

**PORT OF NEWPORT**  
**MINUTES**  
**October 28, 2008**  
**Combined Work Session and Regular Meeting**

**I. CALL TO ORDER**

In the absence of Commission President Rob Halverson, Vice-President Ginny Goblirsch called the combined work session and regular meeting of the Port of Newport Board of Commissioners to order at 6:00 p.m. in the Port Conference Room, the same being within the boundaries of the Port District.

**II. INTRODUCTIONS**

**Commissioners Present:** Ginny Goblirsch, Vice-President; Dean Fleck, Secretary; Don Mathews, Treasurer; JoAnn Barton, Assistant Secretary-Treasurer.

**Commissioners Excused:** Rob Halverson, President.

**Port of Newport Management and Staff:** Don Mann, General Manager; Patti Britton, Director of Finance; Kevin Bryant, Commercial Marina Harbormaster; Pete Dale, Project Manager; Kent Gibson, Port Operations; Maureen Keeler, Special Projects Manager; and Patty Benjamin, Administrative Assistant.

**Others Present:** Bill Barton, Newport resident; Tracy Burchett, Yale Fogarty, Pat Ruddiman, and Rodney Worman, ILWU Local 53; Craig Cochran, commercial fisherman; Jean Cowan, Oregon House of Representatives; Chuck Gerttula and Bud Shoemake, Port of Toledo Jim Hawley, Lincoln County Emergency Services; Roy Hageman and Jack O'Brien, Near Shore Action Team; Heather Mann, Commercial Fisheries Consultant/Director, Seafood Consumer Center; Rob Mills, Seal Rock resident; Terry Obteshka, Newport City Council; Bill Olivera, Trident Seafoods; Morgan Rider, Ecology & Environment, Inc.; Mike Schmid, KPFF Consulting Engineers; Jim Shaw, South Beach resident; Dave Wright, Pacific Shrimp.

**III. MINUTES**

- A. **Work Session—September 23, 2008.**
- B. **Regular Meeting—September 23, 2008.**
- C. **Special Meeting—October 13, 2008.**

Commissioner Barton said that she had comments on the minutes but did not have her meeting binder with her notes in it, so she asked that action on the minutes be delayed until the next Port meeting. However, arrangements were made to retrieve her binder and the minutes would be considered later in the meeting.

**IV. FINANCIAL STATEMENTS**

A. **Financial Reports.** Finance Director Patti Britton asked for questions on her written report or the financial statements, which included Current Assets and Liabilities, Revenue Statement, Expense Statement, Departmental Revenue and Expense Statements Terminal Revenue and Expense Statements year-to-date. Hearing none, a motion was called for on the financial reports and accounts paid.

B. **Accounts Paid.**

Commissioner Fleck moved to approve the Financial Statements and Accounts Paid, Check Nos. 11232-11243/Construction Fund and Check Nos. 28005-28133/Operating Account. Commissioner Mathews seconded the motion and it passed 4-0.

**V. PUBLIC COMMENT**

Tracy Burchett, ILWU Local 53, reported that during 2008 contract negotiations he had the opportunity to meet with shipping companies as a small port representative up and down the West coast. During those meetings he learned that there is a big demand for break bulk cargo ports, since the larger containerized ports no longer have the facilities to deal with it. He said shipping companies are now looking at the small ports that have docks close to the shipping lanes, and Burchett said that would put Newport, with its new cargo dock, at a tremendous advantage. He said: "If the dock is built, the shipping will come." In answer to a question from

Commissioner Barton, Burchett explained that break bulk cargo can be anything from steel to clothes to park benches. He said it is cargo that is not packaged inside a container can but is carried in the open hold of a ship. Yale Fogarty presented General Manager Mann with a letter from PMA to the ILWU president, committing to meet within 180 days of ratifying the contract agreement with a focus on promoting non-container operations and attracting new work for small ports. In answer to a question from Commissioner Mathews, Fogarty explained how break bulk cargo is handled while it is on the ship and how it is removed at the dock. Commissioner Barton asked Representative Jean Cowan if there are plans to “beef up” the transportation infrastructure in Newport relative to moving cargo, and Representative Cowan said she couldn’t make any promises about what would happen during the next session, but transportation infrastructure improvements are definitely “front and center on the agenda”.

**VI. STAFF REPORTS** (\* Indicates no questions or additional comments.)

**A. Department Reports.**

- **Betty Ballhorn, Marina Office Supervisor\***
- **Kevin Bryant, Commercial Marina Harbormaster\***
- **Pete Dale, Project Manager\***
- **Maureen Keeler, Special Projects Manager\***
- **Ron Smith, Terminal Manager\***
- **Chris Urbach, South Beach Marina Harbormaster\***

**B. General Manager.**

In answer to a question from Commissioner Goblirsch, General Manager Don Mann explained that the Port is providing temporary mobile office space for the US Customs and Border Protection officer until the GSA lease contract is renegotiated in May. New permanent office space will probably not be available by then but the lease on the mobile office can be extended.

Mann reported that Newport had been included in the geographic response area to be part of the solicitation for the NOAA home port project, and asked for direction from the commission to request a complete package of the solicitation notice as the next step in the process. He said he appreciated the support of Oregon’s congressional delegation and Senator Joanne Verger and Representative Jean Cowan as the Port of Newport pursued the project, and said he thought the meeting that he and Commissioner Halverson had with NOAA officials in Silver Spring, MD last March had been key to Newport’s being on the “geographic short list”. It was the consensus of the commission that Mann should request a complete package of the solicitation notice and that the Port should participate in the next phase of the process.

The General Manager said that he and Commissioner Halverson had met with Wilburn Hall and his daughter, Margaret Hall, to discuss extending the lease on the 39-acres that the Port leases from Rondys, Inc. He said the Halls are interested in extending the lease but would prefer to wait until closer to the expiration date of June, 2012. He said there was also a discussion about using additional Hall property for dredge disposal and as part of the mitigation plan for the Terminal Renovation Project. Mann also reported on discussions with ODFW and NMFS relating to deep water habitat mitigation, and said a filled area on west McLean Point was under consideration as a possibility. The area is in line with the direct current and Mann said he thought it would work, if deep water was created and then maintained itself without dredging. Kim Gould from SWCA had made contact with ODFW and NMFS to discuss the proposed mitigation area and Mann said an e-mail list would be created so that the commissioners and others involved in the project would be current on contact and discussions with the agencies.

Returning to the motion on the minutes considered earlier in the meeting, Commissioner Barton pointed out that testimony attributed to George Mpitsos at Special Meeting on October 13, 2008, had actually been made by Steve Salsbury, and added a reference to a Terminal Advisory Committee meeting that she had attended.

- A. Work Session—September 23, 2008.**
- B. Regular Meeting—September 23, 2008.**
- C. Special Meeting—October 13, 2008.**

Commissioner Fleck moved that the minutes of the Work Session of September 23, 2008 and the Regular Meeting of September 23, 2008 be approved as submitted, and the minutes of the Special Meeting of October 13, 2008 be approved as amended. Commissioner Mathews seconded the motion and it passed 4-0

## VII. OLD BUSINESS

### A. Resolution 10-2008, Rescinding Resolution 8-2008 Regarding the PFMC Proposed IFQ Program for the West Coast Trawl Groundfish Fishery.

Commissioner Fleck recused himself, abstaining from any discussion or vote taken on the IFQ issue.

Commissioner Goblirsch stated that at the last regular commission meeting, the fishermen had asked the commission to take a position on the IFQ program proposed by PFMC that favored the fishing industry over the processors. She went on to say that the fact that the processors had not been specifically invited to that meeting to speak as well was an oversight that needed to be corrected. She said she felt strongly that the board needed to address what would be the appropriate role for the Port of Newport in issues that divide our fishing industry, because both the processors and fishermen are extremely important to this community.

Commissioner Barton proposed that the commission decide what kind of resolutions they were going to support or reject, and said she felt that she didn't know enough about the fishing industry or the processing industry to make an intelligent decision on an issue like that. She said it was her nature to take a conservative stand when it comes to precedent setting legislation or policy, and that had been her perspective in voting to support the resolution because, the way it was represented at the time, giving a portion of the quotas to the processors would be breaking with precedent. She said she had not meant it to be divisive in the community.

Commissioner Goblirsch invited testimony from the audience.

Heather Mann: I have represented seafood processors for twelve years. I was shocked and stunned when I read the news article about the decision the Port had made. The processors, harvesters, and the Port have always had an excellent working relationship. The processors provided almost a third of the budget that Yale (Fogarty) and I used as co-chairs to get the bond measure passed for the terminal, not to mention paying for my time. We were stunned to see that we weren't invited to the meeting to provide our side of the story. I know it wasn't malicious or done on purpose to alienate us, but we were disappointed and upset. I appreciate the fact that we're having this discussion now because it's very controversial. I don't want to debate whether IFQ's should be issued to processors because that's not going to serve this commission or the community. If we had been invited to participate, I would have said on behalf of the processors that this is an allocation issue that the council has been working on for five years, and the Port of Newport should not be making this decision. It is an issue that is big, complex, controversial, and divisive in the community, and fifteen minutes or half an hour in a Port commission meeting doesn't do it justice. I would have said, "Support your fishing industry. That's harvesters, of course; that's processors, absolutely; and that's infrastructure to support them. Support us all by saying, 'we support IFQ's and we support moving forward with an IFQ program, but we're not going to get involved in allocative decisions.'" I am a staunch supporter of the Port and will continue to be, so I don't believe you did this maliciously.

Commissioner Barton assured Mann that nothing had been done maliciously; it was simply a hasty decision. Commissioner Goblirsch said the Port totally supported the processors, as it did the fishermen.

Craig Cochran, F/V Bay Islander: A couple of years ago the Port wanted to put a bond measure on the ballot. I was leaving town but stopped on my way to sign a letter and write a check in support of the bond measure. When I read in the paper that you were supporting IFQ's for the fishermen I thought that was good, but the next week I read in the paper that you were going to revisit your decision and I got heartburn over that. I have watched up north at different plants where the processors own boats, and seen their boats come in and unload while those that don't belong to the processors have to sit at the dock and wait during seasons that are short. It shocks me that the council is expecting to reduce the fleet through consolidation. I have seen several programs up north that were done well, with boats catching about 98% of the quota that had been allowed without reducing the boats or the number of jobs. If you start giving to the processors, what you're doing is reducing the number of fishing jobs out of Newport. The thing that bothers me now is the fact that you brought it up again. I know a boat that's spending a million dollars up the bay right and another boat that's putting money into starting a marine store in Kodiak. I have supported the community and the Port and have probably delivered groundfish more continuous years out of Newport than anybody else that fishes here right now.

Dave Wright, Pacific Shrimp: I respect Craig and all the fishermen, and everyone on this Port commission. This is a great community, one of the last working waterfronts on the West Coast. What Pacific Shrimp does in this community is supply legitimate jobs with benefits. We employ over 200 jobs during our busy times. We make a business plan and invest in the community, so we need to have some assurances. This is a very complex issue. Some of the boats will be like Craig's—if there's opportunity up north, he's going to be fishing up north and God bless him. He is a good and talented fisherman, and there are a lot of people like that in Newport. But we're going to be staying in Newport and we need some assurances that we can stay busy here. I'm fourth generation. Our family was out of Astoria and worked for Bumblebee Seafoods, and I remember when Bumblebee left Astoria. That was hard and now there's not a tuna cannery on the West Coast, so I know processing can leave. I'm not saying it's going to, but I've dealt with that before. What I'm saying is, support the entire industry; that's fishermen, processors, and the community.

Bill Olivera, Trident Seafoods: I'm not an expert on IFQ's, but I would like to echo what Heather said. We at Trident were also very disappointed after the support that we've given this community, but let's get past that. Trident has two facilities in town. One, we own the property; one, we lease from the Port. We employ about 180 people and, unlike Pacific Seafoods, we could very much go away. We are a one-fishery company. We're in the hake business. Dave (Wright) is more diversified; he gets a piece of the action of everything that comes out of the ocean so I don't believe Pacific Seafoods would ever go away. But we are in a position that we could go away. I'll give you a brief history of what actually did happen under these same conditions in a facility that we owned in BC. There were three processing plants up there that bought Pacific Whiting fish. Trident owned one of them. It employed, in a little town probably smaller than Newport, 370 workers. When the fishermen were the permit-holders—not the fishermen, the people who are going to get these quotas, the boat owners, the corporations that get these permits—they got 100% of the fish in BC. The first year they had control of it, the fish doubled in price. The second year, I was chosen by Trident Seafoods to go up there and close that facility. We couldn't make it any more. Three hake plants in that little community went belly-up. Now there's only one left in that town and it's owned by permit holders, and now it only employs 60 people and the price of fish in that little community is astronomically high. So we here at Trident are very worried about what's going to happen if the fishermen get total control of the fish. We don't believe we should have total control of the fish either, because it's a working relationship. We need the fishermen and the fishermen need the processors. We hope the Port realizes there are two parts to this and we need both to make the fishing industry work.

Commissioner Mathews: I really don't want to be in this match. I don't feel like the Port of Newport has any business in this one.

Commissioner Barton asked if anyone had any predictions about where PFMC would come down on the IFQ issue.

Heather Mann: I am probably the most involved with the council process as vice-chair of an advisory panel that makes recommendations on groundfish. What we heard in our allocation meeting a few weeks ago from some of our council members was, "I don't think I understand this enough to make a final decision". In June they made a preliminary preferred decision that provided an initial allocation of 20% to processors. But that was a preliminary preferred alternative and that will likely change in November. But nobody has any idea of where it's going. The council members are very closed about it. It would be inappropriate for them to say how they're going to vote before they hear from all their constituents. There are three full days scheduled for public comment on this issue alone. There are 1,300 pages of information and analysis on this hugely complicated issue. It is very complex. For those of us who live and breathe it every day, it is still complex. What I would say is that whatever you decide, your resolution is really not going to matter to the council. The council is getting hundreds of public comments from stakeholders, congressional people and everyone, so it's not going to make a difference. But it makes a difference in this room and in this community to support everybody in the fishing industry. Craig and I could take up the next four hours debating the positions but I don't think it would serve you well and it's not going to influence the council's decision, but it will influence how we all interact with each other in the future.

Dave Wright: I'd like to reiterate what I said earlier. This port and this community are probably the best on the West Coast. We have the most professional fishermen and the processors in this town are very good also. But I really think that this is one for the PFMC council.

Bill Olivera: Just for the record, Trident owns a lot of boats but they are all in Alaska. We don't own any boats here in Newport. There are six boats involved with our company. Two of them are out of town boats; four of them are Newport boats.

Commissioner Goblirsch called for a motion to either keep Resolution 8-2008 as adopted or rescind it. Commissioner Mathews moved to rescind Resolution 8-2008 but the motion failed for lack of a second.

**B. Terminal Renovation—KPFF Consulting Engineers/Natt McDougall Company.**

Commissioner Goblirsch called on Mike Schmid, KPFF, for an update on the terminal project. Schmid said it had been an active month and reported on meetings with state and federal agencies and concerned citizens in regards to the project. He said the Department of State Lands (DSL) had some specific questions about the alternative analysis that had been submitted and they had provided a good set of additional recommendations. He said DSL was asking about all the alternatives but with a focus on the alternative that would remove the Pasley. He said he wanted to be sure that what was submitted was complete so DSL could move forward and get public comment on the alternative analysis. Commissioner Goblirsch asked about the Joint Permit Application (JPA) time line and Schmid said the JPA that had been submitted the Army Corps of Engineers (ACOE) had “started the ACOE’s clock”, so they had already issued a public notice request with a 30-day response period. However, the “DSL clock” had not started and wouldn’t until the Port responds to their request for more information on the alternative analysis. In answer to a further question from Commissioner Goblirsch, Schmid said if the plan changed substantially, “the clock” would have to start over again. Commissioner Barton related a conversation that she had with Mary Camarata at DEQ where she learned that, even if DSL approved everything the Port submitted, it would be “left hanging” until ACOE and the other federal agencies agree to all the different components of the permit. Commissioner Mathews said he didn’t understand why submitting different plans was necessary, and Schmid explained that the agencies have a mandate to make sure that the alternative that is submitted is in the public’s best interest. Commissioner Barton said it was her understanding from the meeting she had attended with the agencies the day before that the ACOE wanted to see as much detail on the alternative that would remove the Pasley and not encroach on critical habitat, as on the design that was selected by the Port and KPFF as the preferred alternative, so that a side-by-side analysis could be done. Schmid said his frustration was in the fact that the alternatives analysis that was presented was a “point in time” design of all the alternatives, and the preferred alternative was advanced as the 60% design level, so he had asked the agency to provide in writing what information it needed. Commissioner Barton said she thought what they were saying was that they couldn’t design the components of the project but would just comment on what was provided to them. Schmid said that was true and, while it was frustrating, it was not that unusual. He said there were more complex projects out there that would take longer. General Manager Mann said it was clear that the alternatives were not bad from a constructability or economic perspective and that they met environmental requirements; the challenge was to provide the mitigation to meet the agencies’ needs. Commissioner Barton said she felt it was critical to work collaboratively with the agencies in developing a mitigation plan and addressing environmental concerns, and added that ODFW’s “sticking point” appears to be mitigation for critical habitat. Commissioner Goblirsch said it was becoming clear to her that it didn’t really matter what had been said in the bond measure; that the agencies would determine what would happen with the ship in the end. A discussion followed about language and perception of pressure on the agencies to expedite the permitting process, and avoiding the appearance of trying to do an “end run” or a “short cut. Commissioner Barton noted that a conservation group has hired an environmental lawyer to look into the project, and she thought the Port would make more progress by letting the agencies work at their own pace, rather than asking them to expedite things. Commissioner Goblirsch agreed that in public documents and conversations it would probably be best to be more moderate and not use the word “expedite”, but she also said “expedite” didn’t mean “short cut” and there was a very real environmental risk involved in delay. Commissioner Barton pointed out that the ACOE responded to the declaration of emergency the commission had issued and said the project did not meet their definition of an emergency, and Commissioner Goblirsch said the emergency declaration was the Port’s, not the ACOE’s. General Manager Mann said that, no matter how much pressure the agencies get, they have time lines that are set by state and federal regulations and once the federal clock starts ticking, they have 135 days to respond. He added that the agencies are aware that their local constituents are anxious to move their permits along, and “if we can keep it moving along, that’s the best we can ask for.” In conclusion, Schmid acknowledged that the project team had been overly optimistic and possibly aggressive up to that point, but a realistic schedule had been submitted to the agencies at the last state and federal agency meeting, and he hoped to get a joint permit in May of 09 with project completion in either December of 2010 or Spring of 2011. General Manager Mann will keep the commission informed about the next public hearing, which is tentatively scheduled for December 10 or 11, 2008.

**C. Emergency Planning—Morgan Rider, Ecology and Environment, Inc.**

General Manager Mann introduced Morgan Rider, of Ecology and Environment, Inc. Ms. Rider gave a brief history of her company and said she had been working with the City of Newport and Lincoln County on their emergency planning process. She explained how the Port could coordinate its emergency plan with those of the city and county, and how pre-planning and developing a plan in conjunction with community partners would help in any type of emergency. She proposed scheduling an initial workshop to identify what the Port would have to do to meet federal requirements and recommendations for plans, training, and exercises. Jim Hawley, Lincoln County Emergency Services, pointed out that the county's plan is done and the city's is in progress, so he suggested that a lot of what is in those plans could be dovetailed into the Port's plan, which would save on the expense of putting a new plan together. Both Ms. Rider and Mr. Hawley talked about the federal funding and grants that would become available to the Port after the plan is done, because many of those revenue streams require an updated emergency operation plan to be in place, in order to tap into the funds. The General Manager said he intended to look into State Economic Development funds to cover some of the cost of putting a plan together, thus reducing the Port's out of pocket expense. Ms. Rider said she would prepare a proposal and schedule a workshop. Commissioner Goblirsch said she would like to see a fisherman or two on the working committee. It was the consensus of the commission that the General Manager should proceed with the emergency planning process.

**VIII. NEW BUSINESS**

**A. Resolution 9-2008, Authorizing a Loan for the Capital Purchase of a Hyster Forklift.** General Manager Don Mann explained that the capital purchase of a Hyster forklift had been included in the budget and the resolution would simply authorize a loan to make the purchase. The forklift would be used at the shipping terminal to provide services to the fleet.

Commissioner Fleck moved, Mathews seconded, to adopt Resolution 9-2008, authorizing a loan for the capital purchase of a Hyster forklift. The motion passed 4-0.

**B. Port of Toledo Bond Measure, Request for Endorsement—Chuck Gerttula, Port of Toledo Commissioner.**

Port of Newport General Manager Don Mann introduced Chuck Gerttula, Port of Toledo commissioner, and Bud Shoemake, General Manager of the Port of Toledo, to discuss the bond measure that the Port of Toledo had placed on the 2008 ballot to support the purchase of Fred Wahl Marine Construction, a haul out facility on the Yaquina River. Mr. Gerttula explained that Fred Wahl is closing his local haul out facility, and since there are no private investors stepping up at this point, the Port of Toledo is trying to pass a \$3-million bond measure in order to purchase the facility. Gerttula explained that the Port of Toledo would own, oversee and market the facility, and would also take care of environmental concerns associated with the business, and would keep and create jobs by hiring workers for the facility's daily operation. Gerttula and Shoemake talked about the importance of the facility to the fleet and how, if the only heavy haul out facility on Yaquina Bay were closed, the fleet's maintenance dollars, averaged at \$350,000 per vessel, would have to leave the area. Shoemake said that public boat yards are not new and cited examples of them in other port cities, and said the Wahl yard would provide a platform for the local maritime service industry to work from. Gerttula noted that Oregon ports are chartered to not just provide tie up but to serve as an economic engine for the district and, in this case, it would not just be an investment in the Port of Toledo's future but in the county's as well. In answer to a question from Commissioner Barton, Shoemake said he expected the investment to make a profit eventually and that the community's reception to the ballot measure has been good. Gerttula and Shoemake asked the Port of Newport to support the Port of Toledo's ballot measure.

Commissioner Barton moved that the Port of Newport commissioners show their endorsement and support for the Port of Toledo's bond measure that is on the November 2008 ballot. Commissioner Fleck seconded the motion and it passed 4-0.

A letter to the editor in support of the ballot measure would be drafted the next day.

**C. Otter Rock Marine Reserve Memorandum of Understanding—Jack O'Brien, Depoe Bay Harbor and Near Shore Action Team.** Jack O'Brien introduced himself and provided background on the Near Shore Action Team.

O'Brien: The Near Shore Action Team Depoe Bay (NSAT) was formed in summer 2005 out of concerned about actions being taken involving the near shore ocean between Cascade Head and Yaquina Head that are crucial to the socio-economic well being of our community. At that

time, ODFW was completing their near shore strategic plan and there were rumblings from the governor's office regarding the marine sanctuaries, the marine protected areas, the marine reserves, or whatever they were calling them at that particular time, and all these things would occur somewhere in Oregon's territorial sea. We wanted to have an input into and be part of the decision making process on these things. Once the marine reserves seemed to be an inevitability, which could severely impact or shut down commercial and recreational fishing and crabbing in the near shore oceans, NSAT did a couple of things. One was that in June 2007 we sent a letter to the chairman of the Marine Reserve Working Group, a subgroup of the governor's Ocean Policy Advisory Committee, outlining criteria which we believed must be adhered to in setting up a marine reserve program. Then we looked at the near shore ocean for a marine reserve site which would minimize the socio-economic impact on the Depoe Bay and Newport fishing and crabbing fleets. The Otter Rock Marine Reserve Site Proposal was the result. The proposal was submitted by the September deadline. While we were finishing that up, we were working with Lincoln County Commissioner Terry Thompson and County Counsel Wayne Belmont on a Memorandum of Understanding (MOU). That MOU is based on the June 2007 criteria that we outlined. The MOU outlines the conditions which we and others up and down the coast believe should be mandatory in establishing a marine reserve. The MOU combines a coalition of Lincoln County, coastal entities, state agencies, and the governor's office in establishing guidelines for establishing particularly the Otter Rock marine reserve. It was put together because there is more clout as a group than there is as an individual. The City of Depoe Bay and Lincoln County are on board with this and we are looking to the Port of Newport to be a signatory on the MOU, and also the City of Newport, the state agencies, and the governor's office. This is still a draft MOU at this stage. With the exception of Wayne Belmont, all the lawyers haven't looked at it so this will be an ongoing process.

Commissioner Goblirsch: So you want Port of Newport to indicate that they are interested in being a partner?

O'Brien: To be a signatory, yes.

Goblirsch: I have followed your process in developing this proposal and I think you've done a really good job of working with the community in Depoe Bay and Newport and with stakeholders like fishermen and the public. I went to your Otter Rock meeting. One of the requirements for the marine reserve process, when it got modified, was that proposals should come from the ground up in a collaborative fashion with stakeholders. You have certainly been a model that way. I don't know if anyone else has any comments but given that this is a draft I would certainly think that it would be more than appropriate for the Port of Newport to support working proactively with you on this local marine reserve.

Commissioner Mathews: This is one of two that have been really thought out and I have wanted this to be a poster child. I'm a FINE member and we endorsed it. You have done an incredible job and my hat is off to you. There are so many lame ones out there it's not even funny.

Don Mann: What is the time line for getting back to you?

O'Brien: What we're looking at is, if you're interested in being a signatory to this MOU it will start out at city level, port level, and then move up as it goes on through the state agencies and to ODFW.

Goblirsch: So we would be involved in decisions, recommendations, and be a part of the process as this thing is administered?

O'Brien: As far as the MOU is concerned, it's just agreeing that basically that the conditions set forward in the MOU meet with your approval as far as the Otter Rock marine reserve, and that basically the same criteria are submitted up and down the coast for all the marine reserves.

Commissioner Fleck: I'd like to echo what Ginny and Don said. You guys have done a marvelous job. When this first came down the pike, I was not too thrilled about any of the marine reserves because of the process. And then the governor had a meeting with a group of fishermen and put a mandate, or whatever his words are, for the how the process was to be done. Out of all the twenty marine reserves that have been proposed, two have followed that criteria. The other one is down in the Port Orford area. You guys are to be commended and I very much support what you have done.

Goblirsch: I'm proud that Lincoln County is the place that this has happened. It shows the progressiveness of the area. And you did start on a pretty steep hill. I know the fishermen were saying, "What the heck are you doing?"

O'Brien: Initially the members of NSAP were not at all in favor of it.

Commissioner Barton: I commend your process as well. You guys could serve as a model. Have there been other marine reserves proposed for the area that you're talking about that you're aware of?

O'Brien: Oh, yes. There are a total of twenty marine reserves from Tillamook Head to Mack Reef. There are a number of proposals that have been made. There are seven between Cascade Head and Cape Foulweather.

Fleck: Let alone funding available for all of those, right?

O'Brien: These are proposals. That's all they are. It still has to go before the legislature. One of the things that we have also suggested is that our proposal be considered as a pilot project,

and Port Orford is also being considered as a pilot project, but we don't know whether or not that will move forward. Our marine reserve site is small compared to some of the others. It does meet the criteria.

Goblirsch: I can speak directly to the one in our neck of the woods here. The proposers of that never came to the Port or to the FINE committee that I know of. It hasn't received the level of scrutiny and discussion at the local level that your proposal has.

Barton: Are there other groups in our area that are doing that?

Mathews: Gobs of them, and they might show up with a napkin saying, "This is our idea right here, JoAnn. What do you think of my reserve?" Oh really, can you make it just a little bit better than that so I can understand it?

O'Brien: The proposals are not restricted to groups.

Barton: My question was meant to ask, did we have an organized team here similar to what Depoe Bay did?

Mathews: No, not in our own town. FINE was involved in endorsing theirs but we didn't come up with a reserve ourselves.

O'Brien: What we did was come down here and talk to the fishermen.

Mathews: Only so many people can come up with a reserve. The one these guys have designed could be enforced because you can see it from the shore. Many of these go right out to the state's water line, three miles, so we can't just do it with a state cop from the street. And no one objects to this one. That's really something.

O'Brien: I don't think it's fair to say that no one objects to it.

Mathews: Well, you're always going to have objections, but as far as the majority there are only two or three commercial crab fishermen that use that ground and they've all endorsed it.

O'Brien: The urchin guys were not terribly pleased with the proposal initially, even though we invited them into the process a long time ago. Once we showed him where it was, they now support it.

Goblirsch: That's a huge step. Any more questions?

Barton: What's our question?

Goblirsch: Our question is, do we want to sign on to the MOU, or at least the concept of the MOU, to work with Depoe Bay, the City of Newport, the City of Depoe Bay, and Lincoln County?

Barton: We're okay in terms of this being a draft? Taking an action while this is in draft stage?

O'Brien: What you're doing is endorsing the concept right now and agreeing to become a signatory to it as it goes through the process. Any changes that are made can't really be done collectively, but as they are done it will be submitted to you before a final signature is inscribed by anybody.

Goblirsch: Can we drop off at any time?

O'Brien: It's a free country.

Commissioner Goblirsch called for a motion and, after some discussion, Commissioner Mathews moved that the Port of Newport move forward with the draft Memorandum of Understanding with the Near Shore Action Team and become a signatory to it as it goes through the process. Commissioner Fleck seconded the motion and it passed 4-0.

## **IX. OTHER**

Commissioner Fleck reported that the 7<sup>th</sup> Annual U-DA-MAN Fishing Tournament had been held on October 12 and was a success. Only six fish were weighed in but the event grossed \$15,000. He thanked the Port for the use of the old launch ramp for the tournament and commended South Beach Harbormaster Chris Urbach and his crew for doing a great job of getting the event ready to go. He also reported that the goal of the tournament committee is to get the old OreAqua salmon facility up and running, and he and Port Manager Don Mann had spoken with ODFW about that possibility

Commissioner Goblirsch said the crab commission was meeting with the salmon and trawl commissions at the Hatfield Marine Science Center at 2:00 p.m. on October 29, 2008, to discuss the twenty proposed marine reserves.

## **X. UPCOMING MEETINGS**

- A.** Fishermen's Forum, November 12, 8:30-9:30 a.m.
- B.** Fishermen's Appreciation Day, November 21
- C.** Port Commission Work Session and Regular Meeting, November 25, 6:00 p.m.

**XI. ADJOURNMENT**

The work session and regular meeting of the Port of Newport Board of Commissioners was adjourned at 8:05 p.m.

ATTEST:

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Ginny Goblirsch, Vice-President

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Dean Fleck, Secretary

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