

# Senate Bill 1039

Sponsored by Senators ROBLAN, KRUSE

## 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 **as introduced**.

Declares state policy on ocean acidification and hypoxia.

Establishes Oregon Coordinating Council on Ocean Acidification and Hypoxia. Establishes duties of coordinating council. Requires coordinating council to submit biennial report to Legislative Assembly and Ocean Policy Advisory Council by September 15 of each even-numbered year on coordinating council's activities and recommendations.

## A BILL FOR AN ACT

1  
2 Relating to ocean chemistry.

3       Whereas Oregon is an epicenter for the global manifestation of ocean acidification and hypoxia;  
4 and

5       Whereas the natural seasonal process of upwelling transports corrosive waters into the  
6 nearshore and estuaries, causing marine waters within this state's jurisdiction to be especially vul-  
7 nerable to ocean acidification; and

8       Whereas ocean acidification, hypoxia and changes in ocean temperature are intensifying; and

9       Whereas Oregon has rich and vibrant wild marine fisheries, including shellfish fisheries; and

10       Whereas ocean acidification and hypoxia are known to cause mortality and reduced growth and  
11 productivity in marine organisms, including in species that form the foundation of the marine food  
12 web; and

13       Whereas negative impacts from ocean acidification, hypoxia or both have already been observed  
14 in species that are commercially, culturally and economically important to this state, including  
15 oysters, mussels and crabs; and

16       Whereas Oregon's coastal communities and economies are important to this state and are de-  
17 pendent on a thriving marine ecosystem; and

18       Whereas Oregon has academic institutions with world-class expertise in ocean issues, including  
19 ocean acidification and hypoxia; and

20       Whereas Oregon has played a leading role in fostering collaborative ocean acidification and  
21 hypoxia monitoring, research and action; and

22       Whereas the partnerships between the shellfish industry and university scientists in this state  
23 are an example to the nation for building innovative solutions to address ocean acidification and  
24 hypoxia; and

25       Whereas an Oregon Ocean Acidification and Hypoxia Center of Excellence is explicitly identi-  
26 fied in the Oregon State University Marine Studies Initiative Strategic Plan as a possible center of  
27 excellence to be housed in the Marine Studies Initiative to leverage and build upon existing state  
28 contributions to ocean acidification and hypoxia research; and

29       Whereas the Ocean Policy Advisory Council and the Oregon Ocean Science Trust have identi-  
30 fied ocean acidification as a priority issue for Oregon; and

**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       Whereas the West Coast Ocean Acidification and Hypoxia Science Panel, comprised of eminent  
2 scientists from Oregon and other west coast jurisdictions, working in collaboration with ocean  
3 management counterparts in Oregon, Washington, California and British Columbia, recently issued  
4 recommendations and associated specific actions that can be implemented immediately to respond  
5 to ocean acidification and hypoxia; now, therefore,

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

7       **SECTION 1. The Legislative Assembly finds and declares that ocean acidification and**  
8 **hypoxia severely endanger the state's commercially and culturally significant ocean re-**  
9 **sources. The Legislative Assembly therefore declares it to be the policy of the state to en-**  
10 **sure a coordinated, effective response to ocean acidification and hypoxia. To facilitate efforts**  
11 **that are coordinated and effective, it is the state's policy to support ocean acidification and**  
12 **hypoxia actions and initiatives that are developed through close collaborations between fed-**  
13 **eral, state and local agencies, academic institutions and commercial industries, among oth-**  
14 **ers.**

15       **SECTION 2. (1) The Oregon Coordinating Council on Ocean Acidification and Hypoxia is**  
16 **established, consisting of 13 members as follows:**

17       **(a) The Governor or the Governor's designee;**

18       **(b) The director of an initiative for integrative marine studies at Oregon State University**  
19 **or the director's designee;**

20       **(c) The State Fish and Wildlife Director or the director's designee;**

21       **(d) The Director of Agriculture or the director's designee;**

22       **(e) The Director of the Department of Environmental Quality or the director's designee;**

23       **(f) The Director of the Department of Land Conservation and Development or the**  
24 **director's designee; and**

25       **(g) Seven members appointed in consultation with the Governor's office as follows:**

26       **(A) One member representing the Oregon Ocean Science Trust, appointed by the execu-**  
27 **tive director of the Oregon Ocean Science Trust;**

28       **(B) One member representing the Sea Grant College of Oregon State University, ap-**  
29 **pointed by the director of the Sea Grant College;**

30       **(C) One member representing a conservation organization, appointed by the Ocean Policy**  
31 **Advisory Council;**

32       **(D) One member representing fishing interests, appointed by the State Fish and Wildlife**  
33 **Commission;**

34       **(E) One member representing the shellfish mariculture industry, appointed by the State**  
35 **Board of Agriculture;**

36       **(F) One member representing the academic research community with relevant expertise,**  
37 **appointed by the scientific and technical advisory committee to the Ocean Policy Advisory**  
38 **Council; and**

39       **(G) One member representing the interests of federally recognized Oregon Indian tribes,**  
40 **appointed by the State Fish and Wildlife Commission in consultation with the Commission**  
41 **on Indian Services.**

42       **(2)(a) The term of office of each member of the coordinating council appointed under**  
43 **subsection (1)(g) of this section is four years, but a member serves at the pleasure of the**  
44 **appointing authority. The terms must be staggered so that no more than two terms end each**  
45 **year.**

1 (b) Before the expiration of the term of a member, the appointing authority, in consul-  
2 tation with the Governor, shall appoint a successor to take office upon the date of that ex-  
3 piration. A member is eligible for reappointment. If there is a vacancy for any cause, the  
4 appointing authority, in consultation with the Governor, shall make an appointment to be-  
5 come immediately effective for the unexpired term.

6 (3) The State Fish and Wildlife Director or the director's designee and the director of an  
7 initiative for integrative marine studies at Oregon State University or the director's designee  
8 shall serve as cochairpersons of the coordinating council.

9 (4) A majority of the members of the coordinating council constitutes a quorum for the  
10 transaction of business.

11 (5) The coordinating council shall meet at times and places specified by the call of the  
12 chairpersons or of a majority of the members of the coordinating council.

13 (6) The coordinating council may adopt rules as necessary for the operation of the coor-  
14 dinating council.

15 (7) The members of the coordinating council are not entitled to compensation but are  
16 entitled to expenses as provided in ORS 292.495. Claims for expenses incurred in performing  
17 functions of the coordinating council shall be paid out of funds appropriated to the State  
18 Department of Fish and Wildlife for purposes of the coordinating council.

19 (8) The State Department of Fish and Wildlife shall provide staff support to the coordi-  
20 nating council.

21 **SECTION 3.** (1) The Oregon Coordinating Council on Ocean Acidification and Hypoxia  
22 shall:

23 (a) Review and utilize relevant, scientifically supported information, including the rec-  
24 ommendations of the West Coast Ocean Acidification and Hypoxia Science Panel and other  
25 available information, reports and studies, to:

26 (A) Identify research and monitoring activities necessary to better understand the  
27 changing ocean chemistry and the potential impacts of ocean acidification and hypoxia; and

28 (B) Recommend prioritized state actions to address ocean acidification and hypoxia;

29 (b) Identify actions and initiatives to address Oregon's vulnerabilities to ocean  
30 acidification and hypoxia that may include, but need not be limited to:

31 (A) Developing optimal strategies for mitigating the effects of ocean acidification and  
32 hypoxia;

33 (B) Taking steps to strengthen existing scientific monitoring, research and analysis re-  
34 garding the effects and trends in ocean acidification and hypoxia;

35 (C) Identifying habitats that are particularly vulnerable to corrosive sea water, including  
36 areas experiencing multiple stressors such as hypoxia, sedimentation and harmful algae  
37 blooms;

38 (D) Identifying the socioeconomic and ecosystem impacts of intensifying ocean  
39 acidification;

40 (E) Taking steps to increase public awareness of the science and impacts of ocean  
41 acidification and hypoxia;

42 (F) Developing a long-term ocean acidification and hypoxia coordination strategy among  
43 state agencies, academia, the federal government and industry; or

44 (G) Leveraging opportunities for research partnerships with academia, tribes and the  
45 commercial fishing industry, in order to advance the understanding of ocean acidification and

1 hypoxia in Oregon; and

2 (c) Advise and assist the State Department of Fish and Wildlife and all other represented  
3 public agencies in coordinating and carrying out, as directed by the agencies' governing  
4 bodies, the actions and initiatives identified under paragraph (b) of this subsection.

5 (2) The coordinating council may develop a Socioeconomic Vulnerability to Ocean  
6 Acidification Report. A report developed under this subsection may include, but need not be  
7 limited to, information identifying:

8 (a) Coastal communities in this state that may be impacted by ocean acidification;

9 (b) The impacts of ocean acidification and hypoxia on the communities identified under  
10 paragraph (a) of this subsection; or

11 (c) The gaps in understanding that exist regarding the impacts of ocean acidification and  
12 hypoxia on economically or commercially important species, particularly species that support  
13 commercial, recreational and tribal fisheries and shellfish aquaculture in this state.

14 (3) The coordinating council may develop recommendations for the Oregon Ocean Science  
15 Trust, state agencies, academia or other organizations on high-priority, strategic research  
16 that may be done to address gaps that exist in the understanding of ocean acidification and  
17 hypoxia. Strategic research recommendations developed by the coordinating council may in-  
18 clude, but need not be limited to, research related to:

19 (a) The impacts of ocean acidification and hypoxia on marine organisms and the marine  
20 ecosystem;

21 (b) The economic impacts of ocean acidification and hypoxia on communities in this  
22 state; or

23 (c) Developing adaptation and mitigation strategies for conserving and enhancing the  
24 resilience of marine organisms and ecosystems for future use and enjoyment by Oregonians  
25 and visitors to this state.

26 (4) The coordinating council shall submit a biennial report to the Legislative Assembly  
27 and to the Ocean Policy Advisory Council by September 15 of each even-numbered year on  
28 the coordinating council's activities and recommendations.

29 (5) All agencies of state government, as defined in ORS 174.111, are requested to assist  
30 the coordinating council in the performance of its duties and, to the extent permitted by laws  
31 relating to confidentiality, to furnish such information and advice as the members of the  
32 coordinating council consider necessary to perform their duties.

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