

**Oregon Ocean Policy Advisory Council (OPAC)**  
**Marine Reserve Working Group Meeting Summary**  
Port of Umpqua Meeting Room, Reedsport, OR  
4/18/2007 11:00 AM- 2:30 PM

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

*MRWG group members (non OPAC) in attendance:* Kristen Don (ODFW), Paul Klarin (DLCD), Laurel Hillmann (OPRD)

*OPAC Science and Technical Advisory Committee (STAC) members in attendance:* Jack Barth (STAC/OSU), David Sampson (STAC/OSU), Craig Young (STAC/OIMB), Jay Rasmussen (STAC, Sea Grant), Susan Hanna (STAC/OSU), & Selina Heppell (STAC/OSU).

*Other attendees:* Fred Sickler (OPAC), Greg McMurray (DLCD/OPAC), Patty Burke (ODFW), Ephraim Temple (Sea Grant/Legislative Fellow), Ben Enticknap (Oceana), Meagan Mackey (PMCC), Jan Hodder (UO-OIMB), Mike Graybill (Sough Slough NERR), Arlene Merems (ODFW), Steve Bodner (Coos Bay Trawlers), Scott McMullen (OPAC), Julie Barr (Sea Grant), Lisa Mulcahy (OSU-PISCO), Frant Recht (PSMFC), Pete Stauffer (Surfrider), M. Kay Moxness (Central Lincoln PUD), Walter Chuck (RFA), Susan Chambers (The World Newspaper), Leesa Cobb (Port Orford ORT), Steve Shipsey (OPAC/DOJ), and David Allen (OPAC).

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

- 1.) Self-introductions of MRWG and public attendees (see above)
- 2.) Welcome, opening remarks (Frank Warrens)
  - Joint meeting of STAC and MRWG
  - Objective of this meeting is to continue discussions with regards to defining some goals and objectives for marine reserves, and to see if we can get some agreement between STAC and the MRWG on this topic.
- 3.) Review of suggested expertise and STAC response to MRWG letter (Jay Rasmussen)
  - **STAC suggested expertise to support MR planning**
    - Handed out memo to the MRWG relative to expertise needed for MR development
    - Haven't tied names to the areas of expertise because wanted to make sure MRWG is okay with those areas first. Depends on what you want to do as the main goals and objectives.

- STAC needs to discuss the goals and objectives of this group and OPAC. Whether or not OPAC and the MRWG have the support that would allow us to proceed? If we want a substantial work program, that would require expertise. Right now it's been "on the cheap", have been asked to donate time and Sea Grant has funded some travel. *How are we going to fund that?*
- Notes that there aren't all areas covered. For example, there is no marine geologist which you may want if you want to protect a seamount. Would like to vet names, think that the STAC should select expertise.
  - Current Areas: Marine Reserve Design, Larval Biology & Transport, Biological Oceanography, Marine Reproductive Biology, Social Impacts, Community Development, Technology/Mapping/GIS, Invertebrate Biology, Fish Biology and Ecology, Physical Oceanography, Seabirds, Marine Mammals, Macro-algae, Economics, Marine Fisheries Biology, Nearshore ocean/rocky intertidal
- **Response to the 12/08/06 OPAC MRWG letter to STAC** (Selina H. followed by discussion between MRWG & STAC)
  - Always going to be an issue that the MRWG comes up with questions but the next STAC isn't meeting for say 2 months, so may want to talk about facilitating communication to improve efficiency. Possibly have a separate advisory panel?
  - Learn from CA as much as possible, it was a \$9 million process with 100's of people, really need to think about how things are going to come together. Resolving some of these issues about purpose and objective will really help with that process, need to know what road we are going down before we ask for money
  - STAC had a sense that there isn't yet a prioritization of the purpose of the MR network in Oregon. Agreed on why you might have system of MRs. Thought an important step would be to prioritize these 4 goals
    - **Conservation of Fisheries Species and Habitats**
    - **Preservation of Biodiversity**
    - **Establish reference sites**
    - **Preservation of Oregon's natural heritage**
- Discussion ensued:
  - MRWG decided to remove the goal of improving fisheries management (the use of MR's as a fisheries management tool) because, while they may help with this, to establish that as a goal would be difficult. To tie the success of reserves to fisheries success is not what we should be doing.
  - Heritage preservation could be not only biodiversity, but also other things like ship-wrecks, cultural heritage etc.
  - If don't have reference areas, we can't test things. Need them because we can't evaluate the question objectively if we don't have some in place. Gives a treatment that can then use to evaluate impact.
  - If do say, habitat conservation, would want to encompass all the types of diverse habitats we have off the Oregon coast.

- What existing tools are out there for helping with siting criteria?
  - Have optimization programs (like MARXAN). Can include social science, biodiversity information, and particular species info. There are simpler programs out there, like what they used in California. Can modify existing tools to suit our purposes.
  - Can focus on what didn't work in California
- Major regions-can be socioeconomic, can think about it say from "cape to cape", if objective is more along the line of a reference area, would want to make sure each major "zone" had some reserve, can play out in different ways depending on your purpose. Need to decide what the regions are based on.
- A concern from coastal communities is that if they aren't making a difference, let's get rid of them.
- STAC wants to know what question(s) to ask, what treatments, thinks of it like an experiment. Want unambiguous results.
- Biggest concern is where is the baseline? What are we trying to improve?
- If take the preservation of fisheries off the table, those other objectives will be inherently succeed
- If you can do it, the BACI design is the best way to go. The most objective way to go. Need to do pre-experiment analysis, need to control inside and outside, then monitor change over some period of time. There will be environmental variables, differences in communities, need to try and tease apart the fishing effect by having no fished and fished areas.
- We are working on phase I, figuring out goals for the system! Not individual reserves. Phase II-goes down to the local level, haven't defined what local is. OPAC 2002-what are the goals for the system? Also said there would be specific goals and plans for each marine reserve as well as funding to do monitoring so can evaluate whether the goals of that particular reserve are achieved. How to add that together to evaluate the system. Now we are just trying to get some *general goals*. Phase II would be when we use MARXAN etc. NOW just doing system goals and criteria (will need expertise on that) for Phase II (establishment) and general candidate areas.
- Phase I may include identification of regions.
- We want to be open to having the local communities suggest areas for the later phases.
- Have identified the need for design and siting criteria from a coast wide perspective. For example, one may be representative habitat (and examples of different habitat). Another might be: avoid areas critical to recreational fisheries in different ports. Likely won't be one that meets them all. Phase I needs to identify from scientific, local knowledge, what should the criteria be.

#### 4.) Update from the Governor's Natural Resources Office (Jessica Hamilton)

- Handed out a letter from the Governor regarding feedback on the sanctuary proposal and marine reserves.

- Guidance on **marine reserves**
  - Supportive of us working towards goals and objectives. Wants this to continue.
  - Wants to make sure in addition to STAC communication and the agencies already on the WG, make sure in touch with refuge branch of the USFWS.
  - Wants us to identify special places. Areas along the Territorial Sea that we already know are special (have been examined in the past). In terms of going to local communities, there may be people aware of some of these areas. Wants us to start thinking about specific areas. Not just internally, but we should seek input from outside
  - Broadening public awareness is one goal of the West Coast Initiative and how to seek input from diverse interests throughout Oregon.
  - In terms of Phase I, nail down the goals and objectives. Go ahead and start talking about places. Use primarily science and get feedback from folks. Okay to start talking to people about where it may be on the water.
  - Would like to try and accomplish some things within a year
- Guidance on the NMS (**sanctuary**) proposal
  - Keep the Marine Sanctuary idea in our back pocket. Continue discussions to be able to ensure that Oregon would have an equal role to the feds in the process
  - Need to figure out whether want the Sanctuaries WG to continue
  - Keep in touch with the programs already in discussions with
  - Think about sanctuary program as a way to implement a marine reserve in Oregon and nearby federal waters
  - If there are areas that may not be for a MR but may be good for a sanctuary, keep that in mind.
- Recognize we have limited resources, need to keep these specific tasks in mind before launch into full work plan
- Supports ongoing work with the Oregon Solutions project (Wave Energy)
- Passed out letter about **ocean aquaculture**. Would like OPAC to take over that analysis and create a letter that OPAC could submit to the Governor
  - Would probably have a short-term WG
  - STAC would be able to provide advice
  - OPAC has supported Onno's Joint Memorial 37 in the past; state would have authority on whether Oregon should allow aquaculture and additional safeguards. Onno points out that PEW has put out an extensive aquaculture report, would want to see these additional safeguards in place.
  - Might be good to bring this back to OPAC.
  - Could there be a move for restrictions beyond 3 miles.
  - States could opt out up to 200 miles. Is that language still in the bill?
- Discussion among MRWG
  - May have to amend the Sanctuary Act
  - Several states have co-management regimes.
  - Jessica notes that there is specific deadline for the Sanctuary idea. Want to keep it on the table. There is interest, people nationally are thinking about Oregon.

- PFMC is sending a letter to the Governor about concern about the Sanctuary program. Frank asked for legal clarification regarding the issue of Governance. Seems to be some ambiguity, based on previous experience and a NOAA flow-chart with respect to fishery management. Noted there was no agreement from legal advice folks. Only way it would be clarified, would be an amendment to the Sanctuary Act.

#### 5.) Continued discussion (MRWG and STAC)

- 2 mapping efforts: Dawn Wright's seafloor mapping may give us an idea of nearshore habitat, Cathy T. & Patty Burke-NOAA/ODFW working on regulatory mapping. Socioeconomic information should play into some of the siting criteria. Will never be able to site where no impact on fisheries. Siting should be done where tend to minimize high concentration of fishing patters or at least try to mitigate some of the socioeconomic impact of MR. Need to plug into fishing and regulatory overlays
- Regulations will come and go over the time of this process. This is a longer term type of experiment, things will shift underneath it.
- Need to get STAC input on the "study area". 2002 OPAC talked about the TS but also noted the continental shelf. Has been mention of estuaries. Would be nice to have coverage of information beyond the TS since there was some vision in terms of 2002 that artificial 3-mile boundary wouldn't necessarily be firm even if the state doesn't have power. There are federal partners to work with.
  - From oceanographic perspective there is no boundary
  - Jessica reminds us that we should focus on the 3 mile state boundary
  - Most of the mobile species don't stay within 3 miles. CA specifically made design based on biological recommendations but made sure they extended to the 3 mile limit so in case they got the feds involved, there would be no gap between the areas.
  - Boundary is somewhat artificial so still need to consider what happens outside the limit.
  - Jessica- said keep in mind the sanctuary as a mechanism for marine reserves outside of state waters. Keep in back of minds but focus of this effort should be within 3 miles
- The closure in CA was in much deeper water, effectively took up a large majority of the good fishing grounds down there.
- Dynamic coastline, may think about siting them in areas where we do have some kind of baseline, may not be possible so would still want pre-reserve data. So dynamic, don't know how long that would take
- Recommendation: We need to know what house we are building, and then address the funding issue. MRWG needs to tell STAC when we are looking for recommendations.
- May be able to infuse expertise of STAC (MR-STAC) into the MRWG
- Jessica says that we aren't looking to expand the MRWG or STAC because of funding. Looking at folks already working with.

**Discussion** about seminar by Steve Gaines on MR planning in CA. Jay will make copies available of the presentation for MRWG.

- Goals were set up by the team (not the science team). Then the science team took the goals and provided scientific guidelines for the design, in particular how many habitats, how large, how far apart. Key point is the G&O were defined, then the science team gave advice and guidelines. Iterative process went back and forth several times.
- Steve Gaines may be willing to come up and give a presentation.
- Steve Rolston, heavily involved with MLPA may come speak. Highly respected in fishing community and management agencies. There are a lot of positive aspects of the MLPA, also some flaws. Especially about the public input. The fishing community feels that it was excluded from the process. Can learn from those mistakes.
- Rick Starr and Carry Pomeroy from Sea Grant have said may be willing to come up to help improve the public participation process.
- Heceta Head Coastal Conference is coming up in November. Might be worthwhile for OPAC to perhaps sponsor a Marine Reserve event the day before (Friday). Maybe have some break out groups. For both OPAC and getting the public more aware on what's been done elsewhere and lessons learned. Jim G. would be willing to help organize such a thing.
- Need to have the goals first (came from the MLPA language in CA), the guidelines are the end result.
- All of the science used for the MLPA process was existing literature.
- MLPA has a biodiversity focus. Want to come up with rules of thumb that will benefit the most species possible. Hoping this group can give us a starting point.
- The MLPA "rule of thumb" only depends on larval dispersal.
  - May be that larval dispersal isn't the only thing to look at. The existing data is mostly on larval dispersal. Do know what size classes live in different depths. But there is still the 3 mile restriction, developing a network based on a line. Are areas with rapid drop-off, likely to contain more life stages of most species?
- Need to know what type of house we are building.

6.) Joint MRWG/STAC discussion on draft goals and objectives for Marine Reserves

- What is a "limited system"?
  - Do we need a test system to see how effective they are? Or, do we move forward to a full system?
  - Used various sources to come up with some alternatives for system goals
  - Is the core purpose of what we are doing testing and evaluating (from the 2002 recommendation) or are we moving forward, know enough to move ahead, test system, may be fewer reserves, if comprehensive, would be closer to what they've done in CA.
  - We would do baseline studies, test and evaluate, regardless

- Not necessarily, would set up enforcement, and as long as you can enforce it, you've met your goal. That's the point, may be worth going through what the goals are.
  - Isn't the charge to develop a limited system?
    - Jessica notes we've never defined "limited"
- Has the test already been done about marine reserves?
  - Fair bit more science on marine reserves and in temperate waters
  - It's a policy decision. Not something the science group can answer
  - Test would need to be rather large if actually doing a test rather than "protecting" following Goal 19.
  - Clarified that the scientists said certainly not less than 20 years (required to do a "test")
- Maybe we can't define limited until we define the goals for the system, and what criteria relate to those goals and that criteria will help answer those questions
- If really want to do a statistically correct study, need to have replicates and long-term monitoring, limited system for testing may be more extensive than just setting aside a few areas for protection purposes
- Also need to measure social impacts. Don't want the social impact to be too great.
- We're talking about monitoring and evaluation as if of course it would happen. Note of caution about level of resources to do it, how those change with scale, but really importantly, the tendency for erosion of political support for monitoring and evaluation-tends to fade into the background. Need a strong commitment to ensure that happens.
- Take one more overlay, Goal 19 and TSP. Goals are endorsing what is already there.
- 2002 was prior to sweeping changes to the fisheries management such as RCA.
- Currently, where are we in need of restoring habitat? Then next step is protecting what we know is good
- We don't have any control areas that are un-harvested. Even though things have changed since 2002, this has been a fundamental gap that has always existed. Also points out that the RCA is pretty much outside of 3 miles.
- Have NMFS data on populations on commercially fished species. Preliminary efforts looking at changes in fish community structure. Those regulations in place for the fisheries management that we have decided these reserves aren't for. Some management actions have had positive impact on habitat-like the foot-rope change. Don't have abundant evidence on what's happened since then to see if the habitat has changed over time. Do know the boats have moved.
- There are priorities. There are different levels of goals. There is some order in goals. Some goals may be objectives or sub-goals.
- Shift in effort. Change in fishing pressure. Not going out, it's coming in. Still have 25 species that aren't assessed. More interested in habitat. Not only physical structure but age structure as well.
- Fuel cost has an impact on where people go. Effects effort. If took fisheries off the table. Thinks there is room out there. It would be easy to set up a small network out there to give us a good idea what we are doing out there.
- We are asking folks to modify behavior.

- Important to have some goals for how we create this system, process goals.
- FIRST order is what the system itself would accomplish
- Marine fisheries are in there because they are in Goal 19. Also in the 2002 recommendation. Can keep it in there but make it clear that it's not fishery management
- May need an estuary subcommittee.
- May want to separate clearly: Goal of fishery enhancement vs. protection of certain things that are important to those species. Can have a reserve with the idea that it would somehow make fisheries better but also could set up to protect habitat but not necessarily manifest in say fisheries yield. Those commercial species are part of the biodiversity of species and biodiversity of habitats. Try to get away from marine reserves primary objective as enhancement. Not likely that any reserve would protect all life stages of any species.

### **Next Steps and Action Items**

- If anyone has input on names for the areas of expertise get them to STAC in next 2-3 weeks.
  - Paul wants to add a conservation biologist, maybe a biological oceanographer.
- People will communicate with Selina the priorities (from 1-4 on the letter) for each MRWG member.
- Jim and Selina will work to combine the two sets of goals, then communicate with MRWG and get them to rank those goals.

### **7.) Public Comment Period**

#### **Jan Hodder (Pacific Seabirds Group)**

- Would like to encourage the needs of marine birds when looking at marine reserves and energy facilities. Would like to recognize ecosystem designation. Important Bird Area Program made an initial step that certain areas in the Oregon are more important, 3 outstanding areas, Astoria Canyon, Cape Blanco/PO Reef, and \* but only limited information of at-sea use of these areas by marine birds. Not able to explain current die-offs. Over 1 million birds nest on the offshore rocks. USFWS doesn't have authority over the ocean areas adjacent to the offshore rocks in the USFWS islands NWR. Consider co-management opportunities. The PSG supports recommendation that Oregon should establish marine reserves in the TS. PSG urges us to ensure the scope is broad with a focus on all marine biodiversity and supports the next steps in the OPAC recommendations including an inclusive stakeholder process. Has a handout. PSG would be willing to help out.

#### **Pete Stauffer (Surfrider)**

- Agree that the goal of a network should be broader than fisheries management to include ecosystem health. Focus on statewide goal 19. Good discussion today.
- Protect representative habitats, age structure and genetic diversity, establish reference areas to understand stressors, improve educational and recreational

opportunities such as surfing, kayaking and diving. Appreciate doing that in healthy ecosystems. Need funding for monitoring and enforcement.

- Stress socioeconomic is critical in a meaningful way. How to integrate those criteria with ecological criteria. Use the STAC.
- Darcy Connor-OSU student, MRM student, is doing thesis on this. How do you meaningfully incorporate socioeconomic impacts? Needs input from STAC and OPAC members. How do you address socioeconomic factors and integrate. Will report back to OPAC and the agencies. Encourage to take advantage of that opportunity.

**Mike Graybill (South Slough NERR)**

- Address question from discussion. Related to restoration, what shape are our ocean environments are in. Do we have any reason to believe they need to be restored? Is there any technical expertise? Answer depends on the geographic scope for the MR. If estuaries are included; there is widespread evidence that there has been large-scale impact. Over 50% of tidal wetlands are no longer functioning and in some individual estuaries, over 90% are no longer components of the system. Hasn't heard this group decide if estuaries will be part of discussion. If move further offshore, should be able to find evidence that another habitat has changed through time, diminished state, and that may be kelp forests. Some indication that historically in the 1800's/1700's more extensive coverage of kelp forest habitats than we have today. May be a case to make for active habitat restoration work in nearshore environment. May be able to use a limited system to restore habitats. If went about actively restoring habitats, important spawning areas for mobile prey fish for example herring. May have diminished forage fish because habitat is diminished. Focus on kelp forest is that it is exclusively in the state waters. Point out that kelp forests are primary producers. Encourage role of MPA in the role of restoring ocean habitats. May be possible to be involved in active restoration in the ocean
- Encourage us to talk about the geographic scope of work, in particular, find out what the eastern limit of the zone will be, will it include estuaries. If it does include estuaries, the approach need to adopt may need more than one approach. Marine environment may be different approach than estuarine environment.
- Encouraged that we have bit the hardest bullet by beginning the discussion with marine reserves but would encourage us to if we are looking at a network of sites, shouldn't lose track of the fact that there are other solutions than just no-take reserves. Points out that the educational objectives, quite a great deal that lots of education that can be accomplished without a no-take marine reserve. Can have education and research as primary role without having to have a no-take policy. Know that because manage the NERR, mandated to provide some of those same goals. Is a MPA but isn't a MR. May be possible to designate sites that aren't MR but can accomplish some other goals.

**Ben Entiknap (Oceana):**

- Important in this effort to consider that we have 6 billion people and we are going to see a lot of changes here in Oregon. Have seen a lot of changes. This

is an opportunity to plan for the future. In doing that, it is critical to set the goals and objectives. Goal 19 and the ocean management goals in the TSP.

- Need to connect the G&O for conservation planning for ocean management TSP goals. Protect diversity of marine life....and overall health of the marine environment. The STAC's 4 goals were right on but would make them active. Conserve and protect...establish reference sites...preserve and protect. Thinks those are sound goals and guidance for us to move forward
- Often wonder why the focus is just on marine reserves. One thing they are doing is looking at important ecological areas in CA current ecosystem. What are those important ecological areas? Identify different features such as seafloor habitat from kelp forests, seabird colonies & foraging areas etc. and put into a map, identify short-term threats and management objectives. Encourage the state to not just focus on the tool but also the important ecological areas.
- Don't delay. We do know enough information to move ahead now but that doesn't mean don't need to test and evaluate, can do adaptive management in the future. Do think this is imperative.

**Fran Recht (PSMFC)**

- Frank and Patty at last meeting moved forward to looking at a more ecosystem based approach. Endorses that. Really interested in part of our goals looking at connection between land, nearshore and out into federal waters. Idea of the NMS that extended out to 12 miles is much more logical if you think about ecological processes. Urged us not just to think about within 3 miles. The ecosystem approach is valuable because of increased pressures and connectivity

**Walter Chuck (RFA)**

- Applaud us on continued efforts to produce a good product. Sits on advisory committee for sport fishing and suggests OPAC can use them as a source of information if possible (has reps from ports, recreational fishing, etc.) Wants us to make sure socioeconomic issues are considered.

*Meeting concludes at 2:45*