

Oregon Territorial Sea Plan

Adopted May 4, 2001



New Chapter

Ocean Management Goals and Policies

These amendments were adopted by the Land Conservation and Development Commission on May 4, 2001, based on a recommendation from the Ocean Policy Advisory Council, January 28, 2000.

Preamble to Ocean Management Goals and Policies:

The Pacific Ocean is an important and defining feature of the State of Oregon. The people of the state, as well as the nation and world, derive numerous economic, aesthetic, cultural, educational, recreational, and ecological benefits and values from the resources of the Pacific Ocean.

The State of Oregon holds the lands, waters, and living resources within its boundaries in trust for the public and, acting through local, state, and federal laws, seeks to ensure that these ocean resources, values, and benefits are conserved for the current and future generations. The state has therefore established in law a program of ocean-resources planning and management that includes ocean-resource goals and policies and seeks to integrate the ocean-management responsibilities of all levels of government, involve the public and users of ocean resources, and promote the conservation of all ocean resources. Oregon places special emphasis on conserving renewable ocean resources because these are expected to provide greater long-term benefits to the state from food production, recreation, aesthetic enjoyment, navigation, and ecosystem stability than non-renewable marine resources.

The State of Oregon recognizes that the ocean area within its jurisdiction is an integral part of the larger marine environment of the Northeastern Pacific Ocean and the entire Pacific Ocean. The highly dynamic, fluid, and interconnected nature of the marine environment, the migratory life stages of numerous marine organisms, and the patterns of economic use of ocean resources by coastal communities serve to extend the state's interests in the conservation of ocean resources to areas beyond state waters. Similarly, the state recognizes that the marine environment extends into coastal estuaries, which provide important habitat for many marine species and which are affected by or affect the larger marine ecosystem.

The State of Oregon encourages the public, ocean users, other coastal states, and nations to embrace the responsibility of stewardship of ocean resources in order to sustain them into the future. The following goals and policies define and assert Oregon's long-term interests in the sustainable use of ocean resources.

GOALS

The following goals and policies of the State of Oregon are mandatory for ocean resources planning and management; all actions by local, state, or federal agencies that affect the ocean resources of the state shall be consistent with them.

The overall ocean-management goal of the State of Oregon is to:

conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

To achieve this goal, the State of Oregon will:

1. give higher priority to the protection of renewable marine resources than to the development of non-renewable ocean resources;
2. support development of ocean resources that is environmentally sound and economically beneficial to coastal communities and the state;
3. protect the diversity of marine life, the functions of the marine ecosystem, the diversity of marine and estuarine habitats, and the overall health of the marine environment; and
4. seek the conservation of ocean resources within the larger marine region that is of ecologic and economic interest to the State of Oregon.

POLICIES

POLICY 1: SCOPE OF AUTHORITY

It is the policy of the State of Oregon that all local, state, and federal plans, programs, and activities that affect the resources and uses of the Oregon territorial sea shall:

- A. be developed, managed, and conducted to maintain and, where appropriate, restore the long-term benefits derived from Oregon's renewable marine resources;
- B. meet the requirements of the Territorial Sea Plan for inventory information and effects-analysis;
- C. protect:
 - 1. renewable marine resources from adverse effects of development of non-renewable resources;
 - 2. the biological diversity of marine life and the functional integrity of the marine-ecosystem;
 - 3. important marine habitat, including estuarine habitat;
 - 4. areas important to fisheries;
 - 5. beneficial uses of ocean resources, such as navigation, food production, recreation, and aesthetic enjoyment that do not adversely affect the resources to be protected in policy items 1-4, above.

POLICY 2: ESTUARIES

It is the policy of the State of Oregon that:

- A. estuaries are an essential part of the marine environment over which the state has jurisdiction;

B. the effects of ocean-resource development activities on the estuarine environment shall be considered through the requirements of the Resource Inventory and Effects Evaluation in the Territorial Sea Plan.

POLICY 3: MANAGEMENT MEASURES

A. It is the policy of the State of Oregon that management measures for ocean resources and uses shall be appropriate to the circumstances and provide flexibility for future actions. Such management measures include:

1. **Cumulative Effects Assessment:** to act with regard for the accumulated consequences or effects of activities in the environment that may occur at a distance, over time, or in combination with other actions;
2. **Adaptive Management:** to adapt management programs to account for variable conditions in the marine environment, the changeable status of resources, and individual or cumulative effects of uses;
3. **Conditional Approvals or Actions:** to place conditions or limit actions to protect or shield other uses and resources;
4. **Special Management Area Plans:** to develop management plans for certain marine areas to address the unique management needs for resource protection, resource utilization, and interagency cooperation in the areas;
5. **Intergovernmental Coordination and Cooperation:** to coordinate, integrate, and co-manage programs and activities with all levels of government, including coastal Indian tribal governments;
6. **Regional Cooperation and Governance:** to cooperate with other coastal states, countries, organizations, and federal agencies within the larger marine region to address common or shared ocean resource management issues.
7. **Public Involvement:** to involve the public and affected groups in the process of protecting ocean resource, especially through public awareness, education, and interpretive programs.

8. **Contingency Plans:** to require contingency plans and emergency procedures for activities or operations that may result in damage to the marine or estuarine environment.

9. **Precautionary Approach:** to take a precautionary approach to decisions about marine resources and uses when information is limited.

B. It is the policy of the State of Oregon to prepare and regularly update a marine research strategy to provide a basis for identifying, funding, and coordinating marine research.

POLICY 4. OCEAN STEWARDSHIP AREA

A. The State of Oregon has interests in the conservation of ocean resources in an [Ocean Stewardship Area](#), an ocean area where natural phenomena and human uses can directly affect uses and resources of Oregon's territorial sea; the Ocean Stewardship Area includes the state's territorial sea, the continental margin seaward to the toe of the continental slope, and adjacent ocean areas;

B. Within the Ocean Stewardship Area, the State of Oregon will:

1. use all applicable state and federal laws to promote its interests in management and conservation of ocean resources within the state's Ocean Stewardship Area;
2. encourage scientific research on marine ecosystems, ocean resources, and oceanographic conditions to acquire information needed to make ocean and coastal-management decisions;
3. seek co-management arrangements with federal agencies when appropriate to ensure that ocean resources are managed and protected consistent with the policies of the Territorial Sea Plan; and
4. cooperate with other states and governmental entities directly and through regional mechanisms to manage and protect ocean resources and uses.

C. The Ocean Stewardship Area is not intended to:

1. change the state's seaward boundary;

2. extend the seaward boundaries of the state's federally approved Coastal Zone under the National Coastal Zone Management Act of 1972;
3. affect the jurisdiction of adjacent coastal states; or
4. alter the authority of federal agencies to manage the resources of the United States Exclusive Economic Zone.
5. limit or otherwise change federal agency responsibilities to comply with the consistency requirements of the federal Coastal Zone Management Act.

POLICY DEFINITIONS

The following definitions give meaning to various terms found in the ocean-resource goals and policies. These definitions are to be considered as policy statements with regard to ocean-resource planning and management.

“Conserve:” to manage in a manner that avoids wasteful uses or wanton destruction of habitat and provides for future availability.

“Long-term values and benefits:” those values and benefits that accrue to future generations because of the continuous availability of marine resources and ecological functions.

“Renewable marine resources:” living marine organisms;

“Protect:” to shield from loss, destruction, or injury, or to save for future potential use.

“Important Marine Habitats” are areas and associated biologic communities that are:

1. important to the biological success of commercially or recreationally caught species or that support important food or prey species for commercially or recreationally caught species;

2. needed to assure the survival of threatened or endangered species;
3. ecologically significant to maintaining ecosystem structure, biological productivity, and biological diversity;
4. essential to any life-history stage of marine organisms, such as feeding, courtship, breeding, spawning, rearing, parental foraging, overwintering, and resting;
5. especially vulnerable because of size, composition, or location in relation to chemical or other pollutants, noise, physical disturbance, alteration, or harvest;
6. unique or of limited range within the state.

“Areas Important to Fisheries” are:

1. areas of high catch (e.g. high total pounds landed and high value of landed catch);
2. areas where highly valued fish are caught even if in low abundance or by few fishers;
3. areas that are important on a seasonal basis;
4. areas important to commercial or recreational fishing activities, including those of individual ports or particular fleets;
5. habitat areas that support food or prey species important to commercially and recreationally caught fish species

DEFINITIONS TO BE ADDED TO GLOSSARY OF TERMS IN THE *TERRITORIAL SEA PLAN* APPENDIX

Continental Shelf is a geographic feature, the portion of the seafloor adjacent to the continent extending seaward of the coastline to a depth of 200 meters or beyond if the depth admits of exploitation; it includes seafloor areas under both state and federal jurisdiction

Outer Continental Shelf is a jurisdictional area defined in the federal Outer Continental Shelf Lands Act of 1953 as all submerged lands lying seaward and outside the area of lands beneath navigable waters (state territorial seas), the subsoil and seabed of which appertain to the United States and are subject to its jurisdiction and control.

Continental Margin is a geographic feature, the submerged seaward extension of the continent land mass that extends from shore across the relatively level continental shelf and down the steeper continental slope to the deep ocean plain; Oregon's continental margin varies from approximately 58 km to 120 km (36-74 mi) wide and from shore to about 2 kilometers (1.24 mi) deep.

Ocean Stewardship Area includes the state's territorial sea, the continental margin seaward to the bottom of the continental slope, and adjacent ocean areas where natural phenomena and human uses can directly affect uses and resources of Oregon's territorial sea.