

State of Oregon

**Program Names: Oregon Ocean Resources Management Program
Nearshore Marine Resources Management Strategy**

**Program Entities: Department of Fish and Wildlife
Department of Land Conservation and Development**

Program History: Authority and Date(s) Created:

1. OCCDC Final Report

1975: The Final Report of the Oregon Coastal Conservation and Development Commission, established by the 1971 Oregon Legislature, recommended ocean use policies to protect renewable resources.

2. Statewide Planning [Goal 19, Ocean Resources](#)

1976: Goal 19 (along with three other statewide goals for coastal resources) was adopted by the [Land Conservation and Development Commission](#) (LCDC), establishing a comprehensive state policy for ocean resource management. Statewide Planning Goal 19 was approved in 1977 by the National Oceanic and Atmospheric Administration as part of Oregon's federally-approved [Coastal Management Program](#).

3. Oregon Ocean Resources Management Task Force

1987: The Ocean Resources Management Task Force was [established](#) by the Oregon Legislature and charged with preparing comprehensive plan and recommendations for long term conservation of ocean resources. The resulting [Oregon Ocean Resources Management Plan](#) in 1990 (aka [Ocean Plan](#)) made a wide range of recommendations, a principal one of which was to establish an on-going ocean management program to provide coordinated action among state agencies responsible for ocean resources and to engage the public and stakeholders in that process.

4. The Ocean Resources Management Program

1991: A comprehensive ocean management program was enacted by the Legislature ([ORS 196.405](#)), consisting of existing state agency authorities for managing ocean resources and uses, an Ocean Policy Advisory Council (OPAC) in the Office of the Governor, and a Territorial Sea Plan (TSP) for ocean uses in state waters.

5. Initial [Territorial Sea Plan](#) (TSP)

1994: The TSP was prepared by OPAC 1991-1994, adopted by LCDC in 1994, and subsequently approved by NOAA as part of Oregon's Coastal Management Program.

6. Governor's [Executive Order 08-07](#)

2008: The Governor directed the Oregon Dept of Fish and Wildlife to consult with OPAC to provide him with candidate sites for a limited system of marine reserves by December 1, 2008. EO 08-07 also directed the DLCD to consult with OPAC and others and prepare an amendment to the Territorial Sea Plan for ocean wave energy development by December 1, 2009. Both these directives were met.

7. Ocean Legislation

2009: The 2009 Oregon Legislature enacted [HB 3013](#) based on recommendations from OPAC to the Governor directing the Oregon Department of Fish and Wildlife to implement two pilot marine reserves, use a community process to assess three other sites for implementation, and begin a study process for one other potential site. Legislature also enacted [HB 3106](#) establishing the Nearshore Research Task Force and requiring it to make recommendations by August 2010.

8. Ocean Wave Energy Planning

2009: [Part Five A](#), Ocean Hydrokinetic Energy Development, was adopted by the LCDC as an amendment to the Territorial Sea Plan. This plan fulfilled the governor's directive in EO 08-07.

Funding Source(s)/Level:

1. From 1987 through 1991 the Oregon Legislature provided \$250,000 in each of two bienniums to support the work of the Ocean Resources Management Task in preparing the Ocean Plan.
2. From 1993 to the present, the principal funding source to support ocean planning and management has been federal Coastal Zone Management Program Section 306 funds awarded to the DLCD. Those funds provided one FTE and other staff support, meeting and travel costs for OPAC meetings, printing and other support services, approximately \$200,000 annually. Since 1993 DLCD has also provided a total of \$696,000 in federal Section 309 coastal funds to the Oregon Department of Fish and Wildlife to support mapping, surveys, and field research on nearshore rocky reefs and intertidal areas. Annual amounts vary but have ranged from \$25,000 to \$65,000 annually.
3. No state General Funds have been approved by the legislature for ocean planning and management since 1991. The 2009 Legislature approved the use of unobligated insurance settlement funds from the *New Carissa* cleanup in the Department of State Lands' budget to fund seafloor mapping and work at ODFW on marine reserve designations.
4. In mid-2009 the David and Lucile Packard Foundation agreed to provide approximately \$1.2 million to fund a variety of projects to support Oregon's ocean planning process, including the Nearshore Task Force. Packard will provide funds directly to project principals rather than to a single coordination entity for dispersal to the projects. The Oregon Wave Energy Trust has also allocated \$250K directly to Ecotrust, the technical entity working with fishermen to produce maps and analyses of areas important to fisheries, to support ocean energy planning.

Key Program Elements:

1. **Statewide [Planning Goal 19, Ocean Resources](#):**

The original Goal 19, adopted in 1976, established the basic state policy of giving preference to the sustainable use of renewable resources over use of non-renewable resources. This fundamental policy choice reflected the times when ocean protection and management seemed simple: federal fisheries law (Magnuson Act) had just been enacted by Congress and the future of ocean fisheries seemed limitless while the possibility of offshore oil and gas development and attendant impacts (e.g. Santa Barbara blowout in 1969) seemed real. Because Oregon had no ocean management program at the time, the goal attempted to account for a wide range of ocean activities and uses through numerous implementation provisions. Over time, many of these detailed requirements proved unworkable or unrealistic.

Because the Ocean Resources Management Program and 1994 *Territorial Sea Plan* provided a practicable framework for the state's ocean management objectives, the OPAC in 2000 recommended to the LCDC a major revision of the goal after two years of work and public input. The revised goal retained the original basic policy objectives but added specified criteria for implementing those objectives by protecting renewable marine resources and marine ecosystems and asserted a broad Ocean Stewardship Area across the continental margin in which Oregon has management, not ownership, interests.

2. **Oregon Ocean Resources Management Program:**

The 1991 law establishing the Oregon Ocean Resources Management Program was the first by a coastal state to create a comprehensive ocean management program that sought to link to the implementation authorities of state agencies to an overall plan. The legislature included legislative policies, linked the Ocean Program to the state's federally approved Coastal Management Program, and specified the basic elements for the program:

- a. **Applicable elements of the Oregon Coastal Management Program** approved by the U.S. Secretary of Commerce on July 7, 197, including statutes (e.g. water quality or fisheries management), statewide planning goals (e.g. Goal 19), programs and authorities of state agencies that were related to ocean resources or uses, and local government plans. Agencies included the departments of Fish and Wildlife, Environmental Quality, State Lands, Parks and Recreation, Geology and Mineral Industries, Land Conservation and Development, and Agriculture.
- b. **Oregon Ocean Policy Advisory Council:** Following the recommendation of the Ocean Task Force, the 1991 Legislature ([ORS 196.405](#)) created an Ocean Policy Advisory Council in the Office of the Governor to provide a means to develop coordinated policy advice on ocean issues and to prepare and maintain a plan for the Territorial Sea. Membership included six state agencies with ocean management authorities or programs, a Governor's representative, representatives of fisheries and other user groups, local governments, coastal tribes, and the public at large. The chair was appointed by the Governor. The statute directed the OPAC to appoint a Scientific and Technical Advisory Committee but a standing committee was not appointed.
- c. In 2003, following a controversy over the influence of state agencies on the OPAC, the Legislature amended the membership by designating state agencies and Governor's representative as non-voting *Ex-Officio* members and revising representation from the public and conservation groups. Senate confirmation of OPAC members was required for the first time. The relationship between OPAC and the Executive branch was significantly altered by removing the OPAC from the Office of the Governor.
- d. **Ocean Resources Management Plan.** The Ocean Plan is a comprehensive review of ocean issues facing the state during the 1987-1990 period with recommended policies and actions. Because of the significant investment by the public in these recommendations, the Legislature specified them as components of the state's Ocean Resources Management Program. These recommendations are not mandatory but have served as touchstones for developing more detailed ocean policy for specific issues. The Rocky Shores Strategy in the 1994 Territorial Sea Plan is a direct result of recommendations in the Ocean Plan. The 2000 revised Goal 19 provisions and the Goals and Policies in the Territorial Sea Plan for Important Marine Habitat and Areas Important to Fisheries are based directly on recommendations in the Ocean Plan.
- e. **Territorial Sea Plan.** The legislature required the OPAC to present a TSP to the Land Conservation and Development Commission for adopting as part of the state's Coastal Management Program. It also required state agencies to follow the plan following its adoption. The initial TSP (1994) included Part One, a descriptive background, Part Two, Resource Inventory and Effects Evaluation with mandatory policies for using inventory and scientific information to assess potential impacts when making decisions about ocean uses, and Part Three, a framework for managing the rocky shores and intertidal areas of the coast. The plan acknowledged the need for more scientific information and research to support decision-making but did not contain a research program or list of priority research needs. The TSP was amended in 2000 with Part One, [Sec. G, Goals and Policies](#) that mirrored revised Statewide Planning Goal 19, Ocean Resources, Part Three, [revised rocky shore management at Cape Arago](#), and a new [Part Four, Uses of the Seafloor](#). In November 2009 a new Part Five A, Ocean Hydrokinetic Energy Development was adopted by the LCDC as an amendment to the Territorial Sea Plan.

3. Nearshore Strategy

In 2004, after a lengthy public process, the Oregon Department of Fish and Wildlife completed The [Oregon Nearshore Strategy](#) as an initial step to assess nearshore marine fish and wildlife and to address management issues, in a broader ecological and social context. The Strategy did not create or recommend specific regulations but instead presented recommendations for ODFW's management of marine fish and

wildlife. It also identified areas of opportunity for other public or private entities, state and local agencies, and tribes to contribute to the sustainability of Oregon's nearshore resources. Sixteen recommended actions were presented in the Nearshore Strategy to address priority nearshore issues that need of attention, are feasible to implement with appropriate funding, and have received some level of public support. The recommended actions fall into three general categories: 1) education and outreach, 2) research and monitoring, and 3) management and policy.

4. Governor's Executive Order:

The Governor's [Executive Order 08-07](#) of March 2008 set in motion a series of activities on two tracks related to ocean resources and uses. One track was a public nomination process for potential marine reserve sites that followed a controversial recommendation by the OPAC in 2002 to the previous Governor. OPAC and ODFW, with assistance of DLCD, Oregon State University Sea Grant Extension, and others, responded to the Governor's directive by conducting an extensive public process to identify potential sites for marine reserves. OPAC appointed a Scientific and Technical Advisory Committee that enlisted other experts to provide scientific advice and information during the marine reserves designation process. The issue of long-term monitoring and scientific research in marine reserves was a key concern raised during the process. A list of candidate sites was sent to the Governor in November 2008 and the 2009 legislature implemented two pilot reserves and required additional action on four more. A principal result of this effort is the creation of community-based advisory groups for each designated or study candidate marine reserve. These groups engage citizens and communities at the local level in the stewardship of specific marine areas.

The second track responded to private sector proposals for ocean wave energy development. The Governor directed the state, via DLCD, to prepare a plan for ocean alternative energy by December 1, 2009 and submit that plan to the LCDC for adoption as a new chapter in the Territorial Sea Plan to guide development while protecting habitat ocean fisheries. An initial plan was, in fact adopted by LCDC in November 2009 as [Part 5A](#) of the Territorial Sea Plan. A major element of this process was creation of port-based fisheries groups to engage fishermen in the development of the ocean energy plan, particularly through mapping of commercial and recreational fisheries.

Both marine reserves and ocean hydrokinetic energy (aka wave energy) development are place-based and will require extensive monitoring and research to ensure that they can be sited and managed over time in conformance with state ocean policy objectives to protect marine habitats and ecosystems as well as areas important to fisheries. Both initiatives resulted in community-based efforts to help plan for and manage ocean resources. Governor's Executive Order 08-07 did not specify steps to ensure that research and monitoring are supported for these activities, but it certainly created the need for them.

5. [West Coast Governors Agreement on Ocean Health](#)

Although not specifically part of Oregon's Ocean Management Program, the 2006 agreement of the three west coast governors and 2008 Action Plan have expanded the geographic and political context for ocean management. The Agreement created ten [Action Teams](#) to help implement the Action Plan. Federal agencies are key members of the Executive Committee. Regional ocean "governance" entities such as the WCGAOH are increasingly seen as key elements of a national ocean policy framework that will be recommended by the Interagency Task Force on Ocean Policy directed by President Obama. Oregon's robust ocean program experience has been essential in the formation of the WCGAOH and in the recommendations on regional governance at the national level. The WCGAOH was appropriated \$500,000 by the Congress for FY10.

6. [West Coast Regional Marine Research and Information Needs](#). The Sea Grant programs in Oregon, Washington, and California released this regional research plan for the West Coast in early 2009. While not specifically part of the WCGAOH, the recommendations in the plan are specifically linked to

Actions specified in the WCGAOH Action Plan. This Plan, along with the enhanced profile of regional ocean programs, could provide Oregon with a principle tool in linking state-level research needs to funding sources.

Coordination Functions:

The Ocean Policy Advisory Council was originally conceived as a coordinating body among state agencies, ocean users, the public, and other stakeholders. The 2003 amendments to the OPAC membership and relation to the Office of the Governor altered the role of OPAC as a coordinating body, particularly with regard to coordination among state agencies and between state agencies and other OPAC members. Since 2003, an informal “Marine Cabinet” of state agencies convened by the Office of the Governor meets on an as-needed basis to coordinate and discuss policy, programs, and activities on ocean issues.

Linkage of Science to Management:

Although there are a number of informal links between state-level ocean management and marine research programs, no formal science advisory committee exists within Oregon’s Ocean Program. Scientific advice has been solicited on an ad hoc basis in developing the Territorial Sea Plan, in preparing recommendations for Marine Reserves, and in developing the ocean alternative energy plan. The ODFW retains marine scientists on its Marine Region staff and has a strong working relationship with federal marine scientists and scientists at Oregon State University. The designation of marine reserves and ocean wave energy development sites has highlighted the need to provide for research and monitoring of these areas to assess their function and performance and to enable adaptive management.

Data Collection/Sharing/Infrastructure:

No overarching infrastructure exists within the state’s ocean program or the university environment to provide for collection and distribution (sharing) of marine data. There are, however, several initiatives, that provide ocean and coastal data and information to the public and to users in the management arena:

- The [Oregon Coastal Atlas](#), an on-line data portal for more than 3,000 data sets and other information about Oregon’s coast and nearshore ocean. The Atlas was developed as a collaborative effort of the DLCDC, Oregon State University Geosciences, and other entities. Among other data sets, the Coastal Atlas provides beach water quality sampling data obtained by the Oregon Health Division.
- [OrCOOS](#), the Oregon Coastal Ocean Observing System, is a subregional partner of [NANOOS](#) and brings together a variety of near real-time moored and remotely-sensed data and observations along the Oregon Coast.
- [NANOOS](#), the Northwest Association of Networked Ocean Observing Systems, creates customized information and tools for Washington, Oregon, and Northern California with emphasis on maritime operations, ecosystem impacts, regional fisheries, and coastal hazards.
- [PaCOOS](#) is the Pacific Coast Ocean Observing System a cooperative effort of [NOAA](#), academic partners, foundations, state fisheries agencies, and other organizations, to provide information about the California Current Large Marine Ecosystem and information needed to manage fishery resources, protect marine mammals, marine birds, and turtles, and forecast the ecosystem consequences of fisheries removals, environmental variability and climate change.

During the public marine reserves nomination process, an ad hoc marine geospatial coordinating committee was convened to aggregate a variety of maps, data, and information was [served on-line](#) to the public.

Assessment: Strengths/Weakness

Strength:

- A clear and strong legislative mandate for coordinated, comprehensive planning and management of state ocean resources;
- Statewide Planning Goal 19, a far-sighted, robust policy statement has guided Oregon's ocean management and planning for 32 years and is widely accepted;
- A 20-year history of collaboration and cooperation among state agencies with ocean resource management authorities and programs;
- A good working relationship, albeit ad hoc, between the academic marine research community and state and federal ocean management agencies and entities.
- An emerging commitment to direct involvement of local communities in planning and managing of ocean resources.

Weakness:

- Lack of a mechanism or structure to link the state's marine and coastal research assets with the state's program for ocean planning and management;
- Lack of a mechanism to integrate the interests of state Executive Branch authorities and those of stakeholders and partners;
- Lack of a formal coordination mechanism among Executive Branch agencies;
- Lack of a funding mechanism or infrastructure outside of existing state budget processes to provide flexible, responsive, and timely funding support for ocean planning, management, and research;
- An authorizing statute that, when amended in 2003, created inconsistencies and lack of clarity in the overall state ocean program.

Success/Failure

Success:

- Implementation of a state-level ocean resources management program for nearly 20 years.
- Adoption of a Territorial Sea Plan and subsequent amendments.
- A high public profile of ocean conservation and management issues in the state.
- Implementation of two pilot marine reserves with community support, with four others in process.
- Engagement by the legislature in ocean issues.

Failure:

Lack of financial support from the Legislature for ocean resources management and scientific research needed to support ocean management.

Sources: