

## Scientific and Technical Advisory Committee (STAC) Meeting

Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR  
Guin Library Seminar Room

**November 22, 2019**

**1:00-5:00 PM**

**STAC members attending:** Shelby Walker, Selina Heppell, Elise Granek (virtual), Craig Young, Jan Hodder, Gil Sylvia, Jack Barth, Bill Jaeger

**STAC members absent:** Veronica Dujon

**Other invited participants:** Cristen Don (ODFW), Tommy Swearingen (ODFW), Dave Fox (ODFW), Lindsay Aylesworth (ODFW), Kelsey Adkisson (ODFW), Haley Epperly (ODFW), Andy Lanier (DLCD)

### Information from previous meetings:

STAC meeting notes: [April 2017](#), [October 2017](#), [March 2018](#), [June 2018](#), [November 2018](#), [March 2019](#), [August 2019](#)

General information: [Oregon Ocean Information - STAC](#)

**Link to the meeting recording** [here](#). (Meeting recording starts ~00:11:30)

### AGENDA

#### 1:00 PM

- Welcome and introductions
  - STAC member and ODFW introductions
  - Agenda overview
  
- Update on assessment funding
  - Shelby Walker, STAC Chair, has been working with the OPAC Chair (Walter Chuck, Jr.) and Vice-Chair (Jena Carter) on obtaining support for the assessment process. They have had conversations with Coastal Caucus members regarding funding during the upcoming 2020 short session. The current ask to support the mandated university assessment is \$250k (ballpark estimate to cover compensation, associated overhead, and costs to administer the RFP). Overhead should not be at a research rate, and may be fully waived if the state appropriates it.
  - Oregon Ocean Science Trust (OOST) is a likely fiscal agent (and STAC's recommendation) for funding if it is received through legislative allocation, so Walker has also had discussions to keep OOST updated.
  - STAC question: Could funding come from a private organization if legislature doesn't provide it in the 2020 short session? Yes, and OOST can now receive monies from such entities (it's the reason they were set up). But ideally, to avoid perception of bias and demonstrate state buy-in, funding should come from the state for the assessment.
  
- Review [timeline of assessment process](#) and discuss proposed [RFP process and procedures](#)

- STAC discusses the length of time between when the university can start to perform background work (starts August 2021) to the time that ODFW's Synthesis Report will be ready (Dec. 2021-Jan. 2022)
  - There are other materials (published journal articles, already-published ODFW reports, reports from California Ocean Science Trust regarding their assessment) that will be available to inform the selected university
- **Proposal review process (Outstanding Q1.** from RFP Process and Procedures document)
  - No guidance provided in the legislation (SB 1510), and STAC wants to ensure that it's an unbiased process – so need to be cognizant of issues like conflict of interest. Therefore, a clear review process is necessary.
  - Recommended path – think about it as 2-step process (like a competitive research proposal process). Step 1 – external review process (outside reviewers) and Step 2 – panel review composed of all STAC members to make the final funding decision
  - Discussion regarding whether external reviewers are necessary
    - Would likely help with COI
    - Does STAC have the necessary expertise to do it, and is STAC large enough to accommodate necessary recusals?
    - 2-step process is considered the “gold standard,” so considering the high-profile nature of the process, it probably makes sense to add this extra layer
    - STAC agrees that 2-step process would be preferred, and agrees that all of STAC should participate in the panel review
- **Clarification of STAC duties as selected university drafts the Final Report (Outstanding Q2.** from RFP Process and Procedures document)
  - For university's April 2022 check-in: Should it be a progress report? Will the university be far enough along to present an outline like ODFW did at the last meeting? General agreement that a progress report with an outline is a good idea.
    - There is some concern that too many deadlines may further limit the potential number of PIs responding (which may be low anyway because it's not research). Discussion of incentives for a university to do the assessment (high-profile process; contributing to the state of knowledge regarding Oregon's MR system).
    - STAC should be diligent about advertising the RFP widely to get an appropriate applicant pool.
    - STAC should likely discuss (at a later date) a contingency plan in case no PIs respond to the RFP.
  - Regarding Jan. 2022 ODFW kick-off presentation: ODFW will be ready to do the kick-off in mid-January. STAC should be present as well, and it would probably make sense to do the STAC-university check-in at the same time.
- **Which STAC member(s) will be the main point(s) of contact for the RFP process (Outstanding Q3.** from RFP Process and Procedures document)
  - All STAC members are comfortable with STAC Chair Shelby Walker serving in this capacity, and she will keep them updated.

- Question raised regarding STAC’s review of June 1, 2022. Is it a process review or a scholarly review?
  - At the check-in, STAC needs to make sure the university is staying on track with meeting goals
  - STAC needs to be careful not to insert itself in the process after working hard to keep bias out of the selection process (don’t want the perception of asking the university to change its conclusions and recommendations because STAC doesn’t like them).
  - STAC agrees on this point – it is largely a process review, not a content review.
    - Have they done what was requested in the scope of work?
    - Are the recommendations defensible?
- Finalize [criteria document](#)
  - Discuss and agree on proposed draft definitions
  - Discuss green highlighted definitions first (definitions that are likely be accepted by STAC quickly – suggested changes were based on discussions from August 2019 meeting).
    - Minor changes were explained, and STAC accepted the definitions as is for **adaptive management** and **beach access**. For **resilience** – changed “human-made” to “anthropogenic.”
  - Moving on to yellow highlighted glossary terms, which will likely need some additional discussion by STAC.
    - **Key habitats** – the definition currently included is from OPAC’s 2008 Marine Reserve Policy Recommendations. Discussion points:
      - Does rocky subtidal include cobble habitat? Should a new category that includes cobbles should be in there, or should a footnote be included to indicate that rocky subtidal could include cobble? The rocky intertidal definition in OPAC 2008 references another document (ODFW 2006), but it doesn’t seem to include cobble/gravel. Is it a key habitat that should be included?
      - D. Fox (ODFW) – the rocky subtidal definition has evolved from 2006 and now does include cobble. Cobble, although unconsolidated, is ecologically more similar to a rocky subtidal and that’s why it’s included in rocky subtidal
      - The definitions currently being considered for the Territorial Sea Plan (TSP) have been updated.
      - Instead of using to the OPAC 2008 definition, the definition should be updated. ODFW’s new definitions are derived from Goldfinger (OSU) mapping definitions (very detailed) – ODFW lumped them. STAC agrees to adopt the most current ODFW definitions; ODFW will provide this information.
      - Photic zone comment – national standard is ~30 m, but the 25 m included in the **Key habitats** definition is more accurate for Oregon.
      - A question also regarding why there’s no soft-bottom intertidal (for muddy/sandy beaches). D. Fox (ODFW) explains that reserves were purposely bounded so that sandy beaches were not included in the

reserves. There may be very small patches, but lines were purposely drawn to not include these areas. Based on this information, STAC decided that there's no need to add this to the definition.

- **Key Species** – this definition was not included in OPAC's 2008 Policy Recommendations, and STAC agreed that the term should be defined at the August 2019 meeting. ODFW provided documentation on how they were defining focal/key species to draft the initial definition. Discussion points:
  - L. Aylesworth and C. Don (ODFW) – to be determined a key species, would need to meet at least two of the criteria listed, and likely more. Limited capacity precludes biodiversity analyses of all species, so this was used to focus the potential list of species. The list was compiled using expert judgment in addition to the criteria listed in the current definition.
  - A concern raised that we don't have a full enough understanding to identify key species. C. Don (ODFW) makes the point that they have been using the term "focal" species as opposed to key species, if there is an issue with semantics. However, key species is the term that's been used consistently in the Criteria document. STAC question – why not use focal species instead? Key and focal potentially imply different things (but key is not keystone species). Can focal be added to indicate that the terms can be used interchangeably *within the context of this document*? Yes, added "key or focal" to indicate this.
  - The semicolons are confusing – do they mean or, or do they mean and? Do you have to meet all four categories? The intent was NOT that all four would have to be met. The wording could be changed to make this clearer – discussion regarding how to do that. The definition was slightly re-worded and re-punctuated to address concerns over clarity.

#### 2:40 PM

- Break

#### 2:50 PM

- Continue discussing **criteria document** - glossary
  - Definition of **significant** (with regard to social and economic impacts). This is NOT a discussion of statistical significance. Gil Sylvia provided a literature review on the topic since significant is NOT defined in in state law. Most significance background comes from federal agencies and/or acts, like National Environmental Policy Act (NEPA), which discusses context and intensity. It is not possible to come up with a threshold that works in every situation. So, it is a judgment call on the part of agencies and analysts, and if it goes to court – they determine whether the use of the word and analysis was "capricious and arbitrary." Beyond that, a judgment call.
  - Additional consideration: what was the intent of OPAC when word was used (likely came from wording of Executive Order No. 08-07). No indication that it's linked to statistical significance – more likely looking at whether there are major impacts or not. It's also important to note: NEPA is looking at what are the impacts likely to be (prediction). Here, there should be an analyses of what did happen (before and after comparison).

- G. Sylvia also points out that there is a definition in the TSP that uses the context and intensity language. The recommendation is not to adopt this definition, but it can be used for guidance. Context and intensity would need to be explained by referencing Council on Environmental Quality (CEQ).
- Whether something is “major” is largely a value judgment. Also, scale is important (an effect might be important/major at a local level, even if it would not be considered so at a statewide level, for example).
- Discussion of whether it would be appropriate or not to adopt (with changes to irrelevant wording) the TSP definition.
- Should non-use values (non-market values) be included in the definition? Many do not agree to the use of this term, it is pointed out that the intent was likely to focus on coastal communities. T. Swearingen (ODFW) points out that ODFW human dimensions research operationally uses a sociological definition of community that includes *communities of interest* as well as *communities of place* (so gets at both users and non-users). A community of interest can include those who don’t recreate or have extractive interests – but may have spiritual/emotional interest. “Other communities of interest” was added to the definition.
- STAC wants to reference both the TSP and CEQ in a footnote
- ODFW check-in with STAC regarding outstanding questions
  - No outstanding questions at this point
- Discuss [full draft of RFP](#), with emphasis on suggested edits to the following sections
  - **General information regarding proposal submission** (eligibility, conflict of interest, desired team qualifications)
    - **Eligibility information:**
      - Request to include link to ORS 352.002 (lists eligible colleges and universities)
      - Regarding language “encourage” – implies that a proposal will be scored higher if collaborators outside of Oregon are involved. STAC changes the wording to indicate that lead PIs can go outside of the state of Oregon when putting teams together, but they don’t have to do so. There is a discussion of whether the legislature intended entities from outside the state to be involved – but it is likely necessary to avoid COI, given the small marine reserves research community in Oregon and the potential for COIs.
    - **Conflict of Interest** – several changes were suggested to streamline this section and make it easier to read, and will be incorporated to RFP document after the meeting:
      - Decide to add STAC membership as another disqualifying relationship
      - Discussion that many universities do consulting work with ODFW, but it may not be MR related. But the language does say “may have a conflict.” Would it make for sense to restrict it to the Marine Resources Program (Not all ODFW)? General STAC agreement that would be ok
      - Discussion of time limits and that there are some relationships that should not be allowed on the assessment team even if the relationship was a long time age (e.g., any past employment with Marine Reserves Program).

- There should be a note encouraging PIs to seek clarity from STAC if the PI is unsure about COIs – because it is open to interpretation, the MR research community is small, and STAC doesn’t want to conflict everyone out.
- Suggestion to reorganize to two sections to try and increase number of applicants: (1) You do have a conflict if the following apply; and (2) You may have a conflict. Hopefully separating these out will make it clearer and encourage potential PIs to seek guidance in situations that are unclear
- S. Walker asks STAC to continue to reflect on this – because it is a big deal as far as the process is concerned
- **Desired team qualifications section:**
  - Discussion regarding whether it’s valuable to include team members from multiple institutions as a desired criteria to reduce subjectivity. Perhaps better to encourage multi-disciplinarity over multiple institutions? Slight wording change to indicate that teams may include individuals from other institutions outside of the state of Oregon.
  - “Human dimension of natural resources” changed to “Other social sciences”
- **Proposal development and submission**
  - Discussion of what lead PIs and teams need to submit in response to the RFP. Changes include:
    - Decision to get remove request to PIs to provide potential external reviewers
    - Add a provision asking PIs and other team members to provide a Conflict of Interest declaration (a template could be provided)
    - Decision regarding whether to remove the Data and Data Sharing provision that could require a Data Management Plan (won’t be needed even if the team elects to do re-analyses. It’s just new analyses, not new data being generated). Decision – remove the Data and Data Sharing provision
    - This leads to a discussion of the preamble and what is being requested of the teams. The way the current objectives are laid out make it seem like the policy recommendations are a secondary objective. The statute doesn’t really place an order of importance, so likely makes sense to pull the bolded last sentence up into the objectives (for three total), and not call them objectives. Change wording to “The final report should determine:”
    - So, in the Work Plan – need to request information from PI/teams regarding how they will approach making policy recommendations. It’s pointed out that this may be difficult to know in advance, but they should be able to provide a general approach for policy recommendation development
    - Question re: Project Approach/Work Plan – it may be difficult to address this part without the ODFW Synthesis Report. Will the outline provided in the RFP be more detailed than the one presented to STAC? Possibly. But, there is a lot of information available to the team even without the ODFW Report (e.g. ODFW already has published several technical reports, monitoring updates, etc.).
- **Evaluation process/criteria for selection**

- Rubric for scoring – STAC discussion regarding whether the point allocation in the initial RFP draft seems appropriate.
      - Under **1. Project Approach** – suggestion to weigh **1a. Technical Aspects** more heavily (changed to 30) and reduce points total for **1b. Collaborative Process** (changed to 15)
      - Also, assign slightly more weight to **2. Roles, Responsibilities, and Team Qualifications** (changed to 35 total)
      - **3. Feasibility – 3b. Potential impact** seems slightly redundant. First sentence removed to focus on policy impact, and reduced to 10 points.
- Dick Vander Schaaf, The Nature Conservancy, provided a brief update on an upcoming 2020 marine reserves workshop
  - TNC will be hosting a Marine Reserves Network Design workshop (Size and Spacing 2.0) in Corvallis – invited 2-day workshop with ~50 participants
    - Climate change will be factored in (not really considered in the first 2008 Size and Spacing workshop)
    - California will be involved (want it to inform regional west coast management)
  - Looking at early March, and attempting to determine dates that don't work for STAC members and other likely participants
  - Packard Foundation is funding the workshop
- Topics for next meeting; tentatively schedule
  - Could attempt to have STAC meeting coincident with the workshop
  - Look at the week of the 3/16/20?
  - Possible topics – revisit/update the RFP; start considering external reviewers; check in with ODFW regarding potential topics

**5:00 PM**

- Adjourn