EXECUTIVE ORDER NO. 08-07

DIRECTING STATE AGENCIES TO PROTECT COASTAL COMMUNITIES IN SITING MARINE RESERVES AND WAVE ENERGY PROJECTS

Marine reserve designations and wave energy siting in Oregon's Territorial Sea have the potential to significantly impact coastal communities and ocean users. The State must adopt a comprehensive, thoughtful approach to planning marine reserve designations and wave energy siting that balances the needs of Oregon's coastal communities and ocean users with opportunities for continued economic development.

Oregon's coastal communities are comprised of distinct local economies that share a common connection to the ocean and its resources. Coastal communities and ocean users have a wealth of knowledge about maintaining nearshore marine resources and their input is essential to developing informed recommendations for marine reserves, wave energy development and other new uses of the ocean. Oregon can stimulate and strengthen the coastal region's economic vitality by encouraging development of new sustainable industries while preserving existing livelihoods in commercial and sport fishing, ocean recreation, tourism, forest products and agriculture.

Oregon is distinguished among sister states for its collaborative and innovative approach to ocean resource management. Oregon's Ocean Policy Advisory Council (OPAC), a marine policy advisory body, was created by the legislature to ensure the conservation and responsible development of Oregon's ocean resources. OPAC is comprised of representatives from coastal communities and state agencies, including but not limited to Oregon Department of Fish and Wildlife (ODFW), Department of Land Conservation and Development (DLCD) and Oregon Parks and Recreation Department (OPRD).

At my request, OPAC has begun the process of recommending marine reserve designations. OPAC will also be involved in advising the State about other proposed uses of Oregon's Territorial Sea. ODFW, as the state agency with principal responsibility to manage marine fisheries and other marine wildlife, is uniquely poised to lead OPAC in developing marine reserve designations. ODFW has adopted a nearshore marine resource conservation strategy and a statewide conservation strategy to preserve and protect Oregon's ecosystems and the species that depend on them.

To further protect coastal communities, Oregon must closely collaborate with the Federal Energy Regulatory Commission (FERC), the federal agency responsible for reviewing applications for licenses to site and operate wave energy facilities. A Memorandum of Understanding (MOU) between FERC and Oregon outlines the steps for this collaboration. The MOU provides that Oregon will develop a comprehensive plan, which FERC will consider in its wave energy license review process for hydrokinetic projects within Oregon's Territorial Sea. The comprehensive plan will seek to identify appropriate locations for future wave energy projects that minimize adverse impacts to existing ocean resources and resource users. In addition, the MOU provides that FERC and Oregon will include terms and conditions in wave energy licenses and permits to optimally site wave energy facilities to mitigate the impacts of projects on coastal communities.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The director of ODFW, or the director's designee, shall serve as my representative to OPAC. ODFW shall serve as the lead agency in the OPAC marine reserve recommendation process.

2. DLCD, together with ODFW, shall continue to provide OPAC with administrative staff and technical support. OPRD shall continue to provide staff assistance to OPAC. All OPAC member agencies shall continue to support the Marine Reserves Working Group and the Scientific and Technical Advisory Committee (STAC) through the marine reserves recommendation process.

3. The director of ODFW, or the director's designee, shall work with OPAC and its member agencies to:

   a. Prioritize OPAC activities directly related to implementing an effective public nomination and recommendation process for marine reserves until January 1, 2009, when the process is complete.
   b. Recommend not more than nine sites for consideration as marine reserves that, individually or collectively, are large enough to allow scientific evaluation of ecological benefits, but small enough to avoid significant economic or social impacts, on or before January 1, 2009.

c. Give priority consideration to marine reserve designation nominations developed by coastal community nominating teams (*e.g.*, nearshore action teams) comprised of coastal community members, ocean users and other interested parties.

d. On or before July 1, 2008, publish a marine reserve nomination form. The nomination form shall utilize STAC expertise. The form shall address site location characteristics, potential biological, social and economic impacts, potential economic development opportunities, and any research opportunities.

e. On or before November 1, 2008, submit a proposal to my office for financing, budgeting and implementing OPAC's marine reserve recommendation process in the 2009-11 biennium.

f. On or before December 1, 2008, use nomination criteria as a coarse filter to review marine reserve nominations for more thorough evaluation by state agencies.

g. On or before January 1, 2009, OPAC member agencies, utilizing STAC and other scientific and technical expertise, shall engage in a secondary review process to develop additional criteria that assess social, economic and biological impacts of marine reserve nominations.

h. Continue to collaborate with Oregon Sea Grant, a program organized under the National Oceanic and Atmospheric Administration in collaboration with Oregon State University, in its outreach and public education efforts to facilitate community-driven site nominations. The Department of Economic and Community Development (OECDD) shall provide supplemental funding for travel, public outreach facilitation and publication costs to support Oregon Sea Grant's efforts.

4. Following evaluation of marine reserve sites nominated by OPAC and legislative funding approval, State Land Board, Land Conservation and Development Commission (LCDC), Oregon Fish and Wildlife Commission and other appropriate agencies shall consider OPAC's recommendations and agency evaluations for potential adoption of a limited system of marine reserves consistent with ORS 196.443 and in coordination with OPAC and any amendments to Oregon's Territorial Sea Plan.

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5. DLCD shall seek recommendations from OPAC concerning appropriate amendments to Oregon's Territorial Sea Plan, reflecting comprehensive plan provisions on wave energy siting projects. On or before July 31, 2009, DLCD shall begin the process to develop proposed amendments to Oregon's Territorial Sea Plan for consideration by LCDC for such amendments. DLCD shall provide final amendment recommendations to LCDC on or before December 1, 2009.

6. DLCD shall submit any comprehensive plan provisions incorporated into Oregon's Territorial Sea Plan to the National Oceanic and Atmospheric Administration for approval as enforceable policies of Oregon's Coastal Management Program under the federal Coastal Zone Management Act.

7. OPAC shall work with Oregon Sea Grant and the Oregon Coastal Zone Management Association to provide outreach and public education to coastal communities concerning the potential positive and adverse impacts of wave energy.

Done at Salem, Oregon, this 26th day of March, 2008.

Theodore R. Kulongoski
GOVERNOR

ATTEST:

Bill Bradbury
SECRETARY OF STATE