

Senate Bill 734

Sponsored by COMMITTEE ON ENVIRONMENT AND LAND USE

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**.

Directs State Parks and Recreation Commission to establish system of marine parks. Specifies purposes of marine parks.

Directs Department of State Lands to establish system of marine reserves. Specifies purposes of marine reserves.

A BILL FOR AN ACT

1
2 Relating to marine protected areas; creating new provisions; and amending ORS 390.180.

3 Whereas Oregon's marine biodiversity is a vital asset to the state because Oregon's ocean wa-
4 ters contain recreational, commercial, ecological, historical, educational and aesthetic values; and

5 Whereas the marine environment is subject to damage and loss of ecological integrity due to
6 human activities, including overfishing of groundfish; and

7 Whereas local coastal communities are directly affected by the degradation of the marine envi-
8 ronment and have an economic interest in preserving and restoring healthy marine populations and
9 critical bottom habitat; and

10 Whereas state and federal agencies have concluded that marine reserves are a valuable man-
11 agement tool for protecting and recovering the marine environment; and

12 Whereas marine reserves protect habitat, conserve biological diversity, provide sanctuary for
13 fish and other marine life, enhance recreational and educational opportunities and may help rebuild
14 depleted fisheries; and

15 Whereas the biology of groundfish is only beginning to be fully understood, but marine reserves
16 are known to act as nurseries for groundfish, allowing older, more productive fish to survive while
17 producing greater numbers of offspring that may help replenish populations outside the reserve; and

18 Whereas a significant risk to marine fisheries is our lack of understanding regarding the biology
19 of marine life, and marine reserves can help expand our knowledge of marine life and its ecosystem;
20 and

21 Whereas sound management of ocean resources requires adequate financial resources and close
22 coordination with the federal government; and

23 Whereas a limited system of marine reserves, designed and managed according to clear
24 conservation-based goals and guidelines, can provide the state with multiple benefits; now, therefore,

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

26 **SECTION 1.** **Section 2 of this 2005 Act is added to and made a part of ORS chapter 390.**

27 **SECTION 2.** **(1) The State Parks and Recreation Commission shall establish a system of**
28 **marine parks along the Oregon coast.**

29 **(2) Marine parks shall be designated in areas immediately oceanward of a state park,**
30 **state recreation area or other state-owned property to a distance to be determined by the**

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.

1 **commission and that, in the determination of the commission, properly allows for:**

2 **(a) Conservation of unique marine resources;**

3 **(b) Promotion of coastal recreation and tourism;**

4 **(c) Provision of outdoor classrooms for marine education; and**

5 **(d) Marine recreational activities, including but not limited to sport fishing, diving,**
6 **kayaking, underwater photography and nonextractive uses that do not harm the marine**
7 **ecosystem.**

8 **(3) The commission shall establish, as part of any marine park, onshore facilities that**
9 **aid in the education and enjoyment of the marine park by the public.**

10 **(4) In cooperation with the State Fish and Wildlife Commission, the State Department**
11 **of Fish and Wildlife and the Department of State Lands, the State Parks and Recreation**
12 **Commission shall develop rules limiting the uses of areas established as marine parks under**
13 **this section to ensure the protection and enhancement of marine ecosystems within the park**
14 **and to promote the purposes for which the marine parks are established.**

15 **SECTION 3.** ORS 390.180 is amended to read:

16 390.180. (1) The State Parks and Recreation Director shall adopt rules that:

17 (a) Establish the standards the State Parks and Recreation Department shall use when that de-
18 partment:

19 (A) Performs comprehensive statewide recreational planning; or

20 (B) Disburses any moneys to local governments or other state agencies under programs estab-
21 lished under state or federal law.

22 (b) Establish a process for the development of a master plan for each state park **and marine**
23 **park**, including public participation and coordination with affected local governments.

24 (c) Establish a master plan for each state park **and marine park**, including an assessment of
25 resources and a determination of the capacity for public use and enjoyment of each park, that the
26 State Parks and Recreation Department shall follow in its development and use of each park.

27 (2) The State Parks and Recreation Director shall submit an adopted state park **or marine park**
28 master plan to the local government with land use planning responsibility for the subject park.

29 **SECTION 4. Sections 5 and 6 of this 2005 Act are added to and made a part of ORS 274.705**
30 **to 274.860.**

31 **SECTION 5. (1) Pursuant to the exclusive jurisdiction provided to the Department of**
32 **State Lands over all ungranted tidal submerged lands under ORS 274.710, the department**
33 **shall establish marine reserves on state-owned tidal submerged lands for the purpose of**
34 **protecting and restoring specific areas of marine habitat that are beneficial to marine life.**

35 **(2) In cooperation with the State Fish and Wildlife Commission and the Ocean Policy**
36 **Advisory Council, the department shall determine the areas of tidal submerged lands that**
37 **are critical to the life cycles of fish and other marine life and designate those areas as ma-**
38 **rine reserves.**

39 **(3) The department by rule shall establish the allowable uses that may occur within ma-**
40 **rine reserves. However, the department may not permit extractive activities, such as fishing**
41 **and oil and gas extraction, or other activities that upset natural ecological functions that**
42 **occur within the area of marine reserves.**

43 **SECTION 6. (1) The purpose of marine reserves established under section 5 of this 2005**
44 **Act is to conserve marine resources and ecological functions for the purpose of providing**
45 **long-term ecological, economic and social values and benefits to future generations of**

1 **Oregonians.**

2 **(2) In order to accomplish the objectives specified in subsection (1) of this section, the**
3 **Department of State Lands may:**

4 **(a) Cooperate with and coordinate the establishment, regulation and modification of ma-**
5 **rine reserves with any agency of state government, as that term is defined in ORS 174.111,**
6 **or the federal government;**

7 **(b) Seek gifts, grants, bequests and endowments of private and federal moneys and de-**
8 **posit these moneys in an account in the Common School Fund to be used to facilitate the**
9 **establishment, regulation and monitoring of marine reserves;**

10 **(c) Contract with private individuals to perform marine research and monitoring relating**
11 **to marine reserves;**

12 **(d) Coordinate with the State Parks and Recreation Commission to complement the**
13 **commission's efforts at establishment of marine parks under section 2 of this 2005 Act; and**

14 **(e) Encourage the participation of local governments, as defined in ORS 174.116, and**
15 **coastal residents in development of plans to reduce the short-term effect that creation of**
16 **marine reserves may have on local economies.**

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