

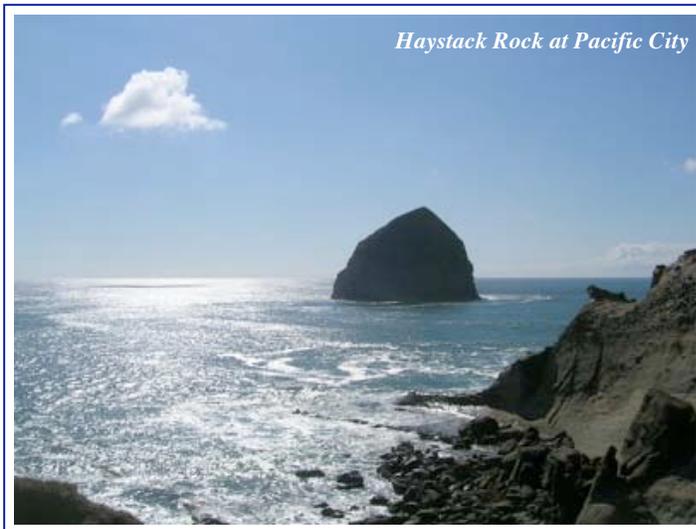


# Oregon Coastal Notes

Oregon Coastal Zone Management Association

February 2011

## ***Community Teams Call the Question: A Marine Reserves Update— Onno Husing, Director, OCZMA***



On September 9, 2010, the Cascade Head Marine Reserve Community Team held its final meeting at the Oregon Coast Community College (OCCC).

That well-attended event marked the end of an intensive eleven-month long process. The Cascade Head Team was one of three evaluation site Community Teams—a total of six community dialogues coastwide—established under **HB 3013** (passed in 2009 legislature). Included in that list are two pilot marine reserves; one at Redfish Rocks near Port Orford and one at Otter Rock near Depoe Bay.

HB 3013 was sponsored by the Oregon Coastal Caucus; the nine state legislators representing the Oregon Coast and the Klamath Basin. The legislation established Community Teams for select areas of the Oregon Coast with members ***appointed*** by the Oregon Department of Fish & Wildlife (ODFW). The appointees, representing different interest groups, evaluated and developed recommendations for potential marine reserve designations within Oregon's Territorial Sea. The starting boundaries of those areas off the coast were drawn from recommendations issued by the Ocean Policy Advisory Council (OPAC) in November 2008.

Community Teams were asked to identify marine reserve sites which that, individually or collectively are: (1) ***small enough*** to avoid significant socio-economic impact, but, (2) ***large enough*** to examine, scientifically, the usefulness of establishing marine reserves in Oregon's Nearshore.

### ***Thoughts on OPAC: A Recipe for Stalemate***

Before commenting on the Community Teams process, let's review how OPAC dealt with the marine reserve issues in recent years.

During OPAC meetings people tended to stick to their talking points. In a nutshell, here are the opposing arguments:

**The pro-marine reserve argument**—Oregon's ocean is in trouble. Marine reserves are needed to preserve biodiversity. They've worked elsewhere around the world.

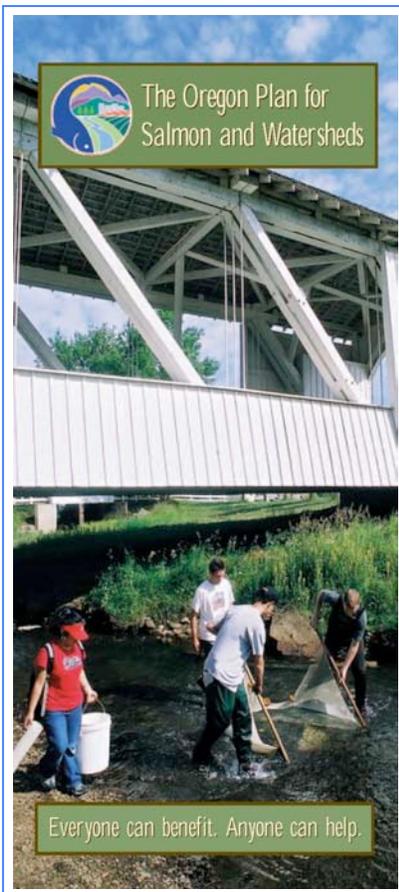
Traditional fisheries management measures do not fully protect biodiversity. Additional marine reserves, especially a “network” of marine reserves, can provide an “insurance policy” for certain fish species. Ultimately, fishermen will benefit from the implementation of marine reserves.

**The anti-marine reserve argument**—Oregon’s ocean is healthy. Fisheries management became strict in the late 1990s. The bold restrictions on fisheries worked (reductions in catch, changes to gear, and the implementation of huge marine protected areas (MPA) closed to groundfish fisheries). Oregon’s ocean fisheries are now sustainable. Closing more fishing grounds is unnecessary and it will damage the region’s economy and culture.

The dialogue on marine reserves didn’t progress much further than that. All along, as a member of OPAC, I believed OPAC needed to focus on *actual* offshore habitats, *actual* fisheries/species, and *actual* ecological connections. That way, OPAC could identify *actual* problems and leverage *actual* opportunities.



### *Nostalgia for the Coho Crisis*



When I became the Director of OCZMA during the summer of 1996, the biggest issue facing the Oregon Coast was the coho salmon crisis. Looking back, the coho crisis was a *productive* crisis. Here’s why.

During the early 1990s, many coho salmon runs on the West Coast crashed. In the Tillamook Basin for instance, only several hundred adult spawning fish remained in that five-river system. By any measure, it was a catastrophic situation.

What happened to coho? We fished them too hard for too long. Then, during the 1990s, a natural ocean cycle came along which was *unfavorable* for coho salmon production. The coho runs plummeted. By 1996-1997, federal agencies were preparing to list coho under the Endangered Species Act (ESA). The threat of a “listing” terrified people in the region.

Out of that emergency came the “Oregon Salmon Plan.” Governor John Kitzhaber and his staff led the process during 1996. By 1997, leaders on the Oregon Coast, state legislators *and* local government officials, all became strong supporters of the Oregon Plan. Why did they support the plan? Because everyone agreed there was an *emergency*.

And, saving coho meant much more than restricting fishing. It meant restoring freshwater habitats; especially *over-wintering*

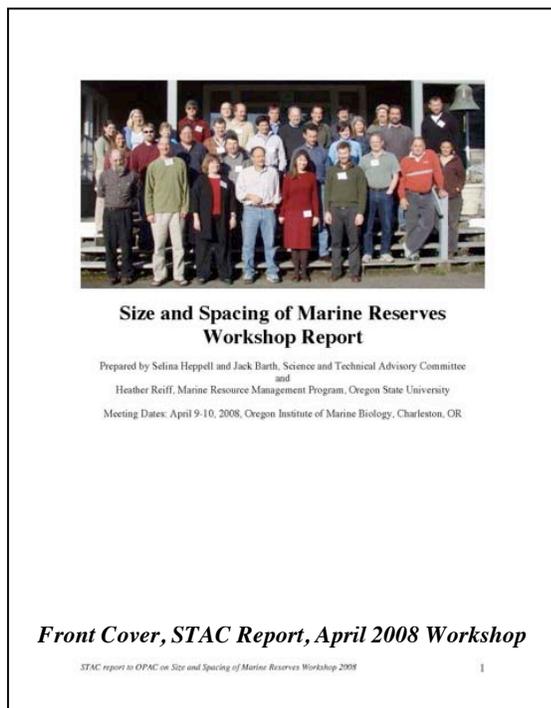
*habitat* for *juvenile fish* in lower floodplains. Watershed restoration activities tended to bring people together. That's why "The Oregon Plan" is such a success and the program has endured.

In contrast, from the beginning, the marine reserve issue in Oregon has been shrouded in fog. Advocates for marine reserves offered evidence *from other parts of the world* why reserves were badly needed. As described above, discussions rarely, if ever, focused on *Oregon marine ecosystems* and *Oregon species*. And, alas, we've *lacked basic information* about Oregon's Nearshore. That made it doubly hard to have grounded discussions.

### ***Enter the Scientific & Technical Advisory Committee (STAC)***

OPAC, during 2008, asked the Scientific and Technical Advisory Committee (STAC) to hold a two-day workshop to develop *guidelines* for marine reserve "sizing and spacing." A similar "size and spacing" exercise had been held in California. During April 2008 workshop participants from Oregon and California produced a consensus document outlining recommendations to OPAC.

Again, the task was difficult because of a lack of information. STAC had to rely upon information from ODFW's *Nearshore Strategy* (2005) and research findings from California waters (which are similar yet different from Oregon's Nearshore).



The STAC report was a highly commendable effort. STAC gave OPAC general "guidelines" about marine reserves siting. The authors underscored, though, that STAC guidelines had to be supplemented by further research *and* "local knowledge of Oregon species and habitats."

As soon as the STAC report was released (October 2008) different interest groups began "interpreting" the findings. Advocates for marine reserves argued that the scientific questions on marine reserves were now settled, and, that there was plenty of information about the Nearshore. As such, they reasoned, OPAC should establish, as rapidly as possible, a network of marine reserves based on the STAC report. In contrast, people with close economic ties to the fisheries noted the lack of basic data needed to apply *and refine* the STAC size and spacing guidelines to make them fit the circumstances in Oregon.

Both arguments had merits.

But, again, here's why it has been *so* difficult to get closure on marine reserves in Oregon. Many credible people don't believe there is an immediate clear ecological crisis in Oregon's Nearshore. Many rockfish populations (long-lived fish species of concern) off the Oregon Coast that *were* in trouble in the 1990s have rebounded. The measures implemented by the Pacific Fishery Management Council (PMFC) starting in 1998 to address "overfishing" had a positive effect. Ocean users and many fishery scientists report that Oregon's ocean is full of life.

We are *not* taking sides in this debate. We are merely seeking to explain *why* reasonable people on both sides struggle with the issue. And that, in turn, may help us move forward.

## HB 3013: Taking the Bull By the Horns



During 2009, the Coastal Caucus took the bull by the horns. Those influential legislators were weary of the strife being caused by the marine reserve debate. With HB 3013, they boldly changed the dynamic of the marine reserve debate in Oregon based on OPAC's November 2008 recommendations.

The salient feature of HB 3013 is that the bill **localized** the marine reserve discussions. The "Community Teams" brought together people who normally don't engage each other. And, it brought **new people** into the process. Moreover, at long last, Community Teams would focus the discussion on **specific places** in Oregon's ocean.

ODFW kept close tabs on the discussions. Ed Bowles, ODFW's Fish Division Administrator, was especially hands-on. A facilitator, Jim Owens, was hired to work with the Chairs and Co-Chairs of the Community Teams to manage the process. I had doubts about HB 3013. Was it realistic to force people, through appointed committees, on a tight schedule, to work out these complex and

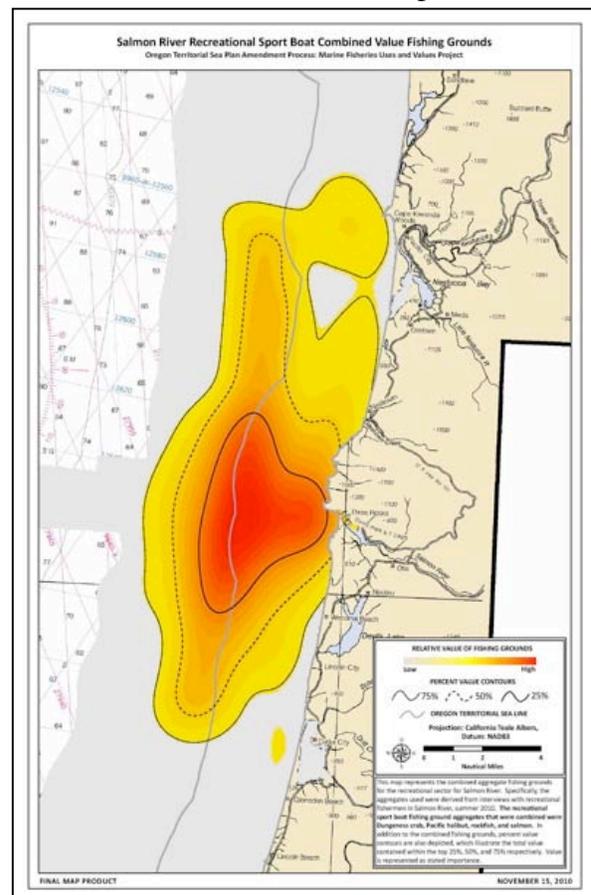
contentious issues? Usually, advisory committees take time to jell before becoming productive.

Most of all, I was concerned this latest conversation about marine reserves would generate additional controversy **at the same time** that recreational and commercial fishermen were being asked to provide information about their fishing grounds for the Territorial Sea Plan (TSP) amendment process. For me, anything that derailed momentum on Oregon's coastal marine spatial planning (CMSP) process was unwelcome.

But, the Coastal Caucus was determined to get those conversations underway during 2010.

### **Positive Reports Trickle In**

Over time, thankfully, in addition to plenty of grumbling—it was still a bruising process—positive reports about the Community Teams began to trickle in. Exchanges of information, **reliable** information about ocean resources and the fisheries, were taking place. ODFW introduced new habitat maps of the Nearshore into the process. And, during 2010, some of the



fishing grounds maps being prepared for Oregon’s ocean planning process became available to the public. People reported having those fishing grounds maps helped.

My favorite anecdote about the process involves the Cascade Head Community Team. In the ocean off Northern Lincoln County, there are several little-known recreational fisheries. On summer days, when the conditions are just right, anglers can cross the bar at the Salmon River to fish in the ocean. When those anglers learned they might lose their fisheries because of a marine reserve designation in the ocean off Cascade Head, they came out of the woodwork. In *one evening* Ecotrust staff interviewed fifty people. Suddenly, there were revealing maps of those fisheries.

Here’s why I find that story so compelling. It demonstrated how Oregon’s marine spatial planning process and the marine reserve process are generating vast amounts of *new information about the ocean*. We may finally get the information we need to manage these marine resources.

### *Back to the Cascade Head Team Meeting*



During that evening in September 2010 Cascade Head Community Team members took hours to review different scenarios. There were frequent “time outs” that allowed Team Members to caucus. In different corners of the room different groups huddled together over maps.

*Photo at left: Cascade Head Community Team Meeting on November 9, 2010 in Newport, Oregon)*

*(Photo at right: Public Testimony at Cascade Head Community Team Meeting, November 9, 2010)*

The pressure was on. This was the final meeting. A vote would be taken *that evening*. Ed Bowles reminded everyone deeply that divided votes by the Community Team would mean OPAC and the Coastal Caucus would probably *not* support their recommendation(s). The evening before down in Florence, a different group, the Cape Perpetua Community Team, approved a marine reserve recommendation **15 to 1**. The vote from that other Community Team, a near consensus, raised everyone’s expectations.



The sticking point was where—*how far south* down into *Siletz Reef* would they draw the line for the border of the marine reserve. Fishermen operating out of Depoe Bay had the most to gain or lose from the outcome. Siletz Reef is Depoe Bay’s core fishing ground.



As the evening progressed Loren Goddard, a Charter Boat owner/skipper, Chairman of Depoe Bay Nearshore Action Team (NSAT), looked increasingly beleaguered. Loren represented Depoe Bay's fishing interests on the Cascade Head Community Team. During 2007, NSAT took the courageous step to establish one of Oregon's first pilot marine reserves south of Depoe Bay off Otter Rock.

*(Photo at left: Cascade Head Community Team Member pointing to Siletz Reef at meeting on November 9, 2010)*

But now, two years later, Loren was at another crossroads. As the border of this **second marine reserve** inched south across Siletz Reef, the impact on Depoe Bay-based fishermen grew. Other fishermen from Depoe Bay attended the Community Team meeting that night. So, Loren had help determining what Depoe Bay could live with. As the evening progressed, the Community Team's marine reserve proposal was getting



**very** close to meeting the STAC's size and spacing guidelines.

At the end of the evening the Cascade Head Community Team voted on a marine reserve proposal. Four members of the Community Team voted "No."

The final vote was **12 to 4**. However, fishing representatives, scientists, and others voted **for** the proposal. That meant the recommendation was **politically** viable. For marine reserve advocates it was a stellar outcome.



Therefore, in two successive evenings, two different Community Teams voted out two different marine reserve proposals with **fishing interest and scientist support**. How did that happen? Two reasons come to mind: (1) effective staffing by ODFW, and, (2) effective leadership on behalf of the Community Teams.

### ***The Focus Shifts Back to OPAC***

OPAC met in early December 2010 to review the marine reserve proposals issued by the Community Teams. OPAC members, me included, believed it was important to honor the work of the Community Teams.

Looking back, it is important to recognize that each Community Team experience was unique. Different individuals were engaged in the different groups. And, each Community Team had different *factual* circumstances to work with. On the North Coast, for instance, there are a limited number of Nearshore fishing grounds. That makes it *especially* hard to identify marine reserves which don't substantially impact fisheries.

At OPAC, we spent little time reviewing the Cape Perpetua Community Team process. After all, they achieved a near consensus. And, because, in December 2010, the process led by the Oregon International Port of Coos Bay for Cape Arago was still underway, it was premature to review their work. So, OPAC concentrated mostly on the Cascade Head Community Team and the Cape Falcon Community Team.

### *The Devil is in the Details*

A number of Depoe Bay-based fishermen came to the OPAC meeting to voice concerns. They were angry about the potential loss of the northern portion of Siletz Reef as a fishing ground. Alas, many of those people elected *not* to participate in the Cascade Head Community Team process. Earlier efforts to engage them in the process were *not* successful.

Those people, though, gave compelling testimony. Ironically, by closing fishing access to the north section of Siletz Reef, as proposed, that would *shift fishing effort* to the deeper waters in the middle of the Siletz Reef. That's where several species of *less abundant rockfish* are more likely to be impacted. In a perfect world, hook and line fisheries in Oregon's Nearshore (sport and commercial) would target and harvest *highly plentiful* species like black rockfish and lingcod. That's because they are abundant (the dominant species) and there are stock assessments for those species. In the case of Siletz Reef, black rockfish can be easily taken by fishermen in the shallow waters of the north portion of the reef.



Obviously, *that* kind of fishing effort shift (from plentiful fish to less plentiful fish), an unintended consequence, is *not* desirable. But, that will happen when you draw straight lines on a map. Straight lines may be optimal for enforcement because of their simplicity and clarity. But, in many cases, straight lines are not optimal for marine conservation.

That knotty issue (effort shift), of course, was explored at length during the Cascade Head Community Team process. So, it wasn't as if OPAC unearthed new information.

In retrospect, some of the Community Teams could have used more time to develop their proposals. In any event, people serving on the Community Team put their hearts into the process. They did tremendous job under difficult circumstances. And, again, it was a bruising process for people with fishery interests because *they* were the ones being required to make sacrifices.

At OPAC, we voted to support the recommendations of ODFW (which were based on the work of the Community Teams) imperfections and all. OPAC members understood that there would be further discussions with the Coastal Caucus and the 2011 Oregon Legislature, and, also a public rulemaking process if any new marine reserve sites moved forward. In addition, ODFW developed staff recommendations accompanying the marine reserve proposals based on input from the Community Teams.



Those recommendations, with modifications by OPAC, elevated OPAC's comfort level with the process. The recommendations covered:

- review and evaluation criteria
- commitments to funding
- community engagement
- monitoring and research
- mitigation for potential impacts

At the time of this writing, the 2011 Oregon Legislature has just convened. The Coastal Caucus will sponsor legislation that codifies some of the outcomes of the Community Team Process. So, there will be ample

opportunities to provide feedback to the Coastal Caucus on their proposed legislation.

### ***Tomorrow's Challenge: Doing Research on Tight Budgets***

From the beginning of the Community Team process, everyone asked—Okay, if new marine reserves are identified, where will Oregon get ***the money*** to implement them? Funding is needed to do baseline research, monitoring, and, carry out enforcement. It gets expensive.

Here's the bottom line. It takes a lot of money to run modern science-based fish and wildlife management programs. Baseline information and monitoring programs are needed to prove fish harvests are sustainable. Reliance upon fishing license fees and poundage assessments from commercial fisheries will ***not*** generate enough funds. Everyone agrees we need more research. Better information would: (a) inform management decisions, (b) determine if a marine reserve is working and if the boundaries should be adjusted, and (c) inform the siting decisions for new (proposed) industrial uses in the ocean.

Given Oregon's fiscal crisis it is ***not*** realistic to expect that this funding gap can be closed with dollars from Oregon's General Fund.



ODFW Research Trip—Walter Chuck holding a Quillback Rockfish

So, in recent years, to supplement their management programs, ODFW received money from "outside sources." That means the federal government (grants) and foundations (donations to the Fish & Wildlife Fund). This has been a ***transparent*** process, with legislative oversight from the Coastal Caucus. Still, the infusion of outside funds continues to create controversy. People are wary that "outside funders" will influence Oregon's fish and wildlife policies. That, in turn, fuels the concerns about the objectivity of scientific research programs applied to natural resource management. This is a tough dilemma.

In the meantime, though, on a positive note, ODFW staff are moving forward. Several exciting new research programs in the Nearshore are underway.

It's true. Fisheries management has improved greatly in the last 20 years. And, it's true there's a lot more work to do. Evidence suggests, for example, several Nearshore rockfish species—e.g., China Rockfish, Quillback Rockfish, Copper Rockfish—have limited home ranges. ODFW does *not* have stock assessments for those species.

The Rockfish Conservation Area (RCA)—a *huge* marine protected area offshore primarily in federal waters—does *not* provide a refuge for those Nearshore species. Generating more information about these Nearshore species—to avoid accidental over-harvest of those species—should be a priority. That's just one example of the research needs. Working with anglers, catch-and-release programs and tagging programs for those Nearshore species could be an effective way to fill those information gaps. Indeed, the more we talk and share what we know, we will discover many good things can be accomplished.

Fortunately, we *don't* have a conservation crisis. To be good stewards of the resource, though, it makes sense to prepare, as soon as possible, a comprehensive *research plan* for Oregon's Nearshore. Like the Oregon Salmon Plan, if *ocean users* are involved in that process we can bring people together.



## Information about OCZMA

The Oregon Coastal Zone Management Association (OCZMA), formed in 1976 under ORS Chapter 190, is a voluntary association of coastal counties, cities, ports, soil & water conservation districts, and the Coquille Indian Tribe on the Oregon Coast established to provide a forum for the resolution of issues of particular concern to the local governments of the coast and the people they represent.

### Association Officers

**Jack Brown** • Chair (City of Depoe Bay)

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FY 2010-11

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## Association Membership

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Lane County

Lincoln County

Tillamook County

City of Brookings

City of Cannon Beach

City of Coos Bay

City of Depoe Bay

City of Florence

City of Garibaldi

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City of Manzanita

City of Nehalem

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