

Procedures and Criteria from the Territorial Sea Plan

Part One: F. 2. Changing the Plan (p. 37, TSP)

After the Territorial Sea Plan is adopted by the LCDC, the Council has a continuing obligation to recommend amendments as needed to both the Oregon Ocean Resources Management Plan and the Territorial Sea Plan. Although the Territorial Sea Plan appears to be a complete document, it is not a completed plan. Rather, the Council has committed itself to a continuous process of addressing new issues and proposing necessary amendments to LCDC to make sure that the plan remains relevant and workable. The LCDC will make any amendments to the plan through official rule making.

The Council recognizes the need to provide a clear and orderly process for taking these actions because of the background work required, the complexity of policy decisions for ocean resources, and the need for scheduling the Council's work program. Accordingly, the Council will adopt clear procedures for proposing amendments to the Territorial Sea Plan. The procedures to be adopted by rule are expected to include the following steps:

a. Initiating an Amendment

There are two ways by which consideration of an amendment may reach the Council:

1.) Issues Survey

After completing this initial plan or any future additions, the Council will survey issues remaining from the Ocean Resources Management Plan and new issues that have arisen. This survey will occur at approximately one-to three-year intervals depending on the length of time the Council requires to complete plan additions. This issues-survey is intended to be the primary method by which plan amendments are initiated.

2.) Amendment Request

The Council will consider any written request for plan amendment in the same manner as those arising from the issues survey. The Council intends that the plan be as relevant and accurate as possible and recognizes that amendments to existing provisions will probably be necessary to facilitate implementation, provide more appropriate guidance to agencies, respond to public concerns, or meet changed conditions in the field. The written request may be from an interested party or from the Land Conservation and Development Commission pursuant to its rules for requesting that the Council consider work on an amendment.

b. Issue Evaluation

The Council will weigh the circumstances of the issues surveyed or the requested amendment against the Planning Considerations for Council Action (see section I.B.2.b.) and other factors to

determine whether the issue is appropriate for Council action and whether work load, staff resources, and other logistical factors will make it possible to undertake an evaluation of the issue.

c. Work Program

If the Council agrees to address an issue, it will develop a work program that includes a schedule with a completion target date, public participation opportunities, any working groups or other necessary technical assistance.

d. Public Participation

The Council will include opportunities for public review throughout the planning process including public workshops, from time to time, to solicit ideas and comments about needed Council action on issues or concerns.

e. Council Approval and Submittal to LCDC

The Council will approve any plan amendments in the same manner as the initial plan and will submit the amendment, along with any needed amendments to the Ocean Plan, to the LCDC for adoption.

Part One: F. 1. d. Adoption and Approval of the Territorial Sea Plan (p. 36, TSP)

The Council first must recommend the plan for adoption to the Land Conservation and Development Commission. Then, LCDC must make findings that the Territorial Sea Plan

- X carries out the policies of the Ocean Management Act;
- X is consistent with applicable statewide planning goals, with emphasis on the four coastal goals; and
- X is compatible with adjacent county comprehensive plans.

After making these findings, LCDC will adopt the Territorial Sea Plan and any subsequently proposed amendments, through rule making.

If the LCDC cannot make the required findings, it cannot itself amend the Territorial Sea Plan. Instead, LCDC must send the plan back to the OPAC for additional work.