

Recommended Strategy to Enhance Oregon's Nearshore Ocean Management and Research Capabilities

Submitted by the Oregon Nearshore Marine Research Task Force

The Strategic Vision

The Task Force offers a “long-term funding and coordination strategy for implementing the nearshore priorities of the state.” The strategy builds upon Oregon’s existing ocean management and research programs and adds new or modified mechanisms to strengthen the state’s ability to carry out long-term, sustainable management of ocean resources and uses.

The proposed strategy has four interrelated action elements:

- The Marine Cabinet, an executive level coordinating body;
- The Ocean Policy Advisory Council, a broadly representative stakeholder advisory body;
- The Marine Science Advisory Board, an independent science advisory entity;
- The Marine Science Trust, an independent, transparent funding mechanism;

Central to the successful cooperation and coordination of these four elements would be a multi-year Nearshore Strategic Plan (NSP) prepared every five years by the Marine Cabinet with advice from the Ocean Policy Advisory Council and Marine Science Advisory Board. The NSP would identify priorities for research and guide ocean management program activities and funding decisions by the Ocean Science Trust. In addition, the NSP would address data management, sharing, and infrastructure needs and help direct resources to community-based marine stewardship groups.

1. Executive-level Policy Oversight and Coordination: Marine Cabinet

Oregon currently has no formal Executive-level body to oversee and coordinate nearshore ocean affairs or to set policies for nearshore management and research. At present, state agencies serve as ex-officio members of the Ocean Policy Advisory Council and, from time-to-time, are convened by the Office of the Governor as an informal Marine Cabinet. Neither of these mechanisms assures coordinated program oversight and policy integration among the multiple entities involved in nearshore issues including state and federal agencies, the research community, stakeholders and the public.

Successful, efficient management of nearshore ocean resources and uses to meet state priorities requires an Executive-level body to

- provide overall policy implementation guidance and program coordination,
- represent the long-term ocean management interests of the state,
- provide stakeholders with a clear mechanism to participate in setting ocean policy and priorities for management and research,
- ensure that the best possible scientific advice and information is available to marine managers and the public, and
- provide guidance to funding entities including the Ocean Science Trust (described below) to ensure that funding decisions for research and monitoring are aligned with the state's nearshore management priorities.

Decision Point for TF: Is there consensus on these points?

The Task Force recommends that a Marine Cabinet be created (through legislation? Executive Order?) with membership composed of directors of key state agencies, a representative of the Governor, chair of the legislative Coastal Caucus, chair of Scientific Advisory Board (SAB, described below), and the chair of Ocean Policy Advisory Council OPAC).

The Marine Cabinet would:

- have no independent authority to manage ocean resources or uses; it would focus on issues that require coordination and/or funding across agencies but would not replace individual agency programs or funding mechanisms;
- facilitate policy coordination among all parties with interests in Oregon's nearshore marine management (e.g. state agencies, the Governor's office, legislators, academic research institutions, stakeholders, and the public);
- periodically prepare a Nearshore Strategic Plan (described below) through a public process that would include advice from stakeholders (via OPAC) and scientists (via the SAB). The Nearshore Strategic Plan would outline management and funding priorities for needs beyond existing state agency or academic research capacity;
- provide management and research priorities of the Nearshore Strategic Plan to the Ocean Science Trust to provide a basis for funding decisions made by the Trust;
- prepare a biennial report to the governor and the legislature regarding marine research and management activities being conducted under the oversight of the Cabinet;
- provide overall coordination with the West Coast Governors Agreement on Ocean Health and national ocean initiatives.

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Nearshore Strategic Plan

The Marine Cabinet would periodically (every five years) prepare and adopt a Nearshore Strategic Plan (NSP). This plan would guide the state's ocean management activities and help direct funding by the Ocean Science Trust and by state and federal entities for nearshore research and monitoring. The NSP would cover both short term needs (i.e. less than three years) requiring more immediate management or funding attention and long term issues (i.e. more than ten years) that require sustained efforts to address.

Decision Point for TF: Is 5 years the right time frame? How would immediate needs be addressed?

The plan would be prepared through a vigorous public process with advice and comments from stakeholders via multiple pathways including the Ocean Policy Advisory Council, the Science

Advisory Board, community teams, the public, and state and federal agencies. The plan would likely include:

- a review of nearshore issues and activities;
- an assessment of current overarching policy directives, identifying within those directives the policy, management, and information needs;
- identify priorities for action, including pursuit of funding, to address these issues and information needs; and
- make recommendations as appropriate to the legislature, the governor, the Ocean Science Trust, and others.

Decision Point for TF: Is there consensus that the NSP would include both research and funding directives?

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2. Stakeholder Advisory Body: The Ocean Policy Advisory Council

Experience in Oregon and elsewhere has shown that successful ocean planning and management requires robust stakeholder involvement throughout the process. The Oregon Ocean Policy Advisory Council (OPAC), created by Oregon state law, is the state's current mechanism for providing stakeholder advice on ocean issues to the Governor and state agencies. Members of the OPAC (see ORS 196.438) include coastal counties, commercial and recreational fisheries, coastal cities, a coastal local government association, coastal ports, non-fishing recreation, coastal and statewide conservation groups, coastal tribes, and the public. State agencies, the Office of the Governor, and Oregon Sea Grant are non-voting *ex-officio* members.

At present the OPAC is not involved in identifying research needs or setting priorities for management-related research or monitoring. The OPAC is advised by a Scientific and Technical Advisory Committee when needed. The OPAC is required to meet at least twice a year.

The Task Force agrees that a stakeholder advisory body is a necessary contributor to the development of the state's Nearshore Strategic Plan. The Task Force also agrees that, with some

minor changes, the current OPAC is fundamentally suited to fulfill the function of a stakeholder advisory body as described in this strategy, particularly in developing a multi-year plan and setting priorities for management and funding. Finally, the Task Force agrees that in order to be ideally suited to this task, modifications to OPAC would be required.

Decision point for TF: Do we recommend OPAC “as is” as the initial stakeholder group? Or do the TF recommendations suggest that only a changed OPAC would fit the new framework?

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To improve the stakeholder function of the OPAC the Task Force suggests that the Legislature consider the following recommendations:

- clarify OPAC’s purpose and role in the state’s Ocean Resources Management Program (described in ORS 196.443) in light of its new relationships with the proposed Marine Cabinet, and the proposed Scientific Advisory Board. The purpose of OPAC would be to advise the Cabinet on ocean policy and management issues, priorities and needs for nearshore research and monitoring.
- broaden the representation of the membership to include additional stakeholders such as community-based marine resource groups, marine educators, researchers, and other ocean users (e.g. ocean energy companies).
- retain state agencies as ex-officio members of OPAC to help facilitate coordination with stakeholders.

With these new relationships and functions, the Legislature may want to consider whether Senate confirmation of OPAC members is necessary.

3. Scientific Advisory Body:

Marine Science Advisory Board

At present, Oregon has no formal scientific advisory body to advise the Executive branch, including state agencies, or Legislature on scientific issues related to nearshore ocean management and policy or scientific data, research, and monitoring needs. The Scientific and

Technical Advisory Committee (STAC) required in ORS 196.451 advises the Ocean Policy Advisory Council "in the performance of its functions" (e.g. nominations for candidate marine reserve sites). The 2009 Legislature directed the STAC to advise the Oregon Department of Fish and Wildlife (ODFW) on implementation of marine reserves during the 2009-2011 biennium pursuant to HB 3013. This expanded role has proven valuable in the scientific review of the marine reserves designation process but is temporary and does not otherwise provide for on-going scientific oversight or advisory functions throughout the state's ocean management program.

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The Task Force agrees that an independent scientific advisory body is necessary for the development of the of the state's Nearshore Strategic Plan. Such a body is needed to ensure that the state's goals and objectives as outlined in the Plan, are scientifically sound and feasible. The current STAC has neither mission nor capacity to serve this purpose.

Decision-point for TF: Is there consensus that STAC is insufficient for this role?

The Task Force proposes that the Legislature establish a scientific advice and coordination body, termed the Marine Science Advisory Board (the Board) with membership composed of representatives of a range of scientific disciplines and institutions including from outside the state as necessary. The Task Force suggests that the Legislature consider the process of how members would be appointed to this body.

Decision-point for TF: Should we provide further guidance on how to build the Board (composition) or leave this to the Legislature?

In a similar manner to the Stakeholder Advisory Body, the Task Force recommends that a primary function of the Scientific Advisory Body would be to advise the Marine Cabinet in preparing a multi-year Nearshore Strategic Plan for nearshore research and monitoring. That plan will guide the funding entity (described below) in acquiring and allocating funds for research, monitoring, and other activities to meet the state's nearshore policy and management objectives.

Decision-point for TF: Is there consensus that the primary role of the Board is to develop the long-term Plan?

The Board could serve three additional functions:

A. Advise the Executive-level Marine Cabinet and state agencies on scientific issues and needs associated with the state's nearshore management policies, goals, and objectives. In this role the Board could convene or sponsor symposia, panels of experts, or commission special studies as needed to address emerging scientific and data needs.

B. Assist the funding entity (the Trust), as needed, by convening expert panels to advise in soliciting, reviewing, and awarding research proposals; developing standards or procedures to help ensure that the results of scientific research or monitoring are high-quality science; or convening peer-review workshops on particular topics.

C. Provide a coordination and communication mechanism for scientific research and monitoring in the nearshore and across the larger California Current Marine Ecoregion by academic institutions, state and federal agencies, and the private sector to ensure communication and collaboration among research or monitoring efforts.

Decision-point for TF: Is there consensus on each of these additional roles for the Board?

The Task Force recommends that the following principles frame the Board's composition and mission:

- seek and utilize expertise based upon topic, without regard to the geographic location of the expertise;
- provide balance among disciplines, including the social sciences;
- avoid conflicts of interest in the scientific review process;
- ensure the integrity of the scientific process (i.e. rigorous; repeatable); and
- use peer-review processes whenever appropriate.

Decision-point for TF: Is there consensus on each of these guiding principles for the Board?

4. Funding Mechanism/Entity: Oregon Marine Science Trust

In creating the Task Force, the Oregon Legislature emphasized funding for three basic reasons. First, the costs of funding for nearshore research, data sharing, and management of ocean resources outstrip available funding. Second, the state does not or cannot take advantage of all potential funding sources, especially from non-governmental sources. Third, coordinated use of available funds would stretch scarce resources and leverage projects that otherwise could not be completed. Thus the legislature directed the Task Force to recommend a “long-term funding and coordination strategy.”

Along with the Marine Cabinet, Ocean Policy Advisory Council, and Marine Science Advisory Board, a fourth key component of the Task Force’s proposed strategy is a mechanism to pursue, receive and allocate funding from a wide range of sources. At present, no such funding mechanism exists. This mechanism or entity would be safeguarded with clear, strong procedures and standards to seek and receive funds only from institutions that are interested in funding priorities as described in Oregon’s Nearshore Strategic Plan.

The Task Force recommends that an Ocean Science Trust be created as a stand-alone non-profit entity with a Board of Directors of diverse membership to oversee its functions. The mission of the Trust would be to receive and provide funds to support the implementation of the state’s Nearshore Strategic Plan. Such a non-profit body is the mechanism used most frequently in analogous situations in such states as Washington and California to enable diverse private and public sources to contribute to an entity whose objectives and purposes are coincident with those of the state while retaining high standards for accountability and a transparent process of decision-making.

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Decision-point for TF: What does diverse membership of the Board mean? How broad do we want their purview to be? What is their function (what would it need to be legally)?

The Task Force suggests that the Trust could be chartered (i.e. incorporated) in one of several ways: by another party at the specific direction of the legislature, by the legislature itself, or by action of the Governor. In any case, the purposes, objectives, and operations of the Trust would be clearly stated to support the mission and function of the other elements of Oregon’s nearshore institutional framework (e.g. the Marine Cabinet, the OPAC, the Science Advisory Board). Regardless of the actual method of chartering, it would be beneficial for the Oregon Legislature

to confer official approval of the formation of such an entity and provide guidance on the purpose, objectives, membership, and other factors.

Discussion point: would we recommend that the legislature be able to dissemble the trust as well?

The Task Force envisions two basic functions for the Trust:

One, pursue, receive, and hold funds from many sources including state, federal, and other public funds, private foundations, businesses, and other organizations. The Trust would accept funds only for purposes consistent with the Trust's mission to support the nearshore strategic plan prepared by the Marine Cabinet with advice and input from stakeholders (via the OPAC) and from scientists (via the Board).

Two, allocate funds at the direction of its Board of Directors pursuant to by-laws and procedural guidance documents adopted by the Board. The Trust would seek comment from the Executive-level body in interpreting the Nearshore Strategic Plan (NSP), as well as in preparing funding strategies and annual funding plans.

Decision-point for TF: Is there consensus on these two basic functions of the Trust?

Funds allocated by the Trust would likely fall into 3 categories:

- 1) funds directed to state agencies for specific purposes, such as for unfunded state mandates under the NSP (e.g. data management, monitoring, convening Expert Panels, scientific symposia or workshops, or specific projects sponsored by community teams) that are best implemented by a state agency or are within the authority of a particular state agency;
- 2) funds distributed through a competitive proposal-driven process to support the priorities of the NSP such as research, monitoring, data management, outreach to and engagement of coastal community organizations, and
- 3) funds distributed through a competitive proposal-driven process to support certain purposes that support management needs of state agencies (e.g. fisheries-related research, effects of wave energy devices on physical or biological processes).

Decision-point for TF: Is there consensus on these three scenarios of distributing funding? Are there others that are missing?

For proposal-driven processes, the Trust, in collaboration with the Scientific Advisory Body, would develop standards and procedures based on the following principles to ensure the scientific integrity of the use of these funds:

- Scientific integrity: provide a firewall between funder and research methods and results;
- Transparency: be open, neutral, transparent through a trusted process;
- Consistent with state goals: support a spectrum of research and activities pursuant to its charter of meeting the objectives of the NSP;
- Responsive to changing needs: be flexible to meet rapidly moving needs ;
- Value-added: augment research systems that currently exist and leverage funding success such as through matching funds;
- Fiscal conservatism: be administered with low overhead; and
- Accountability: make annual reports to public/legislature on research results.

Decision-point for TF: Do these principles capture the sideboards that we have agreed to as a task force?

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