

DRAFT Oregon International Port of Coos Bay
Marine Reserves Recommendation Committee
March 16, 2011; 5:30 p.m.

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

MINUTES

Attendance: Steve Bodner, Mike Boehme, Wayne Butler, Rodger Craddock, Gus Gates, Rick Goché, Mike Graybill, John Griffith, Mike Helfrich, Dr. Jan Hodder, Devin Hockema, Don Ivy, Dave Lacey, Mike Lane, Matt LeDoux, Bob Main, James Moore, Barry Nelson, Don Peabody, Valerie Pena, Jim Pex Sr., Reg Pullen, Dr. Steve Rumrill, John Schaefer, Dr. Alan Shanks, Keith Tymchuk, Dean Warner, and Margery Whitmer; Devin Hockema.

Non-Voting Members: Crystal Shoji, Facilitator; Jamie Doyle, Oregon Sea Grant; Cristen Don, Oregon Department of Fish & Wildlife; Kathy Wall, Port; Donna Scholl, Port; and Elise Hamner, Port

Guests: Daina Swanson, Mary Narby, Melissa Chapman, Rennie Ferris, Ben Enticknap, Stephen Karakashian, Laura Schmidt, Michael Hosie, Paul E., Armand Pena, Kaegan Sally Engelmeyer, Francis Quinn, Lydia Delgado, Marjorie Feldman, Jeff Reeves, Anna Pakenham, Bob Rees, Linda Anderson, Chuck Willer, Jim Carlson, Gail Elber, Susie Pearce, Timothy Pearce, Jack Kirk, Bob Baumann and Julie Jones.

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

Opening Remarks & Updates

Mr. Pex opened the meeting with self-introductions by committee members. He said meeting fatigue gets to people over a period of time and the committee has been meeting for quite awhile. He said it is important that the committee keep going. There are three potential outcomes and if the committee needs to continue to meet, he encouraged members to stay with the committee.

Approval of Minutes of January 19, 2011

Mr. Pex asked for comments on the minutes from the January 19, 2011, meeting. Hearing none, he asked for a motion for approval.

Upon a motion by Mike Helfrich (seconded by Dr. Jan Hodder), the Marine Reserves Recommendation Committee members voted unanimously to approve the minutes of the January 19, 2011, meeting.

Voting Process: Kathy Wall & Staff

Ms. Wall explained the processes for potential vote outcomes. Some of this was discussed at the March 15 Coos Bay City Council meeting. She apologized that some committee members did not hear the information first. Ms. Wall said Port staff had spent a lot of time since the January meeting looking at the four proposals for voting. She said the 3/4 committee requirement to reach a quorum was identified through the process and that a majority vote would require 2/3 of the committee members to vote.

She said staff determined that if Proposal H “No new Marine Reserves and no new Marine Protected Areas” is the only proposal that reaches the majority, then it would move forward as a recommendation to the Port Commission. She said Port staff will require the recommendation consist of a majority report and a minority report to the Commission. She has asked a couple of people if they would be willing to write those reports and they have agreed to help. Anyone is welcome to have input. Ms. Wall felt since Mr. Griffith wrote Proposal H that he should write the majority report. She had also asked Mr. Helfrich to help Mr. Griffith and he has agreed to do that. For the minority report, since Dr. Rumrill was heavily involved in identifying some of the areas, she has asked him along with Dave Lacey to write this report and they have both agreed. Ms. Wall said these committee members could reach out to anyone for input and assistance as they are writing their reports. She said the committee will need to discuss how they want the information to come back to them prior to going to the Port Commission if a majority vote is accomplished.

If any one of the three proposal locations gets a majority vote, or if there is a tie on any of the proposals, then the committee will continue the discussion and will reach out for specific ecological, economic and biological data related to whichever location may make the majority. The committee will continue to discuss the areas and boundary options, whether they are acceptable or whether they need to be adjusted based on additional data. The committee will then have another pivotal vote on any final recommendation. Ms. Wall said there is the potential that none of the proposals will reach the 2/3 majority. That would spark a runoff ranking. The committee would take the top two weighted proposals. If there is one proposal that is extremely close to another votewise, she would be willing to continue to discuss more than one proposal. The committee also would look for additional information on those areas and have another pivotal vote. Ms. Wall said “no” still would be an option after further considering a MR or MPA proposal. Ms. Wall felt there was the potential the committee could determine that there is something the community can’t live with. However, there will not be the opportunity to vote on the other proposals that don’t reach a majority or make the runoff ranking. Mr. Tymchuk asked her to explain how, if the committee passes Proposal A and nothing else, that there would be a revote? He assumed that would be the recommendation of the committee to the Port. Ms. Wall said the committee doesn’t have enough information specifically about Proposal A, where she would feel comfortable making a recommendation. She believed there was a need for more specific data about the location and whether the committee would want to adjust the boundaries. The proposal may not be exactly the same at the end of the conversation. She would require information to support a recommendation to the Port Commission about the location and the impacts to the community.

Mr. Lacey asked who was going to do the additional evaluation. Ms. Wall said she would reach out to whoever wants to participate. Her initial thought was that ODF&W has a lot of information after having worked with the community teams on the northern proposals and she felt the agency could provide some good information. She said if anyone else on the committee has recommendations that would also be part of the discussion. Mr. Moore asked that if Proposal H receives the majority would there be another vote on the minority or if Proposal H receives the majority, would the committee be finished. Ms. Wall responded if Proposal H is the only one that receives the majority vote, then it will trigger a recommendation to the Port Commission. The committee still would need to produce majority and minority reports and the committee members would need to come together somehow to make sure they are comfortable with the recommendation. Mr. Moore asked what happens if no majority is reached. Ms. Wall said there are actually three scenarios.

Mr. Graybill asked whether there would be a single ballot per proposal or one overall ballot. Ms. Wall said committee members will vote the proposals simultaneously and then the votes will be tallied. Mr. Gates asked what kind of timeline she was looking at for these different scenarios. Ms. Wall said she each would require different input and she could not judge how much information the committee will want to hear from various agencies or other data questions. She said the committee would need to set a timeline to write the reports and when the committee would come back together. Mr. Graybill said some people have conferred in public and some not in public with their constituents and are coming here with explicit direction on how to vote. He wanted to know how the committee would go about voting simultaneously if some people were under instruction by their constituents to simply vote no for one item. How would they be in a position to vote for other items if they are instructed to vote for Proposal H? Ms. Wall said that was up to the person carrying the ballot.

Dr. Shanks said this is not the way members agreed to take the vote. The committee agreed to make decisions on the four proposals from A through H. The committee will take four votes up or down. Ms. Wall said there are four votes on the ballot. Dr. Shanks said he interpreted it to mean that you make four separate votes. Ms. Wall said it is four separate votes. It requires a “yes” or “no” for each proposal. Mr. Nelson asked how many people there were on the committee. Ms. Wall said there are 34 voting members on the committee. In the voting guidelines the quorum number is 25. Ms. Wall showed her calculations for a 2/3 majority for each of the numbers as follows based on attendance: 25 = 17, 26 = 18, 27 = 18, 28 = 19, 29 = 20, 30 = 20, 31 = 21, 32 = 22, 33 = 22, and 34 = 23. There are also a few proxies. Ms. Wall asked that all committee members sign the sign-in sheet, which will be used to determine the majority vote. Ms. Wall read the proxies: Bill Poppe who is requesting Mike Helfrich vote on his behalf; Bart Stein is requesting Reg Pullen; Bill Russell is requesting Dr. Shanks; Mark Schneider is requesting Rick Goché; and Larry Garboden is requesting Matt LeDoux. Dr. Jan Hodder asked who Mark Schneider represented. Ms. Wall felt he represented tuna fishing. Mr. Bodner agreed he represented tuna fishing.

Ms. Shoji asked if everyone on the committee had signed the sign-in sheet. Another sheet was distributed to collect signatures from the meeting guests. The voting forms were distributed to the committee. Ms. Wall reviewed the voting form for the committee

members. She said the committee leadership discussed the form format and agreed to require members to vote yes or no for each proposal. A blank or abstention from one of the votes will be counted as a “no.” Mr. Tymchuk asked why it would not be counted as a non-vote. Mr. Peabody said the reason it is not counted as a non-vote is because of the $\frac{3}{4}$ majority quorum to vote. If it is counted as a non-vote, it was feared members could collude to essentially manipulate the system. Dr. Shanks said basically you are assuming an abstention is a “no” when an abstention could be “no”, “yes”, or “I don’t know what to do.” Mr. Pex reminded members that they have been doing this for 18 months and all of are responsible voters. Each member has a responsibility to every other member on this committee to vote.

Ms. Wall asked if there were any questions before voting and counting votes. Mr. Tymchuk said he was going to respectfully disagree with Mr. Pex, but he had a principle view of the double majority of the State of Oregon. It requires a person to vote or it’s a no vote. He said he has felt since day one this is unconstitutional, and it is wrong. He said as a matter of principle, he is opposed to that policy if a person chooses not to vote. He said he was trusting that no one would try to gain the system. He said he dislikes the idea that a non-vote is a no vote. If only 29 vote, it’s a $\frac{2}{3}$ majority of 29 instead of 33. He felt it was a more practical solution and more to the point of what the person would vote rather than allowing a non-vote to be a no vote. Mr. Pex said he heard the concerns and then said the vote would move forward.

A break was taken at 6:05 p.m. to tally the votes. The voting results follow:

| Committee Member | Proxy Vote by | Proposal A | | Proposal C | | Proposal G | | Proposal H | |
|--------------------------|-----------------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| | | Yes | No | Yes | No | Yes | No | Yes | No |
| Bodnar, Steve | | | 1 | | 1 | | 1 | 1 | |
| Boehme, Mike | | | 1 | | 1 | | 1 | 1 | |
| Butler, Wayne | | | 1 | | 1 | | 1 | 1 | |
| Craddock, Roger | | | 1 | | 1 | | 1 | 1 | |
| Garboden, Larry | Matt LeDoux | | 1 | | 1 | | 1 | 1 | |
| Gates, Gus | | | 1 | 1 | | 1 | | | 1 |
| Goché, Rick | | | 1 | | 1 | | 1 | 1 | |
| Graybill, Mike | | | 1 | 1 | | 1 | | | 1 |
| Griffith, John | | | 1 | | 1 | | 1 | 1 | |
| Helfrich, Mike | | | 1 | | 1 | | 1 | 1 | |
| Hockema, Devin | | | 1 | | 1 | | 1 | 1 | |
| Hodder, Jan | | | 1 | 1 | | 1 | | | 1 |
| Ivy, Don | | | 1 | 1 | | 1 | | | 1 |
| Lacey, Dave | | 1 | | 1 | | 1 | | | 1 |
| Lane, Mike | | | 1 | 1 | | | 1 | 1 | |
| LeDoux, Matt | | | 1 | | 1 | | 1 | 1 | |
| Main, Bob | | | 1 | | 1 | | 1 | 1 | |
| Moore, James | | | 1 | | 1 | | 1 | 1 | |
| Nelson, Barry | | | 1 | | 1 | | 1 | 1 | |
| Peabody, Don | | 1 | | | 1 | | 1 | 1 | |
| Peña, Valerie | | | 1 | | 1 | | 1 | 1 | |
| Pex, Jim Sr. | | | 1 | | 1 | | 1 | 1 | |
| Poppe, Bill | Mike Helfrich | | 1 | | 1 | | 1 | 1 | |
| Pullen, Reg | | | 1 | | 1 | | 1 | 1 | |
| Rumrill, Dr. Steve | | 1 | | 1 | | 1 | | | 1 |
| Russell, Bill | Dr. Alan Shanks | 1 | | 1 | | 1 | | | 1 |
| Schaefer, John | | 1 | | 1 | | | 1 | | 1 |
| Schneider, Mark | Rick Goché | | 1 | | 1 | | 1 | 1 | |
| Shanks, Alan | | 1 | | 1 | | 1 | | | 1 |
| Shimotakahara, Dr. Steve | | 1 | | | 1 | | 1 | | 1 |
| Stein, Bart | Reg Pullen | | 1 | | 1 | | 1 | 1 | |
| Tymchuk, Keith | | | 1 | | 1 | 1 | | | 1 |
| Warner, Dean | | | 1 | | 1 | | 1 | 1 | |
| Whitmer, Margery | | | 1 | | 1 | | 1 | 1 | |
| | | <u>7</u> | <u>27</u> | <u>10</u> | <u>24</u> | <u>9</u> | <u>25</u> | <u>23</u> | <u>11</u> |

The meeting re-adjourned after the vote tally. Mr. Pex said 23 is the required number to pass and it appears that Proposal H has the required number. Mr. Pex asked Ms. Wall to reiterate where the committee would go from here. Ms. Wall said this will trigger the recommendation to the Port Commission, but the committee will need to submit a

majority report and a minority report. Mr. Griffith and Mr. Helfrich have offered to co-author the majority report. Dr. Rumrill and Mr. Lacey have agreed to co-author the minority report. They can reach out to any of the committee members for input. She said she would make sure that everyone has the contact information. Mr. Griffith asked when they should have the report completed. Ms. Wall asked how long they felt they needed to write the reports and that she did not have any timeline criteria. She said after she gets the reports she will be writing a staff report to go along with the recommendation to the Port Commission.

She asked Ms. Hamner if the Port had decided to schedule a separate public meeting when the information goes to the Port Commission. Ms. Hamner said that had not been decided. Ms. Wall said it hasn't been decided whether the Port Commission will consider the recommendation at a regularly scheduled or special Commission meeting. She said the committee would be made aware of the meeting through the media. Dr. Rumrill said for the minority report they will need two weeks for an initial draft and then another week or so to circulate for input from those in the minority. Mr. Helfrich asked if there was a Marine Reserves Recommendation Committee meeting scheduled in April. Ms. Wall asked if the committee wanted to come back together for conversation about the reports. Mr. Graybill asked whether the committee's approved motion will constitute a recommendation to the Port Commission or whether the recommendation will end up being a majority and minority report. He also asked whether there will be additional dialog or recommendations advanced from this committee. If the group crafts a report that would accompany the results of this vote, then it may be worth meeting again.

Mr. Pex said after to wait members to see the report and then it would be up to the Port to decide whether to reconvene. Mr. Graybill said the group could consider meeting to talk about what the recommendation could be. He asked if the vote constituted the substance of the report that the committee would give to the Port or would it have other information to accompany the outcome of this motion. Ms. Shoji said other information would be included in the minority report. Mr. Graybill disagreed, saying there is territory that he tried to point out at the last meeting that was achieved by consensus by the committee. It would not necessarily be the territory of the majority or the minority perspective. The committee identified some locations that were out of the scope of this group that weren't the subject of this vote. If the committee simply advances the outcome of this vote to the Port Commission, Port commissioners would not know of the discussion about these two other sites that members identified that might be worthy. Mr. Helfrich said he would envision that in the majority report would explain all of the proposals and then why they were narrowed down to four. He said he didn't recall what caused the committee to throw out the proposal at Blacklock Point.

Mr. Pex said the Port needs a chance to put the document together and if someone wants to reconvene and discuss the document then make that recommendation to Ms. Wall. Mr. Pex said he would like the other areas the committee discussed to be in the recommendation, too. Mr. Tymchuk asked if Mr. Graybill might be able to craft a section of the report talking about these areas for presentation in either the minority or majority report, depending on where the committee thinks that information best fits. Mr. Graybill said he also was thinking of Mr. Griffith's recommendation to make a proposal to the State Land Board of putting some type of a harvest restriction on great kelp. He felt it

would be appropriate to make sure the report includes a discussion of the territory and topics that were covered. Mr. Helfrich said it could be like what has been set up by the fish and wildlife commission now with the intertidal areas. He said he didn't know if it was done by administrative order or some other method. Mr. Pex said if there are particular aspects that anyone on the committee would like to see in the reports they could email Ms. Wall and request that the information be a consideration in the preparation of this document.

Mr. Griffith said he did put the kelp ban idea forward and anyone in or apart from this committee could request the Land Board ban the harvest of all kelp in that area. Mr. Graybill said he was just using this as an example, because it's not covered as part of this vote. Mr. Griffith suggested that if committee members want something included in the reports they be given a couple of weeks to submit it. Mr. Griffith asked Dr. Rumrill if this timeframe worked for him. Dr. Rumrill said that is what he proposed.

Mr. Graybill asked if mention of topics discussed at these meetings would need to be put in writing or would mention at this meeting be adequate as an expression of interest in having those topics included. Ms. Wall said the minutes could be sorted through in order to have the information included in either report. She said there also will be an opportunity for comment when the recommendation is made to the Port Commission, so there would be a record of concerns about missing elements. She said she also didn't mind bringing the committee back together, but that was entirely up to the committee. Mr. Helfrich suggested committee members who want something included in either report send the information to Ms. Wall by April 1.

Mr. Nelson said he wanted to remind people that this is the reason the government gets so big and people don't trust it. The committee was not put together to decide things down the road. He said he is all for the kelp but that is not the purview of this committee. The committee was to decide whether to recommend Marine Reserves and he didn't think this was the place to suggest other issues. He said there would be no end to these meetings otherwise. He said he would like to see the meetings end. Mr. Pex agreed with Mr. Nelson but rather than speculating on an outcome to this report, he suggested giving the Port a chance to write the proposal. He didn't feel it was necessary to set another meeting date at this time. Ms. Wall said the Port is not writing the document, rather committee members will write majority and minority reports. Mr. Pex said but the committee can reconvene at some point down the road if necessary.

Close of Meeting and Closing Remarks

Mr. Pex asked if there was any other business. Mr. Boehme moved to adjourn the meeting, which was seconded. The meeting adjourned at 6:40 p.m.