

FISCAL IMPACT STATEMENT EXAMPLE

Table of Contents

Measure Page on OLIS	1
Copy of HB 4132 as Introduced	2
Copy of the - 1 amendment to HB 4132	5
Engrossed version of HB 4132 - 1	6
Oregon Department of Fish and Wildlife Fiscal Impact Statement for HB 4132 - 1.....	9
<i>Written Analysis</i>	<i>9</i>
<i>Agency Summary (quantitative analysis)</i>	<i>12</i>
<i>2023-25 Detailed Calculations.....</i>	<i>13</i>
<i>2025-27 Detailed Calculations.....</i>	<i>14</i>
Legislative Fiscal Office Fiscal Impact Statement	15

2024 Regular Session















HB 4132 Enrolled

Overview	Text	Analysis	Amendments	Testimony	Register to Testify	Submit Testimony
----------	------	----------	------------	-----------	---------------------	------------------

Overview

At the request of:	
Chief Sponsors:	Representative Gomberg, Senator Anderson, Weber, Gorsek, Jama, Sollman, Taylor
Regular Sponsors:	Representative Boice, Dexter, Fahey, Gamba, Grayber, Hartman, Helm, Holvey, Hudson, Javadi, Levy B, Marsh, Neron, Pham K, Reynolds, Walters, Wright, Senator Dembrow, Golden, Patterson, Smith DB, (Presession filed.)
Bill Title:	Relating to marine reserves; declaring an emergency.
Catchline/Summary:	Requires the State Department of Fish and Wildlife, the State Fish and Wildlife Commission and the Department of State Lands to implement the Ocean Policy Advisory Council recommendations to develop an adaptive management and social monitoring program to support marine reserves. +
LC Number:	LC 225
Chapter Number:	Chapter 38
Fiscal Impact:	Budget Report Issued
Revenue Impact:	No Revenue Impact
Measure Analysis:	Staff Measure Summary / Impact Statements
Current Location:	Chapter Number Assigned
Current Committee:	
Current Subcommittee:	
Subsequent Referral(s):	
Potential Conflicts of Interest/Vote Explanations:	Potential Conflicts of Interest/Vote Explanation Documents

Measure History

2-5 (H)	First reading. Referred to Speaker's desk.																																																																																						
2-5 (H)	Referred to Agriculture, Land Use, Natural Resources, and Water with subsequent referral to Ways and Means.																																																																																						
2-6 (H)	Public Hearing held. 																																																																																						
2-8 (H)	<div>Work Session held.  </div> <table><tr><td>Action</td><td colspan="2">Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.)</td></tr><tr><td>Adopted Amendments</td><td colspan="2"> -1</td></tr><tr><td>Committee Vote (Aye, Nay, Excused, Absent)</td><td colspan="2">9-0-0-0</td></tr><tr><td>Carrier</td><td colspan="2"></td></tr><tr><td>Member Vote</td><td>Boice</td><td>Aye</td></tr><tr><td></td><td>Gamba</td><td>Aye</td></tr><tr><td></td><td>Hartman</td><td>Aye</td></tr><tr><td></td><td>Helm</td><td>Aye</td></tr><tr><td></td><td>Levy B</td><td>Aye</td></tr><tr><td></td><td>Marsh</td><td>Aye</td></tr><tr><td></td><td>McLain</td><td>Aye</td></tr><tr><td></td><td>Owens</td><td>Aye</td></tr><tr><td></td><td>Scharf</td><td>Aye</td></tr></table>			Action	Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.)		Adopted Amendments	 -1		Committee Vote (Aye, Nay, Excused, Absent)	9-0-0-0		Carrier			Member Vote	Boice	Aye		Gamba	Aye		Hartman	Aye		Helm	Aye		Levy B	Aye		Marsh	Aye		McLain	Aye		Owens	Aye		Scharf	Aye																																													
Action	Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.)																																																																																						
Adopted Amendments	 -1																																																																																						
Committee Vote (Aye, Nay, Excused, Absent)	9-0-0-0																																																																																						
Carrier																																																																																							
Member Vote	Boice	Aye																																																																																					
	Gamba	Aye																																																																																					
	Hartman	Aye																																																																																					
	Helm	Aye																																																																																					
	Levy B	Aye																																																																																					
	Marsh	Aye																																																																																					
	McLain	Aye																																																																																					
	Owens	Aye																																																																																					
	Scharf	Aye																																																																																					
2-12 (H)	Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.																																																																																						
2-12 (H)	Referred to Ways and Means by prior reference.																																																																																						
2-22 (H)	Assigned to Subcommittee On Natural Resources.																																																																																						
2-26 (H)	Work Session held. 																																																																																						
2-26 (H)	Returned to Full Committee.																																																																																						
2-28 (H)	<div>Work Session held.  </div> <table><tr><td>Action</td><td colspan="2">Do pass with amendments to the A-Eng bill. (Printed B-Eng.)</td></tr><tr><td>Adopted Amendments</td><td colspan="2"> -A2</td></tr><tr><td>Committee Vote (Aye, Nay, Excused, Absent)</td><td colspan="2">23-0-1-0</td></tr><tr><td>Carrier</td><td colspan="2">Gomberg</td></tr><tr><td>Member Vote</td><td>Helfrich</td><td>Aye</td></tr><tr><td></td><td>Breese-Iverson</td><td>Aye</td></tr><tr><td></td><td>Evans</td><td>Aye</td></tr><tr><td></td><td>Gomberg</td><td>Aye</td></tr><tr><td></td><td>Holvey</td><td>Aye</td></tr><tr><td></td><td>Lewis</td><td>Aye</td></tr><tr><td></td><td>Mannix</td><td>Aye</td></tr><tr><td></td><td>McLain</td><td>Aye</td></tr><tr><td></td><td>Owens</td><td>Aye</td></tr><tr><td></td><td>Pham K</td><td>Aye</td></tr><tr><td></td><td>Sanchez</td><td>Aye</td></tr><tr><td></td><td>Smith G</td><td>Aye</td></tr><tr><td></td><td>Valderrama</td><td>Aye</td></tr><tr><td></td><td>Anderson</td><td>Aye</td></tr><tr><td></td><td>Campos</td><td>Aye</td></tr><tr><td></td><td>Dembrow</td><td>Aye</td></tr><tr><td></td><td>Findley</td><td>Aye</td></tr><tr><td></td><td>Frederick</td><td>Aye</td></tr><tr><td></td><td>Gelser Blouin</td><td>Aye</td></tr><tr><td></td><td>Girod</td><td>Aye</td></tr><tr><td></td><td>Hansell</td><td>Exc.</td></tr><tr><td></td><td>Knopp</td><td>Aye</td></tr><tr><td></td><td>Sollman</td><td>Aye</td></tr><tr><td></td><td>Steiner</td><td>Aye</td></tr></table>			Action	Do pass with amendments to the A-Eng bill. (Printed B-Eng.)		Adopted Amendments	 -A2		Committee Vote (Aye, Nay, Excused, Absent)	23-0-1-0		Carrier	Gomberg		Member Vote	Helfrich	Aye		Breese-Iverson	Aye		Evans	Aye		Gomberg	Aye		Holvey	Aye		Lewis	Aye		Mannix	Aye		McLain	Aye		Owens	Aye		Pham K	Aye		Sanchez	Aye		Smith G	Aye		Valderrama	Aye		Anderson	Aye		Campos	Aye		Dembrow	Aye		Findley	Aye		Frederick	Aye		Gelser Blouin	Aye		Girod	Aye		Hansell	Exc.		Knopp	Aye		Sollman	Aye		Steiner	Aye
Action	Do pass with amendments to the A-Eng bill. (Printed B-Eng.)																																																																																						
Adopted Amendments	 -A2																																																																																						
Committee Vote (Aye, Nay, Excused, Absent)	23-0-1-0																																																																																						
Carrier	Gomberg																																																																																						
Member Vote	Helfrich	Aye																																																																																					
	Breese-Iverson	Aye																																																																																					
	Evans	Aye																																																																																					
	Gomberg	Aye																																																																																					
	Holvey	Aye																																																																																					
	Lewis	Aye																																																																																					
	Mannix	Aye																																																																																					
	McLain	Aye																																																																																					
	Owens	Aye																																																																																					
	Pham K	Aye																																																																																					
	Sanchez	Aye																																																																																					
	Smith G	Aye																																																																																					
	Valderrama	Aye																																																																																					
	Anderson	Aye																																																																																					
	Campos	Aye																																																																																					
	Dembrow	Aye																																																																																					
	Findley	Aye																																																																																					
	Frederick	Aye																																																																																					
	Gelser Blouin	Aye																																																																																					
	Girod	Aye																																																																																					
	Hansell	Exc.																																																																																					
	Knopp	Aye																																																																																					
	Sollman	Aye																																																																																					
	Steiner	Aye																																																																																					
3-1 (H)	Recommendation: Do pass with amendments and be printed B-Engrossed.																																																																																						
3-4 (H)	Second reading.																																																																																						
3-4 (H)	Rules suspended. Third reading. Carried by Gomberg. Passed. Ayes, 55; Excused, 2--Boshart Davis, Cramer; Excused for Business of the House, 3--Sanchez, Scharf, Speaker Rayfield. 																																																																																						
3-5 (S)	First reading. Referred to President's desk.																																																																																						
3-5 (S)	Referred to Ways and Means.																																																																																						
3-6 (S)	Recommendation: Do pass the B-Eng. bill.																																																																																						
3-6 (S)	Second reading.																																																																																						
3-6 (S)	Rules suspended. Third reading. Carried by Anderson. Passed. Ayes, 26; Nays, 3--Boquist, Linthicum, Robinson; Excused, 1--Thatcher. 																																																																																						
3-6 (S)	Hayden declared potential conflict of interest.																																																																																						
3-7 (H)	Speaker signed.																																																																																						
3-7 (S)	President signed.																																																																																						
3-27 (H)	Governor signed.																																																																																						
3-28 (H)	Chapter 38, (2024 Laws): Effective date March 27, 2024.																																																																																						

Scheduled Events

Key Contacts

House Bill 4132

Sponsored by Representative GOMBERG, Senators ANDERSON, WEBER, GORSEK, JAMA, SOLLMAN, TAYLOR; Representatives BOICE, GAMBA, HELM, JAVADI, MARSH, NERON, PHAM K, REYNOLDS, WRIGHT, Senators DEMBROW, GOLDEN, PATTERSON, SMITH DB (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes ODFW, SFWC and DSL amend their marine reserve programs. (Flesch Readability Score: 74.8).

Requires the State Department of Fish and Wildlife, the State Fish and Wildlife Commission and the Department of State Lands to implement the Ocean Policy Advisory Council recommendations to develop an adaptive management and social monitoring program to support marine reserves.

Appropriates moneys to the State Department of Fish and Wildlife to implement programs.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

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 allow-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

LC 225

ances, 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.

1 (e) Development of scientifically based goals specific to each of the marine reserve sites, incor-
 2 porating continuity and cumulative outcomes, benefits and impacts.

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

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

6 [(h)] (g) Use of communities and volunteers to assist in implementing the work plan where fea-
 7 sible and practical.

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

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

20 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**
 21 **ated to the State Department of Fish and Wildlife, for the biennium ending June 30, 2025,**
 22 **out of the General Fund, the amount of \$800,000, to implement ORS 196.540 (3).**

23 **SECTION 4.** ORS 196.542 is amended to read:

24 196.542. [(1) *The State Fish and Wildlife Commission may not impose prohibitions on fishing by*
 25 *rule pursuant to ORS 196.540 until the baseline data specified in ORS 196.545 (2)(f) have been collected*
 26 *consistent with scientifically based monitoring plans.*]

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

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

32

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO
HOUSE BILL 4132**

- 1 On page 1 of the printed bill, line 2, delete “creating new provisions;”.
- 2 On page 3, delete lines 20 through 22.
- 3 In line 23, delete “4” and insert “3”.
- 4 In line 29, delete “5” and insert “4”.

5

House Bill 4132 - 1**HMM**
2/24/24

Sponsored by Representative GOMBERG, Senators ANDERSON, WEBER, GORSEK, JAMA, SOLLMAN, TAYLOR; Representatives BOICE, GAMBA, HELM, JAVADI, MARSH, NERON, PHAM K, REYNOLDS, WRIGHT, Senators DEMBROW, GOLDEN, PATTERSON, SMITH DB (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes ODFW, SFWC and DSL amend their marine reserve programs. (Flesch Readability Score: 74.8).

Requires the State Department of Fish and Wildlife, the State Fish and Wildlife Commission and the Department of State Lands to implement the Ocean Policy Advisory Council recommendations to develop an adaptive management and social monitoring program to support marine reserves.

Appropriates moneys to the State Department of Fish and Wildlife to implement programs.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

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 allow-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

LC 225

ances, 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. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Fish and Wildlife, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$800,000, to implement ORS 196.540 (3).**~~

SECTION 4.3 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 5.4 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.

Agency Written Analysis Tab

Section 1: Bill Description

Section 1 of HB 4132 amends ORS 196.540 to add to statute the October 25, 2022, recommendations from the Ocean Policy Advisory Council (OPAC) to develop an adaptive management plan for marine reserves. This plan is to include 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. The adaptive management plan is also to include a collaborative process through which social monitoring data on the reserves can be interpreted to affect policy decisions, including steps for decision-making and conflict management.

Section 2 adds language to ORS 196.545 stating that the Oregon Department of Fish and Wildlife (ODFW) shall consult with relevant scientists, state agencies, ocean users, and coastal communities to implement the activities described in ORS 196.540 above by developing and amending a work plan and adaptive management plan. An additional task of continued engagement of communities and commercial and recreational fishing fleets is added to the work plan in this section. This engagement is intended 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. Further amendments are made to ORS 196.545 in this section to remove the provision of baseline data on Oregon's territorial sea from the tasks to be addressed in this work plan. Section 2 also removes language from ORS 196.545 which previously stated that the data and recommendations produced from the work plan shall be used by ODFW to recommend the number, size, location, and restriction limits of potential sites for marine reserve designation.

Section 3 of HB 4132 appropriates \$800,000 of General Fund to ODFW for the biennium ending June 30, 2025, in addition to and not in lieu of any other appropriation, for the implementation of ORS 196.540.

Section 4 of HB 4132 removes language from ORS 196.542 which previously mandated that ODFW may not impose prohibitions on fishing by rule pursuant to ORS 196.540 until baseline data on Oregon's territorial sea had been collected.

Section 5 declares an emergency; this act would be effective on passage.

Section 2: Program Background

The OPAC recommendations which HB 4132-1 would implement are based on the Decadal Review (2022) of the Department's Marine Reserves Program per Legislative mandate (SB 1510, 2012). HB 4132-1 is very similar to HB 2903 which was proposed, but not passed, during the 2023 Legislative Session. HB 4132-1 would result in significant new workload for the Marine Reserves Program

which could not be incorporated into existing staff workloads and duties.

Section 3: Agency Written Analysis

Sections 1-4 of HB 4132-1 are expected to result in fiscal impacts to ODFW. These sections detail new workload for the agency.

Some of this work could be accomplished by existing staff, including work done to amend existing Oregon Administrative Rules and to create new contracts related to S&S for the development and implementation of new workplan elements. Implementation of the adaptive management plan detailed in HB 4132-1 is expected to require the amending of existing Oregon Administrative Rules. Estimated staff time costs for rulemaking is \$5,473; this would be done using existing staff and budgets.

However, to develop and implement the marine reserves adaptive management plan and collaborative process through which social monitoring data on the reserves can be interpreted as directed in HB 4132-1, ODFW would need the following new permanent positions with S&S costs funded with new General Fund for a total of \$479,324 in the current biennium and \$730,923 in the 2025-27 biennium (PS and S&S combined):

- 1 – Economist 2
- 1 – Natural Resource Specialist 3 (NRS 3)
- 1 – Public Affairs Specialist 2

A new Economist 2 position would be necessary for both the development and ongoing implementation of the adaptive management plan according to the specifications listed in the bill, contributing expertise towards the socio-economic research and monitoring requirements. This position would be involved in the development of consistent measurable indicators of social impacts as described in Section 1 of HB 4132-1 in addition to the ongoing monitoring of these indicators. The position would also contribute towards developing a collaborative process through which social monitoring data can be interpreted to affect marine policy decisions.

A new NRS 3 position would be necessary to assist in developing and implementing efficient long-term ecological sampling protocols that remain consistent and responsive to adaptive management. This position would also carry out duties for the assessment of the capacity for the marine reserves to enhance ecological resilience to environmental disturbances as described in Section 1 of HB 4132-1. This position would additionally aid in developing a collaborative process through which social monitoring data can be interpreted to affect marine policy decisions. The NRS 3 position would be doing field work. The nature of this type of work requires additional travel, training, communications, equipment, and supplies costs.

A new Public Affairs Specialist 2 position would be necessary for the ongoing social outreach work detailed in the bill. This work includes the development and implementation of defined goals for outreach and engagement, including engagement with federally recognized Indian tribes, and assessments to evaluate the effectiveness in achieving these goals. This position would also be necessary for continued engagement with communities in addition to commercial and recreational fishing fleets. This outreach and engagement work is intended 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, as detailed in Section 2 of HB 4132-1.

Additionally, ODFW would need \$415,000 General Fund added to the agency's marine reserves budget on an ongoing basis:

\$315,000 of this total General Fund would be used to support the development and implementation of the adaptive management plan. Funds would be used for the hiring of contractors and facilitators that would support new responsibilities for research, outreach, and community engagement.

\$100,000 of this amount would be used for contracting a Sea Grant-based fellow position to support new research for the development and implementation of the adaptive management plan.

\$100,000 of this total General Fund would be used to support the development and implementation of a collaborative process for considering social impacts of marine policy decisions. Funds would be used to hire facilitators and contactors for the development of the collaborative process; to establish new research contracts related to social research on emerging marine policy decisions; to develop informational documents detailing social impacts and marine policy decisions at hand; and for reimbursement for travel and employee participation in the collaborative process to consider and address social impacts of policy decisions.

Agency Summary Tab

Agency Name: Oregon Department of Fish and Wildlife		Measure Number & Version: HB 4132-1
No fiscal impact	Preparer Name/Title: Seth Urbanski - Economist/Data Analyst	
Minimal Impact	Preparer Phone #: 503-947-6173	
<input checked="" type="checkbox"/> Fiscal Impact	Date Submitted: 02/07/2024	

Effect on Expenditures

	<u>General Fund</u>	<u>Lottery Funds</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>NL Other Funds</u>	<u>NL Federal Funds</u>	<u>TOTAL FUNDS</u>
<u>2023-25 Biennium</u>							
Personal Services	\$ 419,324	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 419,324
Services and Supplies	\$ 475,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 475,000
Special Payments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 894,324	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 894,324
	<u>General Fund</u>	<u>Lottery Funds</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>NL Other Funds</u>	<u>NL Federal Funds</u>	<u>TOTAL FUNDS</u>
<u>2025-27 Biennium</u>							
Personal Services	\$ 670,923	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 670,923
Services and Supplies	\$ 475,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 475,000
Special Payments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 1,145,923	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,145,923

Effect on Revenues

	<u>General Fund</u>	<u>Lottery Funds</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>NL Other Funds</u>	<u>NL Federal Funds</u>	<u>TOTAL FUNDS</u>
<u>2023-25 Biennium</u>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<u>2025-27 Biennium</u>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

2023-25 Detailed Calculations Tab

*Bill is from the 2024 session so positions start in mid-2024 since there is an Emergency Clause, meaning the bill takes effect on passage.

Factors: 2.19 0.1792 0.0765 1.91 1,650																	1	0	0	0
Fill in columns A, B, D, E and G; the table will calculate personal services costs for you.																	Total Personal Services by Fund			
Position count	Months per biennium	FTE	Job classification title	Type: PF/PP LF/LP	Step	Monthly Salary (See Comp Plan tab)	Salary	ERB	PERS (see OPE Rate Tab)	SS	WBF	Ins.	Total OPE	PFMLI	Mass Transit	Total Personal Services	GF	LF	OF	FF
1	15.00	0.63	Economist 2	PF	3	5,861	87,915	33	15,754	6,725	29	24,750	47,291	352	527	136,085	136,085	-	-	-
1	15.00	0.63	Natural Resource Specialist 3	PF	3	5,861	87,915	33	15,754	6,725	29	24,750	47,291	352	527	136,085	136,085	-	-	-
1	15.00	0.63	Public Affairs Specialist 2	PF	3	6,444	96,660	33	17,321	7,394	29	24,750	49,527	387	580	147,154	147,154	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	2															419,324	419,324	-	-	-

Standard Services & Supplies Costs for New Positions

Add additional line items if needed

	ORBITS Line Item	GF	LF	OF	FF	TF
4150	Employee Training	\$ 4,000				\$ 4,000
4175	Office Expenses	\$ 3,000				\$ 3,000
4200	Telecommunications	\$ 9,000				\$ 9,000
4250	Data Processing	\$ 4,000				\$ 4,000
4375	Employee Recruitment & Development	\$ 3,000				\$ 3,000
4400	Dues & Subscriptions	\$ 1,500				\$ 1,500
4650	Other Services & Supplies	\$ 9,000				\$ 9,000
4700	Expendable Property 250-5000	\$ 9,000				\$ 9,000
4715	IT Expendable Property	\$ 10,000				\$ 10,000
4100	Instate Travel	\$ 3,000				\$ 3,000
4575	Agency Program Related S&S	\$ 4,500				\$ 4,500
						\$ -
		60,000	0	0	0	60,000

The Natural Resource Specialist 3 position would be doing field work. The nature of this type of work requires additional travel, training, communications, equipment, and supplies costs. The Economist 2 and Public Affairs Specialist 2 positions would be office positions requiring standard S&S.

Other Non-Standard Services & Supplies Costs

Non-position related costs- add additional line items if needed

	ORBITS Line Item	GF	LF	OF	FF	TF
4100	Instate Travel					\$ -
4125	Out of State Travel					\$ -
4275	Publicity & Publications					\$ -
4300	Professional Services	\$ 415,000				\$ 415,000
4315	IT Professional Services					\$ -
4325	Attorney General					\$ -
4425	Facilities Rental and Taxes					\$ -
4575	Agency Program Related S&S					\$ -
						\$ -
						\$ -
						\$ -
						\$ -
		415,000	0	0	0	415,000

2025-27 Detailed Calculations Tab

Factors: 2.19 0.1792 0.0765 1.91 1,650																	1	0	0	0
Fill in columns A, B, D, E and G; the table will calculate personal services costs for you.																	Total Personal Services by Fund			
Position count	Months per biennium	FTE	Job classification title	Type: PF/PP LF/LP	Step	Monthly Salary (See Comp Plan tab)	Salary	ERB	PERS (see OPE Rate Tab)	SS	WBF	Ins.	Total OPE	PFMLI	Mass Transit	Total Personal Services	GF	LF	OF	FF
1	24.00	1.00	Economist 2	PF	3	5,861	140,664	53	25,207	10,761	46	39,600	75,667	563	844	217,738	217,738	-	-	-
1	24.00	1.00	Natural Resource Specialist 3	PF	3	5,861	140,664	53	25,207	10,761	46	39,600	75,667	563	844	217,738	217,738	-	-	-
1	24.00	1.00	Public Affairs Specialist 2	PF	3	6,444	154,656	53	27,714	11,831	46	39,600	79,244	619	928	235,447	235,447	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		0.00			3		-	-	-	-	-	-	-	-	-	-	-	-	-	-
3		3														670,923	670,923	-	-	-

Standard Services & Supplies Costs for New Positions

Add additional line items if needed

	ORBITS Line Item	GF	LF	OF	FF	TF
4150	Employee Training	\$ 4,000				\$ 4,000
4175	Office Expenses	\$ 3,000				\$ 3,000
4200	Telecommunications	\$ 9,000				\$ 9,000
4250	Data Processing	\$ 4,000				\$ 4,000
4375	Employee Recruitment & Development	\$ 3,000				\$ 3,000
4400	Dues & Subscriptions	\$ 1,500				\$ 1,500
4650	Other Services & Supplies	\$ 9,000				\$ 9,000
4700	Expendable Property 250-5000	\$ 9,000				\$ 9,000
4715	IT Expendable Property	\$ 10,000				\$ 10,000
4100	Instate Travel	\$ 3,000				\$ 3,000
4575	Agency Program Related S&S	\$ 4,500				\$ 4,500
						\$ -
		60,000	0	0	0	60,000

The Natural Resource Specialist 3 position would be doing field work. The nature of this type of work requires additional travel, training, communications, equipment, and supplies costs. The Economist 2 and Public Affairs Specialist 2 positions would be office positions requiring standard S&S.

Other Non-Standard Services & Supplies Costs

Non-position related costs- add additional line items if needed

	ORBITS Line Item	GF	LF	OF	FF	TF
4100	Instate Travel					\$ -
4125	Out of State Travel					\$ -
4275	Publicity & Publications					\$ -
4300	Professional Services	\$ 415,000				\$ 415,000
4315	IT Professional Services					\$ -
4325	Attorney General					\$ -
4425	Facilities Rental and Taxes					\$ -
4575	Agency Program Related S&S					\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
		415,000	0	0	0	415,000



Legislative Fiscal Office
82nd Oregon Legislative Assembly
2024 Regular Session

Prepared by: Twais Broadus
Reviewed by: Wendy Gibson, Haylee Morse-Miller
Date: February 7, 2024

Bill Title: Relating to marine reserves; declaring an emergency.

Government Unit(s) Affected: Department of Land Conservation and Development, Department of Fish and Wildlife, Department of State Lands

Summary of Fiscal Impact

2023-25 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Department of Fish and Wildlife	\$ 894,324	\$ -	\$ -	\$ -	\$ 894,324	3	1.88
Total Fiscal Impact	\$ 894,324	\$ -	\$ -	\$ -	\$ 894,324	3	1.88

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Department of Fish and Wildlife	\$ 1,145,923	\$ -	\$ -	\$ -	\$ 1,145,923	3	3.00
Total Fiscal Impact	\$ 1,145,923	\$ -	\$ -	\$ -	\$ 1,145,923	3	3.00

Measure Description

This measure requires the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) to implement the Ocean Policy Advisory Council recommendations to develop an adaptive management and social monitoring program to support marine reserves. The plan must include specific and time-oriented objectives for ecological, socioeconomic, and social impact monitoring and research. Additionally, these agencies are required to adopt efficient long-term ecological sampling protocols. Agency assessments should focus on the capacity of marine reserves to enhance ecological resilience to environmental disturbances, including data collection and evaluation over extended periods and the operation of reserves as a network. The agencies are to develop goals for outreach and engagement, including engagement with federally recognized Indian tribes, along with assessments to evaluate the effectiveness of achieving these goals.

ODFW is to develop and amend a work plan and adaptive management plan. These plans should include provisions for ongoing engagement with communities, including commercial and recreational fishing fleets, to ensure that marine reserve science is beneficial to communities. Additionally, the department must integrate community and fishermen knowledge into ongoing research and monitoring efforts.

Fiscal Analysis

The fiscal impact is estimated to be \$894,324 General Fund in the 2023-25 biennium, and \$1,145,923 General Fund in the 2025-27 biennium.

Oregon Department of Fish and Wildlife

ODFW can absorb the workload associated with amending Oregon Administrative Rules and contracting for elements of the workplan. Three permanent full-time positions (each 0.63 FTE in the 2023-25 biennium, and

1.00 FTE in the 2025-27 biennium) would develop and implement the marine reserves adaptive management plan and conduct social monitoring, including:

- One Natural Resource Specialist 3 position to develop and implement long-term ecological sampling protocols,
- One full-time Economist 2 position for socio-economic research and monitoring, and
- One Public Affairs Specialist 2 position for ongoing social outreach and engagement.

In addition to position authority and position-related services and supplies, ongoing General Fund costs for ODFW include:

- \$100,000 for a Sea Grant-based fellow position to support new research, and
- \$315,000 for contracts to conduct facilitation services, social research, and marine policy research.

Other entities

There is a minimal fiscal impact anticipated for DSL and DLCD.

Relevant Dates

The measure declares an emergency and takes effect on passage.