

## OPAC Marine Reserves Working Group Meeting Summary

Agate Beach Best Western, Newport, Oregon

10/9/2006 1:00-4:35 PM

*OPAC working group members in attendance:* Frank Warrens (chair), Paul Engelmeyer, Jim Good, Robin Hartmann, Jim Bergeron, Jack Brown, and Jessica Hamilton. Absent: Brad Pettinger

*Non-OPAC member working group agency staff:* Hal Weeks (ODFW) and Laurel Hillmann (OPRD). Absent: Paul Klarin (DLCD)

*Other attendees:* Terry Thompson (OPAC), Carolyn Waldron (Oregon Ocean), Peg Reagan (Conservation Leaders Network), John Griffith (Coos County), Ben Enticknap (Oceana), Pete Stauffer (Surfrider), Fred Sickler (OPAC), Steve Shipsey (OPAC/DOJ) and Scott McMullen (OPAC).

*Note:* Unless specified in the meeting summary that a decision was made on a particular topic or action, the minutes/notes that follow document MRWG meeting discussion only. Comments represented in this summary do not necessarily reflect MRWG consensus on the topic.

### **Meeting Summary**

- 1.) Discussion about **potential funding and resources** available from the State for baseline evaluation, monitoring and enforcement.
  - a. No funding sources were identified at this time. Acknowledged we need to review entities to possibly fund this process and approach them.
    - o Would outside groups be interested in helping with funding?
    - o Would the Governor be able to shift monies to agencies as appropriate?
      - Jessica H. to get back with potential sources. Noted that the regional ocean agreement just signed may open some doors.
    - o Hal Weeks suggested that ODFW may be able to address this at a later time
  - b. Suggestion was made that a subcommittee should be created in STAC to assist with the Marine Reserves process.
    - o STAC would be appropriate group to ID people who would be good in getting this type of information together
  - c. Jessica Hamilton noted that OPRD had okayed having staff (Laurel Hillmann) assist with MRWG staffing, including taking notes for meetings as long as it does not interfere with other job duties.
  
- 2.) Report and **Direction from the Governor's Office** (Jessica Hamilton)
  - a. Jessica noted that the Governor endorses implementing the previous recommendation to create a network of marine reserves. The Governor's

letter endorses the 2 phase process mentioned by Kitzhaber and also says the OPAC ORS may need to be revisited to ensure consistency with the role of OPAC

3.) General discussion about the **role (and format) of the OPAC MRWG and definitions**

- a. General consensus that the role of group should be to pick up where the last OPAC marine reserves group left off
  - o Some confusion on what exactly OPAC 1 was recommending
  - o What exactly do Marine Reserves mean? What does a network mean? Discussion ensued including the following comments
    - A network would include representative habitat types
    - Definitions depend on the research questions asked (and purpose of the reserve)
    - When defining a network, you need to decide if you want connected areas and whether you want to look at relationships between areas.
    - Suggestion was made to look at the MPA center's model for a figuring out what a "network" means to us
    - Carolyn Waldron noted that the job of this group is to frame basic goals and objectives
      - a. STAC to work on scientific questions, possibly also to include work on socioeconomic issues
      - b. Feels a lot of work has already been done and material is already out there
      - c. Cautions about getting science ahead of stakeholders based on lessons learned from elsewhere about getting other groups together before the stakeholders
- b. Some discussion (started by Jim Good) about broadening the working group to include other stakeholders (e.g., fishermen, ports from the south coast etc.). Suggested we should ask interested parties to say if then want in, and then OPAC can okay it.
  - o Frank Warrens (chair) noted that there are people present (not currently MRWG members) that have shown interest by attending the meeting. He will look into seeing about adding members to the working group but wants to keep it small enough to enable the group to have effective meetings.
    - Peg Regan would prefer to participate as a formal member of the working group.
    - Carolyn Waldron appreciates the opportunity to participate without being a member
    - Group wants to keep meetings open but can't have a group of 50. No decision was made on how many people to invite or what type of individuals to add.

#### 4.) Needs identified

- a. Frank brought up the idea of a matrix to be created (per Hal Weeks' suggestion) that would identify all available tools (not just Marine Reserves), problems etc. It would help look at recovery of species and available management tools that could help with recovery and habitat protection
  - o This would be a group effort, likely with STAC (or a new technical advisory group?) input
- b. Ben Enticknap suggested we need to lay out what we currently have. An inventory of existing records. Potentially a map of the territorial sea with features of interest including: rocky reefs, kelp, sea grasses, seabird colonies, marine mammals
- c. Funding in place. Without it--there's no point in doing it. Suggestion was made to develop a funding plan.
- d. Economic studies (including impacts of reserves) before go ahead
- e. Enforcement. Suggestion was made to involve both the fishermen and the agencies.
  - o OSP enforcement should be involved in this process. Frank to look into this (inviting LT Jeff Samuels of OSP to serve on this committee)
  - o Would the USCG be involved at all? What do they have to say about network design?
- f. Baseline data
  - o How to get it?
    - Some areas prove to be very difficult. Terry Thompson noted this is especially true for some marine habitats like bull kelp beds. Hal Weeks concurred that it makes it difficult for equipment to navigate. Do we even have survey techniques available to us to obtain needed baseline information?
  - o What should be included?
    - Hal noted that finding out what's in an area is very different than wanting to answer process questions such as when do fish recruit, how many and how often.
    - Effective marine reserves would help answer not just what's there but how does it all work
      - a. How do you measure that?
  - o How much would it cost?
  - o Identify if others have established/evaluated baseline areas?
  - o Timeframe?
    - 1<sup>st</sup> OPAC notes a 3-5 year timeline with time for public involvement
    - Comment was made that once it is set up, maybe leave it in place for study for 20 years
- g. How would the dead zone factor into choosing sites for Marine Reserves? Terry Thompson noted that a dead zone puts a new set of rules in place as

to how reserves can/will work. “Sterilization” of the ocean has got to be a factor in siting Marine Reserves. He doesn’t see the research happening that ought to be on this topic. Noted we need more research on it.

- h. Frank noted the need for a fairly comprehensive inventory (w/ supporting data/meta-information)
- i. Information about what worked/what did not work elsewhere (lessons learned)
  - o MPA FAC has a lessons learned document we could look at.
  - o Look at the MLPA for “lessons learned”
- j. How much area should be set aside?
  - o Discussion emphasized critical nature of fishing fleet buy-in; only way to do was perhaps a fixed guideline of maximum area – so as not to have slippery slope – lots of discussion/concern re: possibly making hard cap of area – others felt this should be science based – THUS – no conclusions reached.
- k. Design a more detailed planning process
  - o Technical information, maps, what we know
  - o Identify conservation planning/decision making tools for establishing a network
  - o What are the research questions we want to know
    - Scientific AND social
- l. Need to get technical input from oceanographers and other scientists.
  - o Tell use what makes sense for ocean currents, oceanographic processes. Don’t want to site a reserve in a place that doesn’t make sense from this perspective.
  - o Need to figure out/identify what other disciplines should be involved in a technical team to advise this process
- m. Need input and involvement from the fishing community and other user groups
  - o Discussion ensued about how difficult it is to get their involvement before their livelihoods are actually threatened by a specific action
    - Terry Thompson asked why fisherman would want to be involved and noted that the ODFW Nearshore Plan had very few fishermen involved and had all sorts of flaws as a result. Hard to get fishermen involved if they do not perceive it to be in their interest
    - Suggestion was made to treat them as experts and pay them to be here, have representative types of fishermen and other users. It was noted that there is no funding to implement such a suggestion.
    - Paul E notes that Denny Burke and Jeff Feldner are both interested in helping
    - Scott noted that many do not want to get involved until it’s too late

- Peg Reagan expressed concern about fishermen participation. You can't hold the process hostage because of the unwillingness of a group to participate
- n. Resulting discussion ensued related to the need for a map to get fishermen interested and involved
  - Terry T. commented that if you make a map, you will get them engaged
  - The map could suggest possible closure areas for certain areas.
  - Jim Good doesn't think we will get to a map for a while-for now it would be largely baseless as we don't know what research questions we want answered; nor do we know what areas have the potential to be productive sites to answer questions.
  - Scott M suggests picking sites and then asking for feedback
  - Pete S. says we need to be more rigorous in choosing sites with a basis in the goals and objectives
  - Carolyn W suggests a goal is the right place to start and read from Governor Kitzhaber's 2002 letter that one of the goals is to "meet conservation objectives of Goal 19". There needs to be ecological and social criteria and facilitation to bring the two perspectives together.
  - Jim Good suggested a series of workshops up and down the coast to ask folks where we should/shouldn't site marine reserves and what questions should be asked and investigated.
- o. Need a funding plan
- p. Need to have staff for the MRWG.
- q. Need to have a flipcharts for notes. Someone (?) will have one for next time.

5.) Discussion on **who is empowered to act** at the state level to enact Marine Reserves (the **adoption** process)

- a. Once a plan is adopted by OPAC, would it then go to the Governor's office?
- b. Decision was that it would probably need to go before the Oregon Department of Fish and Wildlife Commission along with the State Land Board in consultation with other agencies identified in the Governor's letter (with the possible addition of the ODA, USCG and OSP). Those in the letter included: DLCD, OPRD, DSL, DEQ and ODFW. Others discussed were the Oregon Economic and Community Development Department and the Marine Board.
  - Discussion included comments that there is likely already authority within existing agencies to adopt marine reserves
- c. While the legislature would likely be engaged at some level in the establishment of marine reserves, Steve Shipsey explained that it is not a foregone conclusion that legislation will be needed, unless we want to add or change authorities.

- 6.) Discussion about Marine Reserves **experimental design** and **questions for STAC**
- a. Hal suggested that the group frame it in approximately this fashion: The MRWG is thinking about conducting a regulatory (but science informed) experiment and needs STAC advice and input help to design it. Discussion ensued.
    - o Hal Weeks proposed that the MRWG could recommend utilizing the BACI method to determine if changes are there because a reserve is there. We would need to have protected areas as well as reference areas to be able to look at differences between the areas.
      - BACI is “Before-After Control-Impact Design”
  - b. Some thought-they are testing areas, to see how they work, and then maybe look at expansion. Discussion ensued.
    - o How big they should be? Not resolved
    - o Terry Thompson noted he remembers a statement requiring identification of funding sources as a prerequisite to establishing reserves
    - o Jack Brown recalled a bullet about conducting an economic study before “taking any real estate”
    - o Jim Good recalls statute language precluding involvement in fishery management but can still provide options
    - o Scott McMullen reemphasized it is crucial to conduct baseline study
      - Frank doesn’t think we should select areas where there’s the least amount of controversy if we don’t know what it is that is expected to be accomplished
    - o The area should have representative habitats (i.e., sandy, rocky) but the information requested from STAC would not necessarily be site specific (we would not necessarily be requesting that they identify actual areas but help provide guidance to focus the MRWG process).
      - Would eventually go about picking the areas based on the goals and objectives set forth by the Governor’s letter
      - It was noted that you can do it without picking areas but also want to know where to put them. How to choose the sites was discussed and not resolved.
        - a. Want to make sure that if you mention some sort of spatial area you don’t prejudice the discussion
        - b. Scott M noted that this is a test and thus doesn’t need to be a difficult, drawn out process. If you have a small amount of areas to potentially work with, there is little benefit of making it overly complex. Pick bottom types (habitat) as samples and test reserves there. Get baseline for a couple of years

- c. Terry Thompson agreed. Suggested selecting (for purposes of discussion) a 1 mile section of coast (with fishermen) and start baseline work. Need to figure out how much area needed for baseline.
    - d. Jim Good noted that you need to select areas before conducting baseline studies, otherwise baseline information may not be pertinent to future reserves
  - It was noted that there are models out there to help us, including fishing, economic, and diving that would help provide a range of alternatives
  - In addition to needing to gather the technical scientific information (including social sciences), the point that we need to figure out how best to get public input was made
- c. Questions that were discussed that should be proposed to the STAC about assistance in developing an experimental design to evaluate if reserves are showing changes over time include:
  - What does a network of marine reserves look like?
  - What timeframe is necessary to obtain helpful baseline data within a reserve?
  - What existing data do we have to help us figure out where a marine reserve should be? Do we have enough information to go ahead now?
    - a. Paul Engelmeyer suggested asking what important habitat types to represent are.
  - How much area is necessary to set aside to get helpful baseline information
  - What conservation planning/decision making tools are out there that can help us when looking at establishing a network?
  - What are the ecologic and socioeconomic criteria that need to be evaluated?
    - a. What assessments are needed for economic analysis? Who should do it, what should be included?
    - b. Scott McMullen asked if STAC should be tasked with collecting parallel baseline for economic activity in an area (i.e., vessel days/rec days etc.)?
  - What type of study design would help us look at effectiveness of a marine reserve?
  - What would STAC do to help identify future marine reserve areas based on the 2002 goals and objectives?
  - Can STAC help inform what a startup budget would need to be and provide rough estimates?
  - Ask STAC to recommend a Marine Reserve technical group, not necessarily just current STAC members

- a. Need to figure out what other scientific disciplines should be included in this scientific technical team
- Ask STAC to review the goals and objectives in the 2002 recommendations and review whether other things should be included/considered
- Need to know
  - a. How to actually implement the experimental design
  - b. Budget for actually doing the planning, facilitators etc. (all depends on the design of the process).
- Hal Weeks is to draft a letter to STAC asking for assistance to guide the appropriate approach for this process.

#### 7.) Procedural and Logistical Discussion Points

- a. Frank noted that he hopes the group will work by consensus and not need to vote. It was brought up that even if that is true, we still need to know who gets to have a voice in such decision making. Frank said it would be MRWG members for now.
- b. Robin Hartman noted that a memo from S. Shipsey in regards to work groups notes that we can only do options, then provide them to OPAC. We can't make any formal recommendations and must present pros/cons to the options. When you formulate a recommended option, you have to meet public meeting standards.
  - Steve Shipsey noted that the concern for a Working Group (WG) is not whether a quorum is present but how the WG comes back to the full OPAC. If present individual ideas, there's no problem, however, if we make formal recommendations as a WG, then meetings need to be noticed.
- c. Peg R. suggested considering asking STAC to come to next meeting (or at some future date) to build in the opportunity to interact with STAC and ask questions
- d. Peg Reagan would like some kind of (better) notice about these meetings.

#### 8.) Next Steps

- a. Agenda summary will be drafted by Laurel for review by the MRWG and eventual posting on the OPAC MRWG webpage by Greg
- b. Hal will draft a proposal for a letter to the STAC for distribution to the MRWG via email
- c. Hal will look into the matrix discussed to look at problems and solutions (Marine Reserves being just one of them).
  - This would eventually be a group effort, likely with STAC (or a new technical advisory group?) input
- d. Hal to ask Jay about time and energy available for STAC to actually help us with this.
- e. Jessica will be the holder of any information regarding existing inventories of critical habitat (e.g., via DLCD's coastal atlas, OPRD, ODFW, NGOs, fishermen); she will start to compile this, and give to the MR science team

- when it is established. MRWG members (and others) can provide her with information they currently have that may assist with this process.
- f. Jessica will individually talk with state agencies listed in Governor Kitzhaber's original letter in order to discuss their role and anticipated level of engagement in establishing marine reserves
  - g. Jim to organize a subcommittee to plan for our next meeting
  - h. Jim to organize a subcommittee to review his original Phase I implementation plan and present plan ideas at the next MRWG meeting
  - i. Timeframe for establishing reserves will be developed a.) after STAC reviews and responds to MRWG letter and b.) after Jim has worked on a draft plan
  - j. Frank will compile "lessons learned" from marine reserve efforts in other states (e.g., Jim would get him information from CA F&G's John Ugoretz).
  - k. Frank will look into additional MRWG membership
  - l. Frank proposed his plan to have future MRWG meetings the evening or day before the full OPAC meetings.

During the first part of the MRWG meeting, many issues were raised but not resolved. The list below was an attempt to start capturing these issues. These were then discussed during the second part of the meeting, and next steps were identified and many tasks were assigned.

- 1) Adoption process - what elected officials, agencies, and commissions would consider the OPAC recommendations and play a role in implementing a marine reserve network?
- 2) Funding plan
- 3) Enforcement of reserves
- 4) Agency roles in development and implementation
- 5) Role of the STAC vs. the TBD reserves science team
- 6) Working group format and expansion of membership
- 7) Designing the planning process - Phase 1 (Jim Good)
- 8) Inventory of potential sites/special habitat
- 9) Marine reserves vs. marine research reserves
- 10) Goals and objectives - send the 2002 recommendations on these to STAC
- 11) Establish baseline information
- 12) Timeframe - for rollout of working group products; Phase 1, Phase 2
- 13) Staff for the working group?
- 14) Lessons learned from other state marine protected area processes (Ex: MLPA)
- 15) Economic assessment - who is engaged; develop a baseline for existing activities in an area