



Oregon

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March 15, 2012

TO: Land Conservation and Development Commission
FROM: Paul Klarin, Marine Affairs Coordinator
SUBJECT: **Agenda Item 6, March 14-16, 2012, LCDC Meeting**

UPDATE ON THE TERRITORIAL SEA PLAN AMENDMENT PROCESS

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 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 process is being conducted through the Ocean Policy Advisory Council (OPAC) and its Territorial Sea Plan Working Group (TSPWG)

A. Type of Action or Commission Role

There is no action by the commission at this time. This is an informational presentation on the progress of the amendment process by the department staff and OPAC. The OPAC plans to submit a recommendation to the commission within the next three months.

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. RECOMMENDATIONS

There are no recommendations for action by the commission at this time.

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 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 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 staff produced a report on the data collection and mapping protocols and methods used by the agency and by the Oregon Department of Fish and Wildlife to conduct the marine spatial analysis (attachment A).

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. The department has created a public comment section within the <http://www.oregonocean.info/> website where comments on the TSP amendment effort can be submitted and viewed. 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. The department has recently updated the Citizens Guide to the Territorial Sea Planning Process. (Attachment B)

IV. DEPARTMENT RECOMMENDATION

No recommendations for action by the commission at this time. The department staff is providing an informational report on the TSP process that will include several presentations.

ATTACHMENTS

- A. Goal 19 Ocean Resources and the Territorial Sea Plan Data Mapping Methods and Criteria
- B. Citizens Guide to the Territorial Sea Planning Process