

Oregon Territorial Sea Plan

Adopted 1994



PART ONE:

Ocean Management Framework

B. THE OCEAN POLICY ADVISORY COUNCIL

The 1991 Oregon Legislature created the Ocean Policy Advisory Council to provide a means of coordinating and creating ocean policy for the state and to prepare a plan for managing the resources and uses of Oregon's territorial sea. The Council's role and membership composition reflects the success of its predecessor, the Oregon Ocean Resources Management Task Force, 1987 - 1990, which recommended this on-going Council structure to the Legislature.

1. Membership

Membership on the Ocean Policy Advisory Council is specified in law (ORS 196.438). Current Council positions and membership may be viewed at ****** [lcd/coastal opacmembers.doc](#) ******.

2. Planning Process

a. Council Process

The Council began work in early March, 1992, with a two-day workshop at the University of Oregon Institute for Marine Biology in Charleston. During Phase One of its work, the Council met five times over eight months and developed internal procedures, reviewed the Oregon Ocean Resources Management Plan to scope a short list of planning issues to address in the Territorial Sea Plan, and held a series of eight public workshops in the fall of 1992: Brookings, Port Orford, North Bend, Yachats, Newport, Lincoln City, Tillamook, and Seaside. These sessions provided the public with the opportunity to learn about the Council and for the Council to gain information about ocean resource concerns and issues that the Council or member agencies should address. In the end, the Council chose to focus on two major issue areas: rocky shores and administrative procedures for making ocean-resource decisions.

During Phase Two, Plan Development, the Council met four times beginning in January, 1993, to review and approve work being developed by staff and working groups. Working groups met frequently to develop plan materials. At its August 20, 1993, meeting, the Council approved draft plan material for initial review by the public. The Council held three public workshops in late November, 1993, in Tillamook, Newport, and North Bend.

Phase Three, Plan Refinement, was a period of intense work by working groups. The Council met twice to review proposed improvements and amendments to the draft plan. At its March 11, 1994, meeting the Council approved revised plan material to be published for public review in May and June, 1994. The Council held three public meetings to hear comment in Tillamook, Bandon, and Newport. The Council reviewed all comments at its June 17, 1994, meeting, and identified several remaining issues to be resolved. The Council adopted the plan August 12, 1994.

All Council meetings were and are open to the public; all were videotaped and tapes are available for review.

b. Planning Considerations

The Council used the following considerations in determining which issues to address in the initial Territorial Sea Plan, and will use these same considerations to determine whether to address future management issues.

- 1.) Identified in the Ocean Plan:** the issue is specifically referenced in the Ocean Resources Management Plan as stated problem that should be addressed by the Ocean Policy Advisory Council in preparing the plan for the territorial sea;
- 2.) Within the Territorial Sea:** the issue specifically encompasses a problem of management of ocean resources or uses within the state's territorial sea seaward of the beach zone line and is within the state's purview to address;
- 3.) An interagency problem:** the issue involves more than one agency or jurisdiction of government and requires Council action to mediate and address;
- 4.) Achievable results:** Council action may prevent management problems and/or lead to a foreseeable improvement in management of Oregon's territorial sea;
- 5.) Information base:** the issue has data and information available to support Council action on the issue or problem;
- 6.) Consequences of not addressing the issue:** the issue may have substantial economic, environmental or legal costs or consequences if not addressed by the Council.

c. A Short List

The Council considered a lengthy list of issues identified in the Ocean Plan, heard at public workshops, and identified by Council members at their initial workshop. These issues included:

- Administrative Rules for Statewide Planning Goal 19, Ocean Resources

- Marine Birds and Mammals Habitat Areas (Rocks and Reefs)
- Intertidal Areas (Marine Gardens)
- Oil Spill Response
- Marine Water and Air Quality
- Leases for Marine Plants and Animals
- Artificial Reefs
- Recreation and Cultural Resources
- Dredged Materials Disposal
- Marine Minerals
- Overall Policies (Stewardship, Conservation, Habitat Protection)
- Oil and Gas Development
- Littoral Cell Management (Coastal Hazards)
- Beaches and Dunes

From this list, the Council narrowed to a "short list" of planning issues composed of two broad items:

- the need for administrative procedures to guide future decision-making by the Council with emphasis on interpreting and applying the requirements of Statewide Planning Goal 19, Ocean Resources;
- the need to address a bundle of nearshore resource protection and use issues under the umbrella heading of "rocky shores."

As work on these two topics progressed, a third "issue" emerged, i.e. the need to include a management framework to explain and clarify the linkages among and between the various ocean laws, programs, and policies already in place in Oregon.

d. The "Initial" Territorial Sea Plan

The Oregon Legislature anticipated that not all topics or issues could be addressed during the time period established for the Council to develop the Territorial Sea Plan. Chapter 576, Section

15, Oregon Laws is entitled "Initial Territorial Sea Plan." The Council, too, developed the Territorial Sea Plan with the understanding that the issues not included on the short list remain to be addressed in subsequent phases of planning work and that new issues will arise over time that will need to be addressed. Thus, this Territorial Sea Plan is a reflection of the on-going process of planning for and managing resources and uses of the ocean. The Council will amend and update the plan through a process described in Part One, Section F.2.

e. The Territorial Sea Plan and Ocean Fisheries

The principal focus of the Territorial Sea Plan is the conservation and protection of marine habitat through clear procedures and standards for making decisions. Neither the Oregon Legislature nor the Ocean Policy Advisory Council intends the Territorial Sea Plan to be an ocean-fisheries management plan or the Council to assume fisheries regulation and management. However, marine habitat conservation considerations may affect some ocean-fisheries management decisions of state or federal agencies. In that event, Council decisions relative to marine habitat and resource conservation will provide policy direction for the Department of Fish and Wildlife and other fishery-management bodies. The Council will expressly avoid specific fishery management regulations and will instead rely on the agencies with fishery jurisdiction to work with industry on fishery-program changes needed to conform to standards in the Territorial Sea Plan.