

OPAC Marine Protected Area Working Group
Summary of Meeting March 15, 2002
Hatfield Marine Science Center, Guin Library, Newport, Oregon

Members attending: Scott McMullen (north coast commercial fisheries) Kim Dunn (public-at-large), Marge Abbott (public-at-large), Dave Fox (Dept of Fish and Wildlife Marine Region), Bob Malouf (Oregon Sea Grant)

Members absent: Greg McMurray (Dept Environmental Quality), Pete McHenry, (south coast commercial fisheries), Ray Nolan (coastal environmental organization).

Others attending: Jack Brown (OPAC member, public-at-large), Jan Auyong (Oregon Sea Grant), Bob Bailey (OPAC staff, Dept Land Conservation and Development), David Jincks (Port of Newport, OPAC member), Jeff Boardman (PMCC Board member, fisherman), Rondi Robison (OSU COAS), David Revell (Surfrider Foundation), Mark Newell (Fisherman, PMCC Board member)

Convene: 9:45 am

Scott McMullen chaired.

The discussion focused on clarifying the draft recommendation that the Working Group would forward to the full Ocean Policy Advisory Council for deliberation at the April 26, 2002, meeting. Bailey referred to the comments he received from various WG members in response to a preliminary draft Executive Summary that he had sent via e-mail for comments. The responses revealed a need to agree on specific wording to reflect the WG's policy decisions.

Bailey characterized the basic WG decision of February 22 as having separated the many purposes or kinds of marine reserves into two piles: one pile contains purposes related to fisheries management *per se*, which the WG has decided to put aside, and the other pile contains those purposes not related to fisheries management *per se*, such as conservation and habitat protection, which the WG has decided to pursue. He noted a number of questions to be answered, including how to turn Scott's original proposal to "divorce fishery management aspects from conservation or ecological purposes" into a policy statement or recommendation? What is the basic message? What are the action verbs? How does research and monitoring fit in; is it the primary purpose? a major purpose but not primary? a necessary objective?

POLICY DECISION:

After much discussion, the WG agreed to forward the following statements to the full OPAC for discussion:

1. **The OPAC recommends that consideration of marine reserves for fisheries management be left to state and federal fishery management agencies;**
2. **OPAC recommends that Oregon design and implement a limited system of marine reserves to determine the effectiveness of reserves as a tool to achieve state ecosystem and conservation policies; or alternatively**

3. OPAC recommends that a limited system of marine reserves be designed and implemented in Oregon waters and in federal waters on the continental margin to determine the effectiveness of reserves as a tool to achieve state ecosystem and conservation policies.

In discussing these recommendations, the Working Group

- agreed that the effectiveness of reserves should be determined across the continental shelf and slope but acknowledged that Oregon has authority to designate such areas only in state waters. At issue is the lack of a clear federal governmental entity to whom such a recommendation could be addressed, although the Pacific Fishery Management Council is clearly one such entity. The proposed language leaves open the question of the specific federal agencies or entities to achieve the policy. Bailey noted that this is an issue that the state will bring to the attention of the new US Commission on Ocean Policy in June in Seattle.
- agreed that it was not possible or desirable at present to specify what "limited system" means but agreed that it implies
 - several reserve sites instead of a single one,
 - fewer, rather than many sites,
 - smaller, rather than larger, and
 - sites identified as the result of scientific and technical design based on goals and objectives, involving scientists, fishermen, and other technical experts.
- agreed that the full OPAC should discuss the issue an upper limit on the total area to be designated in marine reserves, such as 5% suggested by Scott McMullen in February (about 60 square miles in state waters); the WG felt that such a limit is probably politically desirable to calm concerns about small marine reserves expanding into large ones, but disagreed as to whether the lack of rational basis for any per-cent limitation at the present time would cast a shadow on the overall recommendation.
- agreed that specific reference to Statewide Planning Goal 19 was unnecessary and probably too specific, that it was enough to refer to state ecosystem and conservation policies, of which Goal 19 is the principal but not exclusive example.
- agreed to use the words "determine the effectiveness of..." instead of "test the effects of..." because they implied a more open-ended discovery process to fill information gaps rather than specific testing of a known situation.

PROCESS:

The Working Group discussed the process and principles for participation by which such a limited system of reserves could be established. The WG agreed that

1. The OPAC should set overall goals/objectives and retain policy oversight and coordination role;

2. A marine reserves steering committee should be established to provide technical oversight and direction throughout the design and implementation process.
3. A two-step process over five years should be used to design and designate these demonstration reserves:
 - a. Coast-wide "design" (estimated 2-years):
 - Establish a technical and scientific steering committee (scientists, fishermen, managers, others);
 - Follow process principles (below) to design the overall reserve system, including alternatives & rationale, siting policies, implementation guidelines, monitoring and research objectives, benchmarks, etc.;
 - OPAC adopt coastwide system design and criteria;
 - OPAC (and Governor) recommend appropriate parts of overall system, policies, etc., to the Pacific Fisheries Management Council or other federal entities.
 - b. Local-site selection (estimated 2-3 years):
 - Scientific and Technical steering committee to oversee local siting process;
 - Seek assistance from Pacific Marine Conservation Council, Oregon Coastal Zone Management Association, Sea Grant, local port districts, etc., to create local involvement process with fishermen, ports, other local interests;
 - Use overall coastwide design to identify local sites;
 - Create local site management plan with monitoring, cooperative research, mitigation, enforcement provisions;
 - OPAC adopt reserve sites in Territorial Sea Plan.
3. Implementation:
 - For state waters: state agencies would amend regulations as needed based on overall system design and/or local site plans;
 - For federal waters: federal agencies would be asked to carry out similar process with state and local involvement.
 - Evaluation: sites should be evaluated at a regular basis to assess performance and to expand, contract, or terminate sites as appropriate;
 - Mitigation: local plans should identify mitigation for effects on fishermen through research contracts, monitoring, enforcement.
 - The State of Oregon should fund basic elements of the reserve system and not rely solely on federal or other funds.

The issue of performance "endpoints" and the desirability of setting a time-limit on the life-span of reserves was discussed. There was a range of opinions: some felt that that these might make reserves more politically palatable. Others felt that the benefits of reserves, as measured through research or monitoring, might not be evident for decades and that a time-limit was arbitrary. No decision was made.

The WG also discussed the issue of whether, as the OCZMA's process "bullets" suggest (see discussion below), funding for research and baseline studies should be mandated before reserves

are designated. There was agreement that having research funding in place ahead of time would be wonderful, but that it was nearly impossible and unrealistic to commit to funding prior to designation of reserves. The WG agreed that, at a minimum, it is necessary for the state to have a long-term plan and strategy in place as the basis for developing funding proposals (e.g. the CoRE Study of the early 1990s, the Cooperative Reef Ecosystem Study that led to research by ODFW on Orford and other kelp-reef areas). Without such a plan or strategy it is unlikely that project funds would be forthcoming.

PROCESS PRINCIPLES

Step 1: Coast-Wide Design:

1. OPAC's role is to develop overall policies and objectives to guide design process;
2. A Scientific and Technical Steering Committee is needed throughout the process;
3. A collaborative process involving fishermen, other ocean users, marine scientists, managers, and others is necessary to design and implement such a limited reserve system;
4. The system design should consider entire continental margin, not just state waters;
5. Habitat mapping and other resource inventory and assessments should be continued to support reserve design;
6. Flexibility in area designations, e.g. time-limits, movable, or "rolling" reserves, should be considered; and
7. Economic effects on existing fisheries and other users must be minimized or avoided, and mitigated where possible;
8. System design must reflect objective of testing effectiveness of reserves in achieving state marine ecosystem and conservation goals;
9. Reserves should consider enforcement as a principal need;
10. Use best available biologic, economic, and social science to design reserve system.

Step 2: Community-based Site Selection

1. Create a highly participatory community-based process to identify and select local sites;
2. Apply overall design criteria and objectives;
3. Involve local fishermen in siting, design, implementation, monitoring;
4. Create incentives for fishermen to participate
5. Build local site management and research designs to utilize and involve fishermen and local knowledge
6. Scientific and Technical Steering Committee to maintain oversight during local processes.

The Working Group briefly discussed the process "bullets" adopted by the OCZMA in January, 2002, which were based on process and involvement principles adopted by the Pacific Marine Conservation Council. The WG agreed that, with one exception (prior funding), these bullets are logical benchmarks for a process to design a limited system of reserves and that they are incorporated in one way or another in to the process described above.

1. *Clear goals must be established for each proposed area (e.g. Why is the reserve being proposed? What are the expected benefits? What will be the timeline and criteria used for evaluating reserve effectiveness?)*
2. *The impacts (social, economic, etc.) on coastal communities, recreational and commercial fisheries must be analyzed. (Exploring potential mitigation for impacted fishermen would be part of this analysis.)*
3. *The fishing community must be involved in the development in a meaningful manner.*
4. *An achievable enforcement plan must be developed and implemented parallel with reserve implementation.*
5. *Initial biological baseline information must be collected and monitoring continued for each reserve area.*
6. *The funding for study, establishment, monitoring and enforcement of MPA's must be provided. Adequate funding must be in place prior to the establishment of MPA's. The activities revolving around MPA's cannot be an unfunded mandate placing additional economic burdens on local governments and fishing communities.*

In addition, to use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, marine reserves must have measurable effects, and, marine reserves must be integrated with other fishery management approaches.

Dave Fox suggested, and the Working Group agreed, that a key principle not included in the OCZMA bullets should be "base reserves on the best available scientific information." This policy was captured by the Working Group, above (see Step One).

No Working Group meeting is scheduled for April due to the meeting of the OPAC on April 26. No meeting is scheduled for May due to the need to hold public meetings on this proposal.

The next meeting of the Marine Protected Area Working Group is June 14, 2002; location to be announced.

The meeting adjourned at 3 pm.

