



Oregon

Kate Brown, Governor

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Memorandum

Date: March 21, 2018

To: OPAC, ocean policy email listserv, Director Jim Rue

From: Patty Snow

Subject: Court of Appeals decision on Part Five

Dear Members of the Ocean Policy Advisory Council (OPAC) and other interested parties,

On Wednesday, March 7th, 2018 the state received notice from the Court of Appeals that the Part Five amendments to the Territorial Sea Plan (OAR 660-036-0005) were held invalid on procedural grounds. The full text of the opinion is available to view online at the Court of Appeals website: <http://www.courts.oregon.gov/publications/coa/Pages/default.aspx>.

The State of Oregon established Part Five of the Territorial Sea Plan because marine renewable energy development represented a potential impact to natural resources and human uses that are protected under Statewide Land Use Planning Goal 19, while also providing economic opportunity for the state in the development of a new source of renewable energy. The result of this appellate court decision means that the protections developed through amendment to Part Five are currently not in place, and there is an increased uncertainty for natural resources, developers, and other uses.

The Land Conservation and Development Commission must await an appellate judgement before it may act further on this issue. The State recognizes the risks to our ocean resources that we currently face without Part Five, and will work with OPAC in any effort to resubmit Part Five to reestablish those protections for Oregon's coastal resources and communities, while also reestablishing certainty for companies interested in investing in marine renewable energy technologies.

Thank you for your interest,

Patty Snow

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