

CHAPTER 38

AN ACT

HB 4132

Relating to marine reserves; creating new provisions; amending ORS 196.540, 196.542 and 196.545; and declaring an emergency.

Whereas the Ocean Policy Advisory Council has made recommendations for the policies of a marine reserve program, the siting of marine reserves and protected areas in Oregon; and

Whereas ORS 196.540 (2) affirmed and mandated the council's recommendations to the State Department of Fish and Wildlife for the establishment of marine reserves and protected areas, the development of a marine reserve program, staffing, management and assessment; and

Whereas section 4 of Senate Bill 1510 (2012) required that a decadal assessment be conducted in 2022 and that recommendations be provided for administrative or legislative action; and

Whereas the council's scientific and technical advisory committee conducted a marine reserve assessment through Oregon State University and subsequently made legislative recommendations to increase strategic investments in Oregon's marine reserve programs; and

Whereas the council has unanimously supported the recommendations from the decadal assessment of Oregon's marine reserves, both in policy direction and in full funding of the program; and

Whereas Oregon's marine reserve program is a necessary investment in Oregon's statewide planning goal relating to ocean resources and represents a critical fishery-independent, long term monitoring and applied research investment by the State of Oregon; now, therefore,

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

SECTION 1. ORS 196.540 is amended to read:

196.540. 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:

(1) The November 29, 2008, recommendations from the Ocean Policy Advisory Council on marine reserves by 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) The January 25, 2011, recommendations, limited to those related to boundaries and allowances, from the State Department of Fish and Wildlife on marine reserves by adopting rules to establish, study, monitor, evaluate and enforce:

(a) A marine reserve and two marine protected areas at Cape Falcon;

(b) A marine reserve and three marine protected areas at Cascade Head; and

(c) A marine reserve, two marine protected areas and a seabird protection area at Cape Perpetua.

(3) The October 25, 2022, recommendations from the Ocean Policy Advisory Council to develop for the marine reserves:

(a) An adaptive management plan that includes the development and implementation of:

(A) Specific, measurable, achievable, relevant and time-oriented objectives for ecological and socioeconomic monitoring and research;

(B) Consistent measurable indicators of social impacts;

(C) Efficient long-term ecological sampling protocols that remain consistent and responsive to adaptive management;

(D) Assessment of the capacity for the marine reserves to enhance ecological resilience to environmental disturbances, including data collection and evaluation over long periods of time and on how the reserves operate as a network; and

(E) Defined goals for outreach and engagement, including engagement with federally recognized Indian tribes, and assessments to evaluate the effectiveness in achieving these goals.

(b) A collaborative process through which social monitoring data on the reserves can be interpreted to affect policy decisions. The process should include steps for decision-making and conflict management.

SECTION 2. ORS 196.545 is amended to read:

196.545. (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 ORS 196.540 by developing and amending a work plan and adaptive management plan consistent with ORS 196.540.

(2) The work plan shall contain the following elements regarding the marine reserves described in ORS 196.540:

(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 as needed for potential changes to 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)] (f) Development of an enforcement plan in consultation with the Oregon State Police and representatives from affected user groups.

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

(h) Continued engagement of communities, including commercial and recreational fishing fleets, in order to ensure that marine reserve science is useful to communities and that the department incorporates community and fishermen knowledge into ongoing research and monitoring efforts.

[(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. ORS 196.542 is amended to read:

196.542. [(1) *The State Fish and Wildlife Commission may not impose prohibitions on fishing by rule pursuant to ORS 196.540 until the baseline data specified in ORS 196.545 (2)(f) have been collected consistent with scientifically based monitoring plans.*]

[(2)] In implementing the activities described in ORS 196.540 pursuant to ORS 196.545, the State Department of Fish and Wildlife shall use local resources where feasible and practical.

SECTION 4. Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Fish and Wildlife by section 1 (1), chapter 590, Oregon Laws 2023, for the biennium ending June 30, 2025, for the Fish Division, is increased by \$894,324 for an adaptive management and social monitoring program to support marine reserves.

SECTION 5. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.

Approved by the Governor March 27, 2024

Filed in the office of Secretary of State March 27, 2024

Effective date March 27, 2024