

75th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

**Enrolled
House Bill 3013**

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

Relating to ocean resources; and declaring an emergency.

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

SECTION 1. The State Department of Fish and Wildlife, State Fish and Wildlife Commission, State Land Board and relevant state agencies shall, consistent with existing statutory authority, implement the November 29, 2008, recommendations from the Ocean Policy Advisory Council on marine reserves by:

(1) Adopting rules to establish, study, monitor, evaluate and enforce a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks;

(2) Studying and evaluating potential marine reserves at Cape Falcon, Cascade Head and Cape Perpetua; and

(3) Supporting the development of a marine reserve proposal at Cape Arago-Seven Devils.

SECTION 2. (1) The State Department of Fish and Wildlife, in consultation with members from the scientific and technical advisory committee established under ORS 196.451, other relevant marine and fishery scientists, relevant state agencies, ocean users and coastal communities shall implement the activities described in section 1 of this 2009 Act by developing a work plan.

(2) The work plan shall contain the following elements regarding the marine reserves described in section 1 of this 2009 Act:

(a) A biological assessment, including information on habitat characterization, biological resources, local knowledge and, for the established pilot marine reserves, monitoring plans.

(b) A socioeconomic assessment, including a description of human uses, net effects on sport and commercial fisheries and communities and, for the established pilot marine reserves, monitoring plans.

(c) Formation of community teams, with diverse and balanced stakeholder representation that includes local government, recreational fishing industry, commercial fishing industry, nonfishing industry, recreationalists, conservation, coastal watershed councils, relevant marine and avian scientists, to collaborate and develop recommendations for potential marine reserves, considering the biological and socioeconomic information developed under this section. Collaboration may be facilitated by a neutral outside party hired through a competitive bidding process.

(d) Provision of information on the process and data gathered to interested parties and made available to the public.

(e) Development of scientifically based goals specific to each of the marine reserve sites, incorporating continuity and cumulative outcomes, benefits and impacts.

(f) Provision of baseline data on Oregon's territorial sea, as defined in ORS 196.405.

(g) Development of an enforcement plan in consultation with the Oregon State Police and representatives from affected user groups.

(h) Use of communities and volunteers to assist in implementing the work plan where feasible and practical.

(3) The data and recommendations produced from the work plan and other available nearshore data shall be used by the State Department of Fish and Wildlife, in consultation with the Ocean Policy Advisory Council, to recommend the number, size, location and restriction limits of the potential sites for marine reserve designation, consistent with Executive Order 08-07. If, through this process, it is determined that other appropriate sites need to be considered or that potential sites are not consistent with Executive Order 08-07, then the data and recommendations produced shall be provided to the public, the State Department of Fish and Wildlife and other relevant state agencies for future purposes relevant to nearshore management.

SECTION 3. (1) The State Department of Fish and Wildlife shall report on the results of the work plan to an appropriate interim legislative committee on or before November 30, 2010, regarding:

(a) The study and establishment of the pilot marine reserves at Otter Rock and Redfish Rocks described in section 1 of this 2009 Act;

(b) The study and evaluation of the potential marine reserves at Cape Falcon, Cascade Head and Cape Perpetua described in section 1 of this 2009 Act;

(c) The development of a marine reserve proposal at Cape Arago-Seven Devils described in section 1 of this 2009 Act;

(d) The status of funding necessary to carry out the provisions of section 1 of this 2009 Act; and

(e) The accomplishment of the goals related to each of the marine reserves.

(2) The department shall also report on the activities described in subsection (1) of this section to members of the Ocean Policy Advisory Council, relevant state agencies and to the public.

SECTION 4. The Department of State Lands shall transfer \$1 million to the State Department of Fish and Wildlife, for the biennium beginning July 1, 2009, from other funds that are not constitutionally dedicated to the Common School Fund, for use by the State Department of Fish and Wildlife to carry out the provisions of section 1 of this 2009 Act.

SECTION 5. (1) The State Department of Fish and Wildlife may accept only gifts, grants or contributions from any source for deposit in the State Wildlife Fund established in ORS 496.300 that are consistent with the department's work plan specified in section 2 of this 2009 Act.

(2) Any designation of marine reserves in Oregon's territorial sea must include commitments by relevant state agencies to pursue long-term funding necessary to enforce prohibitions, support necessary research and monitoring and provide for public education.

(3) If funding cannot be secured to meet the enforcement and research-based monitoring needs associated with the goals specified in section 2 (2)(e) of this 2009 Act, agencies responsible for managing the marine reserves shall make recommendations to the State Fish and Wildlife Commission and the Legislative Assembly and initiate actions to scale down or suspend fisheries prohibitions in the marine reserves.

SECTION 6. Designation of marine reserves requires periodic reporting by the State Department of Fish and Wildlife in consultation with other relevant state agencies on the accomplishment of the goals described in section 2 (2)(e) of this 2009 Act. The State Department of Fish and Wildlife and the State Land Board shall, based on review of the pe-

riodic reporting, initiate appropriate rulemaking adjustments that may include size, location and restrictions on marine reserves.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House May 28, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 17, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State