



Oregon

John A. Kitzhaber, MD., Governor

Department of Fish and Wildlife

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Representatives Roblan, Cowan, Boone, Krieger, Witt
Senators Johnson, Kruse, Verger, Whitsett
900 Court St NE
Salem, OR 97301



Dear Coastal Legislators:

Thank you for your ongoing leadership ensuring Oregon's process to consider marine reserves is thoughtful and collaborative with affected stakeholders. As sponsors of the 2009 marine reserve legislation (ORS 194.540-550), Oregon Department of Fish and Wildlife (ODFW) wanted to provide you with our agency's recommendation regarding the potential marine reserves at Cape Perpetua, Cascade Head and Cape Falcon (enclosed).

We are pleased to report that we completed the community team process mandated in your legislation, and that ODFW's final recommendations are largely based on the input and recommendations from the community teams. ODFW adopted two of the three teams' recommendations in full (Cape Perpetua and Cascade Head) and adopted a compromise between the fishing and conservation interests' recommendations for the final team (Cape Falcon). The ODFW final site recommendations and several additional recommendations were supported in full by the Ocean Policy Advisory Council (OPAC) through consensus following extensive discussion and public comment.

ODFW's final recommendations follow an 11 month process which engaged nearly 100 volunteers, contributing over 25,000 volunteer hours, in community team evaluations of the three sites. These participants are to be commended. The community teams developed recommendations to ODFW within the Executive Order 08-07 sideboards referenced in ORS 196.545. These sideboards were established to ensure that sites, individually or collectively, are large enough to allow scientific evaluation of ecological benefits, but small enough to avoid significant economic or social impacts to coastal communities and ocean users.

The Cape Perpetua and Cascade Head teams were able to forge compromises for the sites that had strong community team support (15:1 and 12:4 vote in support, respectively) and, therefore, the ODFW recommendation mirrors each team's recommendation. The ODFW recommendation for Cape Falcon represents input and compromises put forth by both sides during and after the community team process. All voting members of the Cape Falcon community team voted in support of a marine reserve at their last meeting, but there was not convergence on the exact size, shape and conditions for the site. Although the slight majority vote (9:7) of the team was in support of a larger marine reserve, ODFW's final

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recommendation deferred more to the site supported by the fishing interests. This final compromise was supported by key fishing interests affected by the change (crab and charter), local government representatives on the team, conservation interests and scientists. This compromise received consensus support from OPAC.

ODFW is including additional recommendations in combination with the site recommendations (enclosed). These additional recommendations were developed based on input from community teams and OPAC, and include details regarding the review and evaluation, commitment to funding, community engagement, monitoring and research, and mitigation associated with marine reserves implementation.

The combination of existing sites at Redfish Rocks and Otter Rock, the three recommended sites (Cape Falcon, Cascade Head and Cape Perpetua), and a potential proposed site at Cape Arago creates a distributed system of marine reserves along the Oregon Coast from the Columbia River to Humbug Mountain. This combination represents distinct ecological regions, includes and replicates key seafloor types, includes important oceanographic features, and areas of high biodiversity. While the International Port of Coos Bay is still in the process of developing a proposal at Cape Arago, which may include a recommendation of no marine reserve, this combination of six sites provides Oregon with a reasonable system in which to evaluate marine reserves as a potential management tool.

The spirit of the 2009 marine reserve legislation was to create a community-based decision making process centered around affected users. ODFW's recommendations reflect the energy, dedication and difficult compromises made by coastal community teams and stakeholders. Additionally, these recommendations reflect a scientifically based design for Oregon to move forward studying marine reserves. We are pleased to provide these recommendations and look forward to working with you during this legislative session in considering the next steps in this process.

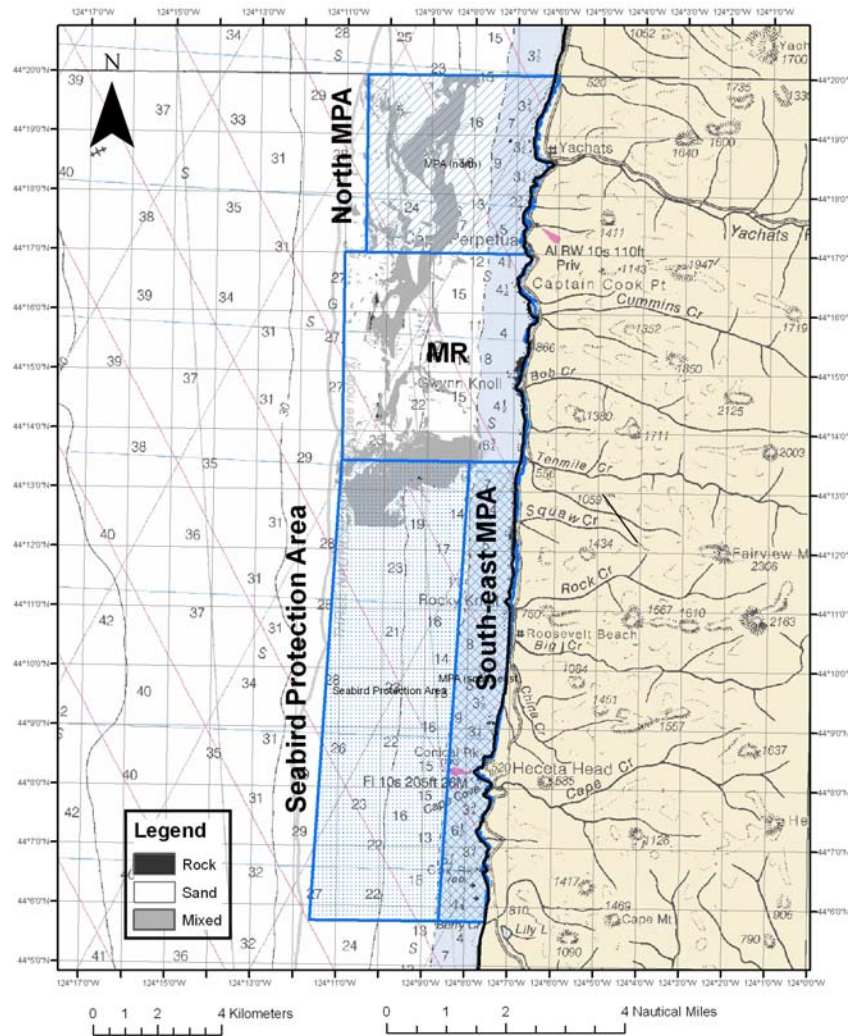
Sincerely,



Ed Bowles
Fish Division Administrator

Enclosure

Cape Perpetua Marine Reserve Recommendation
(see www.oregonocean.info/marinereserves for details)



North Marine Protected Area (MPA):

Allowances: Commercial and sport crab and salmon, and shoreside recreational fishing. All other extractive activities (including new ocean development) prohibited.

South-east MPA:

Allowances: All activities allowed in current regulations except: trawl, all forage fish fisheries, and new ocean development.

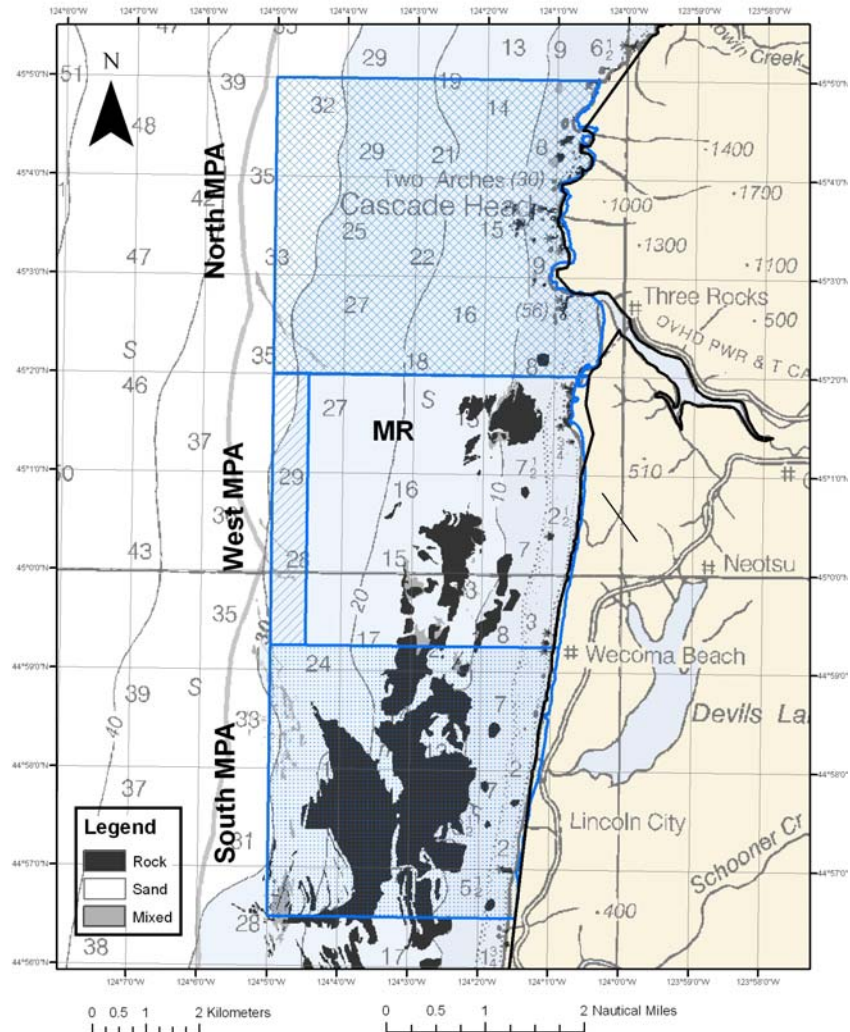
Other: Management plan developed to minimize bird disturbance.

Seabird Protection Area:

Allowances: All activities allowed in current regulations except: forage fin fish fisheries, new ocean development

Cascade Head Marine Reserve Recommendation

(see www.oregonocean.info/marinereserves for details)



West Marine Protected Area (MPA):

Allowances: Commercial and sport crab & salmon. All other extractive activities (including new ocean development) prohibited.

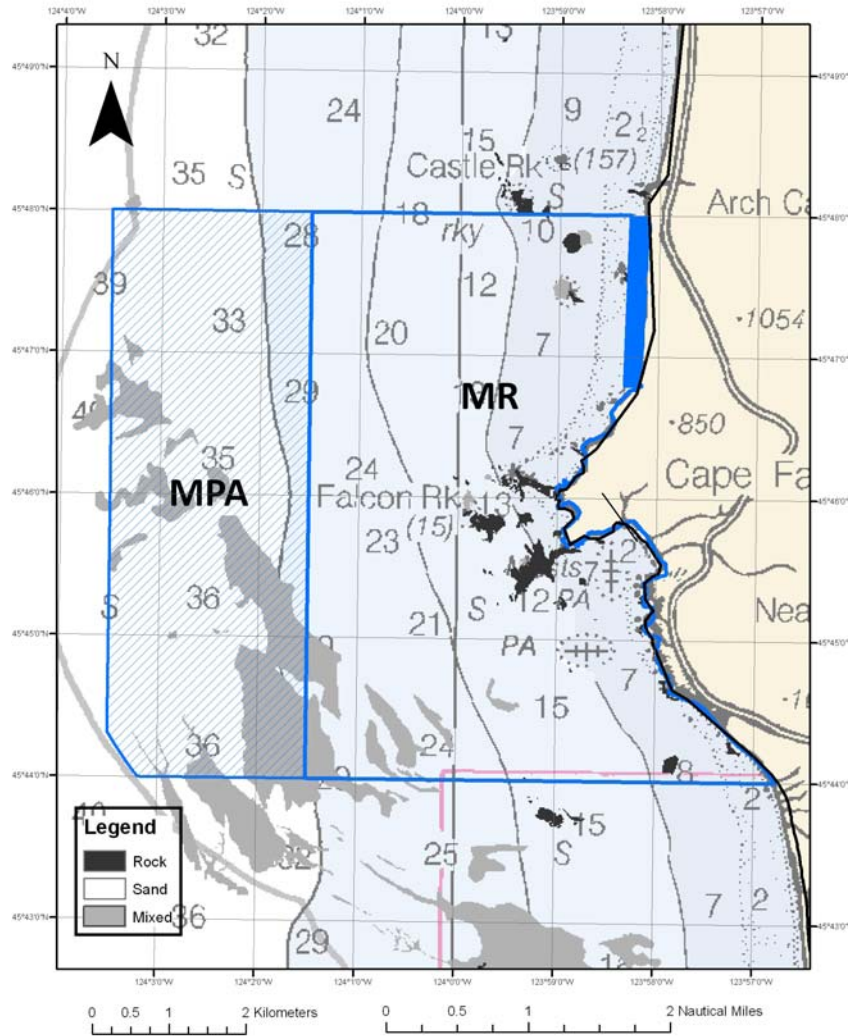
North MPA:

Allowances: Commercial and sport crab & salmon, and sport groundfish fishing for fishermen launching out of Knight Park (Salmon River). All other extractive activities (including new ocean development) prohibited.

South MPA:

Allowances: All activities allowed in current regulations except: trawl, nets, and new ocean development.

Cape Falcon Marine Reserve Recommendation
(see www.oregonocean.info/marinereserves for details)



Shoreside Marine Protected Area (MPA):

Allowances: Shoreside recreational fishing. All other extractive activities prohibited.

West MPA:

Allowances: Commercial and sport crab & salmon. Exception: no commercial crab pots can be set in designated gravel substrate (self-regulated unless low compliance). All other extractive activities (including new ocean development) prohibited.

Additional Recommendations¹

1. Review and evaluation

ODFW will conduct a review of the site² one year after prohibitions go into effect to reevaluate the sideboards set in EO 08-07 and ORS 196.540-550, based on new data collected during baseline studies and the first year of prohibitions. Adaptive management may be needed (e.g., boundary adjustments, prohibitions, mitigation) if new data provide compelling evidence to ODFW that the assumptions made during a site's design were not correct relative to the socioeconomic and ecological sideboards.

ODFW will also review site implementation five years after baseline studies are conducted and harvest prohibitions take effect. The review should focus on progress of implementation, including: the site management plan, ecological and socioeconomic monitoring programs, compliance and enforcement of the site, and community engagement in implementation.

There will also be an evaluation of the site and limited-system of reserves after sites have been in place for a minimum of 10-15 years to determine their effectiveness as a management tool for Oregon's nearshore marine resources. This period will allow time for adequate ecological and socioeconomic data to be collected and for ecological responses to begin being detected.

The reviews and evaluation should include consultation and collaboration with the local marine reserve community team. ODFW will consult with STAC³ as necessary to review and evaluate marine reserve sites and for adaptive management considerations.

Any adaptive management considerations should require consultation with, and general support from, the community team. Consensus should be sought through the community team prior to any alteration of site boundaries or prohibitions/allowances within the site. If consensus cannot be reached, it should be clearly stated to the appropriate regulatory entity considering changes and all parties will have the opportunity to voice their positions individually to the appropriate board or commission.

No new marine reserve sites will be considered in the territorial sea (beyond the six areas currently under consideration in HB3013) north of Cape Blanco during the 10-15 year evaluation time period.

2. Commitment to funding

The State will pursue funding to meet the enforcement, research, monitoring, and outreach needs for implementing marine reserves. A portion of ODFW's marine reserve implementation budget is to be used to support coastal communities. If funding cannot be secured over the long term, agencies responsible for managing the marine reserves shall make recommendations to the Oregon Fish and Wildlife Commission and the Legislative Assembly and initiate actions to scale down or suspend fisheries prohibitions in the marine reserves accordingly (based on HB3013). If funding is sought and secured from non-state sources, these funds should only be used to implement activities consistent with the State's process to evaluate and enforce marine reserves in Oregon, consistent with the State's priorities and direction. The State's

¹ Based on input from marine reserve community teams and OPAC.

² Site: includes the marine reserve and any complementary MPAs.

³ The role of STAC in relationship to ODFW is not clear at this point, therefore references to STAC may refer to consultation with other outside scientists.

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priorities and direction should be developed in consultation with community teams and stakeholders, and spending should include a biennial review by community teams and stakeholders to ensure consistency with these priorities and direction. An independent review should be considered by the Legislature as necessary to avoid real or perceived drift from fiscal or policy direction.

3. Community engagement in implementation

Local communities of place and interest will be actively engaged in implementing the marine reserve site, including establishment of an ongoing local marine reserve community team. The community team should assist ODFW in developing and implementing a site management plan. While individual marine reserve sites will have a specific community team, ODFW will facilitate the communication and information sharing among community teams. ODFW and the community team should commit to providing opportunities for community members to participate in planning and oversight activities, monitoring and research, outreach and education, and compliance and enforcement activities including the use, as appropriate, of local commercial, charter and recreational vessels in site monitoring and research.

4. Monitoring and research of sites and comparison areas

Ecological and socioeconomic monitoring and research will be designed and conducted to help understand if and how the site, or system of sites, meets the sideboards established in EO 08-07, the OPAC marine reserve goal and objectives, and any site specific goals established. Sufficient baseline data should be collected at the site and comparison areas prior to harvest prohibitions taking effect. We anticipate this will require two years or as deemed appropriate by the experimental design of the monitoring program. ODFW will consult with STAC and other scientists as appropriate when developing and reviewing monitoring plans and methods. The studies should continue over time, with monitoring and research reports made available to the community team and the public, and included in the review and evaluation processes as recommended in item one above. One of the first research priorities includes gathering data on the distribution and abundance of constraining rockfish species. This research should begin during the baseline data phase of implementation.

Data collected throughout this process will be applied not only to evaluate marine reserves but also improve our general understanding of the nearshore ecosystem (biological and human dimension), advancing our ability to sustainably use and steward these resources in an ecosystem-based context.

5. Mitigation

The State will implement steps to help mitigate significant effects of the reserves on impacted users. The need for mitigation should be informed by current information and data collected on net socioeconomic effects during the baseline period prior to prohibitions taking effect. As identified above, gathering data on the distribution and abundance of yelloweye and canary rockfish in areas where these species currently constrain fisheries may help provide more flexibility and opportunity in federal and state managed fisheries. The State should also promote research to develop additional methods for fishing that reduce bycatch and discard mortality.