



Oregon

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From: Tim Josi, LCDC and TSPAC Chair

To: Scott McMullen, OPAC Chair

Re: TSPAC recommendations

Scott:

I would like to share with the Ocean Policy Advisory Council, the recommendations on an amendment of the Territorial Sea Plan Part Five from the LCDC Territorial Sea Plan Advisory Committee. The committee based its efforts on the draft plan framework that OPAC provided, and worked diligently to complete tasks OPAC had initiated and had requested TSPAC to continue. The committee's recommendations are reflected in the votes that they took on specific topics at their two facilitated meetings on November 16th and December 6th, as discussed below.

The TSPAC recommendations were produced over the course of two separate facilitated meetings. During the first meeting, the focus and decisions addressed recommendations to amend the content of Part Five. The initial discussions about sideboards and sites were inconclusive, and were addressed in the second meeting. The recommendations of the group were the result of the facilitated voting process which is reported on in this memo.

There was consensus to add new text to the Visual Resource Protection Standards section of Part Five to replace existing Class II language with language recommended by subcommittee. There was also consensus on adopting the concept of the "special areas" to explicitly denote iconic spots on the Oregon Coast, but to defer the decision about the scale of the areas to LCDC.

There was consensus for approval of the basic framework and zone titles for the plan that includes the addition of two new area types, renames them all from their original OPAC version, and provides area definitions. The design of the new plan framework that TSPAC recommended has already been provided to OPAC, along with the definitions for the areas. This was one of the tasks that OPAC had originally requested TSPAC to address.

There was consensus by the group to move forward with "At least 4-5 areas on coast suitable for marine renewable energy counting Camp Rilea and Reedsport OPT 50 megawatt sites." The group agreed to meet again to discuss sites and to further consider their distribution. There was consensus to remove the Waldport and original Gold Beach sites from further consideration, though it was decided to keep the Netarts site in consideration, though there was low support for site, after 4 members did not agree to remove it. Sites and sideboards were the main focus of discussion at the second facilitated TSPAC meeting.

Specific text changes were requested to address issues related to the Part Five section related to the Joint Agency Review Team process and membership. Those issues have been addressed and are reflected in the current version of Part Five.

Recommendations related to inconsistencies and redundancies within Part Five have also been addressed in the current version of the document, as have the recommendation for clarity on the topic of phased development. A sentence has been added to the preamble specifying a state preference for phased development, and the section titled Insufficient/Incomplete Data section has been retitled to Pilot and Phased Development Projects, as recommended.

The current version of Part Five now incorporates the changes recommended by TSPAC. Please note that other changes have been incorporated that were the result of the state's consultations with NOAA, and on the advice of the Oregon Department of Justice.

The TSPAC revisited the sites and sideboards during their second and last facilitated meeting. The committee addressed the number of sites that would be included in the plan as Renewable Energy Facility Suitability Study Areas (REFSSA). The TSPAC reconsidered the recommendation they had supported at the November 16th meeting: "At least 4 or 5 areas on coast suitable for marine renewable energy including Camp Rilea and Reedsport OPT 50 megawatt as two of the sites." The goal was to find out the level of support for 5 or 4 sites. The result was that 14 people voted for 5 REFSSAs and 10 people voted for 4 REFSSAs. So there was no consensus or clear voting majority for one or the other, but there were slightly more members in favor of a plan with 5 sites.

TSPAC discussed and made recommendations on "sideboards" for marine renewable energy in the Territorial Sea. 24 TSPAC members in attendance participated in the voting. Several sideboards received consensus support. Votes are reported to provide information to the Commission and OPAC as they further deliberate the sideboards.

The group reached consensus on the concept of flexible siting, i.e., larger sites that allow for specific project site decisions within it to fit the specific technology. TSPAC members acknowledged that supporting flexible siting would mean a need to reconsider actual REFSSAs since most currently under consideration are too small for micro-siting.

The group reached consensus on a maximum cap of 5% for the total amount of area of territorial sea that should be included in the REFSSA's. There was a majority support (15-Yes versus 8-No), for a 7% cap. No other caps were considered by the committee.

There was majority group support (16 yes versus 8 no) for placing a cap on the total project build out area at 3% of the territorial sea. The group also considered caps of 2% (12 yes versus 12 no) and 5% (6 yes versus 18 no).

There was a lot of discussion about the need to have an automatic periodic review trigger built into the plan, and it was decided that Part Five should have a requirement to conduct periodic review after 7 years from adoption of the plan, or when there has been a project build-out of 1%, whichever comes first.

Another sidebar that was discussed was the need to “distribute REFSSAs along the coast by deep water ports” which was supported by a large majority (20 yes) of committee. The group refined the concept of “distribution” by crafting additional sideboards to address this issue. There was consensus on placing a cap of 1/3 project build-out of the areas associated with each deep water port within the initial 7 year period. The group debated placing a cap of no more than 2 RREFSSA’s in each deep water port area, but did not approve that requirement through a vote, and left it for OPAC and LCDC to discuss.

A few other issues were suggested as sideboards, but were not taken up by TSPAC. There is the need to establish REFSSAs at different depths to fit the physical location needs of the different types of marine renewable energy technologies. There was discussion about the need to ensure that development is located at some minimum distance from estuaries. Finally, the issue of establishing some type of mandatory buffers for certain ecological resources was discussed. These could be worthy topics for OPAC to discuss further.

TSPAC worked toward determining which specific sites to recommend as Renewable Energy Suitability Study Areas (REFSSAs). This discussion was based on the set of eight sites still under consideration, and the group used MarineMap to review the size, location, and iteration of each site to ensure all the members understood how the sites were configured. TSPAC members ranked the sites from #1 to #8 with 1 being their top choice and 8 being their lowest choice. The lower the total points, the higher the ranking. 23 members participated in the ranking with the following result:

Camp Rilea	46
Lakeside revised	66
Nearshore Reedsport	97
Langlois	106
Pacific City/Nestucca	108
N. Newport	115
Gold Beach Alternate	129
Netarts	160

The ranking process was followed by a discussion about the distribution of ranked sites, noting that 3 of the top 4 sites were located on the south coast. The distribution sideboards, discussed above, address this issue. No vote was made regarding individual sites, and TSPAC will not be making a recommendation regarding the inclusion of specific sites in the plan.

I hope this summary will assist OPAC in its deliberations, and look forward to seeing the OPAC recommendations when they come before the Land Conservation and Development Commission when it considers the plan amendment in late January. The recommendations of TSPAC will be incorporated into the staff report to the Commission, and be used in the deliberations along with those of OPAC, state agencies, interested parties and the public.