

## HOUSE AMENDMENTS TO HOUSE BILL 3013

By COMMITTEE ON RULES

May 21

1 On page 1 of the printed bill, line 2, after “resources;” delete the rest of the line and delete lines  
2 3 and 4 and insert “and declaring an emergency.”.

3 Delete lines 6 through 29 and delete pages 2 through 6 and insert:

4 **“SECTION 1. The State Department of Fish and Wildlife, State Fish and Wildlife Com-**  
5 **mission, State Land Board and relevant state agencies shall, consistent with existing statu-**  
6 **tory authority, implement the November 29, 2008, recommendations from the Ocean Policy**  
7 **Advisory Council on marine reserves by:**

8 **“(1) Adopting rules to establish, study, monitor, evaluate and enforce a pilot marine re-**  
9 **serve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish**  
10 **Rocks;**

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

13 **“(3) Supporting the development of a marine reserve proposal at Cape Arago-Seven Dev-**  
14 **ils.**

15 **“SECTION 2. (1) The State Department of Fish and Wildlife, in consultation with mem-**  
16 **bers from the scientific and technical advisory committee established under ORS 196.451,**  
17 **other relevant marine and fishery scientists, relevant state agencies, ocean users and coastal**  
18 **communities shall implement the activities described in section 1 of this 2009 Act by devel-**  
19 **oping a work plan.**

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

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

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

27 **“(c) Formation of community teams, with diverse and balanced stakeholder represen-**  
28 **tation that includes local government, recreational fishing industry, commercial fishing in-**  
29 **dustry, nonfishing industry, recreationalists, conservation, coastal watershed councils,**  
30 **relevant marine and avian scientists, to collaborate and develop recommendations for po-**  
31 **tential marine reserves, considering the biological and socioeconomic information developed**  
32 **under this section. Collaboration may be facilitated by a neutral outside party hired through**  
33 **a competitive bidding process.**

34 **“(d) Provision of information on the process and data gathered to interested parties and**  
35 **made available to the public.**

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

3       “(f) Provision of baseline data on Oregon’s territorial sea, as defined in ORS 196.405.

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

6       “(h) Use of communities and volunteers to assist in implementing the work plan where  
7 feasible and practical.

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

17       “SECTION 3. (1) The State Department of Fish and Wildlife shall report on the results  
18 of the work plan to an appropriate interim legislative committee on or before November 30,  
19 2010, regarding:

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

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

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

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

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

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

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

36       “SECTION 5. (1) The State Department of Fish and Wildlife may accept only gifts, grants  
37 or contributions from any source for deposit in the State Wildlife Fund established in ORS  
38 496.300 that are consistent with the department’s work plan specified in section 2 of this 2009  
39 Act.

40       “(2) Any designation of marine reserves in Oregon’s territorial sea must include com-  
41 mitments by relevant state agencies to pursue long-term funding necessary to enforce pro-  
42 hibitions, support necessary research and monitoring and provide for public education.

43       “(3) If funding cannot be secured to meet the enforcement and research-based monitor-  
44 ing needs associated with the goals specified in section 2 (2)(e) of this 2009 Act, agencies re-  
45 sponsible for managing the marine reserves shall make recommendations to the State Fish

1 and Wildlife Commission and the Legislative Assembly and initiate actions to scale down or  
2 suspend fisheries prohibitions in the marine reserves.

3 **“SECTION 6. Designation of marine reserves requires periodic reporting by the State**  
4 **Department of Fish and Wildlife in consultation with other relevant state agencies on the**  
5 **accomplishment of the goals described in section 2 (2)(e) of this 2009 Act. The State Depart-**  
6 **ment of Fish and Wildlife and the State Land Board shall, based on review of the periodic**  
7 **reporting, initiate appropriate rulemaking adjustments that may include size, location and**  
8 **restrictions on marine reserves.**

9 **“SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
11 **July 1, 2009.”.**

12 \_\_\_\_\_