



**Department of Land
Conservation and Development
Territorial Sea Plan Advisory Committee**

MINUTES

Meeting 1

February 17, 2009

10:00 AM – 3:00 PM

Oregon Department of Fish and Wildlife

3406 Cherry Avenue NE, Salem

Commission Room

Advisory Committee Members Present

Tim Josi, Land Conservation and Development Commission (Chair)
David Allen, Ocean Policy Advisory Council
Susan Allen, Our Ocean
Linda Buell, Fisherman Advisory Committee for Tillamook
Chris Chandler, Central Lincoln People's Utility District
Karen Chase, Oregon Department of Energy
Cristen Don, Oregon Department of Fish and Wildlife
Bob Eder, Fishermen Involved in Natural Energy
Jeff Farm, Oregon Parks and Recreation Department
Nick Furman, Oregon Dungeness Crab Commission
Gus Gates, Surfrider Foundation
Mary Grainey, Oregon Water Resources Department
John Holloway, Oregon Anglers
Onno Husing, Oregon Coastal Zone Management Association
Justin Klure, Pacific Energy Ventures LLC
Jeff Kroft, Oregon Department of State Lands
Herb Nock, Ocean Power Technologies Inc
Jeff Reeves, Oregon Salmon Commission
Terry Thompson, Lincoln County
Stephanie Thornton, Oregon Wave Energy Trust
Keith Tymchuck, City of Reedsport
Kathy Wall, Port of Coos Bay/Southern Oregon Ocean Resource Coalition
Tom Younker, Coquille Indian Tribe

Advisory Committee Members Absent

Neal Coenen, Citizen Representative
Robin Hartmann, Oregon Shores Conservation Coalition
Melvin Rodrigues, Bonneville Power Administration

Staff Present

Lorinda DeHaan, Administrative Support/Coastal Rulemaking
Bryan González, Rules, Records and Policy Coordinator
Paul Klarin, Coastal Policy Analyst
Andy Lanier, NOAA Coastal Fellow
Steve Shipsey, Counsel, Department of Justice

Interested Persons Present

Len Bergstein, Ocean Power Technologies, Inc.
Polly Hampton, Perkins Coie
Laurel Hillman, Oregon Parks and Recreation Department

Meeting Materials

Agenda
Review of Public Meetings Law
Staff Report to LCDC – Request to Initiate Rulemaking and Convene an Advisory Committee regarding Amending the Oregon Territorial Sea Plan for Wave Energy Power Generation Facilities. Background Attachments
Staff Report to LCDC on Ocean-Based Energy Facilities Rulemaking Advisory Committee
Territorial Sea Plan Implementation
Territorial Sea Plan Amendment Process

Agenda Item 1 – Opening remarks from the Chair, Introduction of Members

Chair Josi convened the meeting at 10:00 a.m. and welcomed the Territorial Sea Plan Advisory Committee (TSPAC) members. The meeting began with all members present introducing themselves. Chair Josi explained that this is an informational-type committee and that the Ocean Policy Advisory Committee's Territorial Sea Plan (OPAC TSP) subcommittee has started the groundwork and will continue to do research on this issue, and present recommendations to TSPAC throughout this process. The goal of TSPAC is to present recommendations back to the full Land Conservation and Development Commission (LCDC), we are on a very short time line and will need to be efficient.

Agenda Item 2 – Committee Business.

Bryan Cruz Gonzalez, DLCD Rules, Records and Policy Coordinator came forward to summarize excerpts of public comment law with the members. The TSPAC meetings are not public hearings and the public, unless invited by the committee, does not have an opportunity to testify or be heard. Everything TSPAC does is part of the public record and will be part of the public notice material. Video taping of the meetings will be available if TSPAC members wish to review their comments if they wish. Votes will taken by public vote. Copies of all the material for the meetings will be posted on line ahead of the meeting. Additional material presented at that meeting will be posted as soon as possible. E-mail material notices or comments should be channeled through staff before replying to the entire TSPAC. A quorum for this 25-member committee is 13 members who will need to be present. We will stick to the quorum as far as the voting is concerned.

Agenda Item 3a. Discussion of how we conduct meetings and reach a recommendation for LCDC?

Chair Josi: We need to discuss housekeeping rules. It was agreed upon by the members that there will be a vote after consensus. Majority votes rules and there will be minority report if one is needed. We will present recommendation(s) of the committee by vote and present a minority report (if necessary) before the full LCDC.

Agenda Item 3b. Calendar, Tentative Meeting Schedule

Paul Klarin: I would like to use Meeting Wizard in the future to poll members about future meeting times. Again, everything pertaining to these meetings will be posted on the Web. I will post presentations and other material OPAC TSP is receiving (if members of TSPAC would like to review background information). The OPACTSP has doing the research and ground work by meeting monthly. TSPAC job has been to start the process of reviewing new language and compiling information, they will then turn the draft over to the TSPAC for further refinement, etc. of the product. The full LCDC wants a product they can review by the end of December 2009. The main goal for TSPAC is to create an alternate energy facilities chapter in the Territorial Sea Plan. TSPAC, members should be aware that we will begin meeting regularly during the months of August, September and October of 2009.

Agenda Item 3c Form and Detail of Committee Minutes

Chair Josi: Regarding committee meeting minute, I propose minutes in a summary form instead of detailed minutes. We will still record the motion and voting record in the minutes. Discussion among TSPAC members continued. Members voted to accept the meeting minutes in a summary form.

Discussion among members about an alternate representing a regular TSPAC member were unable to attend a TSPAC meeting, if the alternate would have voting privileges, etc. It was agreed that, if members desired, they could name one alternate to represent them if the TSPAC member were unable to attend a meeting. The chosen alternate needs to be knowledgeable about the subject matter and will be required to vote if needed. Only one alternate per TSPAC member will be allowed, please notify staff of your choice, including contact information so they may be added to the Meeting Wizard. We welcome opinions, etc. from special interest groups if they are not here at the table. Members that have additional questions or concerns about alternates should discuss them with Paul Klarin.

Agenda Item 4 - Background Information on the Territorial Sea Plan Material.

Paul Klarin: It is important that all members read, review and develop an understanding of how the TSP works. The chapters that were distributed to members are the important parts of the TSP. Part II deserves a close inspection from members as this section describes how state agencies use to settle the off shore energy projects in the TSP; Part II will have to be reviewed and changed.

Later on we will discuss how the use of Part II of the TSP was used with the FERC/Reedsport settlement agreement. In the past there are new uses being developed and we have struggled with those new uses, the TSP was amended in 2000 to include cable lines and OPAC is using this as a model of how we will coordinate our new Part V. The entire TSP book is on line at DLCD. Committee members should also look at ORS 196, which described how OPAC was created, however; we are not talking about amending the ORS or Statewide Planning Goal 19 at this time. The TSP needs to be amended to be consistent with ORS 196 and Goal 19.

At the end of this process, DLCD will hold public hearings as part of rulemaking process and public comment will be invited. It is important to notify all of the tribes about this process and the meeting times and dates.

Item 5 OPAC role and process.

Paul Klarin explained to the group why we need TSPAC looking at this policy even though we already have the OPAC TSP members working on this issue earlier. Under ORS Chapter 196, OPAC does not have a way to recommend issues to the LCDC. Additionally, the current make up of OPAC does not represent all of the interests in its membership and the state agencies involved in OPAC are non-voting members. The OPAC TSP will make recommendations to the full OPAC, which will in turn make recommendations to TSPAC. TSPAC will then make recommendations to the full LCDC.

Currently, the OPAC TSP group is meeting in Newport every month and working on the development of Part V. The TSPAC members agreed that they would like to receive copies of their materials and minutes and how it would be beneficial to see how the recommendations were developed. Hopefully, at the end of this process, LCDC will be getting several different recommendations from several different points of view. Discussion followed.

Paul Klarin: At first, the governor has asked about the wave energy, but there is different technologies, that are not strictly wave energy, so we have expanded the language to include all renewable energy facilities in the TSP. Today, there are about 20 to 30 different types of energy prototypes being proposed or deployed, so we must consider wind on water facilities also. With this title in Part V it lets us expand the scope of energy facilities without having to do future amendments. Discussion among members followed.

Discussion among the members turned to data and information needed to map the Territorial Sea and how spatially mapping would help determine the fragile and ecological important areas.

In order to protect areas important to the local communities, we are going to ask the fishermen where they fish and ask them to show us on the maps where they fish. We need maps of fishing areas. There is no new money is available; however, we are trying to get funding. There will be only two areas on the coast where we will have the process completed within the time frame. Unfortunately, we will not be able to get it done by the governor timeline. Discussion followed about whether other funding monies could be found to help this effort,

Chair Josi: Asked if there any comments from the public. Hearing none, Chair Josi thanked all the members for coming today. Reminder: Any members that would like to establish alternates, with voting powers, please let Paul Klarin know. Meeting was adjourned at 12:30 pm.

Respectfully submitted,

Lorinda DeHaan
TSPAC Assistant

Handouts:

- A. Staff Report to LCDC on Request to Initiate Rulemaking and Convene an Advisory Committee regarding Amending the Oregon Territorial Sea Plan for Wave Energy Power Generation Facilities
- B. Staff Report to LCDC on Ocean-Based Energy Facilities Rulemaking Advisory Committee
- C. Territorial Sea Plan Implementation
- D. Territorial Sea Plan Amendment Process