

January 12, 2006



Background for the proposed

OREGON COAST NATIONAL MARINE SANCTUARY

Prepared by the Oregon Coastal Management Program and the Office of the Governor

Governor Ted Kulongoski has proposed that an Oregon Coast National Marine Sanctuary be designated by the National Oceanic and Atmospheric Administration (through the U.S. Secretary of Commerce). This background memo provides details on the proposed sanctuary, why the Governor is taking action, and what he expects to achieve. It also provides an overview of the National Marine Sanctuary Program and the process for designating a new sanctuary off Oregon.

Why Is the Governor Proposing a National Marine Sanctuary?

The Governor is proposing a sanctuary in order to secure long-term stewardship of Oregon's ocean environment, marine resources, and ocean-related economy.

He agrees with the 2004 report of the U.S. Commission on Ocean Policy that increasing threats to the integrity of the world's oceans require new state-federal efforts to protect the ecological and economic values received by the state and the nation that are provided by marine ecosystems. The Governor wrote the Commission in June 2004 "I strongly support the Commission's emphasis on ... ecosystem approaches to protect, manage, and restore coastal and ocean resources." The Governor finds that the Commission's recommendations and principles provide a unique framework for the state and federal government to work in partnership for marine stewardship through the National Marine Sanctuary Program.

The Governor believes that Oregon's long-standing commitment to ocean stewardship cannot be achieved through state-level ocean management efforts alone because Oregon controls only a small part of the large marine environment off the Oregon coast. He has seen that experience in other sanctuaries, such as the Florida Keys National Marine Sanctuary (NMS), demonstrates that a cooperative state-federal partnerships can enhance state efforts to achieve long-term state ocean stewardship goals and protect the many values of the marine environment and its resources.

The Governor believes that sound science is needed to support ecosystem-based ocean management and protection. He understands that Oregon cannot afford to conduct this research or monitoring alone and foresees that Oregon will benefit from federal research funding that could be directed toward long-term management and protection of a nation marine sanctuary.

The Governor intends that an Oregon Coast National Marine Sanctuary end the threat of offshore oil and gas drilling once and for all, as it has in other national marine sanctuaries. However, the Governor believes that a sanctuary is the best mechanism to involve all relevant federal agencies in assessing the potential for wave-energy conversion, wind-generated energy, and other potential new energy sources in the ocean.

The Governor is confident that an Oregon Coast National Marine Sanctuary will boost the coastal economy through funds for research and sanctuary operations and stimulating tourism and travel by drawing national and international attention to the Oregon coast.

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Proposed Sanctuary Area:

The Governor proposes that the sanctuary include all of the *Oregon Ocean Stewardship Area*, which extends from the ocean shore to the outer edge of the continental margin along the entire Oregon coast, including state ocean waters. He believes that the size of the area is necessary to achieve ecosystem-based management. However, the Governor recognizes that public input and scientific assessments may result in a sanctuary that encompasses one or more smaller areas.



The Governor recognizes that a number of smaller sites, such as Heceta-Stonewall Banks, Rogue Canyon, Orford Reef, and Astoria Canyon, are serious candidates for a national marine sanctuary as individual features. However, he believes that a larger ecosystem-based approach is required to meet on-coming challenges to long-term ocean stewardship.

Proposed Uses:

The Governor believes that the sanctuary should support multiple uses and provide diverse economic opportunities. This is consistent with the legislative guidance and practices of the National Marine Sanctuary Program. However, the Governor recognizes that the sanctuary management plan, which will be developed through a public process, may in certain areas prohibit or restrict some activities that would harm the values and resources of the sanctuary.

The Governor fully intends that commercial and recreational fishing continue in the sanctuary and be managed by the Pacific Fishery Management Council and, in state waters, by the Oregon Fish and Wildlife Commission. Both these fishery agencies will coordinate fishing regulations with sanctuary management. The Governor believes that the national marine sanctuary program should support sustainable commercial and recreational ocean fisheries and the cultural and economic importance of working waterfronts and robust fishery-based economies.

The Governor will ask that oil and gas development be banned in the sanctuary but foresees that new ocean uses, such as wave-energy conversion, marine aquaculture, and uses of the seafloor, will be assessed and may be allowed based on the management goals and objectives of the sanctuary. Other uses, such as marine transportation, telecommunication cable corridors, dredged material disposal, municipal and industrial waste discharge, and various recreational activities will continue under sanctuary management.

The sanctuary will likely generate non-consumptive and recreational uses of the ocean and coast. It will also create public education and awareness programs that can complement and support existing programs such as those operated by the Oregon Parks and Recreation Department, local volunteer groups in Cannon Beach, Bandon, and elsewhere, guides and charters for whale and seabird watching, and federal programs run by the US Fish and Wildlife Service Coastal Refuges, the Bureau of Land Management at Yaquina Head, and the US Forest Service at Cape Perpetua. The successful education and outreach programs at the South Slough National Estuarine Research Reserve at Coos Bay have convinced the Governor that sanctuary offices in coastal communities can become valuable community assets and focal points for marine education for the local community and visitors.

Oregon's Ocean Policy Foundation for the Sanctuary Proposal:

The Governor's proposal is based on nearly 30 years of state ocean policies. He intends these policies to be the foundation for the sanctuary management plan and operation. Oregon's policies are expressed in state law, in the Oregon Territorial Sea Plan, and in Statewide Planning Goal 19, Ocean Resources. The proposed sanctuary expressly converts the policy of an Ocean Stewardship Area, found in both the Territorial Sea Plan and Goal 19, which by itself has no real means of implementation, into a specific policy foundation for the sanctuary that can be implemented via a state-federal partnership.

Legislative Policies:

The Governor's objectives for the sanctuary are consistent with legislative policies in ORS 196.420, the Ocean Resources Management Program created in 1994. The first four policies are:

- (1) Conserve the long-term values, benefits and natural resources of the ocean both within the state and beyond by giving clear priority to the proper management and protection of renewable resources over nonrenewable resources;*
- (2) Encourage ocean resources development which is environmentally sound and economically beneficial to adjacent local governments and to the state;*
- (3) Assert the interests of this state as a partner with federal agencies in the sound management of the ocean resources within the United States Exclusive Economic Zone and on the continental shelf;*
- (4) Encourage research, study and understanding of ocean processes, marine life and other ocean resources.*

Statewide Planning Goal 19, Ocean Resources

Since 1977, Statewide Planning Goal 19, Ocean Resources, has been the state's bedrock policy statement for long-term conservation of ocean resources. The Governor's proposal is not only consistent with but will proactively implement Goal 19, Ocean Resources, which states:

*The overall ocean-management goal of the State of Oregon is to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.
To achieve this goal, the State of Oregon will:*

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1. *give higher priority to the protection of renewable marine resources than to the development of non-renewable ocean resources;*
2. *support development of ocean resources that is environmentally sound and economically beneficial to coastal communities and the state;*
3. *protect the diversity of marine life, the functions of the marine ecosystem, the diversity of marine and estuarine habitats, and the overall health of the marine environment; and*
4. *seek the conservation of ocean resources within the larger marine region that is of ecologic and economic interest to the State of Oregon.*

The Oregon Ocean Stewardship Area

The sanctuary area proposed by the Governor implements the *Oregon Ocean Stewardship Area* first asserted in the 1991 Oregon Ocean Resources Management Plan prepared by the Oregon Ocean Resources Management Task Force. In 2000, the Ocean Policy Advisory Council (OPAC) recommended to the Land Conservation and Development Commission (LCDC) that Statewide Planning Goal 19, Ocean Resources be amended to include the Ocean Stewardship Area and accompanying policies. The LCDC subsequently approved OPAC's recommendation in December 2000. Similarly, in 2001, OPAC amended the Oregon Territorial Sea Plan to include the Ocean Stewardship Area policies. The LCDC approved the OPAC amendment in May 2001.



The Oregon Ocean Stewardship Area is a tangible expression of Oregon's commitment to ocean management on an ecological basis. The 1991 Oregon Ocean Resources Management Plan says:

Ocean resources management must be based on ecological realities and must reflect the interrelationships of the resources of the continental margin, the human uses of these resources, and the responsibilities and concerns of federal, state, and local governments. Oregon is identifying an ocean stewardship area as an ecologically sensible ocean resources management area. The Ocean Stewardship Area is Oregon's area of direct concern and responsibility for ocean management.

The dark narrow ribbon along the coast is the extent of Oregon's Territorial Sea, approximately three nautical miles wide, except around rocks and islands. Some major ocean features are also shown.

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The Ocean Stewardship Area policy states:

- A. *The State of Oregon has interests in the conservation of ocean resources in an Ocean Stewardship Area, an ocean area where natural phenomena and human uses can directly affect uses and resources of Oregon's territorial sea; the Ocean Stewardship Area includes the state's territorial sea, the continental margin seaward to the toe of the continental slope, and adjacent ocean areas;*
- B. *Within the Ocean Stewardship Area, the State of Oregon will:*
 1. *use all applicable state and federal laws to promote its interests in management and conservation of ocean resources within the state's Ocean Stewardship Area;*
 2. *encourage scientific research on marine ecosystems, ocean resources, and oceanographic conditions to acquire information needed to make ocean and coastal-management decisions;*
 3. *seek co-management arrangements with federal agencies when appropriate to ensure that ocean resources are managed and protected consistent with the policies of the Territorial Sea Plan; and*
 4. *cooperate with other states and governmental entities directly and through regional mechanisms to manage and protect ocean resources and uses.*

Thus, the Governor's proposal for the sanctuary will implement important state policies and advance the ocean stewardship goals of the State of Oregon.

The U.S. Commission on Ocean Policy

The Governor's proposal is also based on the 2004 report and recommendations of the U. S. Commission on Ocean Policy. The Commission's report spelled out the need for new approaches to long term ocean governance and articulated a number of guiding principles for comprehensive national ocean policy including Sustainability, Stewardship, Ecosystem-based Management, Multiple-use Management, Preservation of Marine Biodiversity, Best Available Science and Information, Adaptive Management, and Participatory Governance. These guiding principles mirror Oregon's ocean policies in statute, Goal 19, and the Territorial Sea Plan.

A principal recommendation is to align ocean management with ecosystem boundaries, which in the ocean can be large. The Commission stated that

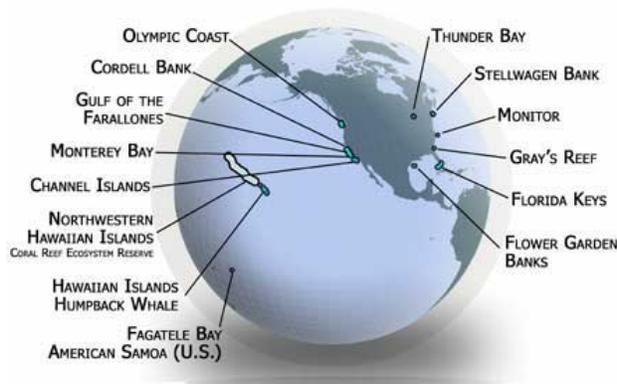
Ecosystem-based management can provide many benefits over the current structure. The coordination of efforts within a specific geographic area allows agencies to reduce duplication and maximize limited resources. It also provides an opportunity for addressing conflicts among management entities with different mandates. Less obvious, but equally important, ecosystem-based management may engender a greater sense of stewardship among government agencies, private interests, and the public by promoting identification and connection with a specific area.

The Governor's letter to the Commission specifically supported the concept of an ecosystem-based approach to management of coastal and marine resources. His proposal for an Oregon Coast National Marine Sanctuary would implement both the spirit and recommendations of the U.S. Commission on Ocean Policy with regard to ecosystem-approaches to management.

What Is a National Marine Sanctuary?

A national marine sanctuary is an ocean area designated for protection and management by the U.S. Secretary of Commerce. Sanctuaries are managed by the National Oceanic and Atmospheric Administration (NOAA) to protect the special marine resources, uses, and values found there and to promote research and education. The resources and uses of each sanctuary are unique.

A national marine sanctuary is area-based and multi-jurisdictional, involving all appropriate federal agencies with local, state, and other stakeholders in developing and implementing the required management plan and in conducting research, monitoring, and education. It does not change the management authorities or responsibilities of federal or state agencies. A national marine sanctuary may include a state's ocean area only if the Governor of the affected state approves.



Fourteen other national marine sanctuaries have been designated. Four are on the Pacific Coast: the Olympic Coast NMS on the northern Washington coast, the Gulf of the Farallones NMS and Cordell Bank NMS near San Francisco Bay, the Monterey Bay NMS, which extends from San Francisco Bay to Cambria, and the Channel Islands NMS off Santa Barbara and Ventura.

***NOTE:** A national marine sanctuary is not a “marine reserve.” That term applies to smaller and more highly regulated sites where fishing or other extractive uses are strictly limited or prohibited in order to achieve conservation, research, recovery, or other management purposes.*

Uses Allowed in a National Marine Sanctuary:

In general, a national marine sanctuary is a multiple-use management area that allows most ocean uses. A sanctuary management plan will be developed through an extensive, open, public process that will consider many factors, the needs of the sanctuary, and the purposes for its designation. The management plan may, for certain areas, prohibit or restrict activities that may harm the values of the sanctuary. Uses and guidelines for allowing uses will be prescribed in the management plan, which is the principal means of ensuring that the needs of all ocean users are considered in sanctuary operations. (see <http://sanctuaries.noaa.gov/jointplan/> for an example of a joint management plan review by three sanctuaries in California)

The Governor intends that commercial and recreational fishing continue within the sanctuary and that these activities continue to be managed by the Pacific Fishery Management Council and, in state waters, by the Oregon Fish and Wildlife Commission. The Governor will ask the Congress to ensure that oil and gas development will be banned.

The Sanctuary Designation Process:

Subsequent to the Governor's request, the U.S. Secretary of Commerce may direct NOAA to conduct an extensive public process that will include an Environmental Impact Statement (EIS) and development of a draft management plan. This process is open to public comment and participation, and the state will be an active participant in this process. Designation, including the process to develop a management plan and an EIS may take three to four years to complete. Following this process but prior to formal designation, the Secretary must report to the Congress, which has the opportunity to comment and certify that there are sufficient resources to implement the designation. The Governor will work with the Oregon Congressional delegation during this process to ensure approval.

However, should the Secretary choose to not proceed with the Governor's request, the Governor could ask the Congress to enact legislation directing the Secretary to designate the sanctuary.

State Involvement in Sanctuary Management:

Oregon's decades of experience in ocean policy and programs provides a very strong foundation for state involvement in the sanctuary designation and the management planning process. The Governor fully intends that state ocean policies be the foundation of sanctuary policies and for Oregon to be an active partner in sanctuary management, education, and research programs through cooperative agreements, membership on committees, and independent projects. The innovative state-federal cooperative agreements that frame the management of the Florida Keys NMS and the close cooperation of the Monterey Bay NMS with California state agencies demonstrate that state involvement in sanctuary management can be very robust and beneficial to the goals and objectives of the state and coastal communities.

The Role of the Oregon's Ocean Policy Advisory Council (OPAC):

The Governor has asked OPAC to provide information to and gather input from the public during the initial scoping phase of his proposal. He has asked OPAC to provide him with advice on the area that should be designated and the issues and concerns that will need to be addressed. He fully expects OPAC to continue to provide this kind of outreach, communication, and advice throughout the designation process and, with success, the implementation of the sanctuary.

Will Coastal Indian Tribes Be Involved?

The Governor encourages Oregon's coastal Indian tribes to be active participants with the state and federal governments in the designation and management planning process. He believes that the sanctuary will enhance the ability of the coastal tribal councils to pursue goals and programs for restoring the habitats and resources of nearshore ecosystems. A sanctuary could also support the efforts of tribes to identify and protect ancient cultural resources and sites along the ocean shore and nearby estuaries. A sanctuary may even provide the resources and opportunity to explore for ancient cultural sites, such as on Heceta Bank, that were occupied more than 15,000 years ago and subsequently inundated by rising sea level after the last Ice Age.

How Will the Sanctuary Affect Local Communities?

Despite its federal designation and national importance, each national marine sanctuary becomes a part of the lives of the communities that it serves. The Governor is confident that this will be true in Oregon as well, where coastal communities and residents have strong relationships with the ocean. On such a long coast as Oregon's there are many opportunities for the sanctuary to establish offices and visitor centers that can become the focal point for marine-oriented education and community events.

Sanctuary programs and presence can help to market a community, too, in concert with local chambers of commerce and visitor associations, by promoting the ecological resources and recreational values of the area as well as opportunities for businesses and quality of life for residents. For some communities, the sanctuary will enhance an existing marine science sector; in others, the sanctuary may add a new dimension to the culture and economy. All national marine sanctuaries establish and maintain local advisory committees as well as special working groups. The Governor intends that coastal residents take full advantage of the opportunity of these advisory committees to ensure that sanctuary programs and activities respond to local community needs.

Why Doesn't Oregon Have a Sanctuary Already?

The original NOAA Site Evaluation List in the late 1970s included the Heceta-Stonewall Banks area as a potential sanctuary. It was never seriously evaluated because of political and budget constraints during the 1980s, and NOAA has not undertaken its own sanctuary designation process since then. The Monterey Bay NMS (1992) and Olympic Coast NMS (1994) were designated by NOAA at the direction of the Congress. The Northern Hawaiian Islands NMS (2000) was designated by Executive Order of the President. During this same period Oregon focused on developing and implementing a state-level Ocean Resources Management Program through state law and the statewide planning goals.

More Information

<http://www.sanctuaries.nos.noaa.gov/>

http://www.oregon.gov/LCD/OCMP/Ocean_Intro.shtml