Amendment of the Territorial Sea Plan

Parts One and Two

Work Group Process and Timeline





DLCD



October 27, 2026

Andy Lanier, Marine Affairs Coordinator

OCMP

TSP Part I and Part II Amendment Process



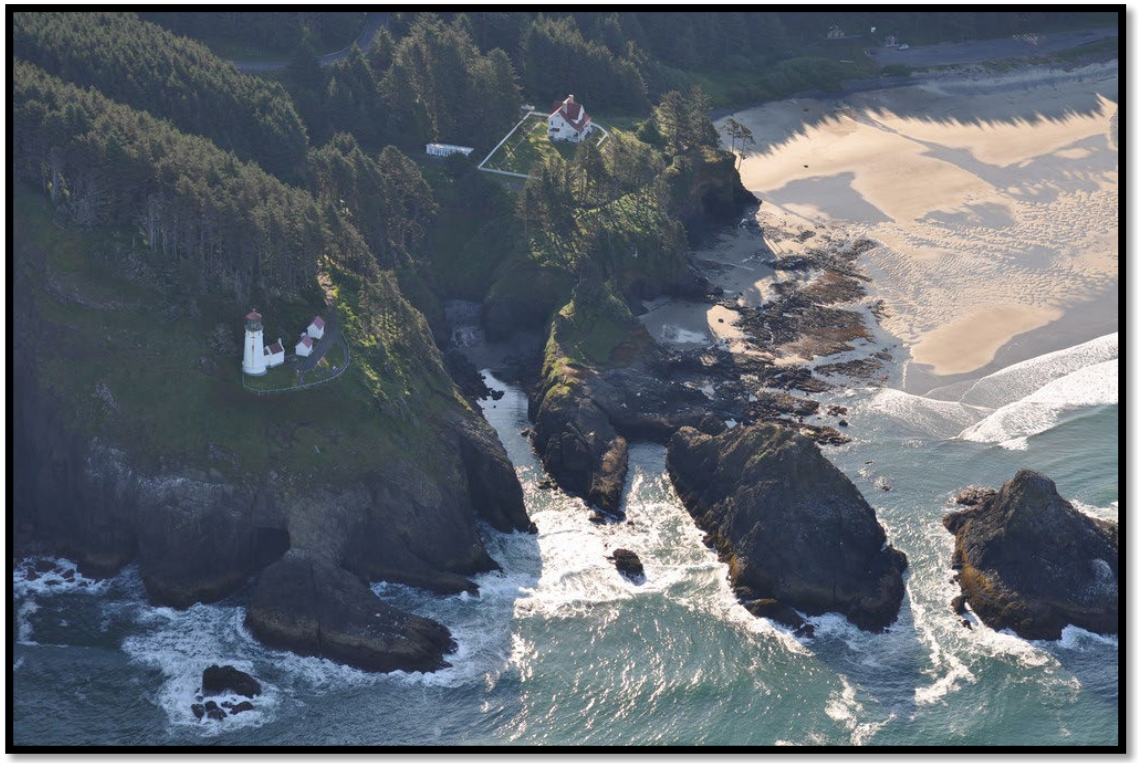
- Process roles for LCDC and OPAC
- Work Group Role and Function
- Territorial Sea Plan (TSP) Background
  - Overview of TSP Parts One and Two
- Process Timeline

Territorial Sea Plan

A plan of many parts

Territorial Sea Plan Contents

- Part 1 – Ocean Management Framework
- Part 2 – Making Resource Use Decisions
- Part 3 – Rocky Shores Management Strategy
- Part 4 – Uses of the Seafloor
- Part 5 – Marine Renewable Energy
- Appendices



Territorial Sea Plan Amendment Charge

OCMP Program Improvement Strategy

Territorial Sea Plan

Part 1 – Ocean Management Framework (1994)*

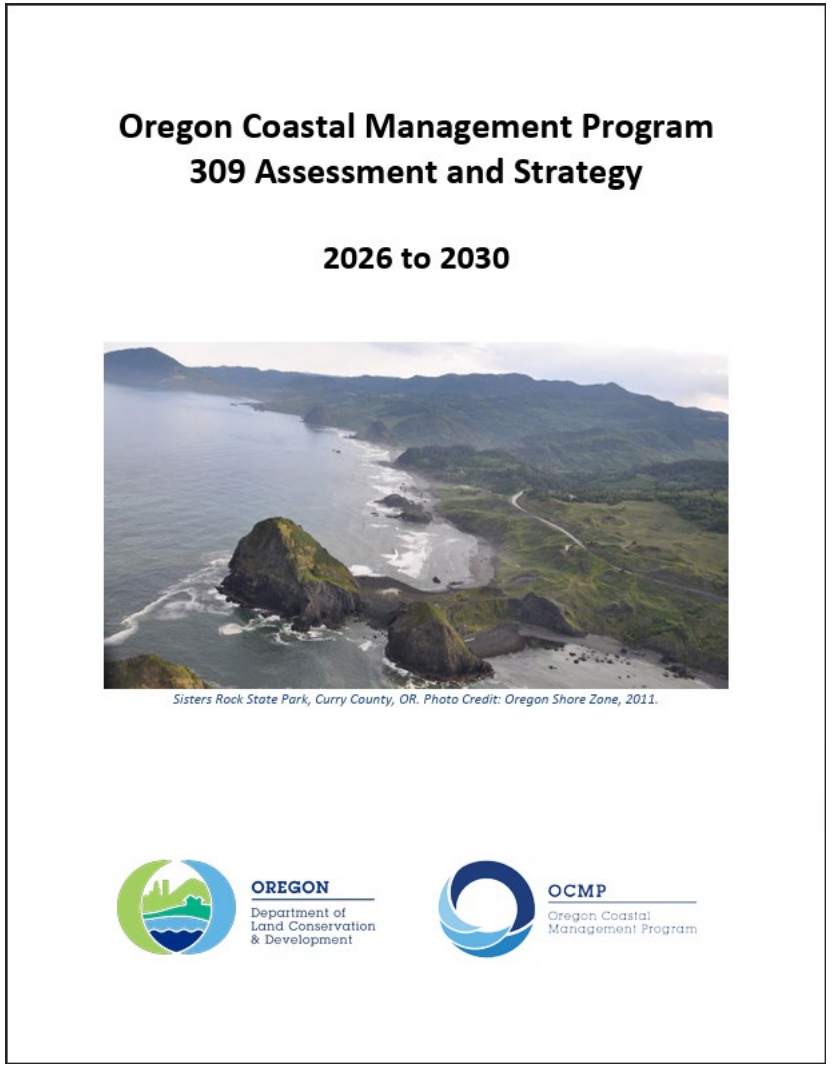
Part 2 – Making Resource Use Decisions (1994)

Part 3 – Rocky Shores Management Strategy (2023)

Part 4 – Uses of the Seafloor (2023)

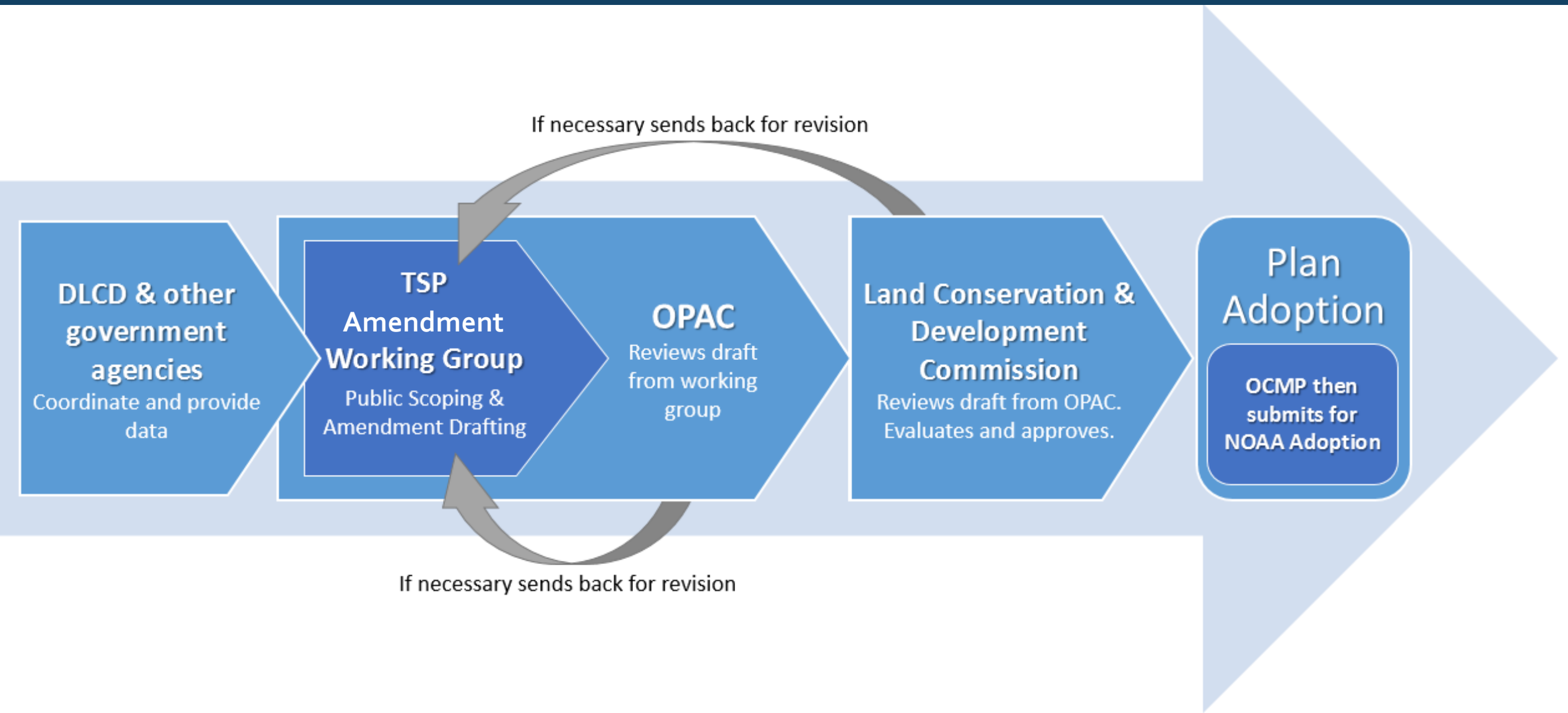
Part 5 – Marine Renewable Energy (2019)

* In 2000 policies (Section G) were added to Part One



Link to the approved Strategy

Updating (Stewarding) the TSP



PART ONE: OCEAN MANAGEMENT FRAMEWORK

Table of Contents:

A. History of Ocean Planning in Oregon

B. The Ocean Policy Advisory Council

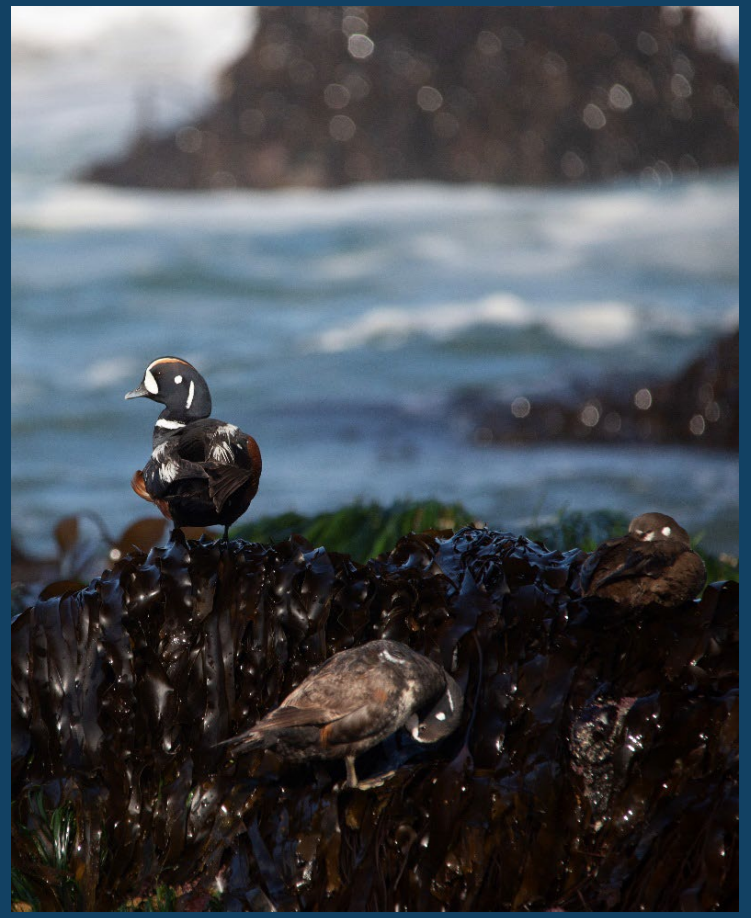
C. Oregon's Territorial Sea

D. Laws and Other Legal Authorities Affecting Ocean Management

E. Ocean Management Agencies

F. Plan Implementation

G. Ocean Management Goals and Policies



OCEAN POLICY EVENTS LEADING TO ADOPTION THE TSP

Date	Federal or State Action	Milestone Event/ Action	Impact on Oregon's Ocean Planning
1972	Federal	Passage of the Coastal Zone Management Act (CZMA)	Created the federal-state partnership framework and funding mechanism for state coastal planning.
1977	Federal/ State	NOAA Approval of the Oregon Coastal Management Program (OCMP)	Granted Oregon Federal Consistency authority, giving the state legal leverage over federal activities.
Late 1980's	Federal	Outer Continental Shelf (OCS) Oil & Gas Lease Proposals	Federal push to lease Pacific Northwest waters for drilling triggered an immediate, defensive state-level planning response.
1990	State	Adoption of the Oregon Ocean Resources Management Plan	Oregon's first broad policy plan addressing the continental shelf, which explicitly recommended creating a more specific nearshore plan.
1991	State	Legislative Establishment of OPAC	The Oregon Legislature created the Ocean Policy Advisory Council (OPAC) to draft and maintain a formal Territorial Sea Plan.
1994	State	Official Adoption of the First Territorial Sea Plan	LCDC formally approved the TSP, establishing the original Plan for state agencies managing the 3nm nearshore zone.

OREGON AGENCY AND INTEREST ROLES ON THE OCEAN POLICY ADVISORY COUNCIL

State Government & Agencies:

Governor's Natural Resources Advisor

Department of Land Conservation and Development (DLCD)

Oregon Parks and Recreation Department (OPRD)

Oregon Department of Fish and Wildlife (ODFW)

Oregon Department of Environmental Quality

Oregon Department of State Lands (DSL)

Oregon Department of Agriculture

Department of Geology and Mineral Industries (DOGAMI)

Federal Government Liaison

OPAC Interest Positions (ORS 196.438):

Oregon Sea Grant Director

Coastal Local Government Association

Coastal Cities

Coastal Ports, Marine Transportation, Navigation Representative

Coastal County Governments (North and South)

Coastal Tribes

Non-consumptive Recreation

Commercial Fishing (North and South)

Sport and Recreational Fishing (North and South)

Environmental Organizations (Statewide, Coastal)

Public at Large (Statewide, Coastal)

OREGON'S TERRITORIAL SEA

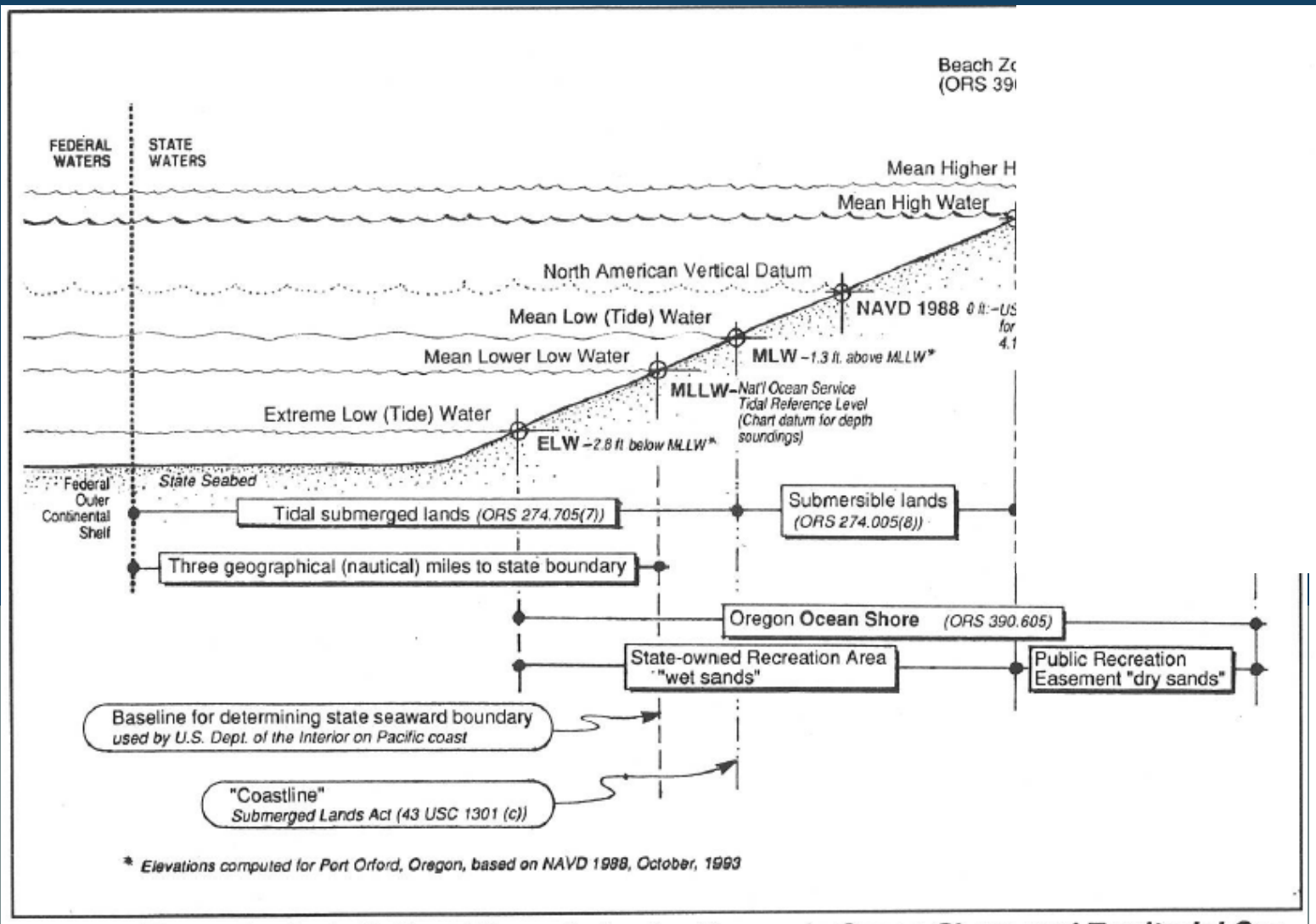
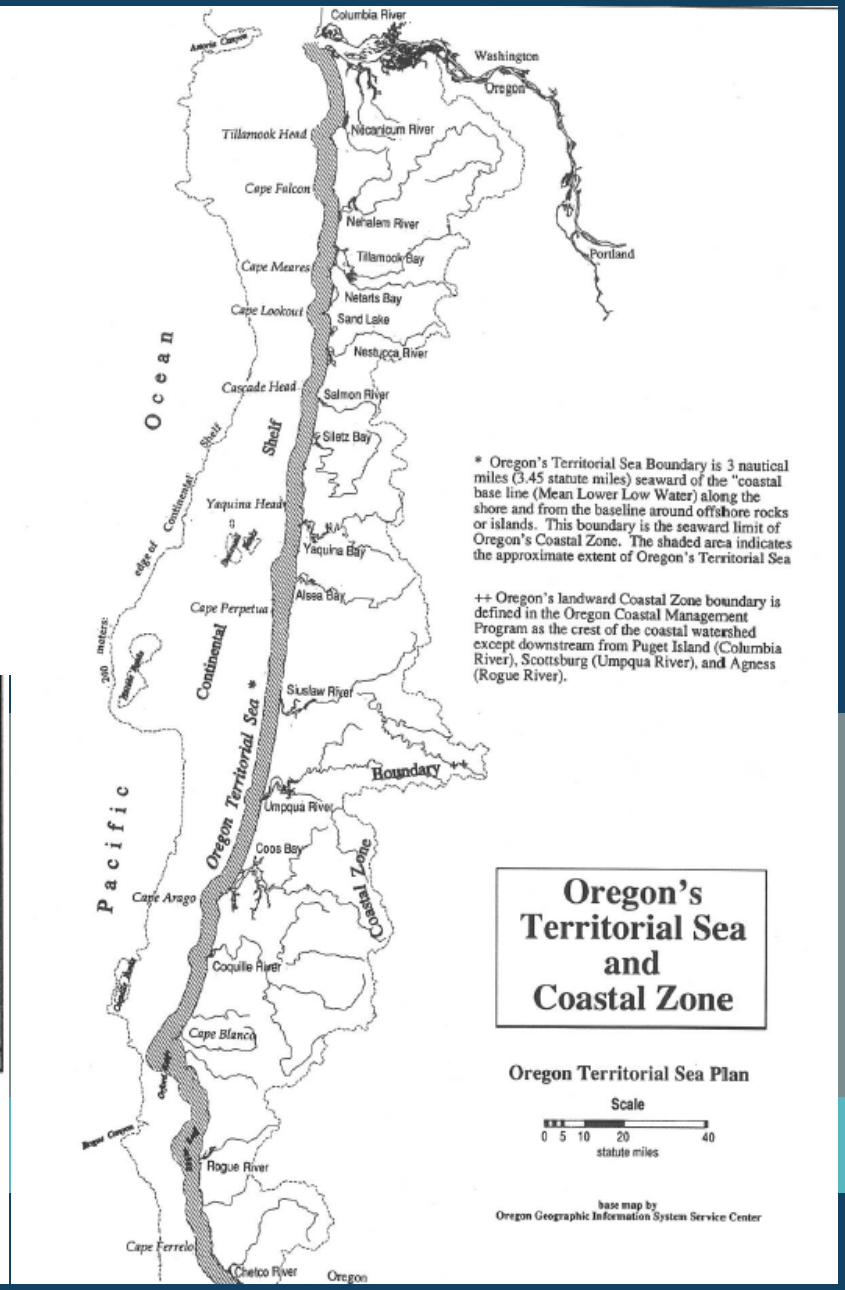


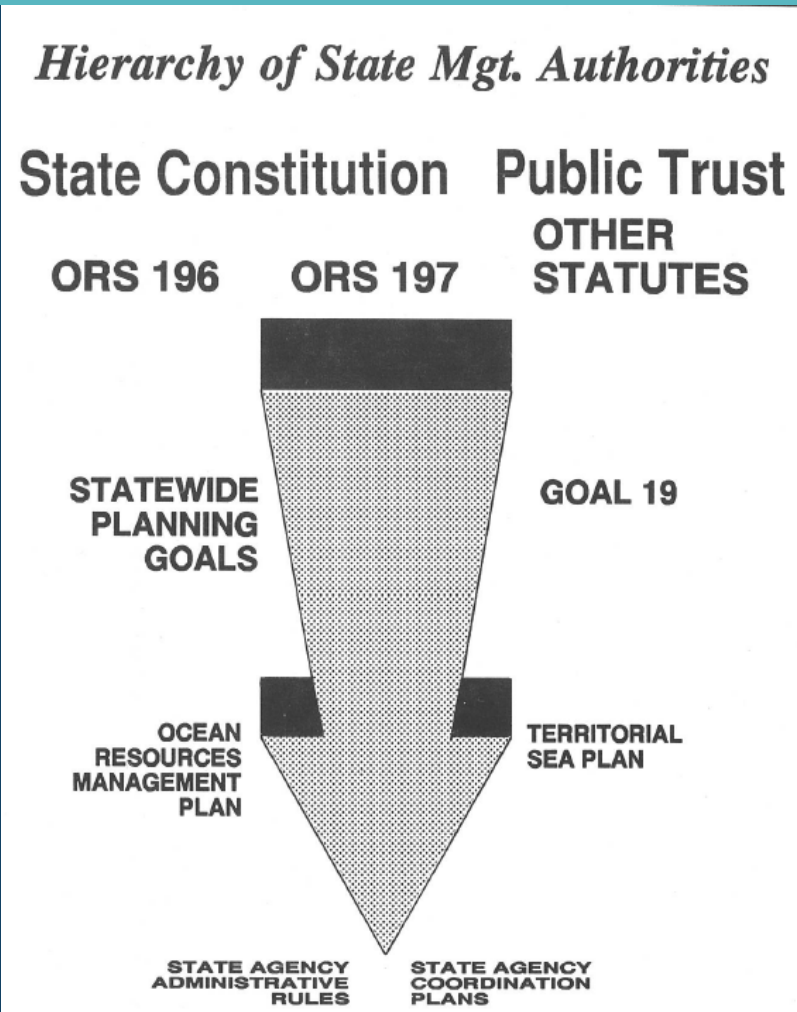
Figure 2: Jurisdictional Boundaries for Oregon's Ocean Shore and Territorial Sea

This diagram shows the intersection of the ocean shore with the height of each of six different levels of ocean water described in various state or federal authorities used as reference lines to determine various jurisdictional boundaries. The Oregon Division of State Lands uses "mean" (average) high water in place of "ordinary" high water to determine the upper boundary of tidal submersible lands (authorized in ORS 274.015).



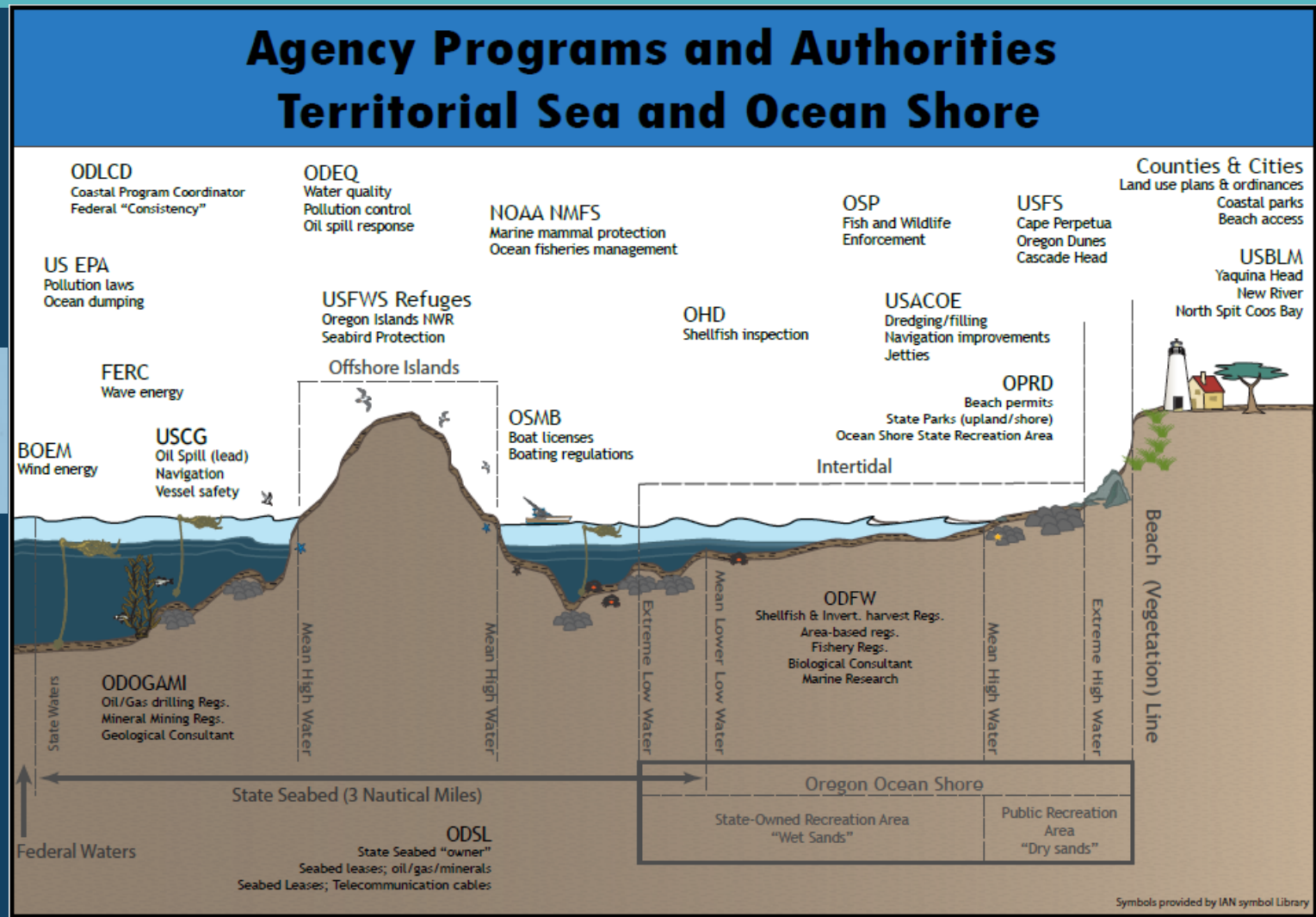
PART ONE: OCEAN MANAGEMENT FRAMEWORK

D.	LAWS AND LEGAL AUTHORITIES AFFECTING OCEAN MANAGEMENT	15
	1. State Laws	15
	2. The Oregon Ocean Resources Management Plan	17
	3. State Planning Goals	18
	4. Federal Laws	19
	5. International Law	23
	6. Status and Interests of Oregon Coast Indian Tribes	24
	7. Hierarchy of Legal Authorities in the Territorial Sea	24
	8. Conflicts Among Authorities	26
	Diagram: Hierarchies of Authorities	27



PART ONE: OCEAN MANAGEMENT FRAMEWORK

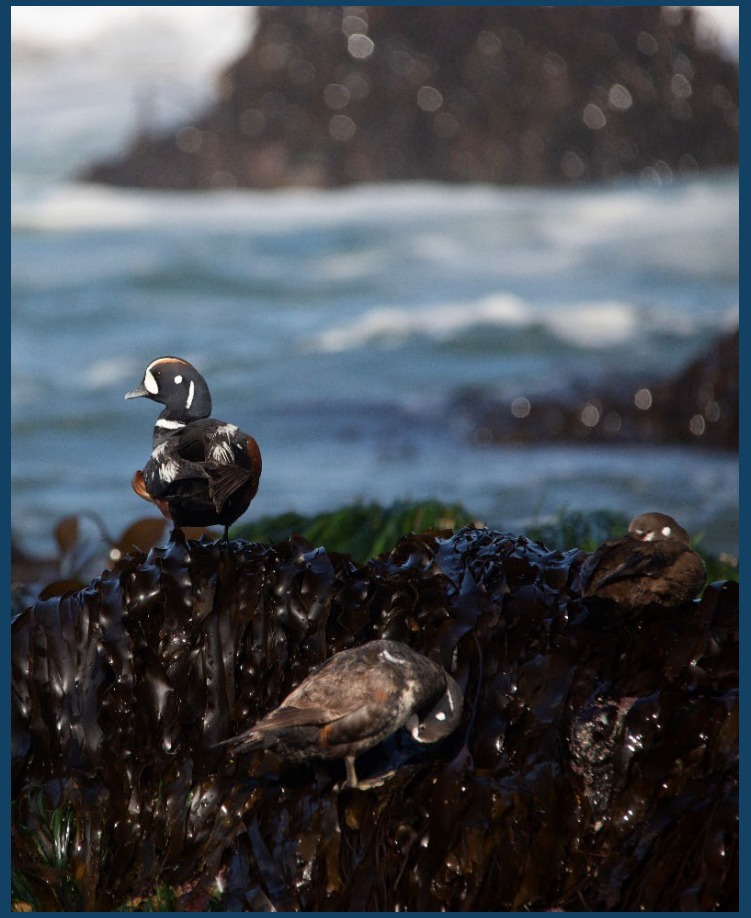
E. OCEAN MANAGEMENT AGENCIES
1. State
   Diagram: Agency Programs and Authorities
2. Federal
3. Local Governments



PART ONE: OCEAN MANAGEMENT FRAMEWORK

F. PLAN IMPLEMENTATION
1. How the Plan Works
2. Changing the Plan
3. Implcmcnting thc Plan: Legal Requirements

"The Ocean Policy Advisory Council will plan a coordinating, supervising role in carrying out the Territorial Sea Plan. However, it has no authority to take action on its own to regulate ocean uses or resources and instead will rely on state and federal agencies, primarily, to take appropriate action".

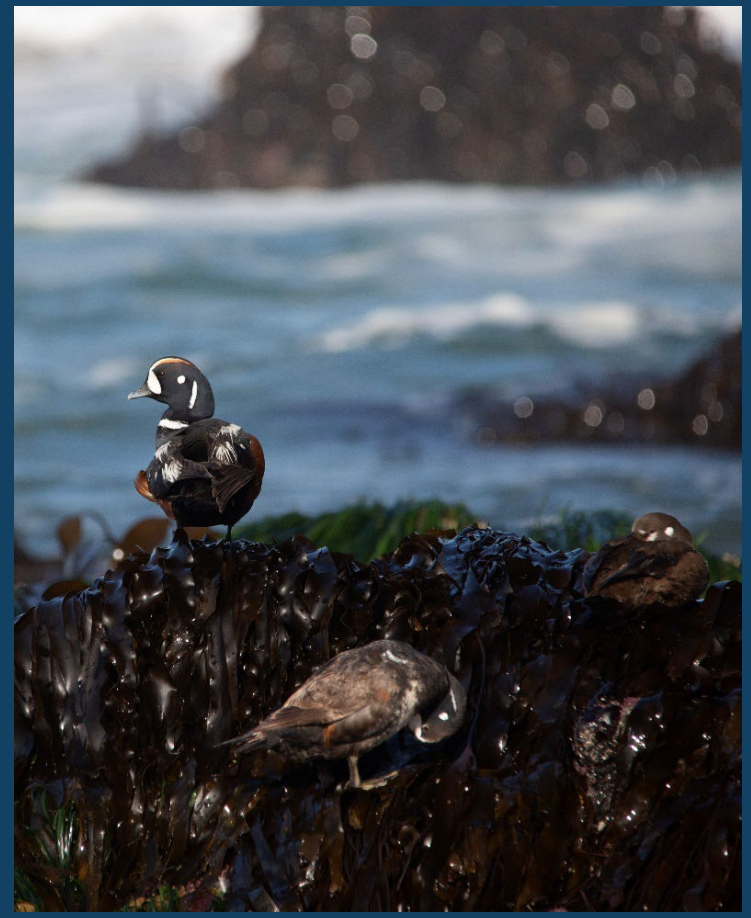


PART ONE: OCEAN MANAGEMENT FRAMEWORK

G. Ocean Management Goals and Policies

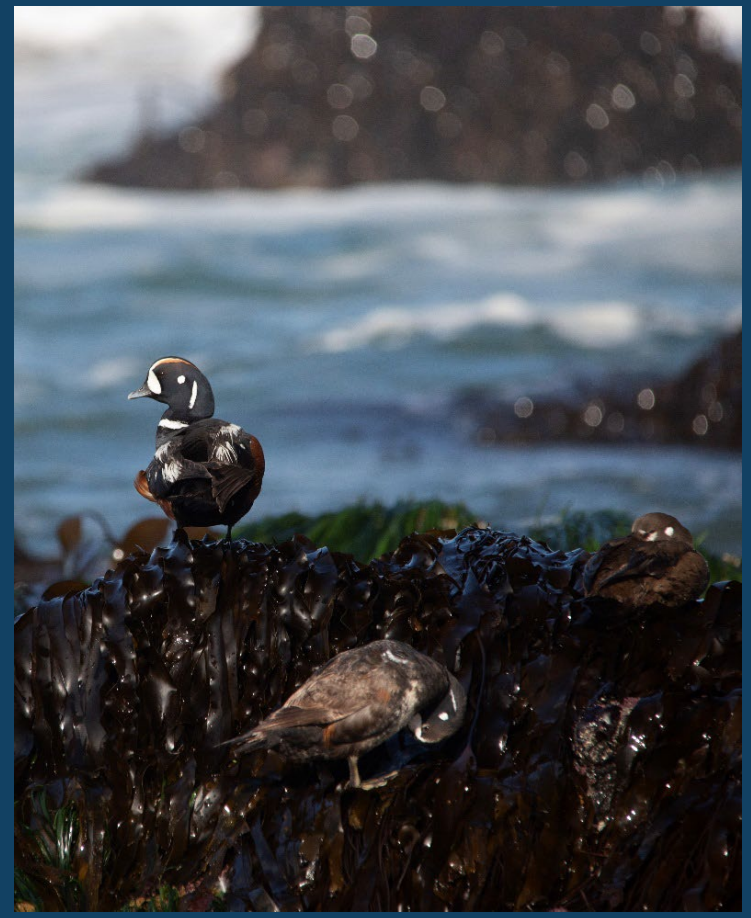
***T**he State of Oregon holds the lands, waters, and living resources within its boundaries in trust for the public and, acting through local, state, and federal laws, seeks to ensure that these ocean resources, values, and benefits are conserved for the current and future generations. The state has therefore established in law a program of ocean-resources planning and management that includes ocean-resource goals and policies and seeks to integrate the ocean-management responsibilities of all levels of government, involve the public and users of ocean resources, and promote the conservation of all ocean resources.*

Oregon places special emphasis on conserving renewable ocean resources because these are expected to provide greater long-term benefits to the state from food production, recreation, aesthetic enjoyment, navigation, and ecosystem stability than non-renewable marine resources.



PART ONE: OCEAN MANAGEMENT FRAMEWORK

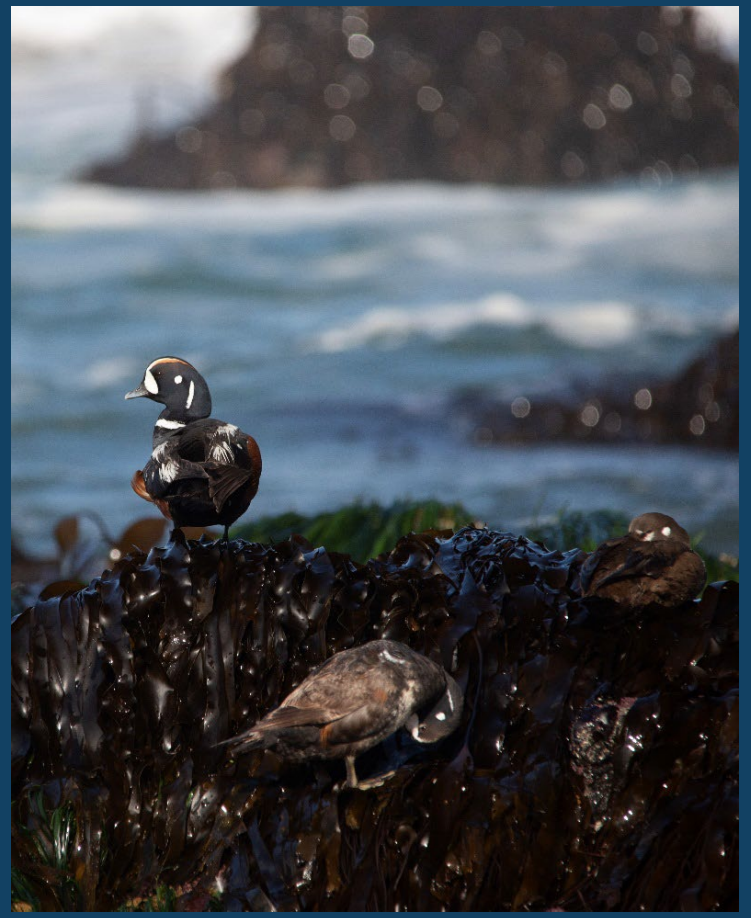
- The overall ocean-management goal of the State of Oregon is to: conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.
- To achieve this goal, the State of Oregon will:
  - 1. give higher priority to the protection of renewable marine resources than to the development of non-renewable ocean resources;
  - 2. support development of ocean resources that is environmentally sound and economically beneficial to coastal communities and the state;
  - 3. protect the diversity of marine life, the functions of the marine ecosystem, the diversity of marine and estuarine habitats, and the overall health of the marine environment; and
  - 4. seek the conservation of ocean resources within the larger marine region that is of ecologic and economic interest to the State of Oregon.



KEY QUESTIONS FOR PART ONE

PART ONE: SOME KEY QUESTIONS

1. How much TSP and OPAC history should be included in Part One?
2. Does the Plan adequately address the challenges we face from development pressures?
3. Section F – Does this describe our expectations for amendment of the Plan going forwards?
4. Applicability of general policies in Part One, Section G
5. Public Engagement expectations and requirements – are they consistent with our actions and agency procedures today?



PART TWO: MAKING RESOURCE USE DECISIONS

Included in Part Two are requirements for:

- Resource inventory and effects evaluation
  - Inventory Content is specified to include:
    - The proposed action
    - Location and description of all affected areas
    - Information about the physical, geological, biological, social, economic, and cultural uses of the area
    - Significant archeological sites
  - A written effects evaluation is required for reasonably foreseeable adverse effects of the proposed action
    - The potential short-term and long-term effects on resources and uses of the continental shelf, nearshore ocean, and onshore areas



PART TWO: MAKING RESOURCE USE DECISIONS

Included in Part Two are requirements for:

- Interagency Coordination in decision making processes via Joint Review Panels (JRP)
  - Purpose of JRP
  - Functions and Duties
  - Membership
  - When to Convene JRP's
  - Who Convenes a JRP
  - Accept Recommendations
  - Public Meetings
  - Public Participation
  - JRP Authority
  - Administrative Rules



PART TWO: MAKING RESOURCE USE DECISIONS

Included in Part Two are requirements for:

A mandatory process for coordination with local coastal governments, coastal Indian tribes on "major ocean development" proposals

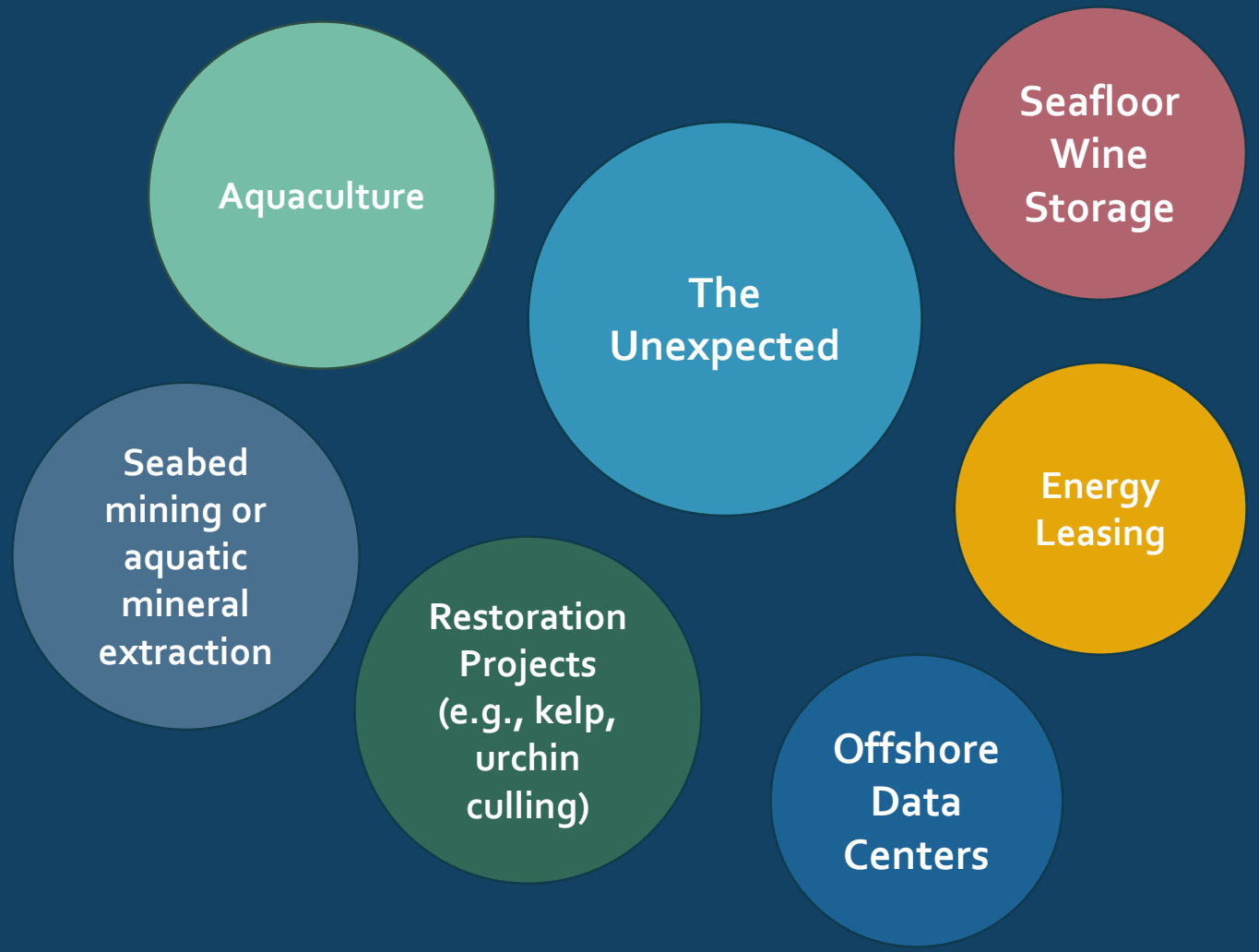
- Agencies are required to inform local governments of the opportunity to comment regarding a major ocean development
- Agencies must respond in writing to local government comments
- Agencies are required to offer assistance to local governments, if appropriate



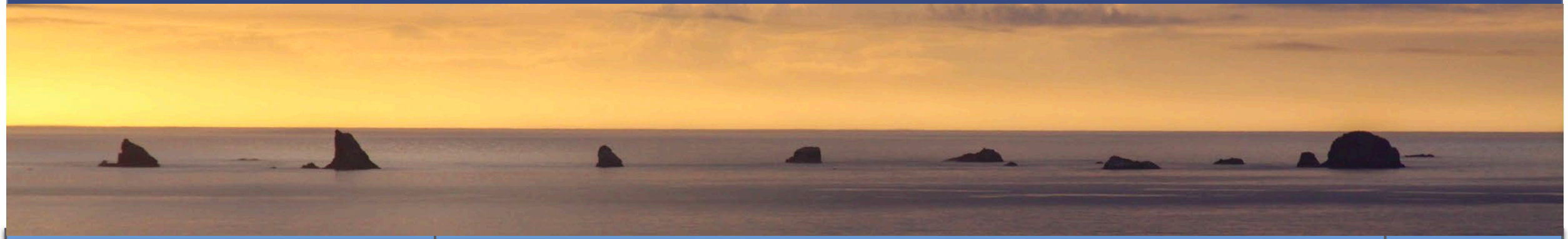
KEY QUESTIONS FOR PART TWO

PART TWO AMENDMENT: SOME KEY QUESTIONS

1. Should Part Two contain separate "catch all" standards for projects?
2. General applicability vs. geographic specificity
3. Visual resource standards for non-energy projects
4. Community impacts and benefits
5. Tribal interests and protections
6. Cumulative Impact Assessment
7. How mitigation and adaptive management relate to "significant" adverse effects
8. Net Positive Impact standards
9. Standards and processes for restoration as a use type



Process Timeline



2026		2027				2028
Q3	**Q4**	**Q1**	**Q2**	**Q3**	**Q4**	**Q1**
• OPAC TSP Working Group (WG) Formation • Tribal Consultation	Staff and TSPWG to conduct a line-by-line audit of Parts One and Two	Development of draft rule language	Work Group Finalizes Recommendations	• Final OPAC recommendation to LCDC • Public comment period opens	• Public Comment Period Closes • LCDC Hearing • Adoption	Submission to Secretary of State



2026 Timeline

We are here

June 2026

LCDC Initiation

August 2026

TSP Working Group (WG) Recruitment

September 2026

TSP WG Recruitment

OPAC Meeting (9/29)

October 2026

TSP WG Meeting (10/27)

December 2026

TSP WG Meeting (12/8)



2027 Timeline

January 2027

TSP WG Meeting (1/22)

February 2027

TSP WG Meeting (2/26)

OPAC Meeting (TBD)

April 2027

TSP WG Meeting (4/2)

OPAC Meeting (4/30?)

May 2027

TSP WG Meeting (5/14)

June 2027

TSP WG Meeting (6/11)

July 2027

TSP WG Meeting (7/13)

August 2027

OPAC Meeting (not yet scheduled)

Public Comment Period Begins

September 2027

October 2027

LCDC Hearing (10/29)

Geographic Hearing

December 2027

LCDC Adoption

2027 Timeline

December 2026

--Starter drafts of Part One and Part Two (Walkthrough)

--Clarify scope and structure of Part Two

--Crosswalk with Part Five and Roadmap Recommendations

Part One Update goals

- History and Framework updates
- Public participation guidance?
- General standards

January 2027

--Part One draft review feedback

--Part Two: Ecological Standards Deep Dive

- Review feedback from draft
- Role of Restoration
- Net Positive Impact standard
- Inventory and Effects Evaluation adequacy
- Estuaries

February 2027

--Revisit Part Two Ecological Standards

--Part Two: Resource User Protections Deep Dive (fisheries, recreation, viewshed, communities)

- Review feedback from draft
- Visual resources focus
- Community effects standard?
- Ports and maritime

April 2027

--Part One Check-in

--Part Two - Revisit Resource User Protections

--Part Two - Tribal Cultural Resource Protections

--Start of communications with NOAA regarding EP's

May 2027

--Required plans, data standards, etc.

--Public engagement

--Plan Coordination Requirements

- Interagency
- Local Government
- Tribes

--Group discussion of drafts

June 2027

--Definitions

--Addressing Public Feedback(?)

--NOAA feedback?

--Legislative Session Effects?

--Group discussion of drafts

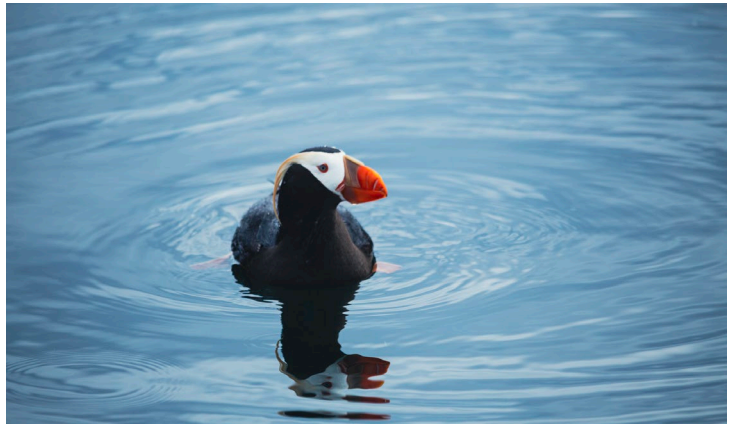
July 2027

--Group discussion of drafts

--NOAA feedback?

--Hanging items





DLCD

Department of Land Conservation & Development

Questions?

October 27, 2026

Andy Lanier, Marine Affairs Coordinator
Andy.Lanier@dlcd.Oregon.gov