



**Department of Land
Conservation and Development
Territorial Sea Plan Advisory Committee**

AGENDA

Meeting 2

June 23, 2009

10:00 AM – 4:00 PM

Oregon Department of Fish and Wildlife
3406 Cherry Ave NE, Salem
Commission Room

Advisory Committee Members Present

Tim Josi, Land Conservation and Development Commission (Chair)
David Allen, Ocean Policy Advisory Council
Susan Allen, Our Ocean
Linda Buell, Fisherman Advisory Committee for Tillamook
Chris Chandler, Central Lincoln People's Utility District
Karen Chase, Oregon Department of Energy
Neal Coenen, Citizen Representative
Cristen Don, Oregon Department of Fish and Wildlife
Bob Eder, Fishermen Involved in Natural Energy
Jeff Farm, Oregon Parks and Recreation Department
Nick Furman, Oregon Dungeness Crab Commission
Gus Gates, Surfrider Foundation
Mary Grainey, Oregon Water Resources Department
Onno Husing, Oregon Coastal Zone Management Association
Justin Klure, Pacific Energy Ventures LLC
Jeff Kroft, Oregon Department of State Lands
Herb Nock, Ocean Power Technologies Inc
Kathy Wall, Port of Coos Bay/Southern Oregon Ocean Resource Coalition
Tom Younker, Coquille Indian Tribe

Advisory Committee Members Absent

Kevin Bannister, Oregon Wave Energy Trust
Robin Hartmann, Oregon Shores Conservation Coalition
John Holloway, Oregon Anglers
Jeff Reeves, Oregon Salmon Commission
Terry Thompson, Lincoln County
Keith Tymchuck, City of Reedsport

Staff Present

Lorinda DeHaan, Administrative Support/Coastal Rulemaking
Paul Klarin, Coastal Policy Analyst
Andy Lanier, NOAA Coastal Fellow
Steve Shipsey, Dept of Justice

1. Opening remarks and Review of Agenda by Chair Josi (5 min)
2. Roundtable Introductions from committee members (10 min)
3. Background on the Territorial Sea Plan Context - Paul Klarin (15 min)

Paul Klarin: Reviewed with the TSPAC members on how we got here, the work that OPAC TSP role and our time allotment in working this document out to the full LCDC. Continued with FERC role's in the development of energy projects.

4. OPAC and the OPAC Territorial Sea Plan Workgroup - David Allen (15 min)

Chair Josi: Thanked the OPAC TSP members for their work on the document, thought they did an excellent job in producing a good starting document from which to work from.

David Allen: I would like to thank Paul Klarin for all of his work, he introduced ideas and concepts, did all of the writing and produced a good draft from which to work from. OPAC members may or may not be meeting in July; however, they will be waiting on this group to complete it work on the TSP draft. Currently, OPAC has not made any recommendation to the Governor on this issue.

5. Local Fishing Effort Mapping – Onno Husing (15 min)

Onno Husing: The original \$68,000 came from NOAA and DLCD and was used to work with SOORC in beginning the data collection. Both fisherman and recreational boaters were interviewed and 50% of the commercial fishing ground or more in this area has currently been identified.

Nick Furman: We have been involved in reviewing the data and the collective maps from Ecotrust, based on the individual charts. Data collected varied from very specific to very general in the fishing industry. The data collected is in a very rough draft form and there is still a lot of work to do. An interesting aspect of this process was long time fisherman that had not bought into the concept or was reluctant to get involved at the first review of the charts and maps. When they were shown the drafts of the maps, they could see areas on the map where the data was not located. They got on board and began contributing to the process, and the current maps and charts have more input and look much better. The work continues, and we are constantly trying to maintain the integrity and trust of all communities.

John Holloway: What about the format of the data, is it also to be species specific?

Nick Furman: Ecotrust feels they have enough data from interviews and will begin to correlate their data with Oregon Department of Fish and Wildlife's (ODFW) data and begin to project different ways the data can be viewed and what appropriate applications will be used. We still need to develop confidentiality and trademark issues as well as making sure there is an adequate comfort levels.

Discussion among the members continued concerning mapping the entire coast and providing education and information to the public about what the maps really mean. As well as a time schedule for reviewing and updating maps as fishing grounds move, closed areas open up, etc. It was mentioned and suggested that perhaps every four years studies on the fishing ground maps need to be updated.

Paul Klarin. This is a good question, especially if we can institutionalize community groups to continue in the management of these updates. It is important that we keep local groups in place, so we could update the maps; we need to address this down the line.

Onno Husing: The data is being "dumbed" down. Site information will be general enough but will still give the wave industry a good idea of where to site facilities. I am still concerned over how to better handle of how much information will be released to the public.

Bob Elder: Interested in focusing on opportunity zones, I want that to be the public focus. Also we need to address fishing areas that are now closed and that may in the future be open.

Paul Klarin: All or most of these areas being discussed here are outside of the TSP. We will only use the data that are inside the TSP. We will need a smaller, technical work group to work on data and specific areas.

Kathy Wall: What is our future involvement beside public comment? Are there other groups? Past this, what is the mechanism for future review?

Paul Klarin: We will review the all of the overlays of the mapping effort, and various interest groups will be meeting and updating the data that is being gathered. We will also develop the checklist so we can look over the maps and identifying zones of opportunity. I may take one year or so to do the maps, we will put them on the wall to be summarized and then do public analysis in the next 18 months.

Susan Allen: Besides the maps, there will be two other venues for conversations and public input is needed. The Nearshore Task Force will be meeting and that will be another venue for public input. Also HB 3013, the marine reserves bill, there is an opportunity for input from small community groups.

David Allen: The fisherman will have the text language to the commission for future use. The mapping is a composition and needs to be agreed to by people that are not on this committee. Mapping is ongoing and we will have to amend the update maps and then the periodic review every four years. The criteria for this will take time to clarify.

Paul Klarin: I don't believe we will shut down this Committee entirely, and along with OPAC TSP doing their review. This committee may have a life after December 2009, although we will not be meeting regularly. It is important for people to be involved and reviewing the work, even if is not in a venue like this.

Linda Buell: A company has applied for a preliminary permit in site future substations in Tillamook County. Currently, there is good spot off of Manzanita with and there is a cable crossing location. Explained what the FINE (Fishermen Involved in Natural Energy) came up with in their response back to the company. It was our best guess. The company is not ready to start the licensing process, but they needed a site specific location.

Paul Klarin: This developer needs to go through the state, because FERC has signed an agreement with us and will not issue a permit without okay from the state. The developer has to come to the state first.

5. Purpose and membership of technical workgroups for Environment, Mapping, Utilities, Safety and Navigation – Paul Klarin (45 min)

Began with a group discussion over the need to form workgroups for Environment, Mapping, Utilities, Safety and Navigation. The members agreed to form a workgroup to address the mapping concerns; however the other technical workgroups did not need to be formed at this time,

Chair Josi: It is important that this group reach a consensus on mapping. We won't decide specifics at this meeting, but we will need to decide in the next month or so before we can get started. This is just for the fishing maps.

8. TSP Draft Part 5 Review and Comment – Paul Klarin & Committee

Paul Klarin started off by reviewing the latest version of Part 5 with the members (Handout A) dated June 12, 2009). There were brief overall comments about the document from some members.

Kathy Wall: What about decommissioning the facility, beyond the pilot projects, etc.

Susan Allen: I like to would raise some conservation issues.

Gus Gates: Impressed with the process and how the document has evolved.

Nick Furman: I thought Paul and OPAC TSPWG deserve compliments for the quality work and the salient points involved in this document.

Christen Don: Oregon Department of Fish and Wildlife (ODFW) was actively involved in the development of this document and has worked through our differences, we are pretty happy.

Justin Klure: I though it was a very comprehensive document. Comment on phased development is important. I am concerned with references to starting the clock over. The industry needs to have more structure if the initial projects are successful and other phases do go through. There is a need for a shared responsibility between agencies and I think the data and protocols need more detail.

Mary Graine: I have some questions on the listed Waters Resources Department (OWRD) statutes, there needs to be some rewording in a couple of areas. It is important to mention about the growing the efficiency of the project versus the footprint. Certain conditions need to be met and then the opportunity to work them.

Karen Chase: Oregon Department of Energy (DOE) is not listed on the review body we would like to be informed to the process and the events so we can continue to policy. We need to have other agencies in the joint review committee.

Jeff Kroft: I agree that this document needs some type of flow chart or matrix of the process. We should do it after the final draft but it does need to be done.

Dave Allen: The main effort of OPAC TSPWG was to try and raise all of the issues that needed to be included in Part 5, which includes phased development, etc. The document presented here is a start and needs more substantive details as well as definitions. Now this group can review and add wording to make the industries feel comfortable. I was very glad that Steve Shipsey from Oregon Department of Justice (DOJ) was also involved in our OPAC TSPWG meetings

Herb Nock: I can share one of the issues the developers are concerned about, external funding from the federal stimulus package. We are meeting with DOE to procure funding with the state. Phased development states that Oregon is interested in more than pilot projects and the state needs to develop the resources in order to be successful. We can give you a full list of the issues we are currently experiencing.

9. Next meeting agenda and member tasks - Josi.

The members continued their review and ask questions about the TSP Part 5 draft. They discuss the confusion over why the Territorial Sea Plan is being used to develop policy as there is nothing that addresses energy facilities in Goal 19. So the TSP and our ORS are to be the guiding principles. The State is facing a lack of regulatory authority regarding this new subject.

Discussion among the group about the new NW Marine Renewable Energy Center that will be developed near Newport. This facility could be used for industries to come and test their equipment without having to file an initial permit

Discussion on how would concrete anchors for the buoys would be retrieved, land use planning for pulling out and disposing of anchors as well as long-term decommissioning plans of the facility followed.

Paul Klarin: If you look at the documents in the phased development section that is tied to the decommissioning plan. These requirements listed in the operation plan section in the back are not something that would have to be supplied to FERC and MMNS. They are the same. The same stuff will be asked in different ways.

Steve Shipsey: I will make an effort to review the language in the document and take out any passive wording, and add the word "agencies and state agencies" instead of trying to list all of the agencies separately.

Paul Klarin: I will send a list of meeting dates around and post it on Meeting Wizard for the members to review. I think we will have be having another meeting in late July or so. I will notify TSPAC members when we have a consensus on our next meeting date. Please send me all of the comments you have made here today regarding language changes and/or suggestions. I will incorporate them into another draft that we can review before our next meeting.

Meeting adjourned at 3:53 PM

Respectfully Submitted,

Lorinda De Haan
TSPAC Committee Assistant

Handouts:

A. Draft Part 5 of the Territorial Sea Plan (dated June 12, 2009)