

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

STEPHANIE CLARK
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED
12/20/2021 11:55 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendment of Part three of the Territorial Sea Plan

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/31/2022 8:45 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Ste. 150
Salem, OR 97301

Filed By:
Casaria Taylor
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/03/2022

TIME: 8:30 AM

OFFICER: LCDC

ADDRESS: Virtual

no address

Salem, OR 97031

SPECIAL INSTRUCTIONS:

See the department website for information on how to participate

<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

DATE: 03/31/2022

TIME: 8:30 AM

OFFICER: LCDC

ADDRESS: Virtual

no address

Salem, OR 97301

SPECIAL INSTRUCTIONS:

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<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

NEED FOR THE RULE(S)

Adopt the Rocky Habitat Management Strategy as amendment of the Territorial Sea Plan Part Three.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- Statewide Land Use Planning Goal 19: Ocean Resources – <https://www.oregon.gov/lcd/OP/Documents/goal19.pdf>
- Oregon Territorial Sea Plan - <https://www.oregon.gov/LCD/OCMP/Pages/Territorial-Sea-Plan.aspx>

FISCAL AND ECONOMIC IMPACT:

State agencies (ODFW, OPRD, DSL, DLCD) will be required to act consistent with the policies in the Plan, which may include rulemaking. Agency staff will also be necessary to review site management proposals, submitted by community members, for feasibility, completeness, and technical merit, which will incur the use of staff resources and personnel.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) State agencies (ODFW, OPRD, DSL, DLCD) will be required to act consistent with the policies in the Plan, which may include rulemaking. Agency staff will also be necessary to review site management proposals, submitted by community members, for feasibility, completeness, and technical merit, which will incur the use of staff resources and personnel.

2) (a) The department has not identified any small business of any type subject to the rules.

(b) Small businesses will not be expected to preform additional record keeping or administrative activities outside of the requirements of current administrative rules.

(c) The department has not identified cost to small businesses associated with this rule in regard to professional services, equipment supplies, labor, or increased compliance administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A number of small business entities were involved in the development of this rule through membership of the Ocean Policy Advisory Council (OPAC) and its subcommittee, the Rocky Habitat Working Group (RHWG), as well as through public comment. The statutory makeup of OPAC is intended to be representative of all coastal interests. The working group was made up of representatives from the coastal recreation and tourism industries, conservations groups, coastal research institutions, local government and ports, and management agencies.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

DESCRIPTION OF PROPOSED CHANGE: (Please attach any draft or permanent rule or ordinance)

Amend Oregon's Territorial Sea Plan: Part 3 (Rocky Shores Management Strategy) with updated language, and site management designations for coastal rocky habitat.

DESCRIPTION OF THE NEED FOR, AND OBJECTIVES OF THE RULE:

Oregon's Territorial Sea Plan was adopted in 1994, including Part 3 (Rocky Shores Management Strategy). This rule is intended to balance rocky ecosystem conservation with appropriate use as provided in Statewide Land Use Planning Goal 19, Oregon Territorial Sea Plan, and the Oregon Ocean Resources Management Act, by amending the language and site management designations. Additionally, this rule provides public engagement opportunity in accordance with Statewide Land Use Planning Goal 1.

LIST OF RULES ADOPTED OR AMENDED:

OAR 660-036-0000

OAR 660-036-0004

MATERIALS AND LABOR COSTS INCREASE OR SAVINGS:

\$0

ESTIMATED ADMINISTRATIVE, CONSTRUCTION, OR OTHER COSTS INCREASE OR SAVINGS:

\$0

LAND COSTS INCREASE OR SAVINGS:

\$0

OTHER COSTS INCREASE OR SAVINGS:

\$0

PREPARER'S NAME: Andy Lanier

EMAIL ADDRESS: Andy.Lanier@dlcd.oregon.gov

RULES PROPOSED:

660-036-0000, 660-036-0004

AMEND: 660-036-0000

RULE SUMMARY: This rule incorporates Rocky Habitat Management Strategy text and site designations for Part Three of the Oregon Territorial Sea Plan.

CHANGES TO RULE:

660-036-0000

Territorial Sea Plan ¶¶

The Land Conservation and Development Commission adopts and herein incorporates by reference ~~the Territorial Sea Plan~~ as part of the Oregon Coastal Management Program, the Territorial Sea Plan:¶¶

(1) Part One (Ocean Management Framework) approved by the Ocean Policy Advisory Council on August 12, 1994, as part of the Oregon Coast as amended May 4, 2001.¶¶

(2) Part Two (Making Resource Use Decisions) approved by the Ocean Policy Advisory Council on August 12, 1994.¶¶

(3) Part Three (Rocky Habitat Management Program Strategy) approved by the Ocean Policy Advisory Council on November 4, 2021.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ~~ORS 183.310-183.550~~, 196.465, ORS 196.471, ORS 197.040, ORS 196.443(1)(a)

Statutes/Other Implemented: ~~ORS 196.465, ORS 196.471, 197.040~~

REPEAL: 660-036-0004

RULE SUMMARY: This rule incorporated (in 1999) amended site management designation in the Cape Arago headland area.

CHANGES TO RULE:

~~660-036-0004~~

~~Territorial Sea Plan: Rocky Shores Management at Cape Arago~~

~~The Land Conservation and Development Commission adopts as part of the Oregon Coastal Management Program, and herein incorporates by reference, an amendment to the Territorial Sea Plan approved by the Ocean Policy Advisory Council on June 4, 1999, replacing rocky shore management prescriptions and management area designations on pages 139 through 146 pertaining to the rocky shores of the Cape Arago headland.¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 197~~

~~Statutes/Other Implemented: ORS 196.471~~