

OPAC Territorial Sea Plan Working Group

Meeting Summary

Thursday, January 8, 2009, 12-4 pm

DLCD Coastal Services Center

810 SW Alder Street, Suite B

Newport, Oregon 97365

12:00 pm Welcome and Introductions

David Allen (co-chair)

Members Present:

David Allen, Paul Klarin, Onno Husing, Scott McMullen, Jeff Kroft, Fred Sickler, Kaety Hildenbrand

Members by Teleconference:

Robin Hartmann, Cathy Tortorici, Laurel Hillmann, Brad Pettinger, Jessica Hamilton

Audience:

Fran Recht, Andy Lanier, Anna Pakenham, John Holloway, Walter Chuck, Linda Buell, Juna Hickner, Dave Lacey, Gus Gates, Paul Engelmeyer, Justin Klure

Presenters:

Ed Backus, Gil Sylvia

12:05 pm Review and Approval of summary of August 18, 2008 TSPWG meeting

David Allen

Forwarded draft summary in early November, 2008

No changes- motion to approve draft summary, approved

Housekeeping- John Griffith's term has ended, vacancy for South Coastal County on OPAC and working group.

Need adequate South Coast representation, Brad Pettinger will fill in vacancy temporarily until more formal appointment made to working group.

12:10 pm Presentation of Ecotrust mapping methods and technology

Ed Backus, Ecotrust- Head of Fisheries

Power point presentation available

Highlights:

- Used for spatial components of social and economic effects of area-based proposals.
- Emphasis on mapping once, as opposed to multiple times for each separate project.
- Highlight why traditional methods are inadequate- example crab fishing grounds
- Therefore, developed current methodology- Socio-economic data collection
- Decision support tool, not decision-making
- Edits made by sending paper maps to interviewed fishermen, or by editing through protected page

- Individual data for fishing vessel is never shown.
- Colors of maps are not indicators of quantity they are indicators of relative importance.
- Average economic impact of proposals 4-5% of net revenues, that is an average across all fleet sectors, therefore always disproportional impacts (Economic Evaluation slide)
- Net Economic Impact is net impact of fleet, not individual, individual vessel information is separate
- Northern CA MLPA - 9 months, for 174 interviews, \$2000 per interview
- Oregon estimate ~\$600,000; 2 years

Onno Husing: recreational interviews potentially web based, slightly different than commercial

Q & A

Paul Engelmeyer: How do you incorporate current hotspots and past hotspots?

Ed Backus: There are ways to put in both aspects, change relative importance and to reframe data. You can re-proportion relative values.

John Holloway: Any consideration for effort shifts?

Ed Backus: Cumulative knowledge is trying to account for that. Flexibility of design of the survey is open for that.

John Holloway: Effort shift could deplete remaining areas.

Ed Backus: We're trying to establish a baseline, not any future speculation. For example, trying to establish a 35-year historical baseline, *then* you can go into what effects establishing some restricted area might have after you develop the unbiased baseline.

Onno Husing: The fishing grounds mapping is considered the important thing, but the vision is to have a robust shore side input/output analysis in collaboration with the spatial explicit mapping.

Fred Sicker: Only a gathering of economic data from fishing side is there any non-fishing data such as tourism?

Ed Backus: Not in the CA case. No non-fishing at this point. This is explicitly looking at fishing impacts. In So CA put consideration into kayak fishing, spear fishing, etc. making it more detailed based on awareness of the level of economic activity slicing through the fishing sector. You could use this approach to include non-fishing, if wanted. Social snowball interview techniques to use, but it costs a lot of money. Methods could mesh.

Scott McMullen/ Ed Backus: 174 interviews, but that could be fishermen interviewed multiple times for different fisheries. Could be 100 individuals within the interview list of 174 interviews.

Discussion on if fishermen know which percentage of catch they held

Gus Gates: Using CA example, knowing their fishery starts sooner than OR, how do you account for transient vessels?

Ed Backus: Not accounted for yet, but they are developing a strategy for the north coast.

Fran Recht: When you ask people about distributing pennies, do you do a different question about where do you think others fish? This gets at two things- about trying to

get ideas of what gaming might be going on and if people didn't want to tell about their hotspots, they might talk about someone else instead. This might be an interesting exercise for part of a control group to distribute other people's pennies.

Ed Backus: That would be speculative and dangerous. If you game the system it could backfire on you. Therefore, we're trying to contain interviews to what is perceived as real and accurate data. How would you work with the speculative data?

Paul Klarin: Where is the feedback loop after you have finished an area. Do you double check with the folks you interview, etc?

Ed Backus: Everyone gets to see the cumulative results. Published online.

Paul Klarin: Presumably available for people to assess whether the system is gamed.

Fran Recht: Unless you ask, how the system can be gamed, you won't develop a better system.

Ed Backus: The process is designed to build some level of trust. Without explicit visualization of the process and the ultimate outcomes, people can't develop their own opinion about whether they are going to participate.

Onno Husing:

Pick up the thread about gaming and get that put to bed. We know whom the high liners are- we're not dealing with strangers. If people really tried to game the system, it would show by the fleets peer review. Think there are enough internal controls to determine validity. You are still faced with a lot of hard questions at the end of the process, but the idea that we're going to do this and some sweet spots are going to pop up is unrealistic. No matter how we go about this, this is a work in progress. It can be shaped in any way we want, but let's help this evolve. The project will only be as good as the people participating. The hard questions are welcome and absolutely necessary.

1:10 pm Update on spatial mapping of fishing effort and funding opportunities

Onno Husing, OCZMA

Overview:

- \$68,000 funding from DLCD federal grant to SOORC
- Available additional \$50,000 for additional mapping from the same grant that can be used this year to map in another location (potentially another \$50,000 next year)
- \$200,000 from OWET
- \$100,000 possible from Sea Grant- Kaety Hildenbrand

Master Budget ~ \$1.2 million

Update on SOORC group:

June 30 finish date on pilot project. A lot of background interaction was necessary to convince people that this is necessary. If you do nothing, you're likely to have your grounds taken away. This is the pilot project to just get going.

Of \$68,000:

\$2,500 goes to OCZMA, administration

\$10,000 to Shannon Davis- fisheries data analyst with Research Group consultant

Rest to Ecotrust to do the mapping, with other allocations within that.

Budget has time allocation to break down all of the steps.

Ed Backus: Had to think of how you would structure the pilot project that got to the immediacy of the wave energy. Start with most important, crab and commercial charter and collateral fisheries that those individuals participate in so you don't have to double back. \$2000 per interview accounts for the cumulative cost of everything associated with the interview.

Kaety Hildenbrand: Are you referring to 50% of crab fishermen from SOORC area or of fishermen on SOORC?

Reedsport to Bandon is the area.

Start time ASAP.

Onno Husing: The idea is to have people available for interviews when crab season winds down.

John Holloway question for Ed Backus: Comment on other sectors other than what is targeted immediately.

Ed Backus: This way we can help get the comprehensive picture so addressing other sectors while the interviewees are already there, we can put the data on the back burner for later. Then you can efficiently go to other people.

Onno Husing: Port Orford is a localized fleet, unlike other areas. You cannot create a spatially explicit map of certain areas without including entities from other ports. This will be very resource and collaboration dependent on how soon we can develop a good spatially explicit map.

Ed Backus: We're talking about interviewing a port group, this does not delineate the area they can comment on. Their data will be coast wide. The only delineation will be the port group. Wherever they fish, regardless of boundaries, that data will be included.

Paul Engelmeyer: Presentation from Patty Burke, Stock Status. She broke down the presentation by port, and fishing sector use was presented in bar graphs. Is what they have collected going to be ground truthed with the penny project?

Ed Backus: That data cannot be associated with fishing area. They are different data. Logbook and other data are good and helpful, but the complexity of using that data is much more than starting from the beginning with the Ecotrust project.

Cathy Tortorici: Seems like biggest impediment is getting people to the table and finding people to be interviewed.

Ed Backus: That's why we highlight the importance of the outreach and education. CA process successful because people invested time explaining what this is about and why.

Scott McMullen: What if you don't get cooperation from 50% of the landings?

Ed Backus: That hasn't happened yet.

OWET has a placeholder in their budget for \$200,000 to do fishing grounds mapping projects, obligated by June 2009, spent by September 2009.

Additional funds (\$50,000) might be available from DLCD in next year's budget.

Meyer Funds locked up due to market crash. Adjusted ask from \$500,000 to \$250,000 but there is no formal allocation.

David Chen OWET in good standing with OR Inc., could get more money eventually.

Kaety Hildenbrand: looking for Sea Grant/NOAA money, ask for close to \$100,000 for mapping efforts. Letter in by mid-Feb; full-blown proposal in by May. Dollars would hit the ground possibly summertime if all goes well.

Onno Husing: Not just mapping, need to do input/output analysis. Need another \$100,000 to support shore side groups.

\$1,075,000 master budget- perhaps round to 1.2 million

Fred Sickler: Seems that statistical sample size should be validated by a statistician.
Ed Backus: Peer reviewed documents and papers on methodology that attest to the scrutiny the methods have gone under.

No Public comment

2:00 pm Break

2:10 Robin Hartmann- Discussion of possible legislative activity

Legislation on No Dead Fish Rule

Justin Klure: US Dept Energy- streamlining effort, nothing being proposed, tracking energy tax credits, discussion of changes; changes to renewable portfolio standard and anything regarding funding socio-economic base data at state and federal level. No dead fish rule is the big one.

Dept of Energy effort

Or wave energy trust funding for next biennium

David Allen: Lincoln County potentially proceeding with legislative concept to look at confidentiality issues and public records law

Robin: water resources meeting to deal with dead fish rule

Other update:

Kaety Hildenbrand: Port Siuslaw trying to form SOORC type group. Not just fishing industry, community group- environmental interest, etc.

North Coast has yet to form any community groups.

2:20 pm Update on TSP rulemaking advisory workgroup for wave energy

Paul Klarin, DLCD

Update on creation of rule making advisory group under DLCD:

- o Authorization for having that group in November meeting, list of names on November

- 24, 2008 staff report to authorize members. List has been authorized and finalized.
- First meeting not until late February 2009- purpose to orient around task
 - Most of the effort for that group will take place later in the year, hopefully after this group has produced something for the group to look at.
 - Group might meet a few times before December.
 - Charge is to bring something to the commission by December 2009.
 - It is possible to break mapping down in sections.
 - Now is the time to do policy changes- maps not necessary.
 - Alternative energy in territorial sea needs to be addressed broadly. Should not be limited only to wave energy.

David Allen: Looking for recommendation from OPAC by end of July to be forwarded to DLCD, according to Gov timeline.

Paul Klarin to Jessica Hamilton- can get something done by December for the Governor, not whole mapping project. Probably need 2 years to do mapping portion. Need to do pieces in stages.

Kaety Hildenbrand & Paul Klarin: Group is advisory, can make up rules as it goes.

David Allen: Mock Part 5 to be used to stimulate discussion. At some point working group recommendation will be forwarded to OPAC. Trying to prepare something for OPAC to look at by July (target).

2:40 pm Discussion of new TSP chapter for wave energy

Paul Klarin

Mock Part 5 distributed. To all: read through and make recommendations, etc. e-mail to David Allen and Paul Klarin for memo for later meeting

Part 5 anticipates that we'll deal with Alternative Energy like we did with undersea cables-add a new chapter. Make it as complete as we want.

Discuss whether and to what degree to include new decision-making process in chapter. Need to amend part 2 and make reference to part 2 or change part 2 completely, an additional component of decision-making process to apply only to these types of projects.

Mock language:

Ocean energy conversion development—ways to convert ocean energy in territorial sea if hardware in territorial sea, even if wind

Today- come to some sort of agreement if additional chapter is route we want to go

Next meeting: full blown discussion on adequacy of Part 2 and the process

Cathy Tortorici: still no revised settlement agreement, it would be nice to look at before the next meeting.

Paul Klarin: We can improve upon the settlement agreement to get us the results we want

if we aren't satisfied with what happens with this settlement agreement.

Discussion on whether there should be a new chapter:

David Allen: agrees good approach

Jeff Kroft: agrees

Comments on language and other ideas to consider:

David Allen: Any general categories that aren't addressed adequately or not at all that should be added?

Fran Recht: Don't see idea of cumulative impacts. Take into consideration marine reserves and all ocean energy, as opposed to case by case.

Paul Klarin: Part 2 touches on cumulative impacts. Brings back question- do we put in our own part 2 or refer back to part 2.

Fran Recht: Do we want to set minimum standards? Ocean is public resource, do we want to allow any device or should we set certain transmission standards in terms of efficiency, anchors to sea floor, etc. This is the time to establish if anything meets minimum criteria to have a permit considered.

Robin Hartmann: We need to keep 3 things in mind.

1. Part 2- main problems with projects (ex Reedsport) - if need to gain more information, requirement to call project one of limited environmental disturbance, can only be a project for experimental only. Wave energy does not allow to experiment without hooking to grid.
2. If we add chapter, strengthens hand with FERC and that is the major objective.
3. Seems that local jurisdiction formed groups, possibly extending county planning authority into ocean.

Think about these things.

Linda Buell: Likes 3B- how does this apply to Tillamook County.

Paul Klarin: This does not apply to things that are currently in place, unless approved. No retroactive application.

Scott McMullen: Seems like this is a snapshot in time. View is that things change and the plan needs to have a mechanism for review to look at current ocean conditions so that emerging fisheries and uses other than wave energy have an opportunity to be dealt with and reviewed.

Jeff Kroft: What is an adverse impact? Adverse to whom? Think of specific language.

Kaety Hildenbrand: No talk about salvaging. Referring to if something is lost or if the company can no longer afford to remove structures, etc.

Paul Klarin: Need salvage plan to any project that is approved.

Jeff Kroft: First background, appears that document only addresses commercial.

"Recreational power development"

Paul Klarin: Refer to section 2- how would that apply to non-commercial projects? Can put in section for pilot projects alone. Initially was thinking only of power that can be sold.

Jeff Kroft: Put thought to various types of projects that can be brought to the table. This needs to be tight. Wave energy, use this as guidance.

Laurel Hillmann: No section about siting or adjacent lands. Reference 3a. Input some reference to adjacent lands.

Scott McMullen: Page 3, number 3. Continued application to original agreement. Could have a situation where something was safe, but it is no longer considered “safe” with change.

Part b: “Written agreements with project applicant” last sentence: should say, “topics such as” to be broader.

Fran Recht: Conflict agreement should not be restricted, should be broader. Expand on who can be put in play to bring up issues.

Paul: Not intended to cover all conflicts that could potentially happen.

Kaety Hildenbrand discussion on broadening language to express idea that license applicant needs to be in contact with fleet. “Super group”

Jeff Kroft: may be good to briefly go over how fishermen’s cable committee came about, that was successful in discussion problems that could and have come about. Looking at background of that group would be helpful.

Ed Backus: Need to cover wider range of issues that are bound to come up. Need multiple groups?

Paul Klarin: trying to capture: Applicant, you need to talk to relevant users and they may be presented in multiple ways. You need to come to some agreement, but that will not be described here. Make clear that this must happen. Needs to be specific enough.

3:30 pm Report on Offshore Aquaculture Forum September 9-10, 2008 in Newport Gil Sylvania, OSU

Power point presentation available

Summary of forum and next steps, followed by discussion

Highlights:

- States can now only opt out up to 12 miles, cannot opt out up to 200 miles. Oregon is worried about environmental and fishing impacts and the coming of large international companies that would not put money back into Oregon.
- Website developed for forum; all presentations are available
- NOAA motivation to push aquaculture: want US to be competitive in aquaculture. Net imbalance in seafood; import more than we export. Very difficult to do inshore, offshore is seen as the best opportunity to increase seafood production. If the US is going to continue to grow seafood, it needs to be through aquaculture.
- Limit to marine species is the limitation of feed for varying stages of fish lifecycles.
- Key components were breakout sessions and wrap up recommendations (outlined in presentation)

Questions:

Gus Gates: Need for zoning for aquacultural areas and fishing areas, do you foresee opportunities for combining ocean energy and aquaculture in the same footprint?

Gil Sylvia: Definite possibilities, particularly with shellfish.

4:00 pm Adjourn- next meeting not scheduled