Oregon Coastal Management Program

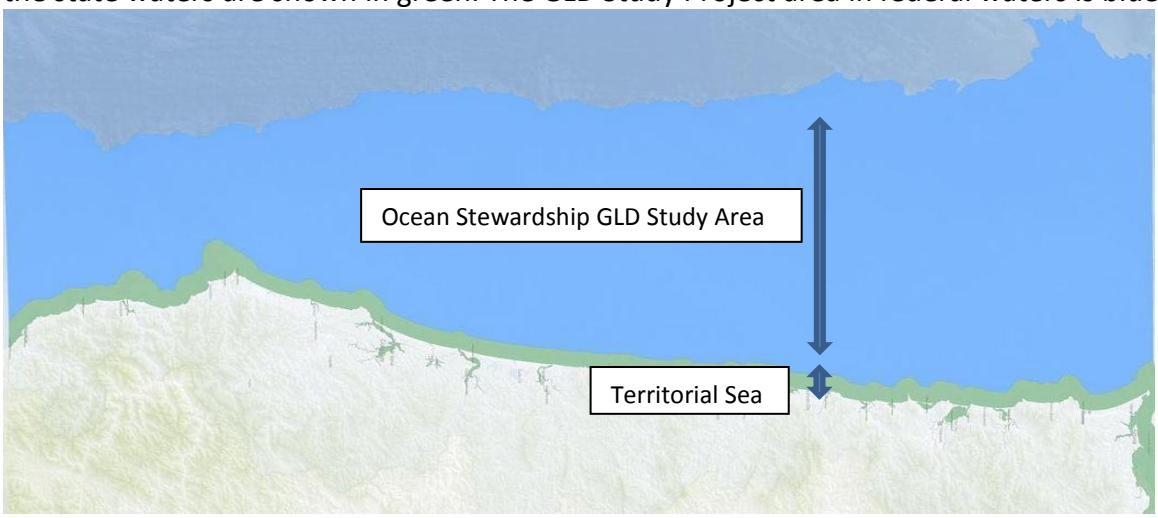
The Oregon Ocean Stewardship Area GLD Project

Oregon's interests in ocean resource policy and management are not limited to state waters. Because the ocean is part of a much larger regional marine ecosystem, ocean uses and activities that occur in federal waters may affect Oregon's coastal environment and communities. For this reason, in 1991, the State of Oregon defined an Ocean Stewardship Area in the Ocean Resources Management Plan as the area extending through the state's territorial sea out to the toe of the continental shelf.

The Oregon Coastal Management Program (OCMP) is working together with the federal National Oceanic and Atmospheric Administration (NOAA) and the Bureau of Ocean Energy Management (BOEM) to establish a Geographic Location Description (GLD) outside of state waters for federal license and permit activities that will have a reasonably foreseeable effect on Oregon coastal uses and resources. Once approved, the GLD would allow Oregon to review certain federal activities outside of the state's coastal zone.

<u>What is a GLD and why is Oregon seeking the GLD?</u>
A GLD is a geographically specific area where listed federal license or permit activities have been demonstrated to have reasonably foreseeable effects on a states coastal uses or resources. The process for creating a GLD is prescribed by the federal consistency provisions of the Coastal Zone Management Act (CZMA). Oregon is seeking the GLD to ensure that any marine renewable energy projects within the federal waters delineated in the GLD are automatically subject to the federal consistency review process. The federal consistency process ensures that federal actions are consistent with the enforceable policies of a state's coastal management program. The sole purpose of a GLD is to review certain federal license or permit activities outside a state's coastal zone. The GLD does not expand the state's boundary or jurisdiction, or dictate any decision by the state.

<u>Where is the GLD Study Area?</u>
In the figure below, the Oregon Territorial Sea Plan (TSP) part of the Stewardship Area encompasses the state waters are shown in green. The GLD Study Project area in federal waters is blue.



Benefits to Oregon of Designating the GLD

States can develop state ocean management plans for state waters and incorporate such plans and policies into their NOAA-approved coastal management program, as Oregon is doing with the recently adopted Territorial Sea Plan. Enforceable policies from state ocean management plans that are incorporated into a state's NOAA-approved coastal management program may be applied to federal actions, including federal actions in federal waters, through the CZMA federal consistency process. This federal consistency review would be automatically applicable to the specific listed activities within the federally approved GLD.

How does the GLD work?

A GLD must be based on a demonstration of reasonably foreseeable coastal effects from the listed federal license or permit activity in the proposed area. Different listed activities may have different GLDs. In this instance, Oregon is developing a GLD specifically for federal actions that are related to marine renewable energy development; this would include leasing and permitting authorized by BOEM. Even if a GLD is not included in a state's coastal management program for a specific federal license or permit activity, a state may request OCRM approval to review a listed activity outside the state's coastal zone on a case-by-case basis as an unlisted activity. The difference is that with a GLD, the listed activity is automatically subject to federal consistency.

The NOAA standards for establishing a GLD are straight forward. The proposed GLD must be geographically specific, apply to specific listed federal license or permit activities, and based on a scientific analysis showing that effects on the state's coastal uses or resources are reasonably foreseeable. The effects analysis does not have to show proof of coastal effects, but should show a reasonable causal connection. The analysis cannot be based on speculation or conclusory statements.

What are the "enforceable policies" that would be used in the federal consistency review process?

Enforceable Policies are state policies that meet the definition of an enforceable policy under the CZMA and have been approved by NOAA for use in federal consistency reviews. The OCMP consists of a set of *enforceable policies*, including policies from Goal 19 Ocean Resources, the Territorial Sea Plan, and various other state agency authorities. These enforceable policies may be applied to certain federal actions that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone through the federal consistency provisions of the CZMA. Basically, the federal agency must provide a determination that their actions, such as authorizing a permit or lease, are consistent with the state's enforceable policies.

How will the study be conducted and who will be involved?

The study will be conducted through a collaborative effort involving state and federal agencies. Geospatial information related to the resources and uses within the study area will be collected and used in the application of an effects test. The OCMP will provide opportunities for the public and others to track the project through the Oregon Ocean Policy Council and other public meetings.

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