

Enrolled
Senate Bill 513

Sponsored by Senator DEVLIN; Senator ATKINSON, Representatives GARRETT, GILLIAM

CHAPTER

AN ACT

Relating to ecosystems; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 5 of this 2009 Act:

(1) "Adaptive management mechanisms" means the processes of implementing programs in a scientifically based, systematically structured approach that tests and monitors assumptions and predictions in management activities and then uses the resulting information to improve programs and management activities.

(2) "Ecological values" means clean air, clean and abundant water, fish and wildlife habitat and other values that are generally considered public goods.

(3) "Ecosystem services" means the benefits that human communities enjoy as a result of natural processes and biological diversity.

(4) "Ecosystem services market" means a system in which providers of ecosystem services can access financing to protect, restore and maintain ecological values, including the full spectrum of regulatory, quasi-regulatory and voluntary markets.

(5) "Payment for ecosystem services" means arrangements through which the beneficiaries of ecosystem services pay back the providers of ecosystem services.

SECTION 2. It is the policy of this state to support the maintenance, enhancement and restoration of ecosystem services throughout Oregon, focusing on the protection of land, water, air, soil and native flora and fauna.

SECTION 3. The Legislative Assembly finds that:

(1) Maintaining sustainable rural and urban landscapes is important for the quality of life of all Oregonians. Sustainable forestry, agriculture and ranching practices can help to maintain and restore the vitality of Oregon's communities while also helping to preserve Oregon's natural landscapes and ecosystems. It is necessary to assist landowners in gaining access to additional sources of revenue such as emerging ecosystem services markets and to help landowners diversify their incomes, improve the ecological functions of their lands and pass along their lands and the lands' associated benefits to future generations.

(2) Employment and economic opportunities are important to Oregonians in order to maintain a high quality of life and prosperity. A scarcity of land that is available for development is a significant limiting factor in some regions of Oregon. Oregon needs a system that will provide assurances that development will occur in suitable locations so that ecological values will be maintained and improve.

(3) Many different local, state and federal agencies and the private sector have obligations to protect natural resources, to regulate the use of natural resources and to promote

economic development while also minimizing adverse impacts to natural resources. However, these efforts are generally fragmented and uncoordinated and often work at cross-purposes.

(4) Oregon's natural resources, and the ways these natural resources are used, are important to Oregonians. These natural resources include native flora and fauna. These natural resources provide food and shelter, flood control, water filtration, clean air, fish and wildlife habitat, recreational opportunities, aesthetic benefits, jobs and a high quality of life for all Oregonians. Science has demonstrated the importance of these natural resources to our daily lives. The adverse impacts of climate change may stress some natural resources to the point that they no longer provide ecosystem services. It is necessary to improve the overall health of our natural resources in order to maintain these resources for present and future generations.

(5) The conservation and restoration of ecosystem services will help avoid carbon emissions, help address impacts associated with climate change and help natural resources adapt to these impacts. New or improved regulatory schemes and increased public awareness will make additional natural resources available to protect and enhance ecosystem services. Oregon has the opportunity to become a leader in developing and improving the ecological effectiveness and economic viability of payments for ecosystem services.

(6) Given appropriate oversight, ecosystem services markets can save money, lead to more efficient, innovative and effective restoration actions than pure regulatory approaches and facilitate improved integration of public and private investment.

SECTION 4. (1) State agencies are encouraged to adopt and incorporate adaptive management mechanisms in their programs in order to support the maintenance, restoration and enhancement of ecosystem services.

(2) State agencies are encouraged to use ecosystem services markets as a means to meet mitigation needs, after carefully avoiding the most sensitive resources and minimizing adverse impacts where development occurs. When a state agency adopts a strategy or a decision that calls for the mitigation of potentially adverse environmental consequences, the state agency must consider mitigation strategies that recognize the need for biological connectivity and the overall ecological viability of restoration efforts at a landscape scale rather than exercise an automatic preference for on-site, in-kind mitigation.

SECTION 5. (1)(a) The Sustainability Board shall convene an ecosystem services markets working group consisting of representatives of local and state agencies and representatives of other parties, including but not limited to federal agencies, Indian tribes, conservation organizations and developers and landowners from the private sector.

(b) Representatives chosen from the parties specified in paragraph (a) of this subsection must be active in improving the ecological effectiveness of ecosystem services markets.

(2) The ecosystem services markets working group shall:

(a) Study and propose overarching goals to guide the development of integrated ecosystem services markets in Oregon that are efficient, coordinated and designed to produce positive ecological and economic outcomes with reasonable administrative costs to all participants;

(b) Address entities that would be most appropriate to guide, facilitate and implement an ecosystem services market in Oregon;

(c) Address the need for a consistent methodology to describe and quantify ecological values and in doing so consider methodologies that have been developed or are in the process of being developed;

(d) Make recommendations concerning the development of appropriate ecological evaluation and accounting systems;

(e) Consider the appropriate role of government participation in ecosystem services markets in order to ensure that the activities of state agencies are well-coordinated and maintain a positive influence in maximizing ecological, social and economic benefits for the public and private sectors; and

(f) Propose potential policies to help stimulate demand for payments for ecosystem services, in particular the development of regulatory and voluntary ecosystem services markets.

(3) No later than January 1, 2011, the Sustainability Board shall submit a report regarding its work conducted under this section, and may include recommendations for legislation, to the Legislative Assembly in the manner provided by ORS 192.245.

(4) The Oregon Watershed Enhancement Board shall provide staff support to the ecosystem services markets working group.

SECTION 6. Section 5 of this 2009 Act is repealed on the date of the convening of the next regular biennial legislative session.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate June 18, 2009

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Secretary of Senate

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President of Senate

Passed by House June 24, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State