

# ROCKY HABITAT UPDATES

OPAC - Territorial Sea Plan Working Group: Rocky Habitat Management Strategy

## ROCKY HABITAT WORKING GROUP MEMBERS

**Charlie Plybon** – Non-consumptive Recreation (Chair)

**Andrea Celentano** – DSL

**Walter Chuck** - Ports/ Marine Transportation or Navigation

**Dave Fox** – ODFW

**Laurel Hillmann** – OPRD

**Scott McMullen** – Public at Large

**Kris Wall** – NOAA

**Tom Calvanese** – Coastal Research

**Kerry Carlin Morgan** – Education

**Dave Lacey** – Coastal Tourism

**Dick Vander Schaaf** – Conservation

**Shawn Stephensen** - USFS

*Unfilled* – Local Government

*Unfilled* – Tribal Nations

*Unfilled* – Harvest/Consumptive Use



## ROCKY HABITAT PROCESS SUMMARY

OPAC was last briefed on the Territorial Sea Plan - Part Three update and Rocky Habitat Working Group activities at the December 18, 2020 meeting. Following that meeting, the Initial Proposal Period for rocky habitat site management designation proposals closed on December 31, 2020. Since January, the Rocky Habitat Working Group has been actively reviewing and evaluating rocky habitat proposals, and preparing the draft Rocky Habitat Management Strategy text for approval.

The Rocky Habitat Working Group has hosted five public meetings via Zoom, and three proposal exploratory work sessions, which focused on reviewing and evaluating the twelve rocky habitat proposals and associated materials. The Agency Feasibility and Completeness Analysis step of the review process was conducted in January, followed by the Working Group Review and Recommendation step in February. In the February 25-26 Working Group meetings, initial recommendations were crafted and made available for a 30-day public comment period. The Working Group met April 26 to approve of the draft Rocky Habitat Management Strategy and prepare to make final proposal recommendations. Final Working Group proposal recommendations were crafted in the April 29 meeting, followed by a discussion of statewide recommendation ideas on April 30.

### Materials Synthesis

A variety of [evaluation materials](#) and resources are available to aid OPAC in evaluating rocky habitat proposals, including:

- [Proposals, supporting materials, and letters of support](#)
- Agency Feasibility and Completeness Analysis summaries
- Working Group Review and Evaluation summaries
- Initial Recommendation summaries & proposer responses
- [Public comments](#)
- Final Recommendation summaries
- Working Group [meeting summaries](#) and [recordings](#)

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## LINKS TO ADDITIONAL WORKING GROUP MATERIALS

- [The draft Rocky Habitat Management Strategy](#)
- [The Rocky Habitat Web Mapping Tool](#)
- [Rocky Habitat Working Group Meeting Information & Materials](#)
- [Rocky Habitat Proposal Materials](#)
- [Proposal Evaluation Materials](#)

### WORKING GROUP STAFF CONTACTS

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## ROCKY HABITAT MANAGEMENT STRATEGY AMENDMENT PROCESS

The following is an overview of the status and developments of the Territorial Sea Plan – Part Three amendment process, as of May, 2021. It provides an update on the activities of the Rocky Habitat Working Group, including an update on the rocky habitat proposal review and evaluation processes.

### Rocky Habitat Management Strategy Amendment

OPAC last approved a draft of the Rocky Habitat Management Strategy in their May, 2020 meeting. Since then, the Working Group reviewed and approved changes to the text in the November and December, 2020 Working Group meetings. These changes included clarifications on the proposal review and evaluation process, and modifications developed in coordination with coastal Tribal Nations and DLCD staff. OPAC was briefed on these changes in the December, 2020 OPAC meeting. Since December, DLCD staff have worked to prepare the document for OPAC approval. This includes correcting any remaining issues with grammar, formatting, punctuation, or other scrivener's errors. [Click here for the most recent draft of the Strategy.](#)

### Rocky Habitat Proposal Review and Evaluation Process Overview



Upon submission of a rocky habitat proposal, four steps were delineated for a site-specific management change to be adopted (above). These include the Agency Feasibility & Completeness Analysis, Working Group Review & Recommendation, OPAC Review & Recommendation, and LCDC Review & Adoption. Each of these larger milestones include several process steps to complete, as outlined in the draft Strategy text.

#### Agency Feasibility & Completeness Analysis

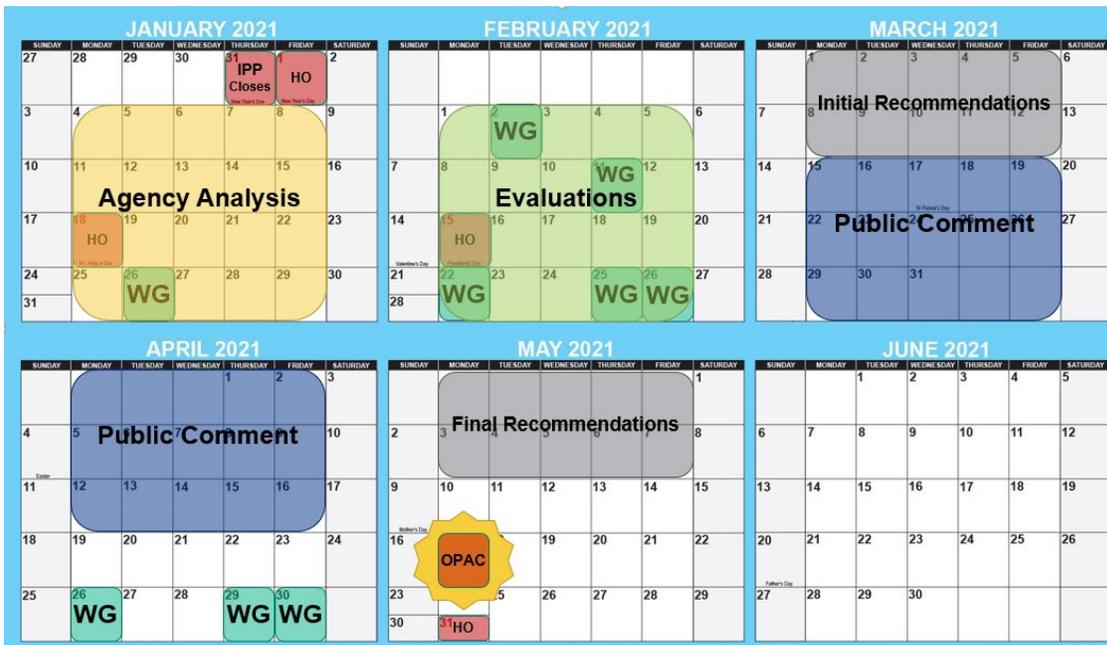
Proposals are forwarded to agency representatives on the Working Group who review proposals for completeness of responses and information, and assess the implementation feasibility based on agency jurisdiction, authority, and programmatic impacts. All proposals are also forwarded to Oregon coastal Tribal Nations to invite review, feedback, and consultation where necessary.

#### Working Group Review and Recommendation

The Rocky Habitat Working Group conducts preliminary proposal evaluations based on merit following criteria outlined in the Strategy text and utilizing information generated by the [Rocky Habitat Web Mapping Tool](#). Following preliminary draft recommendations by the Working Group, proposals and evaluation materials are released for public review during a 30-day public comment period. The Working Group considers the public

feedback submitted during this time before crafting their final recommendations, which are forwarded to OPAC along with the evaluation materials.

### Proposal Evaluation Process Revisions



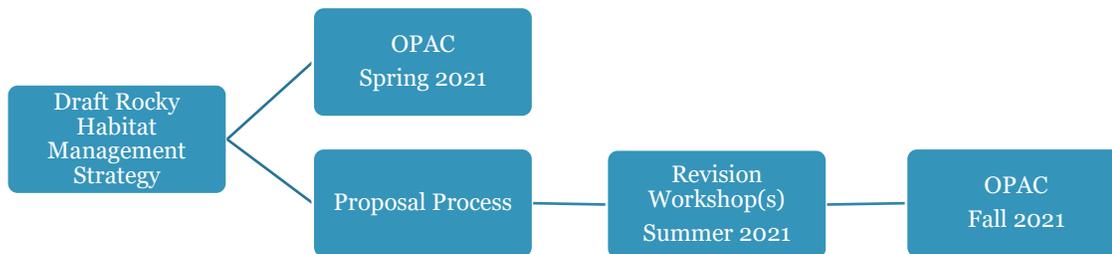
2021 Proposal Review and Evaluation Timeline. Note: Agency consultation with Tribal Nations may also be occurring simultaneously throughout this process.

When the Working Group devised the public proposal process, it was divided in two – an initial pilot process, and an ongoing maintenance process. The intent behind the initial pilot process was to evaluate the process itself upon conclusion, to ensure a robust finalized **Maintenance Proposal Process**. In response to public request regarding the COVID-19 pandemic, OPAC approved modifications to the process timeline in their May, 2020 meeting, which significantly reduced the time available to complete this effort. Because the review and evaluation timeline has been tightly constrained, the Working Group focused their remaining efforts on completing evaluation of the twelve submitted proposals. Appropriate efforts to address the necessary process revisions will require ongoing engagement with proposers and other members of the public. These revisions will largely be limited to **Section E.**, which describes the proposal review and evaluation processes, and **Appendix C.**, which outlines the proposal questionnaire form. While the bulk of the Strategy text is ready for OPAC approval, postponing revisions to these sections will allow sufficient time for all involved parties to coordinate on reworking the process. **The Working Group recommends OPAC consider additional revisions to Strategy Section E. and Appendix C. for approval in the fall 2021 OPAC meeting.**

Revisions to the process should rely on additional feedback and coordination between proposers and state agency representatives. This effort may be likely to include a survey of proposers and one to two collaborative workshop meetings between proposers and the agencies to refine process details. Engagement in these efforts would begin immediately following the May 17, 2021 OPAC meeting, and aim to conclude by September 30, 2021. The timing and finalized process necessitates a delay of the October 1, 2021 start date for the

Maintenance Proposal Process. **The Working Group recommends moving the start date of the Maintenance Proposal Process to a new tentative start date of October 1, 2022.**

Conceptual diagram of proposal process revision:



**OPAC ACTION ITEMS:** Approval of the most recent draft of the Rocky Habitat Management Strategy, but postpone approval of proposal process sections (Section E., Appendix C.) until the fall 2021 OPAC meeting, following summer 2021 process revisions.

## **ROCKY HABITAT SITE MANAGEMENT DESIGNATION PROPOSALS**

The Initial Proposal Period garnered twelve rocky habitat site management designation proposals. Among them were nine Marine Conservation Areas, two Marine Research Areas, and one Marine Garden. Site wise, there were three proposals for the north coast (Ecola Pt. MCA, Chapman Pt. MCA, Cape Lookout MCA), four proposals for the central coast (Cape Foulweather Complex MCA, Otter Rock N. MCA, Fogarty Creek MCA, Seal Rock MCA), four proposals for the south coast (Coquille Point MG, Blacklock Pt. MCA, Cape Blanco MRA, Crook Pt.-Mack Reef MCA), and one non-site-specific proposal (Coastwide Kelp Forests MRA).

The agency representatives on the Working Group met five times in January, 2021 to conduct the Agency Feasibility and Completeness Analysis of the rocky habitat proposals. Three of the proposals (Otter Rock N. MCA, Seal Rock MCA, Coastwide Kelp Forests MRA) did not meet the completeness and sufficiency standards to facilitate proper proposal review. The Working Group Review and Evaluation was held over the course of three exploratory work sessions followed by a two-day meeting to craft initial recommendations, in February. In April, following a 30-day public comment period, the Working Group held three meetings to review the draft Strategy, receive presentations from proposers, and craft their final recommendations. [Evaluation materials, including summaries of the Agency Analysis and Working Group Evaluation steps, are available here.](#)

### **Considerations for Recommendation**

In their February 25<sup>th</sup> & 26<sup>th</sup> meetings, the Working Group made their initial recommendations on the twelve rocky habitat proposals. These recommendations included considerations for implementation that need clarification, or identify potential issues with elements in the proposal. **Consideration are those aspects of a proposal, identified through the evaluation process, which the Working Group believes should be addressed to facilitate implementation of the designation as proposed.** These considerations were outlined in draft initial recommendation summaries, which were made available for a 30-day public comment period (March 15

– April 15, 2021). A high-level overview and summary of the comments received during the 30-day public comment period, are provided further down.

Proposers were invited to submit written responses to the initial recommendations (appended to initial recommendation summaries [here](#)), and present their proposals and responses in the April 29, 2021 Working Group meeting. Following discussion with proposal presenters, the Working Group deliberated and crafted their final recommendations, sorting proposals as either “**Recommended**” or “**Not Recommended**”. Where possible, the Working Group supports addressing the considerations and concerns listed in the recommendation summaries through statewide and site-specific non-regulatory management plans, where appropriate, with a focus on volunteer monitoring, interpretation, education, and awareness efforts. Additional considerations for potential recommendation include the other merits and perspectives identified in the full packet of evaluation materials, in balance with the proposed site goals.

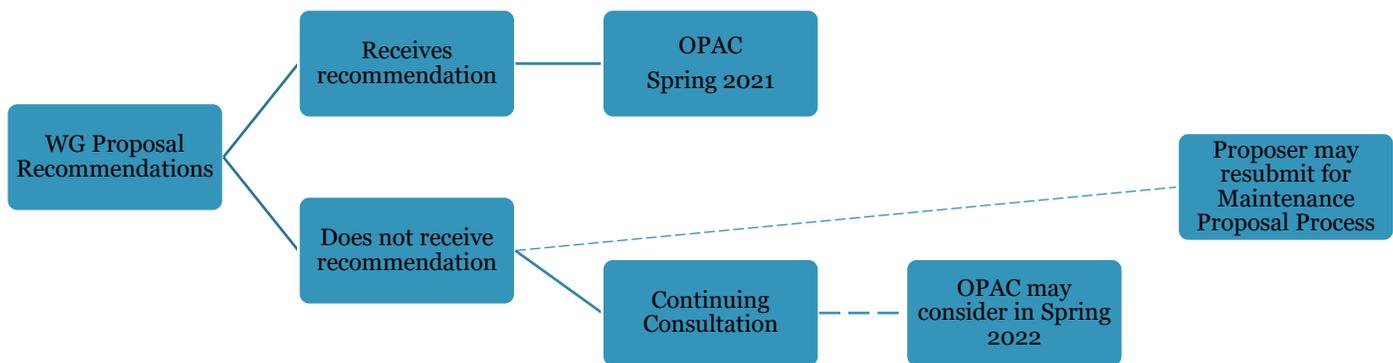
### **Continuing Consultation**

During the proposal evaluation process, a clear request was heard from the public to structure consultation with the Working Group and agency staff into the proposal development process. A constrained, pandemic-influenced evaluation timeline challenged Working Group capacity for this effort. However, while the Working Group recommends delaying revisions to the evaluation process, **consensus was established around inclusion of a consultation process occurring early in the revised proposal evaluation process.** This process is envisioned to consist of one roundtable work session, per proposal, between proposers and agency staff to communicate site goals and intentions, address any potential issues with implementation feasibility, and help prepare proposals for review and evaluation (this is similar to the pre-application meeting requirement in Part Five of the TSP).

Proposals which received a status of **Not Recommended**, may be resubmitted for OPAC consideration in the open, rolling submission Maintenance Proposal Process. However, in recognition of the significant efforts made by the proposal teams to develop the proposals, those sorted as **Not Recommended** were subjected to an additional round of Working Group consensus building and voting to potentially remand them for **continuing consultation**, at the suggestion of DLCD staff. Continuing consultation acknowledges the weaknesses of the process identified during the evaluation pilot effort, and provides proposers the opportunity to receive the consultation which the Working Group believes should be offered to all proposers in future iterations of the process. Continuing consultation, in this instance, would occur in the months following the final evaluation process revisions described previously. Agency staff would work with proposers to address the site-specific concerns identified in the proposals, and focus on the implementation considerations already outlined in the recommendation summaries and take place during a public meeting. Given the prior recommendation of a new Maintenance Proposal Process tentative start date of October 1, 2022, **the Working Group recommends OPAC permit consideration of a sub-set of Not Recommended proposals from the 2020 Initial Proposal Period at the spring, 2022 OPAC meeting, as supported by the agencies, following continued consultation efforts.** If these proposals are not considered in the spring, 2022 OPAC meeting, they will be remanded for a repeat full evaluation in the Maintenance Proposal Process. This duplication of effort is not well-suited for

agency capacity nor that of the proposal teams, and neglects to leverage the significant efforts already made by both, as well as the Working Group. Future iterations of the rocky habitat proposal process will not necessarily include a Rocky Habitat Working Group, but instead rely on agency staff to coordinate proposal consultation and preliminary evaluation. Agency capacity is also likely to preclude processing of more than two or three proposals in future proposal cycles. Utilizing the analysis and evaluation efforts already made, and with deference to the evaluation timeline modifications instigated by the pandemic, it is in the interests of agency capacity and efficiency to provide consultation following the process revisions, and permit final consideration of said proposals before the opening of the Maintenance Proposal Process.

Conceptual diagram of the suggested proposal recommendation pathways:



### Site Proposal Recommendations

Voting procedures used to craft final recommendations followed the consensus building process outlined for OPAC as described in the [Procedures of the Oregon Ocean Policy Advisory Council](#).

The results of the recommendation process are outlined in the following table:

Final Rocky Habitat Working Group Proposal Recommendations	
Proposal Name	Result*
Coquille Point MG	Recommended (consensus)
Cape Blanco MRA	Recommended (consensus)
Ecola Point MCA	Not Recommended, Continuing Consultation (consensus)
Cape Lookout MCA	Not Recommended, Continuing Consultation (10:2)
Cape Foulweather MCA	Not Recommended, Continuing Consultation (10:2)
Chapman Point MCA	Not Recommended, Continuing Consultation (9:3)
Fogarty Creek MCA	Not Recommended, Continuing Consultation (9:3)
Blacklock Point MCA	Not Recommended, Continuing Consultation (8:4)
Crook Pt-Mack Reef MCA	Not recommended (consensus), No Continuing Consultation (4:8)
Otter Rock N MCA	Not recommended (consensus)
Seal Rock MCA	Not recommended (consensus)
Kelp Forests MRA	Not recommended (consensus)

\*Vote tallies (yes:no) reported where consensus was not achieved

While there were many merits identified in the twelve public proposals, ultimately, **the Working Group recommends OPAC move forward with the recommendation of Coquille Point Marine Garden and Cape Blanco Marine Research Area to the Land Conservation and Development Commission (LCDC).**

**OPAC ACTION ITEMS:** Potential recommendations to LCDC of Coquille Point Marine Garden and Cape Blanco Marine Research Area. Potential consideration of some *Not Recommended* proposals at the spring, 2022 OPAC meeting, with agency support, following continued consultation.

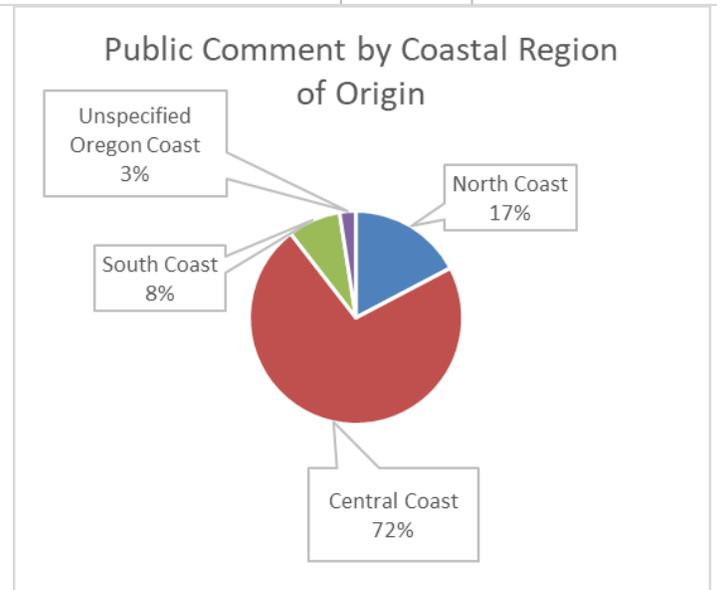
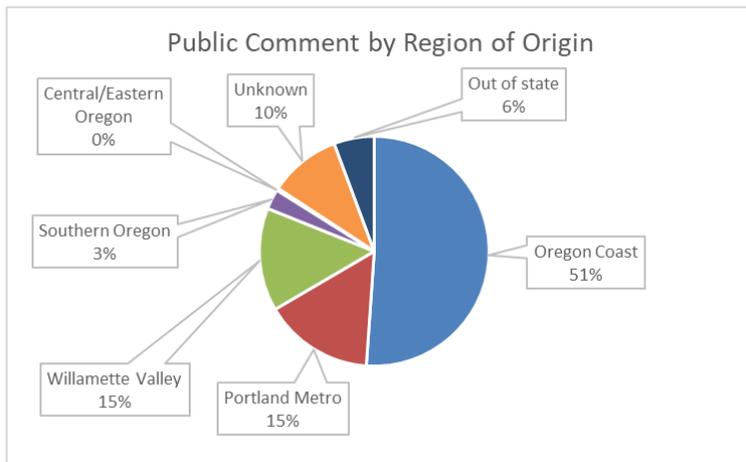
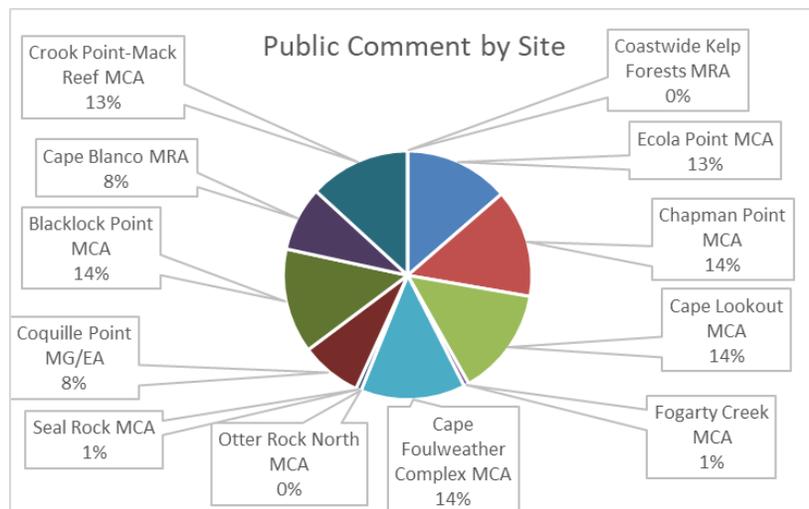
**30-Day Public Comment Period**

The rocky habitat proposals and initial recommendation summaries were made available for a 30-day public comment period (March 15 – April 15, 2021). During this time, proposers were also invited to submit written responses to the initial recommendation summaries, to communicate how the considerations outlined would impact their site goals and proposed activities. These responses are appended to the initial recommendation summaries [here](#). Per the proposal evaluation process outlined in the Strategy, the Working Group reviewed and considered public feedback prior to making their final recommendations. A high-level overview and summary of the comments received during the 30-day public comment period, are provided below.

**Public Comments Overview**

A total of 280 public comments were received from 286 individuals representing at least 21 different organizations. The comments contained at least 440 remarks on specific proposals, and 30 remarks directed at the proposal process itself. The overwhelming majority of comments were in support of specific proposals or

Comment Mentions of Specific Proposals		
Region	Count	Percentage
Ecola Point MCA	60	13.64
Chapman Point MCA	62	14.09
Cape Lookout MCA	62	14.09
Fogarty Creek MCA	3	0.68
Cape Foulweather Complex MCA	60	13.64
Otter Rock North MCA	0	0.00
Seal Rock MCA	3	0.68
Coquille Point MG/EA	35	7.95
Blacklock Point MCA	60	13.64
Cape Blanco MRA	37	8.41
Crook Point-Mack Reef MCA	58	13.18
Coastwide Kelp Forests MRA	0	0.00
<b>total</b>	<b>440</b>	



advocated for site-specific protections in general, while 11 comments expressed clear opposition.

Count of Affiliated Organizations		
Region	Count	Percentage
Audubon & Affiliates	202	72.40
OR Shores Conservation Coalition	2	0.72
Garibaldi Charters	2	0.72
COASST	2	0.72
OR Recreational Divers	1	0.36
Coastwatch	1	0.36
NW Guides and Anglers Association	1	0.36
Snowy Plover Beach Patrol	1	0.36
Pew	1	0.36
Tillamook County Fishermen	1	0.36
PISCO	1	0.36
Not identified	64	22.94
<b>total</b>	<b>279</b>	

Site Mentions in Opposition	
Region	Count
Ecola Point MCA	4
Chapman Point MCA	7
Cape Lookout MCA	3
Fogarty Creek MCA	1
Cape Foulweather Complex MCA	0
Otter Rock North MCA	0
Seal Rock MCA	1
Coquille Point MG/EA	2
Blacklock Point MCA	1
Cape Blanco MRA	1
Crook Point-Mack Reef MCA	1
Coastwide Kelp Forests MRA	0
Non-specific opposition	1
<b>total</b>	<b>22</b>

## STATEWIDE RECOMMENDATIONS

Identified in the rocky habitat proposals are a number of cross-cutting issues that proposers were attempting to address through site-specific management. The Working Group recognizes that while regulatory and non-regulatory management mechanisms may provide some improvements in site-specific management outcomes for these issues, it is clear that meaningful, long-term change on broader coastwide issues is likely to require broader coastwide management efforts.

The Working Group discussed these issues in their February 25-26 and April 29-30 meetings. Three themes emerged from these discussions that were common to concerns expressed in most, if not all, proposals. These themes are:

- 1) Lack of centralized capacity within the marine cabinet agencies to implement the expectations of the Rocky Habitat Management Strategy
- 2) Recognition of a broad lack of public education and awareness about human impacts to rocky habitats and resources
- 3) Coastwide issues with wildlife and habitat disturbances at rocky habitat sites, exacerbated by increasing visitation

The Working Group established consensus around the need to address these issues, but differing opinions were expressed regarding specific actions that could or should be taken. Potential actions suggested to address these issues could include formation of coordinated statewide rocky habitat interpreter and monitoring programs, and increasing agency staff capacity to implement relevant Strategy objectives. This could be accomplished by securing funding through an agency Policy Option Package to support a single full-time

coordinator position, or additional staff time across multiple positions and agencies. Additional coordination among volunteer stewardship and monitoring groups could also potentially be facilitated to increase local capacity for site-specific support. Efforts to address these coastwide issues can be outlined and coordinated through the revised tri-agency (DLCD, OPRD, ODFW) Rocky Shores Communications Strategy.

## **TRIBAL NATIONS ENGAGEMENT UPDATES**

In an effort to better include, represent, and engage with Tribal Nations of Oregon for the Territorial Sea Plan amendment process, natural resources staff from the five federally-recognized Tribal Nations with land in the coastal zone<sup>1</sup> were invited to a series of rocky habitat work sessions in fall of 2020 and winter 2021.

The political status of Tribal sovereign governments is unique from other entities. The relationship with the federal government is established in the U.S. Constitution and maintained through treaties, and is not “granted”. Tribal Nations in Oregon have a special relationship with the State as well. This includes formal relationships with state agencies which communicate, coordinate, and consult with the nine federally-recognized Tribal Nations of Oregon according to guidance established by Executive Order 96-30 (2002). Agencies, including the Department of Land Conservation & Development (DLCD), have individually developed guiding policies to maintain strong relationships with Tribal Nations, and may periodically engage in formal government-to-government consultation. To that end, DLCD staff involved in the Territorial Sea Plan amendment process have interacted and engaged with Tribal Nations in the following ways:

**Rocky Habitat Tribal Work Sessions** - Four roundtable work sessions were convened since fall 2020, primarily with natural resources staff invited from the five Tribal Nations with land in the coastal zone. The focus of these meetings was to better engage with Tribal Nations on the TSP amendment process, help Oregon Coastal Management Program (OCMP) staff better understand Tribal Nation perspectives and concerns related to coastal rocky habitats and resources, and identify opportunities for coordination and collaboration to help ensure these views are appropriately incorporated and represented throughout the process.

Several tasks and opportunities were identified as a result of these meetings including language in the draft Strategy text, which was reviewed and approved by all parties (Section D.) Modifications to the steps of the proposal review process were also developed, reviewed, and approved by all parties (Section E.) This change clarifies the responsibilities and expectations for communicating with Tribal Nations through the rocky habitat proposal process, and when coordination and/or consultation may be appropriate.

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<sup>1</sup> Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Coquille Indian Tribe, Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, and Cow Creek Band of Umpqua Tribe of Indians

## NEXT STEPS FOR OPAC

The Rocky Habitat Working Group is submitting for OPAC approval the latest draft of the Rocky Habitat Management Strategy, and two rocky habitat site management designation proposals. The draft Strategy, rocky habitat proposal materials, and the full packet of proposal evaluation materials, are available on [OregonOcean.info](https://oregonocean.info).

At this time, the Rocky Habitat Working Group recommends OPAC consideration of six action items for their spring, 2021 meeting:

- 1) Approval of the most recent draft of the [Rocky Habitat Management Strategy](#)
- 2) Reconsideration of Strategy Section E. and Appendix C. in the fall 2021 OPAC meeting, following proposal process revisions during summer, 2021
- 3) Tentatively move the start date of the Maintenance Proposal Process from October 1, 2021 to October 1, 2022
- 4) Recommendation of the Coquille Point Marine Garden proposal, with identified considerations, to LCDC for potential adoption
- 5) Recommendation of the Cape Blanco Marine Research Area proposal, with identified considerations, to LCDC for potential adoption
- 6) Reconsideration in the spring 2022 OPAC meeting of any of the six **Not Recommended** proposals remanded for continuing consultation, following revision through said process, and with identified support from the agencies

## **TERRITORIAL SEA PLAN AMENDMENT MEETING SUMMARIES**

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### **OPAC Territorial Sea Plan Working Group**

#### **Rocky Habitats Management Strategy Amendment Process**

#### **Meeting Summary**

**Tuesday, January 26, 2021, 2:00 – 3:00 PM**

**Working Group Members** – Michael Moses, Patty Snow, Andy Lanier, Andrea Celentano, Charlie Plybon, Dave Lacey, Dave Fox, Dick Vander Schaaf, Kerry Morgan, Laurel Hillmann, Scott McMullen, Tom Calvanese, Walter Chuck

**Public Participants** – Brittany Poirson, Casaria Taylor, Geoffrey Wilkie, Jessica Andrade, Joe Liebezeit, Margaret Treadwell, Steve Griffiths, Tara Brock, Laurel Field

#### **Meeting Overview**

The Rocky Habitat Project Coordinator provided a brief presentation to the group summarizing the pilot proposal review timeline, followed by a high level summary of the proposals that were received during the initial submission time period.

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### **OPAC Territorial Sea Plan Working Group**

#### **Rocky Habitat Management Strategy Amendment Process**

#### **Exploratory Work Session Summary**

**Tuesday, February 2, 2021, 8:00 AM – 3:00 PM**

**Working Group Members** – Michael Moses, Andy Lanier, Andrea Celentano, Charlie Plybon, Dave Lacey, Dave Fox, Dick Vander Schaaf, Kerry Morgan, Laurel Hillmann, Scott McMullen, Tom Calvanese, Walter Chuck

**Other Participants** – Patty Snow, Steve Shipsey, Jena Carter

#### **Meeting Overview**

The work session began with a high-level review and discussion about the proposal evaluation process. This was followed by a process breakdown of the Agency Analysis work sessions. Five proposals were discussed during the work session, including: Ecola Point MCA, Chapman Point MCA, Cape Lookout MCA, Otter Rock North MCA, and Cape Foulweather MCA. Each proposal discussed was introduced with the same high-level overview delivered in the January 26, 2021 Working Group meeting. Exploratory discussion followed a bullet point summary of the primary points raised during the Agency Analysis. Agency representatives then provided their perspectives on the analysis, before exploratory discussion was opened to the rest of the group.

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### **OPAC Territorial Sea Plan Working Group**

#### **Rocky Habitat Management Strategy Amendment Process**

#### **Exploratory Work Session Summary**

**Thursday, February 11, 2021, 8:00 AM – 12:00 PM**

**Working Group Members** – Michael Moses, Andy Lanier, Andrea Celentano, Charlie Plybon, Dave Lacey, Dave Fox, Dick Vander Schaaf, Kerry Morgan, Laurel Hillmann, Scott McMullen, Tom Calvanese, Walter Chuck

**Other Participants** – Patty Snow

### **Meeting Overview**

The work session opened with brief updates on the proposal evaluation process, followed by exploratory discussion. Three proposals were discussed during the work session, including: Blacklock Point MCA, Crook Point-Mack Reef MCA, and Coquille Point MG/EA. Each proposal discussed was introduced with the same high-level overview delivered in the January 26, 2021 Working Group meeting. Exploratory discussion followed a bullet-point summary of the primary points raised during the Agency Analysis. Agency representatives then provided their perspectives on the analysis, before exploratory discussion was opened to the rest of the group.

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**[OPAC Territorial Sea Plan Working Group](#)  
Rocky Habitat Management Strategy Amendment Process  
[Exploratory Work Session Summary](#)  
Monday, February 22, 2021, 1:00 – 5:00 PM**

**Working Group Members** – Michael Moses, Andy Lanier, Andrea Celentano, Charlie Plybon, Dave Lacey, Dave Fox, Dick Vander Schaaf, Kerry Carlin-Morgan, Laurel Hillmann, Tom Calvanese, Walter Chuck

**Other Participants** – Patty Snow, Frank Burris

### **Meeting Overview**

The work session opened with brief updates on the proposal evaluation process, followed by exploratory discussion. Four proposals were discussed during the work session, including: Cape Blanco MRA, Fogarty Creek MCA, Seal Rock MCA, and Coastwide Kelp Forests MRA. Each proposal discussed was introduced with the same high-level overview delivered in the January 26, 2021 Working Group meeting. Exploratory discussion followed a bullet-point summary of the primary points raised during the Agency Analysis. Agency representatives then provided their perspectives on the analysis, before exploratory discussion was opened to the rest of the group.

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**[OPAC Territorial Sea Plan Working Group](#)  
Rocky Habitat Management Strategy Amendment Process  
Meeting Summary  
Thursday, February 25, 2021, 8:00 AM – 5:00 PM  
Friday, February 26, 2021, 1:00 – 5:00 PM**

### **Meeting Recordings:**

**February 25:** <https://www.youtube.com/watch?v=xm3ZFJk7w>

**February 26:** <https://www.youtube.com/watch?v=PDsqjWv31il>

**Meeting Materials:** <https://www.oregonocean.info/index.php/opac-documents/workinggroups/tspwg-p3/2021-february-25>

**Working Group Members** – Michael Moses, Andy Lanier, Andrea Celentano, Charlie Plybon, Dave Lacey, Dave Fox, Dick Vander Schaaf, Kerry Carlin-Morgan, Laurel Hillmann, Tom Calvanese, Walter Chuck, Shawn Stephensen, Scott McMullen,

**Other Participants** – Patty Snow, Frank Burris

**Public Participants** (Feb 25<sup>th</sup>) – Cynthia Jacobi, Dawn Villaescusa, Joe Leibzeit, Larry Basch, Loren Morris III, Margaret Corvi, Margaret Treadwell, Matthew Goolsby, Robert Wayne, Steve Griffiths, Tara Brock, Casaria Taylor, Kent Doughty, Tamara Mautner, Sybil Ackerman-Munson, Elizabeth Ruther, Jim Carlson, Jena Carter, Jesse Jones, Geoffrey Wilkie, Nora Sherwood, Fran Recht, Joseph Youren, Brittany Poirson

**Public Participants** (Feb 26<sup>th</sup>) – Steve Griffiths, Margaret Treadwell, Larry Basch, Kent Doughty, Joe Liebezeit, James Carlson, Elizabeth Ruther, Jesse Jones

### **Meeting Overview**

This meeting was led by a meeting facilitator contracted by DLCD through Oregon Sea Grant. The meeting opened with an overview of the rocky habitat proposal process timeline and planning for next steps. The framework for discussion ground rules, themes, and decision making process were outlined by the meeting facilitator. DLCD staff then presented each of the twelve proposals individually, which included a high-level proposal overview, the findings from the Agency Analyses, and an open discussion to identify Working Group considerations necessary for each proposal to move forward in the recommendation process.

After each proposal was presented, the meeting facilitator then facilitated the voting process on the Working Group's initial recommendation. Initial recommendations were crafted using a ranking system whereby the members of the Working Group entered a vote for each proposal where 1 = *Recommend*, 2 = *Recommend, with considerations*, 3 = *Reservations, even with considerations*, and 4 = *Do not recommend*. Considerations are those components of a proposal, identified through the evaluation process, which must be addressed to facilitate a Working Group recommendation to the Ocean Policy Advisory Council. A vote of modified consensus was agreed upon where no more than 20% of the voting Working Group members could vote *Do not recommend* (4) in order for a proposal to receive a recommendation to move forward for consideration by OPAC.

An overflow meeting was scheduled for the following day (Feb. 26<sup>th</sup>) as a contingency to accommodate additional discussion time as necessary. This meeting was utilized to complete discussion and recommendation-making for Blacklock Point MCA and Crook Point-Mack Reef MCA. The meeting was then concluded with a discussion focused on understanding the level of support within the Working Group to make statewide recommendations that would complement any site-based recommendations to OPAC to address broader concerns expressed in the proposals such as wildlife disturbance, support for interpretive programs, and site monitoring.

**Rocky Habitat Management Strategy Amendment Process  
Meeting Summary  
Monday, April 26, 2021, 1:00 – 5:00 PM**

**Meeting Recording:** <https://www.youtube.com/watch?v=LzIFUZEG6NY>

**Meeting Materials:** <https://www.oregonocean.info/index.php/opac-documents/workinggroups/tspwg-p3/2021-april-26>

**Working Group Members** – Andy Lanier, Kerry Morgan, Tom Calvanese, Laurel Hillmann, Walter Chuck, Shawn Stephenson, Dave Fox, Dave Lacey, Dick Vander Schaaf, Charlie Plybon, Andrea Celentano

**Other Panelists** – Michael Moses, Patty Snow

**Public Participants** – Larry Basch, Joe Liebezeit, Dawn Villaescusa, Jason Miner, Bob Main, Jim Carlson, Susan Chambers, David Yamamoto, Cherie Eichbaum, Jamie Fereday, Elizabeth Ruther, Nora Sherwood, Tara Brock, Joseph Youren, Shelby Walker, Steve Griffiths

**Meeting Overview**

**Public Comment:** (None)

**Tribal Nations Comment:** (None)

The meeting opened with an overview of the Territorial Sea Plan amendment and proposal evaluation processes, led by DLCD staff. An overview of the results of the 30-day public comment period was then provided, which included breakdowns of support by proposal, organization, and location. Next, the Working Group reviewed and discussed the most recent track-changes draft of the [Rocky Habitat Management Strategy \(Strategy\)](#). The Working Group flagged several items in the text and requested changes DLCD staff make changes to descriptive text in the Regulatory Standards and Management Practices table (Section D). DLCD staff recommended forwarding the Strategy text for OPAC review, while also recommending delaying revisions to the proposal process and questionnaire form (Section E, Appendix C) until the fall 2021 OPAC meeting, to allow sufficient time for review and engagement with proposers and the public. DLCD staff also recommended delaying the planned October 1, 2021 start date of the Maintenance Proposal Process. Following deliberation, the Working Group reached consensus on forwarding the Strategy Draft, the process revision delay, and recommended setting a new tentative start date for the Maintenance Proposal Process of October 1, 2022.

Next, DLCD staff provided a walk-through of consensus and voting procedures proposed for use in crafting the Working Group’s final rocky habitat proposal recommendations. The procedures were derived from the standard OPAC consensus and voting protocols. DLCD staff then proposed the Working Group add a second consensus and vote-taking step to potentially remand proposals that did not receive a recommendation for “continuing consultation”. A continued consultation process would engage proposers, agency representatives, and Working Group members (based upon willingness and OPAC support) for additional consultation to address considerations identified in site proposals reviews, with the potential for proposal resubmission in the

spring 2022 OPAC meeting. Proposals that do not receive recommendation and are not remanded for continuing consultation, would then be assigned a status of “*not recommended*”. Consensus on the DLCD recommendation to utilize the continuing consultation pathway for proposals was objected to, and a motion to vote was carried by the majority of the Working Group. In doing so, the Working Group committed to providing OPAC with a 3-tiered system for the site proposal recommendation that was either: 1) Recommended; 2) Does not recommend, but supports continuing consultation, or; 3) Not Recommended.

The meeting concluded with a discussion focused on understanding the level of support within the Working Group to make statewide recommendations that would complement any site-based recommendations to OPAC to address broader concerns identified in the process such as support for statewide coordination of interpretive programs, site monitoring, and site proposal development.

**Public Comment:**

- Joe Liebezeit (Portland Audubon): The Audubon Society of Lincoln City (ASLC) petition reflects consensus of public support for proposed sites. Appreciates opportunity of continuing consultation – public probably doesn’t want to wait additional time to resubmit proposals otherwise.
- Kent Doughty (ASLC): Idea of continuing consultation has merit given the thousands of hours proposers have already put in and the expectations of their stakeholders. Seeks to have constructive dialogue with agencies to address and resolve the issues, so continuing consultation makes sense and the timeline respects proposers’ time. Our proposals are about community, and we are looking at how to build alliances with those who don’t agree – consultation is an opportunity to build that community.
- Steve Griffiths (ASLC): Supports Kent’s comments. Consultation was missing in the proposal development process, and it would have been more productive.
- Jamie Fereday: Lean toward not providing consultation, but why not provide it to those that do not receive a recommendation?

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**OPAC Territorial Sea Plan Working Group**  
**Rocky Habitats Management Strategy Amendment Process**  
**Meeting Summary**  
**Thursday, April 29, 2021, 8:00 AM – 5:00 PM**  
**Friday, April 30, 2021, 8:00 AM – 12:00 PM (overflow)**

**Meeting Recordings:**

**April 29:** <https://www.youtube.com/watch?v=qMgPUkevjO8>

**April 30:** <https://www.youtube.com/watch?v=75TAaSjH86U>

**Meeting Materials:** <https://www.oregonocean.info/index.php/opac-documents/workinggroups/tspwg-p3/2021-april-29>

**Working Group Members** – Andy Lanier, Kerry Morgan, Tom Calvanese, Laurel Hillmann, Walter Chuck, Shawn Stephenson, Dave Fox, Dave Lacey, Dick Vander Schaaf, Charlie Plybon, Andrea Celentano

**Other Panelists** – Michael Moses, Patty Snow, Frank Burris

**Public Participants (Apr 29)** – Larry Basch, Joe Liebezeit, Jason Miner, Susan Chambers, David Yamamoto, Joseph Youren, Caren Braby, Dennis White, Jamie Fereday, Elizabeth Ruther, Shelby Walker, Bri Goodwin, Dawn Villaescusa, Kent Doughty, Steve Griffiths, Tara Brock, Jim Carlson, Nora Sherwood, Bob Main, Cherie Eichbaum, Beverly Minn, Mary Garrett, Margaret Treadwell, Laurel Field

**Public Participants (Apr 30)** – Steve Griffiths, Jim Carlson, Joe Liebezeit, Liz Ruther, Tara Brock

### **Meeting Overview (Apr 29)**

**Public Comment:** (None)

**Tribal Nations Comment:** (None)

This meeting was led by a meeting facilitator contracted by DLCD through Oregon Sea Grant. The goal of this meeting was for proposers to present their presentations to the Rocky Habitat Working Group, and to craft final site recommendations for the Ocean Policy Advisory Council. The meeting opened with an overview of the meeting presentation process and a discussion of ground rules. DLCD staff then reviewed [the consensus and voting procedures](#) to be used for making final proposal recommendations. The April 26 meeting summary may be found [here](#). See bottom of this document for a summary table of final recommendation results.

For rocky habitat proposal recommendations, the Working Group first reviewed the three proposals that did not meet the requirements for proper evaluation during the Agency Feasibility and Completeness Analysis ([Otter Rock North MCA](#), [Seal Rock MCA](#), and the [Coastwide Kelp Forests MRA](#)). For these three proposals, after brief discussion, the Working Group achieved consensus for a final decision of **Not Recommended (consensus)**.

For the remaining proposal recommendations, proposers each presented for approximately 10-15 minutes, followed by 10-15 minutes of Q&A with the Working Group, followed by 10-15 minutes of Working Group deliberation which culminated in consensus and or voting. Presentations proceeded in the order listed above.

Coquille Point Marine Garden: The presenter indicated they are amenable to the considerations outlined in the initial recommendation summary. Following discussion, the Working Group was able to establish consensus in support of a recommendation to OPAC. Coquille Point MG final recommendation: **Recommended (consensus)**

Cape Blanco Marine Research Area: The presenter indicated they are amenable to the considerations outlined in the initial recommendation summary. Following discussion, the Working Group was able to establish consensus in support of a recommendation to OPAC. Cape Blanco MRA final recommendation: **Recommended (consensus)**

Meeting process was ahead of schedule in the morning, and the Working Group began their discussion on statewide recommendation ideas from 10:00 – 11:00 AM to keep the remaining presentations at their scheduled times. In the interest of time (and in recognizing the meeting went past the allotted time schedule),

the Working Group decided to delay the continuation of the statewide recommendations discussion until the overflow meeting scheduled for the following day (summarized below).

Ecola Point and Chapman Point Marine Conservation Areas: The presenter indicated a preference to maintain restrictions on recreational boats, walking on intertidal rocks, and enforcing the off-leash provision. The Working Group could not establish consensus on a recommendation for Ecola Point MCA, and went to a vote which resulted in 3 yes, 9 no votes. Continuing consultation was considered, and consensus established to remand the proposal to continuing consultation. Ecola Point MCA final recommendation: ***Not Recommended, Continuing Consultation (consensus)***

Consensus was also not established for Chapman Point MCA, and went to a vote which resulted in 2 yes, 10 no votes. Consensus was not established for continuing consultation, and a vote was taken which resulted in 9 yes, 3 no votes. Chapman Point MCA final recommendation: ***Not Recommended, Continuing Consultation (9:3)***

Fogarty Creek Marine Conservation Area: The Working Group expressed concerns regarding equity of access to harvest and insufficient stakeholder engagement. The presenter indicated they are amenable to boundary changes. The Working Group established consensus to not recommend the site, but could not establish consensus on continuing consultation and went to a vote, which resulted in 9 yes, 3 no votes. Fogarty Creek MCA final recommendation: ***Not Recommended, Continuing Consultation (9:3)***

Blacklock Point and Crook Point-Mack Reef Marine Conservation Areas: The Working Group expressed concerns regarding lack of regulatory management mechanisms, challenges for volunteer programs, sensitivity of upland habitats, and safety and challenges to site access for both proposals. The presenter indicated they are amenable to limiting the landward extent to the mean high water line. The Working Group established consensus to not recommend Blacklock Point MCA, but could not establish consensus for continuing consultation and went to a vote, which resulted in 8 yes, 4 no votes. Blacklock Point MCA final recommendation: ***Not Recommended, Continuing Consultation (8:4)***

Consensus was established to not recommend Crook Point-Mack Reef MCA, but could not establish consensus for continuing consultation and went to vote, which resulted in 4 yes, 8 no votes. Crook Point-Mack Reef MCA final recommendation: ***Not Recommended (consensus)***

Cape Lookout Marine Conservation Area: The presenter requested withdrawal of their recommendations R8 and R10, because they are not site-specific, indicated they are amenable adjusting the north side boundary with agencies, and clarified concerns regarding the shoreward boundary. The Working Group could not establish consensus to recommend the site and went to a vote, which resulted in 5 yes, 7 no votes. The Working group could not establish consensus on continuing consultation and went to a vote, which resulted in 10 yes, 2 no votes. Cape Lookout MCA final recommendation: ***Not Recommended, Continuing Consultation (10:2)***

Cape Foulweather Complex Marine Conservation Area: The presenter requested withdrawal of their recommendations R8 and R10, because they are not site-specific. Concerns regarding the shoreward boundary, funding for signage, equity of access to harvest, overlap with the marine reserves comparison area, and marine reserves perceptions, were clarified. The Working Group established consensus to not recommend the site, but could not establish consensus for continuing consultation and went to a vote, which resulted in 10 yes, 2 no votes. Cape Foulweather Complex MCA final recommendation: ***Not Recommended, Continuing Consultation (10:2)***

An overflow meeting was scheduled for the following day (Apr 30<sup>th</sup>) as a contingency to accommodate additional discussion time as necessary. This meeting was utilized to complete discussion on statewide recommendation ideas. The Working Group reviewed the range of issues identified in the rocky habitat proposals and attempted to reach consensus on the major themes to address, and recommendations that could be crafted around them for OPAC review.

Three major themes were identified in this discussion: 1) a lack of public education and awareness about rocky habitat resources and their threats, 2) a lack of capacity (among agencies as well as volunteer stewardship organizations) to implement the expectations of the Rocky Habitat Management Strategy, and 3) a persistent problem with disturbances to wildlife and habitats. The Working Group also consistently identified the need for better coordination and communication between agencies and the public, and more data-driven decisions in all areas.

Final recommendation results are summarized in the table below:

<b>Final Rocky Habitat Working Group Proposal Recommendations</b>	
<b>Proposal Name</b>	<b>Result*</b>
Coquille Point MG	Recommended (consensus)
Cape Blanco MRA	Recommended (consensus)
Ecola Point MCA	Not Recommended, Continuing Consultation (consensus)
Cape Lookout MCA	Not Recommended, Continuing Consultation (10:2)
Cape Foulweather MCA	Not Recommended, Continuing Consultation (10:2)
Chapman Point MCA	Not Recommended, Continuing Consultation (9:3)
Fogarty Creek MCA	Not Recommended, Continuing Consultation (9:3)
Blacklock Point MCA	Not Recommended, Continuing Consultation (8:4)
Crook Pt-Mack Reef MCA	Not recommended (consensus), No Continuing Consultation (4:8)
Otter Rock N MCA	Not recommended (consensus)
Seal Rock MCA	Not recommended (consensus)
Kelp Forests MRA	Not recommended (consensus)

\*Vote tallies (yes:no) reported where consensus was not achieved

**Public Comment:**

- Liz Ruther (Pew Charitable Trust): Positive remarks for seeking a public process. Worthwhile to consider prescriptions that reflect today’s discussion (i.e. management recommendations that do not require a designation). Suggests the Working Group consider creating a vision statement for implementation to

explicitly provide a place for big ideas – perhaps a dedicated place in the Strategy to capture these ideas.

- Joe Liebezeit (Portland Audubon): I like the idea of a program coordinator and encourage further discussion about statewide recommendations. I can see a synergy to develop a coastal conservation corps. Happy to provide data on Black oystercatcher nesting success.

**Tribal Nations Comment:** none

**Meeting Overview** (Apr 30)

**Public Comment:** (None)

**Tribal Nations Comment:** (None)

Summary goes here

**Public Comment:**

- Joe Liebezeit (Portland Audubon): Wildlife disturbance is a cross-cutting issue with the proposals, but didn't hear the group discuss the kelp problem today and that's really big. That's why subtidal connections are so important to include in the Strategy in terms of ecological connectivity. Agree that education to the public is huge – there are many different sites with many different regulations and it is difficult to understand. Be careful not to treat the public as a monolith. Totally support exploration of more agency capacity and stewardship groups. Education can go further than signage. A new study (cited in Ecola & Chapman proposals) found that sites with stewardship programs have much better wildlife protection. It's clear that visitorship has dramatically increased. Regarding Black oystercatcher nesting success: it's clear that successful programs are difficult and costly – we have excellent studies. >30% of nests on the north coast had temporary nest abandonment when people approached. It's difficult to capture disturbance events, so we often rely on other correlative data. Nesting success is greater on offshore islands vs. nearshore rocks. Existing programs are great, but we need to support sites that don't already have specific support yet.

**Tribal Nations Comment:** (None)

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