



# Oregon Coastal Notes

Oregon Coastal Zone Management Association

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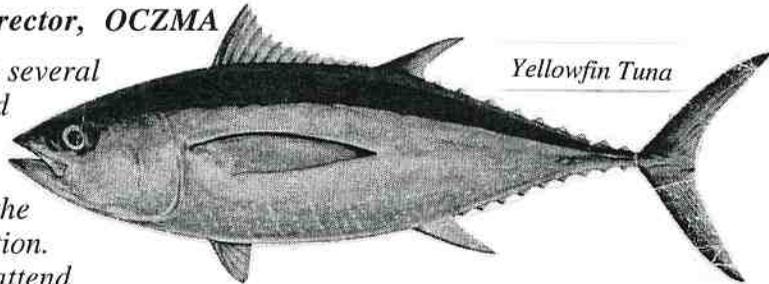
## Monterey Odyssey: Toward A Genuine Dialogue on Marine Reserves—Onno Husing, Director, OCZMA

Last week I attended a memorable several day conference on marine protected areas (MPAs) held at the Hyatt Regency in Monterey, California.

The conference was sponsored by the David and Lucile Packard Foundation.

About 185 people were invited to attend

(all expenses paid). Participants included members of the Pew Ocean Policy Commission and the Congressionally established National Ocean Policy Commission. Oregon State University's Dr. Jane Lubchenko, Chair of Communication Partnership For Science and the Sea (COMPASS), played the lead role in organizing the conference.



The purpose of the conference was to gather leading scientists, academics and "decision makers" from around the country to share information on the latest scientific and political thinking on marine reserves or marine protected areas. I was proud to have been invited. What's a marine reserve? It's a place in the ocean that's off limits to human activity or most human activities. Here's a brief summary of my impressions.

On Wednesday evening (January 23rd), mid way through the conference, conference participants boarded buses for a short ride to the Monterey Bay Aquarium. After dinner we were ushered into a dark movie theatre-like auditorium. Suddenly, the second largest aquarium in the world—the "tuna tank"—came into view. Until recently, it was *the* largest aquarium in the world. I heard in advance the tank was large and impressive. Even so, it took my breath away. There are some things in life, like the Grand Canyon and Rembrandt's painting *The Night Watch*, that have to be experienced in person.

A lectern stood in front of the tank to one side. People settled into chairs or stood waiting for Julie Packard to begin her remarks. Julie is the founder and Executive Director of the Monterey Bay Aquarium. She also serves on the Pew Oceans Commission. I found a place on the mezzanine level above the lectern. I gazed at the audience and the magnificent aquarium that served as Julie's backdrop. An unearthly aquamarine light coming from the tank bathed the front of the auditorium. Behind Julie, a number of six foot long yellowfin tunas swam back and forth, busily mimicking their highly migratory life cycle. High in the water column two sea turtles swam side by side. The turtles and other fish seemed to float in the water, providing a marvelous contrast to the larger and more purposeful tuna—an exquisite ocean still life in motion.



*Julie Packard*

Julie Packard welcomed us to the aquarium and thanked us for participating in the conference. She described how her family (the Packards of Hewlett-Packard fame) have been involved with “terrestrial environmental issues” for many years. She continued, “It seemed only natural to eventually become involved in ocean issues.” Julie then said, “Some of the species you see in this tank, especially the tunas, are under incredible pressure. We wanted to provide a voice for marine life in the ocean.” Julie said, “It’s difficult to get people on land concerned about these issues. On land, you can directly see what’s going on. In the ocean, things may look fine on the surface, but, people need to know what’s happening below the surface.”

I recalled what I learned earlier that day at the conference. At the mouth of the Mississippi River in the Gulf of Mexico, a “hypoxia” or dead zone has formed the size of the State of New Jersey. The dead zone is being caused by runoff from the Mississippi River. Thankfully, states bordering the Mississippi River are working to address the problem. We were told fifty such “dead zones” have appeared around the world. In addition, a number of coral reef complexes in the tropics are in trouble (a process called “coral bleaching”). It was sobering news that made me thankful the Pacific Ocean off Oregon is an environment where sea life still thrives.

Julie explained that the Monterey Bay Aquarium was built to introduce people to marine life and inspire them to care for the oceans and the life in the oceans. I’m certain the tuna tank and the rest of the exhibits at the Aquarium are having the desired effect.



#### An Evolving Conference: The Opening Reception (January 22nd)

Let’s roll back the clock to the beginning of the Conference—the Tuesday night reception. Former California Congressman Leon Panetta gave the opening remarks. Panetta served in Congress from 1976 to 1992 representing the Monterey area. From 1993 to 1995 Panetta served as the Director of the Office of Management and Budget (OMB). Then, President Bill Clinton asked Panetta to serve as his Chief of Staff after the Clinton Administration got off to a rocky start. Panetta served as Clinton’s Chief of Staff from 1993 to 1995. These days Leon Panetta frequently appears on television providing thoughtful political commentary often reflecting the Democratic Party’s perspective.

Leon Panetta began his remarks by saying, “Based on my many years in politics, I’ve learned there are two ways to get things done in the United States—through leadership and crisis. Unfortunately, today, there’s not much leadership. So, in most cases, it takes a crisis to get things accomplished.” Panetta held up President Theodore Roosevelt as a hero, because with a stroke of the pen, Teddy created Yellowstone National Park (by invoking the Antiquities Act). Panetta went on to suggest: (1) we need to tell the public how bad things are in the oceans; (2) we need to get the public alarmed and angry; (3) then, “the people” will put the pressure on “the politicians”; and (4) then, the politicians will cave in and do the right thing. He said firmly, “You’ve got to fight to get things done!”

I thought to myself, “Here we go again. I’m watching the launching of a ‘divide and conquer’ strategy to implement marine reserves.” Listening to Leon Panetta, I felt a collaborative approach to the siting of marine reserves—an approach where people from affected local communities play a central role—won’t be given a chance. Why was I upset? I moved to Oregon in 1985 to attend law school at the University of Oregon (because of the environmental law program and the Ocean and Coastal Law Center). After graduating from law school in 1988, I witnessed the legacy of bitterness sparked by the spotted owl-driven timber crisis, where impacts on people and communities were treated as afterthoughts. I went back to my hotel room that night believing history was about to repeat itself.



### The First Full Day (January 23rd)

The next day we listened to a number of presentations from academics/scientists extolling the virtues of marine reserves. Experiences from the 40 or so known marine reserves around the world—where information about the impact of the marine reserves has been documented—were shared. Claims were made that in virtually all cases, if areas of the ocean are left alone, the fish and other marine species grow larger and more numerous, habitat recovers (especially from the absence of trawl gear) the fish produce more young, and, over time, marine populations rebound inside and outside the reserve.

The presenters were so sure of their findings that some of them asserted there was no reason to phase in marine reserves. Instead, they called for an accelerated/bold program to implement marine reserves. One presenter, a political pollster, shared poll numbers demonstrating “the public” strongly favors marine reserves. She claimed when people learned how few ocean wilderness areas or marine reserves exist in U.S. waters, 52% “got angry” (32% were “not angry”). She said many people were ready to contact their state and federal representatives to demand marine reserves. Here’s another finding: the public seems to be much more concerned about pollution going into oceans (like oil spills) than issues related to taking things out of the ocean (i.e., over-harvesting of living resources).

After the presentations, COMPASS staffers walked around the large conference room with cordless microphones so conference participants could ask the panelists questions. A number of very interesting and thoughtful questions were asked. I have to admit, it was quite entertaining.

Around 3:30 p.m. we formed into predesignated “break out groups” of about 12 people in size (we did the same thing the second day). This provided another opportunity to engage in an “interactive dialogue.” After an hour or so of discussion, we reconvened in the auditorium and listened to representatives of the 12 break out groups share the results of their break out group. That evening we went to the Monterey Bay Aquarium for a dinner and Julie Packard’s speech. By the way, Julie Packard attended the entire conference.



### The Second Full Day (January 24th)

The morning session of the second day was entitled, “Process, Process, Process.” There were several outstanding presentations of case studies of efforts to establish marine reserves. Billy Causey, a National Oceanographic and Atmospheric Administration (NOAA) employee from the Florida Keys National Marine Sanctuary, talked about the Florida experience. Apparently, in that case, NOAA moved too quickly to establish a marine reserve in the Keys. In response, people from the local communities (including people from the commercial and recreational fishing industry) went nuts. NOAA backed off, started over, learned from their mistakes, and included local people in the process. In the end, a marine reserve was established in the Keys that enjoys wide public support (including support of the recreational and commercial fishermen).

We then heard about a recent attempt to establish a marine reserve in the Channel Islands in Southern California. That process met a similar fate. There was some fishing industry involvement in the process, but, clearly not enough involvement. The Channel Islands process concluded several weeks ago with bus loads of angry local fishermen showing up to protest the marine reserve designation. The staff at California’s Department of Fish and Game are starting the process over. This time they will seek broader public involvement including affected local

interests. Mike Weber (a well informed fisheries consultant from California) commented that the CDFG is working to build capacity within the agency to engage people in genuine dialogues. Weber also speculated the blow up over the Channel Islands marine reserve happened because of other recent actions to curtail fisheries in California (caused by federal and state changes in policy). These changes have people in the fishing community feeling like their backs are against the wall. Obviously, discussions about marine reserves occurs in a larger context.

Presenters from other settings also shared their experiences of siting marine reserves. The same themes emerged—don't rush the process, include affected parties in a genuine dialogue, factor in socio-economics early and often into the discussion, and take the time to bring people along by sharing information. Other lessons learned included:

- (1) ultimately, if there isn't local support for a marine reserve, policing or enforcing a marine reserve will be a nightmare;
- (2) genuine collaboration with commercial and recreational fishing interests provides an unprecedented opportunity to collect information about the marine environment;
- (3) be honest with leaders of the fishing industry—tell them what you know and what you don't know about marine reserves—if you don't, they will instantly detect you are holding something back;
- (4) recognize the fishing industry is not monolithic—there are different gear types with very different interests and there are different personalities in the industry.

You could feel the tone of the conference shift on that second day. I was beginning to feel a lot better about the conference. The advantages of collaboration were becoming clearer.

During a question and answer period, someone commented that fishing industry interests were not invited to the conference. Jane Lubchenko, Chair of COMPASS, took the floor and replied, "The intent of this conference was to get the decision makers and scientists together in a non-confrontational forum. Other dialogues with the fishing industry will take place elsewhere. We wanted to have people explore information without having people lobbied by different sides. We recognize there are other voices. This is a hot issue. It's hard to have rational dialogues because things tend to blow up."

A few minutes later Leon Panetta, who was standing in the back of the room, was given a microphone. Leon said, "Listening to the discussion, I get the impression that if there's a consensus to move ahead on marine reserves, perhaps there are two different approaches. One approach is similar to what I called for the other night. The other approach is to let a thousand flowers bloom through local leadership." Panetta continued, "Having said that, wouldn't it still make sense to establish a national ocean policy in favor of marine reserves in the ocean, and, then direct the state and local governments to carry this policy out and provide a method to develop these plans?"

I was sitting next to Bob Malouf, the Director of the Oregon Sea Grant Program located at Oregon State University (OSU). Bob leaned over and quietly said to me, "Isn't that what the Coastal Zone Management Act (CZMA) is all about?" I looked at Bob and nodded in agreement. I thought to myself, "I'll bet both the Pew Commission and the National Ocean Policy Commission will eventually call for the creation of a new federal statute that mirrors the basic approach of the federal Coastal Zone Management Act. This time though, the law will place an additional emphasis on zoning in the ocean to create a network of marine reserves."

In the afternoon there was another great panel discussion entitled, "Political Reality Check." Terry Garcia, a former Undersecretary of Commerce during the Clinton Administration, stole the show. Garcia (now with The National Geographic Society), began by saying, "What I'm about to say

will offend everyone here. If I left someone out, later we can go out in the hall and remedy that situation.” Garcia continued, “The current system of ocean governance in the United States is dysfunctional with occasional lapses of rational behavior.” Garcia delivered an insightful litany of all the conflicting laws, regulations, federal agencies and programs that impact American’s ocean environment. During the question and answer period I asked the panel, “Let’s say the Pew Oceans Commission and the National Ocean Policy Commission come up with roughly the same findings. What are the chances Congress will actually implement any of those findings?” Garcia earnestly responded, “It will take something very bold for them to act.” Other panelists shook their heads and said, “Who knows?”

Profound turf issues exist among and between various federal agencies and Congressional Committees. Getting Congress to enact an overarching marine/ocean policy is going to be extremely difficult. To the best of my knowledge, the last time something like that happened was in the 1970s when Congress established the Select Committee on the Outer Continental Shelf in the House of Representatives. That Select Committee wrote the Outer Continental Shelf Lands Act Amendments (OCSLA).



### Concluding Thoughts

The other major reality check voiced at the conference was that it takes a lot of money to establish marine reserves. Funds are needed for outreach and socio economic work, monitoring before and after designation of a marine reserve, and enforcement. The environmental community needs to throw its considerable weight behind ensuring adequate state and federal appropriations are in place to fund new ocean management efforts. It’s relatively easy to get new laws passed. It’s far more challenging to get programs funded at realistic levels.

One last thought. In the bus on the way back from the aquarium, I participated in a wonderful but brief conversation with two leaders of the environmental community. I could tell they viewed themselves (and other members of the environmental community) as playing the role of David in the Biblical drama of David and Goliath. I smiled and said, “You know, a lot of the people I work for see it precisely the other way around, that they are the underdogs.” They looked surprised at the suggestion and eager to learn more. Moments later we arrived back at the hotel. Unfortunately, our conversation was cut short.

My Monterey odyssey persuaded me we must find more ways to have quiet, constructive dialogues.



### **Groundbreaking Position On Marine Reserves Passed at OCZMA Meeting in Newport—*Onno Husing, Director, OCZMA***

When Lane County Commissioner Anna Morrison (Chair of OCZMA) and Coos County Commissioner John Griffith (Vice Chair of OCZMA) learned I had been invited to the COMPASS meeting in Monterey, they asked to make marine reserves the focus of the January 11th OCZMA meeting in Newport. The intent was to develop an OCZMA position on marine reserves in time for the COMPASS meeting.

I invited Bob Bailey of the Department of Land Conservation and Development (staff to Oregon’s Ocean Policy Advisory Council—OPAC), Hans Radtke (Chairman of the Pacific Fishery Management Council—PFMC) and Scott Boley (commercial fisherman, CEO of Fisherman’s Direct, Chair of the Golf Beach Port Commission, former PFMC member, Chairman of the Pacific

Marine Conservation Council—PMCC) to the OCZMA meeting. They constituted an excellent panel.

Other experienced fishing industry people were in attendance. These individuals included: Bob Jacobson (Chairman of the Port of Newport Port Commission, retired Oregon Sea Grant Marine Extension Agent, and owner of fishing operations in Alaska); Leonard Van Curler (Port of Siuslaw Port Commission, commercial fisherman, vessel owner, and Chairman of the Oregon Developmental Fisheries Board); Kevin Bastien (commercial fisherman, vessel owner, Chairman of the Oregon Salmon Commission); David Jincks (commercial fisherman, vessel owner, Port of Newport Port Commissioner, and OPAC member).

It was an outstanding discussion. Scott Boley outlined a pragmatic approach to the growing movement to establish marine reserves. Scott's message was that if we don't engage the environmental community on marine reserves, we will be left out of the dialogue and that will hurt us in the long run. Gordon Ross from Coos County said, "Madam Chair, I came to this meeting ready to oppose marine reserves. But, after listening to the discussion, I think we should send Onno to Monterey with a resolution that says we are prepared to talk about marine reserves under the conditions outlined by Scott Boley." After a brief discussion, we took a ten minute break. Scott Boley and John Griffith huddled together to craft a draft position statement. When Scott and John were finished, the position was discussed by the larger OCZMA group. A few additional changes were made to the position statement. By unanimous vote the OCZMA members approved the position statement.

I was proud to go to Monterey with the OCZMA position statement in hand. I distributed copies to a number of individuals. They were genuinely impressed by the position statement. In addition, on Friday (January 25th). I flew into the Portland Airport. PMCC's important meeting on marine reserves was taking place at the Embassy Hotel at the airport. I spent a couple hours at the PMCC meeting. I had the opportunity to brief Bob Eaton (Executive Director of PMCC), Scott Boley (Chair of PMCC) and a few others about the Monterey meeting. I left a bundle of copies of the OCZMA resolution. On Monday afternoon I got a call from a fisherman friend who attended the PMCC meeting in Portland. He told me the OCZMA resolution was well received at the PMCC meeting and people clamored for more copies.

We've included a copy of the OCZMA marine reserves position statement in this issue of *Oregon Coastal Notes*. Please feel free to copy and distribute this position statement to interested parties.



### **Briefly, in other news.....**

The Oregon Department of Transportation (ODOT) has submitted an application on January 22, 2002 to the Federal Highways Administration (FHWA) to have Highway 101 designated as an All American Road. Thanks to each coastal jurisdiction that took action to support the designation. We expect to hear from the FHWA by this summer. I'm feeling confident FHWA will respond favorably to the application.

The American Bridge Company (headquartered near Pittsburgh, Pennsylvania) has announced they will build their West Coast headquarters in Reedsport (including a \$10 million steel fabrication plant and offices on Bolon Island north of Reedsport). Congratulations to the City of Reedsport and to Douglas County. Their great work getting Bolon Island ready for economic development has paid off!



## Oregon Coastal Zone Management Association

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**January 18, 2002  
FOR IMMEDIATE RELEASE**

### **OCZMA ADOPTS GROUNDBREAKING POLICY ON MARINE PROTECTED AREAS**

Members of the Oregon Coastal Zone Management Association (OCZMA) unanimously adopted a position on Marine Protected Areas (MPAs) at their quarterly meeting in Newport, Oregon on January 11, 2002. The growing worldwide movement to place areas of the ocean off-limits to any human activity could have profound impacts on Oregon coastal communities. Commercial and recreational fisheries are major components of the culture and economy of the Oregon Coast.

Onno Husing, the Executive Director of OCZMA commented, "The OCZMA resolution is a pragmatic statement reflecting our serious concerns about the siting of marine reserves. Hastily designated marine protected areas could bankrupt a lot of people on the Oregon Coast, especially people in commercial and recreational fisheries." Husing continued, "Too often in the past decisions about natural resources have been made in a vacuum, by people and government agencies unconnected and unfamiliar with local concerns."

Onno Husing also stated, "The OCZMA statement signals we are prepared to participate in a genuine dialogue about marine reserves. The OCZMA action also stresses that the socio-economic impacts of various marine reserve scenarios must be documented and understood during this dialogue. We also believe the funds to monitor and enforce marine reserves must be in place prior to the designation of any marine reserves."

#### Marine Protected Area (MPA) Action Taken Language—OCZMA January 11, 2002 Meeting

*Motion made by Commissioner Scott Boley, Port of Gold Beach, seconded by Commissioner Lucie La Bonte, Curry County and approved unanimously by OCZMA members present.*

Oregon coastal governments are opposed to any further reductions to commercial and recreational fisheries and the economy and lifestyle of the coast. Before designation of any marine reserves and/or broadening of existing marine protected areas were to occur, the following items must be accomplished:

1) Clear goals must be established for each proposed area. (These include answers to questions such as: 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.

(OCZMA is a non profit voluntary association of Oregon coastal units of governments—counties, cities, ports and soil and water conservation districts).

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