

## **1994 Territorial Sea Plan**

### **Appendix G:**

## **Principal Policies of the Oregon Ocean Plan**

The following policies are contained in the Oregon Ocean Resources Management Plan (Ocean Plan) prepared pursuant to ORS 196.405 et seq by the Ocean Resources Management Task Force. The Ocean Plan was approved December 12, 1990, by the Oregon Land Conservation and Development Commission as part of the Oregon Coastal Management Program.

Oregon law [ORS 196.425 (3)] specifies the Ocean Plan as a primary component of the Oregon Ocean Resources Management Program and provides that "the Territorial Sea Plan shall be based on the policies and recommendations of the Oregon Ocean Resources Management Plan." The following policies, therefore, apply to the Territorial Sea Plan unless specifically amended by the Ocean Policy Advisory Council and approved by the Land Conservation and Development Commission as an amendment to the Ocean Plan.

### **Ocean Plan Policy: Ocean Stewardship**

The Ocean Stewardship Area is Oregon's area of direct concern and responsibility for ocean resource management.

The Ocean Stewardship Area includes the entire continental margin from mean high water, across the continental shelf, and down to the bottom of the continental slope.

Oregon does not claim ownership or possession of the entire Ocean Stewardship Area.

Designation of the Ocean Stewardship Area will neither change the jurisdictional boundaries of the state, nor change the federal legal regimes under which the resources of the exclusive economic zone are managed. Designation will not expand the state's federal consistency authority beyond activities which affect Oregon's coastal zone.

#### **Within the Ocean Stewardship Area:**

- Ocean resource uses and activities directly affect the interests of the State of Oregon;
- Oregon has management interests in oil and gas exploration and development, marine mineral mining, marine transportation and ports, marine birds and marine mammals, intertidal areas, ocean fisheries, oil spills, recreation, cultural resources, aesthetic qualities, and water and air quality;
- Oregon shares management responsibilities and interests in concert with federal resource management agencies.

### **Within the Ocean Stewardship Area, Oregon will:**

- Conserve living marine resources, including biological communities and habitats;
- Give priority to renewable resources over nonrenewable resources;
- Support scientific research on marine ecosystems, ocean resources, and oceanographic conditions to develop better information upon which to make better ocean management decisions;
- Seek appropriate co-management arrangements with the federal government to ensure that ocean resources in the Ocean Stewardship Area are managed consistently in accordance with the policies of the Oregon Ocean Resources Management Plan;
- Coordinate and cooperate with adjacent states and encourage regional approaches to management of ocean areas, where appropriate;
- Involve local governments and the public in ocean resource management decisions;
- Develop marine management areas, where needed, to provide increased opportunities for public recreation, to protect biological communities and habitats, and/or to advance scientific understanding of the ocean.

## **Ocean Resources Conservation-**

The conservation of all ocean resources is the principle that guides Oregon's ocean resources management.

Ocean resources conservation means that the integrity, diversity, stability, complexity, and the productivity of marine biological communities and their habitats are maintained or, where necessary, restored. Ocean resources conservation also means that Oregon will attempt to accommodate the needs for economic development while avoiding wasteful uses and maintaining future availability.

1. Allow only those activities and uses of ocean resources in Oregon's Ocean Stewardship Area which are consistent with the goal of ocean resources conservation.
2. Require an environmental inventory and impact assessment for all ocean resource management decisions with potential to significantly affect the marine ecosystem. Assessments must analyze and describe the long-term effects of the proposed action on biological communities, marine habitats, and uses of the continental shelf and nearshore ocean.
3. Require an environmental risk assessment for all proposals to develop nonrenewable ocean resources. This assessment shall determine the probability that biological communities and habitats will be exposed to adverse effects from operating procedures or accidents, the sensitivity

of these biological communities and habitats to such exposure, and the probable impacts of exposure on the marine ecosystem.

4. Prohibit a proposed activity when the environmental impact and risk assessments show that the value of affected biological communities and habitats is high, the risk of adverse effects from the proposed activity is high, and the proposed activity cannot be modified to reduce the risks to acceptable levels.
5. Resolve conflicts between ocean resource uses to:
  - Protect the overall integrity, diversity, stability, and complexity of the marine ecosystem.
  - Give priority to the conservation of renewable resources; to renewable resource uses over nonrenewable resource uses; and to non-consumptive uses over consumptive uses.
6. Use non-regulatory means to promote and achieve ocean resource conservation, when likely to have results equivalent to or better than regulatory means.
7. Promote public education and interpretation programs to increase understanding of marine ecosystems and the need for ocean resource conservation.
8. Support the use of mitigation techniques to reduce adverse effects on biological communities and habitats to the maximum extent practicable. However, the potential for mitigation shall not be used as the sole justification to allow an ocean resource development activity.
9. If necessary to obtain needed information about environmental risks and effects, allow small-scale pilot projects under the following conditions:
  - A pilot project must include research on the effects of the activity on the marine ecosystem, and must make the results of research available to the public.
  - A pilot project must conserve living marine resources; and must not adversely affect any critical marine habitat.
  - A pilot project must be carefully monitored by state and federal agencies.
  - A pilot project must be scheduled only for short periods of time, must be evaluated before proceeding to additional activities, and must avoid interference with other existing uses.
  - The scale of the pilot project must be the minimum to obtain the needed information.

## **Ocean Resources Conservation**

### **Habitat Protection**

1. Expand state agency decision making on ocean resources uses and activities to include considerations of entire ecosystems, in addition to individual species or activities management.
2. Identify critical habitats within the Oregon Ocean Stewardship Area which require special management or protection. Protect these biological communities and habitats from adverse effects, disruption, or damage.
3. Enforce federal and state laws protecting migratory birds, marine mammals, and endangered, threatened, and sensitive species.
4. Restrict uses or access, if necessary, protect endangered, threatened, and sensitive species or their habitats.

### **Critical habitat**

Increased protection of a critical habitat must be justified on a case-by-case basis. Factors to considered include:

- The ecological significance of the habitat to maintaining ecosystem structure, biological productivity, biological diversity, and representative species assemblages;
- The ecological importance of the area to maintaining populations of threatened or endangered species;
- The importance of the area in important life history stages of marine organisms, especially special areas used for feeding, courtship, breeding, spawning, nurseries, parental foraging, over-wintering, and resting or haul out;
- Vulnerability of the biological community and the habitat to the adverse effects of pollutants, noise, seismic testing, habitat alteration, human trespass, and harvest;
- The severity of impacts on the biological community and the habitat from existing or potential uses;
- The uniqueness of an area within Oregon's Ocean Planning Area.

### **Ocean Fisheries**

1. Conserve, protect and, where needed, enhance or restore marine habitats that are important to commercial and recreational fish species.
2. Give clear priority to the proper management and protection of renewable resources over nonrenewable resources throughout Oregon's Ocean Planning Area. Commercial and

recreational ocean fisheries have priority over uses of nonrenewable resources, including oil, gas and mineral exploration and development.

3. Allow only those uses of nonrenewable resources within the Ocean Stewardship Area that do not adversely affect commercial or recreational fisheries and that do not adversely affect the long-term viability of fish populations or the quality of marine habitats.
4. Heceta-Stonewall Banks, Coquille Bank, Astoria Canyon, and Rogue Canyon are too important to Oregon's fisheries to risk disturbance from nonrenewable resource uses. In these areas, prohibit commercial exploration and lease sales consistent with the majority position in the Marine Minerals Policies. Allow nonproprietary academic and public agency scientific research related to marine minerals if the Oregon Department of Fish and Wildlife determines that the research activities will not cause significant adverse effects on the fisheries or sensitive marine populations or habitats.
5. In other Important Fishery Areas, allow specific uses of nonrenewable resources if the Oregon Department of Fish and Wildlife determines that the specific proposed activity will not adversely affect commercial or recreational fishery activities, the quality of fish habitats, or the viability of fish populations.
6. Support research on marine ecosystems, fish populations, and fish habitat needs which will promote sound fishery management decisions. Study, evaluate and identify specific Important Fishery Areas. Evaluate the probable risks and effects of the specific activities on ocean fisheries.
7. Develop public education and interpretation programs about the commercial and recreational fishing industry; its characteristics, key species, important fishery areas, and contribution to Oregon's economy and culture.

### **Important Fishery Areas**

1. Habitats important to the biological success of commercially and recreationally caught fish species, such as spawning, rearing, resting, and feeding areas.
2. Areas important to commercial and recreational fishing activities, including:
  - High catch areas. (e.g., High total pounds landed and high dollar value of landed catch)
  - Areas where a few members of the fleet catch a relatively small number of pounds of highly valued fish.
  - Areas that are seasonally important to fishing activities such as areas where high catches are limited to certain times of the year or areas which are important migratory routes.
3. Habitats that support populations of animals that are important as food or prey species to commercially and recreationally caught fish species.

4. Areas important to commercial and recreational fishing activities for specific individual ports or particular fleets.

## **Marine Birds and Mammals.**

1. Promote public awareness and appreciation of marine birds, marine mammals, and their habitats. Develop public education and interpretation programs to increase public understanding of the biology of marine birds and mammals, their habitats, needs and the vulnerability of marine birds and mammals to human disruption and disturbance. Ensure that these education programs are readily available and widely distributed. Develop targeted education efforts to specific ocean resource user groups including the fishing industry and recreational boaters.
2. Provide state protection to marine birds and mammals, especially endangered, threatened and sensitive species, and to habitats which are critical to maintaining viable marine bird and mammal populations.
3. Develop provisions in Oregon's plan for the territorial sea that will improve protection of sensitive marine bird and mammal populations and will provide for the development of site-specific management programs.
4. Strengthen state programs to complement federal bird and mammal protection programs. Actively pursue co-management opportunities.
5. Prohibit activities around nearshore rocks and islands which threaten the continued viability of marine bird and mammal populations, especially endangered, threatened, and sensitive species on the thirty-three sensitive areas identified below.
6. Support the use of the nearshore rocks and islands for safe passage and anchorage where necessary to protect human lives. Allow anchorage and passage for matters of convenience only if these activities do not adversely affect sensitive marine bird and mammal populations.
7. Support a range of resource management and protection measures which include both regulatory and non-regulatory approaches, as appropriate to each specific case. Support increased enforcement efforts of existing state and federal agencies.
8. Until Oregon completes an evaluation of the sensitivity of specific bird and mammal populations and their habitats and until Oregon adopts a plan for the territorial sea or other enforceable programs which provide specific protection for sensitive marine bird and mammal populations and their habitats:

- Allow fishing and the harvest of renewable resources around all of the nearshore rocks and islands unless the Oregon Department of Fish and Wildlife determines that a specific use or activity adversely affects sensitive marine bird or mammal populations.
  - With the exception of fisheries activities which do not adversely affect sensitive marine bird or mammal populations and safe passage and anchorage where necessary to protect human life, prohibit all other activities within 1/4 mile of the thirty-three sensitive areas identified below. Prohibited uses include such recreational activities as jet skis; sea kayaking; SCUBA diving; tidepooling; birdwatching; and sightseeing boats, planes, and helicopters.
  - Prohibit exploration and development of nonrenewable resources, including oil, gas, and marine minerals, within three miles of all nearshore rocks and islands. Allow academic and public agency scientific research on nonrenewable resources within three miles of nearshore rocks and islands, if ODFW determines that these activities will not adversely affect sensitive marine bird and mammals populations or their habitats.
9. Support the outstanding contribution of volunteer wildlife rehabilitation centers to protect Oregon's marine bird and mammals populations and provide state support through equipment, information, training, and funding, as appropriate, to increase Oregon's capability to care for injured wildlife and respond to oil spill events.
  10. Increase communication among the Oregon Department of Fish and Wildlife, Oregon State Police, Oregon Department of Parks and Recreation and wildlife rehabilitation centers on marine mammal protection.
  11. Develop protocols for involvement of wildlife rehabilitation centers in oil spill response planning and implementation.

## **Marine Birds and Mammals. Sensitive Marine Bird and Mammal Habitats)**

1. Factors for evaluating the significance, sensitivity, and vulnerability of marine bird and mammal habitat:
  - The ecological significance of the area to maintaining ecosystem structure, biological productivity, biological diversity, and representative species assemblages.
  - The ecological significance of the area to important life history stages of marine organisms, especially feeding, courtship, breeding, nursery, parental foraging, over-wintering, and resting or haulout areas.
  - The presence of state or federally listed sensitive, threatened, or endangered species. The ecological importance of the area to maintaining populations of sensitive, threatened, or endangered species.

- Species diversity on an individual rock or island. The size of the populations of marine birds and mammals and percentage of the total Oregon population of a particular species on an individual rock or island.
2. Circumstances that may result in protective buffers around sensitive marine bird and mammal habitat:
- If an endangered, threatened, or sensitive species requires a specific area for part of its life cycle (e.g. reproduction, feeding, or nesting), then a total exclusionary buffer zone of 500 feet is necessary for that portion of the year that the species requires use of the area.
  - If an area contains a high percentage of the total number of marine bird or mammal species found along the Oregon coast, then a total exclusionary buffer zone of 500 feet is necessary for that period of time that those species require its use.
  - If an area contains a high percentage of the total state population of a species, whether breeding, wintering, or general population levels, then a total exclusionary buffer zone of 500 feet is required for that period of time when the area is in use.
  - If a species or habitat is highly vulnerable to a particular human activity which causes adverse impacts on the species or habitat, then a minimum exclusionary buffer zone of 500 feet for that activity is necessary for as long as the species or habitat is vulnerable to that activity.
3. Sites needing additional assessment for protection:
- Tillamook Head Rocks
  - Tillamook Rock (Lighthouse)
  - Sea Lion Rock (Ecola Point)
  - Bird Rocks (Chapman Point)
  - Castle Rock (Arch Cape)
  - Gull Rock (Arch Cape)
  - Unnamed Rock (Cape Falcon)
  - Pyramid Rock (Cape Meares)
  - Pillar Rock (Cape Meares)
  - Three Arch Rocks NWR

- Cape Lookout (south face)
- Haystack Rock (Pacific City)
- Cliff Creek Cove (Cascade Head)
- Unnamed Rock at Cascade Head
- Two Arches Rock (Cascade Head)
- Gull Rock (Otter Rock)
- Shell Island and Simpson Reef (Cape Arago)
- North Coquille Point Rock (Bandon)
- Cat and Kittens Rocks (Bandon)
- Face Rock (Grave Point)
- Castle Rock (Cape Blanco)
- Gull Rock (Cape Blanco)
- Orford Reef
  - Long Brown Rock
  - Large Brown Rock
  - Best Rock,
  - Square White Rock
  - Seal Rock
  - Conical White Rock
  - Arch Rock
  - West Conical Rock
- Redfish Rocks (Port Orford)
- Island Rock (Humbug Mountain)
- Unnamed Rock (Hubbard Mound)
- Dog Rock (Hubbard Mound)
- Rogue Reef
  - Double Rocks

- Needle Rock
- Pyramid Rock
  
- Hunters Island (Cape Sebastian)
  
- Mack Arch
  
- Whalehead Islands
  
- Twin Rocks (Cape Ferrelo)
  
- Goat Island (Brookings)

## **Intertidal Plants and Animals**

1. Protect sensitive intertidal habitats and communities from pollution and from overuse and abuse.
2. Promote public awareness, understanding, and appreciation of intertidal habitats.
3. Establish Intertidal Marine Gardens, where necessary, to protect particularly vulnerable intertidal areas and to provide opportunities for public enjoyment and learning.
4. Develop provisions in Oregon's plan for the territorial sea to protect intertidal plants, animals, and habitats.

## **Marine Gardens**

### 1. Criteria for evaluating intertidal sites for Marine Gardens

- The diversity, abundance and sensitivity of the intertidal communities and habitats at a particular site.
- The current and projected level of public use of the site.
- The potential for adverse impacts on intertidal communities and habitats from overuse, overharvesting, or excessive collecting that could occur without special protective measures at the site.
- The opportunities for high quality public recreational use and development of interpretive activities.

### 2. Candidate Marine Garden Sites

- Haystack Rock (Cannon Beach)
- Otter Rock
- Yaquina Head
- Seal Rock
- Cape Perpetua
- Neptune State Park
- Sunset Bay and Cape Arago
- Coquille Point
- Rocky Point
- Harris Beach

## **Intertidal Plants and Animals**

1. Prohibit development activities in the territorial Sea which would impair the cultural, scenic, or recreational values of the near shore areas.
2. Prepare a comprehensive coastal and marine parks and recreation assessment and plan to accommodate increased recreational demands while protecting coastal and ocean resources.
3. Pursue an aggressive campaign to identify and acquire additional public recreation resources and sites on the Oregon coast and to provide for public recreation opportunities in the marine environment.
4. Plan for improvements to Highway 101 which maintain, restore, or enhance recreational, scenic, and interpretive opportunities.
5. Place strong emphasis on education, information and interpretation to protect marine resources, provide for economic development and enhance visitor appreciation of coastal resources and economies.
6. Designate cultural and historic sites, including shipwrecks, as important resources for the general public and not private exploitation.

# **Marine Water and Air Quality**

## **Air Quality**

1. Emphasize pollution prevention rather than cleanup and remedial measures.
2. Require that highest and best controls be used to minimize emissions from ocean activities and assure that they do not degrade the existing high quality of Oregon's marine and coastal air.
3. Require that discharge of pollutants into the airshed of Oregon's Ocean Stewardship Area is consistent with the policies of this plan and such standards as may be developed to carry out this plan.
4. Increase information and data to analyze the effects of air pollution from ocean resources development on marine and onshore air quality.

## **Marine Water Quality**

1. Assert Oregon's leadership role in protecting marine water quality through improved state management capability and through a coordinated program of federal, state and local government.
2. Encourage citizens, local governments, businesses and ocean users to minimize waste disposal in the ocean by reducing waste at its source, conserving water, controlling pollution sources on land and in the water, promoting proper waste disposal, and recycling.
3. Emphasize prevention of marine water pollution by promoting recycling and debris collection in Oregon ports, requiring that discharges from coast and offshore activities be the minimum necessary and be treated to prevent degradation, reducing the use of water, eliminating or minimizing the use of toxic substances.
4. Establish marine air and water quality monitoring systems and promote research to analyze the effects of pollution on intertidal and oceanic ecosystems.
5. Support and participate in interstate and international efforts to reduce and eliminate marine debris and pollution.
6. Promote the use of products that can be recycled or manufactured without adverse affects on marine water quality.

## **Oil and Gas**

**In state waters:**

1. Prohibit oil and gas exploration and development within the state territorial sea.

**In federal waters:**

1. Call upon the Secretary of the Interior to cancel Lease Sale #132.
2. Oppose any federal lease sale for the Washington-Oregon OCS Planning Area until at least the following conditions are met to the satisfaction of the Oregon Ocean Policy advisory Council:
  - Any lease sale is made part of a balanced national energy program. This program must require conservation of energy and consider alternatives to development of oil and gas resources in environmentally sensitive OCS frontier areas.
  - The rights of Pacific Northwest Indian Tribes are considered and fully protected in all decisions concerning OCS leasing in the region.
  - Environmental studies that the Oregon Ocean Policy Advisory Council agrees are necessary for prelease decisions are conducted and the results analyzed, fully considered, and made available for all parties.
  - State environmental standards are met. No degradation will be allowed which would jeopardize the ecological integrity or beneficial uses of marine waters affecting the Oregon coast.
  - Onshore economic, social and regulatory impacts on local communities and governments are fully considered and appropriate monitoring and mitigation programs established.
  - Special management areas identified in the Oregon Ocean Resources Management Plan as needing protection from oil and gas activities are not offered for lease, including important fishery areas listed under Ocean Fisheries.
  - An oil spill prevention and response plan for the Oregon coast has been developed on an interagency basis and adopted by the U.S. Coast Guard and the Oregon Department of Environmental Quality.
  - Damage assessment standards and protocols have been approved by the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service and other responsible agencies.
  - A compensation program has been established to compensate the state and other ocean users for a range of costs, including cleanup, loss of gear, loss of resources and opportunities.
3. Participate in the Pacific Northwest OCS Task Force.

4. Call upon the Congress to review and revise the Outer Continental Shelf Lands Act. Revisions should result in an OCS oil and gas program that is part of a national energy policy that requires conservation, a management regime that gives priority to consideration of renewable resources over nonrenewable, and includes coastal states as full partners in all OCS management decisions.

## **Oil Spills**

1. Emphasize strategies to prevent spills from occurring in Oregon waters.
2. Commit sufficient resources to maintain ongoing spill planning activities so that plans can be updated, expanded, and exercised on a continual basis.
3. Promote efforts within industry to assure that oil spill response equipment and trained cleanup personnel will be available to respond immediately to a spill during any activity involving petroleum production or transport in Oregon waters.
4. Emphasize the importance of policies and strategies for dealing with wildlife rehabilitation, oiled debris disposal, volunteer management, damage assessment, and dispersant use.
5. Ensure that any party engaging in petroleum exploration, production, storage, or transport in or near Oregon waters shall develop and acquire approval from the appropriate authority for oil spill contingency plans. The foremost plan element shall demonstrate that all possible steps have been taken to prevent spills from occurring.
6. Insist that federal laws be changed to clearly remove all limitations on the liability of any party responsible for spilling oil or hazardous materials into the waters of the state.
7. Coordinate with other coastal states to encourage the U.S. Congress to designate the U.S. Coast Guard as the sole federal agency with authority to review industry spill prevention and response plans for adequacy.
8. Oregon's coastal oil spill prevention and response plan shall be a part of the state's territorial sea plan.

## **Marine Minerals**

1. Prohibit commercial exploration contracts under SB606 (ORS 274.611-640) for at least five years.
2. Amend ORS 274.611-.640 to clarify that an exploration contract neither confers proprietary rights to any minerals found nor obligates the state to proceed with any steps toward mineral leasing or development.

3. Clarify and refine state marine mineral policies in the territorial sea plan.
4. Include in the territorial sea plan a research plan for academic and public agency research related to marine minerals, environmental conditions, biologic resources and socio-economic conditions.
5. Require an inventory and effects assessment under Statewide Planning Goal 19, Ocean Resources, prior to any commercial exploration contracts and require that the proposed exploration plan, if approved by appropriate state and federal agencies, continues necessary terms, conditions and stipulations to avoid adverse impacts from exploration activities.
6. As called for in the section on Marine Birds and Mammals, prohibit exploration and development of marine minerals within three miles of all nearshore rocks and islands until Oregon completes a plan for the territorial sea which includes an evaluation of the sensitivity of specific marine bird and mammal populations and their habitats and provides specific protection measures. During this plan preparation and evaluation period, academic and public agency scientific research related to marine minerals will be allowed within three miles of the nearshore rocks and islands if the Oregon Department of Fish and Wildlife determines that these activities will not adversely affect sensitive marine bird or mammal populations or their habitats.
7. Prohibit commercial mineral exploration and development in Important Fishery Areas as identified in the Ocean Plan.
8. Use the adopted policies of the Oregon Ocean Resources Management Plan to coordinate all state and federal marine mineral activities.