Growing pressures on marine resources reach beyond Oregon to regional, national and global scales. This trend is sure to continue as part of future population growth and intensification of human activities. At the same time, there is a trend of increasing awareness and interest in ocean conservation. Two widely recognized examples are the 2004 U.S. Commission on Ocean Policy (USCOP) report and the 2003 Pew Oceans Commission report. Both reports recognize the need for better management of the oceans and emphasize comprehensive national ocean policy recommendations for the U.S. government. At the local level, new and existing citizen port groups and non-governmental organizations work to assist with research, conservation and management options.

In 2002 the State Wildlife Grants program provided nationwide funding and momentum for wildlife conservation planning for each U.S. state and territory. To receive funding, each state and territory is required to develop a statewide Comprehensive Wildlife Conservation Strategy. The purpose of these strategies is to chart a course for conservation by promoting strategic and voluntary conservation actions that benefit at-risk species and their habitats, and in so doing reduce the possibility of future federal or state listings under the Endangered Species Act.

The Oregon Department of Fish and Wildlife (ODFW) led the effort to develop the Oregon Conservation Strategy. This was an ambitious project to synthesize the best available science and knowledge into a broad vision and conceptual framework for the long-term conservation of Oregon’s native terrestrial, aquatic and estuarine fish and wildlife, and their habitats. The Nearshore Strategy, prepared by ODFW’s Marine Resources Program, complements the statewide Conservation Strategy by serving as a supplemental reference providing additional detail on nearshore marine fish and wildlife, their habitats, conservation needs, and opportunity areas. The Nearshore Strategy also stands on its own for readers interested specifically in marine issues.

Required Elements
As part of the State Wildlife Grants program, Congress identified eight required elements to be addressed in each state’s Comprehensive Wildlife Conservation Strategy. Congress also directed that the strategies must identify and focus on species in greatest need of management attention while addressing the full array of wildlife and wildlife-related issues. Consistent with the Oregon Conservation Strategy, the nearshore strategy includes (statements in bold indicate chapters of this document that address required elements):

1. Information on the distribution and abundance of wildlife, including low and declining populations as the state fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the state’s wildlife - Chapter V and Appendices H, I, J;
2. Information on the locations and relative condition of key habitats and community types essential to conservation of species identified in (1) - Chapter V;
3. Descriptions of problems which may adversely affect species identified in (1) or their habitats, and priority research and survey efforts needed to identify factors which may assist in restoration and improved conservation of these species and habitats - Chapters III, V, VI and Appendix C;
4. Descriptions of conservation actions proposed to conserve the identified species and habitats, and priorities for implementing such actions - Chapter VI and Appendix F;
5. Proposed plans for monitoring species identified in (1) and their habitats, for monitoring the effectiveness of the conservation actions proposed in (4), and for adapting these conservation actions to respond appropriately to new information or changing conditions - Chapter VI;
6. Descriptions of procedures to review the Strategy at intervals not to exceed 10 years - Chapter III and VIII;
2. Plans for coordinating the development, implementation, review and revision of the plan with federal, state and local agencies and tribes that manage significant land and water areas within the state or administer programs that significantly affect the conservation of identified species and habitats - Chapters II and VI; and

3. Broad public participation - Chapter III, Appendix B and E.

How the Nearshore Strategy fits into the Context of Oregon’s Marine Resource Management

The Nearshore Strategy was drafted as a first step in examining nearshore fish and wildlife management issues in a broader social and ecological context. This broader perspective of marine resources management mirrors many aspects of the developing concept of marine ecosystem-based management. Ecosystem-based management is an integrated approach to management that considers the entire ecosystem, including humans. Although there is consensus on the definition and key elements of marine ecosystem-based management, scientists and managers are challenged with defining the practical application of ecosystem-based management. The scientific and regulatory community currently lack specific implementation information for this comprehensive approach. This first iteration of the Nearshore Strategy takes feasible steps in the direction of a broader management perspective and its application.

The Nearshore Strategy contributes to the larger domain of marine resources management by focusing on priority nearshore issues and areas that have not received the attention they deserve by other management processes already in existence. It makes little sense for the Nearshore Strategy to duplicate or replace efforts already in place. ODFW is an active or contributing participant in many established marine management and conservation processes. For example, ODFW is a voting member of the Pacific Fishery Management Council, which took action in June 2005 to define, describe and protect groundfish Essential Fish Habitat. The department also plays a significant role in Pacific salmon management and conservation processes at local and regional scales. ODFW is an active, though non-voting, member of the Ocean Policy Advisory Council (OPAC). OPAC is the current designated venue for the consideration of marine reserves in Oregon. As these and other processes unfold, the role of ODFW's nearshore management and conservation efforts will change. The Strategy recognizes the need to adapt to changing circumstances and resources.

Ocean Management Framework

A complex mix of laws, rules and programs governs the use, conservation, and management of Oregon’s marine resources. Other existing plans also may affect the management of nearshore resources. Examples include federal fishery management plans, Oregon’s Wildlife Diversity Plan and the Oregon Territorial Sea Plan. Multiple state and federal agencies and other public

Agency Programs and Authorities

In Oregon’s Territorial Sea and Ocean Shore

Figure 2. Agency programs and authorities for Oregon’s state waters and ocean shores (courtesy Oregon Department of Land Conservation and Development).
entities implement and enforce regulations for the management of marine resources (Figure 2). In addition, public agencies, private non-profit organizations, volunteer groups and private citizens undertake non-regulatory or voluntary resource conservation and management actions.

State agencies have been established with different jurisdictions and authorities for addressing specific public needs. For example, ODFW manages fish and wildlife resources, the Oregon Department of Environmental Quality is responsible for air and water quality, and the Department of State Lands is responsible for managing state-owned lands. The roadmap and forum for addressing any specific nearshore issue will depend upon which, and how many, state agencies are affected.

**Role of the Nearshore Strategy**

The Nearshore Strategy identifies a broad spectrum of resource management concerns and issues in order to take a wider look at issues that may affect fish and wildlife. Many of these issues cut across the jurisdiction of multiple agencies. However, this Strategy is focused on providing recommendations for action within ODFW's jurisdiction. Statements or recommendations affecting other agencies are intended as guidance to those agencies, and are non-binding (see Appendix A for a discussion of public agency laws and programs affecting marine resources). The Ocean Policy Advisory Council, a public consortium of ocean user groups and agencies, provides a forum for addressing issues identified in the Nearshore Strategy and elsewhere that cut across agency jurisdictions.

**Oregon Department of Fish and Wildlife**

The Oregon Department of Fish and Wildlife (ODFW) is responsible for managing Oregon's fish and wildlife resources. ODFW's mission is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

**Oregon Fish and Wildlife Commission**

The Oregon Fish and Wildlife Commission (OFWC) formulates general state programs and policies concerning management and conservation of fish and wildlife resources and establishes seasons, methods and bag limits for recreational and commercial take. The Commission consists of seven members appointed by the governor for staggered four-year terms. One commissioner must be from each congressional district, one from east of the Cascades and one from the west of the Cascades.

**ODFW Agency Infrastructure**

ODFW consists of the Oregon Fish and Wildlife Commission (OFWC), a commission-appointed director, and a statewide staff of approximately 1,400 permanent employees. The department carries out fish and wildlife laws, rules, policies and commission actions through programs staffed by biologists, technical experts and others. The primary programs include Fish Division, Wildlife Division, and Administrative Services Division. A program within the Fish Division, the Marine Resources Program, carries out state management actions for Oregon's marine fish and wildlife resources. This Nearshore Strategy provides the framework for the Marine Resources Program's management of fish and wildlife within state ocean waters.

**Statutory Authority**

As with all state agencies, legislatively adopted statutes define ODFW's authority and jurisdiction (www.leg.state.or.us/). The primary statutes governing ODFW are the Wildlife Code (ORS chapters 496 - 501) and the Commercial Fishing Code (ORS chapters 506 – 513). The Wildlife Code sets law for managing the state's wildlife, which includes mammals, birds, fish, amphibians, reptiles and shellfish. The Commercial Fishing Code provides law and policy for managing commercial fisheries.

The Wildlife Code establishes and defines the OFWC; establishes and defines ODFW; sets the overarching wildlife management policy; and defines laws, policies and programs concern-

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**Marine ecosystem-based management** is an integrated approach to management that considers the entire ecosystem including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it may provide the services that humans want and need. Ecosystem-based management differs from most current approaches that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-based management:

- Emphasizes the protection of ecosystem structure, functioning and key processes;
- Is place-based, focusing on a specific ecosystem and the range of activities affecting it;
- Explicitly accounts for the interconnectedness within systems, recognizing the importance of interactions between many target species or key services and other non-target species;
- Acknowledges interconnectedness among systems, such as between air, land and sea; and
- Integrates ecological, social, economic and institutional perspectives, recognizing their strong interdependences.

(Scientific Consensus Statement on Marine Ecosystem-Based Management 2005)
Chapter II: Nearshore Strategy Context

Marine Reserves

Marine reserves are areas designed to meet specific goals and are regulated to protect resources or uses from activities that may conflict with these goals. Their application as a conservation and management tool has received increased attention in recent years in the United States and worldwide. In 2000 Oregon’s governor directed the Ocean Policy Advisory Council (OPAC) to gather facts and engage the public, fishing industry and other interested parties in a thorough deliberation on the issue of marine reserves, and provide recommendations on state policies appropriate to Oregon’s Territorial Sea Plan.

OPAC reported that marine reserves may enable the state to meet and promote the overall goal of Statewide Planning Goal 19, Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic and social value and benefits to future generations. In addition, OPAC found that reserves may assist in reaching other state objectives such as fisheries enhancement and management, pollution control, recreation, tourism, and education.

OPAC made the following recommendations to the governor in 2002:

1. Oregon should establish a limited system of marine reserves in order to test and evaluate their effectiveness in meeting marine resource conservation objectives; and
2. Before designating any specific marine reserves, Oregon must acquire additional information and conduct additional study, analysis and deliberation through an open, public process with extensive stakeholder involvement.

OPAC recommended an open, participatory two-phase process involving all stakeholders to plan, implement and evaluate a system of reserves along the Oregon coast that will meet conservation objectives, provide valuable information, and maximize other public benefits while avoiding or minimizing adverse effects on fisheries, other ocean users and coastal communities.

In June 2005 Governor Kulongoski informed OPAC that work on marine reserves is a top priority and should be of immediate importance. He emphasized that he is giving full support to the 2002 recommendations on establishing a limited system of marine reserves in Oregon’s three-mile-wide territorial sea, and that he intends for OPAC to follow the two-phase process outlined in those recommendations. ODFW is an ex officio agency member of OPAC and will continue to be involved as appropriate in the range of subjects OPAC addresses.

Ocean Policy Advisory Council (OPAC)

The Ocean Policy Advisory Council was established in 1991 by the Oregon Legislature and represents ocean interest groups such as commercial, charter and sport fisheries, counties, port officials, recreationalists, conservation organizations, state agencies, and others. OPAC’s purpose is to assist management agencies in discussions, recommendations and advancement of policies related to the state’s three-mile territorial sea (Figure 1). OPAC developed the Territorial Sea Plan to provide general guidance for managing activities affecting ocean natural resources. OPAC provides a forum for addressing issues identified in the Nearshore Strategy that cut across agency jurisdictions.
Native Fish Conservation Policy
One set of rules particularly germane to the Nearshore Strategy is the Native Fish Conservation Policy (OAR 635-007-0502 through 635-007-0509). This policy provides the overall blueprint for ensuring conservation of native fish in Oregon, which includes marine fish and invertebrates residing in state waters (from shore out to 3 nautical miles). The policy’s goals include:
1. Prevent the serious depletion of any native fish species by protecting natural ecological communities, conserving genetic resources, managing consumptive and non-consumptive fisheries, and using hatcheries responsibly so that naturally produced native fish are sustainable.
2. Maintain and restore naturally produced native fish species, taking full advantage of the productive capacity of natural habitats, in order to provide substantial ecological, economic and cultural benefits to the citizens of Oregon.
3. Foster and sustain opportunities for sport, commercial, and tribal fishers consistent with the conservation of naturally produced native fish and the responsible use of hatcheries.

**Definitions**

Native fish: Fish species indigenous to Oregon, not introduced. This includes both naturally produced and hatchery produced fish.

Naturally produced fish: Fish that reproduce and complete their full life cycle in natural habitats.

Other State Agencies
Management of the nearshore environment is highly fragmented, with jurisdiction split among multiple state agencies (Figure 2). ODFW’s legal jurisdiction covers management of fish and wildlife only. While ODFW can take action to control the take or harvest of animals, and has some authority concerning animal habitat, the Department does not have authority over such issues as water pollution, vessel traffic, or access to public lands (except on ODFW-owned land). These and other issues are under the jurisdiction of other state agencies. Those with the greatest connection to the Nearshore Strategy are listed below.

Department of State Lands (DSL)
The department is the administrative agency of the State Land Board. It manages the state’s submerged and submersible land under navigable rivers, lakes, estuaries, and the territorial sea.

Oregon Parks and Recreation Department (OPRD)
The department has management authority over most of the Oregon coastline through two mechanisms. The OPRD has direct authority to manage activities within state parks, many of which include sandy or rocky shore areas. In cooperation with DSL, OPRD also manages Oregon’s ocean shore—the publicly owned land between the extreme low water line up to the beach zone line (statutory vegetation line) along the entire length of Oregon’s coast.

Department of Environmental Quality (DEQ)
The Oregon Department of Environmental Quality (DEQ) is a regulatory agency charged with protecting the quality of Oregon’s Environment. DEQ is responsible for protecting and enhancing Oregon’s water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. DEQ uses a combination of technical assistance, inspections and permitting to help public and private facilities and citizens understand and comply with state and federal environmental regulations. In addition to local programs, the Environmental Protection Agency (EPA) delegates authority to DEQ to operate federal environmental programs within the state such as the Federal Clean Air, Clean Water, and Resource Conservation and Recovery Acts.

Department of Land Conservation and Development (DLCD)
The department oversees implementation of the state’s land use planning and coastal zone management programs. DLCD provides coordinated management planning for ocean and coastal state agencies through the Ocean Policy Advisory Council, the Oregon Ocean Management Plan, the Territorial Sea Plan and Statewide Planning Goal 19.

Oregon State Police (OSP)
The Oregon State Police enforce all laws, including fish and wildlife regulations. OSP’s Fish and Wildlife Division works closely with ODFW to identify current issues and set enforcement priorities with an annual Cooperative Enforcement Plan.

Oregon Health Division (OHD)
OHD administers public health programs, including making decisions on beach closures due to poor water quality or human food health risks.
Department of Agriculture (ODA)
The department is responsible for testing seafood commodities such as Dungeness crab and razor clams for contaminants. ODA also is responsible for leasing and regulatory functions for oyster and mussel aquaculture, and regulates the use of growth retardant paints on boat hulls. ODA is responsible for appointing members to various commodity commissions such as the Dungeness Crab Commission and the Oregon Trawl Commission.

Department of Geology and Mineral Industries (DOGAMI)
The department regulates surface mining and oil, gas and geothermal resource exploration. The agency also identifies and maps the state’s geology and natural hazards. On the Oregon coast this includes tsunami and earthquake hazards, and coastal erosion.

Oregon State Marine Board (OSMB)
The Marine Board regulates boating activities in state waters. Through boater education and publications, the board creates public awareness of wildlife resources affected by boating activity.

Local Governments
Counties and Cities
County and city governments have authority in land use regulation and limited authority in ocean governance through 19 statewide planning goals and various Oregon Administrative Rules. These goals and rules give county governments the ability to direct land use planning, economic and coastal development, estuary use and planning, address transportation concerns, and direct local government planning and zoning activities regarding state and local parks. Some enforcement of fish and wildlife laws and marine activities is done by county sheriffs. County commissioners and their constituents often have interest and involvement in ocean governance decisions that could affect local economies.

Port Authorities
Established by enactments of state government, public ports develop, manage and promote the flow of waterborne commerce and act as catalysts for economic growth. Port commissioners and their staff often are directly involved in the development and maintenance of ports and promote economic growth and recreational activities. Dredging, construction, security and port infrastructure are done through port authorities in conjunction with state and federal agencies.

Oregon Coast Indian Tribes
Tribal government representatives work with the Governor’s Office, state agencies, local jurisdictions and other coastal program partners to discuss cultural and land use issues related to marine resources. In 2001 the Oregon Legislature enacted Senate Bill 770, which formalized the government-to-government relationship that exists between Oregon’s tribes and the State of Oregon. Currently, one seat for “coastal” tribal representation is reserved on the Ocean Policy Advisory Council and gives tribal governments the ability to assist in ocean management. Coastal tribes include Coquille; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; Confederated tribes of Siletz Indians; and Confederated Tribes of the Grand Ronde Community of Oregon.

Federal Agencies
Several federal agencies have management authority over species, activities or lands in the nearshore area. State and federal agencies share jurisdiction for many resource management activities. Federal agencies whose ocean management jurisdiction have the greatest connection to the Nearshore Strategy are:

National Marine Fisheries Service (NOAA Fisheries Services)
This branch of the National Oceanic and Atmospheric Administration manages ocean fisheries under the Magnuson-Stevens Fisheries Conservation Act, administers the Marine Mammal Protection Act, and co-administers the Endangered Species Act with U.S. Fish and Wildlife Service. Ocean fisheries management occurs through a regional advisory body known as the Pacific Fishery Management Council, which makes recommendations to NOAA Fisheries.

U.S. Fish and Wildlife Service (USFWS)
The USFWS administers the National Wildlife Refuges in Oregon’s territorial sea, and co-administers several federal laws including the Endangered Species Act. The Oregon Islands

The Territorial Sea Plan
The Territorial Sea Plan was established to conserve and protect marine habitat by managing the resources and uses within the state’s jurisdiction of the sea. The Submersible Lands Act of 1953 identified the seaward boundary of a state’s territorial sea at “a line three geographical miles distant from its coastline.” Oregon’s territorial sea is approximately 1,000 square miles. The nearshore environment lies within the territorial sea and is defined for the purposes of the Nearshore Strategy by the high water (high tide) line out to the 30 fathom (55 meter) depth contour.
National Wildlife Refuge and the Three Arch Rocks National Wildlife Refuge include approximately 1,400 rocks and islands off Oregon that are disconnected with the mainland and have land above the mean high water level. The USFWS also has some refuge lands on the coastline.

**U.S. Army Corps of Engineers (USACOE)**
The Army Corps of Engineers is responsible for building and maintaining coastal navigational projects, dredging and placement of dredged materials, and administering federal permit programs for construction, dredging and filling in ocean and other waters.

**U.S. Coast Guard (USCG)**
The United States Coast Guard is active in the protection of natural resources including pollution prevention, response and enforcement; enforcement of fisheries laws; and international agreements and foreign vessel inspections.

**U.S. Environmental Protection Agency (EPA)**
The EPA is responsible for protecting marine water quality under federal laws and regulates all point-source discharges into rivers, estuaries and marine waters. The EPA protects coastal marine resources through a watershed approach and its regulatory and cooperative management programs.

**Other Ocean Related Federal Agencies**
Other federal agencies that manage coastal lands adjacent to the nearshore area include the U.S. Bureau of Land Management and the U.S. Forest Service.

### Other Agencies and Institutions

**Oregon Coastal Zone Management Association (OCZMA)**
The Oregon Coastal Zone Management Association is a non-profit organization representing counties, cities, ports, soil and water conservation districts, and the Coquille Tribe on the Oregon coast. The OCZMA helps coordinate local government involvement in coastal transportation issues, coastal land use issues, coastal resource management and fisheries (sport and commercial), and develops objective information about the economy of the Oregon coast. It also provides basic information to Congress and the U.S. Army Corps of Engineers regarding maritime traffic to budget for harbor maintenance. OCZMA has no statutory or regulatory authority.

**Pacific Fishery Management Council (PFMC)**
The PFMC is one of eight regional councils in the U.S. responsible for managing fisheries under the Magnuson-Stevens Fisheries Conservation Act. The PFMC is responsible for fisheries off Oregon, Washington and California. It consists of representatives from the west coast states, NOAA Fisheries, tribes and citizens in, or associated with, commercial and recreational fishing industries. Like all of the regional fishery management councils, the PFMC recommends fishery management actions to NOAA Fisheries.

**Pacific States Marine Fisheries Commission (PSMFC)**
The Pacific States Marine Fisheries Commission is dedicated to resolving interstate fishery issues. Representing California, Oregon, Washington, Idaho and Alaska, PSMFC does not have regulatory or management authority. Rather, it serves as a forum for data collection, information management and discussion, working for coastwide consensus between state and federal fishery management authorities. The PSMFC addresses issues that fall outside individual state or regional management council jurisdiction.