



Oregon

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April 6, 2026

Ocean Policy Advisory Council (OPAC) c/o
Chair Susan Chambers and Vice-Chair Tara Brock
via E-mail



Subject: Request for Rulemaking Initiation for Amendments to Parts One and Two of the Oregon Territorial Sea Plan

Dear Chair Chambers, Vice-Chair Brock, and Members of the Council,

I am writing to request that the Ocean Policy Advisory Council (OPAC) support the initiation of rulemaking to amend Part One (Ocean Management Framework) and Part Two (Making Resource Use Decisions) of the Oregon Territorial Sea Plan (TSP).

The need for this update has been formally recognized in the department's 2026-2030 Section 309 Coastal Zone Management Act (CZMA) [Program Enhancement Strategy](#) and in the LCDC policy agenda ([October 2025](#)). The Strategy has been approved by the National Oceanic and Atmospheric Administration (NOAA). This multi-year strategy specifically identifies the modernization of Parts One and Two as a high priority to ensure that the enforceable policies of the TSP remain legally sound, administratively functional, and consistent with federal requirements.

Rationale for Rulemaking

While OPAC and the Land Conservation and Development Commission (LCDC) have updated subsequent parts of the TSP to address emerging issues like rocky habitats and seafloor uses, the foundational framework in Parts One and Two has not been comprehensively revised since adoption in 1994. Updating these sections will fulfill our commitments to NOAA and address the following:

- **Agency Roles and Responsibilities:** Part One contains outdated descriptions of state and federal agency authorities. Legislative changes, such as House Bill 2603 (2021), will also need to be considered and the plan updated to reflect the current regulatory and policy landscape.
- **Administrative Modernization:** Part Two requires alignment with current LCDC standards and Oregon Coastal Management Program Federal Consistency procedures.
- **Legal and Policy Framework Updates:** Staff will work to ensure that the proposed updates will integrate newer entities, policies, and agency mandates, such as those related to the Oregon Ocean Science Trust and Ocean Change Action Council.

Rulemaking Relationship and Process

The relationship between the Council and the Department is foundational to the management of our ocean resources. As specified in TSP Part One, Section F.2 (The Amendment Process), the Council holds the primary responsibility for reviewing and recommending amendments to the Territorial Sea Plan. Following the process laid out in TSP Part One, Section F.2, OPAC's recommendation serves as the essential prerequisite for formal initiation of the rulemaking amendment process, which will eventually be acted upon by the Land Conservation and Development Commission (LCDC). This collaborative structure ensures that any changes to our management framework are rooted in the diverse expertise and stakeholder representation found within both the Council and the Commission.

Proposed Rulemaking Timeline

In alignment with our Section 309 Strategy objectives and to allow for comprehensive deliberation, DLCD proposes the following general timeline for the work:

- Quarter 3 - Quarter 4 (2026): Formation of an OPAC Working Group to conduct a line-by-line audit of Parts One and Two.
- Quarter 1 (2027): Development of draft rule language and initial consultation with state agency partners and tribal governments.
- Quarter 2-3 (2027): Public comment period and regional workshops to gather stakeholder input on the proposed revisions.
- Quarter 3-4 (2027): Final recommendation from OPAC to the Land Conservation and Development Commission for formal adoption.

Next Steps

DLCD staff is prepared to provide the necessary technical support and lead the administrative process for this rulemaking effort. Staff look forward to discussing how we can advance these necessary updates at your next meeting on April 21, 2026.

Sincerely,



Brenda Bateman, Ph.D.
Director