

# A-Engrossed House Bill 3609

Ordered by the House February 13  
Including House Amendments dated February 13

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of House Interim Committee on Emergency Preparedness and Ocean Policy)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Defines "marine reserve" and "marine protected area." Provides that marine reserves and marine protected areas may be established only by amendment to Oregon Ocean Resources Management Plan **pursuant to recommendation made by Ocean Policy Advisory Council**. Limits number of marine reserves and marine protected areas provided for by plan to no more than nine.

Requires that amendments establishing marine reserves or marine protected areas provide for monitoring **and evaluation** procedures and be developed utilizing aid of [*scientific and technical advisory committee and*] coastal local governments. Requires that marine reserves or marine protected areas be small enough to avoid **significant negative** economic or social impacts and large enough to provide for scientific analysis of benefits produced.

[*Directs that members of scientific and technical advisory committee be reimbursed for actual and necessary travel expenses.*]

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Ocean Resources Management Plan; creating new provisions; amending ORS  
3 196.405 and 196.443; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 196.405 is amended to read:

6 196.405. As used in ORS 196.405 to 196.515, unless the context requires otherwise:

7 (1) "Council" means the council established in ORS 196.438.

8 (2) "Exclusive Economic Zone" has the meaning set forth in Proc. 5030 whereby the United  
9 States proclaimed jurisdiction over the resources of the ocean within 200 miles of the coastline.

10 (3) **"Marine protected area" means an area of the Pacific Ocean off the Oregon coast that**  
11 **has been reserved to provide protection for part or all of the natural and cultural resources**  
12 **therein.**

13 (4) **"Marine reserve" means an area of the Pacific Ocean off the Oregon coast, as iden-**  
14 **tified in an amendment to the Oregon Ocean Resources Management Plan under section 3**  
15 **of this 2008 Act, that provides more comprehensive protections, as described by the amend-**  
16 **ment, than a marine protected area.**

17 [(3)] (5) "Panel" means a project review panel established under ORS 196.453.

18 [(4)] (6) "Plan" means the Oregon Ocean Resources Management Plan.

19 [(5)] (7) "Territorial sea" means the waters and seabed extending three geographical miles  
20 seaward from the coastline in conformance with federal law.

21 [(6)] (8) "Territorial Sea Plan" means the plan for Oregon's territorial sea.

22 **SECTION 2. Section 3 of this 2008 Act is added to and made a part of ORS 196.405 to**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **196.515.**

2 **SECTION 3. (1) A marine reserve or marine protected area may be established only by**  
3 **amendment to the Oregon Ocean Resources Management Plan pursuant to a recommen-**  
4 **dation for the amendment made by the Ocean Policy Advisory Council under ORS 196.443**  
5 **(1)(d). The plan may not provide for more than nine marine reserves and marine protected**  
6 **areas.**

7 **(2) Amendments that propose to establish a marine reserve or marine protected area**  
8 **must:**

9 **(a) Provide procedures for monitoring and evaluating the marine reserve or marine pro-**  
10 **ected area and specify the manner in which requirements and prohibitions relating to the**  
11 **marine reserve or marine protected area will be enforced; and**

12 **(b) Be developed using input from coastal local governments and residents in coastal**  
13 **communities.**

14 **(3) A marine reserve or marine protected area must be:**

15 **(a) Small enough to avoid a significant negative economic or social impact on coastal**  
16 **communities, including but not limited to the significant loss of commercial or sport fishing**  
17 **opportunities; and**

18 **(b) Large enough to provide for scientific analysis of the ecological benefits the marine**  
19 **reserve or marine protected area produces.**

20 **SECTION 4.** ORS 196.443 is amended to read:

21 196.443. (1) The purposes of the Ocean Policy Advisory Council are to:

22 (a) Periodically review the Territorial Sea Plan and submit recommendations for the plan to  
23 state agencies represented on the council. The council shall recommend deletions to the Territorial  
24 Sea Plan of all site designations and management prescriptions to the Land Conservation and De-  
25 velopment Commission.

26 (b) Advance the policies of ORS 196.420 to the federal government and any multistate bodies.

27 (c) Provide a forum for discussing ocean resource policy, planning and management issues and,  
28 when appropriate, mediating disagreements.

29 (d) Recommend amendments to the Oregon Ocean Resources Management Plan as needed. If the  
30 recommended amendments to the plan incorporate the establishment of [*a system of limited*] marine  
31 reserves or [*other*] **marine** protected areas, the council also shall perform an economic analysis of  
32 short-term and long-term effects that the establishment of such areas would have on coastal com-  
33 munities. Any recommended amendments related to marine reserves or marine protected areas shall  
34 be submitted to the State Fish and Wildlife Commission for review and approval.

35 (e) Offer advice to the Governor, the State Land Board, state agencies and local governments  
36 on specific ocean resources management issues.

37 (f) Encourage participation of federal agencies in discussion and resolution of ocean resources  
38 planning and management issues affecting Oregon.

39 (2) The Ocean Policy Advisory Council may not, except to the extent of fulfilling its advisory  
40 capacity under subsection (1)(e) of this section, establish fishing seasons, harvest allocations, ge-  
41 ographic restrictions or other harvest restrictions.

42 **SECTION 5. This 2008 Act being necessary for the immediate preservation of the public**  
43 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**  
44 **on its passage.**