



January 10, 2013

From: Paul Klarin

To: LCDC

Re: TSPAC recommendations

Commission:

This memo summarizes the recommendations on an amendment of the Territorial Sea Plan Part Five from the LCDC Territorial Sea Plan Advisory Committee. The committee based its efforts on the draft plan framework that OPAC provided, and worked diligently to complete tasks OPAC had initiated and had requested TSPAC to continue. The committee recommendations are derived from the committee voting process that followed the committee by laws. The discussion and voting process was conducted by a facilitator at the final two TSPAC meetings on November 16th and December 6th, as discussed below.

During the first meeting, the focus and decisions addressed recommendations to amend the content of Part Five. The initial discussions about sideboards and sites were inconclusive, and were addressed during the second meeting. The recommendations of the committee were the result of the facilitated voting process. When there was no consensus on a specific recommendation, the level of support and opposition among committee members for the recommendation is indicated by the voting results.

Plan Framework

Consensus: The basic area plan framework, including the area names and descriptions. The plan framework being presented to the Commission is the version TSPAC recommended. The area names and descriptions includes replacing the term for Renewable Energy Development Area with the Renewable Energy Facility Suitability Study Area (REFSSA).

Consensus: Add new text to the Visual Resource Protection Standards section of Part Five to replace existing Class II language with language recommended by subcommittee.

Consensus: Adopt the concept of the “special areas” to explicitly denote iconic spots on the Oregon Coast, but to defer the decision about the scale of the areas to LCDC.

Consensus: Incorporate a requirement to conduct periodic review after 7 years from adoption of the plan, or when there has been a project build-out of 1%, whichever comes first.

Spatial and Area Related Recommendations:

Consensus: the plan should include “At least 4-5 areas on coast suitable for marine renewable energy counting Camp Rilea and Reedsport OPT 50 megawatt sites. A vote was taken to decide if there was a consensus on 4 or 5 sites, with 14 for 5 REFSSAs and 10 for 4 REFSSAs.

Consensus: the committee supported the concept of flexible siting, i.e., larger sites that allow for specific project site decisions within it to fit the specific technology. The committee acknowledged that supporting flexible siting would mean a need to reconsider actual REFSSAs since most currently under consideration are too small for micro-siting.

Consensus: a maximum cap of 5% for the total amount of area of territorial sea that should be included in the REFSSA’s. There was a majority support (15-Yes versus 8-No), for a 7% cap. No other caps were considered by the committee.

Consensus: establish a limit of a 1/3 build-out of projects for each deep water port area within the initial 7 year period. The group debated placing a cap of no more than 2 RREFSSA’s in each deep water port area, but did not approve that requirement through a vote, and left it for OPAC and LCDC to discuss.

Majority support (16 yes versus 8 no): cap on the total project build out area at 3% of the territorial sea. The group also considered caps of 2% (12 yes versus 12 no) and 5% (6 yes versus 18 no).

Majority Support (20 yes versus # no): to distribute REFSSAs equally among the deep water ports. The group refined this concept of “distribution” by crafting additional sideboards, and came to the consensus, described above, on the 1/3 distribution of build-out in each port area. The group debated placing a cap of no more than 2 RREFSSA’s in each deep water port area, but did not approve that requirement through a vote, and left it for OPAC and LCDC to discuss.

Ranking Sites: TSPAC was not able to reach consensus on a recommendation for sites that were being considered for Renewable Energy Suitability Study Areas (REFSSAs), other than Camp Rilea and the OPT Reedsport locations. Several votes were taken with mixed results. Instead of selecting areas, TSPAC members ranked the sites, including Camp Rilea, from #1 to #8 with 1 being the highest ranking and 8 being the lowest. The ranking score for each site is inverse to the point score, with fewer points equaling a higher ranking. 23 members participated in the ranking with the following result:

Camp Rile (consensus)	46
Lakeside revised	66
Nearshore Reedsport	97
Langlois	106
Pacific City/Nestucca	108
N. Newport	115
Gold Beach Alternate	129
Netarts	160

The ranking process was followed by a discussion about the distribution of ranked sites, noting that 3 of the top 4 sites were located on the south coast. The recommendations for distribution discussed above, address this issue. No vote was made regarding individual sites, and TSPAC makes no recommendation regarding the inclusion of specific sites in the plan.

A few other issues related to spatial siting were discussed for which no votes were taken to support a position by TSPAC. These could be worthy topics for the commission to discuss further, including:

- establish REFSSAs at different depths to fit the physical siting needs for different types of marine renewable energy technologies;
- ensure that development is located at some minimum distance from estuaries; and,
- apply some form of mandatory buffers for certain ecological resources.

Part Five Revisions

There have been numerous draft revisions of Part Five that resulted from the TSPAC review and the work of its subcommittee. Most of those changes were not subject to a vote by TSPAC, but were in the version of the document that was forwarded to OPAC for their consideration. The changes to the document resulting from TSPAC's efforts are reflected in the current draft version of Part Five, and are discussed in detail in the agency staff report.

TSPAC revised Part Five so that it clarifies the state's preference to initiate development through pilot projects and phased development. A sentence has been added to the preamble specifying a state preference for phased development, and the section titled Insufficient/Incomplete Data section has been retitled to Pilot and Phased Development Projects.

TSPAC revised the section on the process, membership and responsibilities of the Joint Agency Review Team entirely to ensure more local participation in the regulatory review and further clarify the role of the JART in the Department of State Lands proprietary authorization process.

The primary effort of the TSPAC was to develop the project review standards for fishing, ecological, visual and recreational resources. These are found in a new section of the revised draft titled Special Resource and Use Review Standards.

Note that the document also contains revisions that have been incorporated into it as the result of the state's continuing consultations with NOAA to ensure the revised plan will meet federal requirements. Revisions were also made on the advice of the Oregon Department of Justice. The appendix were updated, some new definitions were added, as were the end notes section.