Jan. 22, 2013

To: Commissioner Marilyn Worrix, Chair, Land Conservation and Development Commission

Jim Rue, Director, Department of Land Conservation and Development

C/O Casaria Taylor, Rules Coordinator, Land Conservation and Development Commission

Subject: Territorial Sea Plan (TSP) Amendment for Marine Renewable Energy

Dear Chairwoman Worrix,

We write on behalf of the five state agencies the Land Conservation and Development Commission (LCDC) invited to serve on the Territorial Sea Plan Advisory Committee (TSPAC) established by LCDC. Over the course of nearly four years, the combined efforts of the Ocean Policy Advisory Council (OPAC) and TSPAC have led to a proposed plan for siting marine renewable energy (MRE) in Oregon’s Territorial Sea. This plan is the result of extensive consultation with our coastal communities, numerous public meetings, work sessions, and online resources provided by the Department of Land Conservation and Development in support of the OPAC and TSPAC efforts. The goal of the plan is to protect resources and uses identified in Statewide Planning Goal 19, while providing a clear pathway for the emergence of a new ocean industry to meet the state’s goals for clean, sustainable energy development.

We concur with OPAC’s April 2012 statement that adopting a state plan for submission to and approval by the federal government is important. This approval will ensure that federal actions (licenses, permits, leases, etc.) that have a reasonable foreseeable effect on Oregon’s coastal resources or uses are consistent to the maximum extent possible with Oregon’s enforceable policies.

We support TSPAC’s recommendations conveyed in TSPAC Chairman Tim Josi’s Dec. 20, 2012 memo to LCDC. We highlight in particular the following aspects of the TSPAC recommendation, which generally align with the recommendations approved by OPAC at its January 4, 2013 meeting:
• TSP Part 5 language establishes a flexible planning framework, rigorous standards, and a review process to ensure that permitting decisions are made with the involvement of local communities using the best available science.

• A precautionary approach that includes: distribution of suitability study areas among deepwater ports; areas that are of adequate size to allow flexibility in MRE project siting; phasing of development; limits to development footprints; and tools to assess impacts and adapt the plan as necessary.

• An adaptive management approach that includes periodic review of the plan after one percent of the territorial sea has been developed or seven years, to ensure that the plan is meeting the objectives of Goal 19 and that development is occurring with the least conflicts to resources and existing uses.

We offer the following observations in response to the Department of Land Conservation and Development (DLCD) staff report to LCDC:

• We support the three percent cap on the total build out of projects within the Territorial Sea as recommended in the agency staff report.

• We support the package of well-vetted Renewable Energy Facility Site Suitability Areas (REFSSA) recommended in the staff report that includes the Nestucca and Lakeside REFSSAs, in addition to the Ocean Power Technologies’ permitted Reedsport site and the Camp Rilea study area. These REFSSAs provide a range of locations and depths as well as opportunities for developers in the future.

Finally, we offer the following state agency refinements to the TSPAC recommendations:

• The Department of State Lands notes that there will be a need to adequately fund staffing for the permitting activities as they will be complicated technically and demanding in terms of community outreach.

• The Department of Energy notes that marine energy will serve an important need for generation on Oregon’s coast and benefit local communities, and that LCDC adoption of a spatial plan will be a key indicator of Oregon’s status as a national leader for marine energy development. A strong spatial plan is consistent with the Governor’s Ten-Year Energy Action Plan’s emphasis on development of home-grown renewable energy supplies, the state’s $10 million investment in the Oregon Wave Energy Trust over the past decade, and the establishment and successful growth of the Northwest National Marine Renewable Energy Center at Oregon State University.

We wish to thank the staff of the Department of Land Conservation and Development for their considerable efforts in support of the TSP amendment process. Please feel free to contact us with questions related to this letter or to solicit additional information as LCDC considers
adoption of the spatial and siting component of Part Five of the Territorial Sea Plan for the Development of Renewable Energy Facilities or other Related Structures, Equipment or Facilities.

Sincerely,

Mary Abrams, Director
Oregon Dept. of State Lands

Roy Elicker, Director
Oregon Dept. of Fish and Wildlife

Lisa Schwartz, Director
Oregon Dept. of Energy

Philip Ward, Director
Oregon Water Resources Dept.

Tim Wood, Director
Oregon Parks and Recreation Dept.