

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Land Conservation and Development
Agency and Division

OAR chapter 660
Administrative Rules Chapter Number

Amend the Territorial Sea Plan for Use of Territorial Sea for Renewable Energy Development

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Statutory Authority: ORS 196.471 and ORS 197.180

Other Authority: Statewide Land Use Planning Goal 19 Ocean Resources, (OAR 660-015-0010 (4) and (36)

Stats. Implemented: ORS 196.405 to ORS.435 and ORS 196.471 to ORS 196.485.

Need for the Rule(s): The proposed permanent rules amend OAR chapter 660, division 36 for Ocean Planning. The purpose of this rule is to amend the Oregon Territorial Sea Plan by adopting Part (5) Use of the Territorial Sea for the Development of Renewable Energy Facilities or Other Related Structures, Equipment or Facilities. The new section of the plan will provide policies for siting and regulating ocean-based renewable energy facilities and other related structures, and establishes the regulatory requirements and review standards that will be applied by state agencies in the implementation of their separate authorities for issuing permits for the renewable energy facility development and leasing the seabed for that purpose.

Documents Relied Upon, and where they are available: Oregon Territorial Sea Plan, Statewide Land Use Planning Goal 19 Ocean Resources, ORS 196 Oregon Ocean Resources Management and ORS 197 Comprehensive Land Use Planning Coordination; All documents relied on are available at the Oregon Department of Land Conservation & Development website and at 635 Capitol St. NE, Suite 150, Salem, Oregon 97301-2540.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Amendments to the Territorial Sea Plan are not expected to result in fiscal impact to state or federal agencies or local governments, beyond such fiscal impacts that existing application fees and development costs impose under existing laws and regulations. Ocean energy facility developers may be expected to incur some indeterminate additional costs in order to conduct the environmental assessment and operational plan requirements needed to comply with the amended plan. However, the cost of those meeting the new requirements may not be significantly different than the cost of meeting other existing state and federal regulatory requirements. Existing users, such as fishers, who may be displaced by the introduction of ocean-based renewable energy facilities developed in accordance with the amended plan, could experience an undetermined economic impact. The proposed rule will have no cost of compliance effect on small businesses. The proposed rule will have no effect on the cost of housing.

Administrative Rule Advisory Committee consulted:

An official advisory committee was used. The Land Conservation and Development Commission authorized the formation of the Territorial Sea Plan Advisory Committee to assist the Commission and the Department of Land Conservation and Development in amending the Territorial Sea Plan. In addition, the Ocean Policy Advisory Council, under its authority and duties specified in ORS 196.443 has prepared the proposed amendment and submitted it to the LCDC, which, under ORS 196.471, is required to review and adopt such amendments upon making of certain findings. The amendment proposed by OPAC was used by the LCDC Territorial Sea Plan Advisory Committee as the basis for its recommendation to the commission for amending the Territorial Sea Plan. The amendment will be adopted by reference as administrative rule OAR 660-36-0010.

Richard Whitman, Director

Signature

Printed name

Date