

Opposition to SB1510 and Marine Reserves.

February 2nd, 2012

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MEASURE: SB 1510
EXHIBIT: 7
2012 SESSION S ENV. & NAT. RESOURCES
DATE: 2-2-12 PAGES: 14
SUBMITTED BY: Bob Horning

Dear Legislators,

What is the purpose of this law? The arguments I have heard from the proponents is that it is for fish preservation and that Marine Reserves have worked very well in other areas. Trouble is these same folks fail to tell you that these areas are in countries that have no fishing regulations, so of course the Marine Reserves are needed there.

Proponents also say that this is to protect all species and not single species regulations like Oregon Department of Fish and Wildlife. Yet contrary to proponents arguments, during multiple Marine Reserves meetings ODFW stated that Oregon Marine Reserves were not for fish enhancement, not to preserve any species, but simply to set aside areas just to leave them natural.

Also contrary to proponents arguments ODFW also stated at the Marine Reserves meeting it does protect all species and enhances them through multiple layers of regulations and closed areas. Exhibit # 1, Area-Based Fishing Regulations was presented by ODFW at one of the meetings, and exhibit # 2, Fish Trawling Closed Areas is a map of areas off the coast closed to trawling. To enhance fish species, most of the 200 mile U.S. controlled waters is already closed for bottom trawling through fishing regulation. 97% of this zone is closed to sport and commercial bottom fishing most of the year, and there are multiple layers of regulation for other types of fishing. These regulations are based on scientific reasons.

So if the Marine Reserves are not for saving or enhancing any species, why are we going to place these areas off limits to us and our fishermen? The simple and truthful answer is one word: Politics. This has been a politically driven process that has little or nothing to do with need or science. There are two political factors; one, the last two governors have wanted this for their own political reasons, and two, the threat from the PEW Foundation, or Oceana, to lock up even more ocean through a ballot measure. The PEW Foundation is an out of state environmental special interest group that wants at least a total of 31 sites to be off limits (exhibit # 3) besides any established Marine Reserves. This was acknowledged by them in their magazine which was published in August of 2010. SB1510 is simply a camel nose under the tent for Oceana, for they themselves say they want much more of our Oregon coast line locked up. Last year during a hearing on HB2009 Representative Boone asked if they passed it would Oceana still sue for more sites and the representative refused to give an answer, even though asked twice by Representative Boone.

These politics have been driving the entire Marine Reserves process. In 2009 legislators authorized stakeholder groups and the study of Marine Reserves through HB3013. These stakeholder groups were weighed heavily against the working class, the fishermen, both commercial and recreational. The working class stakeholders, who will bear 100% of the cost of this action, had only 25% of the representation in these discussions and heavily oppose Marine Reserves but were out voted.

A prime example of the discrepancy of the make up of stake holders is one of the stake holders who represented a water district who is also a surfer from California. He told me that he was someone who pushed hard for Cape Falcon to be considered for Marine Reserves because while surfing he did not want to see any boats on HIS ocean. Another disturbing trend observed during the Marine Reserves meetings was the way that ODFW and the facilitator of the meetings nudged the discussion along in a way that the outcome was inevitable. Promising a full array of options to vote on at the end of the meetings including the option of voting for no Marine Reserves, the only options actually presented was either the original design or one that was slightly smaller. The promised option of No Marine Reserves did not happen even though there was a call for such a vote.

All of this brings us back to what is the purpose of this law. A question that each of you should ask: Will this law help our local communities and the enhancement of fish species? In the fall of 2007 the Association of Oregon Counties (AOC) unanimously said this (and more, see exhibit # 4) about Marine Reserves:

Whereas, there are few scientific data that could lead to a conclusion that Marine Reserves are desirable or necessary for protecting sea life off the Oregon coast, even if it were concluded that marine reserves might be a worthwhile experimental management enhancement; and

Whereas, designation of Marine Reserves, will reduce fishing and the harvest of ocean products, which will inevitably result in reductions in employment and the social and economic well-being of Oregon and which, following losses brought by the continuing political and judicial controversy of forest management, would become another major loss to our citizens' well-being.

While the supposal PEW Foundation ballot threat is of concern, I believe that if the legislators acted as the Association of Oregon Counties did in November 2007 and unanimously opposed Marine Reserves, the PEW Foundation would not stand a chance with Oregon voters.

To be sure, this in time is a jobs killing bill, a bill that will have repercussions through our economy, affecting everything on our coastal communities, including how much money our schools get through the jobs that our fishermen may or may not have. Something this drastic, locking up large parts of the ocean from harvest and killing many family wage jobs, needs to be for a very good reason, not just politics. There is nothing in here that protects our hard working families, there is no mitigation, no new areas open to fish, no compensation, no sunset clause if this is all for not. Once informed, I can not believe that people will not be outraged at this atrocity, especially in these hard economic times. Everyone should demand that Oregon stick to science, stick to the regulations that are there to protect species and that also allow reasonable, responsible harvest.

In conclusion I ask the legislators to say no to the politics, no to outside of State special interests, no to Marine Reserves, no to making life harder for our middle class workers. And if this bill does go forward, I ask for mitigation and the best representation you can give to our hard working families that are putting food on our table.

Sincerely,
Bob Horning

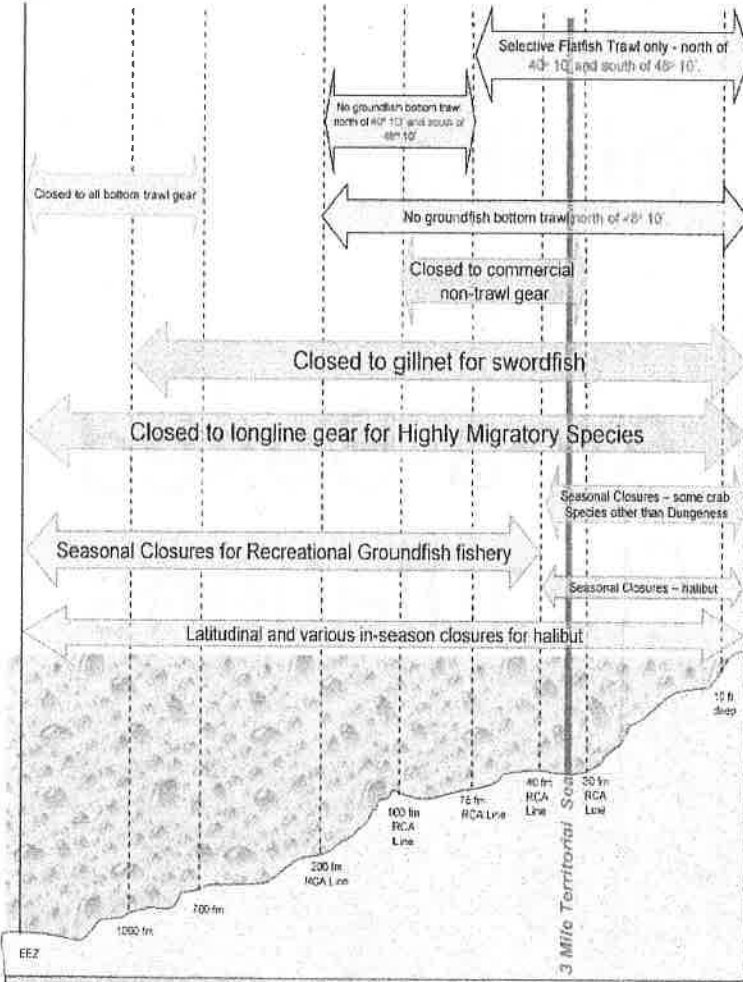
Exhibit 1:

ODFW Area-Based Fishing Regulations

EEZ
WESTERN
BOUNDARY

AREA - BASED FISHING REGULATIONS*

SHORE



- 2008 Commercial Groundfish Bottom Trawl**

Rockfish Conservation Areas (RCA)

 - Shore - RCA 75, between 48° 10' and 48° 10'. Selective Flatfish Trawl Only.
 - RCA 75 - RCA 200, between 48° 10' and 48° 10'. Closed to groundfish bottom trawl gear. Sight RCA adjustments from Nov - Feb; major adjustments May - June.
 - Shore - RCA 200, Sept - April; north 48° 10'. Closed to groundfish bottom trawl gear.
 - Shore - RCA 150, May - August; north 48° 10'. Closed to groundfish bottom trawl gear.
 - Some RCA's may not be included here.
- Essential Fish Habitat (EFH) Conservation Areas**

 - 700 fm to western boundary of EEZ. Closed to all bottom trawl.
 - Nine rocky banks: Closed to all bottom trawl (not in diagram).
 - Seamounts: Closed to all bottom contact gear (not in diagram).
- Commercial Non-Trawl Spatial Regulations**

 - Shore - RCA 40 fm: seasonal closure for some crab species other than Dungeness.
 - RCA 20 - 100, 20 - 125, 20 - 125, or otherwise - 100, closed to commercial non-trawl gear (longline, pot, jig, etc.).
 - Shore - 1,000 fm: closed to potnet for swordfish.
 - 1,000 fm - 75 km: Additional seasonal closure to gillnet for swordfish (not in diagram).
 - Shore - 125°W longitude, south of 45°N latitude: seasonal closure to drift gillnet for all species (not in diagram).
 - Entire EEZ closed to Highly Migratory Species longline gear.
 - Regulations not represented for non-trawl commercial black rockfish and commercial salmon fisheries. Some EEZ's are not represented.
- Recreational Bottomfish Spatial Regulations**

 - RCA 40 fm - EEZ: seasonal closures for groundfish.
 - Shore - RCA 40 fm: latitude and seasonal closures for halibut.
 - Shore - EEZ: latitude and various in-season closures for halibut.
 - Yelloweye RCA: always closed to groundfish and halibut (not in diagram).
 - Regulations not represented for recreational salmon fishery.
- Nearshore and Shoreline State-Designated Spatial Regulations for Shellfish and Invertebrates (not presented in diagram)**

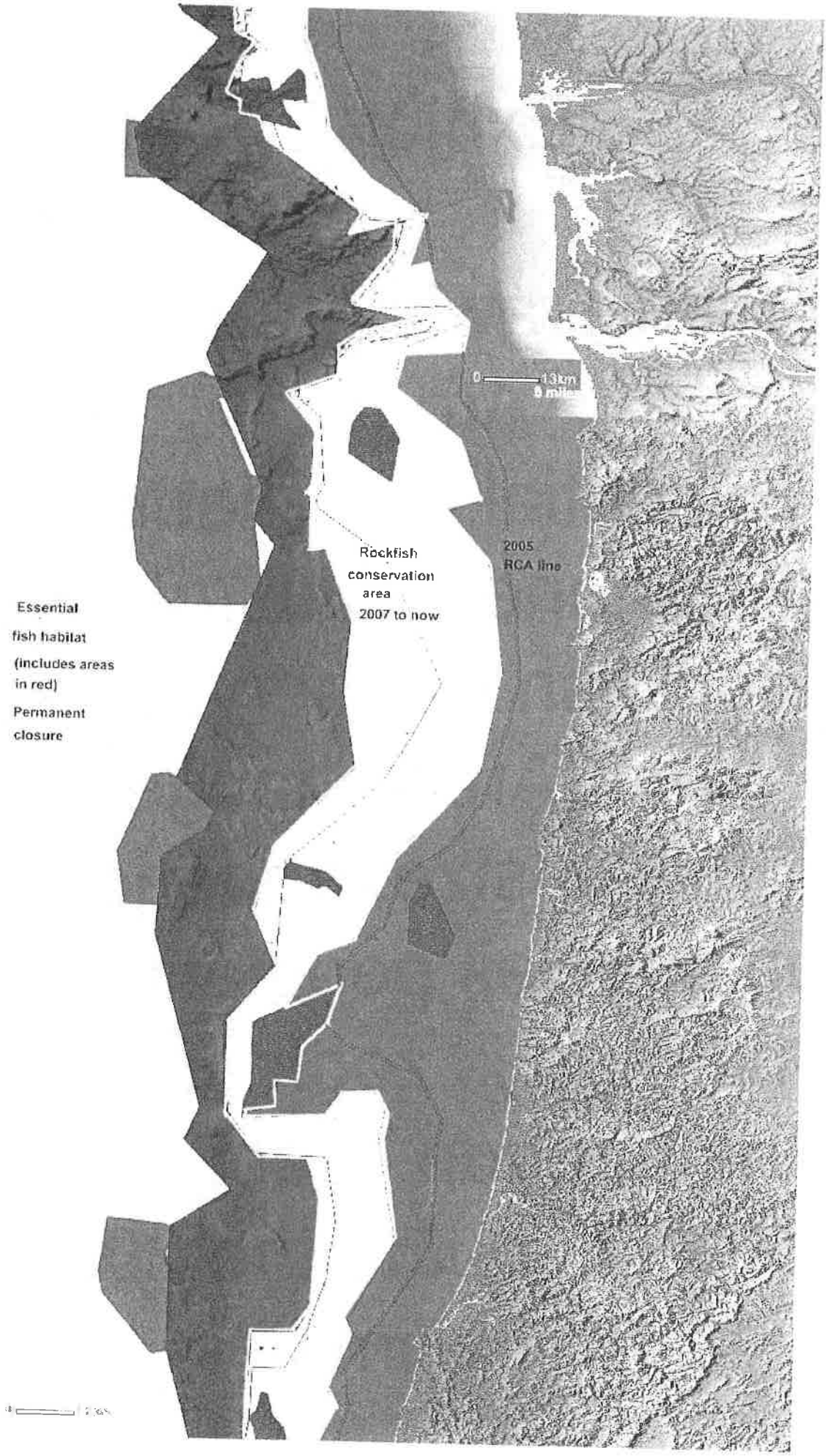
 - Marine Gardens: Closed to commercial, recreational and scientific take of marine invertebrates and shellfish.
 - Habitat Refuge (WVA Cove): Closed to harvest of fish, invertebrates and shellfish.
 - Subtidal Research Reserve: Closed to commercial and recreational harvest of marine invertebrates and shellfish. Scientific collection allowed by permit.
 - Intertidal Research Reserve: Closed to commercial and recreational harvest of marine invertebrates and shellfish. Some edible shellfish species allowed for recreation. Scientific collection allowed by permit.
 - Clatsop Co. Beaches (e. of Tillamook Head): seasonally closed to commercial and recreational razor clam harvest.
 - State Park Beaches (e. of Tillamook Head): closed to commercial clam harvest.
 - Shore - 10 feet water depth: closed to commercial urchin harvest.
 - Orford Reef: Seasonal closure to commercial urchin harvest.
 - Pyramid Rock (Rogue Reef): Seasonal closure to commercial and recreational harvest of fish, shellfish, and invertebrates within 1,000 ft. of Rock.
 - Rogue River Mouth: Closed within a 1/2 mile radius to commercial fish harvest.
 - Three Arch Rocks National Wildlife Refuge: seasonally closed to boats within 500ft.

* This diagram portrays some area-based fishery regulations as of March 2008. Explanation of regulations may be simplified for graphical representation. Not all regulations are included in diagram. RCA's are valid until May 2008. Fishery regulations are subject to change throughout the year. This diagram is not an official reference for current fishery regulations.

Exhibit 2:

Fish Trawling Closed Areas:

Essential Fish Habitat
(Permanent Closure) &
Rockfish Conservation
Area (Area changes
slightly in size, depending
on species population).
One map is zoomed into
the Oregon coast, the
other is out to the 200
mile limit.



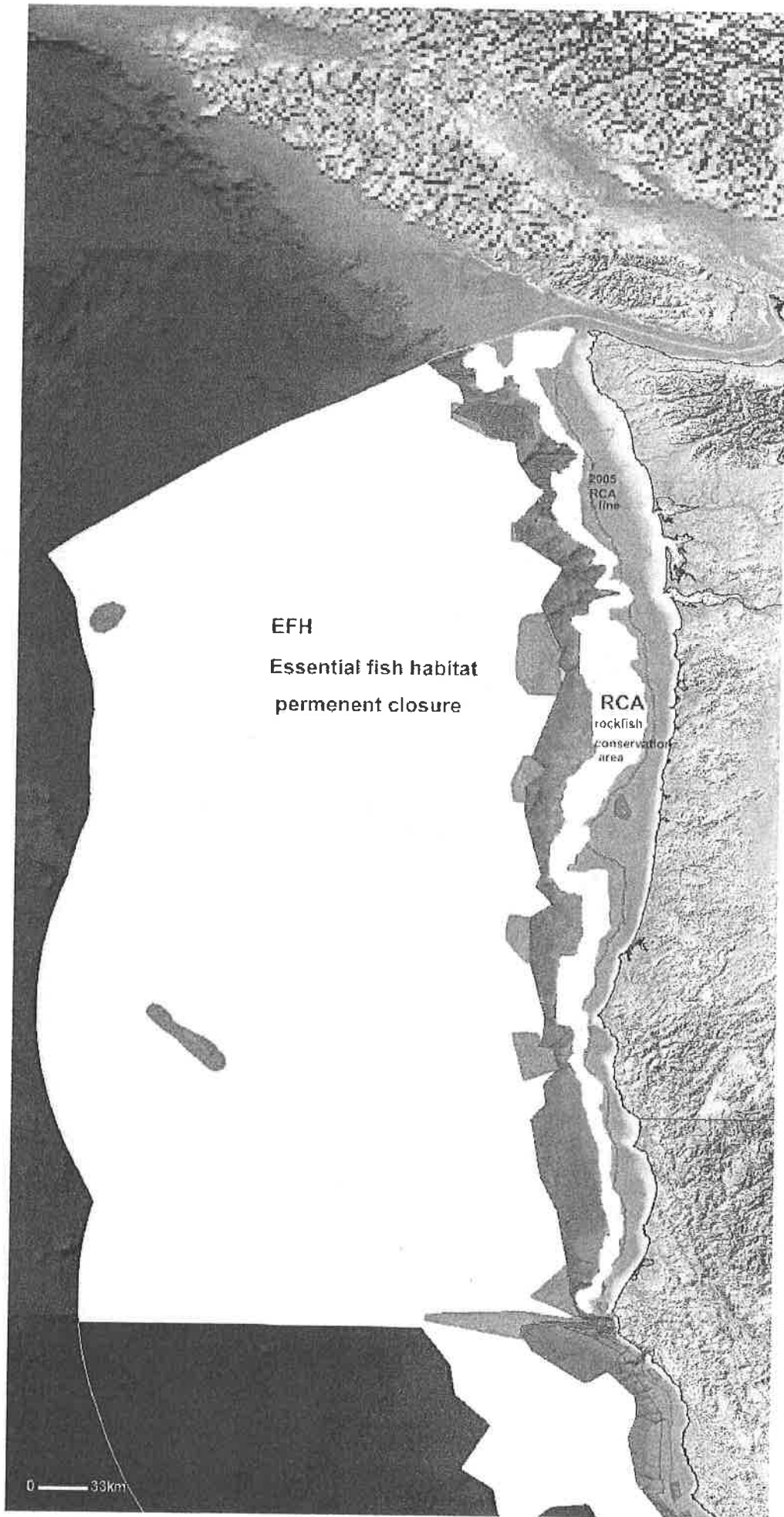
Essential
fish habitat
(includes areas
in red)
Permanent
closure

Rockfish
conservation
area
2007 to now

2005
RCA line

0 13 km
8 miles

0 13 km
8 miles



EFH
Essential fish habitat
permanent closure

2005
RCA
line

RCA
rockfish
conservation
area

0 — 33km

Exhibit #3:

Oceana's (Pew Foundation) list of 31 coastal areas that it wishes to close in addition to Marine Reserves, instead calling them "Important Ecological Areas"

31 Important Ecological Areas off the Oregon Coast

Tillamook Head to Cape Falcon

1. Tillamook Head
2. Cape Falcon

Cape Meares to Cape Kiwanda

3. Cape Meares
4. Three Arch Rocks
5. Cape Lookout
6. Cape Kiwanda

Cascade Head to Seal Rock

7. Cascade Head
8. Nelscott and Siletz Reefs
9. Boiler Bay and Boiler Ridge Reef
10. Cape Poulweather to Otter Rock
11. Yaquina Head
12. Seal Rock

Cape Perpetua to Heceta Head

13. Cape Perpetua
14. Heceta Head

Siletcoos to Tenmile Creek

15. Siletcoos and Tahkenitch
16. The Umpqua to Ten Mile Creek

Cape Arago to Coquille Reef

17. Cape Arago
18. Seven Devils/ Five Mile Point
19. Coquille Reef

Cape Blanco and the Orford Reef Area

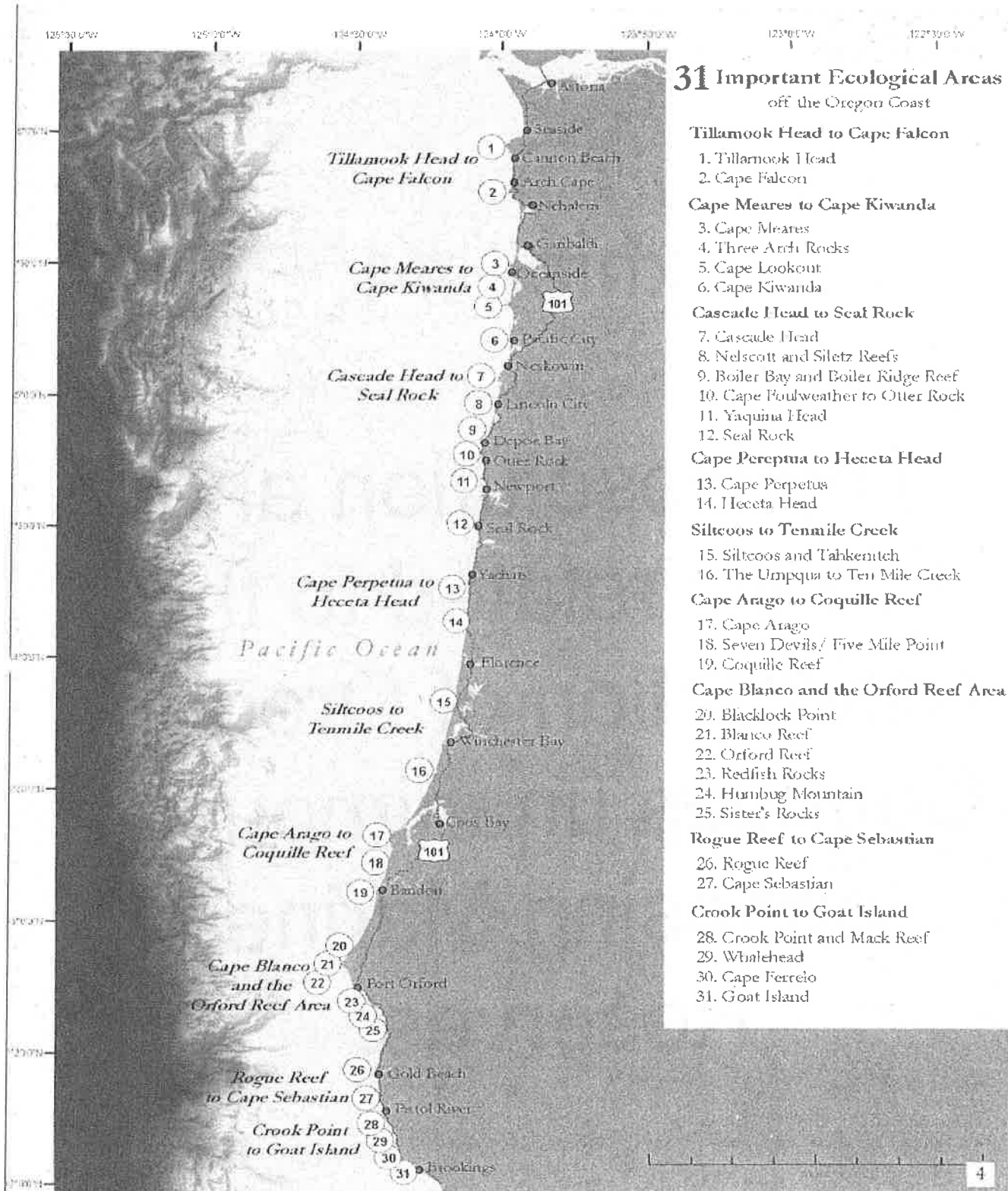
20. Blacklock Point
21. Blanco Reef
22. Orford Reef
23. Redfish Rocks
24. Humbug Mountain
25. Sister's Rocks

Rogue Reef to Cape Sebastian

26. Rogue Reef
27. Cape Sebastian

Crook Point to Goat Island

28. Crook Point and Mack Reef
29. Whalehead
30. Cape Ferreio
31. Goat Island



31 Important Ecological Areas off the Oregon Coast

Exhibit #4:

The Resolution and
Emails related to the
Association of Oregon
Counties unanimously
opposing Marine
Reserves.

Donna Clarke

From: John Griffith [jgriffith@co.coos.or.us]
Sent: Friday, November 16, 2007 11:22 AM
To: 'David N. Allen'; 'Gregory McMurray'; 'Jack Brown'; 'James Pex'; 'Orno Husing'; 'Terry Thompson'; 'Robert Kenita'; 'Jessica Hamilton'; 'Ann Miles'; 'Jim Hastreiter'; 'Frank Warrens'; 'Fred Sickler'; 'Bob BAILEY'; 'Cora R Parker'; 'Maurice Hill'; 'Robin Hartmann'; 'Cathy Tortanci'; 'Scott McMullen'; 'Jay Rasmussen'; 'Bradley Pettinger'; 'Jim Bergeron'; 'Angela Parker'; 'Dalton K Hobbs'; 'Greg Pettit'; 'Hal Weeks'; 'James Myron'; 'Jeff Samuels'; 'Jonathan Allan'; 'Ken Niles'; 'Louise C Soliday'; 'Marvin Brown'; 'Michael Carner'; 'Michael W Graine'; 'Patty M Burke'; 'Paul Donheffner'; 'Philip C Ward'; 'Randy H Henry'; 'Roy Elicker'; 'Steve Shipsey'; 'Tim Wood'; 'Tom Byler'; 'Vicki McConnell'; 'Martin Hudson'; 'Rudd A NWD Turner'; 'Captain Patrick Gerny'; 'Jim Good'
Cc: 'Paul Engelmeier'; 'Ralph Brown'; 'Kevin Stufflebean'; 'Nikki Whitty'; 'Lucie LaBonte'; 'Georgia Knowlin'; 'Marilyn Schafer'; 'Debbie Mendenhall'; 'Donna Clarke'; 'Laura A. Duncan'; 'Bill Dwyer'; 'Bill Fleenor'; 'Bobby Green'; 'Faye Stewart'; 'Peter Sorenson'; 'Jack Barth'; 'Richard Hildreth'; 'David Sampson'; 'Selina Heppell'; 'Tim Hirsch'; 'Cristen N Don'; 'Jeff Kroft'; 'Laurel Hillmann'; 'Craig Young'; 'Ginny Goblirsch'; 'Don Mann'; 'Bernie Bjork'
Subject: RE: Governor's Statement

After a lively discussion, the Association of Oregon Counties, in concluding its weeklong annual conference with its general business meeting yesterday in Portland, passed a resolution that reads in its final paragraph: "Now, therefore, be it resolved that the Association of Oregon Counties stands opposed to the current process for designating marine reserves in Oregon's Territorial Sea, and requests that the Governor of Oregon suspend the process and recognize and respect the regional differences that identify our great State, and discuss proposals such as marine reserves with the communities and people who would be most affected by them. Those of you who are keeping score might want to contact the AOC for a copy for your file."

19

From: David N. Allen [mailto:dallen@actionnet.net]
Sent: Friday, November 16, 2007 9:42 AM
To: 'Gregory McMurray'; 'Jack Brown'; 'James Pex'; 'Orno Husing'; 'Terry Thompson'; 'Robert Kenita'; 'Jessica Hamilton'; 'Ann Miles'; 'Jim Hastreiter'; 'Frank Warrens'; 'Fred Sickler'; 'Bob BAILEY'; 'Cora R Parker'; 'Maurice Hill'; 'Robin Hartmann'; 'Cathy Tortanci'; 'Scott McMullen'; 'Jay Rasmussen'; 'Bradley Pettinger'; 'Jim Bergeron'; 'Angela Parker'; 'Dalton K Hobbs'; 'Greg Pettit'; 'Hal Weeks'; 'James Myron'; 'Jeff Samuels'; 'Jonathan Allan'; 'Ken Niles'; 'Louise C Soliday'; 'Marvin Brown'; 'Michael Carner'; 'Michael W Graine'; 'Patty M Burke'; 'Paul Donheffner'; 'Philip C Ward'; 'Randy H Henry'; 'Roy Elicker'; 'Steve Shipsey'; 'Tim Wood'; 'Tom Byler'; 'Vicki McConnell'; 'Martin Hudson'; 'Rudd A NWD Turner'; 'Captain Patrick Gerny'; 'Jim Good'
Cc: 'Paul Engelmeier'; 'Ralph Brown'; 'John Griffith'; 'Kevin Stufflebean'; 'Nikki Whitty'; 'Lucie LaBonte'; 'Georgia Knowlin'; 'Marilyn Schafer'; 'Doug Robertson'; 'Marilyn Kittelman'; 'Joe Laurance'; 'Bill Dwyer'; 'Bill Fleenor'; 'Bobby Green'; 'Faye Stewart'; 'Peter Sorenson'; 'Jack Barth'; 'Richard Hildreth'; 'David Sampson'; 'Selina Heppell'; 'Tim Hirsch'; 'Cristen N Don'; 'Jeff Kroft'; 'Laurel Hillmann'; 'Craig Young'; 'Ginny Goblirsch'; 'Don Mann'; 'Bernie Bjork'
Subject: RE: Governor's Statement

Thanks, Greg. In preparing for the Nov. 30 OPAC meeting, including a review of the governor's statement and Jessica's comments below, questions such as the following come to mind regarding the council's duty to advise under ORS 196.44(1):

1. Is OPAC in fact required to provide a recommendation to proceed with the proposed nomination process?
2. Or can OPAC instead, as a separate advisory body under statute, determine whether other options are more viable?

I bring this up given the numerous resolutions and other position statements received from coastal counties, cities, and ports over the past several months. And, in particular, in light of the state policy under ORS 196.42(6) that OPAC is to work closely with coastal local governments on such issues. Thanks.

11/19/2007

ASSOCIATION OF OREGON COUNTIES

RESOLUTION 2007 - F__

MARINE RESERVES

WHEREAS, the State of Oregon is moving to establish a network of no-fishing Marine Reserves in Oregon's three mile-wide Territorial Sea; and

WHEREAS, no problem has been identified, no analysis of Oregon's current management of ocean resources has been requested, and no discussion of available enhancements to management have been discussed; and

WHEREAS, there are few scientific data that could lead to a conclusion that Marine Reserves are desirable or necessary for protecting sea life off the Oregon coast, even if it were concluded that marine reserves might be a worthwhile experimental management enhancement; and

WHEREAS, Oregon's coastal communities are essential to the health of our region as a whole, and a substantial part of the region's economic base is derived from the sea; and

WHEREAS, Oregon counties, particularly those with Pacific Ocean coastlines, and the State of Oregon and the Federal Government have invested millions of dollars of taxpayer money to dredge channels for ship access, to build and maintain docks and related public infrastructure, worked to support the fishing and crabbing industries, and related businesses; and

WHEREAS, designation of Marine Reserves, will reduce fishing and the harvest of ocean products, which will inevitably result in reductions in employment and the social and economic well-being of Oregon and which, following losses brought by the continuing political and judicial controversy of forest management, would become another major loss of our citizens' well-being; and

NOW, THEREFORE, BE IT RESOLVED that the Association of Oregon Counties stands opposed to the current process for designating Marine Reserve in Oregon's Territorial Sea, and requests that the Governor of Oregon suspend the process and respect the regional differences that identify our great state, and discuss proposals such as Marine Reserves with the communities and people who would be most affected by them,

Donna Clarke

From: Marilyn Schafer [SchaferM@co.cury.or.us]
Sent: Tuesday, October 23, 2007 1:44 PM
To: Gregory McMurray; David Allen; Paul Engelmeyer; Jack Brown; James Pex; Ralph Brown; Onno Husing; Terry Thompson; Jack Barth; Robert Kenita; Jessica Hamilton; Ann Miles; Jim Hastreiter; Frank Warrens; Fred Sickler; Richard Hildreth; Bob BAILEY; Paul KLARIN; Cora R Parker; Maurice Hill; Robin Hartmann; Cathy Tortorici; Scott McMullen; David Sampson; Jay Rasmussen; Selina Heppell; Bradley Pettinger; Jim Bergeron; Angela Parker; Dalton K Hobbs; Greg Pettit; Hal Weeks; James Myron; Jeff Kroft; Jeff Samuels; Jonathan Allan; Ken Niles; Louise C Soliday; Marvin Brown; Michael Carner; Michael W Graine; Patty M Burke; Paul Donheffner; Phillip C Ward; Randy H Henry; Roy Elicker; Steve Shipsey; Tim Wood; Tom Byler; Vicki McConnell; Craig Young; Martin Hudson; Captain Patrick Gentry; Jim Good
Cc: John Griffith; Kevin Stufflebean; Nikki Whitty; Luke LaBonte; Georgia Nowlin; Debbie Mendenhall; Donna Clarke; Laura A. Duncan; Bill Dwyer; Bill Fleenor; Bobby Green; Faye Stewart; Peter Sorenson
Subject: RE: Resolution on Marine Reserves from the Port of Siuslaw - FYIOnly

Hi Greg,

Yesterday at the District 4 (Coos, Curry, Douglas, Josephine, and Jackson Counties) board meeting we approved a Resolution that will be sent to the Association of Oregon Counties Resolution Committee, at the annual conference the week of November 12th, for approval that will allow the Association of Oregon Counties to get involved in this issue with our staff and resources. This is a huge issue not only for the Coast but as Josephine and Jackson County Commissioners said, this is another take by the state instead of local input it is from the top down with no consideration of our economies. Our resolution is very similar to yours.

We need to band together tightly on this issue and I am so glad you sent a copy of this to us. I am making sure that our Executive Director Mike McArthur gets a copy of it also.

Marilyn

From: Gregory McMurray [mailto:Gregory.Mcmurray@state.or.us]
Sent: Tuesday, October 23, 2007 9:18 AM
To: David Allen; Paul Engelmeyer; Jack Brown; James Pex; Ralph Brown; Onno Husing; Terry Thompson; Jack Barth; Robert Kenita; Jessica Hamilton; Ann Miles; Jim Hastreiter; Frank Warrens; Fred Sickler; Richard Hildreth; Bob BAILEY; Paul KLARIN; Cora R Parker; Maurice Hill; Robin Hartmann; Cathy Tortorici; Scott McMullen; David Sampson; Jay Rasmussen; Selina Heppell; Bradley Pettinger; Jim Bergeron; Angela Parker; Dalton K Hobbs; Greg Pettit; Hal Weeks; James Myron; Jeff Kroft; Jeff Samuels; Jonathan Allan; Ken Niles; Louise C Soliday; Marvin Brown; Michael Carner; Michael W Graine; Patty M Burke; Paul Donheffner; Phillip C Ward; Randy H Henry; Roy Elicker; Steve Shipsey; Tim Wood; Tom Byler; Vicki McConnell; Craig Young; Martin Hudson; Captain Patrick Gentry; Jim Good
Cc: John Griffith; Kevin Stufflebean; Nikki Whitty; Luke LaBonte; Georgia Nowlin; Marilyn Schafer; Doug Robertson; Marilyn Kittelman; Joe Laurance; Bill Dwyer; Bill Fleenor; Bobby Green; Faye Stewart; Peter Sorenson
Subject: Resolution on Marine Reserves from the Port of Siuslaw - FYIOnly

OAPC members-

Scott McMullen has directed me to circulate this resolution on marine reserves forwarded to us from the Port of Siuslaw.

10/23/2007

In the Matter of Opposing the Establishment of Marine Reserves]
within Oregon's Territorial Sea and Supporting the Protection of] RESOLUTION
the Recreational and Commercial Fishing Industries]

Whereas, the State of Oregon is moving in haste to establish a network of State Marine Reserves (SMR) along the Oregon coast in State waters; and

Whereas, Douglas County's coastal communities are essential to Douglas County, and a substantial part of the region's economic base is derived from the sea; and

Whereas, there is no evidence that scientifically demonstrates Marine Reserves are desirable, necessary, or even beneficial in protecting sea life off the Oregon coast, and

Whereas, Douglas County, the State of Oregon and the Federal Government have invested millions of dollars of taxpayer's money to dredge channels for ship access, build and maintain docks, and to support the fishing and crabbing industries, and

Whereas, resource based industries in Douglas County have already been severely damaged by flawed decisions based not upon sound science but rather on politics and subjective feelings, and

Whereas, Douglas County's coastal communities should not be subject the creation of unscientific "ocean wilderness set asides".

Whereas, the proposed Marine Reserves which extend to the high tide line, may restrict or eliminate entirely the public's access to sections of the beach and ocean;

Whereas, the current nomination process is premature since the Ocean Policy Advisory Council has not defined a set of scientifically based criteria to guide the public in a marine reserve selection process or program; and,

Therefore, be it resolved, that we, the Douglas County Board of Commissioners, are opposed to the State of Oregon's program for Marine Reserves in Oregon's Coastal waters.

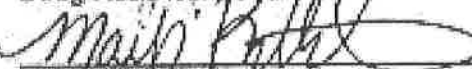
Be it further resolved, that the State of Oregon should respect the people of Oregon, who have utilized ocean resources for generations, and, in doing so, abandon consideration of this unscientific proposal.

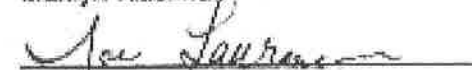
Therefore, The Douglas County Board of Commissioners is in opposition to the current proposal and deems Marine Reserves as detrimental to the economy and historical lifestyle of the people of Douglas County.

Dated this October 17, 2007

BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, OREGON


Doug Robertson, Chair


Marilyn Kitefman


Joe Laurance

DOUGLAS COUNTY OREGON
FILED

OCT 18 2007

BARBARA THOMPSON COUNTY CLERK