Oregon Ocean Policy Advisory Council

Meeting Summary – Jan 3rd & 4th, 2013

The Mill Casino & Hotel| 3201 Tremont Ave | North Bend, Oregon | 97459

Issues Decided/Positions Taken

- The Draft Meeting Summary of the Dec 4th, 2012 Ocean Policy Advisory Council (OPAC) was approved by consensus, with 1 edit in the presentations section revising "Working Group" to say " Advisory Committee".

- OPAC agreed by consensus that the entire results of this meeting, will be provided to the Commission (summarized in Jane Barth's meeting notes, attached) including the REFSSA area vote tally below. It recommends Camp Rilea alternate, Nearshore Reedsport alternate and Lakeside revised areas proceed as REFSSAs. OPAC recommends that Netarts, Nestucca/Pacific City and Langlois areas do not proceed as REFSSAs.

Proposed Area	Votes For	Votes Against
Lakeside revised	11	0
Camp Rilea alternate (only out to 1 nautical mile)	9	1
Nearshore Reedsport alternate	8	0
Gold Beach alternate	6	6
OPT 50 megawatt Build-out	5	6
Camp Rilea	3	3
North Newport	3	5
Nearshore Reedsport	3	3
Nestucca/Pacific City	1	10
Langlois	1	9
Netarts	0	11

Presentations

- David Allen (OPAC rep. on TSPAC) provided an update on the Territorial Sea Plan amendment process.
- Belinda Batten presented the recent work of the Northwest National Marine Renewable Energy Center on the siting process for PMEC.
- Agency staff (Paul Klarin (DLCD), gave a presentation to the Council which reported on the letter from Tim Josi (the TSPAC Chair) to OPAC.
- Agency staff (Andy Lanier) gave a presentation on the Territorial Sea Area Use for Marine Reserves and Protected Areas as related to distance from deep water ports.
- Agency staff (Paul Klarin) gave a presentation on the changes to Part Five as recommended by NOAA.

OPAC Members Attendance

Members Present (voting): **Scott McMullen** (North Coast Commercial Fisheries, OPAC Chair); **David Allen** (Public at Large, OPAC vice-chair); **Jim Pex** (South Coast Charter, Sport or Recreational Fisheries); **Paul Engelmeyer** (Statewide Conservation or Environmental Organization); **Robin Hartmann** (Coastal Conservation or Environmental Organization); **Brad Pettinger** (South Coast Commercial Fisheries; **Fred Sickler** (Coastal Non-Fishing Recreation); **Terry Thompson** (North Coastal County Commissioner); **Frank Warrens** (North Coast Charter, Sport or Recreational Fisheries); **Jack Brown** (Coastal City Official); **Susan Morgan** (South Coastal County Commissioner). [11/14]

Members Present (*ex officio)*: **Richard Whitman** (Office of the Governor); **Caren Braby** (Oregon Department of Fish & Wildlife); **Onno Husing** (Oregon Coastal Zone Management Association); **Patty Snow** (Department of Land Conservation & Development); **Stephen Brandt** (Oregon Sea Grant); **Chris Castelli** (Department of State Lands); **Tim Wood** (OPRD); **Greg Pettit** (DEQ); **Vicki McConnell** (DOGAMI); [10/10]

Members Absent:; **Robert Kentta** (Oregon Coastal Indian Tribes); **Dalton Hobbs** (Dept of Agriculture); **Jim Bergeron** (Ports, Marine Transportation, Navigation); [3]

Staff: **Paul Klarin** (DLCD); **Lorinda DeHaan** (DLCD); **Todd Hallenbeck** (WCGA Fellow); **Paul Klarin** (DLCD); **Andy Lanier** (DLCD, OPAC Staff); **Steve Shipsey** (DOJ); **Gabriela Goldfarb** (Office of the Governor);

Public Comment and Attendance

Public Comment speakers (with affiliation if provided): **Kelly Barnett** (FACT); **Dale Beasely** (CRCFA); **Dave Lacey** (Gold Beach Resident, Our Ocean); **Gus Gates** (Surfrider); **Jim Carlson** (Our Ocean); **Laura Schmidt** (Our Ocean); **Dolce Havill** (Bandon resident); **Hugh Link** (Dung. Crab Commission); **Bob Morrow** (Langlois Resident); **Vania Loredo** (Our Ocean); **Mary Wall** (Langlois Resident); **Anne Nelson; Pete Wall** (Langlois Resident); **Linda Buell** (FACT); **Peter Huhtala** (Clatsop Co.); **Kathy Wall** (Port of Coos Bay); **Loren Goddard** (NSAT); **Ben Entiknap** (Oceana); **Paul Hanneman** (PC Dorymen); **Susan Allen** (Director of Our Ocean); **Don Duehler** (Langlois Resident); **Jon Schaad** (BPA)

Others in Attendance (with affiliation if provided):
Tim Hirsch; Linda Anderson (Our Ocean); **Dave Fox** (ODFW); **Delia Kelly** (ODFW); **Steven Mazo** (ODFW). **Charles Steinback** (Ecotrust); **John N.** (Depoe Bay NSAT); **Ship Hoitwil** (Depoe Bay City Councilman); **Jo & Roger Riebel** (Langlois resident); **Dawn Dumler** (Langlois resident)

Acronyms and Initials:
DLCD-Department of Land Conservation and Development; DOGAMI- Oregon Department of Geology and Mineral Industries; DSL- Department of State Lands; OMD – Oregon Military Department; ODFW-Oregon Department of Fish and Wildlife; OPRD-Oregon Department of

Parks and Recreation; DOJ – Department of Justice; CRCFA- Columbia River Crab Fisherman Association; FACT-Fishermen's Advisory Committee of Tilllamook, TSPWG – Territorial Sea Plan Working Group (an OPAC Subcommittee), NNMREC – Northwest National Marine Renewable Energy Center; PEV- Pacific Energy Ventures; WCGA – West Coast Governors Alliance; BPA- Bonneville Power Administration; USCG- United State Coast Guard; TNC – The Nature Conservancy;

Distributed Materials

1. OPAC Dec 4, 2012 - Draft Meeting Summary
2. David Allen TSPAC Summary Report to OPAC
3. Memo from Tim Josi as TSPAC Chair
4. TSP Draft Maps

Additional Resources

1. Oregon MarineMap
2. Http://www.OregonOcean.info

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For a copy of the video record of this meeting, please contact Andy Lanier at the contact information listed below, and complete a public records request available online at:
http://www.oregon.gov/LCD/docs/publications/DO_110.02_PublicAccesstoDLCDRecords_RequestForm.pdf
Andy.Lanier@state.or.us
(503) 373-0050 x246

Notes from January 3rd and 4th OPAC meeting in North Bend, Oregon
(Drafted by facilitator Jane Brass Barth from her flipchart notes;
Edited by OPAC chair and co-chair and DLCD staff)

The focus of the facilitated section of the January 3rd meeting was Part 5 of the TSP. Each OPAC member was asked to identify any issues s/he wanted to discuss regarding Part 5. All issues were listed on a flipchart and the group began working through the list. This discussion carried over into the morning of January 4th to cover most of the issues and to make decisions on recommended changes to the Part 5 document. The afternoon of January 4th the focus shifted to sideboards and area designations.

Part 5 Issues and Related Recommendations

- Visual Section:
  - Suggestion made by Kris Wall, NOAA, to define the terms *seascape* and *viewshed* in the Appendix A to avoid confusion.
  - Revised language related to visual contrast (page 17) was accepted by OPAC by consensus.
  - OPAC approved by consensus that a score of 24 or more for scenic quality evaluation will be the rating for special areas.

- Financial capacity: Important to OPAC members that applicants for marine renewable energy (MRE) projects be financially viable. One key concern was to not waste state agency time and resources on reviewing applications from entities that do not have the financial capacity to complete the application process. As articulated by Richard Whitman, financial capacity to actually complete a project and to deal with any accidents and eventual decommissioning also are important.
  - OPAC supported the inclusion of a Financial Assurance Plan section within Part 5. This section is directed at assuring "holders" have the capacity to plan, construct, operate and decommission MRE facilities.
  - OPAC supported DSL incorporating financial viability requirements in its MRE application forms and process.
  - OPAC supported the JART process including a review of financial viability. It was unclear how person(s) with expert knowledge in financing large-scale MRE projects would best be included in the JART process. Agencies will work this out.
  - OPAC suggested including general guidance on financial viability in the JART section, but the facilitator's notes do not indicate if draft wording was inserted in the Part 5 document.
  - OPAC supported by consensus inclusion of language offered by Richard Whitman regarding decommissioning.
  - The vice chair, David Allen, initially wanted to require proof of testing of MRE devices prior to application. His concerns were satisfied via these financial viability additions.

- JART membership, roles, and responsibilities

- OPAC recommended by consensus that Ports be listed on top of page 5, section 3.a.3)
- OPAC recommended that a sentence be added to the introductory paragraph of section 3 to indicate that the intent is inclusiveness, especially the people in impacted area.
- OPAC discussed the importance of including people with marine operations and also financing MRE projects in the JART review process. They acknowledged that these people would more likely be involved as contracted resource experts rather than volunteer JART members. OPAC expressed satisfaction in leaving the details of working this out to the DSL.
- OPAC discussed the potential role of the JART in project monitoring and adaptive management. The main purpose would be to ensure continued public involvement in the adaptive management process. There was not support to convene the JART for this purpose. Rather, OPAC supported by consensus additional language on page 22 in the Agreements section and also adding a public engagement plan within the monitoring plan (page 21).

- Buffers around ISUs: The focus of the discussion was whether to specify buffer distances in Part 5 or leave the specific distances to ODFW guidelines. All members want specificity in a document that applicants can reference. They did not, however, all think that Part 5 was the appropriate document. Points in favor of specifying buffer distances were for transparency. Point against were for flexibility and the unintended application of buffer distances for other uses.
  - First, OPAC agreed by consensus to include rocks as ISUs.
  - OPAC did not come to consensus on whether to include specific buffer distances so it took a vote. OPAC agreed by majority vote to include new language in Part 5 on page 14. That language did not include specific buffer distances, but rather directed applicants to consult with ODFW regarding buffers prior to submitting an application.
  - OPAC will include in its letter to LCDC the number and names of members who preferred including specific buffer distances. (n=2 Robin Hartmann, Paul Engelmeyer.)

- Estuaries
  - OPAC agreed by consensus to recommend estuaries be considered ISUs. They asked staff to work on the appropriate language by the LCDC meeting.

- Cumulative effects, *biological/ecological*
  - OPAC agreed by consensus to add the words “but not limited to” on page 9 section 4) A) last sentence before the numbered list.

- Cumulative effects, *social and economic*

- No specific changes to Part 5 were identified. OPAC stressed the importance of continuing to develop tools to measure these fishing and shoreside impacts. They noted the recent work on a tool with OWET funding. They are interested in discussing this topic as part of future OPAC work.

- Terminology: OPAC discussed extensively the lack of clarity in the terms *significant reduction* (page 13) and *minimize*, which is used throughout the document. Examples can be found on page 13 section B). It was noted that the TSP does include a definition of *significance* which could be helpful. Also the term *minimal* is used in places and there was higher comfort with that term than *minimize*.
  - They did not reach agreement on replacement terms or sample %s to include. Rather they chose an aspirational approach.
  - OPAC approved by consensus to forward to LCDC a declaration of intent to

    A) make these terms and their definitions clearer to future users of the document and
    B) develop measurable thresholds

- OPAC review of the TSP Part 5
  - The Chair, Scott McMullen, requested that more specific language be added on page 23 indicating that OPAC could review the document without waiting for the 7 year or 1% trigger. No official vote was taken on this, but others supported it and the facilitator's sense is that OPAC would have agreed to this clarification.

<u>Sideboards and REFSSAs</u>
OPAC supported the following sideboards by consensus:

- **Distribution by 1/3 of total build-out cap** in 60-mile radius area around each deepwater port area (Astoria, Newport, and Coos Bay) within the initial 7 year period.

- **Flexible Siting** (i.e., larger sites that allow for specific project site decisions within it to fit the specific technology). Note: During the discussion, staff pointed out that flexible siting was not feasible with the current set of REFSSAs. OPAC members still wanted to show their support for micro-siting as Oregon moves forward with MRE.

- **Maximum total 5% of TS in REFSSA's**

OPAC supported the following sideboard by a majority vote of 9-2. With a separate vote, OPAC did not support a 3% project build-out (vote 2 for, 9 against).

- **Total 2% Project Build out** (the development footprint authorized under a FERC license or an authorization from DSL)

OPAC did not vote on the sideboard supported by TSPAC of "At least 4-5 areas on coast suitable for marine renewable energy counting Camp Rilea and Reedsport OPT 50 megawatt sites." OPAC chose to get to the number of REFSSAs it would support by discussing and voting on individual areas. Before voting, DLCD staff reviewed the area locations and size on Marine Map. Then a subset of OPAC members proposed alternatives to the Camp Rilea and Nearshore Reedsport areas. This group also recommended that the OPT build-out area not be set as a REFSSA, but rather revert to the underlying RUCA. OPAC did not vote on this recommendation alone. Instead, all voting members were asked to vote for what areas they supported as REFSSAs and which they did not support being REFSSAs.

A total of 11 areas were under consideration during the vote. Eleven members voted. The total votes for each area don't always total 11 because some people did not vote for certain areas. The Gold Beach 12 is an unexplained anomaly.

	Votes For	Votes Against
Camp Rilea	3	3
Camp Rilea alternate (only out to 1 nautical mile)	9	1
Netarts	0	11
Nestucca/Pacific City	1	10
North Newport	3	5
OPT 50 megawatt Build-out	5	6
Nearshore Reedsport	3	3
Nearshore Reedsport alternate	8	0
Lakeside revised	11	0
Langlois	1	9
Gold Beach alternate	6	6

Prior to adjourning, OPAC supported the following motion (moved by Fred Sickler; seconded by Susan Morgan) by a vote of 10-1 (n=Robin Hartmann):

OPAC will provide to the Commission the entire results of this meeting, including this tally reorganized from most to least support. It recommends Camp Rilea alternate, Nearshore Reedsport alternate and Lakeside revised areas proceed as REFSSAs. OPAC recommends that Netarts, Nestucca/Pacific City and Langlois areas do not proceed as REFSSAs.