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to  
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Ocean Governance, Coastal Zone Management and Resource Coordination  
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Thank you for opportunity to share some of the perspectives and experiences of a state coastal and ocean resource management program. I believe that there are a number of lessons that can be gleaned from the Oregon Story on efforts to integrate coastal and ocean resource planning and management.

Oregon's coastal and ocean governance approach derives directly from a strong set of shared and articulated values:

- Livability as described by a commitment to growth management, preservation of open space and working landscapes, and economies historically based in the renewable resources.
- A sense of shared legacy and heritage, especially regarding the ocean and beaches as evidenced by Oregon's famed "Beach Bill" that established the public's right to access and use all of the state's 365 miles of shoreline.
- And, a blend of independence and self-sufficiency that perhaps derives from the "pioneer spirit" but is blended with a contemporary value and a strong sense of local democracy and collaboration.

Oregonians place a high value on public participation, local decision-making, and planning within a balanced framework.

Oregon's Statewide Land Use Planning system established 19 statewide land use planning goals that serve as the policy, legal and regulatory framework for the development of local comprehensive plans. In the coastal and ocean setting, the statewide land use planning system is manifested through three specific coastal goals for estuarine resources, coastal shorelands, and beaches and dunes. The Statewide Land Use Goals are implemented through local comprehensive plans and implementing ordinances that must obtain state approval before they can be

applied locally. In coastal areas, site-specific estuary plans, littoral cell management plans, and dune management plans provide additional management tools.

The nineteenth statewide land use planning goal (the goals are in the form of state regulations) specifically addresses Ocean Resources. The Ocean Resources Goal is implemented through the Oregon Ocean Plan and the Territorial Sea Plan, and overseen by the Ocean Policy Advisory Council (OPAC).

Oregon has determined as a matter of state policy and law that our government devices - whether in the ocean or on land - must match the scale and dynamics of the ecosystems and the economic uses and social systems that rely on them; that government decision making must be comprehensive, coordinated, and based in sound scientific research where the scientific questions asked have management relevance and the information is readily and openly available; and that all affected parties must be involved in the development of broad policies and specific solutions to resource use issues and conflicts.

We believe that Oregon's ocean planning has been a success. Not only do we have the framework of policies, plans, and processes; but also we have a track record of successfully working through some difficult issues.

Oregon has:

- POLICIES articulated at the legislative level to establish the values for managing resources and uses in our ocean area,
- A PLAN to guide management, research, education, public awareness, and other activities,
- A PROGRAM to deal systematically with ocean issues over time, and
- An open PROCESS to provide a forum for agencies, interested groups and the public to meet, discuss, and agree on advice for the Governor and state agencies.

There is more to be done – and Oregon can't accomplish this alone – but Oregon has been successful in:

- Raising awareness of the interconnectedness and importance of ocean management
- Providing a forum for the resolution of problems

Most recently the ocean planning process provided the forum and the legal

framework to resolve conflict between the submarine cable industry and the coastal fisheries. As a result of working through the process, both industries have found a “win-win” solution in which the cable industry has assurance of routes and the involvement of fishermen in the selection and monitoring of these routes and the fishermen can fish in the cable lanes without fear of losing nets or being embroiled in lengthy and costly damage litigation and insurance claims.

- Involving all interested and affected parties in decision making for common resources

This summer Oregon is in the middle of a broad public discussion of whether marine protected areas or marine reserves have a place in the tool kit of ocean and coastal management tools. This discussion is heated and conclusions are not yet forthcoming, but the success is that the discussion is occurring and the opportunity to learn and deliberate is an open process involving a wide range of stakeholders.

- Developing management frameworks to help identify needed research to answer questions managers need to know to make good public policy decisions at all levels of government.

Oregon has an ocean stewardship ethic. The ocean stewardship ethic is global in scope, but the Oregon Ocean Plan focuses directly on the coastal and oceanic area in which events directly affect the interests of Oregonians and in which stewardship actions by Oregonians are most likely to have results.

The Oregon Ocean Resources Management Plan designates an Ocean Stewardship Area as the ecologically sensible area for coordinated, comprehensive management of the ocean resources of direct concern to the people of Oregon and/or the responsibility of the State of Oregon.

Oregon is making an unequivocal statement that 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.

The concept of the Ocean Stewardship Area is directly analogous to the watershed management concepts (management on an ecological basis) and is based on scientific information about the physical, biological, and socio-economic characteristics of the coastal communities and the ocean to the west of the state of

Oregon.

The Ocean Stewardship Area includes the entire continental margin from mean high water along the coast across the continental shelf and down to the bottom of the continental margin. The width of the continental margin varies from about 35 miles off Cape Blanco to about 80 miles off the northern coast of Oregon. Depth to the ocean floor at the edge of the continental margin varies from about 3000 meters off the southern coast to about 2200 meters off the northern coast. A straight line drawn at about 125 degrees and 20 minutes west longitude approximates the seaward edge of the continental margin.

Oregon does not claim ownership or possession of the entire Ocean Stewardship Area. Designation of the Ocean Stewardship Area neither changes the jurisdictional boundaries of the state, nor changes the federal legal regimes under which the resources of the exclusive economic zone are managed. Designation does not expand the state's federal consistency authority beyond activities, which affect Oregon's coastal zone.

Within the Ocean Stewardship Area:

- Ocean resource uses and activities directly affect the interests of the State of Oregon;
- Oregon has management interests in oil and gas exploration and development, marine mineral mining, marine transportation and ports, marine birds and marine mammals, intertidal areas, ocean fisheries, oil spills, recreation, cultural resources, aesthetic qualities, and water and air quality;
- Oregon shares management responsibilities and interests in concert with federal resource management agencies.

Within the Ocean Stewardship Area, Oregon will:

- Conserve living marine resources, including biological communities and habitats;
- Give priority to renewable resources over nonrenewable resources;
- Support scientific research on marine ecosystems, ocean resources, and oceanographic conditions to develop better information upon which to make better ocean management decisions;
- Seek appropriate co-management arrangements with the federal government to ensure that ocean resources in the Ocean Stewardship Area are managed consistently in accordance with the policies of the Oregon Ocean Resources

Management Plan;

- Coordinate and cooperate with adjacent states and encourage regional approaches to management of ocean areas, where appropriate;
- Involve local governments and the public in ocean resource management decisions.
- Develop marine management areas, where needed, to provide increased opportunities for public recreation, to protect biological communities and habitats, and/or to advance scientific understanding of the ocean.

Stewardship means taking care of the Earth and its resources for the long-term future. Ocean stewardship is at the heart of the Oregon Ocean Resources Management Plan. The goal of ocean resources stewardship is to maintain the quality and the productivity of the marine ecosystem while sustaining the economies and the human communities that rely on its resources.

By designating this Ocean Stewardship Area, Oregon is advancing that principles of ecologically sound ocean resources management. Oregon believes this approach can advance the national and international discussions necessary to establish new concepts of ocean stewardship management. (And, Oregon is aware that this approach has not been at all well received by a number federal agencies whose responsibilities are rigidly defined by jurisdictional thinking.)

## **Lessons from Oregon**

An integrated ocean governance structure should include the following:

1. A comprehensive legislative framework is essential.  
Clear policies and priorities
  - Oregon law gives clear priority to the proper management and protection of renewable resources over nonrenewable resources.
  - Statewide Land Use Planning Goal 19 establishes basic framework and process for decision making regarding ocean resources.

Defined governance structure and process

- No new government agencies were created; rather the existing authorities are networked into a collaborative program coordinated through the Ocean Policy Advisory Council.
- The Oregon Ocean Plan clearly identifies policies on ocean resources conservation, habitat protection, critical habitats, ocean fisheries,

important fishery areas, marine mammals and birds, sensitive marine bird and mammal habitats, intertidal plants and animals, protected intertidal areas –marine gardens, cultural resources, marine air and water quality, oil and gas development, oil spill prevention and response, marine minerals.

- The Territorial Sea Plan is a more specific policy and regulatory framework to address the uses and resources of the 3-mile (1200 square mile Territorial Sea).

Identified and supportable area of jurisdiction and interest

- Stewardship transcends political boundaries. Stewardship concerns and responsibilities are not limited by governments boundaries and agency jurisdiction.
- Numerous scientific research studies in physical, biological, and chemical oceanography form to core justification that the area of most concern to Oregonians and the coastal economies is the continental margin – Oregon’s Ocean Stewardship Area.

Accountability

- The Ocean Policy Advisory Council (OPAC) has no authority to directly regulate ocean activities or manage resources or to enforce its plans or policies. However, once its plans and policies are approved by the Land Conservation and Development Commission as a part of Oregon's Coastal Management Program, the various state agencies are required to carry them out or act consistently with them. And the chief executive of the State, the Governor, and his office directly oversee the actions of the OPAC.

2. A big table: council or commission needs to involve jurisdictional interests and key stakeholders as co-equals in determining ocean planning and management.

Oregon Ocean Policy Advisory Council (OPAC) gives coordinated policy advice to the Governor, state agencies, and others and to prepare a plan for Oregon's Territorial Sea. There are 23 members, chaired by the Governor's appointee, and includes the directors of seven state agencies and 16 other members, who are appointed by the Governor. The DLCD provides staff support to the OPAC. The seven state agencies represented on the Ocean

Policy Advisory Council include almost all state agencies with direct authority over management, policy, or programs that affect the marine environment. The decision-making rules encourage participation. Consensus decision making can work when all parties believe that it is in their interest to reach an agreement.

3. A regional governance area must be based on knowledge of the ecological and economic coherence of ocean and coastal areas (e.g. Oregon Ocean Stewardship Area)
4. State and federal interests must be structurally integrated: appropriate management scales; research and monitoring; funding; capacity building; communication and coordination.
5. Policy/framework plans must be developed by the “big table” (e., OPAC) to guide integrated management. These plans and policies must be ratified by legislative and administrative bodies
6. Mechanisms (formal or informal) must exist to require accountability to plans and policies through political and budgetary processes
7. Funding must be available for research and monitoring programs, public education and outreach, enforcement, and technical capacity

## **Recommendations**

1. Presidential and Federal Agency Leadership in Ocean and Coastal Stewardship to bring out the best in citizens for the common good and future generations.

- An Oceans Resources Management Act (analogous to the Coastal Zone Management Act) that establishes a national ocean ethic, clear priorities and responsibilities for management based on ecosystem principles, and provides meaningful participation of coastal states and communities.
- Executive Order and federal implementing laws requiring federal projects and federally funded activities to support

sustainable ocean ecosystems.

## 2. Improved Ocean and Coastal Ecosystem Management

Make meaningful investment in ocean and coastal management at the national, regional and state level

- Develop a national ocean and coastal budget process that reflects multi-agency commitments for cross cutting programs
- Fund efforts for coastal and estuarine habitat restoration and protection by creative relationships with states and non-profit land/coastal/ocean conservancies and land trusts

Stop managing for single species, single uses, and/or single jurisdictions

- Develop regional councils (e.g., Oregon Policy Advisory Council model) that can encompass land use planning, environmental regulation, natural resource management in all coastal and ocean habitats, fisheries management, and watershed management. (perhaps by encouraging regional pilot projects to be “laboratories of democracy”)
- Build on the lessons of the fisheries management councils to improve them, not destroy them.

Recognize state interests in meaningful decision making processes and build state and local capacity

- Reauthorize the Coastal Zone Management Act
- Support and strengthen federal consistency provisions of the CZMA
- Maintain funding for state coastal programs and remove the \$2 million dollar cap under the CZMA that limits state funding to \$2 million regardless of the complexity of issues being faced by a state or the magnitude of the resource challenge
- Remove the penalty under the non-point pollution section of the CZMA (section 6217) that fails to recognize the progress states have been able to make with pathetic levels of funding from the federal government to meet nationally identified priorities – help states improve non-point pollution control goals by adequately funding them

Recognize that federal and state interests in the ocean and the coasts overlap and are not solely defined by the 3-mile jurisdictional limits of the Territorial Sea

- Change federal laws (e.g., SLA, OCSLA, CZMA, etc.) to allow the states to participate in decision making to the limits of substantiated state interests (e.g., Oregon Stewardship Area).
- Direct states to expand participation federal agencies in decision-making within the three-mile Territorial Sea on those issues of national significance.

3. Require federal research and information collection activities be integrated with state and local management needs and require information transfer from federal agencies to state and local governments

- Establish a Budget Allocation Advisory Committee (with mandatory approval requirements) composed of state government representatives and other stakeholders to review all NOAA research and information gathering projects with the goal of providing funding for a mix of basic research, proactive scientific research, and pragmatic data collection for use by coastal and ocean managers.
- Direct the NOS Coastal Services Center to develop information transfer and delivery mechanisms for all coastal states. Rate performance evaluations based on effectiveness as perceived by the recipient states.
- Require federal agency research to support the information needs of federally developed performance measurement requirements to assess the effectiveness of coastal zone management efforts in the federal and state governments.

For further information on the Oregon Ocean and Coastal Resources Management Program:

See Oregon Revised Statutes 196.405 - 196.515

See also [www.oregonocean.org](http://www.oregonocean.org) and [www.lcd.state.or.us/coastal.html](http://www.lcd.state.or.us/coastal.html)

