Report from David Allen (TSPWG chair) for April 9, 2012 OPAC meeting in Newport

After the OPAC meeting last December in Astoria, the Territorial Sea Plan Working Group (TSPWG) undertook a second round of public work sessions (Feb. 2 thru March 6) in coastal and inland communities to collect further public input. Afterward, the TSPWG held a meeting on March 22 in Newport to discuss issues raised during the second round and to reach a preliminary recommendation to forward to OPAC.

The e-mails included below refer to interpretation regarding Goal 19 language and also issues as to federal approval of TSP Part Five, including any spatial or mapping component. These have been topics of discussion throughout this TSP process and, most recently, during the second round of public work sessions. There was general consensus among TSPWG that federal approval of a spatial plan for TSP Part Five was important, both from NOAA as well as FERC.

The general guidance document from NOAA/OCRM was reviewed by TSPWG in listing category types for a spatial plan for marine renewable energy (MRE) development. For each category type, classification levels for Goal 19 resources and uses were then used. These classification levels were taken from the TSP mapping informational sheet (rev. 2/08/12) used during the second round of public work sessions. It should be noted, however, that OPAC may need to take a look at and perhaps revise some of the initial classification levels for Goal 19 resources and uses as part of reaching any initial recommendation.

The following is a preliminary list of category types from the TSPWG meeting:

MRE Exclusion Zone – following NOAA requirements/guidance
Resource Conservation Zone – items in Level I that don't fit into exclusion zone
Resource Management Zone – items in Level II that don't fit into conservation zone
Resource Development Zone – items in Level III that don't fit into management zone

For next steps for the OPAC meeting, DLCD staff was asked to draft conceptual definitions for these potential areas/zones, including a list of items proposed for inclusion in each area/zone. Another discussion point was for DLCD staff to look at a possible viewshed assessment overlay (and one for perhaps ocean recreation as well) with certain screening standards applied across all non-exclusion areas/zones.

Also, TSPWG members were asked to identify language in TSP Part Five for possible review and revision depending on whether certain policy choices are made. For example, expanding and strengthening language with respect to local participation in the joint agency review team (JART), at page 4 of TSP Part Five.

Finally, DLCD staff was asked to make available for viewing at the OPAC meeting, if possible, draft mapping scenarios depicting MRE suitability areas in comparison with areas of least conflicting Goal 19 resources and uses.

-----Original Message-----
From: David N. Allen
Sent: Monday, March 26, 2012 9:28 PM
Subject: Re: RI and MA ocean plans

All -
As a FYI, Kris Wall (TSPWG /OPAC federal agency liaison) asked me to forward the following links/explanations to the full RI and MA ocean plans (see below) and also indicated, "There are differences in the approaches MA and RI took that won't translate perfectly to the Oregon process (e.g. wind focused, defining scales of energy development), but I still feel these will be useful examples of policy standards that could be developed in order to afford protection to the ecological and fishery resources and beneficial uses under consideration for Oregon's plan."

Also FYI, attached is the general guidance from NOAA/OCRM that Kris Wall went over last week and can go over at the April 9 OPAC meeting as well. In preparation for the OPAC meeting, please take a look through the RI and MA ocean plans and the attached general guidance. Much of the discussion last week centered around the question of conditions as a component of spatial planning for TSP Part Five. Thanks. --David

RI Ocean SAMP
http://www.crmc.ri.gov/samp_ocean.html
For Rhode Island, there are 11 Chapters, each generally focusing on a resource or use (e.g. ecology, fisheries, recreation, transportation). In each chapter, there is a section on "Regulatory Standards" which are the policies that apply to those resources or uses in the Chapter. In addition, Chapter 11 is a summary of Regulatory Standards from throughout the plan. However, I definitely find it useful to review each set of standards within the context of the relevant chapter.

MA Ocean Plan
http://www.mass.gov/eea/ocean-coastal-management/mass-ocean-plan/
For Massachusetts, Chapter 2 is the "Management" section, which is where I had originally taken the excerpt. I recommend reviewing this entire chapter if possible, but in particular the first part, 2-1 through 2-13. In this chapter they define "performance" and "siting standards". In addition, Massachusetts pulled out all of the policies in their Ocean Plan into Appendix 5 of a stand-alone policy guide, which can be be found here:
http://www.mass.gov/czm/plan/docs/czm_policy_guide_october2011.pdf

-----Original Message-----
From: David N. Allen
Sent: Friday, March 23, 2012 8:36 AM
Subject: FW: Goal 19 language

To: TSPWG /OPAC /TSPAC
Cc: Other Interested Parties

Near the start of the TSPWG discussion at yesterday's meeting, OPAC legal counsel had a chance to respond to the questions listed in the e-mail below with respect to language in Goal 19. After each question is the response from the meeting. Goal 19 can be accessed online at:
http://www.oregon.gov/LCD/docs/goals/goal19.pdf?ga=t

With the responses indicated below, another way of looking at the questions is that ocean renewable energy (a beneficial use under Goal 19) must not adversely affect renewable marine resources (i.e., living marine organisms) such as fish and shellfish. For other ocean uses and activities, ocean renewable energy must avoid adverse effects or operational

conflicts "to the extent possible." And, although reference to "living marine organisms" under Goal 19 does not include the term "fisheries" it does include fish and shellfish upon which fisheries is based.

On another note, nearly 40 people attended the meeting with considerable public comment given at the start. More detail about the TSPWG discussion from yesterday's meeting will be sent out later next week along with other information for the April 9 OPAC meeting. Thanks. --David

-----Original Message-----
From: David N. Allen
Sent: Tuesday, February 21, 2012 9:23 AM
Subject: Goal 19 language

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Goal 19 Implementation Requirements
1. Uses of Ocean Resources:

Subsection c.1. provides that agencies shall "protect and encourage the beneficial uses of ocean resources *** provided that such activities do not adversely affect the resources protected in subsection 1., above; avoid, to the extent possible, adverse effects on or operational conflicts with other ocean uses and activities[.]"

1) Does reference to "the beneficial uses of ocean resources" also include ocean renewable energy?

Response: Yes, provided this beneficial use (ocean renewable energy) is done in a manner consistent with what's required in subsection c.1.

2) Does reference to "subsection 1., above" mean subsection b.1.?

Response: Yes.

Subsection b.1. provides that agencies shall protect "renewable marine resources -- i.e., living marine organisms -- from adverse effects of development of non-renewable resources, uses of the ocean floor, or other actions[.]"

1) Does reference to "living marine organisms" also include fisheries/fish/shellfish as those terms are used in subsection b.4? ("organism" is defined in TSP's glossary of terms as "an individual living entity or life form")

Response: Yes, for fish and shellfish. No, for fisheries.

2) Does reference to "development of non-renewable resources, uses of the ocean floor, or other actions" include ocean renewable energy?

Response: Yes.

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