

Oregon Territorial Sea Plan

Adopted 1994



PART TWO:

Making Resource Use Decisions

B. Joint Review Panels (JRPs)

1. Context

Many decisions by government agencies regarding the use of ocean resources require a great deal of coordination among federal, state, and local agencies. Oregon does not have a formal interagency procedure for coordinating these decisions (Ocean Plan, p.168). For example, the State Agency Coordination Program created by ORS 197.180 is very agency-specific. Consequently, it does not set up a single overall coordination program and is not always comprehensive. In response, the Ocean Plan recommends (p. 168) the creation of "project review panels" to coordinate the more complex decisions on ocean development.

The 1991 Legislature responded by specifically authorizing OPAC to create "project review panels to address and coordinate the interests of state, federal and local governments in specific development proposals" (ORS 196.453). OPAC was also given authority to adopt administrative rules for the panels. In turn, OPAC has determined that the name of these coordination mechanisms should be changed to "joint review panels" (JRPs), whose scope would remain the same as for the former "project review panels".

2. Mandatory Policies

a. Purpose of JRPs

Joint Review Panels (JRPs) shall be used when appropriate to coordinate interagency involvement and to provide technical advice to state, federal, and local agencies regarding compliance with the Ocean Plan, the Territorial Sea Plan, and Statewide Planning Goal 19 on specific proposals to use or alter ocean resources. JRP review and recommendations shall focus on technical issues. Specific proposals subject to JRP review may include but are not limited to the following:

- 1.) Applications for permits, leases, or other forms of approval;

- 2.) Development actions being proposed directly by an agency; such as facility construction; alteration of ocean habitat, flora, or fauna; resource management plan;
- 3.) Funding by an agency of another party's development or management actions;
- 4.) Marine resource management plans proposed by government agencies; or
- 5.) Proposed state agency administrative rules.

b. Functions and Duties of JRPs

JRPs may perform any of the following tasks:

- 1.) Advise on preparation of resource inventories and effects evaluations, and comment on their adequacy;
- 2.) Review and comment on the adequacy of NEPA environmental assessments and impact statements, mitigation plans, monitoring programs, and contingency plans;
- 3.) Advise on the design of environmental disturbances, special permit conditions, construction and operational performance standards, lease stipulations, and mitigation measures.
- 4.) Review and comment on alternatives to the proposed action.

c. Membership

- 1.) Flexibility. JRP membership will be determined by OPAC on a case-by-case basis, and may vary according to the nature of the action being considered.
- 2.) Limitations. Membership on any JRP shall:
 - (a) include one non-state agency member of OPAC with no conflict of interest in the proposed action; and
 - (b) in addition, be limited to representatives of entities with regulatory, proprietary, or statutorily mandated consultative responsibilities; and
 - (c) persons not representing an entity described in (a) above, but who have relevant technical expertise and no conflict of interest in the proposed action as defined by state law.

d. When To Convene JRPs

JRPs may be convened only when:

- 1.) There is a need for coordination and review; and
- 2.) No better mechanism exists for interagency coordination and review of the proposed action; and
- 3.) The proposed action involves either:
 - (a) A large, complex project or several related projects that require expertise or authorities of several agencies or from outside state government; OR
 - (b) A new or unique issue or project, the understanding and coordination of which would be significantly improved by additional public exposure and agency coordination.

e. Who Convenes A JRP

- 1.) JRPs may be convened by:
 - (a) OPAC, upon request of a state or federal agency, a local government, or other interested party; OR
 - (b) OPAC on its own initiative.
- 2.) In the interim between regularly scheduled OPAC meetings, a majority of OPAC members or the chair of OPAC may call a meeting of OPAC to consider convening a JRP.

f. Accept Recommendations

Any agency may elect not to accept the JRP's recommendation but shall provide OPAC with written findings and conclusions that explain how the agency's decision is consistent with applicable statutes, rules, and policies.

g. Public Meetings, Public Participation

- 1.) Open Meetings. JRP meetings shall be open to the public, consistent with Oregon open meeting laws (ORS 192.610 et seq.).
- 2.) Opportunity for Comment. Opportunity for verbal and written comment from members of the public shall be provided at JRP meetings regarding the technical recommendations being formulated by the JRP.

h. JRP Authority

JRPs shall have only such authority as granted to them by OPAC; JRPs have no independent authority.

i. Administrative Rules

OPAC shall, by administrative rule, set procedural and substantive requirements and standards it deems appropriate to carry out these policies for JRPs.