



Oregon

Kate Brown, Governor

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Dr. Karina Nielsen, Chair
Science and Technical Advisory Committee to
Ocean Policy Advisory Council



Re: ODFW comments on University evaluation report on Oregon Marine Reserves Program

Dear Dr. Nielsen:

The ODFW Marine Reserves program appreciates the University evaluation team's investment in evaluating the ODFW Synthesis Report and ODFW Marine Reserves Program, in response to the Oregon Legislature and STAC. ODFW offers the following comments in response to the University evaluation team (hereafter University team) draft Marine Reserves Evaluation Report. The intent of our response is to provide STAC with comments to consider as STAC develops recommendations to the University team to finalize the Evaluation Report. We provide broad comments for consideration on:

1. Tribal Engagement: provide information and background on tribal engagement
2. Clarifications to prevent misunderstandings: highlight what ODFW believes to be big picture misunderstandings by the University team of information presented in the Synthesis Report
3. Clarification on critiques vs. recommendations: request clarification by the University team between critiques of the ODFW program and recommendations for the future
4. Resource Needs to Support University Team Recommendations: request additional information related to recommendations for the future, specifically information on the resources needs expectations from the University team.

As a note, there was very little communication between the University team and the ODFW Marine Reserves program. The minimal communication after the early February presentation on the ODFW Synthesis Report was related to questions about access to synthesis report materials.

1. Tribal Engagement

Pursuant to discussion with individual STAC members, the ODFW Marine Reserves Program provides the following information about the program's tribal engagement to address evaluation by the University team of a lack of tribal information in the ODFW Synthesis Report (e.g. Assessment Report, p. 85).

There has been some tribal engagement by the ODFW Marine Reserves program, but this was not documented in the Synthesis Report for several reasons. During the first 10 years of the marine reserves program the tribal seat on OPAC was not always filled. In 2016, our Human

Dimensions Project lead met with Megan Flier, Confederated Tribes of Grand Ronde natural resource manager and OPAC tribal representative, several times to discuss engaging the coastal tribes in their perceptions related to the marine reserves. However, she eventually left her seat on OPAC to pursue graduate school (2018). To our knowledge this seat on OPAC is currently vacant.

The ODFW Human Dimensions Program also pursued academic collaborations with Portland State University (PSU), Dr. Elise Granek, and a graduate student – Sabra Tall Chief Comet. This collaboration interviewed elders and other knowledgeable insiders among the Confederated Tribes of Siletz Indians, the Coquille Indian Tribe, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of Siletz Indians Grand Ronde were invited to participate but ultimately were not involved in the study. The resulting thesis was shared with the participating tribes, the Oregon Sea Grant website and in the online PSU thesis library, however the Siletz Tribes requested it be removed from public viewing in 2018. There was discussion of publishing a version redacting sensitive information, but the graduate student chose not to publish her thesis to honor the request of the Tribe. Therefore, these efforts were not reported in the Marine Reserves Synthesis Report nor in the Human Dimensions Technical Appendix.

Separately, ODFW has consulted with and negotiated MOU's with individual tribes about shellfish management issues and most recently signed a broad agreement with the Coquille Indian Tribe (CIT). These efforts were not included in the Synthesis Report; since discussions on the MOUs and harvest were on-going and separate from the Marine Reserves Program.

For more detailed information on the timelines and content, please see Appendix 1 of this report.

2. Clarifications to Prevent Misunderstandings

Significance as it relates to OPAC Policy Guidelines for Implementation P& G 6 (IPG 6)

The OPAC Implementation Policy & Guidelines 6 (IPG6) states “Significant adverse social and economic impacts of marine reserves on ocean users and coastal communities will be avoided and positive social and economic effects will be sought”. There was considerable debate on how to define “significance” by STAC and within the Evaluation Report, e.g. p. 73, 77, 83, as it relates to Human Dimensions research.

ODFW agrees with the draft Evaluation Report that highlighting expected and unexpected outcomes would have been more practical in an applied agency research program than expecting judgements of significant impact. To this end, ODFW highlights for STAC that in the introduction to the ODFW Human Dimensions Technical Appendix (p. 3) is the following statement related to our program's view on this discussion:

“Pertaining to that evaluative purpose, the specific language related to the reserve implementation was to “avoid significant adverse impacts to ocean users and coastal communities.” From a scientific perspective within a state agency, assessment of impacts must be approached from a neutral perspective; that is, what are the socioeconomic impacts of marine reserves? The role of agency social science is to objectively and holistically describe the nature of these impacts, whether positive or negative. Determination of "significant" impacts in this context entails an element of judgement beyond a strictly scientific role related to presentation of the facts of the case (i.e., the data from these

studies). In natural resource policy decisions, there are commonly tradeoffs. Many resource allocation decisions create positive impacts for some stakeholders and negative impacts for other stakeholders (c.f., Cinner et al. 2014). Whether the resulting impacts are perceived to be adverse depends on the perspectives of the parties involved. There may be common ground between parties, but such discussions involve considerations of distributional equity that are not addressed within this report. Any final resolution of those questions is beyond the scope of this research program. That is the domain of politics and policy, not neutral agency social science” (Synthesis Report Human Dimensions Appendix: A Summary of Marine Reserves Socioeconomic Research 2010 – 2021. p. 3).

The challenge of the aggregate

The Evaluation Report comments on “The Challenge of the Aggregate”, and states p. 75 “The aggregation of findings may obscure impacts that have occurred at fine scale.”

We wanted to share for STAC’s consideration that the use of aggregation was intentional, based on the socio-political context of Marine Reserves in Oregon. It is not a pre-determined conclusion that the marine reserve program will persist. Therefore, we had to study the public will in the aggregate, as well as, amongst various stakeholders. If the continuation of our program was a foregone conclusion we would not have focused so much on public support and aggregation of data.

Additionally in the most vulnerable community – the fishing occupational community – we spent considerable time and resources drilling down from an aggregate level to an individual fisher level, as represented from the lengthy discussion on this stakeholder group in the Human Dimensions section of the synthesis report. In the Synthesis Report, ODFW highlighted one study (study size of 9; 4 pages out of 21 pertaining to the fishing occupational community) that were self-identified impacted individual fishers, in order to focus on and emphasize individual level impacts in the most vulnerable community, while also balancing the need to provide relevant socio-political context about the impacts of marine reserve implementation at an aggregate level.

Socio-economic indicators and the unit of analysis

ODFW recognizes that the Assessment Report provides valuable insights into re-organizing the Human Dimensions data in a new way (framework on p. 75, tables on p. 86-92). That said, the unit of analysis concept as the organizing principle for human dimensions research was discussed at length with STAC and with the STAC + human dimensions working group (2017-2018); this concept was also a framework recommended by Patrick Christie at the Size and Spacing 2.0 workshop in 2019. It was with these recommendations in hand, that the approach was taken.

Criteria to measure social and economic impacts (adverse or otherwise) of Oregon’s marine reserves were not established in the Human Dimensions Monitoring Plans (2012 or 2017). While socio-economic values and information needs were brainstormed during the reserve planning stages, they were never officially formalized as criteria or measurable indicators. Instead, overarching research questions were explored, with many indicators across disciplines and research groups. This was both in part because of the broad mandate of the program to conduct research to inform nearshore management decisions and provide valuable socio-political data (attitudes, support) about implementation of the program. We also took STAC’s

recommendations in regard to exploring additional social and economic indicators using time series analyses such as synthetic control community analyses, when appropriate data were available.

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ODFW highlights an inaccuracy on page 106, more specifically the statement that data and information from the Human Dimensions Program have yet to be explicitly included in nearshore management decisions outside of the Marine Reserves Program.

In the Human Dimensions Chapter of the Synthesis Report, on page 126-127, are details stating the use of Human Dimensions contributions to nearshore management. Importantly this includes new knowledge in three key areas 1) support of the OAH Action Plan, 2) community indices that are used by port management authorities and municipalities, and 3) the fisheries spatial economic model, which is relevant not only for consideration by the ODFW fisheries management group but is also currently being used as the basis for estimating impacts of Otter re-introduction in Oregon.

3. Clarification on Critiques vs Recommendations

ODFW requests STAC consider asking the University Team to add more clarity into identifying critiques of the program from forward facing recommendations. Ideally it would be great to have these separated; however, we recognize that may involve serious re-structuring of writing and may not be feasible. Additional thoughts could include changing recommendations to bold text; separating them by section from critiques and/or including an executive summary or table of recommendations for the entire report or each section.

We found language in every section to be, at times, ambiguous distinguishing among the following three categories:

- 1) Recognitions of circumstances that preceded establishment of the monitoring programs or directives given to ODFW
- 2) Critiques of program implementation or program oversights
- 3) Recommendations for the future

Adding clarifying language on these concepts would help ODFW in interpreting feedback from the report.

Additionally, we found instances where there were seemingly program critiques in the written response for one criterion, that were addressed in another criterion as recommendations for future program action. Checking for consistency in different sections on language regarding limitations vs critiques vs recommendations would be useful.

4. Resource Needs to Support Recommendations

ODFW requests the University Team specifically add information on the resources they believe are necessary to support their forward-facing recommendations. For example, can ODFW move forward on their recommendations within the current staff and resources allocated to the program; or are new resources needed to embrace new objectives / action items.

In summary, thank you to both the University evaluation team and to the STAC for the thorough and careful work of evaluating Oregon's marine reserves program, and for considering our comments as the report is finalized for submission to the legislature this Fall.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Braby', written in a cursive style.

Caren Braby, Program Manager

Appendix 1: Detailed narrative of Tribal Engagement by ODFW's Marine Reserves Program.

We provide a detailed narrative about the program's engagement with tribes in response to the following paragraph (p.85) detailed in the Marine Reserves Evaluation Assessment:

Assessment Text:

Finally, while ODFW's Human Dimensions team seems to have largely identified the correct social groups to survey and collect information from, the absence of Native American perspectives/impacts in the Synthesis Report and HD Technical Appendix is notable. We recognize that 'collecting' data from Tribal members is not ideal for this (and that privacy concerns are important to protect), but it is also crucial that government-to-government protocols are being followed and that Tribal Consent and Consultation be attempted. It's unclear that any of this occurred. This is not an oversight of ODFW; plans to engage Native Peoples were included in the Human Dimensions Monitoring Plans, however funding and logistical constraints have not seen these realized. We advise that resources should be allocated to this. (Draft: 2022 Assessment of Oregon's Marine Reserves, p. 85)

ODFW's Response:

In 2015, our human dimensions project leader first identified traditional ecological knowledge (TEK) as a research subject not considered in the earliest Human Dimensions (HD) research nor (specifically) mentioned in the 2012 human dimensions monitoring plan. Beginning in the spring of 2016, the HD Project Leader met with Megan Flier, who is a member of and was then the natural resource manager for the Confederated Tribes of Grand Ronde and the OPAC tribal representative. Megan and the HD Project Leader met several times to discuss how to engage the coastal tribes to investigate their perceptions related to the marine reserves. The related studies in California were constructive examples, although the legal (treaty) situation in Oregon is distinctly different than either CA or WA.

Almost concurrently with these first meetings with Megan in 2016, Dr. Elise Granek introduced our human dimensions project leader to incoming Portland State graduate student, Sabra Tall Chief Comet, who was interested in the research topic. Sabra was an Oregon Sea Grant Malouf Scholar and is a member of the Osage Tribe. After some initial exchanges, the HD project leader agreed to work with Sabra and serve on her graduate committee with Dr. Granek and Max Nielsen-Pincus.

Sabra's methods were based on the Northern California tribe-led marine protected area baseline project. The research design was to interview elders and other knowledgeable insiders among the various tribes with ancestral ties to the Oregon Coast about harvest of coastal species, culturally important species, and the spatial distribution of related ancestral activities. The involvement of the tribes in the Oregon marine reserves process and the impact of the reserves were additional interview topics (Comet, 2017, Thesis: Chapter 2). In addition, the study employed a participatory GIS mapping project (Comet, 2017, Thesis: Chapter 3). Four tribes were invited to participate, the Confederated Tribes of Siletz Indians, the Coquille Indian Tribe, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, and the Confederated Tribes of Grande Ronde. Ultimately, members of the Grande Ronde tribe were not involved in the study.

Sabra's conclusions were that the state's marine reserves and protected areas generally do not overlap with areas where tribal members fish and clam near the shore. However, there was some

confusion among respondents about marine reserve boundaries, and other state properties, such as state parks, did overlap traditional harvest areas. Following completion of her thesis, Sabra shared her thesis with the participating tribes. Her thesis was also posted on the PSU scholars page and on the Oregon Sea Grant website.

During the fall of 2018, our Human Dimension project leader was communicating with an OSU student about beginning a project to replicate Sabra's methods with the Grande Ronde Tribe. On September 17, 2018, the Siletz Tribes asked that the thesis be removed from public view pending discussions pertaining to the mapping exercise. At the time, Sabra was discussing posting a redacted version of her thesis. We have subsequently learned that Sabra chose not to publish her thesis to honor the request of the tribe.

When the Marine Reserves Synthesis Report was written, our Human Dimensions project lead checked to see if a redacted version of Sabra's thesis was available to post in the folder closed to public review. There is no such document. Respecting the tribes and Sabra's requests, we could not post an unredacted version of the paper. However, we did include a citation of her thesis in the appendix bibliography list of theses in the Human Dimensions Appendix section.

At the time Sabra's thesis was removed from public access, the ODFW Shellfish Program was engaged in negotiations with individual tribes about shellfish management issues. The ODFW Shellfish Program made considerable progress toward the creation of tribal MOUs and establishment of annual gathering permits. Subsequently, ODFW has new (2022) broader MOUs regarding all tribal harvest of fish and wildlife. The Marine Reserves program did not try to engage the tribes during these (Shellfish) negotiations.