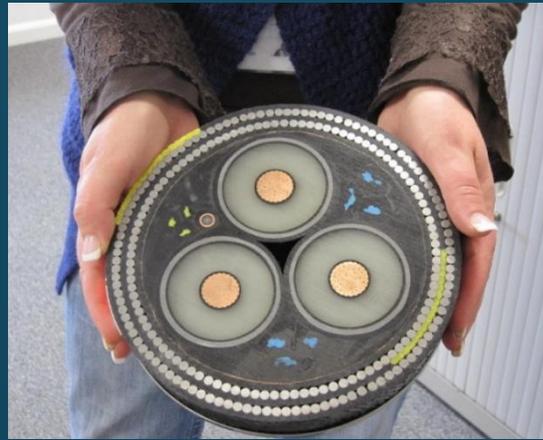


# HB 2603 - TSP Part Four

## OPAC Working Group Meeting



**OCMP**



**DLCD**



May 2<sup>nd</sup>, 2022

**Marcus Chatfield**  
Undersea Cable Coordinator  
Oregon Coastal Management Program

# Land Acknowledgement

- I'd like to acknowledge the many tribes and bands who call Oregon their ancestral territory and honor the ongoing relationship between the land, plants, animals, and people indigenous to this place we now call Oregon. We recognize the continued sovereignty of the nine federally recognized tribes who have ties to this place and thank them for continuing to teach us how we might all be here together.

# TSP Part Four OPAC Working Group Meeting

Welcome!

Introductions:



**OCMP**



**DLCD**



Marcus Chatfield, Undersea Cable Coordinator  
Oregon Coastal Management Program

[Marcus.Chatfield@dlcd.Oregon.gov](mailto:Marcus.Chatfield@dlcd.Oregon.gov)

Direct: (971) 718-4202

## AGENDA

All times are general estimates and subject to change based on workshop progress and discussion.

1:00 pm	Land Acknowledgement
1:05 pm	Welcome and Introductions
1:20 pm	Agenda Overview
1:30 pm	Participant Roles and Expectations, Recruitment, Meeting Structure
2:00 pm	Break
2:15 pm	Legislative Mandate, Working Group Objectives and Timeline
2:45 pm	Process Walkthrough by Agency Staff
3:30 pm	Public Comment
4:00 pm	Adjourn

# Working Group Expectations

## Working Group:

- meet for an estimated six (6) sessions (four to eight [4-8] hours each).
- May 2022 through April 2023, and as needed during public scoping periods, to identify and draft management recommendations for adoption into the TSP.
- Function of the Working Group will be focused on review and comment on work products generated by various agency staff in response to legislative direction

# TSP P4 Draft Working Group Composition

- Stakeholders
  - Fishing Industry
  - Non-Consumptive Recreation
  - Environmental NGO
  - Cable Industry
- Research Expertise
  - Drilling Expert
  - Seafloor Scientist
  - Geologist (Coastal geomorphology)
- State Agencies
  - DLCD
  - ODFW
  - DSL
  - OPRD
- Cable Installation/Removal
  - Socio-economic Researcher
- Governments
  - Local Government
  - Tribal Governments
- Federal Agencies
  - NOAA
  - Army Corps of Engineers
- DEQ
- DOGAMI

# TSP P4 Draft Working Group Composition

## Stakeholder Groups

- Black/African American Oregonians
- Coastal Research
- Coastal residents
- Coastal Tourism
- Commercial Fishing
- Conservation
- Education
- Indigenous Perspectives
- Latino/a/x Oregonians

- Local Government
- Low income or other persons representing historically marginalized populations
- Non-Consumptive Recreation
- Recreational Fishing
- Submarine Cable Industry-Telecommunications
- Submarine Cable Industry-Offshore Energy
- Submarine Cable Industry-Construction
- Land Use Planners

## State Agencies

- DLCD
- DSL
- ODOE
- ODFW
- ODEQ
- OPRD
- DGMI

## Federal Agencies

- USACE
- DoD
- NOAA

# TSP Part Four Working Group

Working Group	First Name	Last Name	Representing
	Sarah	Absher	North Coast local government- Tillamook County
Yes	Tara	Brock	Coastal Conservation or Environmental Organization
	Jason	Busch	Submarine Cable Industry- Offshore Energy
Yes	Susan	Chambers	South Coast Commercial Fisheries
Yes	Jamie	Fereday	Public at Large- South Coast
	Mike	Graybill	Coastal Education
	Scott	McMullen	North Coast Commercial Fisheries
	Joanne	Morris	Submarine Cable Industry- Telecommunications
	Lynae	Ruttledge	Public at Large- North Coast
	Shannon	Souza	Submarine Cable Industry- Offshore Energy (Alternate for Jason Busch)
	Ryan	Wopschall	Submarine Cable Industry- Cable Infrastructure Installation/Removal

# TSP Part Four Working Group

Working Group	First Name	Last Name	Representing
			Black/African American Oregonians
			Coastal Research
			Coastal Tourism
			Indigenous Perspectives
			Latino/a/x Oregonians
			Low Income or other persons representing historically marginalized populations
			Non-Consumptive Recreation
			Recreational Fisheries
			North Coast Charter, Sport or Recreational Fisheries.
			Coastal Land Use Planners
			?

Working group recruitment will be continuous until all identified stakeholder positions are filled

# Working Group Chairperson

## Chairperson:

- Serve as the representative of the Working Group as liaison to agency staff
- Assist agency staff in conducting Working Group Meetings
- Work with agency staff to produce work products as directed by legislation
- Work with agency staff to draft Amendments

Nominations?

The background features a series of vertical lines in various shades of blue and grey, creating a textured effect. A solid teal horizontal bar spans the width of the page, containing the main title and subtitle.

# Oregon Ocean Policy Advisory Council (& Subcommittee)

Policies and Procedures

# Procedures of the Ocean Policy Advisory Council.

## Meeting Planning

### Agenda Development

- Overall Policy Statement
  - The Council will attempt to follow an agenda at each meeting that balances the needs to expeditiously complete a planning work program, provide a forum for discussion and action on issues as needed, allow public notice of actions to be taken, and provide the public with a means to raise issues for consideration by the Council.
- The agenda for each Council meeting will be developed from three major sources:
  - The work program and task schedule agreed to by the Council;
  - Additional items proposed by Council members based on a solicitation of Council members prior to the Executive Committee meeting; and
  - Requests from the Governor, State Land Board, state agencies or local government, or the public approved in advance of the meeting.
- All agendas will be prepared by the Executive Committee and approved by the Chair prior to distribution. Draft agendas will be posted on the OPAC web site and mailed to members and to the public at least one week prior to Council meetings. The Executive Committee will invite chairs of Council working groups to Executive Committee meetings, as necessary.

# Procedures of the Ocean Policy Advisory Council.

## Decision Making

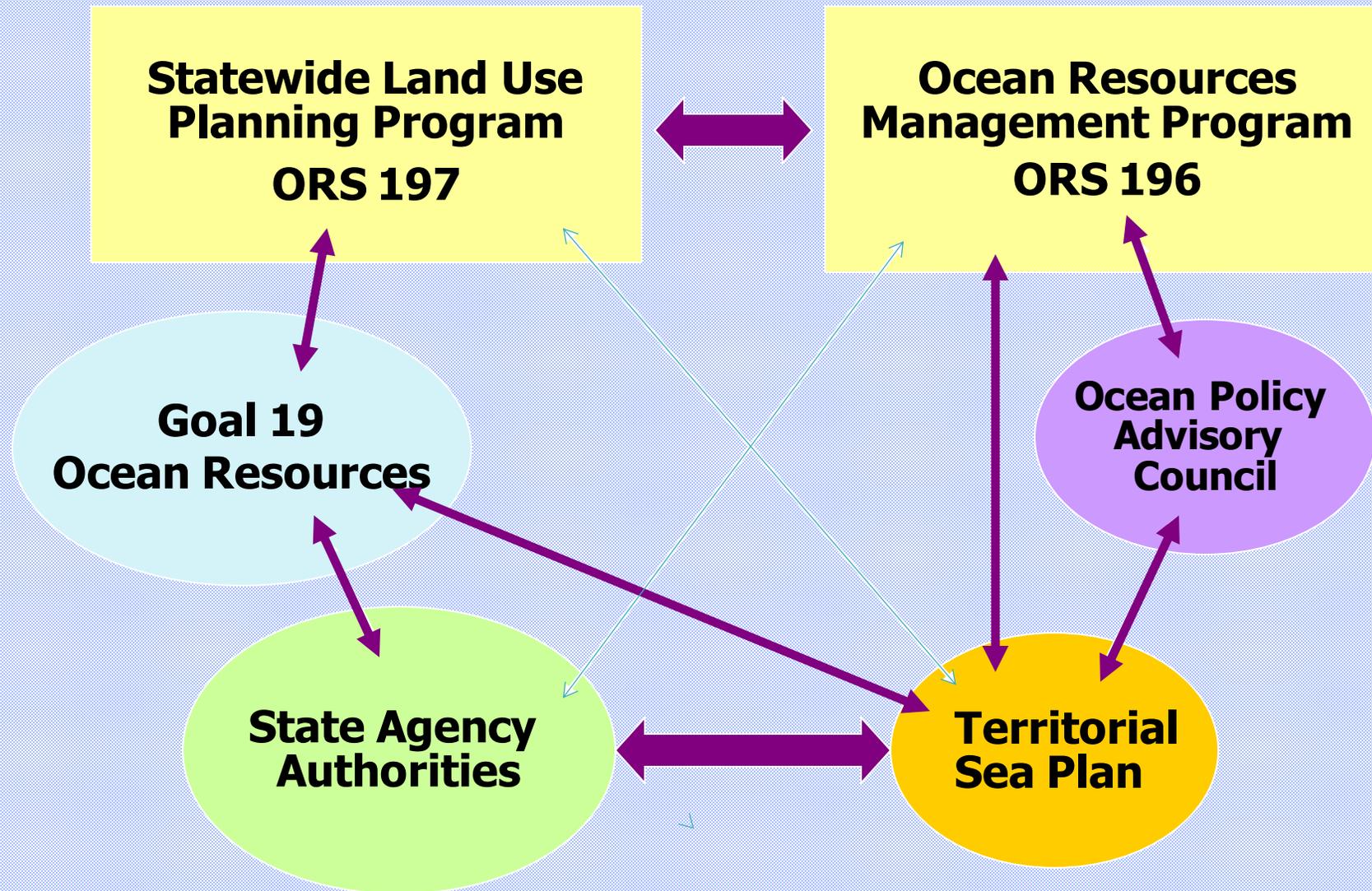
### Consensus and Decisions

- Overall Policy Statement
  - The Council will endeavor to reach consensus on each policy item or plan decision, including recommendations and resolutions to the Governor, State Land Board, state agencies or local government.
  - A consensus process will enable the Council to more freely discuss issues to arrive at a decision acceptable to all.
    - In some instances, precise wording of a consensus decision may be developed by staff after review of recordings of the discussion for approval by the Council at a subsequent meeting.
- Definition of Consensus
  - Consensus means that each OPAC member can say: (1) I was a respected member of the group that considered the decision; (2) my ideas (opinions, knowledge, concerns, beliefs, hopes) were listened to; (3) I listened to the ideas (opinions, knowledge, concerns, beliefs, hopes) of others; and (4) I can support the decision of the group, even though I might have made a different decision had I acted alone.
  - OPAC will seek consensus decisions on their advisory recommendations. General consensus is a participatory process whereby, on matters of substance, the members (voting and nonvoting), strive for agreements that they can accept, support, live with, or agree not to oppose.

# Procedures of the Ocean Policy Advisory Council (Cont.)

- Meeting Records
  - All Council meetings will be videotaped to provide an official record. Written minutes will be prepared, as required by Oregon law (ORS 192.650(1)).
- Council Records
  - All public records of the Council, not otherwise exempt from disclosure by law, are available for inspection and copying. The Department of Land Conservation and Development (DLCD) will act as custodian of the public records of the Council. On behalf of the Council, DLCD will respond to public record requests in a reasonable time, in accordance with the provisions of OAR 660-040-0005 and the Public Records Law, ORS 192.410 to 192.505.

# Oregon's Ocean Management Program



# Statewide Goal 19 Ocean Resources



**PROTECT:**



**Renewable Marine Resources - i.e. Living Marine Organisms;**



**Biological Diversity & Functional Integrity of Marine Ecosystems;**



**Important Marine Habitat;**



**Areas Important to Fisheries - commercial and recreational;**



**Beneficial Uses - Navigation, Recreation, Food Production, Aesthetic, Seafloor Uses.**

# Oregon Territorial Sea Plan

## Statewide Land Use Planning Goal 19 - Ocean Resources Goal

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.

# House Bill 2603

## Legislative Direction (2021)

### Undersea Cables in Oregon's Territorial Sea

81st OREGON LEGISLATIVE ASSEMBLY—2021 Regular Session

Enrolled  
**House Bill 2603**

Sponsored by Representative GOMBERG (Pre-session filed.)

CHAPTER \_\_\_\_\_

AN ACT

Relating to undersea cables; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** (1) As used in this section, "undersea cable" includes a cable used to conduct electricity or light that is placed on state-owned submerged or submersible lands within the territorial sea and any facilities associated with the cable.

(2) An applicant for an easement to place an undersea cable within the territorial sea shall acquire and maintain, until construction of the undersea cable is completed, financial assurance to ensure that the applicant constructs the undersea cable according to the terms and conditions of the easement. The amount of financial assurance required under this subsection shall be an amount determined by the Department of State Lands to be sufficient based on the scale of the project.

(3) At least 180 days before decommissioning an undersea cable, the owner or operator of the undersea cable shall submit to the department for approval a decommissioning plan that includes:

(a) A cost estimate, prepared by a person qualified by experience and knowledge to prepare the estimate, for decommissioning the cable and restoring the area authorized by the easement to a natural condition;

(b) A detailed description of and proposed schedule for the decommissioning and restoration work, including any corrective action that may be required under the easement;

(c) A detailed description of segments of bore pipe and undersea cable proposed to be left in place to avoid or minimize impacts to aquatic resources; and

(d) A proposed form of financial assurance in an amount equal to the cost estimate under paragraph (a) of this subsection.

(4) Within 30 days of receiving a decommissioning plan under subsection (3) of this section, the department shall approve the plan or request revisions to the plan or additional information. If, after receiving revisions to the decommissioning plan or additional information, the department rejects the plan, the owner or operator of the undersea cable must within 90 days submit to the department an application for an easement for the encroachment created by the undersea cable.

(5) The owner or operator of an undersea cable may not begin decommissioning and restoration work unless:

(a) The department has approved a decommissioning plan under subsection (4) of this section;

An aerial photograph of a coastline, likely Oregon's, showing a mix of green grass and brownish soil. A semi-transparent map overlay is visible on the left side, showing a network of yellow and blue lines representing undersea cables. A white text box is overlaid on the map area.

# House Bill 2603 Legislative Direction (2021)

## Undersea Cables in Oregon's Territorial Sea

- DLCDC, in consultation with DSL and relevant local and tribal governments shall review Part Four of the Territorial Sea Plan. The review must consider:
  - Fee structures
  - State and Federal review processes (including required permits)
  - DLCDC shall provide the study results to the Ocean Policy Advisory Council
- The OPAC Shall develop recommendations for amendments to Part Four. The OPAC shall consider the review study led by DLCDC and evaluate:
  - (A) A coordinated permitting process for the placement of undersea cables that allows for coordination between appropriate state agencies, tribal governments and local governments
  - (B) Suitable landing sites, including a mapping analysis of opportunities, limitations and requirements for landing sites.
  - (c) The impact of other state agencies, laws, zoning requirements or statewide planning goals on potential undersea cable sites.
  - (d) Changes in fees structures and financing associated with administrative costs and the protection and management of the territorial sea and ocean shore.

An aerial photograph of a coastline. The land is green and brown, with some rocky outcrops. The ocean is blue. A white rectangular box is overlaid on the ocean area, containing the text 'Undersea Cables in Oregon's Territorial Sea'. To the right of the box, there is a list of bullet points. The background of the right side of the slide is a solid light blue color.

## House Bill 2603 Legislative Direction (2021)

### Undersea Cables in Oregon's Territorial Sea

- The OPAC Shall develop recommendations for amendments to Part Four. The OPAC shall consider the review study led by DLCD and evaluate (continued.):
  - (e) Requirements for public information meetings or other methods for engaging communities, tribal governments, ocean users and industries affected by the proposes undersea cable
  - (f) The impact of drilling on biological resources, including migratory species, and on resources that are of economic, aesthetic, recreational, social or historic importance to the people of this state.
  - (g) an Application process that may include:
    - A needs analysis that takes into account the socioeconomic and environmental needs of the area:
    - A geological study conducted by a registered professional geologist experienced in coastal processes
    - Consultation with Oregon seafloor experts
    - A detailed drilling, mitigation, and accident response plan
    - Requirements for interagency preapplication process meetings.
    - Standards for undersea cables in the States of California and Washington.
    - Coordination with tribal governments on potential impacts of undersea cables on cultural and traditional resources

An aerial photograph of a coastline, likely Oregon's, showing a mix of green grass and brownish soil. A blue map overlay is positioned on the left side of the image, showing a network of yellow and green lines representing undersea cables. The lines are dense and crisscross the coastal waters.

## House Bill 2603 Legislative Direction (2021)

### Undersea Cables in Oregon's Territorial Sea

- The OPAC Shall develop recommendations for amendments to Part Four no later than two years after the effective date of the Act.
- DLCDC was appropriated \$497,081 for the 2021 biennium to accomplish this task.

# TSP Part Four (P<sub>4</sub>) Study Considerations

OPAC made the decision to stand up a TSP Part Four Working Group to assist in drafting plan amendments for P<sub>4</sub>.

DLCD has hired a limited duration, Planner 3 to serve as the lead coordinator for conduct of the study.

Development of a study work plan has commenced, and the agency vision is that the work plan will be developed with input and feedback from the P<sub>4</sub> Working Group.

HB 2603 provides some overarching guidance on the appropriate stakeholder positions in a P<sub>4</sub> Working Group.

Working Group provisional establishment date May 2, 2022.

15 Minute Break



# Regulatory Overview: Subsea Cables



**Coastal Zone:** Dept. of Land Conservation & Development - OR Coastal Management Program (Federal Consistency Review)

**Statewide:** Dept. of Environmental Quality (401 Water Quality Certification)  
Dept. of Fish & Wildlife (Fishery closures/exclusion; Consultation; Scientific and Incidental Take Permits)

# Permitting Overview: Subsea Cables

## LOCAL

- Determined based on local policies. May include:
  - Conditional Use Permit
  - Floodplain Development Permit
  - Development Permit

## Involved State Agencies



## STATE

- Federal Consistency Review (DLCD-OCMP)
- Section 401 Water Quality Certification (DEQ)
- Proprietary Easement/Lease (DSL)
- Removal-Fill Authorization (DSL)
- Ocean Shore Alteration Permit (OPRD)
- Potential Fish and Wildlife Authorization(s) (ODFW)



## FEDERAL

- Nationwide #12 Permit or Standard Individual 404 Permit (USACE)
- Other project-based authorizations may involve -
  - Bureau of Ocean Energy Management (BOEM)
  - Federal Energy Regulatory Commission (FERC)
  - U.S. Coast Guard





# Federal Consistency

Authority granted to states under the provisions of the Coastal Zone Management Act (CZMA) allowing the application of state policies to federal activities.

Conducted by: Oregon Coastal Management Program (OCMP)

Lead Agency: Department of Land Conservation & Development

- Designed to
  - Promote state-federal cooperation and early coordination on federal activities.
  - Give states the authority to review federal activities for consistency with state policies.
  
- Oregon's policies sourced from –
  - State Agency Statutes & Rules
  - Local Comprehensive Plans & Ordinances
  - Territorial Sea Plan
  - Statewide Land Use Planning Goals
  
- Federal agency cannot issue the permit if inconsistent with state policy.

Round Robin  
on needs, goals, and vision for a revised  
TSP Part 4

# Public Comment