



Roundtable Offshore Wind Energy Roadmap November 19th, 2024

Questions? Public Comment?

At any time (during a meeting or in between) submit a question or public comment:

→ **QR Code**

→ Or via our Google Form:

<https://forms.gle/Mgl4vhn4VYa8YEwYA>

→ Or email:

dlcd.OSVWRoadmap@DLCD.oregon.gov



Welcoming & Agenda Overview

- Welcome and Updates

Agenda Overview:

- Roadmap Outline
- Review final draft of the Roundtable Charter
- Informational Presentation: Getting to Know Oregon's Enforceable Policies
- Visioning Exercise (Part I and II): **What does the future of Offshore Wind look like?** (Breakout Sessions)
- Public Comment Period
- Next steps and adjourn

Upcoming meeting:

**December 19, 2024,
TBD**



Roadmap Outline





OCMP

Oregon Coastal
Management Program

Offshore Wind Roadmap Outline Revisions

Jeff Burrig, Offshore Wind Roadmap Coordinator

November 19, 2024



Roadmap Outline Revisions

- Used kickoff meeting feedback and survey
- Sections fleshed out with “next level” specificity
- Less “document structure”, more “topic structure”



Additional Feedback

- Specific policy recommendations or effects for the roadmap to address
- Specific recommendations for waypoints (e.g., a Programmatic EIS)
- Recommendation to bring BOEM into the Roadmap process to improve mutual understanding
- Recommendation that all Roundtable members read the state's consistency decision from the BOEM leasing proposal
- Include a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
- Clarify intersection of Roadmap with federal and local policies
- Coordinate with OPAC Science and Technical Advisory Committee re: research agenda and adaptive management
- Clarify the purpose of the future visioning exercise - is this a choice between alternatives? A: No, it is an exploration of possible paths



Additional Feedback

- Clarify role of Roundtable re: assessment of state policies
- Roundtable should discuss what strategic planning elements should be done in working groups vs. whole Roundtable
- Include benchmarks/standards of when information is adequate to move to the next step
- Lay out the decision making process and identify limits of state authority
- Overcome regulatory disconnect between marine and onshore
- Interrogate if offshore wind is green energy when accounting full lifecycle
- Can Oregon set a different timeline or sequence for offshore wind?
- How can Oregon participate in offshore wind development in other states?



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A



Review final draft Roundtable Charter



The Roundtable **IS...**

- **An advisory group** that provides input on the content and engagement process of the Offshore Wind Energy Roadmap.
- **A forum where members can participate in specialized working groups** to focus on key areas relevant to offshore wind development.
- **A space to identify potential benefits and/or impacts of concern**, as well as questions to be addressed or studied regarding marine ecosystems and coastal environments.
- **A platform to explore infrastructure needs and economic opportunities** associated with offshore wind.
- **An advocate for inclusive benefits**, good job creation, ensuring all communities, including underrepresented groups, are involved and able to benefit from offshore wind development.
- **A facilitator of shared learning** and consensus wherever possible, promoting an inclusive and collaborative dialogue among participants.
- **A source to explore and develop recommendations** for studies, mitigation, and enforceable state policies necessary to understand and address offshore wind impacts.
- **Inclusive of Tribal governments**, seeks to understand and address impacts to resources of Tribal concern, and recognizes the obligation of the State to meaningfully engage in consultation.

The Roundtable is **NOT**...

- The group is not a decision-making body and has no formal authority to make or enforce policies. It is also not a sanctioned task force or authoritative committee.
- This group will not address specific offshore wind proposals or directly engage with current draft Wind Energy Areas.
- Participation in the group does not imply support or opposition to offshore wind development. Instead, it serves as a collaborative body and forum for inclusive dialogue and exploration

How We Work: ***Roundtable Feedback and Next Steps:***

- What else is important to define how we work together through June 2025?

Public Comment: Part I



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A





Morning Break



OCMP

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Management Program

Informational Session: Overview of OR Enforceable Policies





OCMP

Oregon Coastal
Management Program

Offshore Wind Energy Roadmap: **Getting to know Oregon's Enforceable Policies**

November 19, 2024



Federal Consistency and Offshore Wind



Image credit: user Bodgesoc on Wikipedia

Federal Consistency, a coordination tool:

Holistic state review of federal activities to assure consistency with state and local enforceable policies.

Gives us the ability to influence federal activities

- **Permits** – 6 month review
- **Licenses** – 6 month review
- **Federal Agency Activities** – 2 month review

Review Outcomes

- **Concurrence**
- **Conditional Concurrence**
- **Objection:** Project cannot move forward
- **Presumed Concurrence:** Procedural concurrence

Technical Terms:

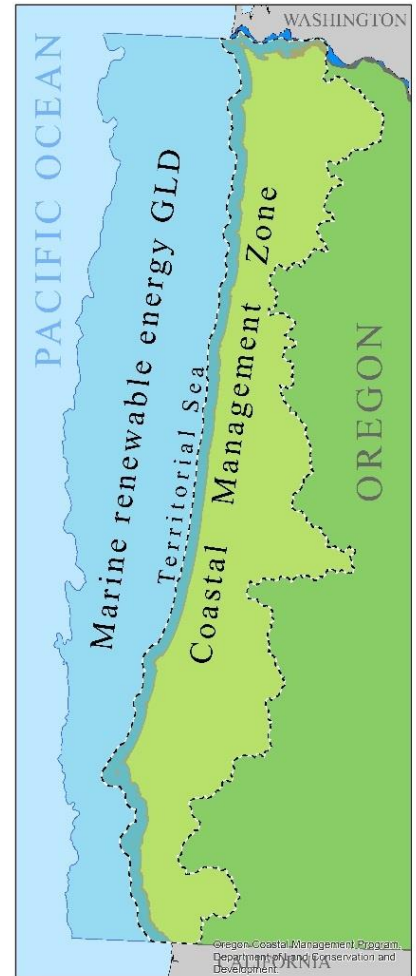
Federal activities – all activities that a federal entity has jurisdiction over.

Enforceable policies – the strongest standards within state and local policies.



Where does Federal Consistency Apply?

- The entire coastal zone
- To any projects that have reasonably foreseeable impacts to coastal resources
- Within federally approved Geographic Location Descriptions (GLD)
 - Oregon has one specific to Marine Renewable Energy activities
- Federally owned lands in some cases



Federal Consistency “Touch Points” for Offshore Wind

30 CFR 585 and 15 CFR 930

Touch Point 1

BOEM Lease Sale

Grants the right to develop a plan for use of the area

Site Assessment Plan

Describes how the lessee will conduct resource assessment activities

State CZMA Review

2-month review
Public Comment Period

Application
& NEPA EIS
Development
(est. 5-7 Years)

Touch Point 2

Construction & Operations Plan

Describes how the lessee will construct and operate a commercial wind project on a commercial lease

State CZMA Review

6-month review
Public Comment Period

Section 404 Permit

U.S. Army Corps of Engineers
Subsea cable installation

State CZMA Review

6-month review
Public Comment Period

May take place as joint review

15 CFR 930 Subpart D/E Review Process (Federal Permits)

CZMA Certification
Statement Signed

DLCD Asks for
Additional
Necessary Data &
Information

- Federal Application
- Effects Evaluation
- EP Analysis

6 Month Review
Initiates

- Land Use Compatibility Statement
- State permits
- Local permits
- Statewide Planning Goals

30 Day Public
Comment Period

Issue Decision

- Concur, Concur with Conditions, Object
- Applicant can appeal to the U.S. Secretary of Commerce

Start: Receipt of Consistency Certification and NDI

Review Length: Review is 6 months with the opportunity for mutually agreed upon stay agreements. 930.60(b)



Review Outcomes

Concurrence

Action as proposed is consistent with state enforceable policies.

Concurrence with Conditions

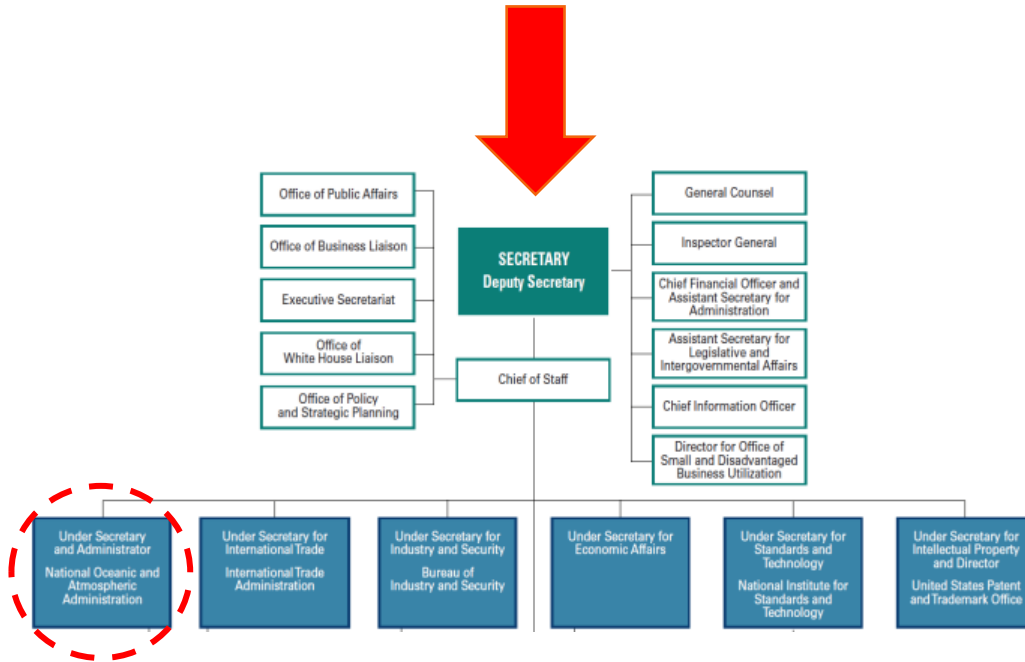
Requires agreement with federal agency responsible for action
State cannot enforce under CZMA.

Objection

Requires reason based on enforceable policies or insufficient information
Project cannot move forward absent an appeal to the Secretary of Commerce.



Consistency Decision Appeal Process



Applicant has **30 days from decision** to appeal to the U.S. Secretary of Commerce.

- Appeal special conditions or decision

Appeal considers facts *de novo*

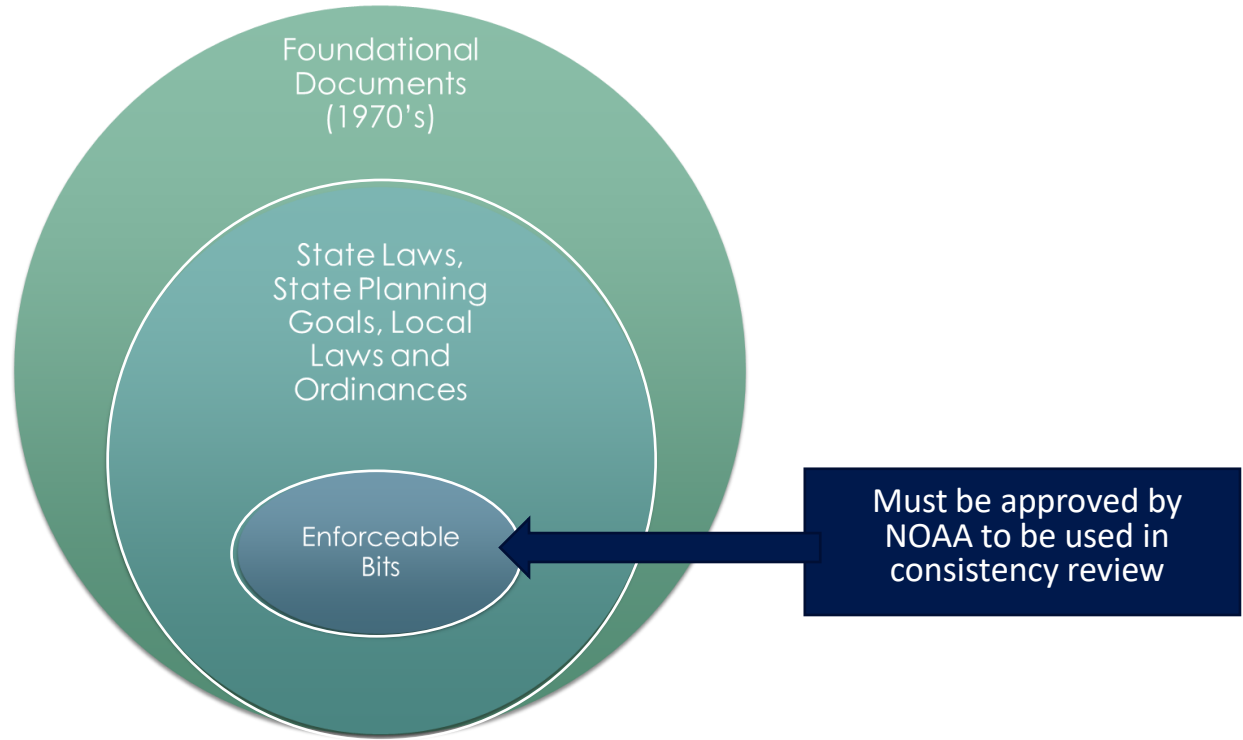
- Does not second-guess state interpretation of its enforceable policies

Appeal Considers:

- Coastal Effects
- National Interest
- Available Alternatives

Consistency Reviews Rely on ‘Enforceable Policies’

- Not all statute sections are enforceable policies
- Not all local codes are enforceable policies
- The strongest policies within state and local laws are Enforceable Policies



For a full list of Oregon's Enforceable Policies, visit:
www.tinyurl.com/OREPs



Enforceable Policy Dos and Don'ts

- ✓ Must be enforceable under state law.
- ✓ Must include mandatory language.
- ✓ Must contain a clear standard.
- ✗ Cannot be preempted by federal law.
- ✗ Cannot regulate federal agencies, lands, or waters.
- ✗ Cannot discriminate against a particular coastal user or federal agency.
- ✗ Cannot hinder the national interest objectives of the Coastal Zone Management Act.
- ✗ Cannot incorporate other policies or requirements by reference
(unless the referenced components are also submitted into the program)



Oregon's Enforceable Policies

State Policy

Statewide Land Use Planning Goals

Forest Lands

Natural Hazards

Coastal Shorelands

Ocean Resources

Estuarine Resources

Beaches & Dunes

Natural Resources,
Scenic & Historic
Areas

Oregon Administrative Rules

Land Conservation & Development

Water Quality
Standards

Wildlife

Oregon Revised Statutes

Dredge & Fill

Fish, Wildlife,
& Plants

Air & Water

Oil, Gas, & Mining

Development

Energy

Ocean & Wetlands

Waste Systems

Other

Geographic Location
Description: Offshore
Renewable Energy

Territorial Sea Plan,
Parts 2-5

Local Policy

County Policies

Comprehensive Plans

Land Use Regulations

Estuary Management Plans

City Policies

Comprehensive Plans

Zoning Ordinances

Estuary Management Plans

Key Enforceable Policies

- Statewide Planning Goals
 - 1: Citizen Involvement
 - 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
 - 6: Air, Water, and Land Resources Quality
 - 19: Ocean Resources
- OR Territorial Sea Plan
- ORS 496: Wildlife
- ORS 506: Commercial Fishing and Fisheries
- ORS 196: Ocean Resources
- ORS 509: Additional Fishery Requirements
- ORS 465: Hazardous Waste and Materials
- ORS 468A: Air Quality
- ORS 468B: Water Quality
- ORS 358: Archaeological Objects and Sites
- ORS 390: OPRD Ocean Shores
- Local Govt Plans and Codes



ORS 496.012 – Wildlife Policy

ORS 506.109 – Food Fish Management Policy

“Wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state. .”

“Food fish shall be managed to provide the optimum economic, commercial, recreational and aesthetic benefits for present and future generations of the citizens of this state.”



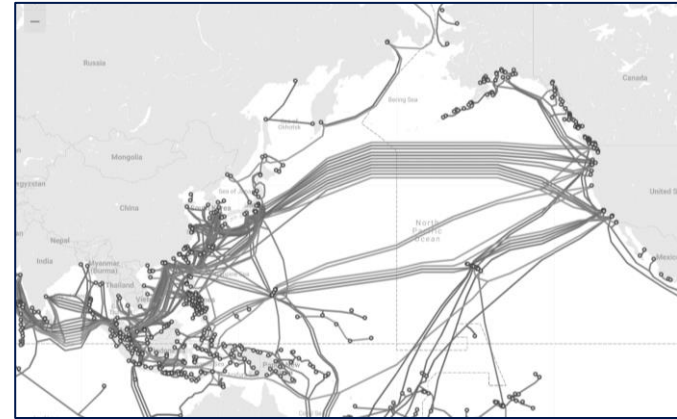
ORS 390 – OPRD, Ocean Shores

390.235: A person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department.

390.610: The Legislative Assembly further declares that it is in the public interest to do whatever is necessary to **preserve and protect scenic and recreational use of Oregon's ocean shore.**



Goal 19
**The Ocean
Resources Goal
and
Enforceable
Policies of the
Territorial Sea Plan**



11.19.2024

Andy Lanier

Marine Affairs Coordinator

Oregon Coastal Management Program

The Coastal Goals

A subset of Oregon's Land Use Planning Goals



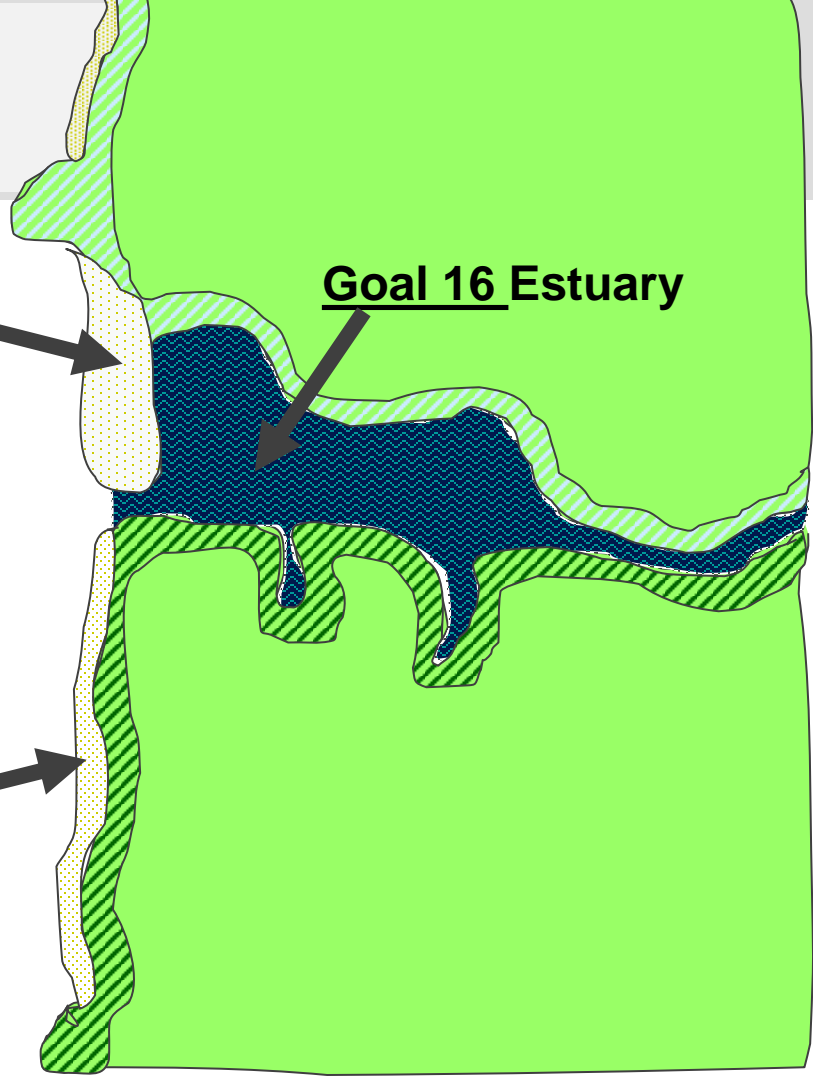
Goal 19 - Ocean Resources



Goal 18 - Beaches & Dunes

Goal 17 - Shorelands

Goal 16 Estuary



Statewide Land Use Planning Goal 19 – Ocean Resources

“To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.”

To carry out this goal, all actions by local, state, and federal agencies that are likely to affect the ocean resources and uses of Oregon’s territorial sea shall be developed and conducted to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values and benefits and to give higher priority to the protection of renewable marine resources – i.e., living marine organisms—than to the development of non-renewable ocean resources.



[http://www.lcd.state.or.us/LCD/goals.shtml#Statewide Planning Goals](http://www.lcd.state.or.us/LCD/goals.shtml#Statewide_Planning_Goals)

Goal 19 Implementation Requirements:

Prior to taking an action that is likely to affect ocean resources or uses of Oregon's territorial sea, state and federal agencies shall assess the reasonably foreseeable adverse effects of the action as required in the Oregon Territorial Sea Plan.



Renewable
Marine Resources
i.e. Living Marine
Organisms



Biological Diversity
& Functional
Integrity of Marine
Ecosystems



Important
Marine Habitat



Areas Important to
Fisheries
Commercial &
Recreational



Beneficial Uses:
Navigation,
Recreation, Food
Production,
Aesthetic, Seafloor
Uses

Oregon Territorial Sea Plan

Originally adopted in 1994 and Stewarded by OPAC and LCDC

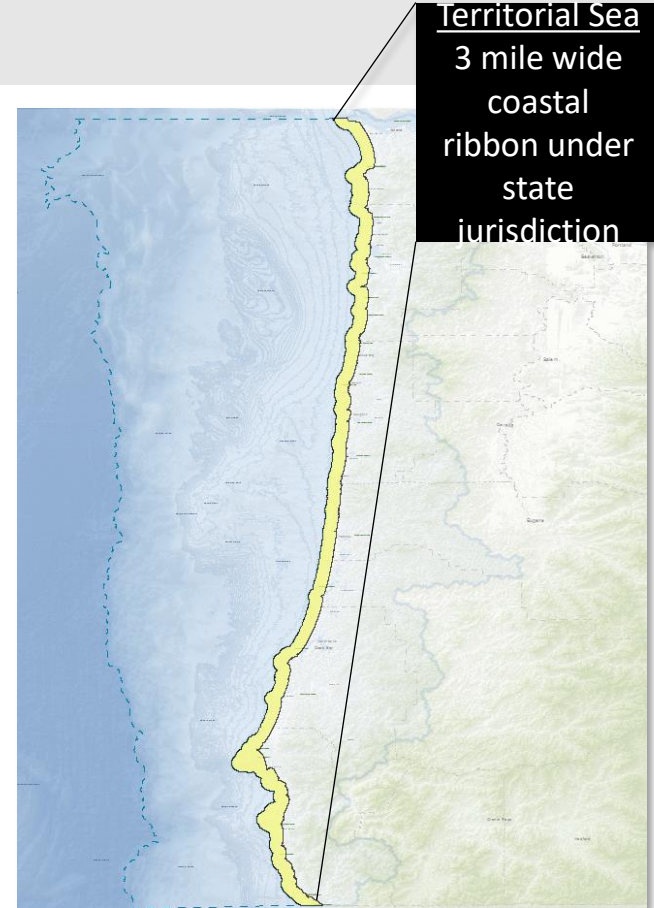
Coordinated vision for Oregon's ocean resources

Guides actions of state agencies and programs responsible for managing resources in the public trust

Contains

- Contextual information
- Recommendations for making decision processes
- Enforceable Policies

The TSP relies on state authorities & programs to implement TSP policies and recommendations.



Oregon Territorial Sea Plan



TSP Part One

Part One of the Territorial Sea Plan outlines history and authorities of the Ocean Management Framework

PART ONE



TSP Part Four

Part Four of the Territorial Sea Plan deals with uses of the seafloor e.g. cables, pipelines, and other utilities

PART FOUR



TSP Part Two

Part Two of the Territorial Sea Plan deals with making resource Use decisions in the Territorial Sea.

PART TWO



TSP Part Five

Part Five of the Territorial Sea Plan deals with Uses of the Territorial Sea, including Renewable Energy

PART FIVE



TSP Part Three

Part Three of the Territorial Sea Plan deals with planning via the Rocky Habitat Management Strategy.

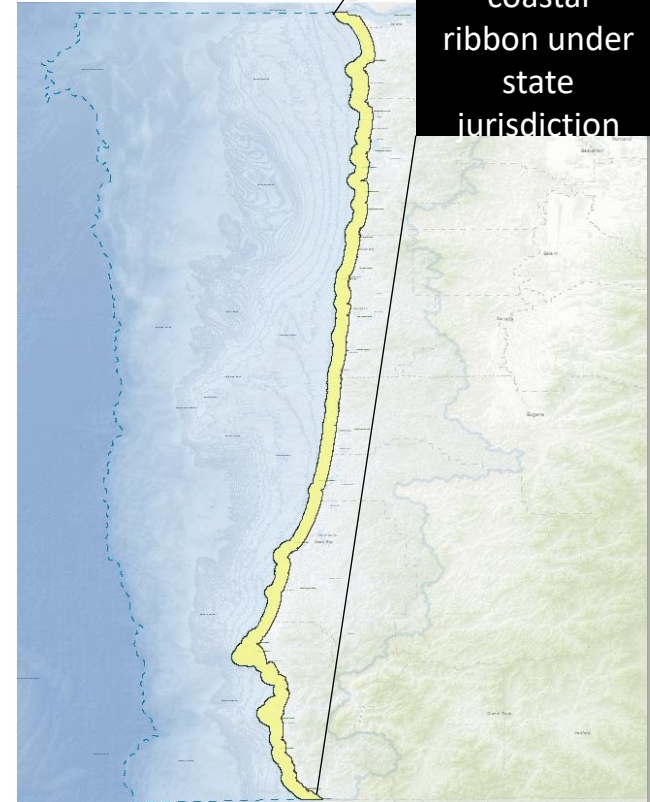
PART THREE



Appendices

There are 9 appendices to the Territorial Sea Plan.

APPENDICES



Territorial Sea
3 mile wide
coastal
ribbon under
state
jurisdiction

Access the chapters of the TSP at: www.OregonOcean.info

TABLE OF APPROVED CHANGES TO THE OREGON COASTAL MANAGEMENT PROGRAM (OR-2020-1)

<p>Oregon Territorial Sea Plan: Part 5, Appendix C</p>	<p>Enforceable Policies Subject to Federal Consistency</p> <p>Enforceable policies listed in this appendix are taken from portions of the following Part 5 Sections -</p> <p>B.4.b. Sufficiency of Resource and Use Inventory and Effects</p> <p>B.4.d. Inventory Content</p> <p>B.4.e. Written Evaluation</p> <p>B.4.f. Pilot and Phased Development</p> <p>B.4.f.2) Pilot Project</p> <p>B.4.f.3) Phased Development</p> <p>B.4.g. Special Resources and Use Review Standards</p> <p>B.4.g.1) General siting and development requirements</p> <p>B.4.g.2) Fisheries Use Protection Standards</p> <p>B.4.g.3) Ecological Resource Protection Standards</p> <p>B.4.g.4) Recreational Resource Standards</p> <p>B.4.g.5) Visual Resource Protection</p> <p>D.1 Phased Development Plan</p> <p>D.2 Facility Development Plan</p> <p>D.3 Project Operation Plan</p> <p>D.4 Decommissioning Plan</p> <p>D.5 Financial Assurance Plan</p> <p>D.6 Agreements</p>	<p>New</p>	<p>10/17/2019</p>	<p>Y</p>	<p>ORS 196.800 - ORS 196.990: Ocean Resources Planning and Wetlands</p> <p>OAR 141-082 – Rules Governing the Management of, and Issuing of Leases, Licenses and Registrations for Structures on, and Uses of State-Owned Submerged and Submersible Land</p> <p>OAR 141-083 Rules For Granting Easements for Fiber Optic and Other Cables on State-Owned Submerged and Submersible Land within the Territorial Sea</p> <p>OAR 141-085: Administrative Rules Governing the Issuance And Enforcement of Removal-Fill Authorizations Within Waters Of Oregon Including Wetlands</p> <p>OAR 141-125: Administrative Rules for Authorizing Special Uses on State-Owned Land</p> <p>OAR 141-140: Rules Governing the Placement of Ocean Energy Conversion Devices On, In or Over State-Owned Land within the Territorial Sea</p> <p>ORS 273 – State Lands Generally</p> <p>ORS 274 Submersible and Submerged Lands</p>
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Enforceable Policies – Part Five Examples

Resource and Use Inventory and Effects Evaluation and Special Resource and Use Review Standards

B. 4. b. Sufficiency of Resource and Use Inventory and Effects Evaluation

An applicant must provide information and data to complete the Resource and Use Inventory and Effects Evaluation and apply the Special Resource and Use Review Standards that is sufficient to identify and quantify the short-term and long-term effects of the proposed renewable energy facility development on the affected marine resources and uses.

B. 4. d. Inventory Content

To evaluate the magnitude of the proposed project, the likelihood of project effects, and the significance of the resources and uses that the project may affect, regulating agencies shall require that the applicant include consideration of certain factors in the inventory.

B. 4. e. Written Evaluation.

Regulating agencies shall require the applicant to submit a written evaluation of all the reasonably foreseeable adverse effects associated with the development, placement, operation, and decommissioning of the proposed renewable energy facility.



Enforceable Policies – Part Five Examples (cont.)

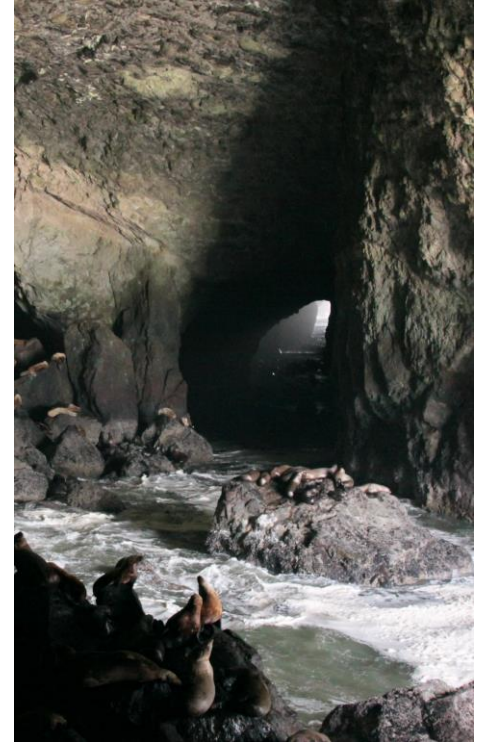
B. g. 3. Ecological Resources Protection Standards

The state shall protect living marine organisms, the biological diversity of marine life, the functional integrity of the marine ecosystem, important marine habitat and associated biological communities by using the following ecological resource protection standards to evaluate marine renewable energy project proposals.

- a. IV Each Important, Sensitive, or Unique (ISU) area includes the discrete locations of the ISU resources plus bounding polygons (i.e. buffers) that are intended to provide adequate room for species foraging or other activities, or protection of the ISU resource from disturbance from a renewable energy facility while allowing existing beneficial uses.

Project developers shall consult with ODFW to calculate the ISU area (i.e. determine protection buffers) prior to filing application materials with regulating agencies.

- For rock resources, regulating agencies will apply a buffer of 1000 feet to account both for rock reef species foraging and disturbance from development.
- For seabird nesting colonies and pinniped haulouts, regulating agencies will apply a buffer of between 1000 and 2000 feet depending on the inhabitants (species, abundance, critical nature of the colony or haulout).



Enforceable Policies – Part Five Examples (cont.)

Recreational Resources Standards

The state shall protect recreational resources as a beneficial use of the territorial sea. The standards for recreational resources shall be applied to all renewable energy facility projects throughout the territorial sea, unless otherwise provided by the plan.

- (a) Renewable energy projects may not have a significant adverse effect on areas of high or important use for recreational activities. A significant adverse effect occurs when:
 - i. Access is denied or unreasonably impeded;
 - ii. The project creates reasonably foreseeable health or safety impacts; or
 - iii. The project would have reasonably foreseeable significant impacts on the natural environment that the recreational community depends on.

- (b) Areas of high or important use for recreational activities occur where there is
 - i. Community of historical users;
 - ii. High intensity of use; or
 - iii. Uniqueness or a special quality associated with the recreational use relative to the state or region.



Enforceable Policies – Part Five Examples (cont.)

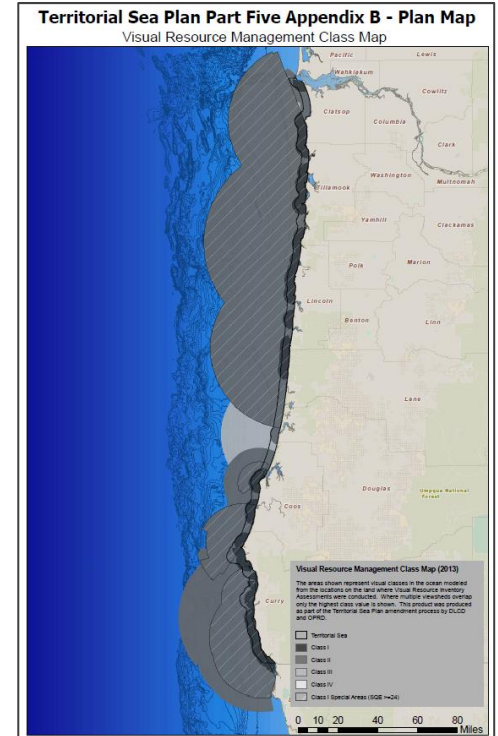
Visual Resource Protection Standards

The regulating agencies shall protect visual resources (i.e. viewsheds of the territorial sea) by applying the following visual resource protection standards to evaluate the potential impact of proposed renewable energy projects on the affected viewsheds.

Classification of Viewsheds

Each viewshed class has a specific objective that determines the level of activity that would be compatible with maintaining the character of the viewshed. The class objectives and project review criteria are used to determine the impact a project has on each affected viewshed.

A single project may impact multiple viewsheds and will be subject to the associated visual subordination standard for each of them.



Offshore Wind Energy Policy Assessment



Image credit: user Bodgesoc on Wikipedia

Enrolled

House Bill 4080

Sponsored by Representatives GRAYBER, GOMBERG; Representatives ANDERSEN, BOWMAN, DEXTER, EVANS, FAHEY, GAMBA, HELM, HOLVEY, HUDSON, KROPF, LEVY E, LIVELY, MARSH, NGUYEN D, NGUYEN H, NOSSE, PHAM K, TRAN, WALTERS, WRIGHT, Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, GOLDEN, PATTERSON, TAYLOR (Presession filed.)

- Includes labor standards applicable to offshore wind projects
- DLCDC to lead **Offshore Wind Roadmap** Engagement Effort
- DLCDC to **Evaluate Oregon Enforceable Policies** for Offshore Wind and Make Recommendations





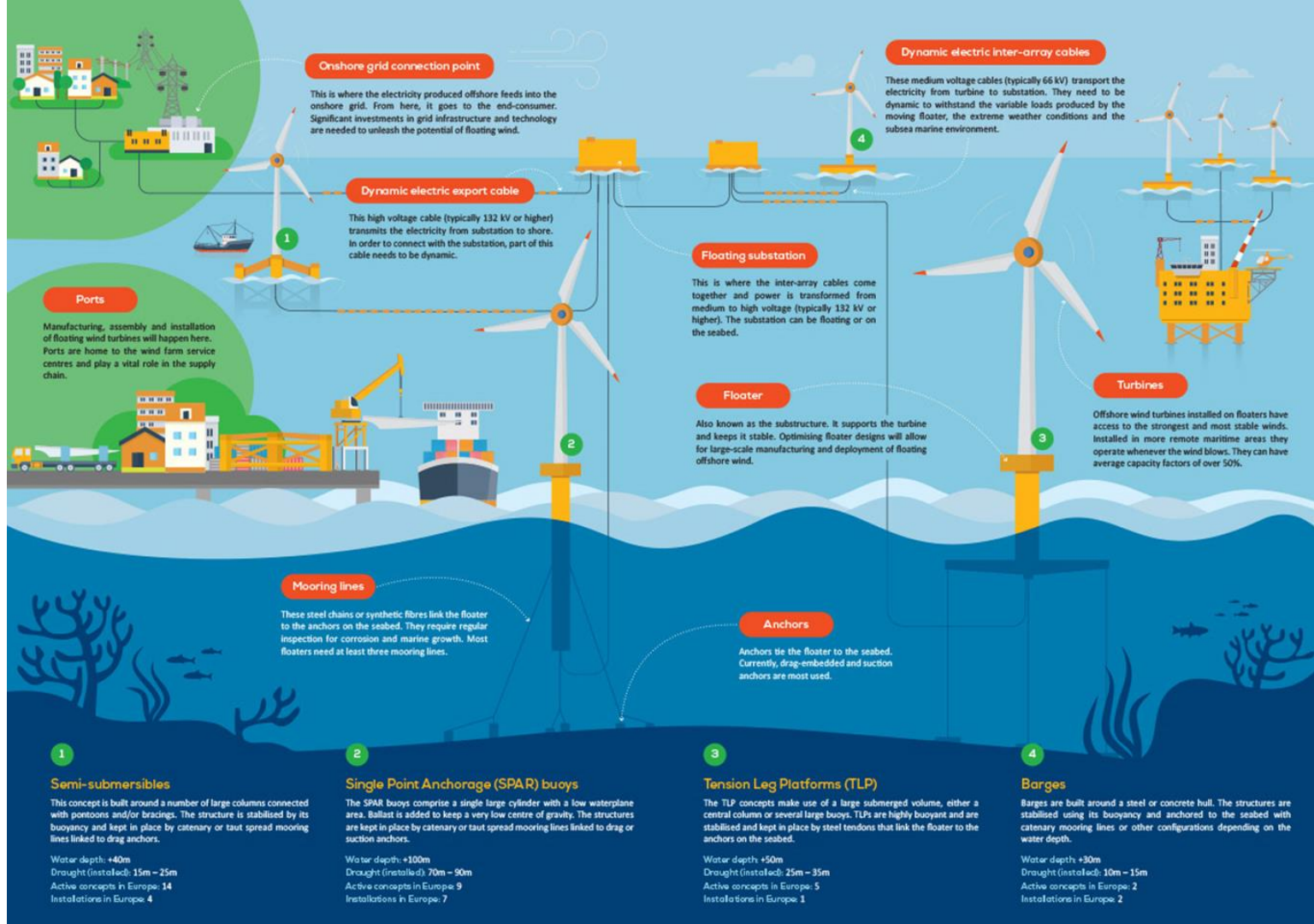
What will be evaluated?

Enforceable Policies

- Evaluate adequacy of Oregon's Enforceable Policies for offshore wind energy development.
 - Policies related to ocean management
 - Policies applicable to onshore components of an offshore project

Agency Capacity

- Evaluate adequacy of existing agency capacity to address reasonably foreseeable effects to coastal uses and resources that would result from OSW development.



Source: European Technology & Innovation Platform on Wind Energy: [Floating Offshore Wind: Delivering climate neutrality | ETIPWind](#)

Key Enforceable Policies

- Statewide Planning Goals
 - 1: Citizen Involvement
 - 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
 - 6: Air, Water, and Land Resources Quality
 - 16: Estuarine Resources
 - 17: Coastal Shorelands
 - 18: Beaches and Dunes
 - 19: Ocean Resources
- Territorial Sea Plan
- ORS 496: Wildlife
- ORS 506: Commercial Fishing and Fisheries
- ORS 196: Ocean Resources
- ORS 509: Additional Fishery Requirements
- ORS 465: Hazardous Waste and Materials
- ORS 468A: Air Quality
- ORS 468B: Water Quality
- ORS 358: Archaeological Objects and Sites
- ORS 390: OPRD Ocean Shores
- Local Govt Plans and Codes
 - Estuary Policies
 - Shoreside Policies



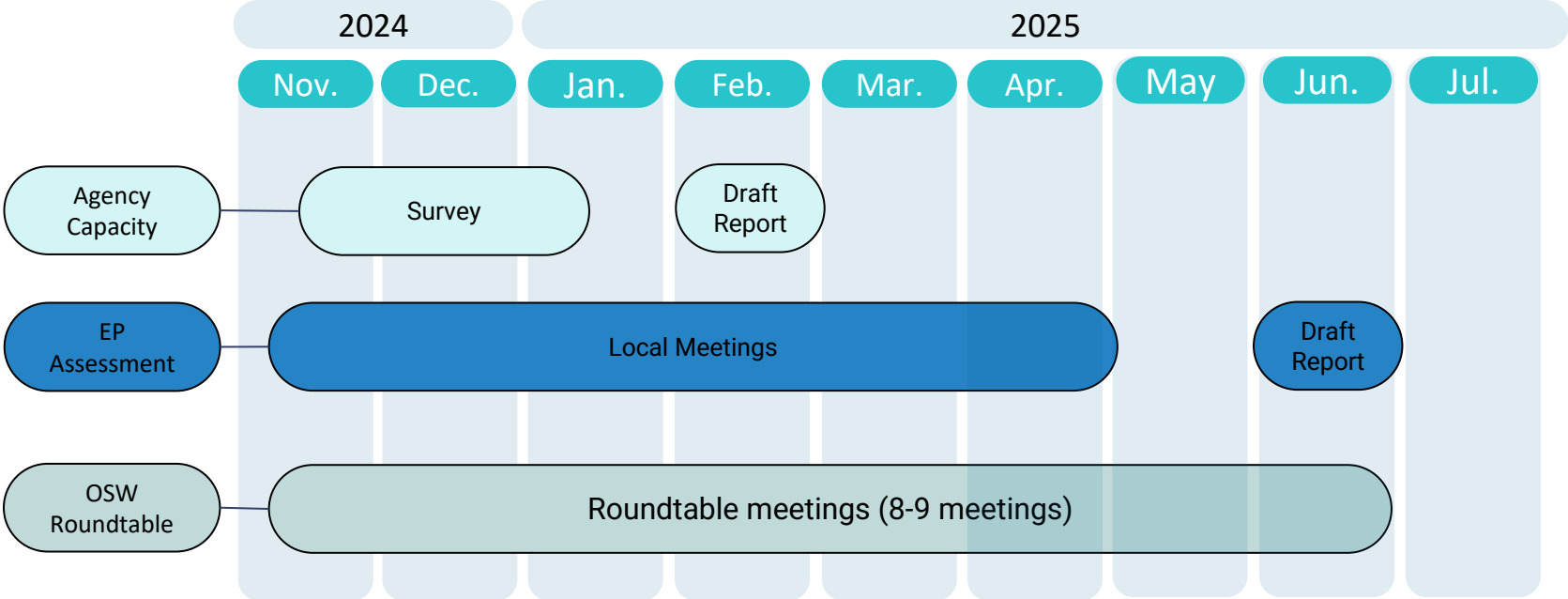
Reasonably Foreseeable Effects

Uses: public access, recreation, fishing, historic, cultural, development, hazards management, marinas, navigation, resource creation or restoration

Resources: air, wetlands, water bodies, aquifers, aquatic vegetation, plants, animals, land, minerals, corals, and dunes



Projected Enforceable Policy and Capacity Assessment Timeline



Stuff to do over lunch:
PROMPTS FOR VISION





Lunch



OCMP

Oregon Coastal
Management Program

Visioning Exercise: Envisioning the Future of Offshore Wind (Breakout Sessions)



Oregon Offshore Wind Energy Roadmap

Wind turbines are located in Oregon



How would you “draw” success?

X are thriving
We have accomplished Y
Z are protected

Oregon Offshore Wind Energy Roadmap

Wind turbines are Not located in Oregon



How would you “draw” success?

Part I: What does the future of Offshore Wind look like? (in breakouts)

- In the room: Find a table top, take 20 minutes, and...
 - Imagine two alternative futures: 1) There are wind turbines floating off Oregon's coast, and 2) There are not wind turbines. AND you had no regrets with either of those scenarios.
 - How would you draw what those successful futures looked like? What's happening on the ground? What's going on for people, fish, and wildlife?
 - For example
 - We have turbines, and we solved the visual effects that achieved X, or we protected existing ocean which achieved Y
 - We don't have turbines, and Oregon grew supply chain businesses that achieved Z



Part I: What does the future of Offshore Wind look like? (in breakouts)

- In the room: Now switch, move your whole group to a new table top, take 20 minutes, and...
 - Do the same exercise, but add to what the first group had done.
 - Don't change or comment on their work, just add to it
 - Imagine two alternative futures: 1) There are wind turbines floating off Oregon's coast, and 2) There are not wind turbines. AND you would be happy with either of those scenarios.
 - How would you draw what those successful futures looked like? What's happening on the ground? What's going on for people, fish, and wildlife?

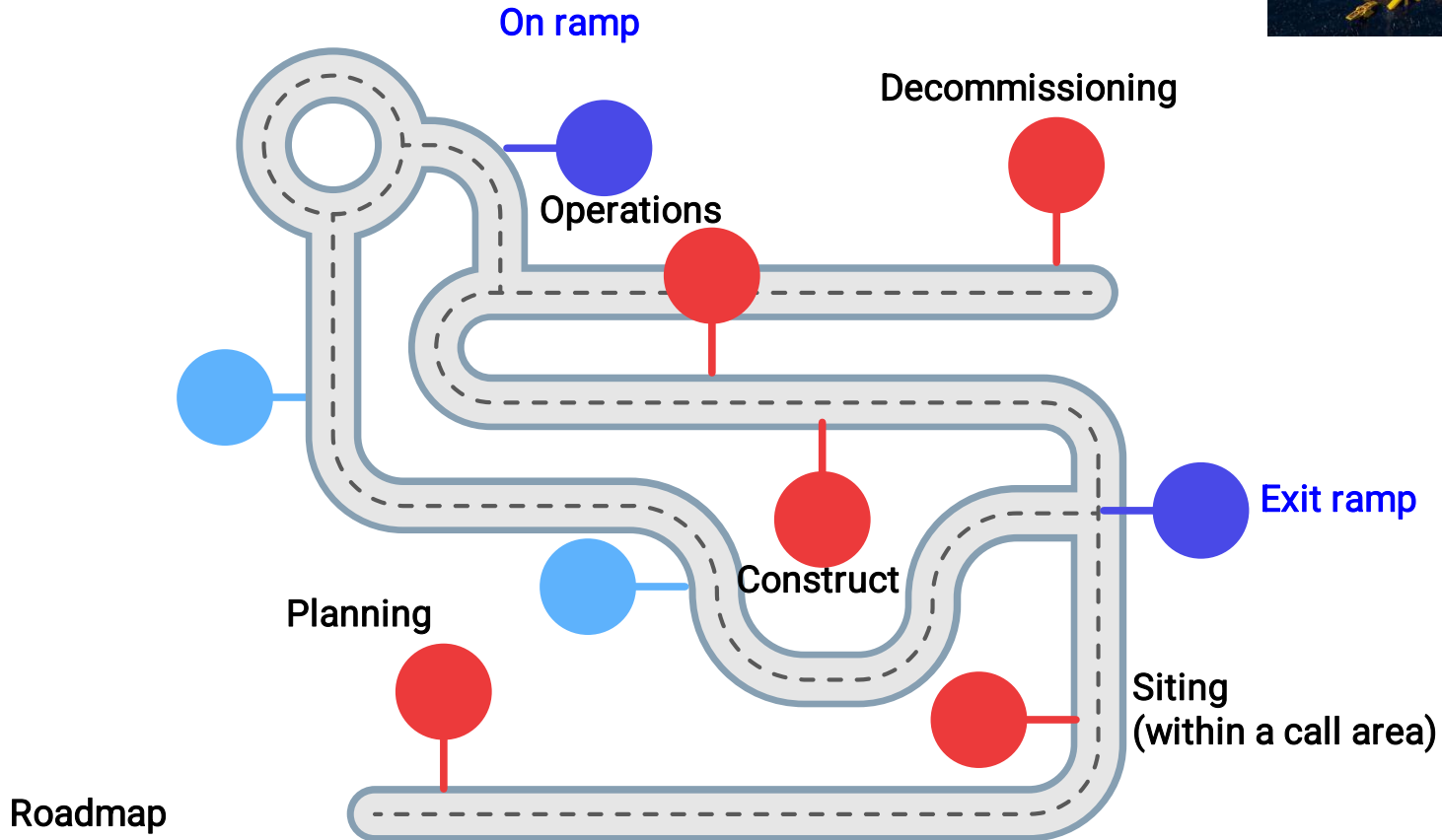


Oregon Offshore Wind Energy Roadmap



Wind turbines are located in Oregon

What were the key decision points that got us here?

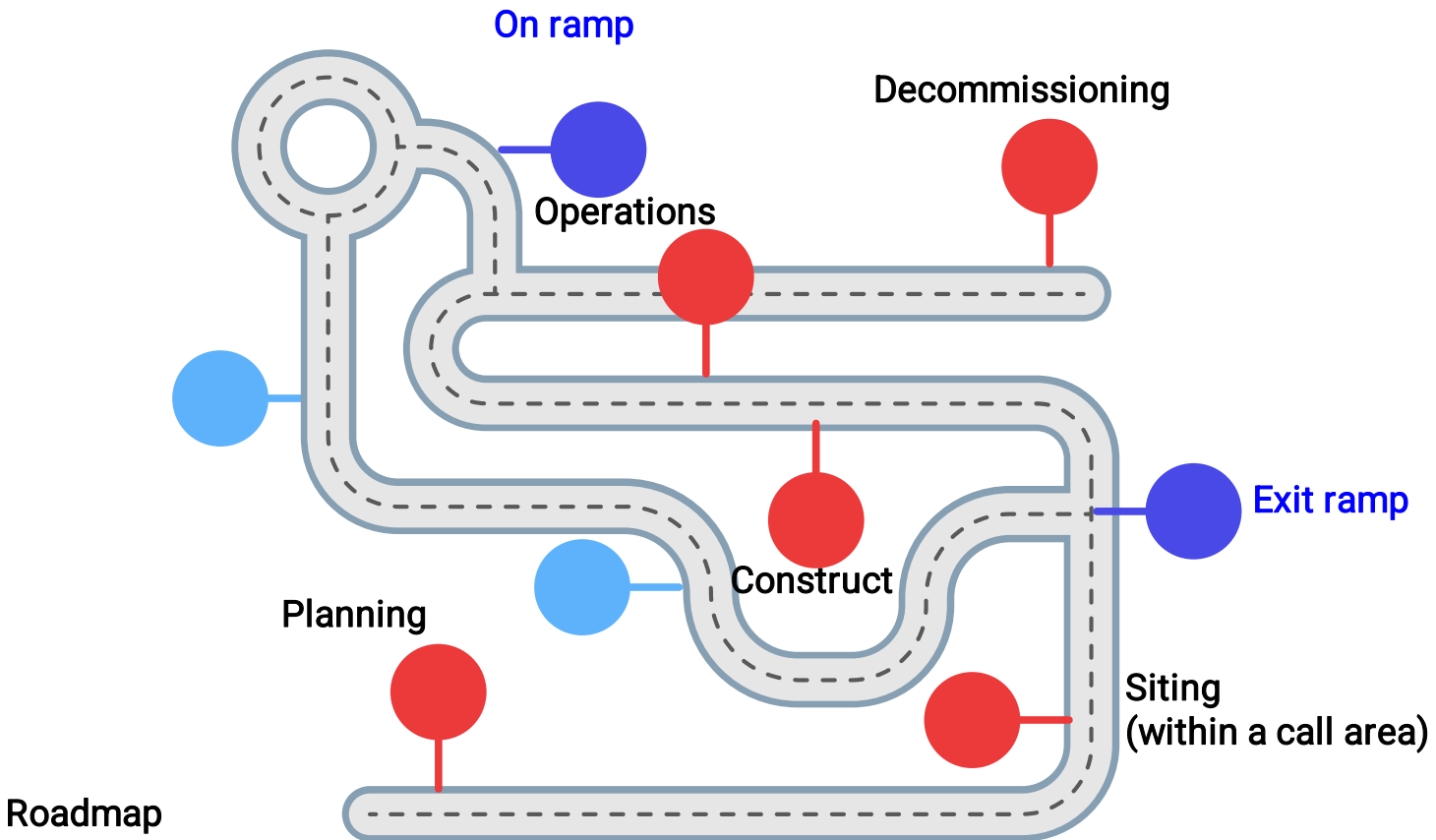


Oregon Offshore Wind Energy Roadmap



Wind turbines are Not located in Oregon

What were the key decision points that got us here?



Part II: If we have a future vision...How did we get there? (in breakouts)

- In the room: Stay at the same table top, take 40 minutes, and...
 - Change to the sheet with the infographic. You described two “destinations” How did we get there? Which conversations, policies, and actions got us to those futures (e.g., What pitfalls were avoided, which questions were answered, what agreements were made, which protections were put in place, and which questions did we leave to adaptive management?
 - Ask the group at 20 min if they liked the switching, and if yes switch. If no, continue on.



Reporting Out



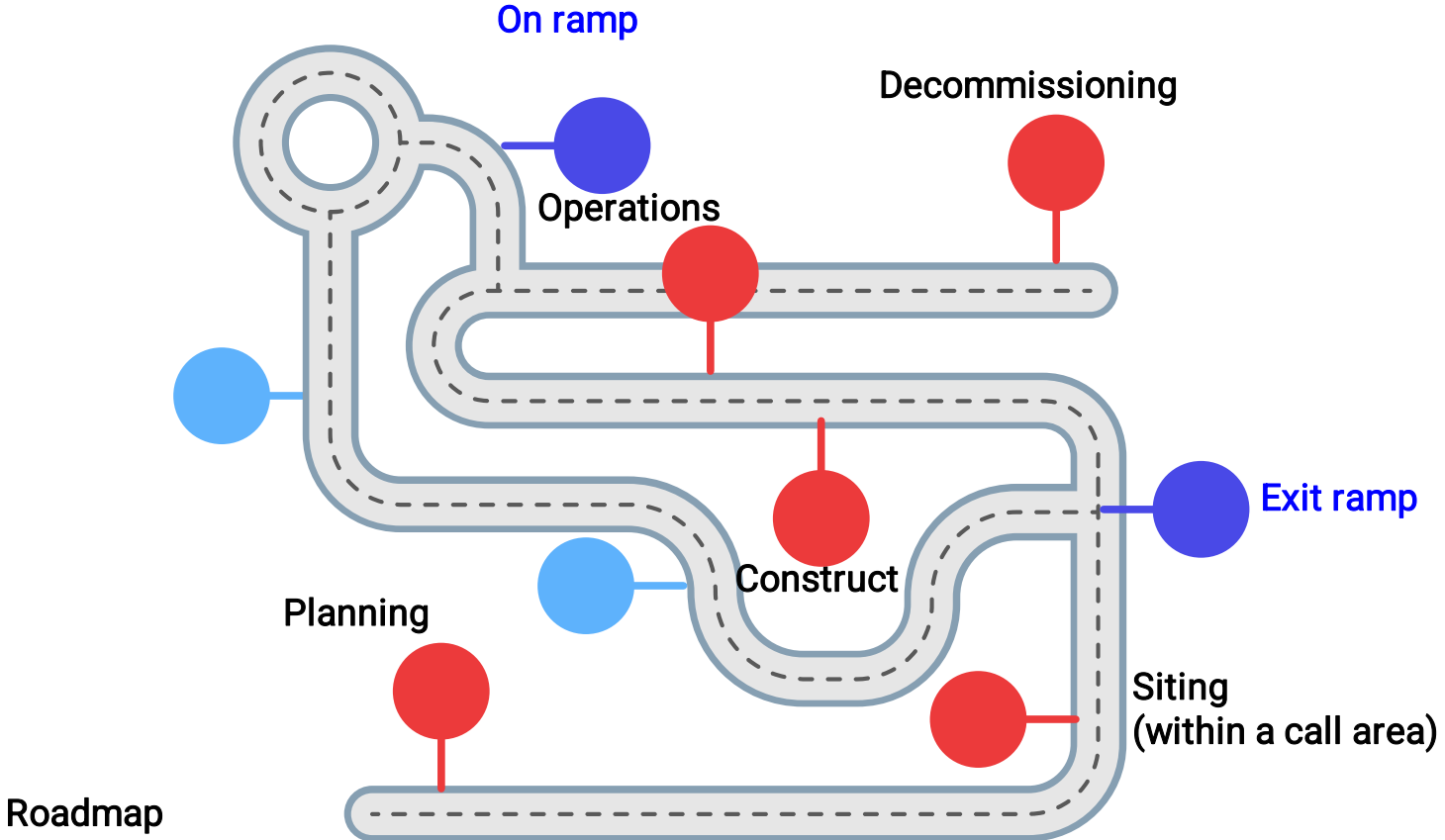
Part I Zoom Trevor: Oregon Offshore Wind Energy Roadmap: Visions



X are thriving
We have accomplished Y
Z are protected



Part II Zoom Trevor: Oregon Offshore Wind Energy Roadmap: Waypoints



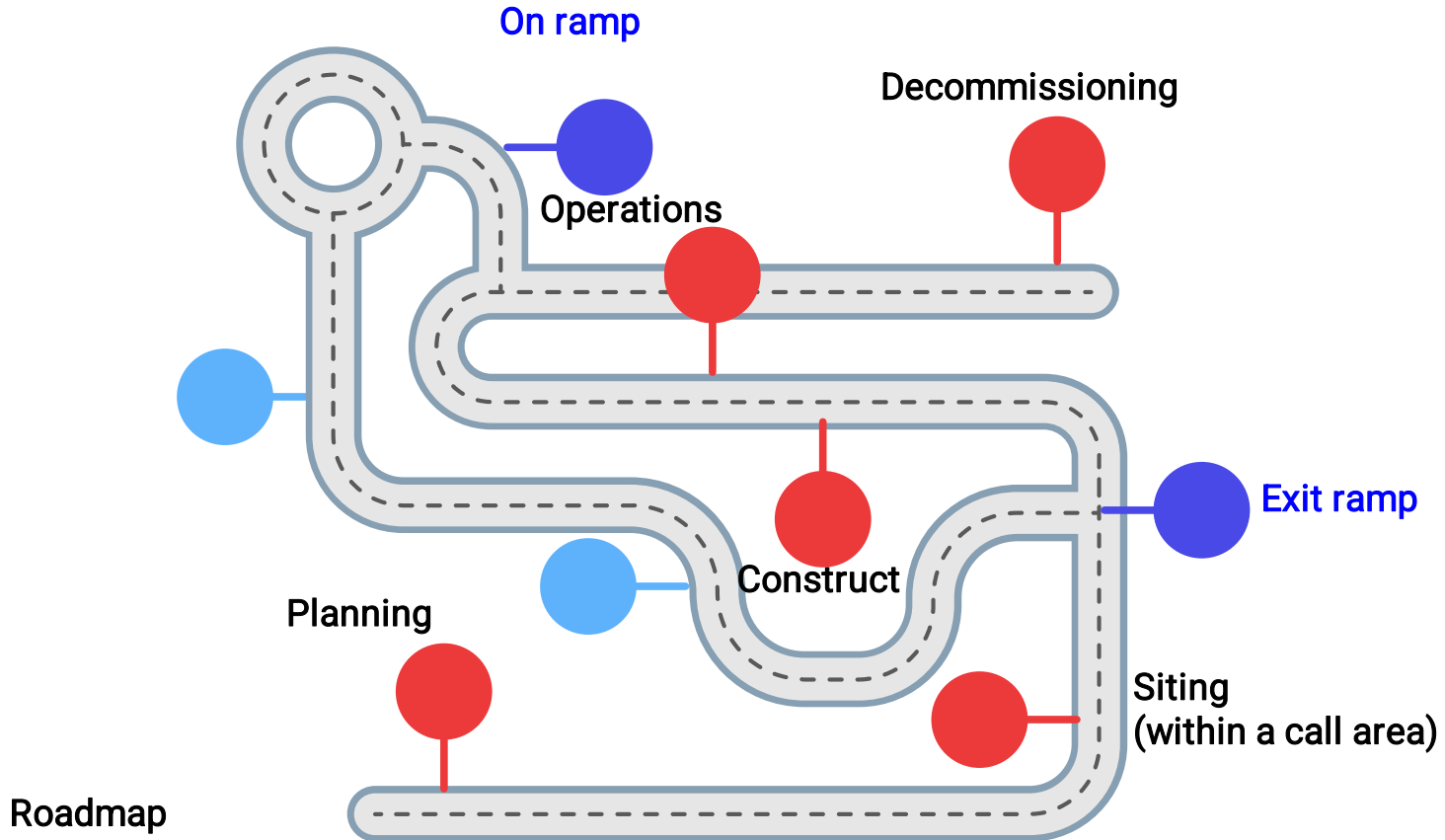
Part I Zoom Turner: Oregon Offshore Wind Energy Roadmap: Visions



X are thriving
We have accomplished Y
Z are protected



Party II Zoom Turner: Oregon Offshore Wind Energy Roadmap: Waypoints



Public Comment: Part II



Public Comment

Please limit your comments to
the time available

→ **QR Code**

→ Or via our Google Form:

<https://forms.gle/Mgl4vhn4VYa8YEwYA>

→ Or by email to:

dlcd.OSWRoadmap@DLCD.Oregon.gov



Closing/Next Steps



