

**A-Engrossed**  
**House Bill 3013**

Ordered by the House May 21  
Including House Amendments dated May 21

Sponsored by COMMITTEE ON RULES

**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.

*[Modifies various provisions relating to Ocean Policy Advisory Council.]*

*[Makes legislative finding that wave energy provides renewable, sustainable source of energy.]*

*[Repeals sunset on prohibition against leases for exploration, development or production of oil, gas or sulfur in territorial sea and exemption for academic research or geologic survey activities.]*

*[Repeals provisions related to joint liaison program with National Oceanic and Atmospheric Administration.]*

**Directs certain state agencies to implement specified recommendations of Ocean Policy Advisory Council regarding marine reserves. Directs State Department of Fish and Wildlife to develop work plan for implementing recommendations. Specifies components of work plan. Directs department to report on results of work plan to appropriate interim legislative committee on or before November 30, 2010.**

**Directs Department of State Lands to transfer moneys to State Department of Fish and Wildlife for biennium beginning July 1, 2009, for purpose of implementing recommendations. Specifies that designation of marine reserve must include commitment to pursue long-term funding for marine reserve.**

**Declares emergency, effective July 1, 2009.**

**A BILL FOR AN ACT**

Relating to ocean resources; and declaring an emergency.

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

**SECTION 1. The State Department of Fish and Wildlife, State Fish and Wildlife Commission, State Land Board and relevant state agencies shall, consistent with existing statutory authority, implement the November 29, 2008, recommendations from the Ocean Policy Advisory Council on marine reserves by:**

**(1) Adopting rules to establish, study, monitor, evaluate and enforce a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks;**

**(2) Studying and evaluating potential marine reserves at Cape Falcon, Cascade Head and Cape Perpetua; and**

**(3) Supporting the development of a marine reserve proposal at Cape Arago-Seven Devils.**

**SECTION 2. (1) The State Department of Fish and Wildlife, in consultation with members from the scientific and technical advisory committee established under ORS 196.451, other relevant marine and fishery scientists, relevant state agencies, ocean users and coastal communities shall implement the activities described in section 1 of this 2009 Act by developing a work plan.**

**(2) The work plan shall contain the following elements regarding the marine reserves described in section 1 of this 2009 Act:**

**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 (a) A biological assessment, including information on habitat characterization, biological  
2 resources, local knowledge and, for the established pilot marine reserves, monitoring plans.

3 (b) A socioeconomic assessment, including a description of human uses, net effects on  
4 sport and commercial fisheries and communities and, for the established pilot marine re-  
5 serves, monitoring plans.

6 (c) Formation of community teams, with diverse and balanced stakeholder representation  
7 that includes local government, recreational fishing industry, commercial fishing industry,  
8 nonfishing industry, recreationalists, conservation, coastal watershed councils, relevant ma-  
9 rine and avian scientists, to collaborate and develop recommendations for potential marine  
10 reserves, considering the biological and socioeconomic information developed under this  
11 section. Collaboration may be facilitated by a neutral outside party hired through a compet-  
12 itive bidding process.

13 (d) Provision of information on the process and data gathered to interested parties and  
14 made available to the public.

15 (e) Development of scientifically based goals specific to each of the marine reserve sites,  
16 incorporating continuity and cumulative outcomes, benefits and impacts.

17 (f) Provision of baseline data on Oregon's territorial sea, as defined in ORS 196.405.

18 (g) Development of an enforcement plan in consultation with the Oregon State Police and  
19 representatives from affected user groups.

20 (h) Use of communities and volunteers to assist in implementing the work plan where  
21 feasible and practical.

22 (3) The data and recommendations produced from the work plan and other available  
23 nearshore data shall be used by the State Department of Fish and Wildlife, in consultation  
24 with the Ocean Policy Advisory Council, to recommend the number, size, location and re-  
25 striction limits of the potential sites for marine reserve designation, consistent with Execu-  
26 tive Order 08-07. If, through this process, it is determined that other appropriate sites need  
27 to be considered or that potential sites are not consistent with Executive Order 08-07, then  
28 the data and recommendations produced shall be provided to the public, the State Depart-  
29 ment of Fish and Wildlife and other relevant state agencies for future purposes relevant to  
30 nearshore management.

31 **SECTION 3.** (1) The State Department of Fish and Wildlife shall report on the results of  
32 the work plan to an appropriate interim legislative committee on or before November 30,  
33 2010, regarding:

34 (a) The study and establishment of the pilot marine reserves at Otter Rock and Redfish  
35 Rocks described in section 1 of this 2009 Act;

36 (b) The study and evaluation of the potential marine reserves at Cape Falcon, Cascade  
37 Head and Cape Perpetua described in section 1 of this 2009 Act;

38 (c) The development of a marine reserve proposal at Cape Arago-Seven Devils described  
39 in section 1 of this 2009 Act;

40 (d) The status of funding necessary to carry out the provisions of section 1 of this 2009  
41 Act; and

42 (e) The accomplishment of the goals related to each of the marine reserves.

43 (2) The department shall also report on the activities described in subsection (1) of this  
44 section to members of the Ocean Policy Advisory Council, relevant state agencies and to the  
45 public.

1       **SECTION 4.** The Department of State Lands shall transfer \$1 million to the State De-  
2       partment of Fish and Wildlife, for the biennium beginning July 1, 2009, from other funds that  
3       are not constitutionally dedicated to the Common School Fund, for use by the State De-  
4       partment of Fish and Wildlife to carry out the provisions of section 1 of this 2009 Act.

5       **SECTION 5.** (1) The State Department of Fish and Wildlife may accept only gifts, grants  
6       or contributions from any source for deposit in the State Wildlife Fund established in ORS  
7       496.300 that are consistent with the department's work plan specified in section 2 of this 2009  
8       Act.

9       (2) Any designation of marine reserves in Oregon's territorial sea must include commit-  
10      ments by relevant state agencies to pursue long-term funding necessary to enforce prohibi-  
11      tions, support necessary research and monitoring and provide for public education.

12      (3) If funding cannot be secured to meet the enforcement and research-based monitoring  
13      needs associated with the goals specified in section 2 (2)(e) of this 2009 Act, agencies re-  
14      sponsible for managing the marine reserves shall make recommendations to the State Fish  
15      and Wildlife Commission and the Legislative Assembly and initiate actions to scale down or  
16      suspend fisheries prohibitions in the marine reserves.

17      **SECTION 6.** Designation of marine reserves requires periodic reporting by the State De-  
18      partment of Fish and Wildlife in consultation with other relevant state agencies on the ac-  
19      complishment of the goals described in section 2 (2)(e) of this 2009 Act. The State  
20      Department of Fish and Wildlife and the State Land Board shall, based on review of the pe-  
21      riodic reporting, initiate appropriate rulemaking adjustments that may include size, location  
22      and restrictions on marine reserves.

23      **SECTION 7.** This 2009 Act being necessary for the immediate preservation of the public  
24      peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
25      July 1, 2009.