

## Attachment C

### Oregon Territorial Sea Plan, Part 5 Public Process Report 2008 – 2013

Summary: The Oregon Coastal Management Program has funded and supported the work the Oregon Ocean Planning Council (OPAC) and its Territorial Sea Plan Working Group, and the LCDC's Territorial Sea Plan Advisory Committee (TSPAC) and its various subcommittees to meet the challenges put forth in Governor Kulongoski 2009 executive order # 08-07.

This is a chronological compilation of public meetings and work sessions that were used to facilitate the TSP amendment process. All the OPAC and TSPAC meetings and work sessions well as those of their subsidiary work groups and subcommittees, were public meetings for which there was public notice. Materials used at the meetings and work sessions were made available in hard copy form and online at the OregonOcean.info website. Meeting notes, video or digital recordings were taken for all meetings listed. Meetings were made accessible via direct phone line and online meeting links that allowed group members and the public to see and hear the meeting, and participate through the audio connections. Attendance of group members and public attendees were kept for all meetings, including those who may have attended via phone or online.

In addition to the meetings of OPAC and TSPAC, the agency staff provided presentations to legislative committees and the coastal caucus on several occasions. Staff also met with local advisory groups, stakeholder organizations and throughout the period beginning in 2009 through 2012. Staff also did presentations to city and county commissions on numerous occasions. Staff also made presentations and participated on panels at conferences and workshops, and other public venues and meetings.

The territorial sea planning process was the subject of numerous newspaper articles and editorials, from local coastal, statewide and national newspapers and periodicals, including multiple Oregonian stories and editorials, regional newspapers and the New York Times. The TSP process was the topic of discussion for Oregon Public Radio shows on three separate occasions.

#### **January 2008** – Ocean Policy Advisory Council Meeting

OPAC members Robin Hartman and Cathy Tortorici do a presentation on Wave Energy and explain the work they have been doing with FERC. Work on an MOU between FERC and the State is continuing.

#### **February 2008** - Ocean Policy Advisory Council Meeting

Robin Hartmann shared update on the FERC MOU and the State.

## **March 2008**

MOU between FERC and the State of Oregon is signed. It to coordinate the schedules and procedures for review of wave energy projects in its Territorial Sea and off Oregon's Outer Continental Shelf (OCS) and to ensure coordinated review of proposed wave energy projects are responsive to environmental, economic and cultural concerns will providing a timely, stable and predictable means for developers of such projects to seek necessary approvals.

Governor Kulongoski signs Executive Order No. 08-07 directing state agencies to protect coastal communities in siting Marine Reserves and Wave Energy Projects. The Order also directed DLCD to "seek recommendations from OPAC concerning appropriate amendments to Oregon's Territorial Sea Plan (TSP) reflecting comprehensive plan provisions on wave energy projects. On or before July 31, 2009, DLCD shall begin the process to develop proposed amendments to Oregon's Territorial Sea Plan for consideration by LCDC for such amendments." The order also directed DLCD to provide final amendment recommendations to the Commission on or before December 2009.

## **April 2008 - August 2008**

OPAC continues to meet on the Marine Reserve site designation. In the May 2008 OPAC Meeting - The OPAC Executive Committee recommended the formation and membership of a working group to address OPAC's decision on amendments to the Territorial Sea Plan. OPAC approved the formation of a TSP Working Group (TSPWG). David Allen (OPAC) and Paul Klarin (DLCD) were co-chairs of the TSPWG.

**Mtg. #1 of TSPWG** - August 18, 2008, Garibaldi

## **September - November 2008**

The Department recommended that a rulemaking effort to amend the TSP to provide policy guidance and the allocation of specific areas for development of wave energy facilities would be beneficial to all parties involved. Prepares staff reports.

## **December 2008 - LCDC Meeting, Tillamook Oregon**

The Commission approves the motion on the selection of an advisory committee consisting of state agencies and stakeholders that will review TSP Part 5 consider and propose amendments, as appropriate, to OAR 660, division 36 to amend the Territorial Sea Plan for the use of wave energy facilities in state waters. The Territorial Sea Plan Advisory Committee (TSPAC) is formed. LCDC member Tim Josi will chair.

## 2009

### OPAC/TSPWG

Mtg. #2 of TSPWG - January 8, 2009, Newport  
Mtg. # 3 of TSPWG - February 11, 2009, Newport

Mtg. # 4 of TSPWG - April 21, 2009, Newport  
Mtg. # 5 of TSPWG - May 15, 2009, Newport  
OPAC Meeting - June 8, 2009, Salem

OPAC Meeting - October 23, 2009, Florence

## 2010

OPAC Meeting - January 29, 2010 - Bandon  
OPAC Meeting - July 19, 2010 - Salem  
OPAC Meeting - December 6-7, 2010 - Newport

## 2011

### OPAC/TSPWG

Mtg. # 6 of TSPWG - January 21, 2011, Newport  
Mtg. # 7 of TSPWG - March 4, 2011, Newport  
Mtg. # 8 of TSPWG - April 7, 2011, Newport

#### **TSPWG conducted Public Work Sessions**

Mtg. # 9 of TSPWG - April 21, 2011, North Bend  
Mtg. # 10 of TSPWG - April 29, 2011 - AM Meeting, Brookings  
Mtg. # 11 of TSPWG - April 29, 2011 - PM Meeting, Port Orford  
Mtg. # 12 of TSPWG - May 10, 2011 - Newport  
Mtg. # 13 of TSPWG - May 23, 2011 - AM Meeting, Garibaldi  
Mtg. # 14 of TSPWG - May 23, 2011 - PM Meeting, Astoria  
Mtg. # 15 of TSPWG - June 3, 2011, Salem  
Mtg. #16 of TSPWG - July 26, 2011, Newport

Mtg. # 17 of TSPWG - October 7, 2011, Newport  
Mtg. #18 of TSPWG - December 15, 2011, Astoria

### TSPAC

TSPAC Mtg. # 1 - Feb 17, 2009, Salem

TSPAC Mtg. # 2 - June 23, 2009, Salem  
TSPAC Mtg. # 3 - July 16, 2009, Salem

BOEM Oregon OCS Renewable Energy Task Force - August 1, Portland  
BOEM Oregon OCS Renewable Energy Task Force - March 31, Portland  
OCZMA & DLCD - Local Government Issues Meeting - September 16, Newport

**2012**

**OPAC/TSPWG                      TSPAC and Subcommittees**

Mtg. # 19 of TSPWG – January 20, 2012, Newport

**TSPWG conducted Public Work Sessions**

Mtg. # 20 of TSPWG – February 2, 2012 – AM Meeting, Portland

Mtg. # 21 of TSPWG – February 2, 2012 – PM Meeting, Eugene

Mtg. # 22 of TSPWG – February 10, 2012 – AM Meeting, Bandon

Mtg. # 23 of TSPWG – February 10, 2012 – PM Meeting, Brookings

Mtg. # 24 of TSPWG – February 17, 2012 – AM Meeting, Camp Rilea

Mtg. # 25 of TSPWG – February 17, 2012 – PM Meeting, Cannon Beach

Mtg. # 26 of TSPWG – February 24, 2012 – AM Meeting, Waldport

Mtg. # 27 of TSPWG – February 24, 2012 – PM Meeting, Reedsport

Mtg. # 28 of TSPWG – March 6, 2012 – AM Meeting, Depoe Bay

Mtg. # 29 of TSPWG – March 6, 2012 – PM Meeting – Pacific City

Mtg. # 30 of TSPWG – March 22, 2012 Meeting, Newport

OPAC Meeting – April 9, 2012, Florence

TSPAC Mtg. # 4 – May 8, 2012, Salem

TSPAC Mtg. # 5 – May 29, 2012, Salem

TSPAC Subcommittees Formed:

Part 5 (6 Meetings)

Ecological (2 Meetings)

Fisheries (3 Meetings)

Recreation (2 Meetings),

Visual Aesthetics (6 meetings)

Wave Energy (3 meetings)

Select “Plan Designations” group (2 meetings)

TSPAC Mtg. # 6 – July 9, 2012, Salem

TSPAC Mtg. # 7 – August 9, 2012, Salem

TSPAC Mtg. # 8 – October 9, 2012, Newport

TSPAC Mtg. # 9 – October 24, 2012, Florence

**TSPAC conducted Public Work Sessions**

November 1, 2012 Meeting, North Bend

November 6, 2012 Meeting, Newport

November 7, 2012 Meeting, Astoria

TSPAC Mtg. # 10 - November 16, 2012,

OPAC Meeting - December 4, 2012, Tillamook

TSPAC Mtg. # 11- December 6, 2012, Gleneden Beach

BOEM Oregon Task Force - April 12, 2012, Portland

BOEM Oregon Task Force - September 24, 2012, Portland

**2013**

OPAC Meeting - January 3 & 4, 2013, North Bend

In total, there were more than 100 public meetings, work sessions, legislature committee, county commission, city council, local advisory committee, etc. that contributed to the development of the TSP plan amendment over a four year period.



# Oregon

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### Memo

**To: Marilyn Worrix, Chair, Land Conservation and Development Commission**

**Jim Rue, Director, Dept. of Land Conservation and Development**

**From: Todd Hallenbeck, Sea Grant Fellow**

**Date: Jan. 10, 2013**

**Re: Executive Summary of Ocean Policy Advisory Council Public Comment**

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Oregon's Territorial Sea plan is being amended to find areas suitable for marine renewable energy development in the Territorial Sea. These amendments are being made using a transparent and robust public process, meant to engage stakeholders and solicit input regarding draft recommendations that will ultimately go to the Land Conservation and Development Commission for final adoption. In this effort, the Territorial Sea Plan Working Group held two rounds of public work sessions to solicit public comment on the data and process used to amend the plan, as well as location specific input. Public comments from the first round of work sessions were summarized [here](#). During the second round, the TSPWG held 10 public work sessions in coastal and inland communities over a two-month period. The TSPWG was specifically seeking input on several questions posed at each work session:

1. Do you notice any data gaps?
2. What do you think about our classification of resources /uses?
3. Do you think that our categories of resources /uses are appropriate?
4. How would you define the categories "most /high /moderate /least"?
5. Do you think there should be exclusion areas for wave energy?
6. Do you think there should be opportunity areas for wave energy? If so, what percentage of the Territorial Sea should be made available?
7. Should we be planning for federal waters?

Since the end of the first public work session, approximately [220 comments](#) were collected (this compares to just under 50 for the first round.) The majority (176) were collected during the public work sessions held on the coast. Additionally, comments were submitted online through

<http://www.oregonocean.info/> (36), or mailed to the Dept. of Land Conservation and Development (8). The vast majority of comments were made by stakeholders who identified as citizens of Oregon, i.e. public-at-large (60). Additionally, comments were made by individuals representing commercial fishers (34), the conservation community (31), non-consumptive recreational users (29), renewable energy industry (24), and local governments (9).

Generally, stakeholders expressed appreciation for the opportunity to provide input and optimism in the OPAC process, but many urged a cautious approach to allow for testing and development of the industry until more information about environmental impacts of wave energy could be assessed. As anticipated, this round of work sessions saw many more data and location-specific comments in addition to the questions posed above. While some of the questions posed received few comments, others elicited strong responses from the public. This summary is organized to highlight major comments reiterated over multiple work sessions as well as important comments from individual work sessions. Several comment themes were reiterated by one individual at multiple meetings; those comments are marked with an asterisk.

The themes that emerged from the work sessions were as follows:

1. Do you notice any data gaps?

- Visual/ Aesthetic Resources (21)\*
- Commercial fishing data /Economic Analysis (10)
- PCDA Fishing Maps (6)\*

2. What do you think about our classification of resources /uses?

- Move Non-consumptive resource to level 1 (27)\*
- Move Visual resources to level 1 (21)\*
- Move Fishing resources to level 1 (10)
- Move ESA species data to level 1 (7)\*

3. Do you think that our categories of resources /uses are appropriate?

- Support exclusion category (53)\*
  - Near headlands, jetties, and river mouths/harbors (13)
  - Fishing areas (10)

-ESA species (7)

- Support development of a comprehensive spatial plan (15)

4. How would you define the categories “most /high /moderate /least”?

- Tie level of burden to level of protection (2)

5. Do you think there should be exclusion areas for wave energy?

- Yes (53)\*
- No (5)\*

6. Do you think there should be opportunity areas for wave energy?

- Yes (26)\*
  - primarily for testing and development (12\*)*
  - support fishery consultation /mitigation in siting (20)*
  - local government consultation in siting (4)*
- No (6)

7. Should we be planning for federal waters?

- Yes (5)

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In addition to the overall comments described above, regional interests were expressed at public work sessions:

Portland & Eugene (2/2/12)

- General support for the process
- Encouraged inclusion of Surfrider “hotspot” data for Level 1 protection
- Recommended 1000m buffer around undersea cables

Bandon & Brookings (2/10/12)

- Encourage development of spatial plan with protection for fishing areas
- Encouraged inclusion of Surfrider “hotspot” data for Level 1 protection

Camp Rilea & Cannon Beach (2/17/12)

- Recommend mitigation for loss of fishing access
- Express concerns about view shed issues
- Express desire for protection of headlands

Waldport & Reedsport (2/24/12)

- Recommend exclusion at river mouths, jetties, and headlands
- Recommends moving fishing areas to highest level of protection

Depoe Bay & Pacific City (3/6/12)

- Encourage use of PCDA map for fishery protection
- Concerns over view shed issues, state parks



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**Date: Jan. 10, 2013**

**Re: Executive Summary of Territorial Sea Plan Advisory Committee Public Comment**

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Oregon's Territorial Sea plan (TSP) is being amended to plan for the development of marine renewable energy while balancing ecological resources and existing ocean uses. The draft plan developed by the Ocean Policy Advisory Council (OPAC) in April 2012, has been augmented and refined by the Territorial Sea Plan Advisory Committee (TSPAC) with help from public input. These amendments are being made using a transparent and robust public process, meant to engage stakeholders and solicit input regarding draft recommendations.

In support of the recent TSPAC and OPAC deliberations, Department of Land Conservation and Development (DLCD) staff held three public work sessions in North Bend, Newport, and Astoria over a two-week period in early November 2012 to share information and gather public input on the draft Territorial Sea Plan, Part 5 and proposed Renewable Energy Facility Suitability Study Areas. Additionally, the Tillamook Futures Council held a fourth public meeting in Tillamook. This summary represents the themes and tone of the public comment collected at those four meetings as well as online and written comment received between Oct. 17, 2012 and Jan. 10, 2012. A TSP Survey was conducted by the Tillamook Futures Council; you can view the results [here](#). Public comment will continue to be collected at [tsp.comments@state.or.us](mailto:tsp.comments@state.or.us) until the final plan is adopted at the January 24, 2013 LCDC hearing.

[A total of 252 comments were received to date](#). The largest number of public comments came from individuals who were identified as "public at large" (134), as opposed to commercial and recreational fishing (60), conservation and recreation (29), local government (14), or ocean energy (6) representatives, indicating that outreach efforts are getting to this stakeholder group. Generally, stakeholders are supportive of ocean energy development on a limited basis and pleased with the approach of the TSP process, but expressed some concerns that the process

needs more time for adequate public input and research to determine impacts. Stakeholders reiterated the need to protect fishing grounds, viewsheds, and ecologically sensitive areas. Many comments were directed at proposed sites, suggesting modifications or opposing them outright for fishery, ecological, safety, or viewshed impacts. In order to reflect the different type of comments received, I have categorized them as General, Location, Process, and Data.

## **Comment Themes**

### **General**

- Support Marine Reserves and Marine Protected Areas as exclusion areas (54)
- Encourage highest protection for rock reefs, headlands, and river mouths (34) and buffers (12)
- Support adaptive, phased, precautionary approach (28)
- Support plan for testing and research, as opposed to commercialization (19)
- Concern for cumulative impacts to fishing industry (15)
- Support flexible plan with large Development Areas (9)
- Concerns over adequacy of financial bonding requirements (3)

### **Location**

- Camp Rilea
  - Concerns about impacts to fishing, safety (5)
- Netarts
  - Concerns about proximity to important ecological areas, lack of community vetting (13)
- Pacific City/Nestucca
  - Concerns about impacts to fishing, navigation, viewsheds, tourism (32)
  - Modification – Move northern boundary below mouth of Nestucca R.(10)
- North Newport
  - Concerns about proximity to Otter Rock MR, NNMREC, whale migration (9)
- Reedsport
  - Concerns about impacts to fishing (1)
  - Modification – Move northern boundary below mouth of Tahkenitch R. (9)
- Lakeside
  - Support (4)
- Langlois

- Concerns about impacts to ecological resources, fishing, light pollution (30)
- Modification – Reduce size, move southern boundary north to avoid viewshed impacts (12).
- Gold Beach
  - Concerns about proximity to important ecological areas, lack of community vetting (40)

### **Process**

- Support for the TSP approach and outreach to stakeholders (39)
- Concern over the pace of the process and lack of public input (26)

### **Data**

- Data Gaps
  - Seabird and marine mammal foraging and migration (6)
  - Effects of anchors on soft sediment (3)
  - Cost/Benefit analysis (3)
  - Salmon and EMF (3)

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In addition to this executive summary, each comment is presented in its entirety. You can find those comments on [Oregonocean.info](http://Oregonocean.info) and at the following links:

[TSPAC/OPAC Public Comments - General](#)

[TSPAC/OPAC Public Comments - Location](#)

[TSPAC/OPAC Public Comments - Process](#)

[TSPAC/OPAC Public Comments - Data](#)