

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED

02/27/2023 9:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Territorial Sea Plan Part Three

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/20/2023 9:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97301

Filed By:
Casaria Taylor
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/22/2023

TIME: 12:00 PM

OFFICER: Andy Lanier

HEARING LOCATION

ADDRESS: OSU Hatfield Marine Science Center, 2030 SE Marine Science Drive, Building 909, Newport, OR 97365

DATE: 04/20/2023

TIME: 8:30 AM

OFFICER: LCDC

HEARING LOCATION

ADDRESS: Oregon Department of Agriculture Building, 635 Capitol St., Basement Hearing Room, Salem, OR 97301

SPECIAL INSTRUCTIONS:

Individuals interested in testifying should sign-up using the agency's online sign-up form

<https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx>

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-205-0468

CONFERENCE ID: 84344138592

SPECIAL INSTRUCTIONS:

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<https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx>

NEED FOR THE RULE(S)

This rule applies to management of State of Oregon owned and managed resources on the ocean shore. The Ocean Policy Advisory Council (OPAC) recommended six new site management designations identified through a community-based proposal process. Each site management designation identified specific needs which were addressed by the type of designation and the proposed management measures. Ecosystem protection, wildlife disturbance mitigation, and human impact reductions were generally the driving reasons for the new management area designations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Statewide Land Use Planning Goal 19: Ocean Resources - <https://www.oregon.gov/lcd/OP/Documents/goal19.pdf>

Oregon Territorial Sea Plan - <https://www.oregon.gov/LCD/OCMP/Pages/Territorial-Sea-Plan.aspx>

Ocean Policy Advisory Council Website - <https://www.oregonocean.info/index.php/opac-menu>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Rocky Habitat Management Strategy has a goal of protecting important recreational, educational, and environmental resources for the benefit of all the people of Oregon. The site management designations were generated through a rigorous public process which invited public comment in all phases of work. The resulting designations reflect a balance of continued use and conservation, which will be applied to all races equally with one exception, Federally Recognized Indian Tribal Governments and their citizens. The department coordinated and consulted with all interested tribal governments and has committed to doing so in the implementation phase of the new management designations. Importantly, the recently adopted Rocky Habitat Management Strategy includes language in the policies and management designation descriptions clearly providing that management designations in the TSP do not impact existing tribal government and citizen rights to access resources determined through other governmental coordination mechanisms (co-management agreements, memorandum of understanding, or other legally binding agreements).

FISCAL AND ECONOMIC IMPACT:

None identified.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) State agencies (ODFW, OPRD, DSL, DLCD) are required to act in accordance with the Plan policies and site designations and may require rulemaking and the use of staff resources and personnel.

2) (a) The department has not identified any small business of any type subject to the rules.

(b) Small businesses will not be expected to perform additional record keeping or administrative activities outside of the requirements of current administrative rules.

(c) The department has not identified cost to small businesses is associated with this rule in regard to professional services, equipment supplies, labor, or increased compliance administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A number of small business entities were involved in the review of these site designations through membership of the Ocean Policy Advisory Council (OPAC) and its subcommittee, the Rocky Habitat Working Group (RSWG), as well as through public comment. The makeup of OPAC is representative of all coastal interests. The working group was made up of representatives from the coastal recreation and tourism industries, conservations groups, coastal research institutions, local government and ports, and management agencies.

HOUSING IMPACT STATEMENT:

Description of proposed change: (Please attach any draft or permanent rule or ordinance) No change in the cost of developing a house was identified as a result of this rule.

Description of the need for, and objectives of the rule: This rule applies to management of six specific State of Oregon owned and managed resources on the ocean shore. The Ocean Policy Advisory Council (OPAC) recommended six new site management designations identified through a community-based proposal process. Each site management designation identified specific needs which were addressed by the type of designation and the proposed management measures. Ecosystem protection, wildlife disturbance mitigation, and human impact reductions were generally the driving reasons for the new management area designations.

List of rules adopted or amended: 660-036-0000

Materials and labor costs increase or savings: n/a

Estimated administrative construction or other costs increase or savings: n/a

Land costs increase or savings: n/a

Other costs increase or savings: n/a

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

AMEND: 660-036-0000

RULE SUMMARY: This rule incorporates Rocky Habitat Management Strategy site designations for Part Three of the Oregon Territorial Sea Plan.

CHANGES TO RULE:

660-036-0000
Territorial Sea Plan ¶¶

The Land Conservation and Development Commission adopts and herein incorporates by reference as part of the Oregon Coastal Management Program, the Territorial Sea Plan:¶¶

(1) Part One (Ocean Management Framework) approved by the Ocean Policy Advisory Council on August 12, 1994, and as amended May 4, 2001.¶¶

(2) Part Two (Making Resource Use Decisions) approved by the Ocean Policy Advisory Council on August 12, 1994.¶¶

(3) Part Three (Rocky Habitat Management Strategy) ~~approved~~ recommended by the Ocean Policy Advisory Council on November 4, 2021, and December 9, 2022.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 196.471, ORS 197.040, ORS 196.443(1)(a)

Statutes/Other Implemented: ORS 196.465, ORS 196.471