

**Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
August 18, 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; Matt LeDoux; Bob Main; Don Peabody; Valerie Peña; Jim Pex Sr.; Bill Poppe; Reg Pullen; Dr. Steve Rumrill; John Schaefer; Alan Shanks; Dean Warner; Margie Whitmer;

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

Guests: Mary Geddry; Larry Van Elsberg, Phil Thompson, Whit Sheard – Oceana

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

Opening Remarks & Updates

Mr. Pex welcomed everyone to the meeting and said we are working on “Step F” which is to develop one or more ideas for a committee recommendation. The suggestions outlining the 10 proposals were posted on the wall. Mr. Pex said what the group will be discussing is what to take forward to the public meetings. He asked if some of the ideas should be consolidated, eliminate some or run with all eight. Mr. Pex was hopeful that some of the proposals could be resolved with consensus.

Approval of Minutes of July 28, 2010

Mr. Pex asked for comments on the minutes. Ms. Wall asked for clarification of a missing word from the July 28, 2010 minutes during Mr. Gates’ presentation on page 11 of 23. Mr. Gates said that the missing word is Yockum for Yockum Point. Mr. Pex asked for a motion for approval having heard no other comments about the minutes.

Upon a motion by Mr. Shanks (seconded by Mr. Main) the minutes of July 28, 2010 were approved.

Facilitated Discussion with Crystal Shoji, Facilitator

Continuation of Proposals for MR/MPA

Ms. Shoji asked committee members to reference the proposal letters (A through J) when making their comments for the record. She said while going through these proposals there may be things to add, delete or combine. This information will be included as part of the record of the committee’s findings when the pivotal vote decision is made. Ms. Shoji asked the guests to introduce themselves since there were more guests than usual. Ms. Shoji reminded the committee that all of the proposals were presented at the last

meeting and that all of them were discussed to some degree but the committee did not get to the point of making decisions. There was some discussion as to whether or not the committee got through all of the proposals. Mr. Graybill clarified that they were all introduced but they were not all discussed in detail. Ms. Shoji asked where the committee felt the discussion ended. Mr. Graybill replied it was the Simpson Reef Great Kelp Study Area and Dr. Shimotakahara's proposals. Ms. Shoji suggested that the committee look at their meeting minutes for clarification. Mr. Boehme said Mr. Griffith's proposal was not discussed in detail. Ms. Wall reminded the committee that all of the proposals were looked at in order and that she was okay with doing a little review of each one since there were people absent from the last meeting. Mr. Graybill commented that all of the proposals were profiled but not all of them were discussed. Ms. Shoji suggested starting with Proposal A and asked the presenters to do a brief review. Following is a list of the proposals in order of presentation:

- (A) Simpson Reef Great Kelp Study Area – Hodder, Shanks, Rumrill
- (B) Gregory Point/Sunset Rocks 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 with 3 miles of coast line containing some good habitat, rocky reef and critical habitat – to be better defined at August meeting – Lacey
- (F) Siltcoos Tahkenitch area – Gates
- (G) Gregory Point Study Area – Gates
- (H) No Marine Reserve/No Marine Protected Area – Griffith
- (I) In Conjunction with Wave Energy – no boundaries until Wave Energy determined - Shimotakahara
- (J) South of Bandon – Pullen

Dr. Rumrill began with Proposal A where he used a pointer to designate the proposed area on the projected map which is immediately offshore from Cape Arago. He said the inshore boundary would run about 50 feet from low tide off shore from the tip of South Cove, through Middle Cove along Cape Arago, out to the edge of North Cove, out past Shell Island, out through the prominent rocks and reefs, and then a simplified straight line, a line of sight boundary, extending down Simpson Reef to a rock he pointed to on the map. He said the area is 0.24 square miles which focuses on *Macrocystis integrifolia*. Dr. Rumrill showed a map where he had made a modification of the existing proposal

using input from the committee at the last meeting. Mr. Griffith asked Dr. Rumrill if this *Macrocystis integrifolia* was the same species that was mowed in California and if the State's List 3; G-5, S-2 was a real endangered species. Dr. Rumrill responded no. Mr. Griffith then commented that he saw where Ms. Don had said that the species was not protected. Ms. Don responded that it is protected with no commercial harvest but that there is recreational and personal use and that the species is managed. Mr. Shanks added that it was a unique population. Dr. Rumrill added that the large kelp which is harvested commercially is *Macrocystis pyrifera*. The only known bed of *Macrocystis integrifolia* in the State of Oregon is in the area he pointed to on the projected map. He added that this is an isolated kelp bed which is identified by the State as a rare, threatened and endangered species. Dr. Rumrill continued reading the information in the projected slides for the MPA Scenario describing the Ecological Features, Existing Human Uses and the Status in Oregon of the area in Proposal A. Dr. Rumrill then reviewed the boundary as presented last month and then the modifications to the existing proposal according to committee input at the last meeting. He said he did not modify the square miles but that his recollection from the last discussion was to pull the boundary up to avoid Middle Cove. Dr. Rumrill with the pointer showed on the slide the additional adjusted boundaries. For the record, Dr. Rumrill designated this new area as Proposal Alternative A.

Dr. Rumrill continued his discussion with Proposal B which focuses a little further north of Gregory Point, Baltimore Rock which contains an existing urchin reserve. He then continued reading the information included in the projected slides which described Ecological Features and Existing Human Uses. The next slide he reviewed showed the proposed boundaries which stretched from Yockum Point out to Gregory Point missing Baltimore Rock and then a simplified line of sight connecting the rocks and points to come in on the shore 50 feet off from low tide to avoid the angling issues. The boundary then snaked along to the mouth of Sunset Bay crossing out to Gregory Point and back. The area in Proposal B contains 0.53 square miles and 2.8 miles along the shoreline. Mr. Helfrich commented that this is the proposal that was discussed including how much recreational fishing occurred in the area.

Dr. Rumrill continued his discussion with Proposal C - South Cove Study Area which focuses on Cape Arago south down toward Sacchi Beach. Dr. Rumrill reviewed the Ecological Features and Existing Human Uses on the projected slide. He said the proposed boundaries in this area would be the Marine Reserve extending approximately 3.6 miles along the shoreline. He pointed to the boundaries on the projected slide and said the depth wasn't specified in that area. The Marine Reserve extended down just south of South Cove to Sacchi Beach encompassing approximately 0.65 square miles and an MPA offshore where the offshore boundary had not been discussed.

Dr. Rumrill's final discussion included Proposal D - Cape Arago Study Area Cluster, possibly taking elements from all three of the previous proposals producing a modified alternate proposal of Marine Reserve and Marine Protected Areas.

Mr. Pex suggested at this point that since the proposals were reviewed at the last meeting

that the presenters highlight information in the remaining proposals.

Mr. Lacey was next to discuss Proposal E - Rocky Reef. Mr. Lacey reminded the committee that he is representing the conservation community and that conservation science tends to believe that bigger is better and that he is here to present the bigger proposal. Mr. Lacey said what was discussed last month was a Marine Reserve just south of the Cables which hasn't changed. The Reserve is still in the middle of his original proposal with an MPA to the south. He said after vetting the original proposal with the coalition partners in his group they decided to make the MPA larger. Mr. Lacey said the MPA in the north and the MPA in the south have the same allowances. He said he understands that this area is bigger than what was discussed last month but that he wanted to highlight the allowances in the MPA. He proposed no commercial harvest of forage species and no trawl gear, bottom, or mid-water fishing. What he liked about this MPA is that it protects for off shore development such as wind and wave energy and offshore aquaculture but would allow for existing current recreational and commercial fisheries minus the trolling. He said the south boundary would capture Coquille Reef. He pointed to the projected map showing the remaining boundaries with the north boundary coming off of the jetty. Mr. Lacey reviewed the important ecological features of the area including very unique and productive habitat, the only giant kelp bed, lots of pupping areas and the only elephant seal haul out. He said the coalition also wanted to protect the Bandon Coquille reef. The MPA would still allow for recreational and commercial fishing. Mr. Lacey said there were lots of diverse species of fish and habitat in the area. There is also a large colony of nesting birds down off Bandon representing 8% of the colony areas in all of Oregon which is larger than Washington and British Columbia combined. Mr. Lacey said he understood there was quite a bit of value in the recreational and commercial fishing in this area as well as research, education and tourism being visited by thousands of people every year. Mr. Lacey read off a document stating this Marine Protected Area and Marine Reserve area is designed to achieve lasting protection from Cape Arago to Bandon. It includes the core areas and the MPA's north and south. He said this scenario fits the STAC report which has preferably 10 – 20 kilometers but this proposal fits in the 5 – 10 kilometers which he felt was the very limited minimum. The MPA would allow almost all of the current uses today but would protect against offshore development. Mr. Lacey said he recognizes that Cape Arago and Coquille Reef have greater habitat value than Seven Devils but he also recognized that the area is also heavily used by the current users groups, and given the small size of the reserve he felt the two larger MPA's were more important to have for lasting protection which is the justification for making the MPA's bigger. He said the MPA's would allow almost all of the current uses today under ODF&W regulations but also protect against offshore development including wind and wave energy. He felt it was also important that this area is in the SOORC maps as a lower intensity area which is one of the reasons the Marine Reserve is south of the Cables.

Mr. Gates reviewed Proposals F and G - Siltcoos Tahkenitch and Gregory Point Study Area. He felt both areas were worthy of discussion and more attention. He showed a boundary on the projected map for the Gregory Point Study Area which would be a Marine Reserve from the south jetty encompassing Gregory Point and then a larger

Marine Protected Area with a surrounding buffer similar to what Mr. Lacey presented. Salmon trolling, crabbing and commercial and recreational ground fish hook and line would be allowed. There would be no offshore industrial development, no forage fishery and no bottom troll. Mr. Gates referred to Dr. Rumrill's proposal which had diverse habitats, isolated species distribution along the Oregon Coast, and various human uses within the area. Mr. Gates then talked about the Siltcoos Tahkenitch Marine Protected Area discussed at the last meeting which does not encompass the full area discussed at the last meeting. The area talked about last time is approximately ½ mile north of Siltcoos River and ½ mile south of Tahkenitch Creek which would be a sole MPA. Mr. Gates said his interest in the area would be to serve as a reference area for industrial offshore development recognizing that Siltcoos River and Tahkenitch Creek and the associated watersheds have the healthiest runs of coho salmon in all of Oregon. Mr. Gates said his concern is in the change in predator prey relationships associated with putting hard substrate in areas like this for wave energy development. Mr. Gates said he would like to see this as a reference area to evaluate the effects of wave energy development.

Proposal H – No Marine Reserve/No Marine Protected Area was discussed by Mr. Griffith. He said given that the committee has direction in HB 3013 that the area of consideration is Cape Arago and Seven Devils and considering just the SOORC map which is certainly not inclusive of all recreational and commercial fishing activity and the economic affect therefrom, that he felt there is no where in that area there could be increased restrictions beyond what they already are with the additional designations such as an MPA and MR. He went on to talk about the mischaracterization of size and spacing by people. He said the highpoints violated OPAC and STAC's operating rules, disregarded Governor Kulongoski's directions on what a MPA/MR are supposed to be, and that it cannot have an economic impact. He felt that is why OPAC never incorporated this into its criteria or decision making matrix. Mr. Griffith stated his proposal was for no Marine Reserve and no Marine Protected Area.

I - Dr. Shimotakahara- Ms. Wall said at the last meeting she had commented that you cannot have boundaries until a wave energy facility is sited so there is no mapping available for his proposal. Ms. Shoji added that it would then be a floating proposal.

J – Mr. Pullen's proposal is for a Marine Reserve between the south boundary at the south end of Floras Lake to Blacklock Point and an MPA from Blacklock Point to Cape Blanco and from Floras Lake down to the mouth of New River at Two Mile Creek. The reason he felt this might be a good idea is that the area is very lightly fished and fairly pristine. The area is also far from the Ports of Bandon and Port Orford. There are also navigational hazards making it difficult for boats to come up and fish and there is also no way to get research vessels into the area. Mr. Pullen said the area contains a wide variety of habitats from sandy bottom, rocky reef to kelp beds which hasn't been impacted by human activity. He said there would be minimal economic impact to sport fishing because people from the Port of Bandon don't go to this area to fish because it's too far and it costs too much. The same applies to Port Orford. The extremely valuable fishery here is crabbing which would be allowed in the MPA. Mr. Pex asked how far south from

the Coquille River the proposed area was. Mr. Pullen responded that it is approximately 3 miles south. He said most of the shoreline is in public ownership by either the State or BLM. The area is also under Snowy Plover management guidelines so it is more or less being treated as a reserve already, and it fits with some sort of a special designation offshore as well. Mr. Pullen felt it would be interesting to see what impact management of that area as a reserve would have on the Snowy Plover populations if any. Mr. Pullen felt the area could be effectively managed from two places. From the north would be Face Rock Lookout and from Cape Blanco. He used a pointer to review the area on the projected map. Mr. Pullen commented that there is very heavy tourist activity on Beach Loop Drive at the north end of the proposed reserve and at Cape Blanco at the south end. Mr. Pullen felt that the special designation could positively benefit tourism. He said something that hasn't been discussed, but that he felt was important, is having comparative information on the prehistoric populations as compared to what is there today. Previous archeological excavations at Cape Blanco and Blacklock Point have led to large collections of marine vertebrates and invertebrates and it would be interesting to compare those collections to an area designated as a reserve to see if it could even approach the relative size and numbers of prehistoric species in those areas as to what we have today. The last point Mr. Pullen wanted to make is that this area is much closer to the Port of Bandon than it is to Port Orford. Mr. Gates asked what the shoreline distance was of the Marine Reserve. Mr. Pullen showed on the projected map Floras Lake running down to Blacklock Point. Mr. Griffith asked if Port Orford was included in the proposed area. Mr. Pullen answered that the area was further from Port Orford to being in the reserve than it was to Bandon on the north end.

Ms. Shoji gave instructions for comparing the proposals and felt it was best to just select one and have the committee give comments on what they felt were the good and bad points. Mr. Helfrich asked for clarification on monitoring and no entry, this kind of fishing or that kind of fishing. He said he was under the impression that a Marine Reserve was no entry. Mr. Pex clarified that the definition of a Marine Reserve is absolutely no fishing and basically no encroachment or take. He said the definition of an MPA is increased management from what exists today because all of the Oregon Coast is technically an MPA already so there would be increased restrictions of some kind. Mr. Pex said the process that the committee had all agreed to specifically states any recommendations the committee produces would allow for crabbing and salmon harvest. In areas where salmon harvest and crabbing already take place it would eliminate a Marine Reserve. Any areas where salmon harvest and crabbing don't take place are open for a Marine Reserve designation.

Mr. Lacey commented that one of the differences that could be made with an MPA would be geographically placed boundaries. He suggested that the committee pick three or four areas and have a small, big and large evaluation area like other areas are operating and send the ideas to get reviewed to ODF&W. He asked Ms. Don if ODF&W had the time to do the evaluations. Ms. Don responded they could. Ms. Shoji said as each proposal is discussed the committee could see if they wanted to do that on a proposal by proposal basis. Mr. Boehme asked for clarification on what the committee would take to the public. Ms. Shoji responded that hopefully those for public comment would fall out

during the discussion. Mr. Pex commented that the committee's role is to see what they wanted to do with this group of nine proposals. He said there are multiple choices that are not with ODF&W but within the committee and does the committee want to take forth to public meeting all of the proposals, combine some of them, or reduce the number of the proposals for those public meetings. He said this group is the one who is going to make the decisions.

Mr. Lacey felt the value of having someone else review the proposals is that there would be a scientific viewpoint and a better ecological value which is not going to come from this committee. Ms. Wall commented that she felt that was the goal after the committee put something forward.

Mr. Poppe asked Mr. Pullen about the red area on his proposal map. That it looked like it was 3 miles out by about 1 ½ miles wide and that the yellow area was approximately the same. Mr. Pullen responded that the northern end is several miles long. Mr. Pullen said the proposed area is much larger than any of the other proposals with the exception of Mr. Lacey's. Mr. Graybill said he hadn't considered having someone do an external review but one of the things he sees that has compromised the committee's ability to avoid fisheries has been the fact that the SOORC maps are rolled up into one bundle, and if it were possible to have someone who has access to better detail information about the SOORC maps, there might be some value in that extra review of these proposals. Mr. Helfrich reminded Mr. Graybill that the committee had already been through that. Mr. Graybill said he didn't need to see it but someone who knows about it could look at a proposal and possibly comment. He said it appeared that one of the things the committee was trying to do was to avoid fishery impacts but that the discussion had been set to say that some fisheries are considered but we don't know if we are avoiding impacts because we don't have the resources to understand how to avoid them.

Mr. Griffith said he had a question about the mechanics and since HB 3013 says Cape Arago Seven Devils, and Ed Bowles has instructed this same area, if the group wanted to advance anything outside that area how do we do that. Mr. Pex responded that in his conversation with Ed Bowles he said that if at the end of deliberations if there were areas outside the Cape Arago Seven Devils area that the committee would like to draw attention to, then in the letter to OPAC the committee could comment on that area. Mr. Griffith said then he proposes Red Fish Rock and Otter Rock.

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

On return from the break, Ms. Shoji reviewed the process for discussion and findings in the proposals and reminded the committee that there would be discussion on each one before moving on to the next. After all discussion has taken place, the committee should be able to determine whether or not to move a particular proposal on to the next step. Proposal A – Ms. Wall commented that the projected map was Proposal A in its original form and then the modified version of it after boundary discussion at the last meeting. Mr. Graybill asked for clarification on the process since some of the proposals overlap and interact with one another and until there is discussion of all the proposals it might be

premature to take them off or take action on them until the committee sees what the interactions are between them. He said as the final step he wondered if the committee would be deciding to move to the next step upon completion of discussion of that proposal or would the committee be looking at all of the proposals. Ms. Shoji clarified that the next step would be what was needed next. The purpose is to keep each proposal departmentalized and keep moving through them. If there are relationships, hopefully that will come out in the findings.

Mr. Bodner asked on Proposal A, if the area 0.24 had been modified or was that the original size. Dr. Rumrill said he hadn't removed the original size and that he did not recalculate that area. Mr. Bodner asked if that meant the area was slightly larger than the original area. Dr. Rumrill said it was possible in terms of the overall spatial footprint but the point he wanted to make is that the North Cove area is largely intertidal and that he was not able to draw the complexity of the intertidal zone. He said it is possible the area is technically smaller if it excluded the islands and intertidal zone that makes up a large portion of the North Cove area. Dr. Hodder said the whole inside area is intertidal. She referenced the area on the projected map between the white dots. She said it is very extensive intertidal in North Cove. Mr. Pex asked if it was fair to say that it is less than ¼ square mile. Dr. Hodder responded yes.

Dr. Rumrill apologized for not keeping better notes on the discussion for the revised area. He pointed to an area on the projected map and said he wasn't sure if the committee wanted to touch the rocks or not so he ran his line through the middle. Mr. Peabody said he thought the area was to include all of the rocks inside the revised area. Mr. Helfrich said he thought it was going to be a straight line to the parking lot to the northern visible rock. Mr. Griffith asked what threat or problem was identified for justifying making a Marine Reserve in that area. Dr. Rumrill responded in the consensus language he wasn't aware of a biological problem with the Territorial Sea between the Port of Bandon that necessitates Marine Reserve protection sufficient to cause economic harm. This proposed site would specifically be a research area that would focus on the dynamics of that kelp bed and its interactions with the communities inside the area. This is fundamentally a science research area. Mr. Griffith suggested as an alternative proposal the committee make a recommendation that if the State ever allows commercial kelp harvest they don't allow harvest of *Macrocystis integrifolia* at Cape Arago. Mr. Griffith said he was not prepared to go for a Marine Reserve in that area at all.

Ms. Shoji asked if there were good things about this particular proposal or bad things that haven't been covered yet. Mr. Gates felt there was good discussion last time and recommended that this proposal be one of the ones that the committee moves forward for public review and potential scientific review. Ms. Shoji asked if there was consensus. Mr. Helfrich reminded Ms. Shoji that the committee had agreed not to vote on any of the proposals until they had all been reviewed.

Ms. Shoji asked for comments on Proposal B. Mr. Pullen said one of the key points discussed last time was the amount of recreational fishing that takes place at Sunset Bay and how great an impact there would be on recreational activities. Mr. Helfrich

commented fishing takes place north of the point too. Mr. Pex said ocean kayaking is a sport that is really coming along making the area a hot spot for recreational fishing. Mr. LeDoux said there are safety concerns by pushing recreational fishermen further away from the point and for novice fisherman this is their hot spot. Dr. Shanks commented that his impression from the last discussion is that this entire proposed Marine Reserve was not going to fly. That people had strong reservations about every single portion of the gray area on the projected map due to recreational activities. Mr. Ivy asked if the most expert committee member on recreational fishing in Sunset Bay could take the pointer and show him the area that they fish out from Sunset Bay. Mr. Peabody said he has talked to kayakers that were in his office last week who fish the area and how they said if this area was shut down that they aren't going to be able to fish. He said they fish to the north and south along the rocks and up toward the lighthouse. Ms. Don asked if they were going out of this area and why wouldn't they still be able to do that. Mr. Peabody responded that there is a boat ramp in Sunset Bay and that they are going out of the mouth of Sunset Bay and then turning left. Mr. Helfrich said there were 20 – 30 boats inside the gray area in the last few days. Mr. Pullen said the people that fish in Sunset Bay out of kayaks can't afford to buy a 20-foot boat and he hated to see the opportunity for the little guys to fish taken away.

Mr. Pex asked if there was anyone in the room absolutely in favor of this particular concept or is there consensus that this area probably isn't going to work well. Mr. Helfrich agreed with Mr. Pex that the area is not going to work. Mr. Pex asked all in favor of removing this area as a possibility. There was no opposition in removing this area for consideration. Mr. Pex asked that Proposal B be removed and not carried forward to public meetings.

Mr. Graybill commented does our rejection of that proposal suggest there would be an eight vote threshold that would make all other proposals unacceptable. Mr. Pex responded that there wasn't a vote, but was the committee going to carry this forward for public comment. He said that the committee had decided that this proposal was not one that was going to be carried forward to public meetings. Mr. Graybill said that the basis for not moving it forward was due to recreational use, is that correct. Mr. Pex responded that it was based on the consensus of the group. Mr. Graybill said he was trying to understand what level of recreational conflict would be the threshold that might raise adequate concern for other proposals. Mr. Pex responded if you wish to vote no then we can discuss having a vote but there is no threshold of consensus.

Proposal C – South Cove Study Area. Mr. Pullen wanted to know if this area encompasses the Glass House reefs which are fished heavily by the charter boat industry. Someone responded yes. Mr. Pullen said then it seemed to him that the economic impact would be too great since the charter boats use this area when they can't fish anywhere else. Mr. Peabody said that he didn't feel it was within the Marine Reserve area and that Glass House was out in the MPA. Dr. Hodder used the pointer on the projected map to show that the area did not go down to Sacchi Beach and Five Mile Creek and that it is south of the area. At the top of the area is South Cove. Dr. Hodder said the entire area is only 0.65 square miles. Dr. Hodder guessed that in fathoms it was somewhere between

5 and 10 but wasn't sure. Mr. Poppe commented this area is used by sports fishermen. He said there were 3 to 4 boats out there today inside the gray area on the map. Ms. Don asked what would be allowed in a proposed MPA. Mr. Pex responded that any MPA would be greater management than what is currently available. Ms. Don asked would recreational fishing still be allowed and would this site have a socio economic impact based on what was allowed. Ms. Don felt in the proposals it would be helpful to state what would be allowed and what would be prohibited. Mr. Helfrich asked for clarification on the projected map of the proposed Marine Reserve and Marine Protected Area. Dr. Hodder clarified that these ideas are scenarios presented for discussion. She said all of the lines are dotted and that nothing is cast in stone. Mr. Helfrich commented that the MPA proposed area is often used by sport fishermen. He said a lot of people are concerned if something is done in that area that the lines will later change. He said there is a lot of fear amongst the public about agencies changing lines and regulations. So if recreational fishing is allowed who is to say that next year there is an executive order saying the rules are going to change and that is why he is opposed to this area.

Mr. Griffith commented that he has clammed a lot at Sacchi Beach and the sandy area at the southern toe of the MR looked to him like Sacchi Beach. Mr. Griffith said he was concerned about mission creep too. No one can guarantee that today's MPA won't next year or next decade become a restricted Marine Reserve. Ms. Whitmer said the gray Marine Reserve area is too shallow for charter boats but that the Marine Protected Area is heavily used by charter boats and that concerns her. She said the commercial fishermen anchor in that area because it is sheltered. Mr. Bodner asked if the area calculation for the Marine Reserve is a combined MPA/MR. Dr. Hodder responded that it was for the MR. Mr. Bodner said his next question was will it restrict hook and line troll. Dr. Hodder asked if crabbing and salmon fishing would be allowed in an MPA and Mr. Pex responded that they would be. Mr. Poppe said that fishermen would be worried about mission creep and what would happen to the area if it were an MPA. Mr. LeDoux said his concern with this area is that it is used for commercial crabbing, especially in the MPA area. He also said, when the big winter storms arrive which is the majority of time when the commercial crabbers are producing, their crab gear is pushed into the gray Marine Reserve area. When they retrieve their crab pots do they have to dump their pots? Ms. Don said the drifted gear can be removed but any catch would have to be dumped. Mr. LeDoux said then you are then talking about an economic loss. He said commercial crab season runs from December through August with the main season December through February which is when the healthy storms come through and wash everyone's gear out. All the gear that is washed into the Marine Reserve then has to be dumped which is a significant loss for the commercial crab fishermen. Mr. LeDoux said he buys tons of crab from fishermen who crab in that area and he knows the crab is coming from that area since it is specified on their tickets. Mr. Peabody said the mission creep area is so small that no one would be satisfied with it as a Marine Reserve and would be pushing for a larger one. Mr. Peabody said he asked Dr. Shanks directly if the scientific community was going to push for larger reserves and his response was yes. Dr. Shanks said what he responded with is that there was no chance in hell they would get a larger reserve and that he would be thrilled to get anything. Mr. Ivy commented there are no guarantees so to suggest or introduce into the discussion that there is an absolute

insurance of anything is impractical. Secondly, he said there is always a boogie man of some kind so let's not argue about it. Thirdly, it is impossible to avoid some kind of economic impact that is going to be interpreted by someone as adverse. It is impossible for the committee to argue that we can find any area that would not be impacted. Mr. Ivy said in his notes from tonight and in talking about an MPA and MR, an MR is no fishing or encroachments, and asked if he was correct. Mr. Pex responded in generality it was correct. He went on to say an MPA is increased management or restrictions with specific takes and we can still make entry, is that correct. Mr. Pex responded yes.

Mr. Warner felt that Mr. LeDoux's comments on the storm and the crab gear drifting into the Marine Reserve should automatically eliminate that Marine Reserve potential. He said with an MPA he had been hearing increased regulation and felt it needed to be more specific because if you are not specific in your generalities anything can happen. He felt the fishing industry was already heavily regulated and didn't need more burden. Mr. Pex said in this proposal he could see the gray zone should say 5 fathoms or such. A surf line is sufficiently dangerous, and even as recreational fishermen, they very seldom ever go into that area. He said it would be nice to protect that area but the problem is this MPA is an extremely valuable area to all and no one wants to take a risk. Mr. Pex said in listening to the group this is the summary he got, and like Mr. Ivy said, there are no guarantees against a risk in the future. Mr. Pex said if you look at what has come out of Australia and their protections, there is a constant effort to expand Marine Reserves off the shores of Australia. He said he felt this area was too high of a risk to be pursued further.

Mr. Gates commented about the life history and biology of crab and how they move around a lot. He felt it was important to recognize those things. He said they can move upwards of sixty kilometers. Thinking about the typical harvest in a year the derby is from December to February where the price is relatively low at \$1.50 per pound. In comparison with the later parts of the summer, landings are down but the price per pound is relatively high, like this year at \$5.00 per pound. Mr. Gates felt there may be some tradeoffs and maybe something could be designed where some refuge could be provided for the crabs during certain times of the year recognizing that crabs are going to walk out into these other areas and then be caught in adjacent areas at other times of the year. Mr. Gates felt this could be one scenario. Ms. Wall asked for clarification. Mr. Gates said he was talking more specifically about the Marine Reserve and finding crabs in there. They are going to be protected through the winter months when other times of the year they are going to walk out. Mr. Lacey asked if the committee is looking at encroachment as removing or going into the boundary. As far as he knew you could drive a boat into a Marine Reserve for diving or kayaking as long as you are not removing from it.

Mr. LeDoux commented on Governor Kulongoski's letter dated November 14, 2007 where he explicitly says that a Marine Reserve cannot interrupt traditional fishing practices on Oregon's Territorial Seas. In his November 1st letter he is discussing as part of his executive order "that uses must benefit but not disrupt economic and recreational uses of our ocean." Mr. LeDoux said he had a handful of letters that were given to the

group in the early part of this committee's lifespan talking about this so he felt the committee should keep that language in mind when looking at a Marine Reserve or MPA area. Mr. LeDoux reiterated that the letters state it must not affect the traditional uses or have an economic impact at all.

Mr. Graybill said he would reiterate there are economic downsides as well as economic benefits to Marine Reserves. He felt the committee should keep in mind that the designation of a Marine Reserve might actually have a positive economic consequence such as Mr. Pullen pointed out in his proposal where it might impact tourism positively. He said others have pointed out that a Marine Reserve could have a positive economic benefit for fisheries.

The committee moved to Proposal D – Cape Arago Study Areas Cluster where Mr. Griffith said there have been positive and negative opinions stated about all three of them, and in looking at the angling scenario, there are already several designations in the area including a research reserve from Gregory Point all the way to South Cove, a marine garden which is inside Sunset Bay, and the Gregory Point subtidal research reserve open only to fin fish fishing. Ms. Shoji asked Mr. Griffith if he was saying the areas have already been discussed and Mr. Griffith responded that he believed they have been and they are already heavily regulated more so than most regions along the Oregon Coast. Mr. Boehme said in earlier discussion the committee had already ruled out the Gregory Point area and that would make further discussion limited. Dr. Rumrill said he wanted to point out that it is possible for this group to consider clustering together and he agreed that the committee had talked about the shortfalls of the Gregory Point Sunset Rock areas but he wanted to say that by adding smaller groups together it might be possible to come up with an area with a larger spatial footprint that might meet some of the ecological benefits.

Mr. Gates said that the areas discussed by Mr. Griffith were insufficient for particular species. He said he looked at it as some opportunities to provide a greater benefit to a broader range of species found associated with those habitats through clustering. Intertidal research reserves/marine garden designations in the Gregory Point subtidal research reserves are insufficient as currently established.

Mr. Peabody asked Dr. Shanks in this proposal he mentioned the red abalone and wanted to know if they are currently being harvested recreationally or commercially. Ms. Don replied that they are being harvested recreationally. Mr. Peabody asked if ODF&W tracked the harvest and Ms. Don replied that she didn't think they were tracked for recreational harvest. Mr. LeDoux said for recreational harvest there is a specialized license through ODF&W which is a free permit that is filed along with a shellfish license. You are allowed one abalone a day, five per year which is tracked on your card. Mr. Peabody asked if we knew what the harvest level of red abalone was at Gregory Point. Mr. LeDoux said he hasn't heard of anyone harvesting abalone there and that most of the abalone is from Port Orford south. Mr. Peabody then asked about scallops and Mr. LeDoux said that there are different species of scallops coming from that area. Mr. Griffith clarified that abalone harvest is one a day, five a year with an 8-inch minimum

size. Mr. Griffith said the Gregory Point subtidal research reserve area is closed to all harvest with the exception of fin fishing. Mr. Gates said it is rare for abalone to have successful spawns and that their distribution in Oregon is very different from their southern range in California where they are very thick. He said here in Oregon there aren't very many at all and very little is known about their population status which brings into question is 5 abalones per person per year a sustainable harvest rate.

Proposal E – Rocky Reef/Whiskey Run – Mr. Peabody said his comment was that from the Marine Protected Area to the Marine Reserve, the area is too big. Mr. Graybill thought this proposal had an interesting concept in that the MPA includes all existing uses but precludes future uses that nobody would like to see in those areas. He felt this was a proposal where the committee might be able to get close to consensus. He said this proposal was food for thought for him where an MPA could be designed that keeps things from happening that aren't happening there today such as a wave energy park or commercial aquaculture. By having a generous MPA this proposal allows and assures all existing uses other than trolling. It allows crabbing, bottom fishing, hook and line fishing, and salmon fishing. It also acknowledges some of the significant living resources on the reef. Mr. Graybill said there were aspects of the proposal that he had not considered before. He thought the committee might want to consider them while talking about how an MPA might be structured elsewhere in other proposals. Mr. Griffith pointed out that a lot of this area is south of Seven Devils. Mr. Pex clarified this area is outside the area of consideration. Mr. Pex said his concern is that it is risky and that it might become a larger area out of our control.

Mr. Helfrich asked if there were a buyout for charter fishermen in Bandon. Mr. Lacey responded to Mr. Helfrich that little would change for the charter fishermen in the Bandon fleet as they would still be allowed to fish the Coquille Reef. Mr. Pullen responded that they do fish a lot in that area and that it is a serious issue for them. This is used by the Bandon fleet including the charters and it would not be beneficial for tourism. Mr. Schaffer said he would go more for the proposal if there were a 50 foot intertidal cultural access. Mr. Griffith said it provides for some of the best surf perch fishing in Coos County. Ms. Whitmer said there are a lot of Charleston charter boats in this area and it would greatly impact their ground fishing. Mr. Bodner commented this entire stretch is for summer trollers, sand sole, sand dabs, English sole and is very popular in the summer. In the winter, he said this area is prime for crabbing, and since we don't want to create a financial hardship, this area is not good for an MPA.

Ms. Doyle asked if in this proposal and some of the others if the MPA size were up for discussion in changing or modifying the size. She asked Mr. Lacey if his was up for discussion because it was such a large area and he responded that is what we are here for.

F – Sitlcoos Takanitch Lake – Mr. Griffith commented that this is outside the area the committee is charged with. Mr. Graybill said it is outside of the area and because of the points brought up by Mr. Gates he felt it was worthy of consideration. The fact that these streams are important coho areas, the fact that it is on a sandy shore, the fact that it is fronting other existing public lands, and the fact that it is relatively isolated, even though

no area is free of access, the fact that it might improve understanding of sandy bottoms, in his view that made it worth consideration. Mr. Graybill said he understands that the entire group might not want to consider this area but it might be an idea of an area for advancing up to Ed Bowles for consideration. Mr. Ivy agreed with Mr. Graybill.

Mr. Peabody asked would a Marine Reserve cause any impact to the use of the dunes by the off road vehicle group, and second, what was the reason for proposing this area. Mr. Gates said it was proposed solely as an MPA which would allow for salmon trolling, crabbing, hook and line, bottom fishing and shoreline angling. It would not allow forage fishing with nets, no bottom trolling, and no industrial development in that area. He felt this area contained Oregon's strongest coho salmon populations. Mr. Gates said that the whole unknown of large scale industrial development within our ocean, especially sandy bottom habitat, is going to potentially bring about changes that the committee doesn't have a good grasp on. He said his proposal is that this area be used as a reference area because we know the Gardiner wave energy park is going in to the south but he would like to see this area protected as a migration corridor for smolts. Mr. Gates is concerned that predator/prey relationships could change within this area potentially having a large impact on coho salmon whether it is predatory, rock fish, ling cod, or sea birds and marine mammals that could potentially colonize in the area. Mr. Gates said there would be no restrictions on existing off road use. Mr. Peabody said we keep talking about the wave energy and building a Marine Reserve which will protect areas from wave energy and future development. He said his understanding is FERC sites those and they are not bound by State laws and regulations, is that accurate? Mr. Gates responded that Mr. Peabody was correct, however the State of Oregon has signed a memorandum of understanding with FERC and FERC fully understands that they are not a planning agency so one of the things that has been done is to establish a new Chapter 5 for the Territorial Sea Planning. A policy framework has been set up. The next step in the process is identifying important ecological areas, important fishing areas and important recreation areas so that those areas can be protected for those existing uses and to try and avoid potential impacts on those existing uses. Mr. Gates said this could be one of the layers in the planning process.

Ms. Peña said she understands the important ecological factors but that she had concerns there isn't a representative present from Florence other than Mr. Gates and she felt uncomfortable picking an area such as this and saying the committee should even recommend it. Ms. Peña disagreed with Mr. Gates on the salmon issue as right now the coho salmon don't seem to have any problems and there have been two years of fishing them. To her it indicated that they have been managed for some time and fishing for them has been opened up for several years in a row. Ms. Peña wasn't sure there was a need for studies. She said when talking about an MPA and fishing for bottom fish, she felt she remembered in the guidelines that fishing for bottom fish was not allowed but that you could fish for salmon and you could crab. Mr. Pex said this is a sandy bottom area and most of the OPAC discussion centered around rocky reefs. He said the group is already up against a situation that this area is south of Bandon and it is practically outside of Heceta Head as well. Ms. Peña asked if it is an MPA does the committee make their own regulations and restrictions. Mr. Pex said he didn't have an answer for her.

Ms. Don said for wave energy development the State still has to issue several State permits. For the two pilot sites the Department of State Lands put in the rules that they would not issue FERC State permits. FERC could still challenge the decision and maybe eventually trump it. The State has said within the pilot sites if Marine Reserves are designated no such permits can be issued for development. Mr. Poppe said he does not feel comfortable recommending the area as a group since it is an area we know very little about. Mr. Gates said he recognizes it is outside of the area and that he was under the impression that the group was trying to identify areas for further evaluation. Mr. Gates said that he didn't know if the group could come up with a hard and fast designation. He felt by taking a closer look at some of the areas that it might help in forming ocean management in Oregon. Mr. Gates said speaking to Ms. Peña's point that Tahkenitch and potentially Siltcoos are closer to the Port of Umpqua and Port of Siuslaw and that there was a Reedsport Chamber representative at this meeting. Mr. Poppe recommended to Mr. Gates that he consider presenting his proposal to the people who live in those areas because he didn't see how this group could get involved. Mr. Gates said recognizing this was out of the groups area, that it might be an area of interest, and that rather than wasting his time if this group were to decide that this proposal could be coupled with a Marine Reserve off of Simpson Reef, that this could be something the group might be able to move forward with. Mr. Gates said he talks to a lot of people in that area who are somewhat concerned about industrial development. Mr. Pex said this area is outside of the group's venue however if in the course of evaluation there are areas nearby that the group felt the State should take a closer look at, as part of the final proposal it could be recommended that the State might want to look at this area for further consideration.

Mr. Bodner said this is a prime area for the harvest of sand sole, rex sole, English sole, and sand dabs. Not only small boats go to this area because it is so clear, but some of the larger boats go there as well for harvesting fish. Small trawlers also harvest salmon as a beach troll. Mr. Bodner said he hated to see this group consider something so far out of our area for consideration. He said Jerry Hampel came to his office and told him that closing off that area to trolling by smaller vessels already having a difficult time making ends meet would become even more of a financial burden.

Mr. Graybill said in response to Mr. Peabody's FERC comments, and whether they had the right to make decisions, one of the things that would likely happen with any designation of an MPA or MR in Oregon is that it would be incorporated into Oregon's Territorial Sea Management Plan which is a federally recognized plan. As an element of the Coastal Zone Management program in Oregon and the law, the Coastal Zone Management calls on states to do planning and has a provision called Federal Consistency. If Oregon has an acknowledged Territorial Sea Management Plan, and Marine Reserves or Marine Protected Areas are part of that plan, all Federal agencies are required by Coastal Zone Management to take actions that are consistent with that plan. There would be substantial legal leverage held up in court for the State of Oregon to comment on FERC site proposals that would be inconsistent with its acknowledged Coastal Zone Management Plan. So by designating an industrial development site along the coast of Oregon, and if a federal licensing agency like FERC went ahead and licensed

there, there would be plenty of legal basis to challenge that federal agency's decision which would be like balancing the State's rights and federal authority. Mr. Graybill said he had a question about shallow water trolling which has come up a number of times and wondered if there was any way to know how many boats would be involved in these near shore fisheries? Mr. Bodner said it could be determined but that he wasn't ready to answer that question this evening but offered to get back to Mr. Graybill by the next meeting. Mr. Bodner said the point he was attempting to make is that these boats are marginally hanging on to their businesses and to close off an area where they are making their money now, even though it might seem minuscule to you, it would be a death blow to them. Mr. Graybill said he was attempting to get an idea of genuinely avoiding fishery conflicts or minimizing them and did he need to avoid every recreational fisher, is there one trawler, he was trying to get to a minimum threshold. Mr. Pex said the committee wasn't going to get there and admitted that it was frustrating. He said the issue has already been vetted and that the committee is not going to find out who fishes where, or how many, and that we needed to move on.

G – Gregory Point Study Area – Mr. Gates said he wanted to make a recommendation for expedience, and since the Marine Reserve portion had already been discussed, and is similar to the one already talked about, that maybe the discussion could be about a Marine Protected Area and the different allowances he discussed within the area using the same logic of protecting critical habitat. Mr. Pex asked Mr. Gates for clarification in that the Marine Reserve has been removed and his proposal is now an MPA area. Mr. Gates responded yes. Mr. Gates wanted to refresh committee member's memories by saying that within the MPA salmon trolling, crabbing, hook and line, commercial, recreational and bottom fishing would all be allowed and there are only a couple of boats with near shore permits. The things that would not be allowed are industrial development, no forage fishing with nets and no bottom trawl.

Mr. Graybill asked if it would be correct to say that this area has a large measure of rocky shore which would have minimal impact on near shore troll fishery. Mr. Bodner said he could not answer that. Ms. Don asked if it included intertidal. Mr. Gates said it would continue to allow shell fish harvest and shore based angling along the rocky shores. Mr. Peabody said so basically this is saying everything stays the same other than troll fishing. Mr. Gates responded no. Mr. Peabody said we have commercial salmon fishing, commercial crabbing, sports fishing and commercial bottom fishing. Mr. Gates replied no forage fishing or bottom troll would be allowed as well as any industrial development. Mr. Peabody said if in fact there isn't a lot of current bottom troll going on, then a Marine Protected Area basically does nothing for us out there other than to establish a Marine Protected Area. Mr. Gates felt the area was an important area to protect from industrial development. Mr. Peabody asked what type of industrial development would be out in that area. Ms. Don replied aquaculture, wave energy and wind energy. Dr. Hodder said one way to look at a Marine Protected Area is that it protects things that are already being done as a society in that area and allows us to continue to do those things but it prevents other activities from coming into the area including industrial aquaculture and other forms of industrial development. Mr. Peabody asked who would permit aquaculture. Ms. Don responded that it would be several State

agencies including the Department of Agriculture.

Mr. Griffith said it sounds good to try and prevent future uses that we might all like to prevent but it's still an MPA and there is no way to guarantee that what we do today is what it will be like in ten years. Mr. Gates said if we as a group came up with a Marine Protected Area that he would recommend that the committee write into the rules, a memorandum of understanding, that if rules were to change in the future they would have to come back through this group. Ms. Don said that was done at Otter Rock. Mr. Pex said this particular group is outside of HB 3013 and did not have legal standing. Mr. Pex said that he was advised the committee could suggest an area. Ms. Don responded that this is a community team that is recognized for this area and could ask the Department if they would be willing to sit down and work out a review of this meeting and recognize this meeting. Mr. Peabody commented, for the science people that are here and recognizes that Marine Reserves and the processes that are being talked about have been identified are principally for scientific research, what benefit is a Marine Protected Area scientifically without a contiguous Marine Reserve. Dr. Shanks responded that the major purpose is not science but that it is to protect resources. Mr. Peabody commented that is not what we have decided to do though. Recognizing that there is no biological need and recognizing that in terms of research what is a Marine Protected Area to us locally without a contiguous Marine Reserve from a research standpoint and not from a conservation standpoint. Mr. Graybill responded that it would keep the research from being interrupted by industrial development. Mr. LeDoux said his concern again is because this area does encompass Sunset Bay and it is unforeseen as to whether we can have any say in what the actual regulations are if the area were proposed as an MPA and then the State says they are going to make it a MR. Major tourism would be lost in Sunset Bay. Mr. LeDoux thought it would pretty risky putting it into someone else's hands and then losing a prime area. Mr. Pex said he would like to refer to the first step in the process which was a letter from the Governor giving the committee validation. In the letter he says he supports the committee as long as his administration exists and the fact that he has no control over what transpires after November. Mr. Griffith read from the Governor's November 1 letter, "statement to the fishermen, large enough to provide for scientifically testing, ecological benefits that they might produce, but small enough to avoid socio-economic impact." Again the size and spacing are moot points and not included in OPAC deliberation so they are about scientific testing that might occur.

Mr. Lacey said he didn't think it was fair to say that Sunset Bay was going to be lost but he heard committee member worries. He said most of the people he sees kayaking in the area are not fishing but cruising around. Mr. Ivy commented if there is a boogie man and he is going to insist that somehow somehow we agree to a Marine Reserve in the Cape Arago Seven Devils area, and to think that we are putting anything into someone else's hands and then denying the fact that if we don't do anything at all that some else is going to put it into our hands. He hoped that the committee not lose track of an opportunity to come up with some sound recommendations that can be agreed upon, areas with the least socio economic impact to this community, and at the same time recognize that there may be some impacts here to deal with but perhaps we can minimize those impacts and the areas of impact by addressing and looking at other locations and make recommendations

for further consideration in some of the areas that are outside of the Cape Arago Seven Devils area. Mr. Ivy said what he sees reflected in comments and notes are that Marine Reserves or MPA's are something that this community and this economy has to confirm. We can do it as best we can on our terms or we can sit and wait, and this community has a long history of sitting and waiting for other people to come along and do things for us and ultimately things to us. This would be a great opportunity for us to remind ourselves that we are working for ourselves and we can be responsive rather than be reactive.

Mr. Graybill said it is unrealistic for the committee to think that we would be the only people that would decide what was going on in this place and that they would be the last and binding decisions or that future generations would be held to them. He felt it would be inappropriate to think that the committee could legislate from the grave. He said we should consider the situation for now. Mr. Graybill wanted to address Mr. Peabody's concerns about a Marine Protected Area allowing all of the things that are currently being done and what method it may have for research. He said if an area is designated a Marine Protected Area it would become a long term research site and there will be economic activity associated with that site. A half million dollar grant was just received to study oysters in Coos Bay and not in South Slough. He said this is an example of some economic activity associated with a Marine Protected Area. He said what will happen in times of catastrophe such as an oil spill, areas that are designated as Marine Protected Areas will receive priority consideration for protection from environmental catastrophes and that would be one benefit for fisheries. Mr. Peabody responded that there is already economic activity without that Marine Reserve designation as you just received \$500,000 to study oysters in the bay outside of the South Slough preserve. Mr. Peabody went on to say that there is significant strength in a community standing up and saying no. The reason the committee is here is because the first groups that made a proposal didn't get public input to a degree to allow the proposal to have any kind of backing and they didn't listen to the no's that were out there. This group has significant strength in no, and for the group to sit here and say we need to do something because if we don't, somebody is going to do something to us is extortionist and shouldn't go on in this State. Mr. Peabody felt that no should be a strong no in terms of going back to the State and saying we won't be pushed into this and we will fight it every step of the way and they will go and pick an easier spot.

Proposal H – No MR/MPA - Mr. Gates asked what there was to discuss, we have already discussed it. Mr. Pex asked if there were any additional comments and there were none.

Proposal I – Floating Wave Energy Outfall – Mr. Boehme asked on the wave energy proposal discussion from last week why it would not fall under a Marine Reserve designation. As much as he wanted to agree with Dr. Shimotakahara, he felt the committee was wasting their time on this proposal. Mr. LeDoux said he didn't think there were any set designations on the proposal and that it was too pie in the sky. Mr. Griffith commented that if the committee did go out of the Cape Arago Seven Devils area, such as in Dr. Shimotakahara's proposal, it is innovative in that there are no set boundaries now because we don't know what the concrete and steel people are going to do. Whatever they do is where it will be and the committee will have a little more say in

the kinds of things that they will study instead of leaving it up to them to decide.

Mr. Pex said it was his observation that this proposal does not meet the standards set for either an MR or an MPA. There are no boundaries because there are no energy generation systems in place so it is nebulous as to what the committee would recommend or what you would take to the public or what would be recommended to OPAC. 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 the State Lands Division. He felt the proposal merits a little further look in light of previous discussions, maybe not carrying it forward for public comment, but something to think about. Mr. Bodner said as he understood it, the wave energy park was being placed there because there is an outfall and that the outfall he believed was owned by the Port. He said he felt the Port would not give up the area very easily because they had another use for it. Mr. Helfrich said he agreed with Mr. Pex's comments in that this proposal would be a duplication of effort because it was going to be studied federally and that the federal government was going to be deciding what goes on and what doesn't versus the State's Marine Reserve.

Proposal J– South Bandon - Mr. Ivy felt this area was not unlike the Tahkenitch Siltcoos area and that it had merit. That potential had been identified even though it is outside the immediate study area. He felt it deserved some forward thinking on the committee's part for the opportunity to help lessen the impacts to the immediate study area. Mr. Pex agreed with Mr. Ivy. Ms. Peña agreed with both men but wanted to eliminate the bottom MPA section because it was near the Sixes and sometimes there are recreational fishermen coming out of Port Orford. It affects Port Orford because they lose the use of their boat lifts and the money that comes from using the lifts. Mr. Gates added that the group needed to further discuss the management measures in any MPA. He wanted to clarify the bubble fishery per ODF&W regulations that goes from Cape Blanco south to Port Orford and to the top of Elk River for commercial fishers. Mr. Gates said most of the MPA's that have been discussed today have allowed both commercial and recreational salmon trolling. Mr. Pullen said the bubble regulation has the same regulations for both commercial and sport fishermen. Mr. Poppe objected to Proposal D to the north which doesn't match Proposal J. He said he is more familiar with the proposed area in Proposal J. Mr. Pullen clarified that a portion of his proposal was in Coos County with another portion in Curry County. The area was pointed to on the projected map.

Mr. Lacey asked Ms. Don to comment on the issue of having a comparison site with a Marine Reserve being close to a Marine Protected Area. Ms. Don described Red Fish Rocks Reserve which is south of this area has comparison areas that can be continued to fish as normal associated with any monitoring over time. You don't want any of those comparison areas showing the effects from a reserve. The closest comparison areas (at this point someone's cell phone was going off obliterating Ms. Don's final comments). Mr. Lacey said he was in this area on Sunday and it is right inside Cape Blanco and it is pretty close at a mile or less.

Mr. Gates said maybe before the committee left tonight that it might be wise to talk about the next steps. Mr. Pex said going back to the agenda, the next step is how do we proceed when we meet again and what do we want to bring forward to the public. He said one proposal had been eliminated at Gregory Point. Mr. Pex asked if there was consensus as to what the group wanted to do with the other proposals. Mr. Boehme asked if this proposal would be combined with Proposal G since it is the same description. Mr. Pex replied that is where we have additional discussion. Mr. Graybill said it seemed we were close to Proposal I which was Dr. Shimotakahara's proposal. Mr. Pex felt it was too late for further discussion this evening since and it was a very important decision to make. He said the next meeting will be to decide what to bring forward to the public. Ms. Wall said the next meeting is scheduled for Wednesday, September 15. There was discussion by several committee members that they would be gone and unable to attend. Ms. Wall said we could move the meeting to another Wednesday. There are five Wednesdays in September with the next one being the 22nd. Dr. Hodder said there were several people that were going to be gone then as well and proposed moving the meeting to October. Mr. Pex asked if moving a proposal forward would require a pivotal vote and could it be done by this group. Ms. Wall suggested the meeting could be moved forward instead. The other dates proposed were September 1 and September 8. Mr. Poppe suggested for those who won't be at the meeting they could make their votes in advance. Mr. Pex asked if there were a process where someone could speak for the committee members who were unable to attend the meeting. Ms. Wall responded no. At this point Ms. Wall stepped forward and said that the group talked a lot about Marine Reserves in general tonight instead of the actual proposals, either bringing them to the surface or letting them drop out to see what could be taken forward for public comment. She said if that is a pivotal vote she didn't see that happening at the next meeting. She agreed to host an additional meeting on either September 1 or September 8. She didn't feel there was need for a lot of preparation time prior to a meeting on either September 1 or September 8. The other choice was the regular meeting on September 15 and see where we get and know what we are going to do at the October meeting and call that a pivotal vote. The committee would have a better idea of what the proposals are, what the bullet points are for their positive element comments, their negative element comments in preparation of bringing something forward that pertains more to the pivotal vote conversation. Ms. Wall asked the group if they wanted an extra meeting on either September 1 or September 8 to have a better conversation about how these proposals go forward or fall out based on better criteria. Mr. Peabody proposed September 8 as the next meeting date. A motion was made and seconded for having the next meeting on September 8th with the regular meeting occurring on September 15th.

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