



**OCMP**

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Oregon Coastal  
Management Program

# **Offshore Wind: Oregon Review Update**

March 22, 2024



# THE OREGON COASTAL MANAGEMENT PROGRAM



## Policies & Plans

- Coastal Goals,
- Territorial Sea Plan
- Estuary Planning
- Hazard Planning



## Federal Consistency Authority

- Allows application of state policies to federal activities.



## Networked Program

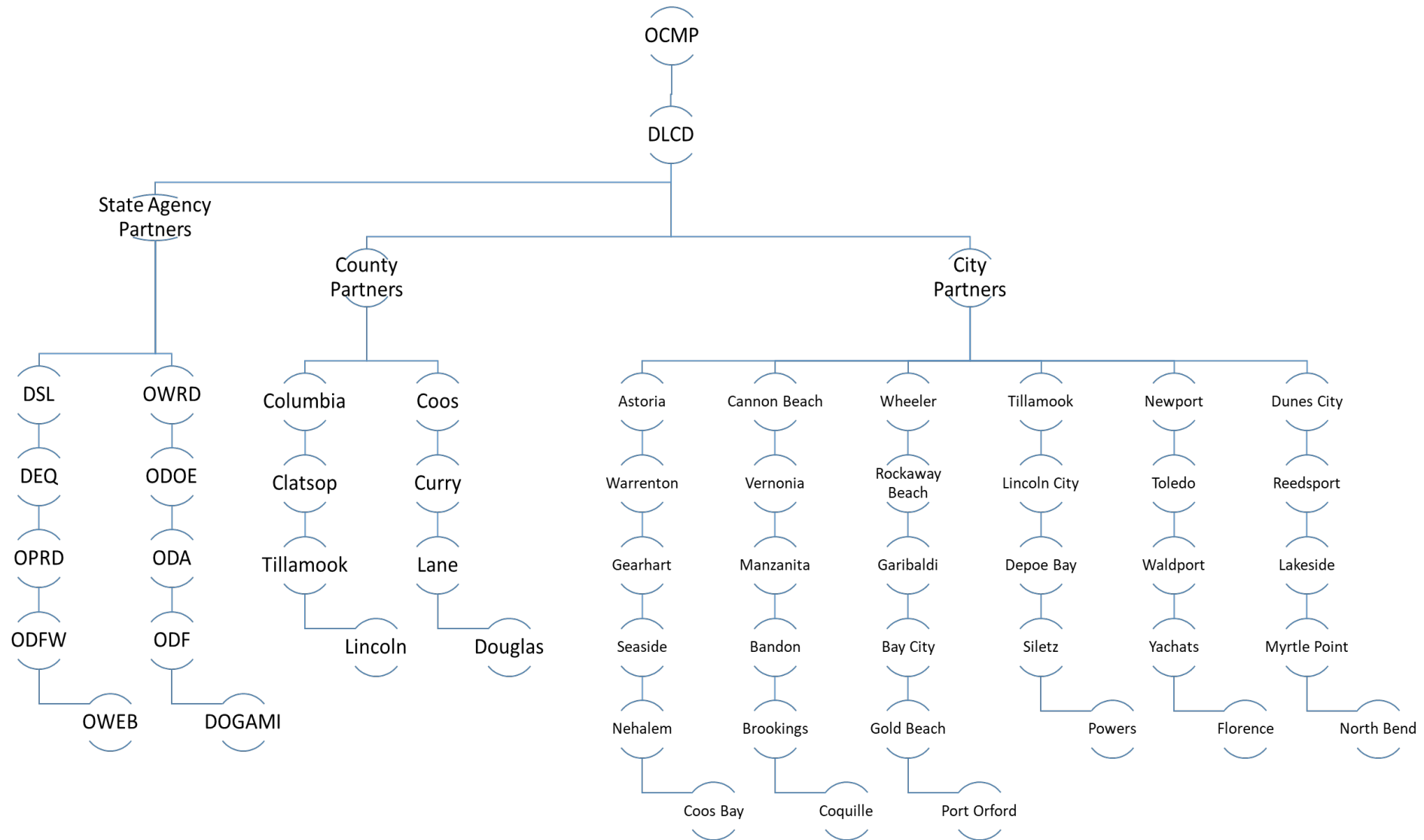
- A network of state and local partners that help implement the Program.

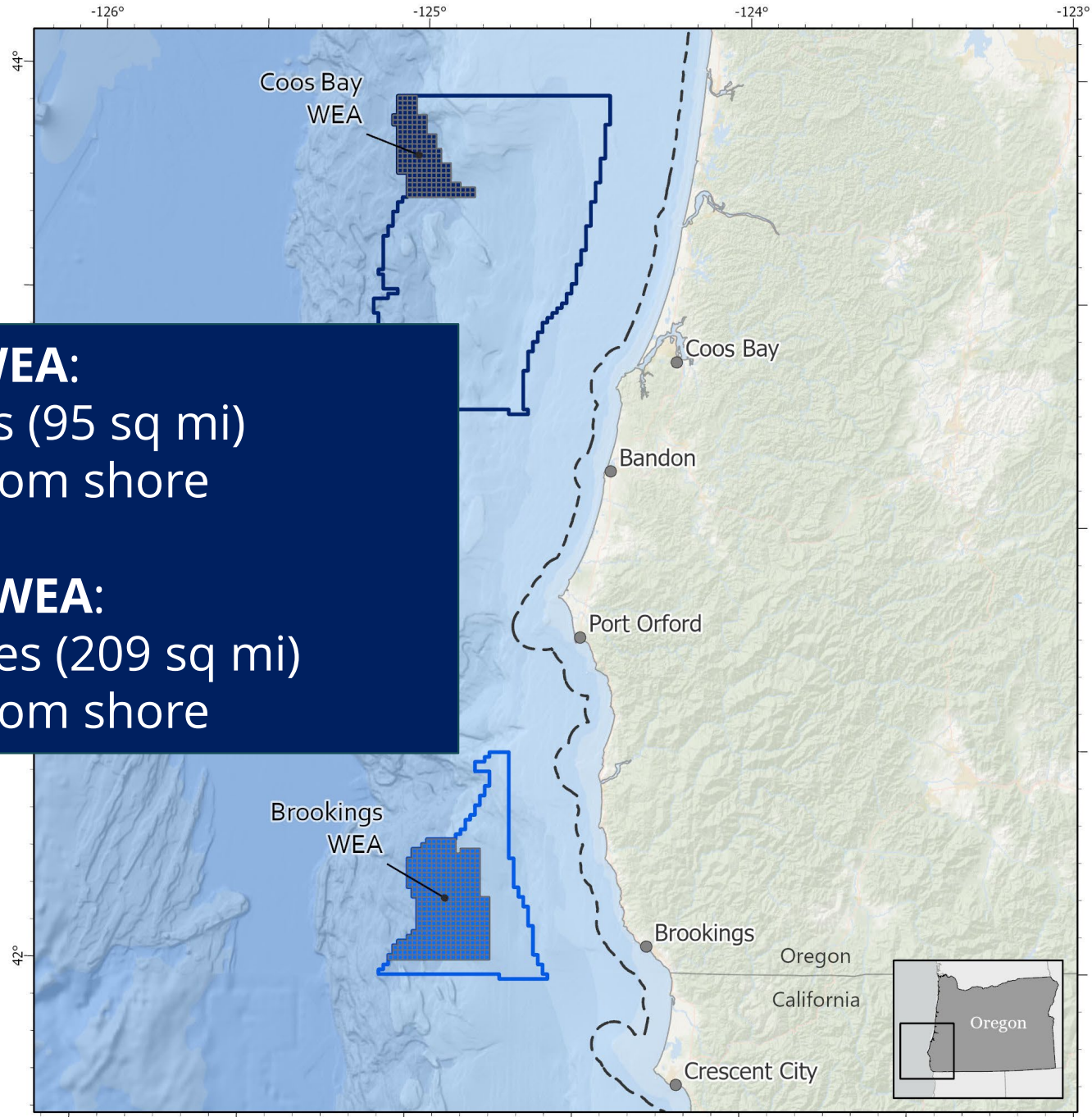


Housed within the  
Department of Land Conservation and Development (DLCD)



# What is the Oregon Coastal Management Program?



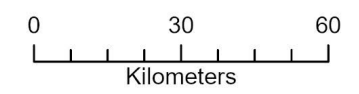


**Coos Bay WEA:**  
 61,204 acres (95 sq mi)  
 ~32 miles from shore

**Brookings WEA:**  
 133,808 acres (209 sq mi)  
 ~18 miles from shore

# Oregon Wind Energy Areas

- Federal / State Boundary
- Oregon Principal Ports
- ▭ Coos Bay Call Area
- ▭ Brookings Call Area
- Coos Bay WEA
- Brookings WEA



Scale: 1:1,360,000

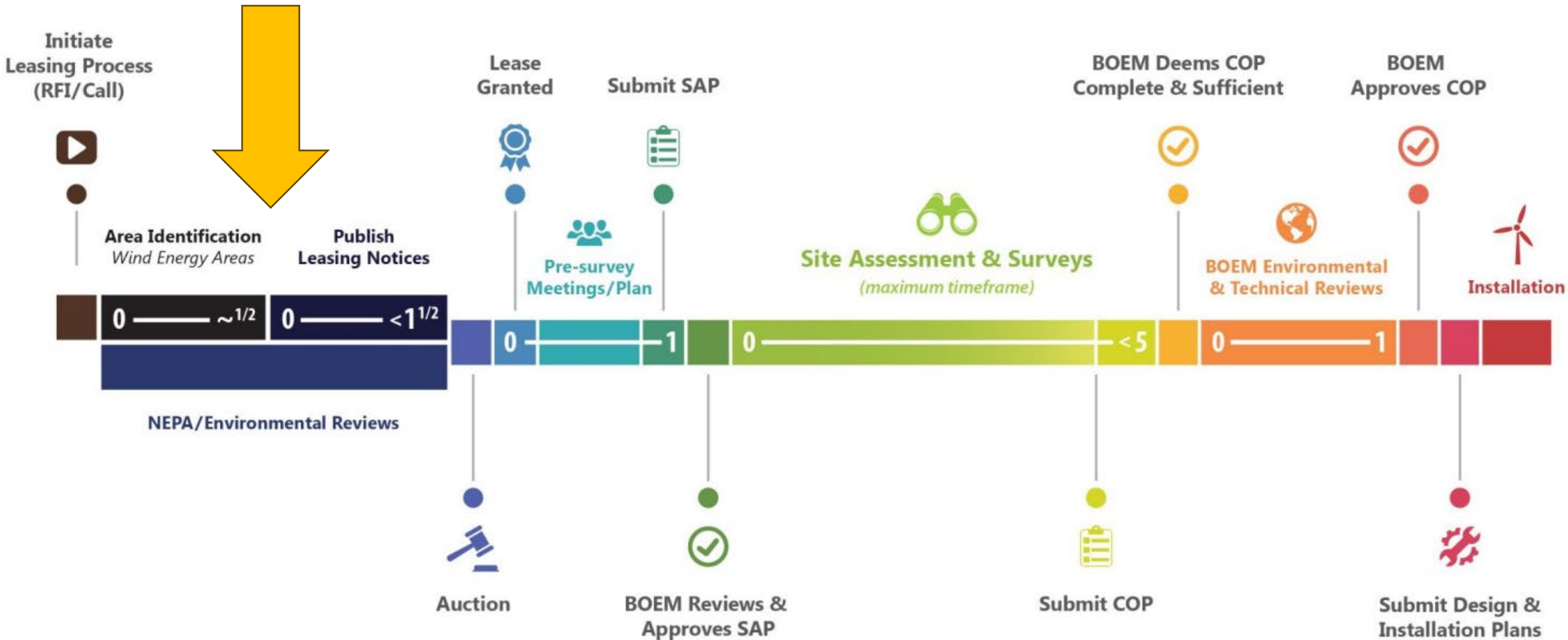
Map Date: 2/9/2024 PAC\_10039  
 Datum: North American 1983



Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS, CHS, Esri, GEBCO, Garmin, NaturalVue

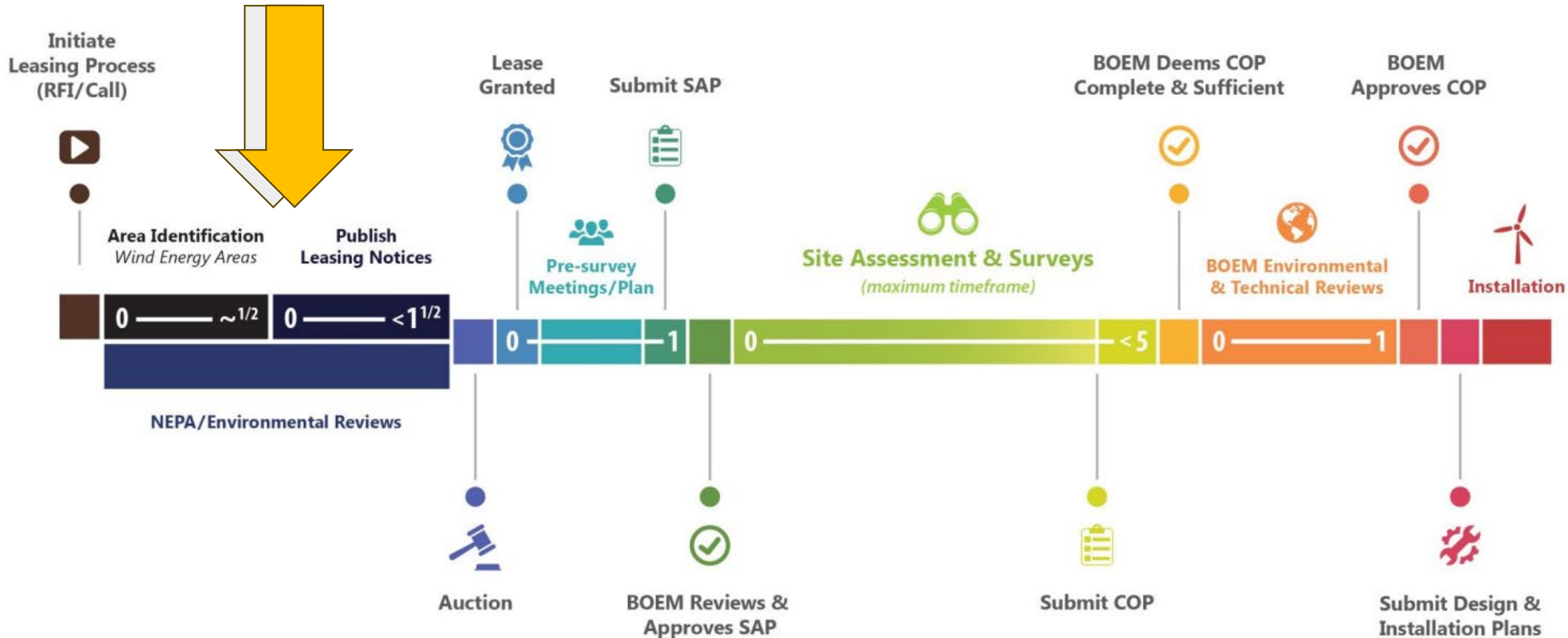
# BOEM Offshore Wind Process

We are here



# BOEM Offshore Wind Process

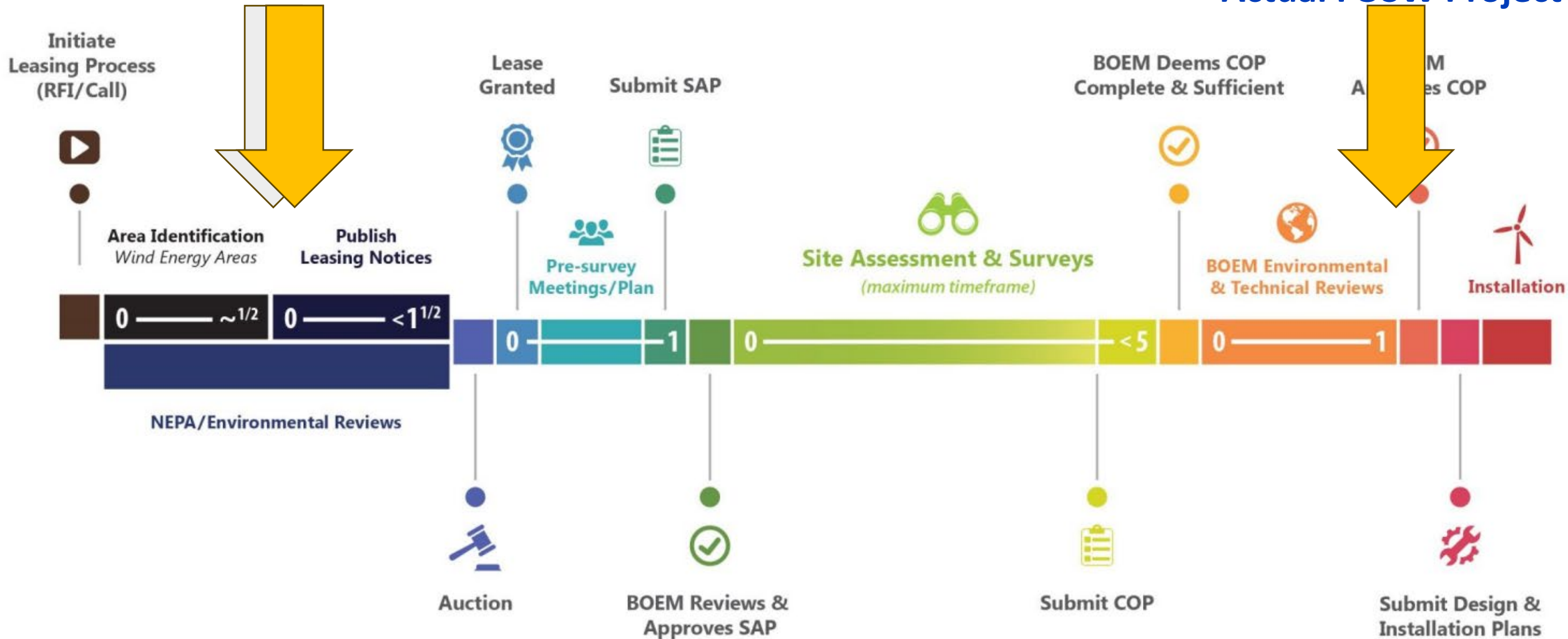
## State's First Consistency Review



# BOEM Offshore Wind Process

## State's First Consistency Review

## Consistency Review of Actual FOSW Project



# Coastal Zone Management Act of 1972 (CZMA)

- The CZMA recognizes:
  - Coastal resources are limited and unique.
  - Coastal communities and economies could be greatly affected by certain actions taken by the federal government
- CZMA acts as an additional process for federal actions in state coastal zones.
- CZMA requires federal government to consider state interests before acting.



# Federal Consistency, a coordination tool:

Holistic state review of federal activities to assure consistency with state and local enforceable policies.

## Gives us the ability to influence federal activities

- **Permits** – 6 month review
- **Licenses** – 6 month review
- **Federal Agency Activities** – 2 month review

## Review Outcomes

- **Concurrence:** Project is consistent and may proceed
- **Conditional Concurrence:** “Yes if . . .”
- **Objection:** Project cannot move forward\*
- **Presumed Concurrence:** Procedural concurrence

### Technical Terms:

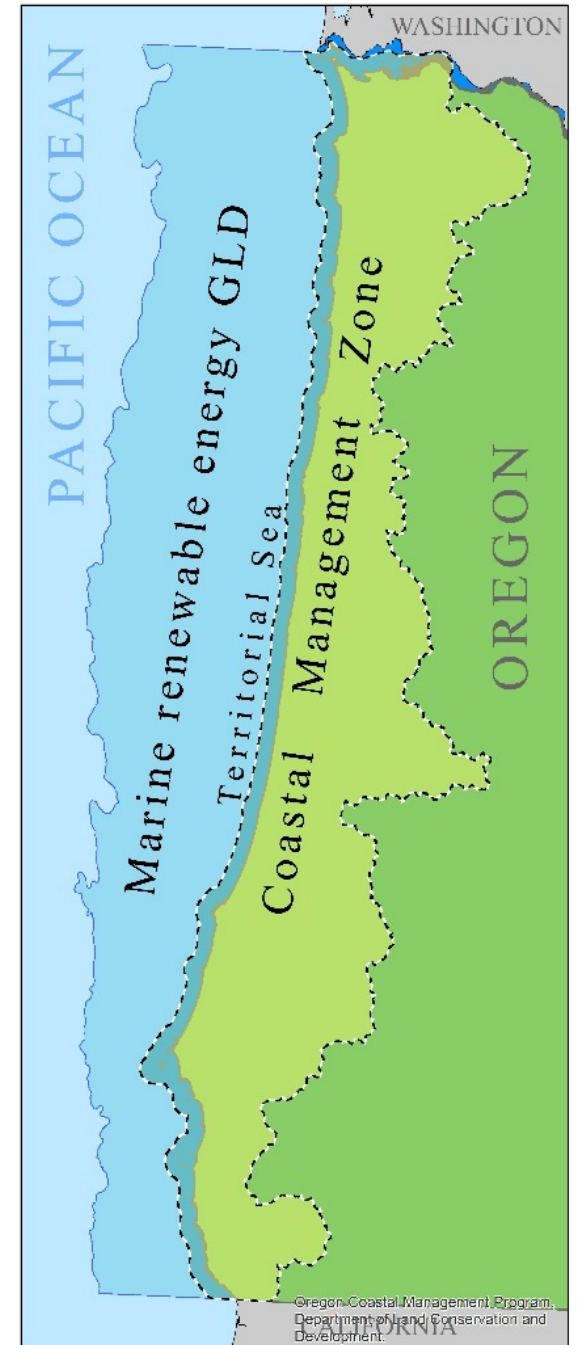
Federal activities – all activities that a federal entity has jurisdiction over.

Enforceable policies – the strongest standards within state and local policies.



# Where does Federal Consistency Apply?

- The entire coastal zone
- To any projects that have reasonably foreseeable impacts to coastal resources
- Within federally approved Geographic Location Descriptions (GLD)
  - Oregon has one specific to Marine Renewable Energy activities
- Federally owned lands in some cases





## What Coastal Effects are Subject to Review?

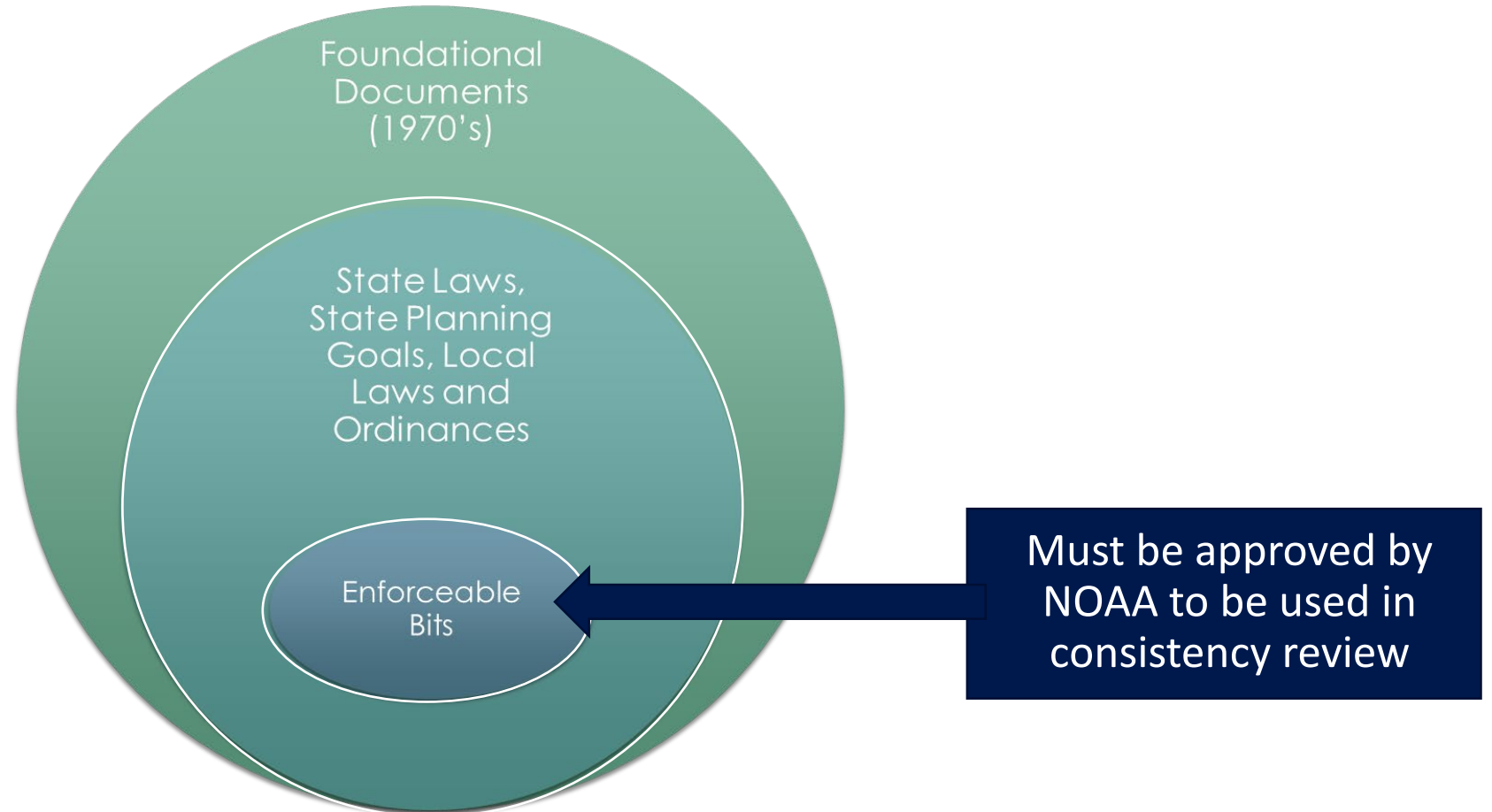
Review is required when there are reasonably foreseeable effects, including indirect and cumulative effects

Key Coastal Uses and Resource areas:  
cultural, natural, economic, recreational, and aesthetic



# Consistency Reviews Rely on ‘Enforceable Policies’

- Not all statute sections are enforceable policies
- Not all local codes are enforceable policies.



For a full list of Oregon's Enforceable Policies, visit:  
[www.tinyurl.com/OREPs](http://www.tinyurl.com/OREPs)



**Oregon's Enforceable Policies**

**State Policy**

**Statewide Land Use Planning Goals**

Forest Lands

Natural Hazards

Coastal Shorelands

Ocean Resources

Estuarine Resources

Beaches & Dunes

Natural Resources,  
Scenic & Historic  
Areas

**Oregon Administrative Rules**

Land Conservation & Development

Water Quality  
Standards

Wildlife

**Oregon Revised Statutes**

Dredge & Fill

Fish, Wildlife,  
& Plants

Air & Water

Oil, Gas, & Mining

Development

Energy

Ocean & Wetlands

Waste Systems

**Other**

Geographic Location  
Description: Offshore  
Renewable Energy

Territorial Sea Plan,  
Parts 2-5

**Local Policy**

**County Policies**

Comprehensive Plans

Land Use Regulations

Estuary Management Plans

**City Policies**

Comprehensive Plans

Zoning Ordinances

Estuary Management Plans

# The Coastal Goals

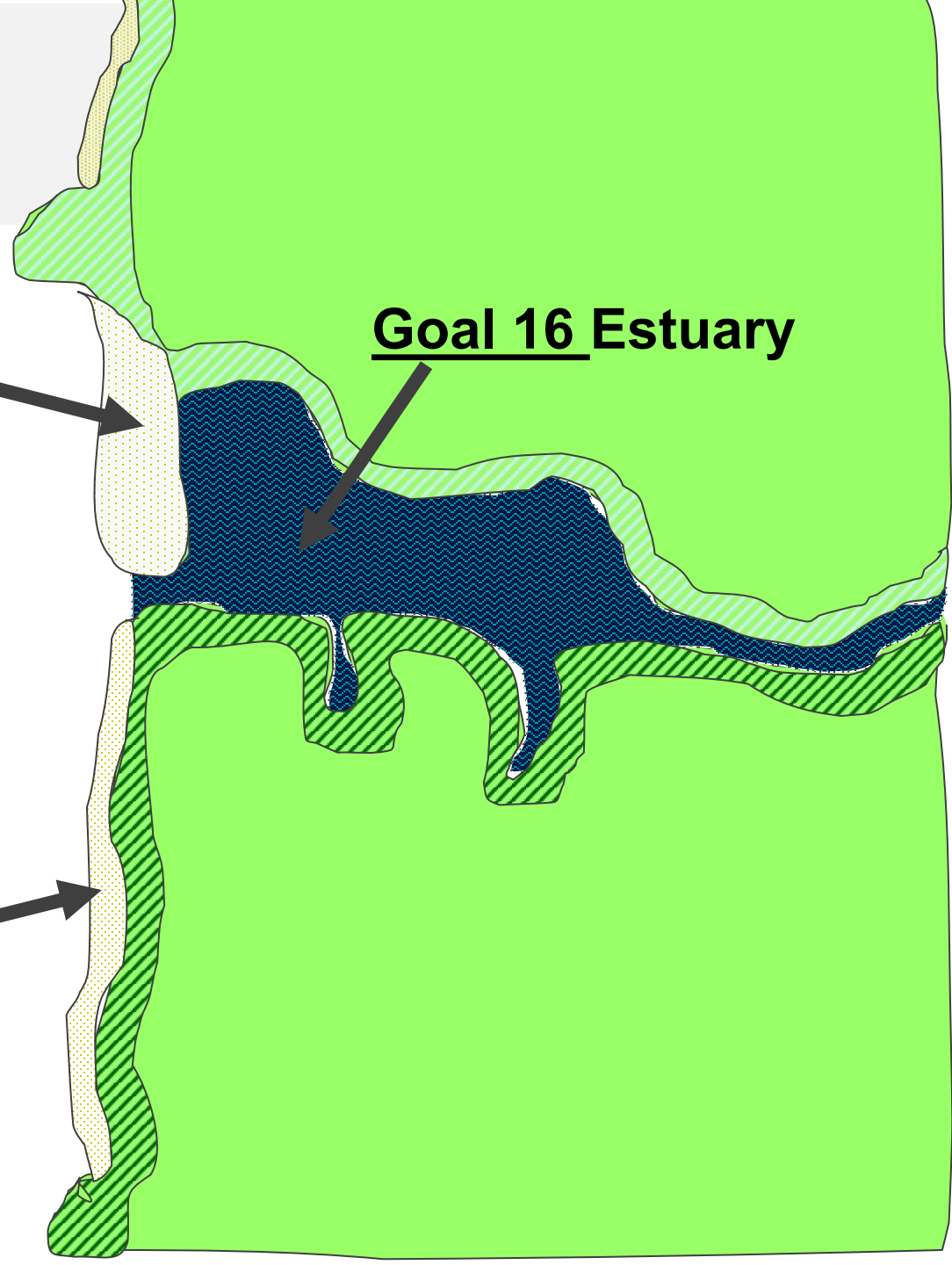
*A subset of Oregon's Land Use Planning Goals*

Goal 17 - Shorelands

Goal 16 Estuary

Goal 19 - Ocean Resources

Goal 18 - Beaches & Dunes



# Goal 19 Ocean Resources

“conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values and benefits and **to give higher priority to the protection of renewable marine resources--i.e., living marine organisms--than to the development of non-renewable ocean resources.”**



# Territorial Sea Plan Part 5

## Marine Renewable Energy Siting

### Part Five Chapter

### Plan map & Area designations

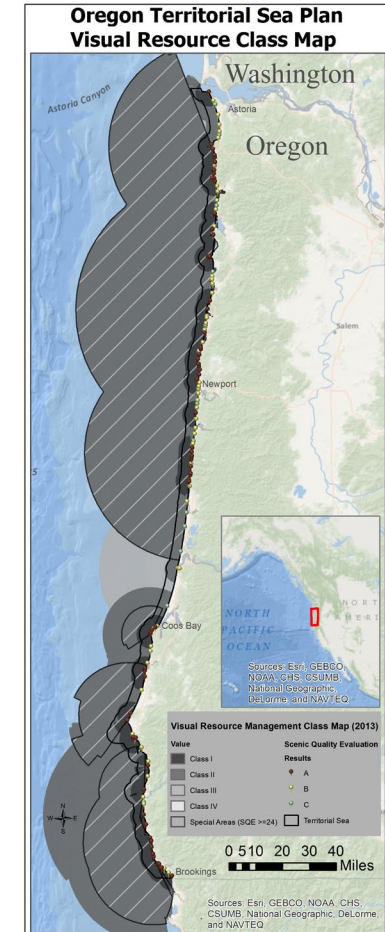
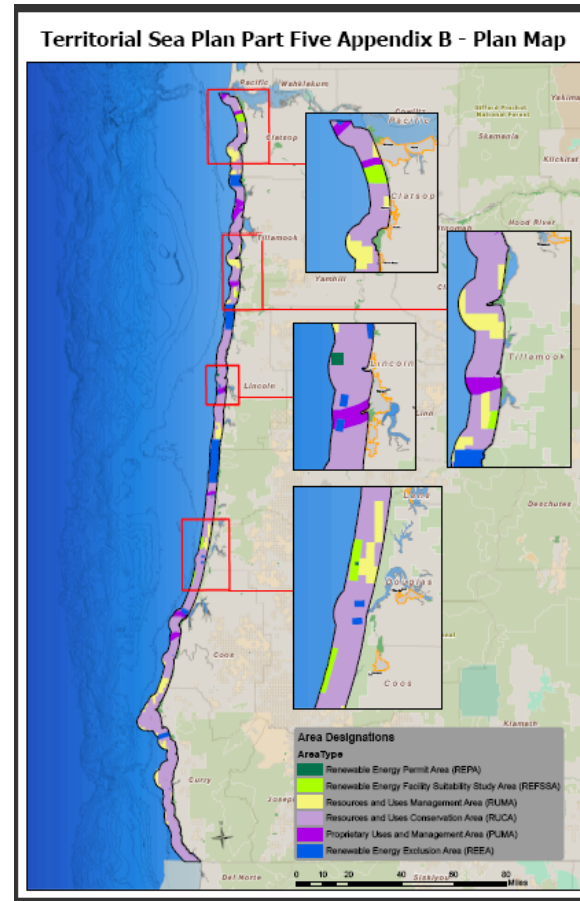
### Resources & Uses Inventory

1 Oregon Territorial Sea Plan  
 2  
 3 **PART FIVE:**  
 4 **Use of the Territorial Sea for the Development of**  
 5 **Renewable Energy Facilities or Other Related**  
 6 **Structures, Equipment or Facilities**  
 7  
 8 **PART FIVE** of the Oregon Territorial Sea Plan<sup>1</sup> describes the process for making  
 9 decisions concerning the development of renewable energy facilities (e.g. wind, wave,  
 10 current, thermal, etc.) in the state territorial sea, and specifies the areas where such  
 11 development may be sited. The requirements of Part Five are intended to protect areas  
 12 important to renewable marine resources (i.e. living marine organisms), ecosystem  
 13 integrity, marine habitat and areas important to fisheries from the potential adverse  
 14 effects of renewable energy facility siting, development, operation, and decommissioning  
 15 and to identify the appropriate locations for that development which minimize the  
 16 potential adverse impacts to existing ocean resource users and coastal communities.  
 17  
 18 Oregon's renewable energy portfolio lists ocean energy as a renewable energy source with  
 19 potential to reduce dependence on fossil fuels.<sup>2</sup> Renewable ocean energy facilities  
 20 development may present opportunities to apply technologies that rely on wind, wave,  
 21 wind current or thermal energy, ~~which~~ which may potentially reduce the environmental  
 22 impact of fossil fuels. Oregon prefers to develop renewable energy through a  
 23 precautionary approach that supports the use of pilot projects and phased development in  
 24 the initial stages of commercial development. If developed in a responsible and

<sup>1</sup> See Part One, section C for the Oregon Territorial Sea and Territorial Sea Plan description.  
<sup>2</sup> It is the goal of Oregon to develop permanently sustainable energy resources and the policy of the state to encourage the development and use of these resources. ORS 469.010(2) provides in part:  
 "It is the goal of Oregon to promote the efficient use of energy resources and to develop permanently sustainable energy resources. The need exists for comprehensive state leadership in energy production, distribution and utilization. It is, therefore, the policy of Oregon:  
 "(a) That development and use of a diverse array of permanently sustainable energy resources be encouraged utilizing to the highest degree possible the private sector of our free enterprise system.  
 \*\*\*\*\*  
 "(g) That state government shall provide a source of impartial and objective information in order that this energy policy may be enhanced."

V.12413 (SS edit)

**OREGON TERRITORIAL SEA PLAN Part Five: Use of the Territorial Sea for the Development of Renewable Energy Facilities or Other Related Structures, Equipment or Facilities**  
 Page 1 of 39





# 15 CFR 930 Subpart C Review Process

(Federal Agency Activities, e.g., BOEM Lease Decision)

## CZMA Determination Submitted

- Effects Evaluation
- Enforceable Policy Analysis

## 60 Day Review Initiates

- Coordination with Network Partners
- Review EP Analysis & Coastal Effects

## 30 Day Public Comment Period

## Issue Decision

- Concur, Concur with Conditions, Object
- No Appeal Process – Court Mediation

\*\*Exempt from requirement to receive state or local permits, but still need to show consistency with underlying policies.



# Review Outcomes

## Concurrence

Action as proposed is consistent with state enforceable policies.

## Concurrence with Conditions

Requires agreement with federal agency responsible for action  
State cannot enforce under CZMA.

## Objection

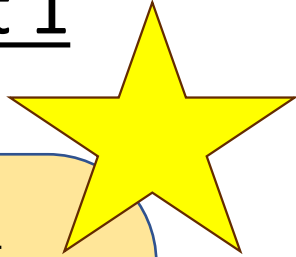
Requires reason based on enforceable policies or insufficient information. Federal Agency cannot move forward unless it overrides based on “Consistent to the Maximum Extent Practicable” standard.



# Federal Consistency “Touch Points” for Offshore Wind

30 CFR 585 and 15 CFR 930

## Touch Point 1



### BOEM Lease Sale

Grants the right to develop a plan for use of the area

### Reasonably expected effect

Lessees will perform resource assessment activities

### State CZMA Review

2-month review  
Public Comment Period

Application  
& NEPA EIS  
Development  
(*est. 5-? Years*)

## Touch Point 2

### Construction & Operations Plan

Describes how the lessee will construct and operate a commercial wind project on a commercial lease

### State CZMA Review

6-month review  
Public Comment Period

### Section 404 Permit

U.S. Army Corps of Engineers  
Subsea cable installation

### State CZMA Review

6-month review  
Public Comment Period

May take place as joint review

# Expected Scope of the CZMA Lease Decision

Federal Waters

State Waters

## Lease Block

Fixed temporary installations:  
Oceanographic buoys

From vessels:  
Geophysical Surv.  
Geotechnical Surv.  
Biological Surveys

### Potential easement areas for subsea cables

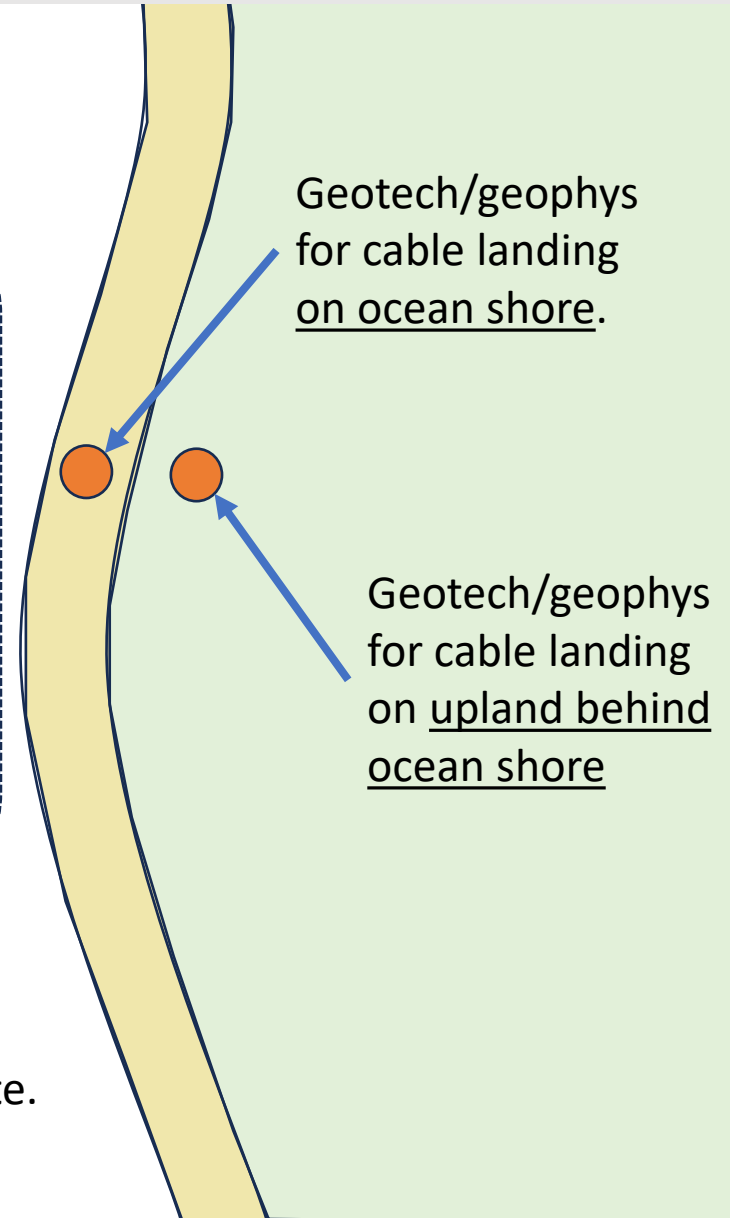
- Geotechnical/Geophysical surveys from vessels. May include coring/sampling.
- Benthic/Avian/Fish/Mammal surveys from vessels
- Vessel transit to/from lease area.

Hypothetical  
characterization site.

Hypothetical  
characterization site.

Geotech/geophys  
for cable landing  
on ocean shore.

Geotech/geophys  
for cable landing  
on upland behind  
ocean shore



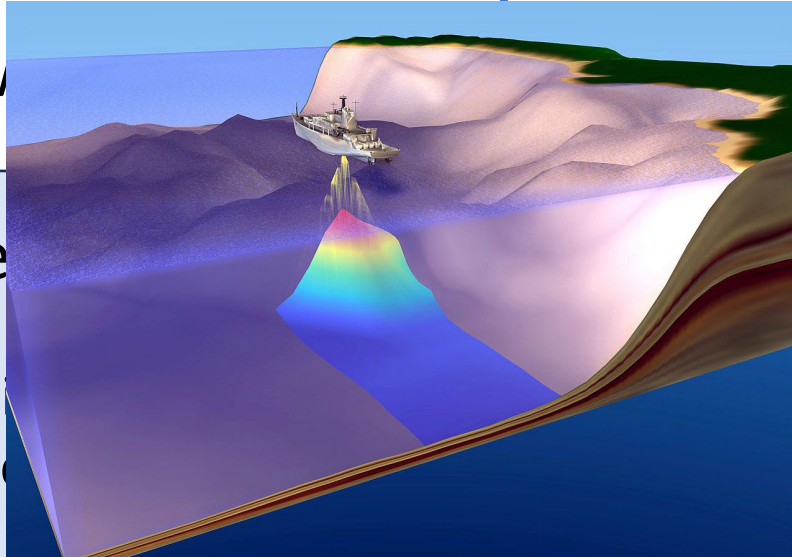
# Expected Scope of the CZMA Lease Decision

Federal Waters

Waters



Figure 2-5: 6-Meter Boat-Shaped Hull Buoy  
Source: National Data Buoy Center 2012



potential e

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y inclu

thic/Avian/Fish/Mammal surveys from vessels

sel t

cables

sels.



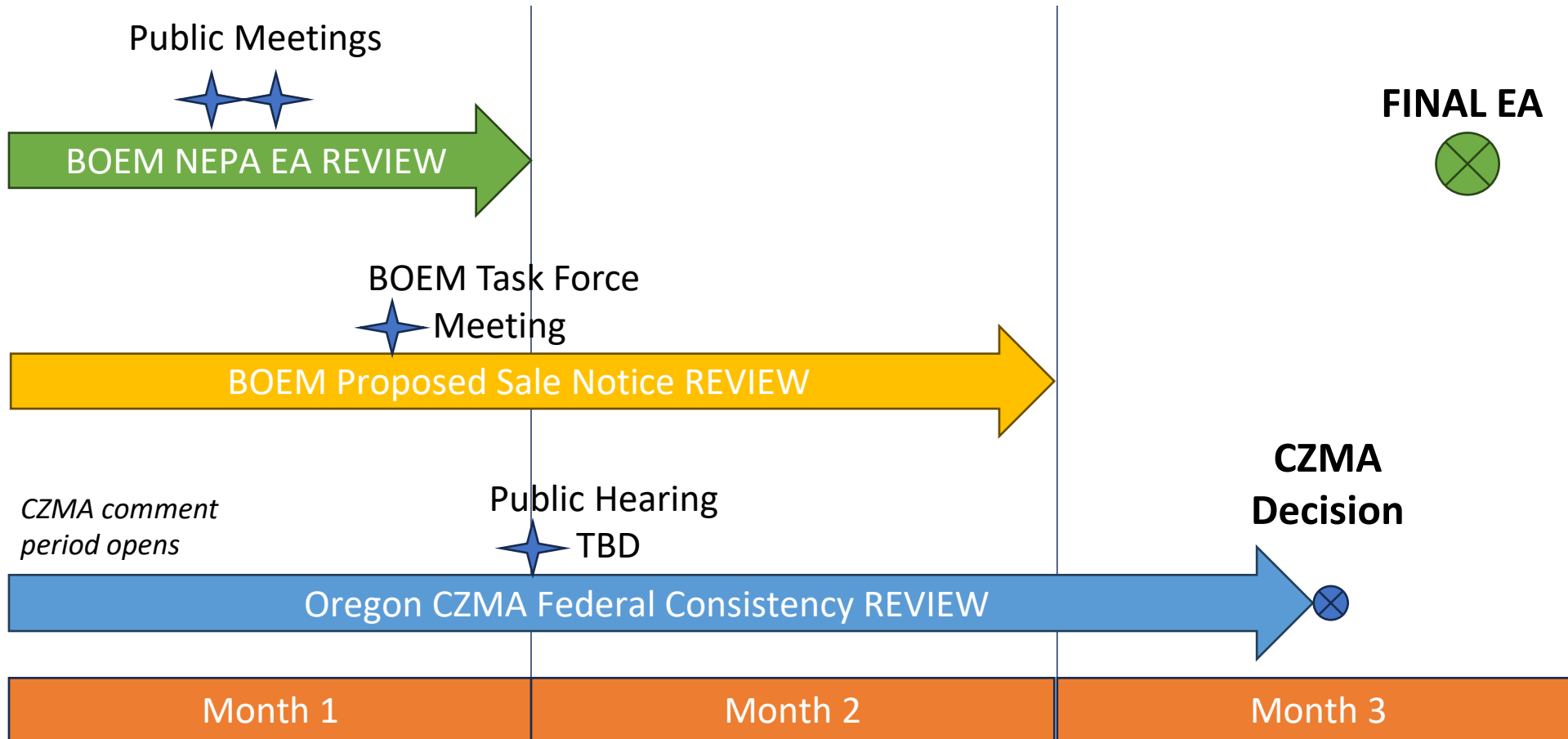
Hypothetical  
characterization

Hypothetical  
zation site.

Geotech/geophys



# Concurrent Lease Reviews



*Final  
Sale  
Notice*

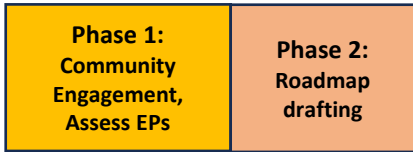


**Enrolled**  
**House Bill 4080**

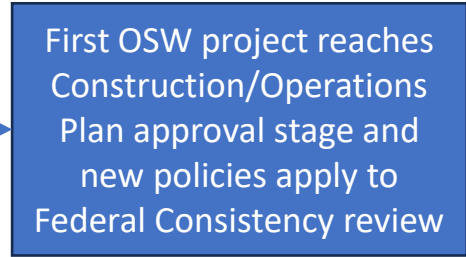
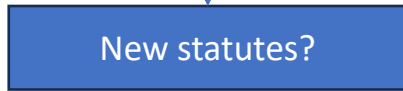
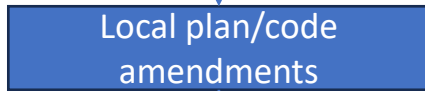
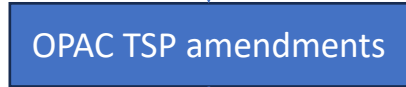
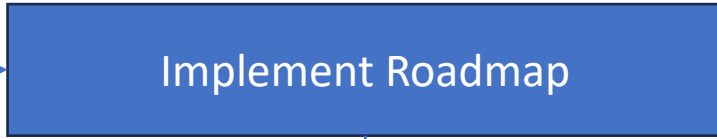
Sponsored by Representatives GRAYBER, GOMBERG; Representatives ANDERSEN, BOWMAN, DEXTER, EVANS, FAHEY, GAMBA, HELM, HOLVEY, HUDSON, KROPF, LEVY E, LIVELY, MARSH, NGUYEN D, NGUYEN H, NOSSE, PHAM K, TRAN, WALTERS, WRIGHT, Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, GOLDEN, PATTERSON, TAYLOR (Presession filed.)

- Includes labor standards applicable to offshore wind projects
- DLCDC to lead **Offshore Wind Roadmap** Engagement Effort
- DLCDC to **Evaluate Oregon Enforceable Policies** for Offshore Wind and Make Recommendations





- Contains strategy language and model standards (NOT expected to be Enforceable Policy).
- Broad DLCDC-led engagement
- In parallel, DLCDC assesses Enforceable Policy gaps and recommends update processes
- Report to Legislature in June 2025 describes progress.



*Creates Enforceable Policies (subject to NOAA approval)*

*End of biennium  
(June 2025 or earlier)*

*~5 years from today  
(estimated)*

*Continued engagement via working groups and public policymaking processes*


**Current Biennium  
(2024-2025)**


*11/23  
(roadmap  
informal  
discussions)*



# Questions?



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[www.OregonOcean.info](http://www.OregonOcean.info) 

[www.oregon.gov/lcd/OCMP](http://www.oregon.gov/lcd/OCMP)

<https://ocmp.info/federalconsistency>