



MEMORANDUM

TO: Board of Commissioners, Port of Coos Bay

FROM: Port Staff

DATE: December 27, 2011

SUBJECT: Staff Report on Marine Reserves

The Oregon International Port of Coos Bay's facilitation of a Marine Reserve Recommendation Committee effort came at the request of the Oregon Ocean Policy Advisory Council (OPAC), following a non-conclusive marine reserve process for this area. OPAC had rejected two proposals for the region and recommended the following in a Nov. 29, 2008, letter to Gov. Kulongoski:

“that the interested parties in the Cape Arago/Seven Devils area, led by the Oregon International Port of Coos Bay, be encouraged and supported to engage in further collaboration to develop a marine reserve proposal. In making this recommendation, OPAC does not endorse the two proposals submitted for this area, the Cape Arago Proposal Area, Proposals 12, and the Seven Devils Marine Reserve, Proposal 18.”

In March 2009, the Port Board of Commissioners directed staff to facilitate a comprehensive and transparent community stakeholder process to determine the practicability of establishing a marine reserve in the Coos Bay/Seven Devils area. The goal was to facilitate a process in conformity with Gov. Ted Kulongoski's executive order that possible sites are:

“large enough to allow scientific evaluation of ecological benefits, but small enough to avoid significant economic or social impacts.”

As a result, the Port established a 34-member Marine Reserve Recommendation Committee representing diverse stakeholders – including research and conservation interests, along with tribal, fishing, business and local government interests.

The full Recommendation Committee met in 18 public meetings from May 27, 2009, through March 16, 2011. In addition, the Port and Recommendation Committee hosted three town hall meetings in December 2010 to gather community input on proposal options prior to voting. The overall process culminated in March 2011 with a vote on four proposals, three of which were specific designations and one that proposed no designations. The majority (23) of the (34) committee members voted in favor of “No New Marine Reserves/No New Marine Protected Areas.” Port staff then asked the committee members to author two reports:

- a *majority report*, expressing the majority’s explanation of the deliberation process and resulting voting rationale, and
- a *dissenting report*, representing the opinions and perspectives of the other 11 representatives of the committee.

We have attached the documents related to the Recommendation Committee, its establishment and deliberations. Minutes and public testimony are posted on the Port’s website. After reviewing the process documentation and reports, it is staff’s opinion there is insufficient evidence, and insufficient understanding, of the positive or negative environmental and socio-economic impacts that could be generated from a new marine reserve or marine protected area in the territorial sea from Bandon to Reedsport. Therefore, it is staff’s suggestion that the Port Commissioners accept the committee recommendation of “No New Marine Reserves/No New Marine Protected Areas.”

In addition, staff recommends the Board of Commissioners take no action at this time other than to forward the “No New Marine Reserves/No New Marine Protected Areas” as a recommendation to OPAC.

As discussed above, at the outset of this process the Recommendation Committee held 18 public meetings between May 2009 and March 2011. Port staff involvement was limited simply to facilitate the committee’s work. The committee determined that it would be advantageous to hire a professional facilitator and selected a subcommittee to request and review proposals. To cover a portion of the costs of facilitation, the Port received \$7,500 from the Oregon Department of Land Conservation and Development and \$5,000 from the Oregon Department of Fish & Wildlife. Staff also provided administrative support and public records retention and access.

Staff has kept you aware of the process, but has not formally briefed you on specific details nor solicited your input throughout the past 31 months. We felt it was most appropriate for you to remain outside of the deliberation process and as objective as possible in evaluating the committee’s recommendation.

The Port’s interests were represented by three seats on the Recommendation Committee, but staff did not give guidance nor try to influence those individuals. They included one overall Port representative, along with one member each from the Port Technical Advisory and Charleston Advisory committees. These individuals were appointed and tasked with using personal judgment in representing constituents of the

Port District. Port staff also reached out to the conservation community during the search for stakeholders, asking members of the group “Our Ocean” to help select individuals who sent in letters of interest for six at-large community seats.

It is also important to note that, the committee was not given specific areas to consider. Instead, a member-driven process was used to develop proposals through consensus in the 200-plus square mile region between the proposed wave energy park at Gardiner and Blacklock Point south of Bandon. Following a determination from OPAC that the committee could only consider the Cape Arago/Seven Devils area, members settled on the area immediately adjacent to Cape Arago.

We all have connections to the sea, and it was Rachel Carson who said “The edge of the sea is a strange and beautiful place.” Staff can assure you that there was complete agreement among the committee members that this is an incredible place. People who live and visit this edge of the Pacific Ocean get sustenance from it – ecologically, spiritually and economically. Yet, the committee was tasked through a public process to divide the sea spatially. That process resulted in a majority concern that the options at Cape Arago would have significant negative social and economic impacts.

Some people may want to characterize this Marine Reserve Recommendation Committee’s efforts as a failed endeavor. Staff disagrees. This was not a failure. The committee members deserve recognition for their dedication and perseverance through this difficult public policy assignment. The situation in many ways mirrored the debate at the state level.

The 2011 legislative session failed to pass a marine reserves bill and Oregon continues to face revenue shortfalls. Still, Oregon’s Coastal Caucus and Governor Kitzhaber are moving forward with establishment of 10-year pilot marine reserves along the coast at Cape Falcon south of Cannon Beach, Cascade Head north of Lincoln City, Otter Rock north of Newport, Cape Perpetua near Florence and Redfish Rocks near Port Orford on the southern Oregon coast. The Oregon Legislature allocated limited funding for the initial start-up of the program, but there remains uncertainty as to whether the state can fund ongoing baseline data gathering and enforcement for the allotted 10 years. Revenue forecasts continue to trend downward, and while Coastal Caucus members are working with the governor’s staff on potential marine reserves legislation, there’s no guarantee they will succeed.

It is staff’s opinion that the 10-year pilot projects at the five established marine reserve sites should be allowed to run their course before any new marine reserves in the Bandon to Reedsport range are considered. Only after those pilot projects have been adequately funded and research completed will residents have the ability to evaluate the documented ecological and socio-economic successes or failures of the pilot sites. At that time, it may be appropriate to re-evaluate the establishment of a marine reserve in our area.