

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
April 28, 2010; 5:30pm**

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

MINUTES

Attendance: Steve Bodnar, Bill Poppe, Valerie Pena, John Griffith, Gus Gates, Margery Whitmer, Wayne Butler, Don Peabody, Mike Graybill, Jan Hodder, Jim Pex, Steven Shimotakahara, Mike Helfrich; Reg Pullen, Mike Boehme, Matt LeDoux, Alan Shanks, Don Ivy, Rick Goche, Mike Lane, Dean Warner, John Schaefer

Non-Voting Members: Crystal Shoji; Cristen Don, Kathy Wall, Aaron Simons, Andrea Wall

Guests: Robin Hartman OPAC, Oregon Shores Conservation Watch; Linda Anderson, Seven Devils MR Group; Kathy Verger Muscus, for Sen. Joanne Verger

Open: The meeting was called to order at 5:32p.m. by Jim Pex, Chairman.

Mr. Pex made some opening comments and then reiterated how important it was for members to attend these meetings. There is a process in place for proxies if you cannot attend and also said if there is a pivotal vote, everyone will have the opportunity to respond.

Mr. Pex called the member's attention to the "handouts" which were given to you on the Roles of the Chair and Vice-Chair, a page on Facilitation from Crystal Shoji, and a page on Voting Guidelines. Kathy Wall commented that she planned on covering those handouts during the discussion on ground rules.

Continuing, Mr. Pex asked that everyone be sure and sign in to the meeting. He will look at the attendance sheets and contact those who seem to miss a lot of meetings to see if they are not interested in coming and what or if we should do something.

As far as rules, for the opening and closing of the meetings, Mr. Pex or Mr. Peabody will be in charge; for the facilitation, Crystal Shoji will be in charge and Mr. Peabody and Mr. Pex will be participants like anyone else who is a voting member.

Mr. Pex then stated that the minutes of the January 20, 2010 meeting and the March 24th meeting were mailed out to everyone. Are there any additions or deletions?

Mike Helfrich asked a question regarding the voting guidelines. Did we actually vote to require the 2/3rds majority? Crystal said that she and Kathy discussed that and she went back through the chart sheets; she did have it with a star – so yes we did vote.

Mr. Pex commented that for everyday decisions, we were not going to worry about it too much, but for pivotal decisions, he would hope we had a lot more than 2/3rds majority but that is the minimum requirement.

Back to the Minute approval: Steve Bodnar made a comment that in the January minutes a motion from Mike Graybill to approve the minutes was on both page 4 & 5.

Gus Gates said on the page 8 of the January minutes there was a comment saying that “Gus suggested that a chair and vice chair be elected”. Mr. Gates said that he asked the question “would it be appropriate”; he did not suggest.

At this point the minutes from January 20, 2010 and March 24, 2010 received consensus with the addition of the corrections.

Mr. Pex continued the meeting and said you should all have this evening’s agenda in front of you. Is there anything you want to discuss before we start?

Mr. Pex made a few more comments before Crystal started. He reviewed information from the document called “What is Facilitation?” and said Ms. Shoji is a neutral person, not a voting member of the group. She is here to help the group arrive at a decision. Ms. Shoji worked with Kathy Wall and Jim Pex several times to prepare for this meeting. The facilitation is designed for all members to have equal input. Respect is required from and for everyone as we go through this process.

Everyone needs to keep in mind that any decisions concerning ocean policy that comes out of this group is limited to the area from Reedsport to Bandon and out three miles.

Since the last meeting, Mr. Pex has been getting around talking to different members to find out where they are and what their thoughts are. If he hasn’t talked to you yet, please don’t be offended, he just has not made it there yet. One of the things he found is that this group is not as polarized as he thought. There is common ground and he thinks it will come out as we look at the different approaches. He has been pleased by some of the comments from some the members.

We have a self-imposed timeline that we would like to have a plan in place by October – to get some kind of endorsement by the current Governor. If it is a plan that takes longer, that is OK, but Mr. Pex would like us to have something that we could present.

Last of all, we have asked the Governor to demonstrate some support for our group. As we go forward and make decisions on what we would like as a group for our offshore waters, we don’t really know how dedicated the Governor is to what we arrive at as a local community. So we have asked the Governor to respond to that question. There is some risk even if he responds, but there is always risk.

Ms. Shoji then took over the meeting. She said that we would have about 5 minutes for each presentation, and then about 15 minutes of discussion after each presentation. She

followed those comments with more discussion on the ground rules and then moved to the presentations.

All Presentations are attached at the end of these minutes.

First Presentation: Mr. Pex was the first presenter and said that his was different than he suggested the last meeting. Previously he talked about advantages and disadvantages of a MR. Mr. Pex reviewed his proposal for the group and some of the reasoning behind it. On his point #8, he clarified it by saying that if we do decide to set some area aside, that preliminary work is done to determine what is there now, based on the studies done before.

Discussion: Wayne Butler: When you identified no impact to Salmon and Crabbing – why only those two? Mr. Pex said in discussions he has had with fishermen and non-fisherman, in order to proceed, there has to be a baseline first. He feels that we can talk about other species as we go on , but if we don't take these first hurdles with these two fish species, he didn't feel we were going to go anywhere. We can add in rock fish later.

Cristen Don: Does “no impact” mean if it is an MPA or is it an area that doesn't have any fishing allowed? Or does it mean an area little enough that maybe this industry could live with it?

Mr. Pex: If we go with his proposal, it's an MPA, not MR.

Gus Gates: Likes the suggestion of having a map to help with decision making. He offered a suggestion of maybe having a series of maps instead of a single map. DLCD has some great maps of the sea floor habitat, biological resources and the human uses. Another critical piece might be the SOORC maps which were done on the fishing effort from the area. Mr. Pex said that was a good suggestion.

Steve Bodnar: He didn't disagree with what has been said, but he doesn't like to exclude the other fisheries and one is the shore based trawl. He feels the impact would be less than Salmon and Crabbing, but still to some of the small trawlers, that is a very important area also.

Don Peabody asked Mr. Pex to explain what he considered a moderate economic harm. Mr. Pex said that was something this group was going to have to sort out – he didn't have answers. How much harm can we tolerate? When he put the bullets together they were just his suggestion on how to proceed. Mr. Peabody asked if Mr. Pex was opposed to striking the word “moderate”. Mr. Pex said he did not know if moderate was the right word but we could strike it and put a “?” in its place. Mr. Peabody's question was asked because if someone came back to this committee and questioned that word and wanted to know what it meant we needed to be able to define it.

Valerie Pena would add that we have maps that are depth charts and distance scale so we can equate them with the three mile line.

Mr. Poppe asked for clarification of #8. It sounds like if we choose an area for a MR or MPA the State will study it for two years. Mr. Pex said yes because he thinks there is a need to set a baseline.

Mike Boehme suggested the maps were in PDF format to be able to send them out and then we wouldn't have to absorb the printing costs.

Alan Shanks would like paper maps also and some blow ups

Kathy Wall stated that we also have the ability to project them with someone from DLCD here working through their data base that they can set criteria and flash them up. Someone else said that if we had paper maps, we as a group could draw on them.

Mike Graybill said he needs clarification regarding #8 and #1. He thought our charge was to offer advice to the Port of Coos Bay. We are not a decision making body. We can make decisions in the body, but the decisions would be in the form of a recommendation to the Port. He would like to know why this group would need to get clarification to the Governor if our responsibility is to advise the Port; the Port has the obligation to forward our recommendations as the Port chooses to the Governor.

Mr. Pex said that Mike was right on the process. What has come up in discussions is "what is the value of our meetings?" The process is the Port convened this group and our results go to the Port, the Port presents to OPAC and the OPAC presents to the Governor. Do we have any buy in beyond the Port on the validity of any decisions we make?

Mr. Graybill said it wasn't clear to him how the Port will respond to our recommendation since we are advisory to the Port and the Port can opt not to take our recommendation. The Port is the body that has the statutory obligation to report their findings to OPAC.

Jan Hodder said there was both a top down and a bottom up approach for this committee. Can you clarify this?

Cristen said that it is for the Port to convene this group but it is clear that the Coastal Caucus and the Governor's office are both very interested in what the Community team says and that it will hold the weight.

Kathy Wall said that speaking on behalf of the Port Commission; they have not asked you here to do this work to second guess your recommendation. They may come back and ask you for points of clarification but she doubts they will not take the committees opinion based on the decisions of this committee.

Gus Gates to Jim Pex: A while ago we, as a committee, came up with a range of alternatives – eight of them. How does that fit into your approach?

Mr. Pex said it was wide open. The only thing we are not discussing at length is the biological impact which may or may not be a problem. He just wants to move on as a group. He is not recommending anything other than a process for discussion.

Don Peabody asked in regards to Mike Graybill's question on Point 1; he said if I am going to vote for MR of any size, he would like to have some assurance that his vote will not be taken to the State level and parlayed into something much bigger or much different. So while any agreement with the Governor's office may not hold water by the terms from the Port, at least if we have them on record and he can feel better about what he puts forward.

Mr. Pex said that he felt that the Governor's office should give us something to give us confidence to move forward.

Rick Goche said he had some concerns about Mr. Pex's comment on mission creep. We have not had any guarantees whatsoever – if we don't open this door, we can fully expect that the door will be torn off its hinges – don't think you can get this governor and this legislature and this group to decide something and not have another group five years from now blow you out of the water.

Mr. Pex said he agrees there are not guarantees; there is risk.

Mr. Goche said that once you establish that spatial set aside, it is way easier to expand than it is to make it go away.

Mr. Pex answered: There are no guarantees no matter what we do. It is a socioeconomic political decision. It is best, in his opinion from a political standpoint, to do something rather than do nothing. This is because there is political interest in Oregon; he had a conversation with Arnie Roblan about this. There are out of state interests prepared to finance a vote of the people here. If we do something now, that will make it harder for them.

Cristen: She wanted to assure the committee that the Coastal Caucus is very interested in this community process. They are going to back this group up in the legislative session. Also remember, when the MR's get designated, there is a rule making public process and our commission is serious about their constituents voicing their concerns.

Steve Bodnar: If we don't come up with a MR, the chances are we will have one anyway because there is a movement to get it on the ballot to the voters. Is that what you are saying?

Mr. Pex said he was told that there was a movement out there. He continued and said that in his proposal, he is making no proposal to do anything; he is just saying that the "no" option may not be the best option for this group to decide. His personal opinion is that "no" may be more risky.

Second Presenter: Alan Shanks and Jan Hodder

Mr. Shanks said that his proposal was similar to Jim's. There are really three pivotal questions to ask:

- ◆ Marine Reserves, yes or no?
- ◆ Marine Protected area, yes or no?
- ◆ If yes to either of the above, then where should it be?

Mr. Shanks and Ms. Hodder think that a MPA should be included for the same reason as Mr. Pex does; a MR has no impact on salmon because they are a pelagic species – move through the area. The crab fishery is sustainable under current regulations so there is no compelling reason to have an MR. The crab fishery is also the most valuable fishery on the coast. As a result, Mr. Shanks and Ms. Hodder feel that because the main criteria for the establishment of a MR is if there is going to be an economic impact, we could limit the impact on two important fisheries, salmon and crab, we could find a MPA area with an acceptably low impact to reach a decision. That was the first point.

The second point is the process part. The major reasons people are resistant to having either a MR or an MPA are economics so Mr. Shanks and Ms. Hodder feel the best place to start is with economics. Look on a map and decide where do we fish. Where do we do our research? Is there anything left over?

Ms. Hodder continued and laid out an idea of how we might hold meetings. We need maps and ODFW and DLCD have the ability to provide those. Then we need to find the fishing industries' sacred areas; the research sacred areas and then find somewhere with minimal impact. If we can't find a place like that, then there should not be a MR.

Discussion: Reg Pullen: There seems to be a perception here that salmon and crab are the only valuable fisheries. He feels others are just as valuable (such as bottom fishing) and it is a mistake to exclude them.

Mr. Shanks responded that the reason he felt it possible to exclude them was that salmon are pelagic and MR areas are stationary; he said that the MR will have no effect on the salmon. The crab industry has been going since 1970 and in a season with all the pots out, they get almost every single legal size crab. The crab fishing is stable and has been throughout that whole period. It doesn't seem to need protection, it just needs regulation.

Ms. Hodder inserted that we are not saying that other fisheries are not important; we are saying the charter fleet can name their sacred spots also.

Bill Poppe said that he has concerns for fisheries of other species. He also has concern for those sportsmen in our community and the people who come here from out of our communities. He continued and asked if there would be a way for the already protected areas to be identified on the maps you are proposing. Both Mr. Shanks and Ms. Hodder said yes, very definitely, we would expect them to be on the maps.

Wayne Butler: Using the argument that the salmon and crab fisheries are sustainable you open up the biological rationale on whether ground fish is or not. That will open the door for a lot more discussion and presentation because now we have to have a reason to believe that's the case.

Ms. Hodder said that salmon swim through and the crab are in the sand – crab pots catch only crab. They have little impact on habitat of how the fishery occurs.

Mr. Butler said that he would have to argue – what is considered very little impact - a 140 pound crab pot or a 2 oz. gig head; you are still mixing a biological issue about rock fish. He does not think it is a door you really want to open. He does not think you want to use rock fish issues as a rationale for MR. Mr. Butler said that certain people are not aware of demographics of rock fish – some are at 200 fathoms that don't even exist in the near shore atmosphere.

Mr. Shanks said this proposal was a more efficient way of getting to the end of this debate. The bottom line is what is the economic impact?

Mr. Goche said that it sounds to him like we are talking about establishing some sort of set aside in some area of some size where we are already not going. We are already not using that area, what makes you think that we would go out and use it in the future. So he is saying that with this approach, we are setting aside something that is already set aside.

Ms. Hodder asked him to remember the scallop industry, you weren't going there and now you are. Mr. Goche said that was a regulatory thing – ODFW should have regulated that. Ms. Hodder said she was pointing out that we can't predict the future and something may change.

Mr. Goche said that if you want to protect against every eventuality, you will have to close the whole thing and we don't want to do that.

Mr. Shanks said they were suggesting that you draw on maps and see where people fish and if there is a significant economic impact; if so those places are off the table. Then if there is something left over, we can look at that area, if there is nothing left over then the decision is made.

Don Peabody: Would a small MR off of Cape Arago materially effect what happened in the scallop industry? No. Mr. Peabody went on and asked if we could merge this proposal with the first proposal.

Mike Graybill wanted to point out that all of our discussions have presumed that MR can do nothing but harm. MR can have potential benefits to the fisheries and the economy of the community. He wants to caution the term "set aside", because there are benefits. He feels we should consider setting them up and it would be in our interests to establish them.

Steve Bodner wanted to caution on a discussion about MPA – the whole ocean is a MPA and it makes us nervous when you talk about MPAs. A MPA is made to prevent someone having access – some are allowed, some not. That doesn't seem fair to everyone. Mr. Bodner does not object to anything in your proposal – the initial steps of finding a place that is not used by anyone is the essence of the whole process, but how big can it be without having economic impact? How can we get to a place that has minimal economic impact? MPA is usually larger than a MR. First we need to find an area for a MR; then we can talk about a MPA if we have a place for a MR.

BREAK

Upon returning from break, Mr. Pex reminded everyone that we are focusing on the approach – we are not debating MRs.

Third presentation: Dr. Steve Rumrill

Since he couldn't be here, Dr. Rumrill asked Jan Hodder to present for him. She did not do any writing on this proposal. Ms. Hodder also pointed out again that Dr. Rumrill is a very meticulous scientist and very respected in the international community; he is very research oriented and this comes through in his proposal. Ms. Hodder said she planned on just going over the highlights.

Dr. Rumrill outlines a problem statement and then questions it. His problem statement comes from a presentation Dave Fox gave on the near shore strategy which Dr. Rumrill is very knowledgeable about. The primary question is should there be a MPA or a MR. He then lists three reasons we might consider:

1. To augment existing management
2. A positive line to accelerate rate of recovery for a variety of species
3. A spatial planning tool to promote conservation

The presentation outlines a schedule with suggested presentations to help with our decisions. After those presentations, the committee could move to the decision making process as to whether a MR or MPA be established between Reedsport – Cape Arago-Bandon. Two different scenarios are then outlined dependant on the answer to the above question of yes/no to MR or MPA.

Discussion: Wayne Butler commented on the Problem Statement. He said he would almost ask that we strike it. He talked about different species and how they are managed. He said that he just sat through six days of meetings in Portland going through the numbers; how they are managed federally; and what condition they are in. He has an issue with the problem statement and starting there.

Bill Poppe: He has the same concerns about the problem statement. He says he would change the second line after Cabazon from 'are' to 'were' because he thinks most of it is

ancient history. He does not think that should be a total goal for setting on a MR. He does not see it as a problem that has not been adjusted by regulations and by input from fisheries people all over the State.

Reg Pullen commented that he thinks Dr. Rumrill is a magnificent scientist but does not believe that science plays much of a role in this; this is an emotional issue on both sides. He represents the Port of Bandon and his Port has had hearings. Their constituents have voted and they don't want a MR. Mr. Pullen will continue to represent these people until the end of this process.

Gus Gates would like to highlight the positive parts of the presentation. He thinks that the background information is good – status of fish populations and shellfish – fisheries regulations and other species that we haven't done. He would like to know about species that might be expected to benefit from a MR. He also says that cost benefits are a key part of his proposal.

Don Peabody: He said that at the end of this process we may choose to meld a few of these proposals and that would be good but the issue he has with this proposal is that if the problem statement isn't accurate how can you assume the process be effective? There may be parts we can use but we are looking at a process to come to a decision and if the process is wrong or we don't agree with the problem statement, Mr. Peabody does not think we can follow this process.

Mike Graybill said he does not have a comment on Steve's proposal but he has a question about our charge and the process. He would like to have his question addressed at the appropriate time.

John Griffith does not think a problem has been stated in Dr. Rumrill's proposal. It is hard to start talking about changing management steps when you haven't identified a problem. If you are doing it for something other than solving a problem, you should make that clear. As far as near shore strategy is concerned, I have a problem in referencing ODFW's near shore strategy. Fish and Wildlife said you had to do this for grants and ODFW has to have a lot of federal money and he feels it is procedurally flawed. OPAC's size and spacing is also flawed, they never authorized the questions. They didn't consider the Governor saying they can't have economic effects; so it was like the ecologists talking about what they thought it would be if they had no constraints.

Jim Pex wanted to finish this with the statement; he has been down this road with all the background information and he doesn't want to do it again. The group already has a fundamental understanding and it is time to move on.

Ms. Shoji then said she would like to take Mike Graybill's concern or question before we go to the next proposal.

Mike Graybill: He needs clarification. We have been appointed to represent a variety of capacities; some are public at large members. Reg Pullen represents the Port of Bandon.

Mr. Graybill is representing the South Slough Reserve but he doesn't know in what capacity. Is it as an individual who has a perspective on MR and MPA management; or is it representing the governmental appointed body that is charged by statute to operate the South Slough Reserve? As Reg said his constituents from the Port of Bandon minds are made up so Reg does not need any information to make a decision. This entire process is a waste of his time because he is bringing his no vote to the table. Mr. Graybill would argue that this process should inform all of us and at least expect this process should add additional perspective such that it might make us vulnerable to change our views. If we are not willing to have our views changed we should vote now and go home. I want feedback for me to say, are you asking me to bring the vote of the South Slough management commission to these meetings? If that is how I have been appointed, my commission meets quarterly or three times a year and if you want me to vote on these pivotal decisions you will have to give me time so I can bring their decision back. If you want me to vote my professional judgment then I should be able to make that judgment and adhere to your process. Reg should have the same flexibility and be able to take back to his Port what he learns and maybe their vote would change, maybe not. Mr. Graybill also asked how decisions worked with the Public at large members.

Valerie Pena wanted to comment. She said that she respected Mr. Graybill and South Slough program but she took offense at what she considers negative comments of Public at Large representatives.

Mr. Pex stepped in and said that these kinds of things can be considered at another time. The decision for individuals and who they are representing – a group or themselves – is an individual decision. Let's move on.

Mike Graybill said he needed clarification on how he was appointed. Mr. Pex said he would cover it with him but not here and now.

Crystal said this was not something this group would decide. You have to keep in touch with your own group and how you chose to do that is a gray area. Everyone has their own reason for being here.

Fourth Presentation: Dr. Steven Shimotakahara

Dr. Shimotakahara distributed another one page sheet which he read to the group regarding his proposal.

Discussion: Gus Gates liked the eco-system based approach of Wave Energy and MPR; but he is concerned because Wave Energy devices are not proven feasible and operational off of our coastline; he also has concern because FERC has yet to make a recommendation or decision on this project proposal off the North Spit. With the concerns expressed by the fishing industry, he is wondering how you could come up with this approach. He feels it muddies the water a bit for our group. He would come back to the questions of what if this "park" were to have a detrimental effect on species migration such as gray whales, how would that serve as an MPA?

Dr. Shimotakahara answered and said the first question was whether or not we would have a wave energy park off of our coast. He does not have an answer to that; or where it is going to be located. From what he understands, the preliminary discussion centers on the North Spit and we can use that as a starting point. This committee is advisory and we are advising the State on how to proceed and we just have to say IF there is a wave energy park in this area, we would like to designate that as a MPA. It is somewhat hypothetical because we don't have the park yet, but you could surmount that by describing what a MPA would be, given the fact that it is a wave energy park. What would be the effect on whales or change of topography or reef like structure... we don't know, that is why it is so important to study it.

Steve Bodnar said that we don't know the impact of Wave Energy on our ocean because the technology is too new so he feels it is a risk to put one anywhere and then declare the area around it a MR. Most likely they won't be compatible. There are too many unknowns, for example if we establish a MPA with wave buoys in it and then we have a tsunami that comes through and these things sink, what happens then to our MR? It is a huge mess. It is so far away from being contemplated that the amount of money made on crab alone where the wave energy on the North Spit is, is astronomical; the area would be in poverty if they were to put in the wavy energy park without mitigating and coming up with a settlement for the crabbers. As a result, he can't put his arms around this thing. At first it sounds like a good idea; if it were a proven technology, it would be an excellent idea; but it is so far away from being acceptable and we don't know what they are going to do. We need to make sure that the Gardiner plant is tried and all the studies are done. There are too many unknowns of the technology and we don't know the ramifications.

Don Peabody asked if Dr. Shimotakahara was proposing this as the sole or main process or would he be open to it being a part of other processes. Dr. Shimotakahara said absolutely, I don't think this conflicts with any of the other processes so far.

Ms. Hodder said it was an interesting proposal from another view point. Are you proposing an area of study where we are going to do something; then you want to change the area and study it? Taking it from a science point of view you can really only say what the changes you might see occurring are and then you compare those changes with a second area where you haven't implemented the changes, a control area. It provided for her an incredibly strong argument for why we need an MR.

Mike Lane said as a fisherman and a member of SOORC he finds this proposal intriguing. It is an interesting exercise if the timelines were right when the wave energy park goes in to use it as a MPA for study and also by mitigating the need by portions of the community who want something in the area; and if you can lay the two together you could minimize the effect. The proposal has merit and warrants us looking at it, but maybe it is out in the future.

Alan Shanks said the two timelines are not compatible. FERC will possibly take years and you cannot separate the two processes.

Ms. Shoji stepped in to say that we were not here to debate but to decide on a process. It was time for the last proposal.

Fifth proposal: John Griffith

John wants to make sure we don't repeat OPAC's errors; one of their problems was that they never identified a problem.

Discussion: Mike Helfrich asked, so what you are saying is that if we did recommend an area, then we put a stipulation in that if nothing happens in 5 years, it would sunset. John said yes, but that would come later; there would need to be a discussion. Mr. Helfrich said that he has not seen a large amount of funding or a source that has been identified for MR or what the goal for MRs is.

Mr. Griffith said that has been the problem. The Legislature had more wiggle room last session than they will this session. He would like to have something implied locally that there is some sort of expectation if something is offered up.

Dean Warner: If there is no problem, why are we creating a solution to a problem we don't have?

Margery Whitmer said that the Jim Pex proposal, #5 answers that question. It is not a problem; it is an issue we are facing.

Mr. Pex said in the definition of a problem we tend to look at the biological aspect of the fisheries; we keep looking for a problem in the fisheries but they aren't out there – the problems come from other places. The problems come from people who want to set aside what we want and to do their own thing. The problem is how we save ourselves in the overall scheme of things.

Mike Boehme said we have three existing MRs in the State already. What information have we derived from these that are important to our existence?

Don Peabody asked Mr. Griffith if his proposal says if there is no biological problem as a reason for a MR then what we are looking at is a political and/or a social decision and at that point what we need to look at is how much we are willing to give up for the social or political benefit?

John Griffith said no, he didn't say that at all. He said that OPAC never identified a problem.

Mike Graybill said we have had a lot of discussion about what the problem is and this group is more able to discuss what the problem isn't; it's not about fixing something that's broken. He wanted to point out that we can agree that the ocean is dynamic and changes; our relationship with it depends on those changes. He feels that understanding those changes would be to our benefit. Mr. Graybill would say that part of the problem

we are wrestling with is we don't understand the ocean as well as we might and he believes that MRs are a way help us understand the dynamics of our ocean. The ocean will not be the same today as in the future. He feels it would be in our interest to understand how it will change. He feels our problem statement could be less focused on fixing some modern day fishing issue and more on identifying a place that would give us a better long-term understanding of the dynamics of the near shore ocean. That is what Mr. Graybill would recommend as a focus for a problem statement.

Gus Gates said he agrees with Mike Graybill, our problem is a lack of understanding the bigger picture. We have a good understanding of a few pieces of the puzzle, but we learn from our past mistakes and some of the pressures on the local communities up and down the coast. He thinks our problem is our reactionary nature and we could avoid those in the future with an MR or MPA.

Matt LeDoux agrees that the ocean needs to be studied but he doesn't think we have to have an MR to study it. There are no baseline studies now so what is the benefit of blocking off a section and calling it a MR. How is that going to change the scientific community if we haven't already studied it? It seems like this is step two.

John Griffith said that he doesn't think the problem that others might have suggested can be solved by designating more area. The shortcoming is lack of money. We haven't done anything with what we already have.

End of presentations

Ms. Shoji: What do we want to talk about next time in more detail?

Don Peabody said he would like to see us pick one presentation and tweak it until we are happy – he doesn't care which one. We need a foundation to build on and then we can add or subtract from it.

Jim Pex asked if it would be possible if Crystal took the comments and tried to meld them into something. Crystal said she didn't think she could do that.

Valerie Pena said there are a number of connections in between Jim Pex's proposal and Alan Shanks/Jan Hodder's proposals and feels they would be the best route for a decision but she would also like to include # 4 from John Griffiths proposal.

Rick Goche said he agrees, pick one. **Rick Goche made a motion to start with the Shanks/Hodder proposal at the next meeting and go from there.** Mike Graybill made the second and then asked if we were working on a consensus or is this a pivotal decision? After some more discussion on pivotal vs. consensus, Rick Goche said he would retract his motion to see if there was consensus. There was not consensus; John Griffith was against it. Mr. Griffith said to bring the proposals up one at a time for a vote and if they don't come up with half the majority, they are gone.

Rick Goche then said that he wanted to make his motion again since we did not have consensus. **Rick Goche made a motion to start with the Shanks/Hodder proposal at the next meeting and go from there. It was seconded by Mike Graybill.**

Discussion: Rick Goche said that he agrees with Don Peabody that it doesn't matter what we start with; we need to move forward to: yes/no MR?
yes/no MPA?
yes/no MR & MPA?

These are good things to start with.

Gus Gates went back to Jim's opening statement, we have common ground and are working on a consensus process so rather than jump to a vote, there is an opportunity to pull pieces from every proposal and have it as a starting place. We are working on a consensus process, if people have concerns and there isn't consensus, then we can raise the concerns and work through them, rather than pushing for a vote.

Mr. Pex said that we strive for consensus, but when we don't have it, we rely on a vote.

Gus Gates said that part of the consensus process is that if someone doesn't have consensus we try to work through those objections and see if we can get consensus.

Jim Pex said he understands consensus but he wants to go home tonight and either we have consensus or we move to a vote. This is only to establish the baseline for how we are going to start. We are not voting on whether to accept or reject MR. John, you are the hold up here, will you agree to set this as a foundation from which to work from.

John Griffith said he would make a motion to vote the proposals in the order which they were presented as to the process.

Don Peabody said that the issue is that we have so many good pieces of different proposals; if we can vote for a starting point, then we can remodel them, incorporate pieces we like rather than saying we are just going with a certain process. In other words we will vote for a framework of a process that we will flush out at the next meeting.

Mr. Peabody would like to see Dr. Shanks, Dr. Hodder and Jim Pex get together and meld their proposals to bring back to the group. Then we can make changes.

Mike Helfrich said he was in agreement with what Mr. Peabody was saying, but would like to use Chairman Pex's proposal as the baseline because of two things: #1 his relationship to the Governor's office; and #2 the no impact on crabbing and salmon; then the sacred spots of Shanks/Hodder and John Griffith's sunseting could be added. He feels that the points one and three of the Jim Pex proposal are the meat of it.

Ms. Shoji: My suggestion is that we vote on the motion on the table, keeping in mind that there are other alternatives ideas.

Rick Goche said let me explain what I meant by a starting place and let me emphasize, it really doesn't matter which one we start with. The point is we have to have some place to start and then do exactly what you are talking about.

Dr. Steve Shimotakahara proposed amending Rick's proposal- Dr. Shanks, Dr. Hodder and Jim Pex get together and come up with what is common in their proposals and approach and bring that back to the committee for further discussion.

Mike Helfrich made the second.

Mike Graybill said that we are not following Robert's Rules of Order. We have a motion, a second, a proposed amendment and a second to that and then we have gone back to consensus process. He wants consensus that we will follow Robert's Rules of Order.

Mr. Pex said no more discussion, do we have consensus at this point? He wants to move back to the first step.

Ms. Shoji asked Rick Goche if he accepted the amendment. Yes

Mike Graybill called for the question. John Griffith opposed while the remainder favored. Motion carries.

Mike Graybill then made a motion that we accept Robert's Rules of Order as our procedural rules for matters that involve a vote of this group. John Griffith seconded.

Dr. Shimotakahara commented that if we applied Robert's Rules of Order it would exclude our facilitator.

The Vote: opposition carries – no Robert's Rules of Order.

Schedule for next meeting will be May 19th.

Meeting closed at 8:10 p.m.