



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

July 3, 2024

Ms. Lisa Phipps, Manager
Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540

Re: Correction to Decision Letter for OR-2024-1

Dear Ms. Phipps,

Following the issuance of the Office for Coastal Management June 10, 2024, decision letter responding to the request from the Oregon Department of Land Conservation and Development (OR-2024-1) for approval of changes to the Oregon Coastal Management Program, your staff brought to our attention a discrepancy between the decision letter and table of approved changes. The Office for Coastal Management is providing this letter to resolve the discrepancy.

The June 10 decision letter states that certain sections submitted for approval were lacking in a standard to determine the consistency of proposed federal actions as required by 15 CFR § 923.84(b), and not approved for that reason. Included among those sections listed as not meeting this requirement and not approved is ORS 274.879 which pertains to financial estimates and assurances for decommissioning ocean renewable energy facilities. However, ORS 274.879 is listed in the table of approved changes as approved with qualification.

Reviewing the discrepancy between the June 10 decision letter and table of approved changes, the Office for Coastal Management agrees that ORS 274.879 contains a sufficient standard to be approved as an enforceable policy. As noted in the table of approved changes, the approval of ORS 274.879 is with qualification. That qualification is stated in the June 10 decision letter where the Office for Coastal Management states:

Unless the authority under which a federal agency is operating otherwise requires a federal agency to do so, a federal agency is not required to apply for leases from the state, pay royalties to the state, or meet financial assurance requirements (e.g., the lease and royalty requirements of ORS 273.225, the insurance and bond requirements at ORS 274.714, 141-125-0180 and OAR 141-140-0095).

ORS 274.879 is not mentioned in that qualification though it should have been as it pertains to federal agencies not being required to meet state financial assurance requirements.

Please note that the table of approved changes correctly lists ORS 274.879 as approved as an enforceable policy with the above qualification.

This correction letter will be posted in the publicly accessible program change web portal. The state's public notice of approval of the program changes proposed in OR-2024-1 should also note this correction letter.

As noted in the decision letter for OR-2024-1, my office appreciates the cooperative and constructive discussions with your staff on this program change.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore
Chief, Stewardship Division

Enclosure: Table of Approved Changes OR-2024-1 (unchanged from the original)