



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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TO: Land Conservation and Development Commission

FROM: Paul Klarin, Marine Affairs Coordinator

SUBJECT: **Update Appointment to the Territorial Sea Plan Advisory Committee**

I. SUMMARY

The department is currently working with the Ocean Policy Advisory Council (OPAC) to amend the Oregon Territorial Sea Plan (TSP). This is the second phase of an amendment process that resulted in the adoption of Part Five of the TSP by the Land Conservation and Development Commission (commission) in November of 2009. This phase will involve the adoption of maps that will designate specific areas for the development of marine renewable energy facilities and the conditions for the use of those areas as needed. The commission has authorized the Territorial Sea Plan Advisory Committee (TSPAC) to produce recommendations for its consideration. The membership of the committee needs to be updated to replace the tribal representative on the group.

A. Type of Action or Commission Role

The commission needs to replace the tribal representative on TSPAC by appointing a new committee member.

B. Staff Contact

If you have any questions about the Territorial Sea Plan Advisory Committee, please contact Paul Klarin, Marine Affairs Coordinator at (503) 373-0050 ext. 249 or paul.klarin@state.or.us.

II. RECOMMENDED APPOINTMENTS

The department recommends that the commission appoint the following member to the TSPAC: Don Ivy to replace Tom Youncker (Coquille Tribe)

III. BACKGROUND

The Governor's March 26, 2008 Executive Order No. 08-07, Directing State Agencies to Protect Coastal Communities in Siting Marine Reserves and Wave Energy Projects, ordered the department to seek recommendations from the Ocean Policy Advisory Council (OPAC) concerning appropriate amendments to Oregon's Territorial Sea Plan, reflecting comprehensive plan provisions on wave energy projects. The order directed the Department of Land Conservation and Development (DLCD) to provide final amendment recommendations to the commission on or before December 1, 2009. In October 2008, LCDC authorized the creation of the TSPAC, with LCDC Commissioner Tim Josi as chair, and approved the membership of the group at the December meeting that followed. TSPAC was created to consider and propose amendments to OAR 660, division 36 (Ocean Planning), to amend the Territorial Sea Plan for marine renewable energy generation facilities in state waters. This was initially achieved, in part, with the adoption by LCDC of TSP Part Five: Use of the Territorial Sea for the Development of Renewable Energy Facilities or Other Related Structures, Equipment or Facilities, in November 2009. Part Five provided the policies, procedures, standards and operational requirements for siting and developing renewable energy facilities. Part Five did not designate specific locations in the territorial sea for that type of new use, however Section B.1 (a) addresses the siting of areas designated for renewable energy facilities development in state waters by referencing the maps that will be incorporated into the TSP as appendix C. That will be achieved through the process now underway which will result in additional recommendations to LCDC from OPAC and TSPAC. (http://www.oregon.gov/LCD/OCMP/Ocean_TSP.shtml)

The process of spatial data collection, mapping and analysis, is currently being conducted through the OPAC and will result in a recommendation to LCDC to adopt maps that designate areas for renewable energy development, and provide special conditions for that use as necessary. This phase of the work, which is being conducted in conjunction with an extensive public involvement and review process, relies on the spatial analysis of existing ocean uses and ecological resources to identify specific areas within the territorial sea that may be appropriate for renewable energy development. The guidelines and criteria that are being used to conduct the spatial analysis are based on the implementation requirements of Goal 19: Ocean Resources.

The department, working with OPAC, recently concluded a series of work sessions held in Portland, Eugene, Bandon, Brookings, Warrenton, Cannon Beach, Depot Bay, Waldport, Reedsport, and Pacific City. These sessions were designed to increase public involvement and awareness in the process, and to get stakeholder feedback on the process and methods being applied to the spatial analysis, and the type of plan that will be generated from the spatial data. This public review process is being conducted with the use of the Oregon MarineMap system that enables the aggregation of digital spatial data to create map overlays, and the ability to do simple analysis of the summary overlays of mapped information. The state agencies have completed the analysis and have mapped the resources and uses that must be protected according to the requirements Goal 19 and the TSP, which are: areas that are important to the biological diversity and functional integrity of the marine ecosystem; important marine habitat; and areas important to fisheries, both recreational and commercial. In addition, beneficial uses such as navigation, food production, recreation, scientific research, aesthetic enjoyment and other uses of the seafloor need to be mapped and considered.

OPAC will use the feedback from these work sessions as it considers the results of the spatial analysis and prepares draft plan recommendation that will be submitted to the commission later this year. This is the same type of review and referral process that was used successfully in the development and adoption of the TSP Part Five amendment. All of the OPAC/TSPWG and LCDC/TSPAC meetings are open to the public and input from interested parties and citizens are being encouraged throughout the process. As with Part Five of the TSP, when this process is completed, the commission will be asked to consider an amendment to the Territorial Sea Plan that will adopt the maps by reference.

IV. DEPARTMENT RECOMMENDATION

The department recommends that the commission approve the replacement of tribal representative on the Territorial Sea Plan Advisory Committee.

Proposed Motion: I move that the commission replace Tom Youncker and appoint Don Ivy a new member, to the Territorial Sea Plan Advisory Committee in accordance with the list provided above in Section II: Recommended Appointments.

ATTACHMENTS

- A. TSPAC membership list