

Chapter 196

1987 REPLACEMENT PART

River and Ocean Planning

- COLUMBIA RIVER GORGE**
- 196.105 Definitions for ORS 196.105 to 196.115
- 196.110 Land use regulation in Columbia River Gorge National Scenic Area
- 196.115 Appeal from decision of Columbia River Gorge Commission or county
- 196.120 Exercise of eminent domain; property value
- 196.125 Buffer by regulation around Columbia River Gorge National Scenic Area prohibited
- OREGON OCEAN RESOURCES MANAGEMENT**
- 196.405 Definitions for ORS 196.405 to 196.515
- 196.415 Legislative findings
- 196.420 Policy
- 196.425 Oregon Ocean Resources Management Program
- 196.435 Primary agency for certain federal purposes; rules; restrictions
- 196.445 Task force; members; duties
- 196.450 Advisory committee; members; duties
- 196.455 Coordination with federal programs
- 196.465 Compatibility of acknowledged comprehensive plans
- 196.470 Citizen involvement; public workshops; information distribution; public hearing
- 196.475 Consultation with state and interstate organizations
- 196.485 State agency coordination requirements; incorporation of plan
- 196.490 Support services
- 196.495 Plan; contents
- 196.500 Plan preparation; public workshops and programs
- 196.505 Distribution of copies of plan
- 196.515 Short title
- CROSS REFERENCES**
- Definitions, 197 005

COLUMBIA RIVER GORGE

196.105 Definitions for ORS 196.105 to 196.115. As used in ORS 196.110 and 196.115, "commission" means the Columbia River Gorge Commission established under section 5 of the Columbia River Gorge National Scenic Area Act, P.L. 99-663. [1987 c 856 §1]

196.110 Land use regulation in Columbia River Gorge National Scenic Area. (1) Notwithstanding any provision of ORS chapter 92, 196, 197 or 215 or local ordinance or charter, a county may deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards as provided in sections 3 and 6(d) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the interim guidelines or the scenic area management plan adopted pursuant to the Columbia River Gorge National Scenic Area Act, P.L. 99-663. If a county chooses to exercise this authority the county shall follow procedures consistent with ORS 215.402 to 215.428. The authority of a county to deny a permit or otherwise take action under this section shall be in addition to and not in lieu of any other authority for denial that may be exercised by the county pursuant to the provisions of ORS chapters 196 and 197. Any action of a county taken pursuant to this subsection shall be appealed to the commission as provided in section 15(a)(2) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663.

(2) Notwithstanding any other provision of law, a state agency shall take no action that must be reviewed for compatibility with an acknowledged comprehensive plan or land use regulation in the Columbia River Gorge National Scenic Area until the agency determines through written findings that the action is consistent with the purposes and standards as provided in sections 3 and 6(d) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, and the interim guidelines or the scenic area management plan.

(3) A state agency may seek any of the administrative or judicial remedies or participate in any proceeding provided by the Columbia River Gorge National Scenic Area Act, P.L. 99-663.

(4) The provisions of ORS 197.180 do not apply to the Columbia River Gorge Commission. [1987 c 856 §2]

Note: See note under 196.115

196.115 Appeal from decision of Columbia River Gorge Commission or county. (1) For purposes of judicial review, the

Columbia River Gorge Commission shall be considered a state agency, and decisions of the commission shall be subject to review solely as provided in this section, except as otherwise provided by the Columbia River Gorge National Scenic Area Act, P.L. 99-663.

(2)(a) A final order by the commission in a review or appeal of any action of a county pursuant to section 10(c) or 15(a)(2) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, shall be reviewed by the Court of Appeals on a petition for judicial review filed and served as provided in subsections (3) and (4) of this section and ORS 183.482.

(b) On a petition for judicial review under paragraph (a) of this subsection the Court of Appeals also shall review the action of the county that is the subject of the commission's order, if requested in the petition.

(c) The Court of Appeals shall issue a final order on review under this subsection within the time limits provided by ORS 197.855.

(d) In lieu of judicial review under paragraphs (a) and (b) of this subsection, a county action may be appealed to the Land Use Board of Appeals under ORS 197.805 to 197.855. A notice of intent to appeal the county's action shall be filed not later than 21 days after the commission's order on the county action becomes final.

(e) Notwithstanding ORS 197.835, the scope of review in an appeal pursuant to paragraph (d) of this subsection shall not include any issue relating to interpretation or implementation of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, and any issue related to such interpretation or implementation shall be waived by the filing of an appeal under paragraph (d) of this subsection.

(3)(a) If a petition for judicial review of a commission order is filed pursuant to paragraph (a) of subsection (2) of this section, the procedures to be followed by the parties, the commission and the court, and the court's review, shall be in accordance with ORS 183.480, 183.482 (1) to (7), 183.485, 183.486, 183.490 and 183.497, except as this section or the Columbia River Gorge National Scenic Area Act, P.L. 99-663, otherwise provides.

(b) Notwithstanding any provision of ORS 183.482:

(A) The commission shall transmit the original record or the certified copy of the entire record within 21 days after service of a petition for judicial review is served on the commission; and

(B) The parties shall file briefs with the court within the times allowed by rules of the court.

(c) The court may affirm, reverse or remand the order. If the court finds that the agency has erroneously interpreted a provision of law and that a correct interpretation compels a particular action, the court shall:

(A) Set aside or modify the order; or

(B) Remand the case to the agency for further action under a correct interpretation of the provision of law.

(d) The court shall remand the order to the agency if the court finds the agency's exercise of discretion to be:

(A) Outside the range of discretion delegated to the agency by law;

(B) Inconsistent with an agency rule, an officially stated agency position or a prior agency practice, unless the inconsistency is explained by the agency; or

(C) Otherwise in violation of a constitutional or statutory provision.

(e) The court shall set aside or remand the order if the court finds that the order is not supported by substantial evidence in the whole record.

(f) Notwithstanding any other provision of this section, in any case where review of a county action as well as a commission order is sought pursuant to paragraphs (a) and (b) of subsection (2) of this section, the court shall accept any findings of fact by the commission which the court finds to be supported by substantial evidence in the whole record, and such findings by the commission shall prevail over any findings by the county concerning the same or substantially the same facts.

(4)(a) Except as otherwise provided by this section or the Columbia River National Scenic Area Act, P.L. 99-663, if review of a county action is sought pursuant to paragraph (b) of subsection (2) of this section, the procedures to be followed by the parties, the county and the court, and the court's review, shall be in accordance with those provisions governing review of county land use decisions by the Land Use Board of Appeals set forth in ORS 197.830 (2) to (6), (8), (13) and (14) and 197.835 (2) to (9) and (11) to (13). As used in this section, "board" as used in the enumerated provisions shall mean "court" and the term "notice of intent to appeal" in ORS 197.830 (8) shall refer to the petition described in subsection (2) of this section.

(b) In addition to the other requirements of service under this section, the petitioner shall

serve the petition upon the persons and bodies described in ORS 197.830 (7), as a prerequisite to judicial review of the county action.

(c) In accordance with subparagraph (B) of paragraph (b) of subsection (3) of this section, a party to a review of both a commission order and a county action shall file only one brief with the court, which shall address both the commission order and the county action.

(d) Review of a decision under ORS 197.830 to 197.845 shall be confined to the record. Subject to paragraph (f) of subsection (3) of this section, the court shall be bound by any finding of fact of the county for which there is substantial evidence in the whole record. The court may appoint a master and follow the procedures of ORS 183.482 (7) in connection with matters that the board may take evidence for under ORS 197.830 (11).

(5) Approval of county land use ordinances by the commission pursuant to section 7 of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, may be reviewed by the Court of Appeals as provided in ORS 183.482.

(6) Notwithstanding ORS 183.484, any proceeding filed in circuit court by or against the commission shall be filed with the circuit court for the county in which the commission has a principal business office or in which the land involved in the proceeding is located. [1987 c.856 §3]

Note: Section 10, chapter 856, Oregon Laws 1987, provides:

Sec. 10. Subsection (4) of section 2 and section 3 of this Act [ORS 196.110 (4) and 196.115] and the amendments to ORS 197.640 and 197.825 by sections 8 and 9 of this Act become operative on the date the compact executed under section 1, chapter 14, Oregon Laws 1987 (Enrolled House Bill 2472), becomes effective. [1987 c.856 §10]

196.120 Exercise of eminent domain; property value. Notwithstanding any other provision of law, in any proceeding by a state agency or local government to acquire property within the Columbia River Gorge National Scenic Area, through the exercise of the power of eminent domain, the property value shall not be reduced because of any diminution in value resulting from the potential of the taking. [1987 c.856 §6]

196.125 Buffer by regulation around Columbia River Gorge National Scenic Area prohibited. (1) Notwithstanding any other provision of law, no state agency, special district or local government may exercise any regulatory power for the purpose of establishing a scenic buffer around the Columbia River Gorge National Scenic Area. Such regulatory powers include but are not limited to:

- (a) Exercising the power of eminent domain;
- (b) Establishing scenic easements; or
- (c) Adopting ordinances or land use plans that prohibit or limit the use of land.

(2) As used in this section, "Columbia River Gorge National Scenic Area" means that area designated in the Columbia River Gorge National Scenic Area Act, P.L. 99-663. [1987 c 856 §7]

OREGON OCEAN RESOURCES MANAGEMENT

196.405 Definitions for ORS 196.405 to 196.515. As used in ORS 196.405 to 196.515, unless the context requires otherwise:

(1) "Exclusive Economic Zone" has the meaning set forth in Proc. 5030 whereby the United States proclaimed jurisdiction over the resources of the ocean within 200 miles of the coastline.

(2) "Plan" means the Oregon Ocean Resources Management Plan adopted as set forth in ORS 196.495 and section 14, chapter 576, Oregon Laws 1987.

(3) "Task force" means the Oregon Ocean Resources Management Task Force as described in ORS 196.445 (1).

(4) "Territorial sea" means the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law. [1987 c 576 §6]

196.415 Legislative findings. The Legislative Assembly finds that:

(1) The Pacific Ocean and its many resources are of environmental, economic, aesthetic, recreational, social and historic importance to the people of this state.

(2) Exploration, development and production of ocean resources likely to result from both federal agency programs in federal waters of the outer continental shelf and initiatives of private companies within state waters will increase the chance of conflicting demands on ocean resources for food, energy and minerals, as well as waste disposal and assimilation, and may jeopardize ocean resources and values of importance to this state.

(3) There are many state agencies with particular regulatory or program interests in the ocean, its resources and uses but no comprehensive management plan or process to insure that state interests are protected and promoted both within state waters and beyond.

(4) The fluid, dynamic nature of the ocean and the migration of many of its living resources

beyond state boundaries extend the ocean management interests of this state beyond the three geographic mile territorial sea currently managed by the state pursuant to the federal Submerged Lands Act.

(5) Existing federal laws, the Coastal Zone Management Act of 1972, the Magnuson Fisheries Management and Conservation Act of 1976, and the Outer Continental Shelf Lands Act of 1978, recognize the interests of coastal states in management of ocean resources in federal waters and provide for state participation in ocean resources management decisions.

(6) The 1983 Proclamation of the 200-mile United States Exclusive Economic Zone has created an opportunity for all coastal states to more fully exercise and assert their responsibilities pertaining to the protection, conservation and development of ocean resources under United States jurisdiction.

(7) It is important that the State of Oregon develop and maintain a program of ocean resources management to promote and insure coordinated management of living and nonliving marine resources within state jurisdiction and with adjacent states, to insure effective participation in federal agency planning and management of ocean resources and uses which may affect this state, and to coordinate state agency management of ocean resources with local government management of coastal shorelands and resources.

(8) While much is known about the ocean, its composition, characteristics and resources, additional study and research is required to gain information and understanding necessary for sound ocean planning and management.

(9) New and innovative technologies are needed to insure future development of ocean resources in an environmentally responsible manner. [1987 c.576 §3]

196.420 Policy. It is the policy of the State of Oregon to:

(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;

(3) Provide for efficient and coordinated ocean resources management through improvement of the state's coastal management program and state-wide land use program;

(4) 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;

(5) Promote research, study and understanding of ocean processes, marine life and other ocean resources to acquire the scientific inventory information necessary to understand the impacts and relationship of ocean development activities to ocean and coastal resources; and

(6) Encourage research and development of new, innovative marine technologies for exploration and utilization of ocean resources. [1987 c.576 §4]

196.425 Oregon Ocean Resources Management Program. To assure the conservation and development of ocean resources affecting Oregon consistent with the purposes of ORS 196.405 to 196.515 and 201.370, a coordinated program of ocean resource planning and management is established. This program shall be known as the Oregon Ocean Resources Management Program and is an improvement of Oregon's coastal management program. The Oregon Ocean Resources Management Program consists of:

(1) Applicable elements of the Oregon Coastal Management Program approved by the U.S. Secretary of Commerce on July 7, 1977, and as subsequently amended pursuant to the Coastal Zone Management Act of 1972, including statutes, programs and policies of state agencies which apply to coastal and ocean resources, those elements of acknowledged local comprehensive plans of jurisdictions within Oregon's coastal zone as defined in the Oregon Coastal Management Program which may be affected by activities or use of resources within the ocean, and those state-wide planning goals which relate to the conservation and development of ocean and coastal resources and the planning and management of land use activities which may result from or be affected by activities or use of resources within the ocean;

(2) The task force as set forth in ORS 196.445, any successor to the task force and any cooperative agreements entered into by the task force or its successor;

(3) The Oregon Ocean Resources Management Plan as prepared and adopted pursuant to ORS 196.405 to 196.515 and 201.370; and

(4) State agency coordination requirements of ORS 197.180 as provided in ORS 196.485. [1987 c 576 §5]

196.435 Primary agency for certain federal purposes; rules; restrictions. (1) The Department of Land Conservation and Development is designated the primary agency for coordination of ocean resources planning activities and the State Coastal Management Agency for purposes of carrying out and responding to the Coastal Zone Management Act of 1972. The department shall assist the Governor with the Governor's duties and opportunities to respond to federal agency programs and activities affecting coastal and ocean resources.

(2) After consultation with the task force, the commission shall adopt rules that implement any ocean resources goal by November 1, 1989.

(3) The provisions of ORS 196.405 to 196.515 and 201.370 do not change statutorily and constitutionally mandated responsibilities of other state agencies.

(4) ORS 196.405 to 196.515 and 201.370 do not provide the commission with authority to adopt specific regulation of ocean resources or ocean uses. [1987 c.576 §7]

196.445 Task force; members; duties.

(1) An Oregon Ocean Resources Management Task Force is established and shall be composed of the Governor or the Governor's designee as chair:

(a) The director or the director's designee of the following agencies:

(A) Department of Energy;

(B) Department of Environmental Quality;

(C) State Department of Fish and Wildlife;

(D) State Department of Geology and Mineral Industries;

(E) Department of Land Conservation and Development;

(F) Division of State Lands; and

(G) Parks and Recreation Division of the Department of Transportation;

(b) A county commissioner of a county bordering the territorial sea to be appointed by the Governor;

(c) The director or the director's designee of the Oregon Coastal Zone Management Association, Inc.;

(d) A representative of each of the following ocean interests, to be appointed by the Governor:

(A) Commercial ocean fisheries;

(B) Charter, sport or recreational ocean fisheries;

(C) Marine navigation and transportation;

- (D) Nonenergy mineral development; and
- (E) Oil and gas development; and

(e) Three representatives of the public to be appointed by the Governor.

(2) The task force members shall consult and coordinate, on a regular basis, with their respective commission, board or governing body.

(3) The task force shall develop procedures to conduct its business to carry out the purposes of ORS 196.405 to 196.515 and 201.370. [1987 c.576 §8]

196.450 Advisory committee; members; duties. (1) A scientific and technical advisory committee to the task force is established and is composed of:

(a) The dean or director or the designee of the dean or director of the following academic programs related to ocean resources:

(A) Oregon State University, Sea Grant College;

(B) Oregon State University, College of Oceanography;

(C) University of Oregon, Ocean and Coastal Law Center; and

(D) University of Oregon, Oregon Institute of Marine Biology;

(b) Such members with expertise in marine science, law or technology appointed by the task force chairman;

(c) State agency technical staff designated by the directors of the agencies represented on the task force; and

(d) The planning director of a county bordering the territorial sea to be appointed by the chairman of the task force.

(2) The scientific and technical advisory committee shall provide advice to the task force and the department on scientific and technical research related to all programs and activities in the Exclusive Economic Zone.

(3) The chairman of the advisory committee shall be appointed by the chairman of the task force. [1987 c 576 §9]

196.455 Coordination with federal programs. To insure that the Oregon Ocean Resources Management Plan is coordinated with federal agency programs for coastal and ocean resources, the task force shall invite federal agencies with responsibility for the study and management of ocean resources or regulation of ocean activities to designate a liaison to the task force to attend task force meetings, respond to task force requests for technical and policy information and

review draft plan materials prepared by the task force. [1987 c.576 §10]

196.465 Compatibility of acknowledged comprehensive plans. (1) The plan shall be compatible with acknowledged comprehensive plans of adjacent coastal counties.

(2) To insure that the plan is compatible with the comprehensive plans of adjacent coastal counties, the task force shall work with the department and the Oregon Coastal Zone Management Association, Inc. to meet and consult with local government officials, distribute draft materials and working papers for review and solicit comment on task force materials. [1987 c 576 §11]

196.470 Citizen involvement; public workshops; information distribution; public hearing. The task force shall involve citizens and interested groups and organizations in development of the plan. The task force shall:

(1) Provide citizens, coastal and ocean interest groups, organizations, and ocean resource users:

(a) The task force planning schedule;

(b) Opportunities for involvement; and

(c) Opportunities for comment on issues and topics which should be addressed;

(2) Conduct at least three public workshops, including two in coastal locations, to solicit ideas, opinions and facts to be considered in developing the proposed plan;

(3) Distribute the proposed plan to all public libraries state wide, upon request to interested individuals and groups and all coastal cities, counties, port districts and the Oregon Coastal Zone Management Association, Inc.; and

(4) Conduct at least one public hearing on the draft proposed plan prior to submittal to the committee. [1987 c 576 §12]

196.475 Consultation with state and interstate organizations. The task force shall consult with appropriate agencies and programs in Washington, California, British Columbia and Alaska and with appropriate interstate organizations. [1987 c 576 §13]

Note: Sections 14 to 16, chapter 576, Oregon Laws 1987, provide

Sec. 14. (1) The task force shall prepare a proposed Oregon Ocean Resources Management Plan as set forth in section 19 of this 1987 Act [196 495].

(2)(a) The proposed plan shall be submitted to the Joint Legislative Committee on Land Use and the Speaker of the House of Representatives and the President of the Senate by June 1, 1990

(b) The task force shall send the proposed plan for review and comment to the board or commission of the agencies and groups represented on the task force and all coastal cities, counties and port districts.

(3) The task force shall present the proposed plan and the comments received under subsection (2) of this section to the commission by August 1, 1990. The commission shall conduct three public hearings in counties which are adjacent to the territorial sea and one public hearing in another location in this state in a manner consistent with the requirements of ORS 197.240.

(4) The commission shall consider the recommendations and comments received from the public hearings conducted pursuant to subsection (3) of this section and the agency and program comments received under paragraph (b) of subsection (2) of this section.

(5) The commission shall review the plan and make findings that the plan:

(a) Carries out the policies of this 1987 Act [196.405 to 196.515 and 201.370];

(b) Is consistent with applicable state-wide planning goals, and

(c) Is compatible with adjacent county local comprehensive plans.

(6) If the commission does not make the findings required by subsection (5) of this section, the commission shall return the plan to the task force for revision.

(7) After making the findings required by subsection (5) of this section, the commission shall adopt the proposed plan as part of the Oregon Coastal Management Program.

(8) The commission shall present the plan to the committee and the Speaker of the House of Representatives and the President of the Senate by December 1, 1990

(9) The committee, in its sole discretion, may alter the dates set in this section [1987 c 576 §14]

Sec. 15. (1) By July 1, 1991, the State Land Board shall adopt a plan for management of the resources and uses of the submerged and submersible lands of the state territorial sea consistent with the purposes of this 1987 Act [196.405 to 196.515 and 201.370] and the policies and recommendations of the Oregon Ocean Resources Management Plan.

(2) The State Land Board shall submit the territorial sea plan to the commission for certification of consistency with the state-wide planning goals.

(3) This plan shall be the basis for rules to be adopted by the Division of State Lands for administering activities and uses within the territorial sea. [1987 c 576 §15]

Sec. 16. The task force shall prepare an interim plan and deliver it to the committee by July 1, 1988. The interim plan shall include:

(1) A summary of task force actions to involve citizens of this state and coordinate with local governments, adjacent states and federal agencies in development of the plan;

(2) An inventory of the existing state laws and agency rules, authorities and programs which pertain to ocean resources;

(3) An inventory of federal laws, regulations and agency programs which pertain to ocean resources management within or directly affecting Oregon's territorial sea;

(4) A preliminary analysis of state laws, rules, authorities or programs which conflict with one another, that need to be modified or eliminated, and rules or programs which may need to be enacted in order to provide for coordinated, comprehensive management of ocean resources;

(5) A preliminary survey of existing and potential uses and activities in the ocean off the coast of Oregon, an analysis of potential impacts to ocean and coastal resources and coastal communities from these activities and an evaluation of state agency ability to manage those uses consistent with this 1987 Act [196.405 to 196.515 and 201.370];

(6) Maps of existing ocean conditions, uses and resources of the coastline, territorial sea, continental shelf and Exclusive Economic Zone. These maps shall be compiled from the best available information, entered into a computer format and shall be accompanied, where possible, by computerized information about the mapped resources or features. The maps shall allow integration with existing computer maps of coastal and estuarine features and shall be organized to enable both broad and detailed views of coastal and ocean areas,

(7)(a) Specific recommendations to develop or improve state agency programs to manage ocean resources and activities consistent with this 1987 Act. These recommendations shall be the basis for agency or legislative action; and

(b) The recommendations of paragraph (a) of this subsection shall address at least the following:

(A) Areas within the territorial sea and the Exclusive Economic Zone which should be included or excluded from oil, gas or nonenergy mineral development, or for which special precautions must be taken;

(B) Water and air quality related to nonenergy mineral, oil or gas development,

(C) A program of environmental and other scientific research required to make management decisions about ocean resources with emphasis on the information requirements of the state-wide planning goals for ocean and coastal resources in relation to the oil, gas and mineral development activities of the Federal Government in the Exclusive Economic Zone off Oregon; and

(D) Regulations or statutes for mineral exploration, development or recovery;

(8) A summary of state-federal issues of ocean resource management and jurisdiction, including recommendations to the Oregon Congressional Delegation for changes in federal law or agency programs and to adjacent states for coordinated program development and action;

(9) Identification of issues which affect local government planning programs and an analysis of additional work which may be needed to fully address those issues in the local plans; and

(10) A status report on federal agency programs affecting ocean uses or resources off Oregon and any recommendations to the committee to address unforeseen concerns or issues revealed during the interim planning period. [1987 c.576 §16]

196.485 State agency coordination requirements; incorporation of plan. (1) If a state agency incorporates the Oregon Ocean Resources Management Plan by reference in its

coordination program and, upon a finding by the commission that the agency has amended its rules, procedures and standards to conform with the objectives and requirements of the plan, the state agency shall satisfy the requirements of state agency planning and coordination required by ORS 197.180 for ocean planning.

(2) If a state agency does not incorporate the plan in its coordination program, the agency shall be subject to the state agency coordination requirements of ORS chapters 196 and 197 for state agency programs, procedures and standards that in any way affect ocean resources. State agency programs or rules for management of ocean resources or ocean uses shall be consistent with the Oregon Ocean Resources Management Plan. [1987 c.576 §17]

196.490 Support services. The department shall provide technical, clerical and other necessary support services for the task force. [1987 c.576 §18]

196.495 Plan; contents. The Oregon Ocean Resources Management Plan shall include:

(1) An inventory of the existing state laws and agency rules, authorities and programs which pertain to ocean resources.

(2) An inventory of federal laws, regulations and agency programs which pertain to ocean resources management within or directly affecting Oregon's territorial sea.

(3) An analysis of state laws, rules, authorities or programs which conflict with one another, that need to be modified or eliminated, as well as laws, rules or programs which may need to be enacted in order to provide for coordinated, comprehensive management of ocean resources.

(4) An inventory of existing and potential uses and activities in the ocean off the coast of Oregon, an analysis of potential impacts to ocean and coastal resources and coastal communities from these activities and an evaluation of state agency ability to manage those uses consistent with ORS 196.405 to 196.515 and 201.370.

(5) Maps of existing ocean conditions, uses and resources of the coastline, territorial sea, continental shelf and Exclusive Economic Zone. These maps shall be compiled from the best available information, entered into a computer format to allow ease of data analysis and shall be accompanied, where possible, by computerized information about the mapped resources or features. The maps shall allow integration with existing computer maps of coastal and estuarine features and shall be organized to enable both

broad and detailed views of coastal and ocean areas.

(6)(a) Specific recommendations to develop or improve state agency programs to manage ocean resources and activities consistent with ORS 196.405 to 196.515 and 201.370. These recommendations shall be the basis for agency or legislative action and shall contain:

(A) A brief statement of the issues or need requiring the recommended action;

(B) A description how the recommendation will address the issues or meet the identified need;

(C) Policies and objectives;

(D) A brief work program describing the actions necessary to carry out the recommendation;

(E) A list of state agencies or programs to be affected by the recommendation;

(F) An estimate of the time and costs required to carry out the recommendation; and

(G) Any change in state law which may be needed.

(b) The recommendations of paragraph (a) of this subsection shall address the following:

(A) Coastal oil spill response, cleanup, damage assessment and compensation;

(B) Siting of pipelines or onshore facilities resulting from mineral mining or offshore oil and gas operations, including coordination with local government comprehensive plans;

(C) Marine water quality, including ocean outfalls from municipal and industrial wastes, toxic and hazardous chemicals, water quality standards and monitoring and research programs to insure marine water quality;

(D) Air quality related to offshore industrial activities and impacts on onshore communities and resources;

(E) Areas within the territorial sea and the Exclusive Economic Zone which should be excluded from oil and gas or nonenergy mineral development, or for which special precautions must be taken;

(F) Environmental or other scientific research required to make management decisions about ocean resources with emphasis on the information requirements of the state-wide planning goals for ocean and coastal resources in relation to the oil, gas and mineral development activities of the Federal Government in the Exclusive Economic Zone off Oregon;

(G) Programs to encourage and facilitate research and development into technologies for

the exploration and development of ocean resources;

(H) Strategies to promote private investment in Oregon into responsible research, exploration and development of ocean resources; and

(I) Recommendations for alternative dispute resolution techniques to resolve conflicts among competing interests.

(7) Recommendations for a permanent ocean resources planning and management process, including:

(a) Options for an advisory coordinating body to succeed the task force;

(b) Advisory committees;

(c) The role of the Governor, state agencies, federal agencies, local governments, citizens, interest groups and ocean users; and

(d) A process for plan update and amendment including integration of new information, adoption and incorporation of plan amendments.

(8) A summary of state-federal issues of ocean resource management and jurisdiction, including recommendations to the Oregon Congressional Delegation for changes in federal law or agency programs and to adjacent states for coordinated program development and action.

(9) Identification of issues which affect local government planning programs and an analysis

of additional work which may be needed to fully address those issues in the local plans. [1987 c.576 §19]

196.500 Plan preparation; public workshops and programs. (1) In preparation of the plan, the task force shall hold at least three public workshops, including two in coastal locations, to solicit ideas, opinions and facts to be considered in developing the proposed plan.

(2) The department, in conjunction with educational institutions, shall conduct public information programs including workshops and symposia and prepare and disseminate publications. [1987 c.576 §20]

196.505 Distribution of copies of plan. The department shall supply copies of the proposed plan to public libraries state wide and shall make copies available by request. The department may charge a small fee to recover the costs of mailing. The department shall supply copies, without charge, to the Governor, the Legislative Assembly, all affected state agencies, the Land Conservation and Development Commission and local governments in the coastal zone. [1987 c 576 §21]

196.515 Short title. ORS 196.410 to 196.515 shall be known as the Oregon Ocean Resources Management Act. [1987 c 576 §2]