAC of #1 whether or not there was a need for a Marine Reserve; #2 if so, where it/they should be. The discussion continued about proposal vs. recommendation and then it was asked if proposal meant "proposal of a site". Kathy Wall said she wanted to clarify on behalf of the Port. If we determine there is an area and we make a proposal to OPAC, then OPAC will consider whether or not it meets the criteria for a site and then they will move forward for further evaluation. Cristen reiterated that the proposal could be that no, we cannot find an area for a Marine Reserve. Kathy Wall continued and said that Mike Gaul made it clear with Representative Roblan's staff and Senator Verger's staff, that a recommendation of no proposal is a valid option.

Bill Russell said some of the history is that the Governor charged OPAC to make a recommendation for the establishment of a limited system of Marine Reserves. OPAC called for proposals up and down the coast. With varying amounts of public input, a number of proposals were submitted to OPAC. Most were rejected; some were accepted. Two, the Cape Arago and the Seven Devils proposals were neither accepted nor rejected. They were turned over to the Port of Coos Bay to be resolved; if there should be a reserve and if so where.

Cape Arago was a very expansive proposal of a very large area to be established as a Marine Reserve; the Seven Devils was a small subset of that.

Jim Pex asked to clarify what Mr. Russell said. Mr. Pex was on OPAC and participated in the vote regarding several areas. In the process of OPAC groups brought forth several areas for potential Marine Reserves (MR). Out of that two were chosen for study. They are not accepted MR, they are just for study. The ones out here were not properly vetted through the process that OPAC felt was necessary. The Port at that time stepped forward and said that they would like the community to make own choices and look at the situation that covers our area from Reedsport to Bandon only. The charge is only to look at #1 is there is a need for a MR and #2 if so where, how big, etc. Also, it is only within 3 miles of the Territorial Sea.

Someone else added that one of the problems was that there was no consensus from the community and that is why Mike Gaul got involved and started these meetings.

Crystal then asked for any decisions that had been made to date. Are there things that the committee agreed upon? (Someone said yes, to hire a facilitator.)

Another thing was that we were operating under a consensus and should that fail, it will come to a vote.

Ms. Shoji then asked how we judged failure of the consensus. Are there any common goals? She went on to say that a consensus does not mean that every single person has to agree, but we do have to have a process by which we must decide.

Common Goals: Consensus was a goal. We need to start breaking our consensus down and making decisions as we go. There was a comment that everyone need not agree, but that they must be willing to live with it if our process is to work.

Jim Pex suggested that total agreement is consensus. If there is someone who does not agree then we vote.

Bill Russell wanted to do a “fist to five” on consensus. Fist is NO – Five Fingers is YES- 2, 3, 4 fingers are in-between votes. You have consensus when no one uses the Fist. One finger means you may not like the outcome, but you can accept the decision.

Someone else said that he thought consensus was a 2/3rds majority.

Bob Main did not like to use the weighting methods that Bill Russell described.

Ms. Shoji said we need to get to a process and since no one agreed on what consensus means, we need to vote on our method of consensus and how to proceed. Four options:

- ◆ Everyone agrees or if one doesn't agree we vote
- ◆ Weighted – fist to five

- ◆ 2/3 majority
- ◆ Simple Majority

VOTE: #1 – 14 #2 – 5

What is consensus if we have to VOTE? This tabled for a few minutes...

The follow on questions that was asked is: Can everyone vote whether they are here or not? The discussion continued talking about the difference in decisions and whether they were pivotal or not.

Mike Helfrich felt that if everyone could vote whether they were here or not, no one would show up for the meetings. He feels a simple majority of those present and a quorum of 3/4 needs to be present to make the decision.

Because the fishermen will be going out fishing and won't be attending meetings they would like a consideration of an email or proxy vote on pivotal decisions.

Pivotal Decisions = Do we need a Marine Reserve? If so where?

Vice-Chair Jan Hodder
 Don Peabody * winner of vote

Mr. Pex said that he would begin and close the meeting (consensus reached) help establish the agenda(consensus reached) in collaboration with the Port contact speakers(consensus reached) maintain rules of order(consensus reached) Keeps track of members who wish to speak from their raised name tents; call for vote; appoint/delegates committees with MR Committee ratification (20 yes) Decides when to move on (Crystal will work with Jim on this and other responsibilities including when to move on, calling on people and voting so that there is clarification)

Some of these tasks overlapped with what the facilitator thought she should be doing, however, Mr. Pex and Ms. Shoji agreed to work it out between them.

Kathy commented on the Media contact: She said that this was a Port Committee and she felt that it was up to the Port to talk to the media. John Griffith said that he would talk to the Media if they called him. Kathy said that he was welcome to talk to the media as an individual but not as a representative of this Port committee. The Port's communication people will do that. John thought Jim as chairman should be the one to talk to the media. Mr. Pex said that he and Kathy would talk and work it out.

Mike Graybill reminded everyone that these were public meetings and they are subject to public meeting laws, which includes record retention. Emails between members to home computers are subject to record retention – a decision by attorney general. The Port then has the responsibility for documenting that correspondence. These comments brought up a lot of discussion and several people said they would do some research and Ms. Shoji suggested that we come back to it at a later date.

Jim Pex thanked everyone for the vote. He said that he would work closely with Kathy. He thought the role of the chair/vice-chair could be worked out. Mr. Pex spent three years on OPAC going through the laborious processes. Natural Resources are a combination of Science and Politics and sometimes it is hard to separate the two. Mr. Pex suggests we move on this quickly. He would like to take a legal approach. He would like to see someone come in who is an advocate for Marine Reserves and give their speech- why we need a MR. Next he would like to see someone come in who believes we should not have a MR. There will be no debate just discussion. The next week the committee will begin a process of how we want to process the information heard. Then we will take a vote to decide if we want a Marine Reserve. This process may take us three or four meetings to get through it. Mr. Pex wants to move this process along, get to the end and present our final input.

Barry Nelson felt we should have someone from the Governor's office give their perspective and point of view. What can be done economically; goals and memorandums that the Gov. has sent us so we can understand his ideas.

Ms. Shoji said that we need to come to agreement as to what type of approach we wanted to use i.e. a problem to solution approach, a criteria approach, or others. There are several different ways to look at this situation and this Committee needs to decide how they will move forward.

The discussion went on for a while and then Ms. Shoji said that we would look at the “approach” at the next meeting. Ms. Shoji noted that various approaches should be considered by the Committee. John Griffith, Steve Rumrill and Jim Pex will put their approach suggestions in writing. These could be sent to the Port (Andrea) and she can send them out to everyone in the group. Others should be encouraged to contribute also.

The meeting was adjourned at: 8:30pm.