

**Oregon International Port of Coos Bay  
Marine Reserves Recommendation Committee  
September 8, 2010; 5:30pm**

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

**MINUTES**

**Attendance:** Steve Bodner; Mike Boehme; Gus Gates; Mike Graybill; John Griffith; Mike Helfrich; Dr. Jan Hodder; Don Ivy; Dave Lacey; Mike Lane; Matt LeDoux; Don Peabody; Valerie Peña; Jim Pex Sr.; Dr. Steve Rumrill; John Schaefer; Dr. Steve Shimotakahara; Dean Warner;

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

**Guests:** Larry Van Elsberg; Ed Bowles, ODF&W; Armand Peña; Darrell Pruden, Sea Grant; Timm Slater, BACC; Andy Lanier, DLCD;

Opening: The meeting was called to order at 5:40 p.m. by Mr. Pex.

**Opening Remarks & Updates**

Mr. Pex opened the meeting with comments on the committee continuing the process that was adopted early on and steps in order to reach a conclusion regarding Marine Reserves on the south coast Cape Arago area. He said tonight he would like to complete what was started at the last meeting by getting down to some final suggestions that the committee might want to bring forward to town hall meetings.

**Approval of Minutes of August 18, 2010**

Mr. Pex asked for a motion for approval of the August 18, 2010 minutes and if there were any comments or corrections to them. Mr. Bodner wanted to correct and replace the word “trawl” with the word “troll” and noted the pages and paragraphs. He also said on page 15 in the first full paragraph it should read rex sole instead of red sole and again the last line should read trolling instead of trawling.

**Upon a motion by Mr. Warner (seconded by Mr. Boehme) the minutes of August 18, 2010 were approved.**

Mr. Pex said a NOAA workshop had occurred earlier today and Ed Bowles from ODF&W was present this evening to address the committee. Mr. Pex asked Mr. Bowles if he would like to address the committee. Mr. Bowles said he was pleased with how well the committee works together and the dedication to the process especially on such a tough issue. He said he was here to observe and answer any broader questions that might come up. Mr. Bowles spoke about the recent news release that identified three other teams who are evaluating potential sites for Marine Reserves. The news release asked the public to become engaged and provide comments on the three or four scenarios that came from these teams. Mr. Bowles said this committee is different from the other three

sites in that they are preparing for recommendation on potential sites for Marine Reserves and perhaps Marine Protected Areas associated with them. He said those teams got a later start and are mandated by statute. They have produced three scenarios for each one of the areas. The group is having the agencies, including the Oregon State Police, evaluate those sites. The group is attempting to balance an area that is ecologically meaningful while avoiding socio economic hardship not only at the site but along the distribution of sites on the Oregon coast. He said the agencies are spending quite a bit of time reviewing socio economic, ecological, and biological information. These three scenarios are not necessarily balloons for recommendation but three scenarios the group came up with that span the spectrum for any final recommendation the committee might come up with. He said in general the areas have a small footprint up to a fairly large footprint. Some have very little socio economic affect and some are quite large and that this information will come out in the analysis of the scenarios. He said based on the public input and the agency analysis the teams have a couple of meetings in October to actually come up with their final recommendations. The news release was informing the public there was one more opportunity for public input on each of the scenarios. The scenarios include Cape Falcon, Cascade Head and Cape Perpetua. Mr. Bowles thanked the group again for their efforts. Mr. Helfrich asked how small and how large the areas were? Mr. Bowles said they were relative to the areas this committee was considering. The Cape Perpetua has all the way down to a no reserve but fairly large Marine Protected Area making the footprint quite large but the actual reserve is quite small. Mr. Bowles confirmed with Ms. Don that the small sites are all larger than the Otter Rock Reserve. Ms. Don commented that the smallest Marine Reserve was one mile by one mile. Mr. Bowles said the largest reserve was eleven miles. Mr. Helfrich asked if there was going to be a legal notice for the public. He felt it was strange that the news release came out over a small radio station giving only seven days for public comment. Mr. Helfrich commented that he hoped the local announcement of the local meetings for public input would have better publication. Ms. Don said that people have been able to comment at every committee team meeting that has been held since January. The current request for public comment is based on these three scenarios that were just developed in August. She said they are trying to do an analysis and get the information back to the team prior to their October meeting. She said there will still be public comment at the October meetings, and if these move forward to rulemaking to become designated, there will again be additional public comment opportunity. Mr. Helfrich read from the release “teams are taking public comment on proposed Marine Reserves through September 15<sup>th</sup>” saying this was in today’s paper. Ms. Don repeated that this comment period was just for the scenarios and that there is still public comment available throughout the entire process. Mr. Bowles commented that they were trying to get public input as well as the community team working on this every step of the way and this was just one of those steps. He said there really aren’t probable recommendations but just scenarios that will help show the spectrum of impacts both ecological and socio economic.

Mr. Peabody said the previous 8 months of public comment did not apply to these specific scenarios since they were only developed in August. He said he was concerned these were being advanced without active public comment. He asked if they aren’t trial balloons then why are they having public comment. Mr. Peabody said it was reasonable to believe as a citizen that the recommendations that come from those teams are going to be one of the three that are currently out there for public comment so they are in fact out

there as trial balloons or they are going to can those three and come up with three new ones to go through public comment. Mr. Bowles responded with each step of the way, as Ms. Don said, there has been public comment at each of the meetings. Mr. Bowles said he wasn't aware of what this committee's protocols were but at each of their meetings, which have been one or two a month, they have taken public input. The input can be done through cards or on-line. He said what the teams wanted were more tangibles and they wanted to give the public more tangibles. The tangibles they wanted on the three scenarios were exactly what the socio impacts are if the boundaries were in one location versus another as opposed to just generalizations. Mr. Bowles felt this committee was probably struggling with the same issues such as, if you have a boundary here for Seven Devils versus Cape Arago, what are the exact impacts for the local communities and for the fleets. He said the groups were very clear that they were not even willing to vote on these scenarios if they represented pre-recommendations. The groups also made it very clear that these were strictly scenarios to get tangibles down on relative impacts, socio economic, and ecological and what would be lost for example at Cape Perpetua if the boundary were slid south to avoid impacting Yachats and the fishery right off the mouth, what did it do ecologically and how much can be gained socially. The group felt they couldn't get at that without the tangibles. Mr. Bowles said ODF&W will be doing the analysis and whether or not this group wishes to take that approach once the proposals are narrowed down to maybe three or four. It is really up to the group and if you want to have the agencies do an analysis and comparison or you just want to do it yourselves. With the current three scenarios that are out, they may come back and all three be thrown out, they may pick one of them or he felt there may be some sort of a hybrid because they are going to learn new things. Does this eliminate a very important ecological place, there isn't much socio benefit or does it overreach ecologically because you are really putting the hurt on these fisheries. Ms. Don commented that the deadline is not a hard deadline. They are compiling the comments and getting them to the teams a couple of weeks before they come back for analysis so that they have time to digest the information and in trying to come up with a recommendation. Public comment will still be accepted past the September 15<sup>th</sup> deadline. They were hoping the deadline would encourage people to submit comments in a meaningful amount of time so by October they could understand the public's concerns

John Griffith asked Mr. Bowles in his opinion must groups recommend some kind of a Marine Reserve or no take zone. Mr. Bowles responded no. The group is taking what OPAC handed off to them, evaluating them, and if there is a compelling basis for the group to come to consensus that there are significant socio economic hardships associated with this particular area then the group is compelled to recommend that nothing move forward. He said it does take some compelling information that says the initial boundaries are off. He also said it was made clear from the start that a no Marine Reserve is a totally viable option. Mr. Griffith said when the Governor spoke to the fishermen in his November 1, 2007 letter he did not use any modifiers but did say no socio or economic impact. Mr. Griffith commented that he didn't know what he meant but that is what he said. In his executive order he used the word significant but OPAC never defined significant. When you have a group of very disparaging individuals, one person's interpretation of significant might differ greatly from another person's interpretation. Mr. Griffith said what if the recommendation is for no Marine Reserve what sort of advice would one give. Mr. Bowles responded that it was up to the

collective committee represented by various interest groups to determine what is significant. He said there are good, well meaning people struggling with this issue. He said that the intent of the statutes and executive order was to recognize there was probably no place on the Oregon coast where there wouldn't be any impact if you exclude extractions. To be ecologically meaningful so that we can learn from this and avoid those impacts that could put cultures and economies at risk, he felt the group needed to figure out where that balance was. Mr. Bowles said he has not heard that there is any intent to second guess groups and redefine significant once the group's work was done.

Mr. Warner wanted to know who was going to set the parameters for the public meetings once this committee came up with their recommendations. Mr. Pex replied unlike the other groups whose recommendations go to OPAC directly, this committee's recommendations go to the Port and the Port sets the parameters for the public comment meetings. Mr. Warner then talked about the meetings scheduled by State Parks for the Snowy Plover issue and how they were scheduled for 2 p.m. in the afternoon and only five people attended. He said he recommended that the Snowy Plover public comment meetings be held in the evening and when they were, 50 people showed up. Mr. Warner hoped the public comment meetings would be well publicized and would be in the evening when more people were available to attend since the committee is working for the people and what the people want. Mr. Bowles said he felt this committee's process was dictated by committee input and that the Port and ODF&W were there to support the process as best they could.

Mr. Pex said because it was already 6:00 p.m. he would like to postpone a report by Dr. Rumrill on the NOAA meeting and move forward with the proposals discussion A through J. Mr. Pex reviewed a discussion he had with Ms. Wall, Ms. Shoji and Mr. Peabody on separating the proposals for consideration by the committee for moving forward. He said the Port has requested that there be more than one proposal moving forward to the town hall meetings and how it didn't make sense to have just one possibility. Ms. Wall said that she wanted to clarify the town hall meetings and the benefit of taking the results and a few comments on them as to why they either had dropped off the list or why they are still in discussion for consideration. She commented taking all of the proposals forward, even those that have dropped off the list, shows the public all of the hard work the committee has done rather than saying we got down to just a few. Mr. Pex said that sounded good and that the design and location of the public meetings had not been discussed yet but that it had been suggested that all of the committee be invited to the meetings where the committee members would be identified with name tags so that if the public had questions they could be addressed by the proposal author. He said once something has been finalized there would be discussion about the complexion of the town hall meetings.

**Facilitated Discussion with Crystal Shoji, Facilitator**

Review and or amend compilation – Comments Regarding Proposes MR/MPA Areas.  
Part one includes proposals A, C, D, E, G & H:

(A) Simpson Reef Great Kelp Study Area – Hodder, Shanks, Rumrill

- (C) South Cove Study Area – Hodder, Shanks, Rumrill
- (D) Cape Arago Cluster Study Area – Hodder, Shanks, Rumrill
- (E) MR/MPA from the Cables to north of Bandon - Lacey
- (G) Gregory Point Study Area - Gates
- (H) No Marine Reserve/No Marine Protected Area - Griffith

Part two includes proposals B, F, I, & J:

- (B) Gregory Point/Sunset Rocks Study Area – Hodder, Shanks, Rumrill
- (F) Siltcoos Tahkenitch area - Gates
- (I) In Conjunction with Wave Energy – no boundaries until Wave Energy determined - Shimotakahara
- (J) South of Bandon - Pullen

Mr. Pex said looking at the discussion from the last meeting he would begin by summarizing proposals A through J and asked the committee to keep in mind that it might not be completely accurate as the committee might not have heard the discussion as he did and assured there would be further discussion.

Mr. Pex felt he heard from the group that Simpson Reef Proposal A received more positive comment than negative and the proposal might receive strong consideration by the committee by the end of this evening to move forward. Gregory Point Proposal B he felt the overall group thought the area would never really fly because it was a heavily used area. Mr. Graybill commented that the nature of use had never really been characterized. Mr. Pex responded that it was up for discussion and that his intent was again to summarize the feeling he got from the committee comments on the proposals.

On Proposal C, the South Cove Study Area, Mr. Pex said there had been a lot of discussion about this proposal and the committee might want to look at integrating this proposal with A.

On Proposal D, Cape Arago Study Cluster, Mr. Pex felt the group needed to make a decision and that the Gregory Point portion of this proposal made it difficult to move this proposal forward.

On Proposal E, MR/MPA from the Cables to north of Bandon, Mr. Pex felt there should be more discussion.

On Proposal F, Siltcoos Tahkenitch area, Mr. Pex said OPAC attorneys had advised him this was outside of the committee's area for consideration which would put this proposal on the drop side for now.

On Proposal G, Gregory Point Study Area, Mr. Pex felt this proposal would also have difficulty being carried forward.

Mr. Pex felt Proposal H, No Marine Reserve/No Marine Protected Area introduced by Mr. Griffith needed more discussion and more bullet points in deciding what the committee wanted to do with this proposal.

Proposal I, in Conjunction with Wave Energy, has been discussed over the past several meetings. Mr. Pex felt this proposal did not fit with the definitions of a MR/MPA. Dr. Shimotakahara asked if he could comment but Mr. Pex asked him to wait until discussion reached his proposal.

Proposal J, the area south of Bandon, Mr. Pex said is another area outside Cape Arago Seven Devils and felt because it was out of the area for the committee's consideration that it was another proposal that could most likely not be put forward.

Mr. Pex concluded his summary of the proposals and asked for further discussion on them to see which ones the committee might want to move forward.

Ms. Shoji discussed the handouts where the proposals had been separated into two lists by herself and Ms. Wall. She said some might move forward and others might need more discussion. She commented that she tried to keep philosophy out of the decision in separating them and include points that were either for, against or neutral on each proposal based on committee member input and what was found in the meeting minutes. She said additional comments needed to be added where necessary. Mr. Graybill said two proposals were considered based on correspondence with Ed Bowles and identified them as the proposal south of Bandon and the Siltcoos Tahkenitch proposal. He said one of the comments that came out of those proposals was the result of a clarification letter sent from Mr. Bowles to the committee. Mr. Graybill felt there was a flag in both proposals saying they are areas worth consideration but perhaps not by the Cape Arago Seven Devils committee because they are outside of the group's area of geographic scope. Mr. Graybill said he is in support of listing things not to be advanced by this group but he wanted to make sure that the other two sites that have been identified as worthy of review but perhaps not by this particular process are recognized. Mr. Pex said nothing has changed and felt the group needed to focus on the intent of tonight's meeting.

Ms. Shoji began with Proposal A, the Simpson Reef Great Kelp Study Area. She felt most comments on this proposal fit into the area for a Marine Reserve but there was not consensus to move it forward. She felt the group needed to make further comments for advancing, consensus, or perhaps even a vote. Dr. Rumrill encouraged the group to consider moving this proposal forward however he felt the boundaries needed clarification. He mentioned the extensive amount of intertidal zone in North Cove making it problematic and that clarification of boundaries and drawing where they would be had not been completed. Dr. Rumrill said the committee could possibly ask ODF&W to help draw the boundaries which will require very fine scale GIS work. Dr. Rumrill thought it would be a very fast way to be responsive to comments made by the committee. Mr. Pex asked Dr. Rumrill if he was in favor of moving Proposal A forward

but have it better defined before the town hall. Dr. Rumrill said absolutely yes. Mr. Peabody asked if there was a problem designating intertidal areas as part of a Marine Reserve. Ms. Don responded that it was just the sandy intertidal that cannot be included and that rocky intertidal can be included. Dr. Rumrill asked to clarify when redrawing the boundaries the sandy shore needed to be excluded but not the rocky shore and not the islands that are above. Dr. Hodder said when this scenario was put together one of the things that wasn't included on the map is that this is an important marine biology study area for OIMB so the boundary was put at low tide allowing them the ability to still teach classes. Dr. Hodder felt this was the case for all of their scenarios. Mr. Pex said it is also possible that in this area although it is referred to as a Marine Reserve the committee could custom design this as an MPA. Dr. Hodder said the other reason they drew the boundary 50 feet from low tide is because this is an area the committee decided had quite a bit of recreational fishing from the shore and rocks and that would still be allowed. She felt they had done the same thing for all of the Cape Arago scenarios.

Mr. Warner said that OIMB is doing research in this area now and does it have to be a Marine Reserve for them to continue to do their studies or can they continue with the current designation. Dr. Hodder said they don't need a Marine Reserve to do their research. She said there is research that they could potentially do in a Marine Reserve that they cannot do now but that they did not need to have a Marine Reserve to do all the types of research currently conducted at the lab. Mr. Lane asked if there was consideration for drawing the line to the outer reef down to the south rocks to South Cove and if there were any conflict of use. Dr. Hodder said the lines were just for discussion as to where the boundaries could be in the three scenarios. She said even though the committee is looking at the proposals independently they could look at joining them, or adding an MPA to them, or altering them in some way. Ms. Wall told Mr. Lane that this was a revision to an original proposal and that she would show him the original slide that Dr. Rumrill presented as compared to the current slide altered by committee discussion. Mr. Lane asked what conversation went on to change the boundaries as he missed the last meeting and was there some use in the area that he wasn't aware of. Mr. Peabody said the boundary was moved because it dropped into the point off Middle Cove into an area used heavily by sport fishermen. He said the South Cove area is refuge for commercial as well as sport boats during northwest swells for bottom fishing. Mr. Peabody also said if the area were a Marine Reserve and crab pots were to be washed into that area any catch would have to be emptied. Dr. Rumrill said the original proposal went down to just below Middle Cove to the boundary at the tip of South Cove and then went out to some wash rocks. The area was pointed to on the projected slide. Dr. Rumrill commented he thought the issue of the crab pots washing in was further south. Mr. Lane said he had some personal experience in this area and that usually there aren't commercial boats inside the area on the projected slide. He said crab pots will wash up but they are usually below the rocks just off the sound end of the cove. Mr. Lane said he didn't know there was use in the lower area or that anyone got close to the Cape itself. Mr. Peabody said there are a lot of boats that stack into the area and that the line on the previous slide cut a shelf that drops from 25 feet plus or minus down to about 50 feet with a fairly steep drop to almost a shelf, then into scattered rocks down through the sandy bottom. He said it is one place close within the northwest swell where ling cod can be caught in close. Dr. Rumrill said there is a path down through South Cove for kayak fishermen, which is their only access to that area for kayak fishing. Ms. Doyle asked if some discussion points

could be included on how the boundaries were determined on the proposals that are put forward so that people at the town hall meetings would understand how they were determined and the why the decision was made for moving the proposals forward. Mr. Graybill commented on Mr. Warner's question by rephrasing it "is there anything about a Marine Reserve that would interfere with OIMB's need or does OIMB need a Marine Reserve." Mr. Graybill wanted to point out that a Marine Reserve allows no collecting and the intertidal zone is a very important area for collecting marine organisms. He said a designation of a Marine Reserve would preclude schools and other educational groups from collecting organisms from the intertidal unless there were some specific exemptions. Mr. Graybill said he was reinforcing the definition of a Marine Reserve and the distinction between a Marine Reserve and a Marine Protected Area. He said the map is suggesting a scenario for a Marine Reserve and it is currently mapping the intertidal so if you were literally interpreting this it would mean there would be no collecting in the intertidal and that is why Dr. Rumrill suggested that it might be good to exclude the intertidal area from the Marine Reserve proposal because you would not be able to collect marine invertebrates.

Mr. Bodner said he had been trying to count the number of boats on a daily basis in Cape Arago and had asked Margie Whitmer to do the same since he has seen the Betty Kay Charter boats out in this area. He has seen two power boats inside the gray area on the map twice and kayaks in South Cove. He said he has been keeping a log on his computer but forgot to download the information prior to the meeting. He asked for clarification that this scenario was just a Marine Reserve. Dr. Rumrill responded yes but that a Marine Protected Area in conjunction with the Marine Reserve had not been ruled in or out.

Ms. Don wanted to clarify Mr. Graybill's comments on research that is permitted in a Marine Reserve. She said there is extraction collection for research allowed if it is to study the Marine Reserve. It would require a special permit from ODF&W. She said in some cases extractive research might still be allowed which would include school groups if they were studying the Marine Reserve.

Mr. Graybill asked Ms. Shoji to record in the committee comments that Mr. Bodner saw two power boats in the gray area in the last ten days. Mr. Bodner said on some days just outside the rocks there would be between seven to nine boats.

Ms. Peña commented she could possibly see this being a Marine Protected Area versus a Marine Reserve because it would help to protect the kelp beds. She also said that kayak fishermen use this area and asked to be included in the record that she had spoken to a business person in Empire who commented their business had increased considerably due to kayak fishing which is a growing recreational sport and that they would lose a great deal of business if this area were to become a Marine Reserve. She felt it might be a possible area for a Marine Protected Area specifying it was to protect the kelp beds.

Mr. LeDoux asked about the collection for scientific purposes and if the required permit was free or a paid permit, and if it were a paid permit, was there any landing tax. Dr. Hodder said they are currently paying for a permit and that the money goes to ODF&W. Dr. Hodder said there was a web site for applying for the ODF&W/National Marine

Fisheries Service paid permits. Mr. LeDoux asked if taxes were taken out. Dr. Hodder responded there were no taxes, just a permit fee. Dr. Hodder wanted to address the kayak fishing in the area. She said one of the reasons this area is so ecologically diverse is due to the thousands of marine mammals that use the area. She said at this moment there are approximately 2000 California sea lions, 400 stellar lions, 750 harbor seals, and 25 elephant seals which are all protected under the Marine Mammal Protection Act. Dr. Hodder said you don't want to encourage too much kayak fishing in the area because the National Marine Fisheries enforcement agent will be issuing citations for marine mammal harassment under the Act. Dr. Hodder felt this was not a good area for kayak fishermen and that a Marine Reserve would help stop the marine mammal harassment conflict. If kayak fishing is becoming so popular in this area, she felt they could be directed to a more appropriate area where they are not going to be influenced by the Marine Mammal Protection Act.

Mr. Peabody said if these intertidal zones used by school groups for field trips are important ecological areas, he wasn't sure he could buy into the language that would have such a large impact on the fishermen. He said if it was important enough to him to protect these things then he felt they should be protected from all users including scientists. If OIMB loses their research ability he felt that was no worse than fishermen losing their area to fish. If schools needed to go to a different area to do their tide pool studies he didn't feel that was any different than a fisherman having to drive an extra five miles to fish. Mr. Peabody said he understood the thought process behind excluding the intertidal zone and on some level he sympathized with it but on another level he wasn't sure he could get on board with it. He said if it is worth protecting then protect it and extraction is extraction. And whether it's a six year old, a sixth grade class, a scientist or a fisherman, extraction is extraction. Mr. LeDoux asked Ed Bowles for full clarification on extraction for scientific purposes. Mr. Bowles said there were different types of research permits if you were actually evaluating the Marine Reserve. He said you would be cooped into an ODF&W permit instead of doing an independent permit. He said they do cooperative research with the commercial fleet on a regular basis which doesn't require a permit associated with it. The landing taxes on the commercial fleet go toward funding research. He gave one example of cooperative research as the pink shrimp fishery where they did by-catch reduction devices. Mr. Bowles said the research that Dr. Hodder was referring to was independent research which has to be permitted through the State.

Mr. Warner asked for clarification by Dr. Hodder regarding her comments on the kayakers and suggesting that kayakers should be banned from the area because of the seal population in this area. Dr. Hodder explained that the Marine Protection Act is a Federal Act which does not allow take of a marine mammal. She said take is defined in the Act as changing the behavior of the animal. She said all of these animals haul out on the rocks and it is a very visible place where there are lots of people standing at the overlook. She explained the area was very well patrolled and she could see a scenario where a kayak fisherman caused all of the California sea lions to stampede off of Shell Island and the kayaker not knowing the regulations would become caught in the middle of a situation with a law enforcement agent from NMFS and being issued a citation. Dr. Hodder felt that a Marine Reserve in this area would help solve this problem with kayaking in the area becoming such a popular sport. Dr. Hodder explained again that

take includes changing the mammal's behavior and they are very careful when taking students into the area by not going anywhere close to Shell Island because they want to avoid take of marine mammals.

Mr. Griffith said this situation reminded him of State Parks Habitat Conservation Plan for the Snowy Plover. He said states and local government are under no obligation to evict the public from public land to keep individual members of the public from either deliberately or inadvertently violating some federal law whether it is the Marine Mammal Protection Act or the Endangered Species Act. He said that Dr. Hodder's point made sense in one respect but the other is if we were to keep going down this path there would not be many other places to go. Dr. Hodder responded that Mr. Griffith was incorrect in his comments about there not being very many places to go. She said north of Cape Arago is one of very few places on the west coast where you can see 5000 marine mammals by just getting out of your car at the overlook. She said there are very few other places where this is the case. She felt this was a very special example of trying to help the public not do stupid things.

Mr. Pex asked the group to move forward. Ms. Shoji asked if there were any more suggestions for Proposal A or had the committee come to a conclusion on this proposal and would like to move forward. Mr. Graybill said Dr. Rumrill raised a point that has become part of this discussion and he thought it was important to capture for this scenario that the shaded area began with the most restricted type of use as a Marine Reserve. He said in some of the other discussions it was highlighted that an MPA be associated with this area and that this is one of the scenarios where there hadn't been a chance to discuss if there were any kind of value in including an associated MPA with this Marine Reserve proposal. Mr. Graybill felt a discussion would be warranted prior to moving this proposal forward for public comment.

Mr. Helfrich commented that this proposal had been whittled down from where it began and that all around it was an economically important area for both sport and commercial fishermen. Mr. Graybill responded that the committee had talked about an MPA allowing all existing uses but that it would preclude industrial uses and other types of development. He said if this area is that important for existing uses that it might be valuable to consider creating an MPA designation to assure that those uses would not be displaced by other activities. Mr. Bodner said this is one of the few proposals that is actually for a Marine Reserve and in his opinion felt was why this committee had been called together in order to determine if there is such a place. He felt if anyone were to put a Marine Protected Area around this area they would lose his support for it. He felt there should be one proposal for a pure Marine Reserve so there would be a choice of where committee members wanted to cast their votes.

Mr. Pex said in trying to figure out how to proceed and move proposals forward he wasn't sure it would be possible to carry forward to a town hall meeting a proposal that had exact boundaries. He suggested proposing a concept and if it were something that the committee wanted to move forward, the details and language could be worked out later. Mr. Pex said he did not want to spend from now until 8:30 p.m. trying to address the boundaries of Proposal A. He said he felt the committee had a generalized concept but when it came to more legal the committee might want to have LCDC come in with

something better defined. Mr. Pex asked if the committee felt they were close enough to considering this proposal for a town hall meeting. Mr. Bodner said he would be comfortable putting this proposal out to the public. Dr. Shimotakahara commented that he agreed with Mr. Bodner and if it were put out as a recommendation by consensus of the committee that it would be a Marine Reserve without an associated surrounding area of a Marine Protected Area that could potentially be fraught with the hazard that there could be creep into that area and therefore more restrictive use of a broader area. If it were put out as something very distinct with very well defined boundaries with a very distinct description he felt it would carry much more weight. Mr. Pex said for clarification tonight can the committee look at these proposals that this is one that needs clear definition before a town hall meeting. He asked if the committee wanted to move Proposal A to the drop list or move Proposal A forward with a caveat that it needs clearly defined boundaries. Mr. Lacey asked would the group come back to Proposal A after public comment if something were changed. Mr. Pex said there has been no time set for public comment and that this committee has more time than the other groups do. Mr. Lacey commented that there might be a need for a second round of public comment. Mr. Pex said any of the proposals could be moved to the left where they could be finely tuned.

Mr. Warner asked if it would be wise to take a vote now to either move it to drop or move it forward. Ms. Shoji said the first thing would be to look for consensus. Mr. Warner said he would like to make a motion to move Proposal A to the drop side. Mr. Pex said he agreed with Mr. Warner but asked if there were consensus to move Proposal A to the drop side. Mr. Graybill responded no. Mr. Pex then asked for a motion to move Proposal A to the right side where it would be dropped and asked for all in favor. Dr. Hodder asked to make a comment that Dr. Shanks was in Argentina and asked if it were possible for her to vote for Dr. Shanks. Ms. Wall said tonight was not a pivotal vote. Mr. Helfrich said he felt the group was pretty hampered tonight by lack of committee member attendance with no charter boat representation; some key fishermen were also missing, and that maybe some of the proposals could be moved around on the list but to completely approve or make any other decision would not be appropriate. Mr. Pex said he was concerned from the last meeting that some of the discussion tonight would be referred to as a pivotal vote and that it might require the entire membership to do that. Mr. Boehme said it was his understanding that this was not a pivotal vote but a decision on which proposals to move ahead and the pivotal vote would come after.

Mr. Bodner suggested that things move only to the right tonight and leave the proposals already in the center and not move them to the left until there was better committee attendance. He said he was against moving Proposal A to the right side tonight and let it remain in the center. Mr. Pex reminded the committee that a motion had been made. Mr. Lacey said there is more value putting more proposals forward to public comment for better feedback. Mr. Gates said he agreed with Ms. Wall in moving more proposals forward. He said the committee could sit here all night discussing details on the proposals which has been done at the last meeting and the meeting before that. He commented that the committee has already spent one hour talking about one proposal and that the committee really needed to talk about the process moving forward for the town hall meetings, what they will look like and when they are going to be held and how they were going to be formatted so that the committee was assured of feedback. He said in the

interest of time he was willing to say that Proposal B was pretty similar to Proposal G and that he was willing to move Proposal G to the drop side and move all other proposals forward and let the public make their comments. Mr. Pex repeated the motion that was currently on the floor to take Proposal A and move it to the right to drop it. Ms. Shoji asked for a vote prior to the break and asked Mr. Warner to repeat his motion. Mr. Warner made a motion to move Proposal A to the drop side. The motion died due to the lack of a second.

At this point there was a 10 minute break in the meeting.

Ms. Shoji said there was a suggestion to decide if there was a proposal the committee wanted to drop. The last proposal took a lot of discussion with positive comments and there were some on the list that unless there are things to add to them they didn't have much meat to them. Ms. Shoji said that doesn't mean they shouldn't be discussed and instead of trying to decide if it can be a Marine Reserve or a Marine Protected Area look at whether this has enough positive comments to carry it forward. Mr. Pex said looking at the process and what we can drop from the list doesn't mean they won't be available at the meeting for the public to look at. Ms. Shoji asked if the next proposal for review was Proposal C. Mr. Graybill said he had a clarifying question and that Ms. Wall would like to carry more than one proposal forward and if the committee is going through this list of dropping he felt it would be informative for his decision making to know how many proposals the group would like to retain. Ms. Shoji asked Mr. Graybill how many he would like to retain. Mr. Graybill responded that the Port is saying they would like to carry more than one proposal forward for public comment so if that means two he would vote one way and if it means four he might vote another way. Mr. Pex said this had been discussed and decided it would be the responsibility of the committee to make the decision so a number would not be set. Mr. Pex commented the fewer proposals there were the easier it would be for the Port and that there were some proposals the committee knew were not going to fly so could those be moved from the list carrying the rest. Mr. Helfrich said he concurs with what was already posted as the synopsis. Mr. Boehme asked what about Proposal G. Ms. Shoji suggested looking at Proposal G.

Mr. Gates said he brought Proposal G to the table and that it was very similar to Dr. Rumrill's proposal. He was willing to drop the Marine Reserve component but felt the Marine Protected Area was worthy of further consideration and further discussion by the committee and by the general public. He also proposed moving Proposals A, C, D & H forward. Mr. Gates clarified on Proposal G removing the Marine Reserve component and moving the Marine Protected Area boundary allowing existing uses but does not allow offshore industrial activity. He felt this would be worthy as a stand alone or something coupled with one of the other proposals. Ms. Wall asked for clarification on removing the Marine Reserve, keep the existing boundary, making the entire area a Marine Protected Area. Mr. Gates responded that was correct. Mr. Pex clarified keep the existing uses and not allow industrial uses in that area. Mr. Gates said yes, no industrial development would be allowed. Mr. Helfrich said the public in general and sport fishermen are going to consider the area so important and would be afraid that once something is started there it would become more and more restrictive and possibly by executive order. He said it's a prime sport and charter area. Mr. Gates responded it could

protect the socio aspect. Mr. Gates asked Mr. Bodner about the bottom trawling in the area and Mr. Bodner responded that he couldn't answer the question.

Mr. Bodner said he would like to propose that anything put forward as a Marine Protected Area would have a fee structure requiring a special license and special fees for anyone that fishes inside the area making it fair to those that are excluded. The money that comes from the fees could go back into research for that area, if you want it, pay for it. Mr. Bodner said he was opposed to any proposal against the trawl industry whether they fish there or not. Ms. Peña commented she wasn't in favor of the area and as Mr. Helfrich said, it is a high socio impact area for sports fishermen and it wouldn't fly as a Marine Protected Area. She said when you talk about trolling for salmon it is different than bottom fishing and this is a bottom fishing area. Mr. Gates said bottom fishing would be one of the allowed activities within an MPA. Ms. Peña asked, bottom fishing would be, extracting bottom fish? Mr. Gates said he proposed existing uses. Ms. Peña said it did not make sense to her when Mr. Gates said existing uses and why it would need the designation of a Marine Protected Area if all existing uses would be continued there. Mr. Gates said he wanted to respond to Mr. Bodner's suggestion and felt his idea had a lot of merit and something other community teams up and down the coast have discussed and proposed for further consideration. He said there was interest in having a research permit and being involved in that research. He felt there were some great opportunities to involve local and recreational fishermen in some of the research activities directly tied to and working with the scientists.

Ms. Peña responded she felt fishermen were already paying extremely high licensing fees and to say that little area and how you are going to control it means you would need to have someone out there all the time to police it for permits. Secondly, she said that would enrage the recreational fishing community. She felt it was ridiculous because it's a small area and fishermen are already paying exorbitant fees. She felt this proposal was just one way of saying we are going to do something to get you off the water. Mr. Boehme said he looks at the proposed licensing fee as just another method of back door closure to the public and we will tax you out of fishing. Mr. Peabody said he could go along with the fee as long as it was imposed on anyone using the area including anyone who steps below the low tide line, anyone who goes into a tide pool, anyone who plays on the beach at Sunset Cove, anyone who launches a boat out of Sunset Cove, and anyone who anchors there, including anyone who uses the area for research. He said if it simply targets fishermen within this area he doesn't go along with the fee.

Mr. Ivy said he wanted to respond to the comment that every sport fisherman is going to object to an MPA and that he would not. He said he would also not object to paying a fee if that allows him an opportunity for entry into this area at certain times and for certain conditions. Mr. Ivy said he didn't think the group could personally offer opinions as to what the public's reaction was going to be to any proposals that came forward. He said he agreed with Mr. Gates that the idea needs to be run up the flag pole and test the community's reaction and response, including some of the other proposals, and validate one way or the other if the committee's efforts are representative of the population or whether or not the committee is attempting to represent their own particular interests. He commented, that being said and not to criticize anyone else's opinion, there are other places in the world, and on the North American continent and in the United States where

people willingly pay permits, fees, licenses, and entry fees for the opportunity to experience unique areas they would not be able to experience anywhere else. He said he didn't know if the idea for suggested fees was good or bad but to suggest that somehow limited use or limited entry, or MPA's or fees were going to be found totally objectionable by all the public, he didn't feel was a very fair position.

Mr. Pex commented to Mr. Gates that he was very familiar with all of the proposals and he had listened to all of the comments tonight, did he really want to push this proposal forward or drop it in favor of another proposal. Mr. Gates said he felt this proposal was worthy of being put forward because it is an ecologically significant area. He said he hears the strong social values, cultural values that are associated with these activities, but he proposed this in the interest of protecting those uses given the other conversations that were happening with spatial planning on the Oregon coast. He felt this proposal warranted further consideration by the general community. Mr. Pex felt the issue of licensing fees was outside of the committee's realm. Mr. Pex said let's keep Proposal G as an option as a Marine Protected Area only and remove the Marine Reserve designation.

Ms. Shoji suggested the committee move to another proposal. Dr. Shimotakahara said he wanted to address his proposal since he hadn't been at the meetings for awhile. He said he had read the guidelines by Mr. Bowles describing the Marine Reserve system and hadn't read anything in them that would exclude putting a Marine Protected Area on top of a wave energy park. He asked if there was someone who could explain to him where it said it was not allowed. Dr. Shimotakahara said part of the verbiage within the guidelines and objectives of the Marine Reserve describes studying the effects of wave energy. He said the second point "does not meet the scientific rationale for an MR/MPA," and he didn't believe that. He said he has read the document several times and asked if someone could provide clarification. He felt putting a Marine Protected Area on top of a wave energy park was a great idea because the park really needs to be studied and commented jokingly that everyone had such incredible confidence in the federal government and all of its agencies to do the study for us. Dr. Shimotakahara felt there would be more confidence in some kind of industrial enterprise that had a distinct vested interest in promoting itself in the ocean and promoting all of the good things it does for consumers and this community. He felt personally this was a golden opportunity to have much more input at the State and local levels in terms of what is going to be studied in the wave energy park and what socio economic impacts a wave energy park had in this area. He commented this has never been done before and felt it was a golden opportunity for having a laboratory just off the coast and an opportunity to study it and have input through his proposal. Ms. Don said the team decided not to move his proposal forward and that is why it was on the drop list. She said the goal of the Marine Reserve is to protect habitat biodiversity and there would be a complete change toward that with a wave energy facility so it therefore did not meet the State's and OPAC's goal for a Marine Reserve. She also said when the Department of State Lands wrote the rules for Marine Reserves, it did not allow issuance of removal/fill permits in a Marine Reserve which would be required in a wave energy park facility so in those respects it doesn't meet the State's system of Marine Reserves. Dr. Shimotakahara said there is no doubt that a wave energy park is going to create unique habitat by installing the huge anchors in a sandy bottom and once those go down there is a distinct habitat. Ms. Don said DSL has

interpreted, for a Marine Reserve they will not issue removable fill permits and that includes a wave energy facility. Mr. Graybill said he was sorry that Dr. Shimotakahara hadn't been at the meetings to hear the thoughtful and thorough discussion for his wave energy proposal. He said one of the reasons he supported moving Dr. Shimotakahara's wave energy proposal to the drop list is because there is no specific location identified and as a group working with a timeline to advance some recommended sites that might be considered as Marine Reserves or Marine Protected Areas and the fact that this proposal would be conditioned on an energy company making a decision and that it didn't have any fixed parameters was sufficient basis for him to not support the proposal. The idea of designing a Marine Reserve that is shaped by some process that is independent of a Marine Reserve process, the fact that there was no time certain that this region would be considered for a Marine Reserve unless an energy proposal came forward, and that it did not fit the criteria put this proposal at the bottom of Mr. Graybill's list.

Mr. Helfrich said Sarah Henkle who spoke recently at OIMB was doing a funded study for NOAA for the two wave energy parks in Oregon and any study that the State of Oregon would want to do he felt would be redundant. Her studies were going to include what was going on in a controlled area as well as new areas. He also felt that FERC would do what they wanted. Mr. Helfrich commented that he had yet to see any proposals as to where the money was coming from or how much it was going to cost for the studies. Ms. Wall commented from the Port's perspective and DSL's rules she couldn't see the Port Commission making a recommendation that would conflict with another State agency's rules. Mr. Griffith said he didn't remember a show of hands vote for moving the wave energy proposal to the drop column. He said he recalled from the Ocean Policy Advisory Council there were a couple of comments where he felt the sense that people were feeling they were getting piled on by either a Marine Reserve or wave energy park including loss of access and loss of area. He also said he didn't see the goals the same as others had described them and OPAC's definition of what a Marine Reserve is. He felt if there is a wave energy project that a Marine Reserve should be directly in it. Mr. Griffith also felt that Proposal I should be put back in the column of proposals to move forward for public comment. Mr. Graybill said there was consensus to move the proposal to the drop column and Mr. Griffith responded that there was not and he would never have agreed to consensus. Ms. Shoji commented that the reason this proposal was moved to the drop column is that the Port did not feel it fit with the Marine Reserve requirements. Ms. Wall responded that she felt there was an issue with DSL's language on removal fill. Mr. Pex asked Mr. Bowles to address the concept of putting a Marine Reserve on top of a wave energy platform and if he saw it succeeding in the process. Mr. Bowles responded that Ms. Don was correct in saying it is not an appropriate candidate for a Marine Reserve but that it would be fair to be considered as a Marine Protected Area because an MPA allows for certain things to occur. He said the problems that Mr. Graybill brought up still remain because there are no boundaries and there is no certainty to it. And just relative to the extraction issue with the DSL component. He said it would be redundant with the federal research that would go on but they will be required to do these evaluations if the State of Oregon has anything to say about it. He said MPA's are adjustments to the extractions clause and that this proposal has some merit as an MPA but not as a MR. Mr. Bowles said it would take some creativity but the whole MPA concept as one allowing for some extraction, this proposal has not come up at any of the

other team meetings. He said the Cape Perpetua community team is trying to use the MPA's as a tool to try to prohibit energy development not as a compliment to it. Mr. Pex said to aid Ms. Shoji in this process and to see if he could move the process along the committee might make Proposal I a Marine Reserve and drop it, put it in the middle column as a potential MPA for public comment. Mr. Graybill asked how could the committee do that and where would the boundary lines be drawn. Ms. Shoji responded it could occur in zoning when something happens. Mr. Graybill said it is up to the energy companies to propose where that would be and how would the community be able to understand that. Mr. Helfrich said if there is an energy project it will only occur in one of two places if it's going to happen within the next 20 years and that it would take 15 years minimum to get the permitting. He said it would need to be at an existing outfall at either Weyerhaeuser in Coos Bay or at IP in Reedsport. Mr. Pex said if the committee could write something that said if a wave energy park is proposed the committee would want to set an MPA over the top of it. Mr. Bodner said the SOORC map shows the wave energy park is in one of the reddest areas on the map for economical impacts. He said if there is no wave energy park there then having a Marine Reserve there would be detrimental to the crab industry in particular. And if a wave energy park is there then they have already lost that ground. Mr. Bodner felt this site was very important to the local economy. Mr. Peabody said Mr. Bodner was right so if a wave energy park goes in we have already lost the ground so an MPA doesn't cost us. There is no economic harm, there is no socio harm because the damage is done by the energy plant and not by the MPA. Mr. Peabody said the federal government is spending a tremendous amount of money to do studies and research within this wave energy park. He said he is hearing the scientists in the group say there is no benefit to doing any science in the wave energy park and if that is the case then why is the government spending a significant amount of money to do science within this Marine Protected Area. He said not only is science being done there but science will get done there with federal money which makes it easy for the State to piggyback and use the synergy of federal money combined with the State's and the State's studies that are going to be done in an MPA getting more bang for the buck. He said there are boats going out and it's easy for someone to get on a boat that is already going. He felt it would be easy to piggyback off a federal scientist's work. He felt it was ridiculous for someone to say there would be no valid science done in an MPA. He commented there would be huge science done and that there was no way to determine how wave energy was going to change the ocean bottom, but there was a significant amount of science that would center around how the ocean bottom has changed. In terms of protecting biology how would the change impact fish populations and would it become a nursery for rock fish or who knows what species. He said would it be possible to take wave energy parks and turn them into artificial nurseries and get the spillover effect that is proposed by Marine Reserve proponents. And if, in fact, it is a fact, then the benefit would be not taking fishing area away from fishermen. Mr. Peabody felt the easy way around it was for the committee to make a recommendation that if wave energy shows up the boundaries of the Marine Protected Area will be the boundaries of the wave energy, the no transit zone. There would be no commercial or sport fishing allowed and the only extractive activities would be those directly related to the operation of the wave energy park. Mr. Peabody felt it would be a way out for this community.

Mr. Gates said back early when tackling the definition of an MPA he felt it was pretty clear what a Marine Reserve was within Oregon's territorial seas. He read "it is protected

from extractive activities including the removal or disturbance of living or non-living marine resources and as necessary for monitoring or research, to evaluate reserve conditions, effectiveness, or impact of stressors.” He said he was struggling with the logic and that wave energy industrial development has not been done anywhere within America’s exclusive economic zone other than a single buoy, yet Marine Protected Areas and Marine Reserves have been implemented in many areas with proven ecological benefits. Mr. Gates said he was a little concerned because he was hearing Port staff saying there are concerns about consistency with State law and the Port of Coos Bay’s community representative has a conflicting message which needs to be remedied. Ms. Wall responded that her concern was taken care of when it changed from a Marine Reserve conversation to a Marine Protected Area discussion. Mr. Bowles said to be clear on what he said, the only existing MPA at this time is off Red Fish Rocks and it excludes removal fill permit. He commented, like Mr. Gates said, an MPA has flexibility, it is unprecedented and you need to be very creative. He said he was attempting to be very factual with the committee. He also said there are a ton of procedural problems with this concept particularly given that an MPA primarily would exclude these types of industrial developments and not as a way to encourage or support them. He said the only one that currently exists DSL designated and it did not allow removal/fill.

Mr. Peabody said that raised a couple of issues and asked if DSL was going to take the committee’s recommendation and do what they wanted with it. In other words, if the committee makes a recommendation for a Marine Protected Area over a wave energy park and since DSL hasn’t allowed them may very well take the committee’s proposal and say sorry, we don’t like it, invert that and we come out with a Marine Protected Area operating off the Point as Mr. Gates proposed earlier and DSL takes that proposal and says we like that MPA but we are going to change that and make it a Marine Reserve. Mr. Peabody asked if he missed something in what you just said because if DSL can take the committee’s recommendation and decide they don’t like it, they throw it out, what happens if the committee makes a different recommendation and they take that and discard it as well. Mr. Bowles said this gets at a broader question that Mike Carrier addressed in a letter to this group which everyone in the committee had. He said this is kind of the fidelity of governance to this process and to the recommendations that come from it. He said obviously the Governor and the various agencies whether it’s DSL, ODF&W, LCD, any of those cannot prejudge how their boards and commissions will rule in administrative rule making nor can we prejudge what the legislature is going to do or what the next Governor is going to do. Mr. Bowles said the commitments to this group are, if the current governance has very high fidelity to this process and to the work the committee is doing, the strength of the committee’s recommendation is somewhat dependent on the level of consensus the group is able to come to. He said they cannot dictate what rule makers, the people that write the laws of the State, are going to do which includes himself and Mike Carrier; he said specifically the Land Board who designates the boundaries for these through rulemaking by Administrative Rules. He said the Legislature can also do it through statutes although it is a little unprecedented. Mr. Bowles said they are huge public processes for either one that has full vetting. He said the intent is if the group comes to some level of consensus is to have the agencies, through the Governor’s office and the legislative process, champion the recommendation commensurate with the level of consensus. Mr. Peabody said if out of the six proposals that the committee moves forward, if the consensus of this community is to move

forward one, and that particular proposal is to place an MPA around a wave energy park, that would represent the consensus of this committee picking one out of six, is that something you would champion going forward with to ODF&W. Mr. Bowles responded in the charge in HB3013 to evaluate Marine Reserves for the State of Oregon that would not work. It would not be part of a distributed system of Marine Reserves with a complimented MPA in order to evaluate it. He said if they could champion it for example like the group that wanted to do it to exclude FERC and to try to keep FERC from putting a wave energy park at South Cape Perpetua, it could be championed through the agency process and we would try to do that but it wouldn't necessarily be as part of a distributed system of Marine Reserves. Mr. Peabody asked if "no" was not an option for the committee, and if that is the only recommendation from this committee, that is one that would not go forward. Mr. Bowles responded it would not fit within a distributed system of Marine Reserves and the concept is you attempt to come up with a Marine Reserve which is something that excludes extraction to be evaluated over time, and in doing so are unable to get a meaningful ecological footprint because of the legitimate constraints socio economic, it is just too tight to have a footprint that is meaningful ecologically, the MPA tool is used to allow some of the socio economic issues to be diminished and still have an ecological footprint. He said that is the intent of the MPA and that the process is to evaluate Marine Reserves and that is where that tool comes in.

Mr. Lane commented how Dr. Shimotakahara's proposal took a lot of merit but unfortunately he felt it was like putting the cart in front of the horse because phase three, commercial build out, has not been approved yet and they still need to go through the first and second phase of the wave energy process. Mr. Lane said he did not want to add a lot of support to the proposed areas or placing a wave energy park off of Coos Bay yet until we find out it becomes viable. He said he is not a person to support it until it happens. Mr. Graybill wanted to comment on what was going out to the public for comment and what would it look like. He felt that the committee had just characterized Mr. Gates' proposal one where an MPA could be used that explicitly precludes industrial development and retains existing uses while excluding industrial uses such as wave energy parks. And now the committee is discussing also including a proposal that would use the same tool to encompass an industrial use. Mr. Graybill felt it would be fairly confusing to the public who hadn't had much of a chance to think about this. Dr. Shimotakahara disagreed and felt the public would open up to the idea in a very creative way and anyone who thinks it's confusing to put an MPA on top of a wave energy park he felt was an easy thing to conceptualize. He said in terms of Mike's concerns he didn't feel anyone was proposing to put the wave energy park off the North Spit. He said he was proposing to put it wherever the wave energy park eventually lies. Mr. Graybill asked how would you identify where that would be. Dr. Shimotakahara responded he didn't know if it would ever be built so it would be contingent upon a wave energy park being built and that is how it would be presented. Dr. Shimotakahara felt it was important to decide what was important to the committee and in the whole scenario what really is important is that someone else, somewhere else doesn't decide what is important for this community and that it is the committee who decides that. He also felt this was the only way the committee could have any kind of local, State and regional input into the whole process in studying what the effects of a wave energy park are to this area.

Mr. Pex said he would like to get through the list before the night was over and it was already 7:50 p.m. He said as a member of OPAC he felt this proposal would never fly because it doesn't meet the criteria that have been developed over the last three years and if the committee wanted to put something forward in the event a wave energy park is ever created then a committee of this type reconvenes to address the issue of an MPA at that time. Mr. Pex said if there isn't a wave energy park the committee cannot go to the public and say this is a proposal that could be here or there or even when. Mr. Graybill said so in the same category that the committee has identified other proposals for future consideration, an MPA might be worthy of future consideration if and when a wave energy park goes in. Mr. Pex asked if the committee could come to consensus. Mr. Graybill said he would really like to check the record because one thing he really valued was the three hours spent discussing this proposal at the last meeting and he felt the committee had consensus at the last meeting and suggested the committee stick with that consensus. Ms. Wall said the committee did not have consensus at the last meeting and Mr. Pex concurred. Mr. Peabody read from the minutes of the last meeting on page 18 of 20, fourth paragraph, third sentence "Mr. Pex asked if there was anyone who wanted to carry this proposal forward for public comment. Mr. Peabody said he would like to carry it forward due to what was said earlier regarding FERC wave energy and State Lands Division." Mr. Pex asked again is there consensus of this concept to put it out there as, if one ever comes up, the group is reconvened to look at it as a potential MPA. He said the committee could put it forward for public comment just like the groups say for the areas that are outside our area for consideration. Mr. Helfrich responded no. Mr. Griffith asked to take them one at a time and the answer to the wave energy park question he would have said okay but if it's too woolly he is not okay with it. Mr. Pex asked Mr. Griffith to explain where the dividing line was. Mr. Griffith said the way it was worded for the first part is where he would be okay, if a wave energy park comes forward then he would do it as an MPA but then the other area outside he would not want to include Bandon. Mr. Pex said that was not part of this proposal. Mr. Pex asked if there was consensus to handle it in this manner. Hearing no response, he then said was there anyone opposed. Hearing no opposition Mr. Pex asked the committee to move on. Ms. Shoji asked so this proposal is moving back here as an MPA. Mr. Pex responded no, it stays where it is. Ms. Shoji said on the drop side. Mr. Pex said it stays where it is until there is a recommendation should something be developed later.

Mr. Pex then asked the committee to move on for discussion of Proposal H. He felt it was odd that this particular proposal did not have a lot of bullet points to put it forward for public meetings. Mr. Ivy said he didn't have any bullet points to add but commented he supported Proposal H as an alternative to be considered by the public. He said how the committee builds a rationale to support that alternative was difficult for him to conjure because the federal processes that he was familiar with make it difficult to determine what the effects would be. He felt somehow, someway the committee needed to grasp that there is an effect in the alternative of no, or there was a need to come up with some strong argument that says there is an effect. Mr. Ivy said he didn't know how to do it but that he supported this proposal as a consideration for the public meetings. Mr. Helfrich said he agreed with what Mr. Ivy was saying and that each proposal had its pros and cons and just by the nature of the no it should be kept available until there was agreement on something. If there was no agreement on something in the future then no becomes it. He said one thing that might be pointed out on the chart that everyone keeps

alluding to is that the whole area is pretty heavily red and there was going to be economic issues with just about anywhere the committee decided to put a reserve. He said it might be to a lesser or greater extent. He felt some of it was skewed because commercial and sport blended together without a way to divide the two but still in general the whole geographic range is pretty red without an obvious location for a reserve.

Mr. Peabody said he had just written five bullet points as follows: Because of the geographical ocean bottom structure off of Coos Bay a marine reserve off Cape Arago would in fact cause substantial economic harm and cultural harm as there is no other place to go fishing like the Port Orford reef and Red Fin Rocks. There is no substantial amount of rocky coast like on some of the north coast areas. There is a single point which is Cape Arago. Parking a Marine Reserve there with any mission creep at all will cause substantial economic harm and cultural harm as well. Cultural isn't just ethnic, cultural but has to do with how we live and destroying the commercial fishing families and commercial fishing culture as well as the culture of Charleston as well as businesses in Coos Bay. He said there is no biological reason. The committee has already come to consensus on the fact that there is no pressing biological reason, we are not saving anything. Another way to state it would be solutions in search of problems. Bullet three is science is unproven for the Oregon coast. While it may work in New Zealand and it may work in severely over fished areas in the temperate seas, science has not proven to be valid off the Oregon coast. He said that is why there are key test sites to see if the science might actually work in this area. Mr. Peabody said there is already a highly regulated fisheries management structure within the State of Oregon and that Mr. Bowles is doing a fine job managing the fisheries in the ocean. The fifth bullet point is, because of the nature of the Oregon coast, a Marine Reserve off Cape Arago may in fact according to some of the work that is coming out of the University of Washington, cause the exact problems it is reported to solve which is over fishing fisheries stocks in spite of excellent management. Because they are managed under Total Allowable Catch, moving a TAC of 100% into an 80% area you have over fishing outside and if you eliminate TAC and reduce TAC down to 80% you have now caused substantial economic harm.

Mr. Graybill asked to add a bullet point which is if this community opts out of participation in the Marine Protected Area and Marine Reserve process by choosing no, interests external to this community will likely lead the designation and citing process in our community. Mr. Lacey said by having no Marine Reserve or no MPA in this area there may be fisheries depletions in the future. Mr. Pex said he worried about that contribution as there were no facts to support the statement. Mr. Gates said he agreed with others that this proposal should go forward in the range of alternatives for those considered and wanted to make a motion that the proposals in the center column move forward to the public. Mr. Gates asked that the committee start discussing what the public meetings would look like. Ms. Shoji asked Mr. Gates to ask for consensus. Mr. Pex wanted to know if Proposal E was discussed or missed. Someone responded no. Mr. Pex said then there cannot be consensus until all of the topics have been covered. Mr. Boehme said the committee was looking for consensus on Proposal H. Mr. Pex asked Mr. Gates to repeat what he said. Mr. Gates repeated Proposal H should be considered along with A, C, D, E, and G as a package that moves forward to the public for comment. He said the committee could sit here until 9:30 discussing proposals or come back next week and do the same thing over again. He felt there was interest in discussing what the

public meetings should look like and that was his proposal. He said again move to the public A, C, D, E, G and H. Mr. Pex said there was a motion for consensus, do we have consensus to move all of these proposals forward for consideration. Does anyone oppose? Both Mr. Peabody and Mr. Pex said they oppose. Mr. Pex said so there is no consensus and his reason for no consensus is because Proposal E had not been discussed. Mr. Pex said there is a motion, is there any further discussion. Ms. Shoji said there is a proposal for consensus and Mr. Peabody wants to speak and then there can be a motion if someone wants one. Mr. Peabody said the motion on the floor had been set but skipped by it with the proposal. He said Mr. Gates made a motion and Dr. Hodder seconded the motion which is still on the floor. Ms. Shoji said so we do have a motion. Mr. Peabody said he wanted to speak in regard to the motion, that he was opposed to the motion for a couple of reasons. He said in the first part of the meeting it was brought up the commercial fishing industry as well as the charter industry were not at the meeting and while this is not a pivotal vote that requires the rules surrounding the pivotal vote that have been put in place, this is an important vote to move everything forward and he felt there was a duty to those who aren't at the meeting to at least put this vote off until the next meeting allowing them to weigh in on the issues. Mr. Peabody felt the proposals should not be pushed forward as a group. He said they are in a column that could be titled may move forward and that each one should be dealt with on an individual basis as a committee to see if a motion on an individual basis had the backing of the committee to move forward. Thirdly, Mr. Peabody said in opposition to the motion he didn't believe there would be meaningful public meetings or discussion with five and one half plus a couple more recommendations, that there were too many for a single meeting for a single night. He said the committee has been discussing these proposals for a better part of a year to get to this point and to ask the public to come in and make meaningful comments in a single evening on five issues that they have not seen before was too much. Mr. Peabody suggested that the committee narrow the proposals brought forward for public comment down to two or three.

Mr. Bodner said he was concerned about comments that were made that if the committee did not make a selection that someone else was going to make the selection for the committee. He asked what made everyone so uncomfortable that even if the committee came up with the best case scenario that some person would come in and say the committee didn't do a good enough job and in turn proposes to the State that there has to be more MR/MPA's in this area. He didn't understand the threat that if the committee didn't do it someone else was going to do it for the committee. He asked wasn't this committee representing our community or are we being driven by Roseburg, Grants Pass, Medford, Klamath Falls? He asked are these people going to come to the town hall meetings and tell us what we want and what we can't have. Mr. Pex said he had made that comment in the past but said you have also read the letter that was requested from the Governor, there are no guarantees, and Mr. Pex said he has said that many times too. He said he was hopeful that the committee makes a decision based on the population of the committee. Are the proposals going to be taken out for public comment, the public does not decide, the committee decides. Mr. Pex said when the committee is finished and has forwarded recommendations to the Port which is moved on to OPAC and the Governor, they are recommendations. The committee does the best it can. Mr. Boehme said we keep putting it off and putting it off, the meetings have been going on for over a year, and if the committee cannot whittle down the list of proposals tonight he wasn't

sure they would be whittled down in another meeting. He felt the committee was spinning their wheels. Ms. Doyle said if it was so important that these proposals move forward or not, maybe it should be a pivotal vote and go out to everyone on email instead of waiting until next meeting. She said there is always going to be someone missing from the meetings so if it was really critical, and everyone is that concerned, then maybe it should go out for a pivotal vote via email. Mr. Pex said this might be a good time to redefine the pivotal vote and when the committee would want a pivotal vote. Ms. Wall said the determination for pivotal vote is, if yes or no, and if yes, where. Mr. Boehme asked would that not come after public input. Ms. Shoji commented that is what the committee had talked about. Ms. Shoji reminded the committee that there was still a motion on the floor for quite a while during all of the discussion and suggested that the committee vote on the motion. She said the motion was the same as the proposal for consensus to move to the public meetings Proposals, A, C, D, E, G and H. Mr. Pex said that there were four committee members that wanted to make comments, and after those comments were made, he was going to call for a vote.

Mr. Peabody said earlier in the meeting when the committee was talking about dropping proposals, the discussion was about leaving them in columns and not moving them forward. He said there were items in the middle column that he would not have agreed to consensus had he known it was coming to a vote tonight and not being held over to the next meeting. Dr. Shimotakahara agreed with Mr. Peabody and said what the committee takes to the public should represent what the dominant opinion is which hasn't been identified yet. He felt that the committee should try to reach that type of opinion as a group so when the recommendations are taken to the public they should represent what the common opinion is. Mr. Helfrich said just a minute ago he heard discussion about consensus and voting the proposals forward or not. He said the other thing the group is charged with is making a recommendation which might occur after the public input and the Port might also choose to have public input at their level before passing the recommendation on. He said he hoped the Port would go along with the committee's recommendation.

Mr. Warner commented that he agreed that the maximum should be two or three proposals, and with the existing group, the proposals not discussed tonight included Proposals E, B and C so he didn't feel an up or down vote could be taken. He also wanted to address Mr. Bodner's comment about the committee making recommendations which come to a public meeting and people come from Grants Pass, Klamath Falls or other places. He felt it was important to remember that those people are Oregon residents too and own the ocean as much as we do so he felt it was only fair that they should have their input if they want to be at the meetings. Ms. Don said she heard a concept discussed earlier and maybe it had gotten lost but instead of moving some in the middle column forward, the ones that have been dropped and those in limbo in the middle column be presented as the committee doesn't know if they are moving forward but would like to receive input from the public on these concepts to come back, to tweak more and then there is the second round where there is something a little more refined and further narrowed down. At the meetings there could be work stations where potentially five or six proposals could be addressed. People would have time to talk to people about the scenarios and ask questions and their comments could be written down or taken verbally

as there are ways to accommodate that. She felt this might be a way to move the committee forward on some of the concepts.

Mr. Pex asked Mr. Gates how he would feel if the discussion were tabled. Mr. Gates said he was concerned about the delay for another two weeks. He said he has been hearing some committee members say they would like to delay and have another meeting and he sees what has already been laid out in bullet points on the various proposals after discussing them for three meetings. Mr. Gates wasn't sure how much more needed to be discussed and felt in the essence of soliciting public input he was willing to drop his suggestion for moving proposals forward but felt that since public comment hadn't been collected at any of the meetings it was time to get some input. Mr. Gates felt the committee members knew which two or three proposals might potentially work but having the public's opinion was a valuable piece. He said rather than have another meeting, he looks around the room and sees representatives from the trawl fishery, salmon fishermen, troll fishermen, and most at the table are recreational fishermen and he didn't see why the committee couldn't get public input. Mr. Pex asked for the motion to be restated. Ms. Shoji said the motion was to move A, C, D, E, G and H. Mr. Pex asked all in favor to raise their hand. Seven people raised their hands. He then asked for all opposed and ten people raised their hands. Mr. Pex said the motion does not carry.

Mr. Helfrich asked when the critical vote occurs, what would the committee's choice be as far as who was eligible to vote. He said he was concerned that there are a number of people who haven't been to half of the meetings and there are quite a few people who have only been to one or two meetings. Mr. Helfrich was concerned about their eligibility to vote and felt it should be discussed before it came to the critical vote. Mr. Pex said he was apprehensive himself because the committee was at a pivotal point in the discussions. He asked how do we move forward and get down to what is moved forward and which ones are probably not going to make it. He said he was open to suggestions and asked if the committee wanted to pick the top three and vote by email. Dr. Shimotakahara said he felt it was time for an up and down vote on all proposals by everyone on the committee. Mr. LeDoux felt the need to eliminate some of the choices for more concise public opinion. He said the committee was working with a very small area on the map and most of the reserves are going to be one way or the other. He felt with public opinion it would be possible to get input on moving boundaries. Ms. Shoji said there was one proposal that was fully discussed tonight which is Proposal H and felt that the committee should make a decision on this proposal tonight on whether it is going up or down. She didn't feel it needed to be grouped with the other proposals and that a decision could be made about this one proposal. Mr. Peabody disagreed and said he would like to see the bullets associated with the proposals that were discussed tonight incorporated with the bullets on the two sheets that were handed out at the meeting. He suggested taking the proposals in the middle column, email them out to members of the committee in an email that says the first item of business next week after the introductions is a vote up or down on the five proposals going forward, the bullet points are in front of the committee, they have a chance to read them coming into the next meeting ready to vote on A, C, D, E, G, H and I, which go forward and at that point start talking about what the public meetings should look like. Someone seconded Mr. Peabody's comments. Mr. Pex asked if there were consensus on this concept. Dr. Hodder asked for clarification and said taking the orange sheet with the bulleted

information and adding the new bullet points with the exception of G which is now just an MPA. Mr. Peabody responded the ones in the middle column, we have the bullets on the proposals discussed tonight plus the bullets that are here, those go out to all committee members in an email with the notation that the first item of business after the introductions at the next meeting, there will be an up or down vote on which of the proposals in the center column go forward to the public meeting. Mr. Pex asked how many proposals are we going to carry forward and thought Ms. Wall said the Port wants more than one. Mr. Helfrich said he still had the same previous concern about a vote and that is, who is going to be eligible to vote. Mr. Pex responded only the committee. Mr. Helfrich commented anyone on the committee whether they have been to a meeting or not. Mr. Pex said yes. Mr. Boehme said they have to show up.

Mr. Warner suggested if the information is sent out and you are looking for a vote the committee members mark their ballots with one, two and three and those become their top three choices so when they arrive at the meeting the ballots are turned in and tabulated and the top three choices are advanced which would save a lot of time. Ms. Shoji said she was concerned that the committee was going to discuss all of the proposals tonight and they have only gotten through a few of them and the committee is not even willing to make a decision on one of them which is Proposal H which has had lots of discussion. She asked what does that mean and why would it be postponed when everyone added the bullet points they wanted. Mr. Pex said he felt the committee had decided on Proposal H. Ms. Shoji said then maybe the committee should say that for the record. Mr. Pex said that is the point the committee is now at in deciding which proposals are going to be saved. Ms. Shoji said the committee hasn't really ever said have we gotten all of the bullet points on the other proposals. The bullet points came out of notes where occasionally something is missed. Mr. Pex responded the issue which has been brought up by several committee members is over the last several meetings the committee has discussed all of the proposals and he felt they are ready to come to a point of selection and as suggested by Mr. Warner, the top three and we run with those. Mr. Pex asked if that was the consensus of the group. Dr. Hodder responded no saying she agreed with Mr. Helfrich in that if committee members haven't come to the meetings and they just receive discussion bullet points in an email it's not going to tell them what the proposals are without the information that comes from the Power Point presentations and how would they know what the Cables down to north of Bandon is or the Cape Arago Cluster Study Area so she felt they needed context. She said if the people that aren't here today cannot remember what these proposals look like, how can they make an informed decision vote. Mr. Pex said it couldn't legally be done and it was said to the group in the beginning when it came to important decisions everyone was going to have the opportunity to vote. He said the ones that can't come to the meetings cannot be negated. Dr. Hodder said they can't just receive an email with the bullet points because it would not make sense to committee members without the supporting documentation as to where the areas and boundaries are.

Mr. Peabody responded the bullet points are sent out, people come into the meeting and Ms. Shoji, Mr. Pex or a committee member have a chance to come up and say, you have the bullet points, the Great Kelp Reef encompasses this area, here's where it is on the map, we are going to vote on it now. Ms. Shoji said the meeting is going to be over in the next three to four minutes. Ms. Wall said there is a regularly scheduled meeting next

week and that this meeting was in addition to that. Ms. Shoji said the group here has talked about Proposal H and at the next meeting there may be a different group of committee members. Mr. Pex said he felt the committee was getting close to making a point and do we want to have a vote on these areas, and does the committee want to do that between now and the next meeting. Do we want to include these bullet points in a paragraph or two for a better description as Dr. Hodder suggested? Dr. Hodder responded that she did not suggest a paragraph and if we are going to vote on these, for example Margie Whitmer is not here tonight, she may not remember what the Cape Arago Cluster Study Area really is. She said if we are going to get everyone's vote on the proposals there has to be a complete set of information. She said Ms. Shoji mentioned that the bullets were not necessarily ones that the proposal author put together but bullet points that Ms. Shoji put together and they might not always be complete. Dr. Hodder felt the sheets that were provided at the meeting were for information that should be used for the decision making process. Mr. Pex asked Ms. Wall to look at dates for the next meeting to which she responded is next Wednesday. Mr. Pex adjourned the meeting at 8:30 then reconvened it due to comments from committee members that they could not be at the September 15<sup>th</sup> meeting. It was asked that there be some way for committee members to submit their votes if they couldn't be at the September 15<sup>th</sup> meeting. Mr. Pex said there is a mechanism in the process that someone can provide the vote for a committee member. Ms. Wall responded that would be on a pivotal vote. Mr. Pex said tonight's meeting would continue until the committee came to some type of conclusion and asked how does the committee want to handle the next step in the process.

Mr. Lacey asked if it could be a pivotal vote. Mr. Peabody said it still didn't address Dr. Hodder's point which he said he understood but the problem is at some point not every committee member is going to be at the meetings to hear the discussion but on the other hand the committee is not in a position to exclude members who haven't been at the meetings. He said the best mechanism is to provide committee members with as much available information which are the bullet points. Dr. Hodder suggested there be no meeting next week because there wasn't a good process in place, schedule the next meeting for October, and the Port put together a package of material that reflects the proposals, bullet points and background information. Ms. Wall responded that the meeting minutes are on line and have been distributed to all committee members. Mr. Pex asked Ms. Wall if she wanted to meet next week. She replied that tonight's meeting was not scheduled because people were not available next week but that it was scheduled in addition to next week's meeting so that if the committee wasn't getting through the proposal process there was an opportunity to have the second meeting as well.

Mr. Warner commented that the bullet point sheets from tonight are a consensus of what the meetings have been as well as the pros and cons of the proposals. He said even in federal elections there are absentee ballots and if Mr. Bodner is not going to be at the next meeting let him fax his ballot to the committee. Mr. Warner said every member is never going to be at all of the meetings and he felt the documents were a concise description of each proposal and a vote could be made in person or by absentee ballot. Ms. Shoji commented that there were additional bullet points to add from tonight's discussion. Mr. Pex said it could be done by email, votes could be taken tonight, an overview of the various proposals could be sent out by email with a vote by email, if that is the consensus of this group. He said the committee could come to a meeting next Wednesday and pick

the top three proposals for example and then be ready for the structure of the next meeting. Mr. Graybill commented that at some point the committee is going to need to be able to make a coherent presentation to the public and it sounded to him as though what Dr. Hodder has identified is a way of consolidating the discussion into a single package so it would be possible to look at in some coherent manner as to what the individual proposals are. He felt it might not be a bad idea to use the process that Dr. Hodder suggested as a preamble to the public process that will need to be communicated to a naive audience the concepts the committee was considering. He suggested that it also be done for the proposals in the drop column so that the committee could say these are the proposals that were considered. He felt creating a synopsis of each of the proposals in a pamphlet format with a map and rationale of the Power Point presentations and the bullet points which would likely support the public input process and facilitate the committee's ability to vote. Mr. Pex asked if this sounded like something the committee could agree to. Mr. Peabody said if a pamphlet was going to be written he didn't feel a week was enough time to put them together and suggested canceling next weeks meeting due to lack of attendance by several committee members. He felt the pamphlets were a good idea and if they were going to be done he suggested the next meeting be pushed back to October. Ms. Wall said the October meeting is scheduled for the 20<sup>th</sup>. Mr. Graybill didn't think it was going to be a big deal to put the pamphlets together since there was enough information and it could be done in a single page profile. Mr. Pex asked if anyone was opposed to this process. Ms. Wall confirmed that the next meeting would be October 20<sup>th</sup> and she would put together a pamphlet on A, C, D, E, G and H. At this point in the meeting several people started talking and it sounded like the pamphlet would be created for all of the proposals and sent out by email.

There were no closing remarks.

The meeting was adjourned at 8:35 p.m.