

F. PLAN IMPLEMENTATION

1. How The Plan Works

a. A Three-Part Plan

This initial Territorial Sea Plan has developed with three parts. Part One, Management Framework, provides a framework for describing, linking, and understanding the relationships among all relevant state and federal laws, state programs, statewide planning goals, and federal agency programs. This plan will not replace those elements but will coordinate and supplement them through specific plan provisions.

Part Two, Making Resource Use Decisions, establishes mandatory procedures and standards for carrying out Goal 19, Ocean Resources. These procedures will provide agencies and the public with requirements for receiving and reviewing proposals for activities in the territorial sea that require agency approvals. These procedures anticipate that there will be proposals for activities that are not, and perhaps cannot be, directly addressed or anticipated by this plan.

Part Three, A Rocky Shores Management Strategy, is the application of planning to specific locations and resources. It provides a planning framework for agencies to manage rocky shore sites, uses, and resources. The strategy includes goals, policies, and objectives, and applies an ecosystem-management approach to actual rocky shore locales on the Oregon coast.

Other sections on additional topics will be added over time as the Council continues its work.

b. Mandatory or Discretionary Provisions of the Plan

The Oregon Legislature clearly intended that the Territorial Sea Plan would have effect and directed that once the LCDC adopts the plan, state agencies must act consistently with it.

Consequently, the plan was written to include sections that are explicitly mandatory and sections that are recommendations only. The provisions of the plan that are mandatory include:

- 1.) all of Part Two: Making Resource Use Decisions; and**
- 2.) specific sections within Part Three: Rocky Shores Management Strategy:**
 - B.1. Rocky Shores Policy Framework: Goal, Objectives, Policies;
 - C.1. Mandatory Policies for Site Management;
 - C.2. Mandatory Policies for Amending the Rocky Shores Strategy;
 - F.2. Management Categories
 - G.1.-39. Site Designations & Management Prescriptions

All other plan provisions are recommendations and therefore discretionary. The recommendations are intended to provide planning guidance and describe preferred, but not required, courses of action.

c. Carrying Out The Mandatory and Recommended Provisions of the Plan

The mandatory provisions of the Territorial Sea Plan apply to a variety of agency actions. When **agencies** do any of the following related ocean resources, **they must be consistent with the mandatory provisions of the plan:** make program decisions, make or amend rules affecting ocean resources, approve resource-use permits and leases, manage property owned or controlled by agencies, and manage ocean resources.

State agencies **may choose to incorporate the plan by reference in their state agency coordination programs.** Then, upon a finding by LCDC that an agency has amended its rules, procedures, and standards to conform with the Territorial Sea Plan, the state agency will be deemed to have satisfied the requirements of state agency planning and coordination required by ORS 197.180 for ocean planning. If a state agency does not incorporate the Territorial Sea Plan in its coordination program, the agency will be subject to the state agency coordination requirements of ORS chapters 196 and 197 for state agency programs, procedures, and standards that in any way affect ocean resources. This second alternative means, in essence, that the agency must demonstrate compliance with this plan for each action it takes with respect to ocean resources.

For those plan provisions that are discretionary or that anticipate more detailed or site-specific planning and implementation, agencies are expected to refer to the plan and to act consistently whenever possible. For example, the Territorial Sea Plan does not currently provide detailed management plans for each rocky-shore site. State agencies should refer to the Territorial Sea Plan as a framework for making these more detailed, site-specific management decisions, such as improving public access and providing parking.

When adopted by LCDC, some parts of this plan will take effect immediately, such as the provisions of Part II, Making Resources Use Decisions that carry out the meaning of Goal 19, Ocean Resources. Other parts of the plan will not take effect immediately but will depend upon subsequent agency actions, such as revising a master plan for a coastal State Park or building public interpretive facilities at rocky-shoreline areas along the coast.

Local governments also may play a role in carrying out the Territorial Sea Plan, particularly in rocky-shore areas. The Council is specifically authorized to recommend changes to both local comprehensive plan and ordinances to help the local plans become consistent with the Territorial Sea Plan. However, there are no statutory requirements for local governments to change comprehensive plans, ordinances, or land-use regulations.