

# Oregon Rocky Habitat Management Strategy Site Designation Proposal Template

**DISCLAIMER:** All rocky habitat site designation proposals MUST be submitted online via the Rocky Habitat Web Mapping Tool ([Oregon.SeaSketch.org](http://Oregon.SeaSketch.org)). If you require assistance with proposal submission, please contact the Rocky Shores Coordinator, Michael Moses, at [Michael.Moses@state.or.us](mailto:Michael.Moses@state.or.us).

All proposals must be accompanied by a map and site report which may be generated under the "My Plans" tab on the Rocky Habitat Web Mapping Tool, or you can attach your own map to the proposal form. Interested parties should also review the [Rocky Habitat Management Strategy](#) to determine the eligibility of possible site designations prior to submitting a designation proposal.

Entities in need of special accommodation should contact staff at the Oregon Coastal Management Program. Due to the depth of agency review, staff cannot guarantee when a proposal will be reviewed by OPAC or LCDC. Please note that a high volume of submissions may increase review timelines.

Have questions? Contact Andy Lanier ([Andy.Lanier@state.or.us](mailto:Andy.Lanier@state.or.us)) or Michael Moses ([Michael.Moses@state.or.us](mailto:Michael.Moses@state.or.us)).

## Contact Information

Please fill out the following section with primary contact information for this proposal. Contact information will be used to provide proposal review updates and ask for questions relating to this proposal.

### Name of Principal Contact\*

Who should be contacted with updates and questions regarding this proposal?

dawn villaescusa, President

### Affiliation, agency, or organization (if applicable)

Audubon Society of Lincoln City (ASLC)

### Phone Number\*

503-507-8457

### Email Address\*

info@lincolncityaudubon.org

### Mailing Address\*

Audubon Society of Lincoln City, PO Box 38, Lincoln City OR 97367-0038

## General Proposal Information & Rationale

To the best of your knowledge, fill out the following section with the general site identification and rationale information for your proposed designation.

### Proposal Type\*

Proposals may outline desired additions, deletions, or alterations to rocky habitat site designations, as outlined in the Territorial Sea Plan: Part Three.

New Site Designation (addition)

Existing Site Removal (deletion)

Alteration to Existing Site

### What type of rocky habitat designation are you proposing?\*

Marine Research Area

Marine Garden/Education Area

Marine Conservation Area

### Proposal Rationale and Goals\*

Please describe the context for why this proposal is being brought forward. a) Please describe the site-specific goals for this proposal. b) What are the outcomes or metrics which could be measured to determine progress toward or achievement of these goals?

The State of Oregon holds the lands, waters, and living resources within its boundaries in trust for the public and, acting through local, state, and federal laws, seeks to ensure that our ocean resources, values, and benefits are conserved for current and future generations. As part of ongoing processes to meet this goal, the Rocky Shores Management chapter (Part Three) of the Oregon Territorial Sea Plan (TSP), originally established in 1994, is being amended. This amended Rocky habitat Management Strategy incorporates the best available science and considers the needs, concerns, and values of Oregonians balanced with the state's goals for a resilient coastal ecosystem that can provide enduring opportunities for its users. The Strategy acts as a coordinated vision for marine resources in Oregon and guides the actions of state and federal agencies that are responsible for managing coastal and ocean resources in the public trust.

The Strategy allows local community groups and individuals to submit site based proposals for inclusion in the Strategy. Site-specific coordinated management that applies the principles of ecosystem-based management can protect ecological resources and biodiversity, while allowing appropriate use.

Audubon Society of Lincoln City (ASLC) was established in 2006 as a chapter of the National Audubon Society, assigned as such to serve both Lincoln and Tillamook counties. Our core

programs are Education, Citizen Science, and Conservation mission includes the protection and preservation of wildlife habitats on the Oregon coast. We began in 2019 to work on a campaign to seek designations for key sites in the two counties that we serve. Over the past 18 months we have formed a core team made up of ASLC members and others, held public events such as webinars to inform and webinars to discuss, published handouts highlighting the Strategy and our proposals, visited several sites, and presented our plans to decision makers in both counties.

Cape Foulweather on the central Oregon coast exemplifies a high quality rocky habitat supporting a diversity of species dependent on these habitats as well as opportunities for Oregonians and visitors to enjoy and interact with coastal resources. Just south of Depoe Bay, Cape Foulweather rises 500 feet above the ocean, creating fantastic views of the Central Oregon coast. It is given the moniker “where Oregon began” as it is the first land formation seen by Captain Cook on that fateful voyage in 1778. While it was named for the terrible weather conditions Cook encountered here, this basalt headland is a true gem of Oregon’s natural beauty. Standing at the viewpoint on a calm and sunny summer day, you are more than likely to have unbeatable views of Gray whales cavorting and feeding in the abundant kelp beds below.

The offshore rocks and extensive cliffs in the Cape Foulweather area support several seabird nesting colonies and harbor seal haulouts. Cape Foulweather is home to the largest Pelagic Cormorant colony in Oregon.

The Cape Foulweather Complex includes intertidal habitat at the base of the cliffs and subtidal rocky reefs vegetated with extensive canopied bull kelp (*Nereocystis luetkeana*) forests that are rich in biodiversity. The Pacific Fishery Management Council identified canopy-forming kelp as a Habitat Area of Particular Concern (HAPC) for Pacific Coast groundfish. Canopy-forming kelps are also part of the submerged aquatic vegetation HAPC for Pacific Coast salmon.

Kelp forests along the west coast of California and at least southern Oregon have been declining in the area at alarming rates. Although subject to annual natural variability, once prolific kelp forests in Northern California declined by 93% in the last five years. Warming sea temperatures with climate change stress bull kelp, which is adapted to cold water ecosystems. The combination of warming ocean trends and the coinciding loss of sea stars due to sea star wasting disease has resulted in many kelp forests being out of ecological balance. The above factors resulted in purple urchin populations exploding without their primary predators, sea stars. Purple urchins feed mostly on algae (like bull kelp) and the overwhelming populations have resulted in urchin barrens essentially devoid of kelp.

Beginning in 2013, a region-wide outbreak of sea star wasting disease coincided with substantial warming of Oregon coastal waters. Sea stars are predators for the voracious herbivore purple sea urchins. An explosion of purple sea urchin populations coinciding with warmer sea water,

hypoxia, and ocean acidification resulted in dramatic losses of kelp forests along the northern California coast and extending into Oregon. Once highly productive kelp beds were transformed into low productivity sea urchin barrens. Monitoring, research and a holistic management approach are necessary to better understand both short and long-term trends in kelp forest ecology and these threats to the continued ecosystems services provided by kelp forests. The kelp forests in the Cape Foulweather area represent the most significant kelp beds along the Oregon central and north coast. This designation will focus attention on the importance of holistically managing this key resource.

The Cape Foulweather Complex site is used by Oregon Department of Fish and Wildlife (ODFW) as a comparison site for evaluating the effectiveness of the nearby Otter Rock Marine Reserve. This designation ensures the integrity of rocky habitats at this location so that it will continue to be functional as a comparison site.

This proposal emphasizes education, stewardship, and active community engagement as mechanisms to protect rocky habitat natural resources, while providing appropriate use. Site access will be maintained. The proposal recommends no change to coastwide commercial and recreational fish harvest regulations. The proposal recommends closure within the plan area for some invertebrate species. Harvest of clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, and shrimp will remain open subject to coastwide regulations. Sea urchins may be commercially harvested according to coastwide regulations. Adaptive management will account for evolving fisheries so that the plan area is open to the range of commonly harvested species. In fact, an open harvest with coastwide regulations is an objective of the proposal so that the area may continue to be a suitable comparison site for other nearby marine designations. The continued use and enjoyment of the rocky habitat and dependent natural resources at the Cape Foulweather complex is an essential tenet of this proposal.

## GOAL

In coordination with management of other nearby marine designations, conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations.

**Process Objectives** (*Management recommendations that are relevant to an objective are listed as R#*)

1. Protect habitat integrity to maintain the suitability of Cape Foulweather as a comparison site for evaluating the effectiveness of management for other nearby marine designations. [R5, R7, R10, R11, R14, R15, R16, R17]
2. Engage stakeholders in adaptive management of the Cape Foulweather Marine Conservation Area to achieve designation goals. [R1, R6, R8, R11]

3. Foster cooperation and coordination among local, state, and federal resource management agencies, and Tribal Nations, to ensure ecosystem based management principles guide management decisions for marine resources, wildlife, and habitat at Cape Foulweather. [R5, R6, R9, R10, R11]
4. Enhance the appreciation and foster personal stewardship of rocky habitats within the designation area through education, interpretation, and outreach. [R1, R2, R3, R4]
5. Identify knowledge and management gaps for achieving designation goals and implement research/monitoring including community science to fill those gaps. Research and monitoring needs are initially defined in the Oregon Nearshore Strategy; these needs for nearshore habitats occurring within the designation site should be prioritized. [R6, R8, R9, R10]

**Resource Objectives** (*Management recommendations that are relevant to an objective are listed as R#*)

1. Maintain or enhance scenic viewsheds from public areas that offer the public safe enjoyment of the Cape Foulweather Complex. [R2, R3]
2. Maintain the spatial area of kelp beds within the mid to upper range of natural annual variability. [R17]
3. Maintain or improve the ecological integrity of kelp beds as measured by habitat complexity, species biodiversity, and population structure of keystone and other Nearshore Strategy species. [R10, R14, R15, R16, R17]
4. Avoid human disturbance of shore nesting seabird colonies and Black Oystercatchers utilizing rocky habitat during nesting season (April - August). [R3, R6, R12 R13]

**Metrics for Evaluating Progress Towards Goal and Objectives:**

The goal and objectives for this designation will be met through the implementation of the site-specific management recommendations contained in this proposal as well as the policies stated in the Strategy. Each of the management recommendations included in this proposal includes specific and measurable metrics for evaluation. Those evaluation metrics for the management recommendations are summarized by category.

**Education:** Development of school curriculum within two years focused on Cape Foulweather, use of social media such as the ASLC facebook page, installation of signage, informing boaters and drone operators how to avoid disturbing wildlife.

**Protection:** The need and effectiveness of adaptive management measures, trends in disturbance rates of Black Oystercatchers (long-term records are available back to 2015 as baseline through

the Oregon Black Oystercatcher Project - additional data 2006-2007 USGS), implementation of invasive species monitoring and response. Protocols and online data submittal forms are available at <https://audubonportland.org/get-involved/community-science/black-oystercatcher/>.

**Stewardship:** Volunteer stewards per year, training records for stewards, outcomes from reported enforcement needs, participation levels, and success of community science projects. CoastWatch has well-established protocols and data systems to support coastal stewardship.

**Climate change and resiliency:** The evaluation of site-specific and regional efforts to build in climate change considerations and resiliency will rely on concepts and measures identified in the Climate Change Adaptation Framework.

**Monitoring and research:** Progress towards achieving goals and objectives will be documented by participation levels and adequacy of data to support adaptive and holistic management decisions. ODFW has an established and ongoing monitoring program for this site as part of its comparative studies for the nearby marine reserve. Regional collaboration on research and monitoring needs will benefit rocky habitat at this site as well as coastwide.

Community engagement is an essential component of ecosystem-based management and is self-evident in the goal for this designation. “The single most important factor for the success of marine protected areas is community engagement.” [PISCO: Partnership for Interdisciplinary Studies of Coastal Oceans and University of Nice Sophia Antipolis. 2016. *The Science of Marine Protected Areas* (3rd edition, Mediterranean). [www.piscoweb.org](http://www.piscoweb.org). 22 pages]. A key community engagement action identified in this proposal is the commitment of ASLC to host a biennial State of the Cape meeting. This meeting will be an ideal platform to foster collaboration of community, agencies, Tribal Nations, and interested organizations in routinely evaluating progress toward achieving the designation goals and objectives.

The management recommendations identify opportunities to capitalize on existing monitoring programs to increase our scientific understanding of ecological functions and integrity of Cape Foulweather’s rocky habitats. Research will be directed to fill information gaps. The site-specific recommendations in this proposal address studies to better understand the social and economic patterns and trends as they relate to rocky habitat resources, human use of the resources, and effects of resource management actions on individuals, user groups, or communities.

Please refer to the management recommendations stated in other sections of this proposal for additional detail.

## SITE-SPECIFIC MANAGEMENT RECOMMENDATIONS

The development of the objectives and management recommendations within this proposal gave thoughtful consideration of what is realistic and achievable given anticipated budget constraints and availability of other resources. Many of the actions supporting management recommendations can be achieved through volunteer efforts with minimal monetary investment required. Other recommendations may already be within the existing capacity and scope of work for agencies. Some specific actions for implementing the management recommendations are identified as actions that ASLC, as the primary proponent, will be responsible for. Where feasible, timelines are included for these metrics. The proponents of this proposal recognize that implementation of some management recommendations may require considerable resources well beyond the capability of ASLC or other community stakeholders. Recommendations that may require state and federal agency involvement beyond current existing capacity are considered long-term management recommendations. While their implementation may be postponed until future funding sources are secured, it is important to identify these management needs to guide future planning and management direction.

**Recommendation (R1):** Work cooperatively with educators, institutions and media services to expand public awareness of the Rocky Habitat Strategy and the Cape Foulweather Complex Marine Conservation Area through electronic social media, school curriculums, and webinars. Engage the public in awareness of issues facing rocky habitats and proper stewardship.

**Rationale:** Oregon’s coastal rocky habitat is one of the richest ecological systems in the world, home to thousands of species in a multitude of habitat types. An informed public is more apt to be better stewards and advocate for funds to implement necessary management actions to achieve Strategy goals and objectives. Increased public awareness will foster stakeholder involvement in an ecosystem-based management approach for newly designated sites. While public access to the shoreline is an iconic value for Oregonians, we are loving some habitats to death through uninformed and unintentional misuse. Education should emphasize proper tidepool etiquette, measures to protect wildlife, and ecology of nearshore and subtidal habitats.

### **Metrics for Evaluation:**

1) ASLC and partners will develop a curriculum (K-12) focused on the ecology of rocky habitats, including the Cape Foulweather Complex within two years of the designation.

2) ASLC will promote appropriate use and enjoyment of rocky habitat through our Facebook page “My Favorite Rocky Habitat.”

<https://www.facebook.com/groups/myfavoriterockyhabitat>

3) ASLC will publish at least one feature article per year in the ASLC newsletter or on our website focused on the natural resources, use, and enjoyment of rocky habitats, including the Cape Foulweather Complex MCA.

4) ASLC will host a biennial summit meeting on the State of Cape Foulweather Complex MCA.

**Potential Cooperators:** State and federal natural resource agencies, Tribal Nations, schools, universities, community colleges, Oregon Sea Grant, Oregon Coast Aquarium, Hatfield Marine Science Center, non-governmental organizations, and others. ASLC has a proven record of commitment to environmental education through a well-established network of local educators. By listing other potential partners, it does not imply a commitment or endorsement of this proposal.

**Recommendation (R2):** Provide educational opportunities through signage and/or digital narratives at key viewpoints along Otter Crest Drive, and at Otter Crest State Viewpoint describing the importance of rocky habitats and kelp forests.

**Rationale:** Education is an essential component of encouraging residents and visitors to protect and enjoy birds and other wildlife. Increased awareness promotes the Rocky Habitat Strategy and good stewardship of designated sites.

**Metrics for Evaluation:** Within one year of designation, seek funding through Oregon Department of Transportation and other grants for signage. Within four years of designation, signage is anticipated to be installed with a supporting maintenance agreement.

**Potential Cooperators:** US Fish and Wildlife Service (USFWS), Audubon, local tourist commissions, Friends of Otter Rock, and the Oregon Coast Aquarium.

**Recommendation (R3):** Provide signage (digital or physical), information flyers, and guided outings from the Otter Crest State Scenic Viewpoint, Otter Crest Marine Garden, and selected areas along Otter Crest Drive for educating the public on how to avoid disturbance to breeding Black Oystercatchers. Monitor effectiveness through the Oregon Black Oystercatcher Project. <https://audubonportland.org/get-involved/community-science/black-oystercatcher/>

**Rationale:** The Black Oystercatcher is a “species of high conservation concern” and is an indicator of the health of intertidal ecosystems. A growing population in Oregon and the subsequent increased usage of Black Oystercatcher habitat by recreationists are

management concerns for this species. Human disturbances of nesting Black Oystercatchers are usually unintentional but can result in failure of a nest site.

Education is an essential component of encouraging residents and visitors to protect and enjoy birds and other wildlife. Increased awareness promotes the Rocky Habitat Strategy and good stewardship of designated sites. Signage will inform visitors how to enjoy and responsibly interact with this species.

**Metrics for Evaluation:** Metrics include trends in documented human disturbance events, the number of volunteer hours per year, and other metrics defined within the Oregon Black Oystercatcher Project. The Audubon Society of Lincoln City along with other community groups have the skill and capacity for implementing the education, monitoring, and stewardship components of this recommendation. Portland Audubon can support this work with established protocols, data management and analysis, and periodically providing information on nesting success for any nests monitored at this site as well as information on human and predator disturbance. The Black Oystercatcher Project has already demonstrated its ability to collect and analyze scientifically rigorous data that is vital to the management at other sites.

**Potential Cooperators:** US Fish and Wildlife Service (USFWS), Oregon Black Oystercatcher Project (coordinated by Portland Audubon), Friends of Otter Rock, local tourist commissions. Oregon Coast Aquarium, volunteers, Oregon Department of Transportation Scenic Byways Funds, Portland Audubon.

**Recommendation (R4):** Work cooperatively with neighborhood groups, Friends of Otter Rock, USFWS, CoastWatch, and other interested organizations, State agencies and Tribal Nations to implement a volunteer stewardship program for the Cape Foulweather Complex MCA and other nearby marine designated areas. Implementation of this recommendation is dependent upon securing adequate funding and does not commit cooperators. With appropriate training and data management tools, these volunteer stewards will: educate the public on appropriate use and enjoyment of rocky habitats, encourage good tidepool etiquette, document site uses, document natural resource conditions, and report any observed enforcement concerns.

**Rationale:** Residents in the vicinity of the Cape Foulweather MCA demonstrate a deep appreciation of the local rocky habitats, wildlife, and viewsheds. Many have expressed an interest in volunteering as stewards to protect the natural resources as well as ensuring continued access and enjoyment for all. Local CoastWatch volunteers have led guided tidepool walks at Otter Crest Marine Garden. CoastWatch provides a well-established and successful program for recruiting, training, and managing data collected by volunteer coastal stewards. A stewardship program that encompasses the Cape Foulweather

Complex Marine Conservation Area, Otter Crest Marine Garden, Whale Cove Conservation Refuge, Otter Rock Marine Reserve and nearby rocks and islands within the Oregon Islands National Wildlife Refuge maximizes benefits to resource management through efficient recruitment, training, and engagement of volunteers.

**Metrics for Evaluation:** Within one year, recruit and provide initial training for at least two volunteer stewards. Demonstrate increasing knowledge and effectiveness of CoastWatch volunteers assigned to each mile of the coast between Whale Cove and to the south of Otter Crest Marine Garden. Two guided tidepool walks at Otter Crest Marine Garden per year.

**Potential Cooperators:** USFWS, Oregon Parks and Recreation Department (OPRD), Bureau of Land Management (BLM), Tribal Nations, ASLC, Friends of Otter Rock, CoastWatch, Little Whale Cove Homeowners Association

**Recommendation(R5):** Promote the use of climate change information in management decision-making for the Cape Foulweather Complex. Build climate resilience and climate change adaptation into decision-making to maximize the long-term benefits of today's public investment in natural resource management. Complement agency efforts with community science monitoring for climate change effects including ocean acidification and hypoxia. Climate change decisions should be considered at multiple scales, site-specific, regional, and statewide.

**Rationale:** Our understanding of climate change continues to broaden and deepen, as we discover the multitude of climate change symptoms and explore predictions of future impacts. Symptoms include those that have been in the public awareness for decades (e.g. warming temperatures) as well as newly identified phenomenon such as ocean acidification, which was first recognized in 2003. Many (or arguably most) natural resource management tools do not explicitly incorporate climate change information; at best, management tools include methods for addressing scientific uncertainty (e.g. harvest quota estimates), which may indirectly account for some degree of climate change uncertainty, but not all of it. Decisions made today on natural resource issues – made in a vacuum relative to climate change adaptation information – likely will not stand the test of time. Poor decisions today, assuming a static environment, will likely lead to destabilization of businesses and economies that rely on resource availability for harvest, tourism, or other purposes.

The implementation of the community science component of the recommendation can build upon existing programs. One example is the Oregon Coastal Management Program's king tides photo initiative:

<https://www.oregon.gov/LCD/OCMP/Pages/Citizen-Science.aspx#:~:text=Oregon%20King%20Tides%20Photo%20Initiative,is%20closest%20to%20the%20sun.>

**Metrics for Evaluation:** At the direction of the Governor, DLCD is coordinating the State of Oregon’s work on the Oregon Climate Change Adaptation Framework. This framework explores the impacts of climate change in Oregon and identifies how state agencies can effectively respond to them. The Climate Change Adaptation Framework provides metrics and processes for evaluating response to climate change. Evaluation specific to Cape Foulweather is review of a management plan for inclusion of how climate change is addressed in site research, monitoring, and natural resource protection.

**Potential Cooperators:** State and federal natural resource agencies, Tribal Nations, university scientists, non-governmental organizations, and the fishing industry.

**Recommendation (R6):** Develop and implement research and monitoring efforts to understand, track, and work toward predicting effects of climate change and increased carbon dioxide on Oregon’s rocky habitat species and ecosystems. Focus research toward species and ecosystems most at risk, and foster collaboration between scientists and managers to optimize research outcomes for use in management. (Adapted from Oregon Conservation Strategy. 2016. Oregon Department of Fish and Wildlife, Salem, Oregon)

**Rationale:** Oregon’s territorial sea is already experiencing effects of climate change and increased carbon dioxide, including ocean acidification, hypoxia, other changes in water chemistry, warming ocean temperature, changes in upwelling, and species populations shifts within rocky habitats. Coordinated management that recognizes the stressors of climate change can be responsive to understanding and minimizing impacts. Desired outcomes are to increase ecosystem and community resilience and sustainability of designated sites.

**Metrics for Evaluation:** This recommendation including metrics for evaluation is best applied at a coastwide scale (Oregon or west coast). Implementation is subject to agency funding and allocation of both agency and academic resources. The applications of this recommendation specific to Cape Foulweather Complex MCA will be evaluated at the biennial summit meeting on the State of Cape Foulweather Complex MCA (R1).

**Potential Cooperators:** State and federal agencies, Tribal Nations, universities, commercial fishing interests, local governments, community scientists, and non-governmental organizations.

**Recommendation (R7):** Periodically, review information from ongoing monitoring programs conducted as part of comparison site studies, to evaluate if any adaptive management measures are appropriate to maintain the habitat integrity and biodiversity for rocky habitats as well as identify additional fishing opportunities within the Cape Foulweather Complex Marine Conservation Area. Engage community in monitoring as feasible. This recommendation is contingent upon first evaluating if the site comparison data are appropriate and sufficient to characterize habitat integrity and biodiversity of rocky habitat within the designation plan area.

**Rationale:** For the last 10 years and continuing into the future, ODFW has used the Cape Foulweather area as a comparison site as part of the long-term marine reserves monitoring study design. The Marine Reserves Program has been conducting ongoing subtidal SCUBA, video lander, and juvenile fish recruitment (SMURF), as well as collecting oceanographic data in the comparison area. ODFW has also recently placed an Autonomous Reef Monitoring Structure (<https://oregonmarinereserves.com/2019/05/08/arms/>) device to study invertebrate biodiversity at the site. In addition, the ODFW Shellfish Program has conducted sea urchin surveys in the site and adjacent areas periodically since the mid 1990's, and that work will continue into the future. Data from these studies are likely sufficient to identify trends or events that might trigger adaptive management actions within the Cape Foulweather Complex MCA that are necessary to preserve the ecological integrity of the area as a suitable comparison site. Assessment of habitat integrity and biodiversity at Cape Foulweather is viewed as a secondary objective to the primary task of ongoing monitoring as a comparison site.

Identifying additional fishing opportunities addresses an increasing trend in use that would benefit from improved access with responsible harvest regulations still protecting the resource. Charter boat and personal watercraft fishing is growing in popularity and is an important part of the local economy.

**Metrics for Evaluation:** ODFW monitoring programs specify the data types and metrics. Adaptive management decisions are subject to the agencies with authority. Recommendations for adaptive management changes can be reviewed with community stakeholders at the biennial State of the Cape Foulweather meeting.

**Potential Cooperators:** Marine Reserves Program, commercial and sport fishing interests, non-governmental organizations, and university scientists, students, community members.

**Recommendation (R8)** Conduct and support studies of social and economic patterns and trends as they relate to rocky habitat resources, human use of the resources, and effects of resource

management actions on individuals, user groups, or communities. Studies can be coordinated among all the designated rocky habitats. Potential topics include coastal community demographic trends, economic and social contributions of industries that depend on rocky habitat resources directly (e.g., fishing) or indirectly (e.g., tourism), and the impacts of regulatory and other management changes. In some cases, new methods will need to be developed to study these topics and develop data useful for resource management.

**Rationale:** Human dimensions information is central to understanding the context of natural resource issues and how people, coastal communities, economies, and nearshore resources are interrelated and might be affected by various management actions. The social and economic benefits and consequences of resource management actions need to be an integral part of the resource management process.

**Metrics for Evaluation:** This being a coastwide recommendation, the metrics for evaluation are best developed by DLCDC and OPAC. Implementation is viewed as a long-term goal subject to future funding.

**Potential Cooperators:** State and federal natural resource agencies, Tribal Nations, university scientists, non-governmental organizations, local governments, the fishing industry, and the general public.

**Recommendation (R9):** Communicate and collaborate with regional (west coast) agencies, researchers, and other entities focused on the management of rocky habitats to understand regional ecosystem trends.

**Rationale:** This Marine Conservation Area designation will increase the understanding of ecological trends within rocky habitats at Cape Foulweather as well as inform assessments of regional trends for intertidal and subtidal ecosystems. Ecosystem-based management needs to happen at multiple geographic scales (site-specific and regional). Natural temporal variation in rocky intertidal systems can be quite high, and can occur on the scale of months (seasonal), years, and even decades, so long-term monitoring at multiple geographic scales is essential for separating natural change from human-induced. Sharing data, monitoring methods and management practices among all rocky habitat designations within Oregon and a wider regional audience leads to more effective management. Identifying ecosystem regional trends provides greater opportunity for managers to implement adaptive management practices that are responsive to changing conditions.

**Metrics for Evaluation:** The Multi-Agency Rocky Intertidal Network (MARINE), is a regional consortium of government and non-government entities established to

standardize the collection of rocky intertidal data throughout the Pacific coast. Monitoring methods and metrics for evaluating regional trends can be developed through collaboration of cooperators to be consistent with regional databases.

**Potential Cooperators:** ODFW, WDFW, PISCO, Hatfield Marine Science Center, OSU.

**Recommendation (R10):** Coordination between managing agencies and researchers to develop rapid qualitative survey methods for early identification and management responses to invasive species. Implement at a coastwide scale among all rocky habitat designations.

**Rationale:** Available information indicates large scale invasive species problems are occurring in marine coastal systems in Oregon as well as for other coastal states and provinces. There is a general lack of information, which is not indicative that invasive species problems are a minor concern. Once a species is introduced it can affect food webs, introduce toxins, alter habitats, and out-compete native species. Early detection and quick management response to invasive species problems are cost-effective and can treat the problem before an invasive species becomes well-established. A network of designation sites along the coast can serve as a living laboratory for early detection of invasive species problems. Implementation is viewed as a long-term goal.

**Metrics for Evaluation:** ASLC will advocate that a management approach to invasive species be incorporated into the Rocky Habitat Management Strategy.

**Potential Cooperators:** ODFW, Oregon Parks and Recreation Department (OPRD), Department of State Lands (DSL), OPAC, Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO), and research institutions.

**Recommendation (R11):** Encourage and support community science programs through cooperation among managing agencies, researchers, and non-governmental organizations to identify and implement monitoring programs that help fill information gaps for the Cape Foulweather Complex. Revitalize Black Oystercatcher monitoring at Cape Foulweather Complex MCA in cooperation with the Oregon Black Oystercatcher Project, Otter Crest Marine Garden, and nearby accessible rocks and islands within the Oregon Islands National Wildlife Refuge. Develop and implement at least one additional community science project within the first two years of designation.

**Rationale:** Community science allows monitoring to operate on a large-scale, ongoing basis, which provides scientists with large and diverse data sets that might have been otherwise unavailable. Volunteer efforts of community scientists allow rapid scaling for relatively little capital. Additionally, it provides opportunities for two-way engagement

between the public and scientists, which can lead to increased site stewardship and provide linkages between the community and the marine conservation area. The Oregon Black Oystercatcher Project is a well-established community science project that provides new information on Black Oystercatcher biology including an Oregon-wide population estimate, nesting success, and human disturbance factors. These efforts are informing better protection for this species and are also an important part of efforts to secure better protections for Oregon's iconic rocky shoreline habitat. A critical part of this project is engagement and outreach to local communities up and down the coast.

**Metrics for Evaluation:** At least two local community science projects within the first two years of designation will be initiated. Metrics will include adequate participation for programs to be effective. One of the projects will be local participation in the Oregon Black Oystercatcher Project. Community science activities will be reviewed biennially at the State of Cape meeting (R1).

**Potential Cooperators:** Audubon Society of Lincoln City, Friends of Otter Rock, Surfrider Foundation, schools, community colleges, Hatfield Marine Science Center, Portland Audubon, ODFW, and USFWS.

**Recommendation (R12):** Provide education on how to avoid wildlife disturbance when operating drones. Educational strategies include on-site volunteer stewards, social media, and signage.

**Rationale:** Drones, unmanned aerial vehicles (UAVs) or remotely piloted aircrafts (RPAs) are relatively new components of human airspace use; however, they are increasingly used worldwide by laypeople and for ecological research. Drones are flown at low altitudes above ground level where most flying species live (Dolbeer 2006). However, there is little debate on their possible effects on wildlife (Hayes et al. 2014), and this has prompted recommendations for the study and minimization of drone disturbances to wildlife. (Lambertucci et al. 2015). Scientific literature on the subject is sparse, but it suggests that behavioural responses of wildlife to drones exist. Moreover, there may be other unmeasured effects on the disturbed animals (e.g., physiological, abandoning nests, disruption of feeding, fitness). ASLC members and local coastal stewards have observed disturbances of seabirds. Proper use of drones operated at altitudes and distances that do not disturb nesting seabirds have potential benefits for counting and monitoring seabird populations.

**Metrics for Evaluation:** Volunteer stewards routinely note any observed seabird disturbances, which are illegal. The USFWS conducts annual coastwide surveys of nesting seabirds. While species diversity and abundance are affected by multiple abiotic

and biotic factors, trends may suggest the effectiveness of informing users how to avoid wildlife disturbances. ASLC will take the lead.

**Potential Cooperators:** ASLC, Portland Audubon, local tourist commissions, and Oregon Coast Aquarium, USFWS.

**Recommendation (R13):** Make digital and printed materials available at Depoe Bay and Newport harbors and boat launches to inform watercraft operators on appropriate precautions to avoid disturbing seabirds during nesting season.

**Rationale:** Education is an essential component of encouraging residents and visitors to protect and enjoy birds and other wildlife. Increased awareness promotes the Rocky Habitat Strategy and good stewardship of designated sites. ASLC will take the lead but will require funding for production. The USFWS already has an excellent publication that provides educational information on how to identify and avoid disturbance of wildlife <https://www.fws.gov/uploadedFiles/Pacific%20Northwest%20Seabirds%20Brochure.pdf>.

**Metrics for Evaluation:** Volunteer stewards and participants in the Oregon Black Oystercatcher Project routinely note any observed seabird disturbances, which are illegal. The USFWS conducts annual coastwide surveys of nesting seabirds. While species diversity and abundance are affected by multiple abiotic and biotic factors, trends may suggest the effectiveness of informing users how to avoid wildlife disturbances.

**Potential Cooperators:** ASLC, Portland Audubon, local tourist commissions, and Oregon Coast Aquarium, USFWS.

**Recommendation (R14):** Coastwide ODFW fish harvest regulations for commercial fish harvest.

**Rationale:** Commercial fish harvest is regulated by multi-state management processes such as the Pacific Fishery Management Council governed by the Magnuson-Stevens Fishery Conservation and Management Act. Harvest management recommendations specific to the Cape Foulweather Complex MCA are guided by the objective of maintaining the suitability of Cape Foulweather as a comparison site with open harvest regulations for evaluating the effectiveness of the nearby Otter Rock Marine Reserve.

**Metrics for Evaluation:** None required.

**Recommendation (R15):** Coastwide ODFW fish harvest regulations for recreational (sport) harvest with the exception of any emergency or temporary closures as identified and

implemented by ODFW based on adaptive management response to comparison site monitoring data.

**Rationale:** Nearby Otter Rock Marine Reserve and Whale Cove Habitat Refuge are closed to harvest. These areas provide a nursery for dispersal to nearby areas, thereby benefiting biodiversity within the Cape Foulweather Complex MCA. Extensive monitoring data have not identified any concerns meriting harvest restrictions beyond coastwide regulations. Harvest management recommendations specific to the Cape Foulweather Complex MCA are guided by the objective of maintaining the suitability of Cape Foulweather as a comparison site with open harvest regulations for evaluating the effectiveness of the nearby Otter Rock Marine Reserve.

**Metrics for Evaluation:** None required.

**Potential Cooperators:** ODFW, charter boat operators

**Recommendation (R16):** No commercial or recreational take of shellfish and marine invertebrates, *except* clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, and shrimp may be taken. Sea urchins may be commercially harvested according to coastwide regulations, and harvest of sea urchins will be promoted when monitoring indicates urchin populations are at levels likely to lead to overgrazing of kelp beds. Adaptive management should allow for modifications to the species exceptions to the no take recommendation. As fisheries evolve, ODFW will not be restricted in its authority to allow (recreational and/or commercial) take of other invertebrate species within the designation area so as to not impede the ability to use the area as a comparison site for evaluating restrictions within the nearby Otter Rock Marine Reserve. This recommendation does not exclude the take of invasive species as allowed by ODFW. Scientific/Education harvest will require a permit from ODFW and OPRD, which may be issued if the harvest aligns with the management goals of the Cape Foulweather Complex Marine Conservation Area. Harvest by members of federally recognized Tribal Nations is unaffected by this recommendation.

**Rationale:** The Cape Foulweather area is used by ODFW as a comparison site with open harvest regulations for evaluating the effectiveness of closures within the nearby Otter Rock Marine Reserve. It is the intent of this designation to complement and in no way impede ongoing use of Cape Foulweather rocky habitats as a comparison site for the Otter Rock Marine Reserve. The no take of invertebrates recommendation is aimed at protecting Nearshore Strategy species that are not normally associated with commercial or recreational harvest. Sufficient data are available for ODFW to determine and apply any additional regulations through adaptive management for species targeted for harvest.

High populations of urchins to the point of depletion of kelp as a food source can lead to sea urchin barrens with no commercial value to the urchins as well as loss of the habitat complexity associated with healthy kelp forests. It is unknown if commercial harvesting of purple urchins has the capacity to reduce urchin populations before they get out of control.

**Metrics for Evaluation:** ODFW marine reserve comparison data.

**Potential Cooperators:** ODFW.

**Recommendation (R17):** No commercial or personal use harvest of kelp except as incidental to other permitted activities. Harvest for scientific or educational purposes by permit from OPRD or DSL. Harvest of other marine plants is by coastwide regulations. Harvest by members of federally recognized Tribal Nations is unaffected by this recommendation.

**Metrics for Evaluation:** DSL does not issue a lease for harvest of less than 2,000 lbs of kelp for personal use. Metrics for evaluation are mostly limited to chance stewardship observations. Annual surveys or the aerial extent of canopied kelp beds are not likely to be able to distinguish small harvests from natural variation.

**Rationale:** Kelp forests comprise one of the ocean's most diverse ecosystems. Many fish species use kelp forests as nurseries for their young, while seabirds and marine mammals like sea lions, sea otters, and even Gray whales use them as shelter from predators and storms. The kelp forest at Cape Foulweather is the most extensive canopy kelp forest in Oregon north of Cape Arago. Kelp forests of this magnitude are scarce on the north and central coast of Oregon. Kelp forests are highly dynamic. They can appear and disappear dependent on oceanographic conditions and population size of primary herbivores. The proposed designation area for Cape Foulweather Complex Marine Conservation Area intentionally does not include all of the kelp beds within this area. Kelp harvest opportunities under coastwide regulations are available in the immediate area. Prohibition kelp harvest within the MCA ensures the ecological integrity of the kelp forest as well as provides a source area should nearby kelp beds outside of the MCA experience a decline.

**Metrics for Evaluation:** Volunteer stewards (R4) will report if kelp harvest for personal use within the MCA is observed. No leases by DSL for kelp harvest.

**Potential Cooperators:** ODFW Marine Resources Program, volunteer stewards, DSL.

**How does the proposed site improve upon or fill a gap in addressing objectives/policies that are not currently addressed by other designated sites or management measures?**

Please address this question in relation to the following topics: a) Maintenance, protection, and restoration of habitats and natural communities. b) Allowing for the enjoyment and use of the area while protecting from degradation and loss. c) Preservation of public access. d) Consideration for the adaptation and resilience to climate change, ocean acidification, and hypoxia. e) Fostering stewardship and education of the area or coastwide.

This designation creates an opportunity for site-specific ecosystem-based management that provides long-term ecological, economical, and social benefits to the natural resources at Cape Foulweather and the local communities. ASLC commits to hosting a biennial State of the Cape meeting to bring community members, agencies, Tribal Nations, and interested organizations together to discuss and evaluate progress toward achieving the designation goal and objectives.

a) Protection of intertidal and subtidal habitats and the species dependent on them will benefit from a better informed public on the ecosystem services and biodiversity exemplified by the Cape Foulweather Complex MCA. This designation will ecologically connect and coordinate management of several nearby marine designations. This will make management of all the designations in the nearby area more efficient and protection measures more effective. Signage at pullouts and parking areas will inform users on how to responsibly interact with rocky habitats. Local natural resources will benefit, and education measures will foster a greater coastwide appreciation of them. Resource protection concerns including enforcement needs can be enhanced through stewardship programs. Management recommendations address the importance of early detection and response to invasive species, which has been a management gap for marine habitats. The incidence of human disturbance to nesting seabirds is anticipated to lessen in response to education, signage, and stewardship. A prohibition of harvesting kelp for personal use protects this vital element of subtidal habitats.

b) Improved experiences through greater interpretation at visual access points is emphasized. Oregon Parks and Recreation Department (OPRD) survey data (Bergerson, 2019) show that 62% of users were “least satisfied” by the amount of information and education available. Interpretive signs at pullouts along Otter Crest Loop Drive will disperse visitors and potentially reduce crowding at other key access points. The management recommendations call for boater education rather than restricting access in order to protect nesting seabirds. No change to coastwide harvest regulations for fish and popular invertebrates. Maintains access and enjoyment while these regulations protect the resources.

c) Much of the proposed Cape Foulweather Rocky Habitat site is inaccessible from land due to the high cliffs. Public physical access to rocky habitats within the MCA will be maintained. The user experience at visual access points will be enriched through signage and interpretation. The

management recommendation for an analysis of socioeconomic trends as they relate to rocky habitat resources, human use of the resources, and the effects of resource management actions will identify gaps in public access.

Access and harvest rights for members of federally recognized Tribal Nations are unaffected by this designation. Tribal Nation agreements with the state cannot be altered through the Rocky Habitat designation proposal process. Federally recognized Tribal Nations may have, or obtain, consent decrees or other intergovernmental agreements, which outline separate rights or harvest regulations.

d) The Cape Foulweather Complex MCA creates a platform for consideration of climate change as part of decision making. This MCA builds climate resilience and climate change adaptation into decision-making to maximize the long-term benefits of today's public investment in natural resource management. Agency efforts will be complemented with community science monitoring for climate change effects including ocean acidification and hypoxia.

e) ASLC and our cooperators will seek grants to initiate a stewardship program that can be applied at the Cape Foulweather Complex MCA as well as other nearby marine designations. Residents in the vicinity of the Cape Foulweather Complex MCA demonstrate a deep appreciation of the local rocky habitats, wildlife, and viewsheds. Many have expressed an interest in volunteering as stewards to protect the natural resources as well as ensuring continued access and enjoyment for all. The designation creates the opportunity for community engagement for initiating a local stewardship program. Such a program benefits all the marine designations in this area through efficient recruitment, training, and engagement of volunteer stewards.

Education is emphasized over enforcement to achieve the designation goals and objectives. Stakeholders can work cooperatively with educators, institutions, and media services to expand public awareness of the Rocky Habitat Strategy and the Cape Foulweather Complex Marine Conservation Area through electronic social media, school curriculums, and webinars. On-site signage, stewardship, community science, and interpretation will engage the public in awareness of issues facing rocky habitats and proper stewardship.

## Site Information

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

### Name of Proposed Site\*

What is the general site name of the area of your proposed location? (Example: Haystack Rock, Cannon Beach)

Cape Foulweather Complex

### Site Location

What is the specific location of your proposed site (if applicable)? Use common place names, latitude/longitude, and geographic references to identify the location of the site.

The Cape Foulweather Complex is located on the central Oregon coast twelve miles north of Newport and 1.5 miles south of Depoe Bay. The shoreline is within T9S, R11W, Sec. 17,20,29.

The Cape Foulweather Complex extends from the northwest edge of Whale Cove Conservation Refuge to the north tip of the Ottercrest Marine Garden. The eastern boundary is primarily defined by the mean high tide elevation contour. The western boundary is drawn to include subtidal rocky habitat with canopied kelp beds (as mapped in SeaSketch).

### General Site Description\*

Just south of Depoe Bay, Cape Foulweather rises 500 feet above the ocean, creating fantastic views of the central Oregon coast. It is given the moniker “where Oregon began” as it is the first land formation seen by Captain Cook on that fateful voyage in 1778. While it was named for the terrible weather conditions Cook encountered here, this basalt headland is a true gem of Oregon’s natural beauty. Standing at the viewpoint on a calm and sunny summer day, you are more than likely to have unbeatable views of Gray whales cavorting and feeding in the abundant kelp beds below.

Looking south from the cape viewpoint you are treated to a stunning view of the famous Devil’s Punchbowl and the craggy beaches of Otter Rock. Gulls and cormorants are commonly seen as they fly to and from Gull Rock in the distance or the cliffs below. To the north is the Otter Crest Loop Drive which begins at Rodea Point and climbs to the viewpoint. Most of the loop drive is one-way, with a parallel bike lane, and provides one spectacular view after another.

Shoreline features include basalt and sandstone cliffs, small cobble pocket beaches, rocky intertidal areas, and a few large offshore rocks. Land use and facilities upland from the proposal area include several small unincorporated residential communities, other residential areas, two state scenic viewpoint parks, a commercial resort facility, and the historic and scenic route of old Highway 101 (now known as Otter Crest Loop Drive). Rocky Creek State Scenic Viewpoint and nearby Devils Punchbowl State Park have parking, restrooms, and picnicking facilities. Otter Crest State Scenic Viewpoint has a small parking lot and a private gift shop. There are numerous

scenic overlooks from the state parks and pullouts along Otter Crest Loop Drive. Informal trails lead to overlooks and intertidal areas; however, strong wave action and steep terrain pose significant hazards.

The offshore rocks and extensive cliffs in the Cape Foulweather cell support several seabird nesting colonies. Cape Foulweather is home to the largest Pelagic Cormorant colony in Oregon.

The Cape Foulweather Complex includes subtidal rocky substrates vegetated with extensive canopied bull kelp forests that are rich in biodiversity.

### Site Boundaries\*

Provide a written description of the intended boundaries and scope of the proposed area (e.g. intertidal area, subtidal area, depth contour, etc.) All proposals must include a map of the proposed site boundaries.

Coordinates: (approximate as delineated in SeaSketch)  
Beginning at Lat. 44.790858 Long. -124.073205  
west to Lat 44.790889 Long. -124.080694, then  
generally southward to Lat. 44.759251 Long. -124.079836,  
east to Lat. 44.75928 Long. -124.067453, then  
northward along mean high tide elevation contour.

The intended boundaries are adjacent but do not overlap with Ottercrest Marine Garden to the south and Whale Cove Habitat Refuge at the north end of the plan area. The plan area is adjacent to but not inclusive of Whale Cove Habitat Refuge. The plan area is not intended to include federal lands managed by US Fish and Wildlife Service (USFWS), which is generally offshore rocks and islands above the mean high tide. A map of the plan area is provided within SeaSketch.

Rocky habitat types in the plan area include rocky upland habitat, rocky intertidal habitat, and subtidal submerged reefs. The plan area encompasses 598.5 acres with 1.9 miles of shoreline. Most of this shoreline is at the base of basalt cliffs. There are 31 islands and offshore rocks within the plan area accounting for 1 acre of area. These island inclusions are within the plan area up to the mean high tide contour. Due to the steep terrain, there is limited intertidal habitat. Most of the substrate area within the intertidal zone is mapped as unclassified. There are 587 acres of subtidal habitat within the plan area as reported by SeaSketch for CMES data. Subtidal areas in the plan are dominated by rock substrate (about 70% based on CMES 2019 ). The maximum depth for the plan area is 22 m. The seaward boundary of the plan area was drawn to be inclusive of hard substrates (submerged reefs) either occupied or capable of being occupied by canopied kelp forests. The shore boundary of the proposal area is established at the mean high

tide contour as automatically snapped by SeaSketch. Establishing the shoreward boundary as defined by the mean high tide is consistent with many existing agency management directives. The extent of rocky habitat; however, as defined in the Rocky Habitat Management Strategy (Part B1b, pp 9-10) extends landward to the statutory vegetation line, or if unvegetated, the contour at 16 ft above sea level. Management area plans often cross multiple jurisdictions. Therefore, although the plan area boundary is at the mean high tide, our management recommendations for this proposal consider rocky habitat needs and functions inclusive of the area between mean high tide and the vegetation line. Sea level rise resulting from climate change is but one consideration why a holistic management approach is needed and should consider rocky habitat up to the vegetation line.

### Site Access Information\*

How is this site commonly accessed?

Much of the proposed Cape Foulweather Complex Rocky Habitat site is inaccessible from land due to the high cliffs. Visual access is available from spectacular viewpoints along Otter Crest Loop Drive (the old Highway 101 and part of the Oregon Coast Trail). This road has a one-way driving lane as well as a foot/bike path; it is heavily used to enjoy the views. The highest viewing point is at the Otter Crest State Park Scenic Viewpoint, which has several interpretive panels, a picnic table, and a gift shop which was once privately owned, but is now owned and operated by the state park. A fence on the perimeter of the viewpoint protects visitors from falling down the very steep cliffs. The viewpoint has a sizable parking lot that can accommodate 30 cars plus 2 handicapped spaces. To the north of the viewpoint, there are viewpoints at waysides and parks all the way up to Whale Cove, the northern boundary of the proposed site.

At the northernmost point of the proposed site, Whale Cove is bordered on the north and west sides by lands within the Oregon Islands National Wildlife Refuge administered by the USFWS which are inaccessible to the public. The beach at the northern end of Whale Cove is state property and therefore subject to the Beach Act permitting access by all visitors. However, access to the beach by land is rendered virtually impossible by a combination of the National Wildlife Refuge and private property. Visitors to the beach must either be a guest of someone who lives on the perimeter of Whale Cove or enter by boat.

Rocky Creek State Scenic Viewpoint borders Whale Cove on the south side and rocky shores immediately south of Whale Cove that are within the plan area. The park has restrooms, and a trail to a wooden platform viewpoint looking into Whale Cove. Parking is available along the horseshoe-shaped drive leading into and out of the park. There is space for roughly 30 cars to park along the road. Fencing and warning signs serve to keep the public away from dangerous surf areas. The park has five picnic tables, and two viewing benches facing west overlooking the ocean.

Following Hwy 101 south from Rocky Creek State Scenic Viewpoint, there is an exit to the Otter Crest Loop Drive. The first pullout on that road is Rodea Point, which can accommodate about 10 cars. Rodea Point is a popular spot for visitors to view whales, large waves, and sunsets. South from Rodea Point there is a small pullout on the north side of the Ben Jones Bridge that can accommodate about three cars. The Bridge (set over Rocky Creek) was constructed by Lincoln County, but the road itself and the property under it is owned by the Oregon Department of Transportation.

On the south side of the Ben Jones Bridge is a state park with interpretive panels describing the history of the bridge and Old Hwy 101. The Park parking lot can accommodate about four cars and there is another pullout to the south (west side of Otter Crest Loop) that can accommodate another two cars. There is no pedestrian right of way on the bridge. Car traffic is generally light, so, if hikers and pedestrians are careful, they can cross it safely.

Several yards south of the bridge, Miroco Street leads west into the Miroco neighborhood. The Miroco neighborhood contains approximately 58 homes, 25 of which are right above the rocky shore providing residents private access.

The Otter Crest Loop Drive becomes one-way (southbound) just south of the Miroco community. There are two pullouts nearby that can accommodate about 10 cars on the west side and another five on the east side. There is a steep informal trail at these pullouts leading through Bureau of Land Management lands down to several viewpoints along the rocky shoreline:

[https://www.beachconnection.net/news/112020343\\_depoe\\_cliffs.php](https://www.beachconnection.net/news/112020343_depoe_cliffs.php). This pullout and trail is popular on weekends when one commonly encounters visitors hiking, camping, and fishing off the rocks; the latter can be extremely hazardous due to waves unexpectedly washing over the rocks. There are three or more sites that are flat enough to accommodate a tent and there is a rough tree house at one of them. There are several flat seat-like areas in the basalt, where visitors can enjoy the constant oceanic drama and wave action. Seaward access to subtidal and intertidal areas is by boat. (Note about trails: There are several points along Otter Crest Loop Drive, starting at Rodea Point, where off-road trails could be constructed that provide beautiful hiking terrain and views.)

There are several more pullouts on Otter Crest Loop heading south from the informal trailhead to the Otter Crest State Park Scenic Viewpoint. These additional viewpoints provide opportunities for interpretive panels and educational encounters led by volunteers. Additional pullouts and their capacity are as follows from north to south (total capacity 33 cars):

West Side:

#1 = 10 cars  
 #3 = 2 cars  
 #5 = 1 car  
 #7 = 4 cars  
 #8 = 1 car  
 #9 = 1 car

East Side:

#2 = 5 cars  
 #4 = 5 cars  
 #6 = 4 cars

Seaward access to subtidal and intertidal areas is by boat. The nearest harbor is in Depoe Bay which is 1.5 nautical miles north. The next nearest harbor is Newport which is 9 nautical miles south of the plan area.

### What is your understanding of current management at this site?\*

This may include site ownership, management authorities, and other key stakeholders.

Upland areas adjoining the proposed site include unincorporated residential communities, two state parks and Bureau of Land Management (BLM) federal property. The US Fish and Wildlife Service (USFWS) owns and manages adjacent rocky habitats at Whale Cove as well as the rocks and islands within the plan area (areas above mean high tide and separated from land by sea at high tide are not included in this designation). The Boise Cascade Corporation owns and manages forest lands adjacent to the designation area.

Multiple agencies have authority for managing resources and activities near, over, or on rocky habitat for the Cape Foulweather Complex. Generally speaking:

- **Oregon Department of Fish and Wildlife (ODFW)** manages harvest of fin fish and invertebrates (ORS 506.109 and ORS 496.012).
- **Oregon Parks and Recreation Department (OPRD)** manages land and marine plants in the intertidal zone and on the beach as well as public access issues, and contains the State Historic Preservation Office that manages cultural resources and archeological sites. OPRD manages two waysides and two state parks adjacent to the site: Rocky Creek State Park and Otter Crest State Scenic Viewpoint (ORS 390.610, ORS 390.705, and ORS 358.910).
- **Department of State Lands (DSL)** manages subtidal marine plants and removal/fill activities on the seabed floor (ORS 274.710 ORS 196.805).
- **Bureau of Land Management (BLM)** manages federal uplands adjacent to the site including informal access trails.
- **Oregon State Police (OSP)** enforces rules and laws of the above agencies.

- **Department of Environmental Quality (DEQ)** implements marine water quality standards in state waters, which are triggered by an array of actions (ORS 468.583 and ORS 468B.015).
- **US Fish and Wildlife Service (USFWS)** owns and manages shoreline immediately north and south of Whale Cove as well as offshore rocks and islands. Offshore islands and rocks above the mean high tide and separated from land at high tide are managed by the USFWS, Oregon Islands National Wildlife Refuge (National Wildlife Refuge System Administration Act (16 USC § 668dd-668ee), and Oregon Islands Wilderness; Wilderness Act. (16 USC §§ 1131-1136)). Submerged portions of offshore rocks and islands are managed as noted above by ODSL.

State agency “authority” means that agencies have the power to manage the resource as needed. Agencies can:

- 1) **create new rules** (formally OARs or Oregon Administrative Rules) to respond to management concerns through a rulemaking process, or
- 2) **apply existing rules and permits** to address the management need, and
- 3) agencies sometimes **create management guidelines** which do not carry the weight of law (non-regulatory), but help provide sufficient detail to address a management concern.

OPRD also manages the nearby Otter Crest Marine Garden.

Lincoln County maintains Otter Crest Loop Drive. The county is responsible for local implementation of the Coastal Management Plan. The County also administers and manages the Lincoln County Comprehensive Plan, which provides a statement of Lincoln County’s overall policies regarding the nature of future growth and development in the County including shorelines.

A consideration for management of fish and invertebrate harvest is ODFW’s use of the area as a comparison site for evaluating the effectiveness of the nearby Otter Rock Marine Reserve. Long-term comparative monitoring is conducted to determine if changes within the marine reserve are associated with environmental variation of protection measures.

## Site Uses

To the best of your knowledge, please provide the following information **based on the current site management**.

### Site Uses\*

Describe the current users and uses present at the site. Uses may encompass recreational, commercial, cultural, and scientific.

Use activities include:

Hiking, driving, picnicking, bird watching, whale watching, wildlife, SCUBA, tidepooling, photography, spiritual communion and worship, storm watching, sightseeing, boat-based fishing (charter and personal), kayaking, shore angling, recreational crabbing, commercial harvest of red urchins, periodic commercial fishing for market squid and other species.

Oregon Parks and Recreation Department (OPRD) use surveys for the central coast are indicative of use at the Cape Foulweather vicinity. While some activities may not occur directly within the designation plan area, the data are representative of user interests. Table 1 lists the percentage of users engaging in popular activities for the central Oregon coast. (Note: All tables in this proposal are included in Attachment 01: CFC Proposal Tables due to formatting limitations of SeaSketch). The survey data are from shore-based users and do not include water based use.

<b>Table 1. Use Activities</b>		
Activity	Day Use	Overnight
Camping	n/a	93%
Hiking	76%	82%
Sightseeing	49%	57%
Outdoor Photography	29%	30%
Bird or Wildlife Watching	21%	18%
Visiting Nature / Visitor Center	13%	27%
Bicycling on Local Roads	6%	14%
Fishing	1%	1%
Sources:		
<i>Visitor Survey of Day use and overnight use at Oregon Coastal Regional Parks (2019) T. Bergeron</i>		
<i>SeaSketch</i>		

Cape Foulweather is a popular destination for both local residents and visitors. Use levels based on parking lot counts at the two nearby state parks clearly demonstrates an increasing trend in use (Table 2).

<b>Table 2. Use levels for State Parks at Cape Foulweather</b>			
	Day Use Visitors		
	2017	2018	2019
Rocky Creek State Park	185,272	207,108	238,252
Otter Crest State Park	340,456	369,272	394,894
<i>Visitor Survey of Day use and overnight use at Oregon Coastal Regional Parks (2019) T. Bergeron</i> SeaSketch			

Table 3 presents socio-demographics for visitors to the state parks along the Oregon central coast. Socio-demographic data specific to the state parks at Cape Foulweather are not available. User socio-demographics for the general Cape Foulweather area may differ from those reported in Table 3 since there are many local residences who regularly recreate within the immediate area.

<b>Table 3. Socio-demographic Data (Day Use visitors) for State Parks within Central Oregon Coast</b>		
Female	60%	
Male	40%	
Age	Avg. 49 years	22% Ages 40-49 Years
Household Income	Avg. \$75,600 / year	18% Between \$50,000 to \$69,999
Ethnicity	86% Caucasian white	96% English as primary language
	5% LatinX	
	4% Asian	
Residence	95% United States	61% Oregon, 11% Washington, 10% California
		17% Portland Metro
	3% Canada	
<i>Visitor Survey of Day use and overnight use at Oregon Coastal Regional Parks (2019) T. Bergeron</i>		

The frequency and duration of time that users spend at Cape Foulweather is dichotomous depending on the place of origin of users. There are many homes in the Cape Foulweather area. Obviously, these people spend significantly more time residing and recreating in the area. Table 4 lists the frequency and duration of time for visitors to the central Oregon coast state parks. The two state parks at Cape Foulweather have direct access off Otter Crest Loop Drive and Highway 101. Neither park is an endpoint destination park so visitor time spent at Cape Foulweather may be less than at other destination parks. The data suggest that the vast majority of the visitors would not likely have local knowledge on how to interact responsibly with rocky habitats. These users would benefit most from interpretive information and education. OPRD survey data (Bergerson 2019) show that 62% of users were “least satisfied” by the amount of information and education available.

<b>Table 4. Frequency and duration of visits to state parks</b>		
<b>Duration of Visits</b>	<b>Day Use</b>	<b>Overnight</b>
	60% 1-2 hours	22% 1 day
	30% 3-5 hours	53% 2-3 days
	10% > 5 hours	25% 4 or more days
<b>Frequency of Visits</b>		
First visit	19%	27%
1 or 2 previous visits	47%	63%
3 to 12 previous visits	37%	10%
Local (traveled < 30 miles)	18%	1%
Non-Local (traveled >30 miles)	82%	99%
<i>Highlighted cells indicate users that would most likely benefit from education on how to responsibly interact with rocky habitat.</i>		
<i>Source:</i>		
<i>Visitor Survey of Day use and overnight use at Oregon Coastal Regional Parks (Bergerson, 2019) T. Bergeron</i>		

Charter boat and personal watercraft fishing is growing in popularity and is an important part of the local economy. There were 100,000 bottomfish angler trips in 2019 for the Oregon coast, higher than any season prior to 2015 (ODFW, 2019). A large proportion of the bottomfish effort originates from ports near Cape Foulweather; 18.9% of effort from Depoe Bay and 24.4% effort from Newport. Subtidal rocky habitat within the Cape Foulweather Complex is among areas used for bottom fishing. Efforts to discuss this proposal with local fishers was hampered by Covid-19 considerations. Several charter operators were contacted. ASLC made weekly observations of user activities during summer through early autumn, 2020. A charter boat was observed fishing within the proposed area on one of these observation trips.

ODFW uses the Cape Foulweather site as a comparison area for the Otter Rock Marine Reserve. ODFW has used this area over the past ten years and will continue to use it in the future for this purpose as part of their long-term marine reserves monitoring study design. The ODFW Marine Reserves Program has been conducting ongoing subtidal SCUBA, video lander, juvenile fish recruitment (SMURF), and urchin surveys and collecting oceanographic data in the comparison area. ODFW has also recently placed an (Autonomous Reef Monitoring Structure (<https://oregonmarinereserves.com/2019/05/08/arms/>) device to study invertebrate biodiversity at the site. The ODFW Shellfish Program has conducted sea urchin surveys in the site and adjacent areas periodically since the mid 1990's, and that work will continue into the future.

For thousands of years along the Oregon coast, Tribal peoples fished for salmon and steelhead in the ocean, rivers, and streams; and along rocky shores, gathered shellfish, clams, mussels, abalones, oysters, limpets and periwinkles, as well as crabs and sea urchins. “Old village sites,” writes Philip Drucker in *Indians of the Northwest Coast*, “are marked by great mounds consisting mostly of the shells discarded after meals [pp 41-42].”

Today, at many different sites along the Oregon Coast, tribal members fish and gather more than 150 species for both subsistence and cultural use. According to Sabra Marie TallChief Comet, “Tribal members are very dependent on the health of coastal ecosystems for food, culture, and recreation and are invested stakeholders in the future management of their harvest areas (“Informing Oregon’s Marine Protected Area MPA Baseline: Past and Present Tribal Uses of Marine Resources,” p. 46).” Comet reports that the coastal and marine species most commonly gathered by members of the Confederated Tribes of the Siletz Indians include Nuttal’s Cockle, Gaper Clam, Soft Shell Clam, Lamprey, Razor Clam, Butter Clam, Dungeness Crab, and unspecified mussels (pp. 87-88).

### Site Infrastructure

Please summarize existing site infrastructure. For example: large parking lot, public restrooms, 10-foot stairway leading to cobble beach, etc.

Infrastructure includes:

Rocky Creek State Scenic Viewpoint:

- Parking lot 30 spaces
- Flush restrooms
- Trail
- Observation deck
- Picnic facilities

Otter Crest State Scenic Viewpoint

- Limited parking lot: 30 spaces plus 2 ADA spaces
- Vault toilets (ADA)
- Interpretive panels
- Historical building
- Gift shop
  
- Devils Punchbowl State Natural Area
- Parking lot
- Flush restrooms
- Trails

Oregon Islands National Wildlife Refuge lands at Whale Cove

- View available from the observation deck at Rocky Creek State Scenic Viewpoint

Other infrastructure includes the county road Otter Crest Loop Drive, and walking path and private residential streets such as Miroco Street. The Miroco neighborhood contains approximately 58 homes, 25 of which are right above the rocky shore providing residents private access. These homes are on septic systems. Homes are supplied with water from the City of Depoe Bay.

ODFW has submerged permanently mounted monitoring equipment in subtidal areas.

### Potential Future Site Uses

Please describe potential future site uses of the proposed site if there was no change to current site management. Much like current uses, future uses may encompass recreational, commercial, cultural, and scientific, as well as others not listed.

All current uses are expected to continue into the future. The OPRD user survey data strongly suggest that numbers of users are increasing. Future demand may exceed capacity of existing

services and infrastructure. Overcrowding has been a consistent concern voiced by users interviewed as part of OPRD regional surveys.

In preparation for the 2013-2017 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP), the Oregon Parks and Recreation Department (OPRD) contracted with Oregon State University to conduct a statewide survey of Oregon residents regarding their 2011 outdoor recreation participation in Oregon. The popularity of outdoor recreation activities is indicated by the percent of respondents participating in an activity: tidepooling 40%; sightseeing 60%; bird watching 23%; nature and wildlife observation 34%. Demand for these popular activities is likely to continue in the future. The Oregon Resident Outdoor Recreation Demand Analysis, Planning Region 1 (north and central coast) supports the Statewide Comprehensive Outdoor Recreation Plan. Findings of this analysis identified preserving open space and promoting tourism among the highest regional outdoor recreational future demands. A designation of the Cape Foulweather Complex as a Marine Conservation Area helps meet these future demands. Charter boat and personal watercraft fishing is growing in popularity and is an important part of the local economy. Future use for fish, shellfish, and other invertebrate harvest is subject to regulation by ODFW.

The Cape Foulweather Complex has been studied as a potential site for future wind/wave energy production facilities (reference from SeaSketch: OCMP 2012).

### Impacts on Site Uses

How will altering this site's management designation impact existing and potential future uses? Please outline the potential positive and negative impacts to current and future users as well as the degree of impact. How does the proposed site management balance the conservation of rocky habitat resources with human use?

A designation will increase awareness of the area; however, the presence of Otter Crest Marine Garden, two state scenic viewpoints, and nearby Devil's Punchbowl State Park already draw considerable visitor interest to the area. While total visitor numbers are likely to increase over time, the designation, in itself, will not likely cause additional visitation.

A key positive impact of the designation is ecological and social connectivity of Cape Foulweather, Ottercrest Marine Garden, Whale Cove, and Oregon Islands National Wildlife Refuge. The designation provides a platform and mechanisms for identifying community and user needs so that they may be integrated into an ecosystem-based management approach.

OPRD survey data (Bergerson, 2019) show that 62% of users were “least satisfied” by the amount of information and education available. The designation will enrich residents and visitors’ experiences viewing Cape Foulweather through signage and interpretation. The experience of local residents participating in stewardship and community science programs will be further enriched.

The management recommendations emphasize education for watercraft and drone operators over enforcing restrictions in order to avoid nesting seabird disturbances. Educating users on how to responsibly interact with rocky habitat and wildlife should reduce the incidence of disturbances to nesting seabirds while not restricting use and enjoyment.

The designation is not anticipated to have any impact on how existing or future shoreline residences utilize their property. This was a concern raised during community outreach.

The management recommendations call for maintaining coastwide regulations for commercial and recreational harvest of fish and commonly harvested invertebrates, including shellfish, with minimal impact to current and future uses. Better monitoring data has the potential to identify localized depletion of Nearshore Strategy species, which might prompt ODFW to implement site-specific targeted harvest regulations. Conversely, monitoring might identify growing population trends in groundfish and bottomfish species, thereby prompting more fishing opportunities. Closing the harvest of some invertebrates not commonly harvested by recreational or commercial interests will primarily affect souvenir collection and the aquarium trade.

Measures in the proposal to protect intertidal and subtidal habitat within the plan area are expected to maintain or increase fish production and biodiversity. These measures include ecosystem-based management, protecting kelp forests, and adaptive management based on site monitoring results. Increased fish production could potentially benefit future fishing use. Personal stewardship, education, and community engagement yields a higher level of protection while maintaining opportunities for users.

There are no anticipated negative impacts on ODFW’s ability to use the Cape Foulweather area as a comparison site for the Otter Rock Marine Reserve. The proposed designation for Cape Foulweather will foster improved management and protection of the habitat through holistic management, collaboration, and greater stewardship. ODFW will likely continue ongoing monitoring programs. As a result of adaptive management for the site, data from these monitoring efforts may identify biological concerns that recommends that agencies apply unspecified future management actions. The plan recommendations do state that if monitoring indicates an imbalance between sea urchins and health of kelp forests, that commercial harvest of sea urchins will be promoted.

The proposal recommendations promote research and monitoring including community science. This will positively influence the ability to make science-based management decisions that reflect a holistic approach.

Management of harvest rights, access, or other Tribal Nation agreements with the state cannot be altered through the Rocky Habitat designation proposal process. Federally recognized Tribal Nations may have, or obtain, consent decrees or other intergovernmental agreements which outline separate rights or harvest regulations.

## Key Natural Resources

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

### Rocky Habitat Present\*

Please include as much information as possible on the specific types and composition of rocky habitat present at the site (e.g. rocky intertidal with extensive tidepools, adjacent rocky cliffs, and rocky subtidal).

Much of the shoreline consists of basalt rocky cliffs (Lund 1974). Cape Foulweather itself is a large basalt headland which rises about 500 ft above sea level, one of the highest along the Oregon coast (OPRD 1988). At the south end of the plan area, the geologic features change to sandstone.

The rocky intertidal habitats along Cape Foulweather, north of the Otter Crest site, consist of steep cliff bases with some sloping shelf areas. There are some small coves containing intertidal platform areas. Most of these coves and cliffs are either inaccessible or very dangerous to access. Intertidal substrate types are predominately unclassified with ten percent identified as rock substrate (CMES 2019). Surveys utilizing high resolution multibeam sonar indicate that the majority of intertidal area has a bedrock substrate (ODFW 2019). Additional intertidal habitat occurs below the mean tide elevation contour on offshore rocks and islands.

Shallow subtidal areas occur around offshore rocks and islands as well as portions of rocky reefs submerged below the extreme low tide contour to a depth of 5 m.

Subtidal areas in the plan are dominated by rock substrate (about 70% based on CMES 2019). This estimate of hard substrate area compares well with video lander sampling by ODFW as part of comparative studies for the Otter Rock Marine Reserves (ODFW 2014). Rocky substrates within subtidal areas at Cape Foulweather were encountered for 76% of video lander samples (n = 84) The composition of subtidal substrate types at Cape Foulweather based on systematic video lander sampling is summarized in Table 5.

<b>Table 5. Prevalence (%) of benthic substrates encountered using the video lander during the Systematic Rapid Assessment (2010-2011; n=84) Cape Foulweather Comparison site (ODFW 2014)</b>	
Substrate Type	% Prevalence
Bedrock outcrop	50%
Flat bedrock	4%
Large Boulder	10%
Small boulder	10%
Cobble	4%
Gravel pebble	1%
Sand	23%
<i>ODFW 2014</i>	

Bull kelp (*Nereocystis luetkeana*) forms canopied kelp beds for 75 acres within the plan area, growing on subtidal rock substrates (SeaSketch).

The benthic understory macroalgae community composition (biomass as estimated from extractive samples) is dominated by *Pterosiphonia dendroidea*, *Calliarthron tuberosum*, and *Cyrtopleura farlowiana* (ODFW 2014). Other dominant species include *Freyella gardneri*, *Saccharina groenlandica*, *Pleurophycus gardneri*, *Rhodomenia californica*, *Corallina officinalis* var. *chilensis*, *Callophyllis flabellulata*, *Plocamium cartilagineum*, *Bossiella orbigniana*, and *Desmarestia munda*. The above twelve species accounted for 90% biomass for the samples (ODFW 2014). The diversity of the macroalgae community noted in benthic extractive sampling conducted in September 2011 was 129 species/m<sup>2</sup>.

The maximum depth for the plan area is 22 m. There are 31 offshore islands or rocks separated from the mainland at mean tide. These islands account for approximately 1 acre of the plan area.

#### Key Resources\*

Describe current rocky habitat resources present at the site. These may include, but are not limited to: kelp beds; pinniped haulout or pupping areas; seabird colonies; presence of threatened/endangered/protected species; intertidal diversity (invertebrates, marine plants, etc.).

A key resource for the proposal area is that it provides ecological and social connectivity for multiple marine designated areas. This connectivity will contribute to holistic management of all areas and greater efficiency for monitoring and enforcement.

The plan area includes 75 acres of kelp forest, which accounts for approximately 1% of the total kelp beds in Oregon's Territorial Sea. Kelp beds in the vicinity of Cape Foulweather are the largest and best example north of Cape Arago in Oregon.

The offshore rocks and extensive cliffs at Cape Foulweather support multiple seabird nesting colonies. Principal nesting species include Common Murre, Brandt's and Pelagic cormorants, Pigeon Guillemots, and Black Oystercatchers. The largest nesting colony of Pelagic Cormorants in Oregon is found along the cliffs beneath the Cape Foulweather Scenic Viewpoint. There were more than 8,000 birds counted for this colony in a 1988 survey. There are at least six major documented seabird colonies on the rocks and cliffs along the shore of Cape Foulweather (Catalog of Oregon Seabird Colonies: biological Technical Publication BTP-R1009-2007). Nesting species include but are not limited to those mentioned above as well as Western and Glaucous-winged gulls, Rhinoceros Auklet, and Tufted Puffin.

The Black Oystercatcher (*Haematopus bachmani*) is a unique shorebird species, perhaps the most conspicuous and charismatic bird of the coast. Because of their small global population size, low reproductive rate, and reliance on rocky intertidal habitats, they are considered a "species of high conservation concern" and act as an indicator of intertidal ecosystem health. There are at least five years of data on nesting observations for Black Oystercatchers in the vicinity of Cape Foulweather. A recent study utilizing data from the Oregon Black Oystercatcher Project indicates a small population of approximately 500-600 individuals (Liebezeit, J., et al. 2020) (<https://audubonportland.org/get-involved/community-science/black-oystercatcher/>)

The following federal and state listed Threatened (T), Endangered (E) species that are known or likely to occur within the proposal plan area. Some of these species are resident at this site while other species may only be transient or occasional. A listing of Nearshore Strategy species including Species of Concern is provided in Attachment 02: CFC Species Data.

*FT*=Federal Threatened, *FE*=Federal Endangered, *ST*=State Threatened *SE*= State Endangered, *S Se*= State sensitive, *SOC*= Species of Concern

#### Birds

California Brown Pelican (*Pelecanus occidentalis californicus*) SE  
Marbled Murrelet (*Brachyramphus marmoratus*) FT ST

#### Mammals

Gray Whale (*Eschrichtius robustus*) SE  
Orca Whale (*Orcinus orca*) southern population

Blue Whale (*Balaenoptera musculus*) mostly pelagic FE  
 Humpback Whale (*Megaptera novaeangliae*) FT

#### Fish

Green Sturgeon (*Acipenser medirostris*) FT not observed  
 Coho Salmon (*Oncorhynchus kisutch*) FT  
 Eulachon (*Thaleichthys pacificus*) southern distinct population FT S Se

The relatively intact rocky habitat of the Cape Foulweather Complex plan area provides a comparison site for ODFW's monitoring related to the Otter Rock Marine Reserve. Preserving the marine habitat at Cape Foulweather from human disturbance (not inclusive of extractive fish and invertebrate harvest) maintains the ability of ODFW to continue ongoing long-term comparative studies at this site.

Elephant Rock is a named geologic feature near the south end of the plan area. It is not always accessible due to tide conditions.

#### Flora and Fauna\*

List the animal and plant species you know exist at this site along with relative abundance.

Species lists and, to the extent available, relative abundance information are provided as Attachment 02: CFC Species Data.

An extensive review of published and unpublished literature found very limited data on species survey data specific to the proposal area with the exception of seabird data. Abundance data for fish, invertebrates and macroalgae both within the proposal area and from nearby similar habitat was even more limited. In addition to literature reviews, scientists with familiarity of Cape Foulweather were consulted. ODFW staff and current and former USFWS staff were contacted to get biological data on species presence, abundance, and biodiversity. Research scientists at PISCO were also consulted. The staff scientist at Portland Audubon was consulted regarding community science programs and provided data from the Oregon Black Oystercatcher Project.

Two key documents that reported species surveys including abundance data are the Ecological Monitoring Report 2010-2011 (ODFW 2014) and the Ecological Monitoring Report 2012-2013 (ODFW 2015). These two reports describe studies comparing species data (fish, invertebrates, and macroalgae) within marine reserves with associated comparison sites. Cape Foulweather is the comparison site for the Otter Rock Marine Reserve. Survey methods include Lander video, video sled, ROV, SMURFs and red urchin surveys. Species data from these studies were reviewed for data directly from the Cape Foulweather comparison site and data from nearby and regional habitats similar to the proposed area. Much of the data was from sites with depths in excess of 20 m, which is deeper than most of the proposed area. Fish species presence data

within the proposal area was provided by PISCO scientists assisting on SMURF monitoring and ODFW SCUBA surveys as part of the above mentioned studies.

Compilation of the species list (Attachment 02: CFC Species Data) considered species that are ubiquitous and common to intertidal and subtidal marine rocky habitat with an attempt to consider likelihood of occurrence in waters less than 20 m deep. Species known to occur in nearby similar habitats were assumed to occur within the proposal area unless there was specific documentation to indicate otherwise. Data from nearby sites include invertebrate data from Boiler Bay located 2.7 nautical miles north (reported in Juday 1975; data were collected in 1970's by students from Linfield College, McMinnville, OR). ODFW data is available from Whale Cove Habitat Refuge (0 miles from site). Biological survey data collected by ODFW in 1994 for the Otter Rock area (0 mile distance) was reviewed (Goddard 1997). Additional species data from the Otter Rock Marine Garden listed in iNaturalist was incorporated into the list. Researching potential species also included a review of MARINE databases, which were used to estimate abundances of invertebrate species at adjacent sites. These data were collected by the Multi-Agency Rocky Intertidal Network (MARINE): a long-term ecological consortium funded and supported by many groups. Please visit [pacificrockyintertidal.org](http://pacificrockyintertidal.org) for a complete list of the MARINE partners responsible for monitoring and funding these data. Data management has been primarily supported by BOEM (Bureau of Ocean Energy Management), NPS (National Parks Service), The David & Lucile Packard Foundation, and the United States Navy.

Sources for species lists and abundance for seabirds included the Catalog of Oregon Seabird Colonies (Naughton et. al 2007). Another publication (Suryan et. al 2012) provides estimates for the number of seabirds in and near the proposal area. The survey area overlapped the proposal area but also included a significant area outside the proposal area. Those species listed in Attachment 02: CFC Species Data from this information source are listed as marine bird distribution along the Oregon coast. eBird provided additional information on bird species observed or assumed to occur at Cape Foulweather.

The web data source iNaturalist was used to determine the presence or absence of species at Otter Rock Marine Garden adjacent to the proposed site. Those species having a reasonable probability of occurring at a proposed site based on observations near or even regionally at similar habitat are listed as occurring at the proposed site and recorded as "not observed" at the site but highly probable (to be present). If relative abundance data were not available or could not be estimated or derived for certain taxa, then species presence-absence data only was recorded.

The comprehensive list of species known or assumed to occur within the proposal area was compared to species listed in the Nearshore Strategy species. Strategy species are nearshore species that were identified by the Nearshore Team to be in greatest need of management

attention. Identification as a strategy species does not necessarily mean the species is in trouble. Rather, those identified as a strategy species have some significant nearshore management/conservation issue connected to that species that is of interest to managers. A table of these Strategy species and their status is included in Attachment 02: CFC Species Data.

## Unique Features

Does this site include any unique or special features in relation to the Oregon Coast? This may include high quality examples of rocky habitats, etc.

A unique feature in the proposal area provides ecological and social connectivity for multiple marine designated areas. Oregon Islands National Wildlife Refuge protected rocks and shoreline as well as Whale Cove Habitat Refuge adjoin the north end of the plan area. The Otter Crest Marine Garden is immediately south of the plan area. The Otter Rock Marine Reserve is located 0.7 km south of the plan area.

The canopied kelp forests in the Cape Foulweather vicinity are the most extensive kelp beds north of Cape Arago and the best representation of kelp beds for the north and central coast of Oregon. Cape Foulweather kelp beds were listed in the Oregon Natural Areas Plan (ONHAC 2010) as the best example of a priority marine habitat type that is unrepresented in the plan's protected areas.

The cliffs at Cape Foulweather are home to the largest colony of Pelagic Cormorants in Oregon. This basalt headland is a true gem of Oregon's natural beauty. Standing at the viewpoint on a calm and sunny summer day, you are more than likely to have unbeatable views of Gray whales cavorting and feeding in the abundant kelp beds below.

Looking south from the Cape Foulweather viewpoint, you are treated to a stunning view of the famous Devil's Punchbowl and the craggy beaches of Otter Rock. The Punchbowl is a spectacular and imposing cave that is inundated with water during high tide. Gulls and Cormorants are commonly seen as they fly to and from Gull Rock in the distance.

Red abalone, *Haliotis rufescens*, ranges from Baja to Coos Bay, Oregon. This is the largest abalone in the world and supports a robust recreational fishery in California and a very small recreational fishery in Oregon. Red abalone are limited to a few small areas in Oregon. Red abalone are a state Species of Concern. Red and flat abalone are currently the only two North American abalone with no ESA status. From 1965 to 1975 ODFWs collected, spawned, and out planted red abalones including within Whale Cove. The purpose of this work was to enhance the sport fishery. However, these efforts did not result in detectably larger populations or the attempting range extension to make a Newport/Depoe Bay area fishery. An unquantified population of red abalone likely exist within the proposal plan area.

Gray whales feed within and adjacent to the kelp forests at Cape Foulweather. It is likely other whale species also utilize the area. It is mapped in SeaSketch as a biologically important area for cetaceans.

The Otter Crest Loop Drive is a key resource. It is a state designated scenic byway. The road begins near Rocky Creek and Rodea Point and gives one spectacular view after another. The southern terminus is the Otter Crest State Scenic Viewpoint. The road has been converted to one-way to facilitate traffic and provide pedestrian safety. Officially named Otter Crest Loop Drive, the one-way road includes a driving lane as well as pedestrian/biking lane.

The Ben Jones bridge is a concrete bridge spanning Rocky Creek built in 1927. The Oregon Department of Transportation repaired and reconstructed parts of the deteriorating bridge in 2001 and added safety features. The Oregon State Historic Preservation Office assisted with the project ([https://en.wikipedia.org/wiki/Rocky\\_Creek\\_Bridge\\_No.\\_01089#cite\\_note-nomination\\_form-1](https://en.wikipedia.org/wiki/Rocky_Creek_Bridge_No._01089#cite_note-nomination_form-1)), and the bridge was added to the National Register of Historic Places in 2005.

There are two state parks with rocky habitats in the plan area. Rocky Creek State Scenic Viewpoint offers visitors a chance to experience the power of the ocean as the surf crashes against the rocky shoreline. Visitors also have expansive ocean views of the plan area from this park.

Otter Crest State Scenic Viewpoint is unique for its unparalleled views from atop 500 ft cliffs. Looking south from this cape viewpoint, you are treated to a stunning view of the famous Devil's Punchbowl and the craggy beaches of Otter Rock. The Punchbowl is a spectacular and imposing cave that is inundated with water during high tide. During these tide events, the bowl churns and roils the ocean water angrily, creating fascinating and awe-inspiring viewing.

The Look-Out and gift shop on Cape Foulweather are listed on the National Register of Historic Places (14001159). The Look-Out and gift shop provide stunning views of the designation plan area. The Look-Out is historically significant for its association with the growth of the tourism industry along the Oregon Coast during 1937-1963. Built and operated by Wilbur "Buck" and Anna Badley, the business began briefly as the Foulweather Coffee Shop, but soon shifted into a very successful gift shop. The Look-Out is an excellent example of an isolated entrepreneurial venture along the central coast that capitalized on the public investment based upon the urging and support of the citizens of Oregon. The Look-Out is also significant for its association with the U.S. Coast Guard Auxiliary Beach Patrol, which operated in Oregon from 1942 to 1944, as defense surveillance against attacks on the coastline during World War II.

Unique human resources include neighborhood residents who have expressed a deep appreciation and high interest in rocky habitat at Cape Foulweather. Many have expressed interest in stewardship programs and provided letters of support for this designation.

## Values and Resources

Please discuss site values and resources and how a change in designation will impact them.

**Education** The designation has high value for its educational opportunities. Existing resources include interpretive signs at Otter Crest State Scenic Viewpoint and tidepool programs at nearby Otter Crest Marine Garden. Audubon Society of Lincoln City (ASLC) resources include a well developed education network and experience working with local schools and active social media content on rocky habitat (<https://www.facebook.com/groups/myfavoriterockyhabitat>). Recommended educational resource improvements include signage along Otter Crest Loop Drive, signage and interpretive programs aimed at protecting Black Oystercatchers, educational materials to inform boaters and drone operators on appropriate distances to avoid disturbing wildlife, and educational curriculum on rocky habitat and ecology at Cape Foulweather.

**Community Engagement** is evidenced by the resource of local residents expressing interest or already actively engaged in stewardship programs. A biennial “State of the Cape” community meeting will be an excellent resource to inform adaptive management decisions.

**Natural open space** is identified in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) as a high value for Oregon residents. The Cape Foulweather area has large tracts of open space in federal lands managed by the Bureau of Land Management. State Scenic Viewpoints also provide open space as well as expansive views. The rocky habitats give a sense of wilderness with the raw natural beauty of soaring cliffs and offshore islands designated as wilderness areas.

**Ecological** value of rocky habitat at the Cape Foulweather Complex is supported by natural resources including a productive mix of invertebrates, fish and algae in intertidal habitats, canopied kelp forests within subtidal habitats as well as seabirds utilizing the cliff habitat for nesting. An MCA designation is an excellent resource to provide ecological connectivity among other nearby marine designated areas.

**Recreation** value benefits from resources including exceptional views, a state scenic byway with funding opportunities, two state scenic viewpoints and both pedestrian and driving lanes on Otter Crest Loop Dive. There are several short footpaths leading to overlooks of rocky habitat at the Cape Foulweather Complex. Recreation resources also include fishing (individual and charter) along subtidal rocky habitats. SCUBA opportunities are available within kelp forests. Sea kayak

fishing is emerging as another recreation resource. Bird watching is a popular activity supported by the variety of nesting seabirds.

**Aesthetic** value of the Cape Foulweather Complex is self-evident with the astounding viewsheds, magnificent cliffs, and opportunities to commune with nature.

**Economic** value of rocky habitat at the Cape Foulweather Complex benefits from the natural beauty of this dramatic coastline. People from all over the world travel here to enjoy our beautiful coastline. In 2019, travel supported 6,400 jobs in Lincoln County (Tillamook Headlight Herald May 26, 2020). Travel has a \$614 million economic impact on Lincoln County.

**Cultural** value of this area includes its importance as a resource for members of local Tribal Nations. “Tribal members are very dependent on the health of coastal ecosystems for food, culture, and recreation and are invested stakeholders in the future management of their harvest areas.” (“Informing Oregon’s Marine Protected Area MPA Baseline: Past and Present Tribal Uses of Marine Resources,” p. 46)

## Regulations & Enforcement

To the best of your knowledge, please provide the following information on your proposed rocky habitat site. Due to the complexity of site regulation and enforcement, this section will not be used to evaluate proposal completeness, but will be considered for the merit of this proposal. Agencies will address gaps where information is available.

### Management Consideration

How was enforcement/compliance of management considered in the design of this site proposal? If possible, please estimate the cost to implement this change in site management.

The proposal recognizes there are limited funds for enforcement/compliance and current capabilities are not likely to be greatly expanded as a result of this proposal. Therefore, the proposal emphasizes education as a means to reduce enforcement needs and achieve greater compliance. The proposal also emphasizes active stewardship. Volunteers can encourage compliance and report observed enforcement concerns. Stewardship is considered a value-added opportunity for enforcement compliance with minimal cost.

The proposal calls for no site-specific changes to coastwide fish harvest regulations. Commonly harvested invertebrate species will be managed according to coastwide harvest regulations. Minimal to no additional enforcement efforts are required by this proposal to regulate commercial or recreational harvests.

Educational and informational materials provided to boaters, drone operators, and other recreationists are expected to reduce human induced disturbances to nesting seabirds and wildlife. This, in turn, will reduce enforcement needs.

## Enforcement Changes

In comparison to current site management, what changes would be necessary to enforce the proposed management measures? This may include the addition or removal of infrastructure, personnel, etc. Include the estimated financial impact of the proposal. Some designations incorporate larger financial or programmatic support. Please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site.

The proposal emphasizes education, stewardship, and community engagement. Therefore, changes necessary to enforce the proposed management are minimal. Some changes are to garner greater support to implement current site management.

The establishment of a trained and active stewardship program will extend the capabilities of enforcement to be aware and observe any law enforcement concerns related to management measures in this proposal. Establishing Memorandums of Understanding between stewardship programs and the appropriate law enforcement agencies will enhance the understanding and capabilities of volunteer stewards to interact safely with the public and efficiently with law enforcement staff. Since changes in harvest and other regulatory management measures resulting from this plan are minimal, it is anticipated that the stewards will work more in the capacity of education than compliance, informing visitors how to appropriately interact with rocky habitat and the species dependent on these habitats.

Management changes will build upon already established programs, which will expedite implementation and reduce start-up costs. CoastWatch provides a well-established and successful program for recruiting, training and managing data collected by volunteer coastal stewards. The stewardship program for this proposal will seek the cooperation of CoastWatch, to the extent funding is available, to recruit and train volunteer stewards. The Oregon Black Oystercatcher Project is another already well-established program that is directly applicable to implementing management recommendations within this proposal.

It is beyond the scope of most community groups to accurately assess the financial impact for a proposal of this extent. There are both direct costs as well as indirect financial effects within the community. While difficult to quantify, these indirect financial effects are likely a net gain with value added tourism experiences and reduced need for enforcement through education.

ASLC and other interested community groups will work collaboratively with the authorizing agencies to secure additional programmatic funding and/or reallocation of resources to support the holistic management framework that this proposal embodies. Many of the management recommendations can be integrated into current management responsibilities of the various agencies.

## Needed Regulations

What regulations and enforcement would be necessary to implement this change in management? What regulatory changes at the proposed site would be needed at this site? Which state/federal agencies would be impacted by this change in site management?

Management recommendations within this proposal are described in the earlier section on Goals and Objectives. A discussion of regulations and enforcement necessary to implement these management recommendations as a Marine Conservation Area are discussed below. The applicable numbered management recommendation is noted in parentheses (example R1= Management recommendation 1) listed earlier in the goals section. (Please see the response to Proposal Rationale and Goals.)

Few changes in regulations and enforcement are necessary to implement the management recommendations in this designation. The proposal emphasizes education and stewardship as effective ways to support enforcement (R1, R2, R3, R4, R12, R13). A memorandum of understanding between groups managing the volunteer stewardship program (R4) and appropriate law enforcement agencies may be advisable. There are no recommended changes to coastwide commercial and recreational fish harvest regulations (R14, R15). A site-specific regulatory change would be required by ODFW to reflect limitations on invertebrate species available for harvest (R16). Similar regulatory restrictions on exceptions to invertebrate no-take exist for Boiler Bay, Shell Cove, and Neptune State Park. (OAR 635-39, F3) This regulatory change would need to not restrict ODFW in its authority to allow (recreational and/or commercial) take of other particular shellfish and other invertebrate species within the designation area so as to not impede the ability to use the area as a comparison site for evaluating restrictions within the nearby Otter Rock Marine Reserve.

Restrictions on the collection of souvenir invertebrate species may be already covered under ORS 736-021-0090(4). ODFW and OPRD have managing authority.

The proposal would close the harvest of kelp (R17). Regulatory changes affecting the Department of State Lands (DSL) which regulates the harvest of kelp would need to be revised to close kelp harvest for personal use. Currently a lease is required only if harvest is more than 2,000 lbs of wet kelp/yr ( ORS 274.885 and ORS 274.895 ).

## Improvements to Management

How does the proposed site improve upon or fill gaps in addressing objectives/policies that are not currently addressed by coastwide regulations or management?

This designation will provide a platform for ecosystem-based management at both site-specific and regional scales. The designation provides a unified goal, objectives, and management recommendations that are site-specific to guide agencies to work collaboratively among themselves as well as with the local community to attain these goals.

This designation will ecologically connect and coordinate management of several nearby marine designations. These connections will make management of all the designations in the nearby area more efficient and protection measures more effective.

The single most important factor for the success of marine protected areas throughout the world has been demonstrated to be community engagements (PISCO 2016). The “support of all stakeholders’ awareness of the marine environment” has been cited as the most important factor for successful implementation of marine designations (Kusumawati, I. and H. Hsiang-Wen. 2015). Key factors for successful management of marine protected areas: A comparison of stakeholders’ perception of two MPAs in Weh island, Sabang, Aceh, Indonesia. *Marine Policy*. 51. 465-475. 10.1016/j.marpol.2014.09.029). The management recommendations set out in this proposal considered input from community groups and individuals. Specific measures to engage the local community include: education and awareness, participation in a biennial State of the Cape meeting, fostering personal stewardship, and community science projects such as the Oregon Black Oystercatcher Project.

Agency budget constraints have been repeatedly noted as a limitation to implementing the Rocky Habitat Management Strategy and a concern for any designation. Community involvement in the management of the Cape Foulweather Complex Marine Conservation Area adds capacity to agencies responsible for managing the rocky habitat and its resources. The proposal outlines how trained volunteers within the community can work cooperatively with agencies to achieve the goals and objectives of this designation as well as contribute to the understanding and management of rocky habitat resources for the entire Oregon coast.

This MCA builds climate resilience and climate change adaptation into decision-making to maximize the long-term benefits of today’s public investment in natural resource management. Agency efforts will be complemented with community science monitoring for climate change effects including ocean acidification and hypoxia.

The designation creates an opportunity and mechanisms to more holistically manage kelp beds and the multitude of species dependent on them. Kelp forests mitigate climate change impacts through carbon sequestration, support fisheries, protect shorelines, and are one of the most diverse and productive ecosystems on earth. Bull kelp is recognized as a Strategy species in the Oregon Nearshore Conservation Strategy (ODFW 2016). Beginning In 2013, a region wide outbreak of sea star wasting disease coincided with a substantial warming of Oregon coastal waters. Sea stars are a predator for the voracious herbivore purple sea urchins. An explosion of purple sea urchin populations coinciding with warmer sea water, hypoxia, and ocean acidification resulted in dramatic losses of kelp forests along the northern California coast and extending into Oregon. Once highly productive kelp beds were transformed into low productivity sea urchin barrens. Monitoring, research and a holistic management approach are necessary to better understand both short and long-term trends in kelp forest ecology and these threats to the continued ecosystems services provided by kelp forests. The kelp forests in the Cape Foulweather area represent the most significant kelp beds along the central and northern Oregon coast. This designation will focus attention on the importance of holistically managing this key resource.

The development of site-specific and regional monitoring and response tools for containing invasive species within intertidal and subtidal habitats provides a management improvement. Addressing invasive species at multiple geographic scales is a central principle of ecosystem-based management. A recommendation within this proposal promotes the incorporation of invasive species management into the Rocky habitat Management Strategy.

## Non-Regulatory Management Mechanisms

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

### Management Mechanisms

What non-regulatory mechanisms are required at this site in order to meet the goals of the proposed designation? These may include, but are not limited to, public access management, on-site enhancement, and educational intercepts.

Non-regulatory management mechanisms including specific actions are detailed in the management recommendations listed earlier in this proposal under the goals section. Mechanisms are summarized below with reference to the applicable numbered management recommendation. (example R1= Management recommendation 1: Please see the response to Proposal Rationale and Goals). These non-regulatory management mechanisms better protect natural resources and contribute to an expanded enjoyment by well informed site users.

Educational management recommendations of this proposal (R1, R2, R3, R4, R12, R13) are aimed at informing the public on how to interact responsibly with rocky habitats and the species

dependent upon them. Education also enriches the experience of users and has been documented as a need (Bergerson 2019). Educational mechanisms include:

- development of school curriculum within 2 years focused on rocky habitats, including Cape Foulweather,
- use of social media such as the ASLC Facebook page,
- installation of interpretive signage along Otter Crest Loop Drive and elsewhere,
- brochures and signage on Black Oystercatchers,
- informing boaters and drone operators how to avoid disturbing wildlife, and
- tidepool walks and birding events.

Community support and engagement has been documented as a key factor in the success of many marine area designations. Management recommendations call for personal stewardship (R4), community science (R3, R6, R11), collaboration between agencies and the community (R5, R6, R7), socioeconomic studies on community interests (R8). Community engagement mechanisms include:

- stewardship program,
- monitoring disturbances to nesting seabird colonies,
- interpretive intercepts and community science for the Black Oystercatcher Project,
- working with local educators,
- community science to address climate change impacts,
- biennial State of the Cape meeting,
- participating in adaptive management,
- community collaboration with agencies and Tribal Nations, and
- overlap with education mechanisms.

Monitoring and research: Protection of rocky habitats within the designation site can be implemented through non-regulatory educational mechanisms as well as increasing our collective understanding of the ecological complexities, internal and external factors affecting intertidal and subtidal ecosystems as well as seabird colonies. Non-regulatory protection can be implemented through monitoring (R3, R4, R7, R10), addressing climate change (R5, R6), research to fill information gaps (R6, R9), and education (R3, R4, R12, R13). Monitoring and research mechanisms for this proposal include:

- local implementation of the Black Oystercatcher Project,
- monitoring of site conditions by stewards,
- capitalizing on existing ODFW monitoring of intertidal and subtidal habitats (fish and invertebrate) to better understand trends in biodiversity and habitat integrity,
- researching and monitoring climate change impacts to fill local and regional information gaps,
- developing monitoring protocols to detect and respond to invasive species, and
- annual USFWS nesting seabird surveys.

## Support for Management Mechanisms

How do you propose to support these mechanisms? Some designations incorporate larger financial or programmatic support. Please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site.

ASLC and other interested community groups will work collaboratively with and advocate for the authorizing agencies to secure additional programmatic funding and/or reallocation of resources to support the holistic management framework that this proposal embodies. Many of the management recommendations can be integrated into current management responsibilities of the various agencies.

ASLC is committed to ongoing participation in the implementation of this plan. Examples of non-monetary support provided by ASLC include educational programs, hosting a biennial State of the Cape meeting, and participation in stewardship programs. ASLC, in cooperation with other stakeholders, may also seek third party grants to implement this proposal. A funding strategy will be developed upon designation of the Cape Foulweather Complex as a Marine Conservation Area in the Rocky Habitat Management Strategy.

The Portland Audubon Society provides leadership, training, and data management for the Oregon Black Oystercatcher Project. The financial contribution for this program statewide is approximately \$15,000/year including funding for a seasonal volunteer coordinator, lead scientist, and in-kind support from USFWS.

Otter Crest Loop Drive is a designated state scenic byway. Statewide Scenic Byways preserve and enhance the natural, scenic, historical, cultural, recreational, and/or archaeological qualities of Oregon's most unique byways. The byways, in turn, provide a pleasurable attraction for in-state and out-of-state travelers, generating millions in local tourism dollars each year. A mix of local, regional, and statewide proponents manage the Scenic Byways Program. The United States Forest Service, Oregon Department of Transportation, and Travel Oregon are a few of the statewide proponents, while many local visitors associations and chambers of commerce participate at individual locations. Funding opportunities for interpretive signage along Otter Crest Loop Drive may be available through the Oregon Scenic Byways Program, the Oregon Coast Visitors Association (OCVA), and/or Oregon Department of Transportation, among others. Last year (July 1, 2019 - June 30, 2020) OCVA allocated \$225,810 to various projects on the Oregon Coast including interpretive art, video profiles, marketing/rebranding of coastal areas, and an "ambassador" program launched in selected coastal locations providing guided interpretive walks and events for visitors..

The Oregon Ocean Conservation Fund is a subset of the larger Oregon Community Foundation (OCF) combining funds from its Packard, Lazar, and Harder foundation sources. The Conservation Fund makes \$100,000 - \$120,000 available annually to coastal conservation projects. The Oregon Ocean Conservation Fund facilitates the engagement of coastal residents, communities, and businesses in helping to protect the health of Oregon's ocean. Through the fund, donors can leverage their resources, learn in partnership, and benefit from shared professional support.

Another source of funding that could be applied to aspects of the non-regulatory management recommendations is the Oregon Conservation and Recreation fund: (<https://www.dfw.state.or.us/conservationstrategy/OCRf/>). The fund's key objectives include education for responsible recreation and community science.

Since its establishment in 2017, the Oregon Ocean Conservation Fund has made more than \$400,000 in grants to local nonprofit organizations. In 2020, the Fund awarded \$166,175 to six conservation nonprofit organizations.

ASLC will work cooperatively with CoastWatch, Friends of Otter Rock, neighborhood groups, and other interested stakeholders to implement a stewardship program for the area inclusive of the Cape Foulweather Complex MCA, Otter Crest Marine Garden, and Whale Cove Habitat Refuge. Interest of the USFWS participating in a stewardship program in this vicinity will also be queried. CoastWatch is a well-established coastwide program that recruits, trains, and coordinates volunteers to be coastal stewards assigned to a specific mile of the Oregon coastline. While CoastWatch has expressed interest in helping establish coastwide stewardship programs for rocky habitat designations, they cannot commit until approved designations are adopted into the Strategy by rule making and funding opportunities can be reviewed. Volunteer stewards will provide interpretation, education on appropriate interaction with rocky habitat and wildlife, enforcement observations, monitoring, and public interaction.

## Stakeholder Engagement

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

### Letters of Support

Before submitting your proposal, please attach any materials or letters of support gathered as part of the development of this proposal. You may include meeting resources, campaign materials, etc.

The following letters of support to designate Cape Foulweather as a Marine Conservation Area are attached (Attachment 03: CFC Proposal Support Letters):

Education:

St. James Santiago School, Lincoln City

Faith Communities:

St. James Santiago Episcopal Church, Lincoln City

St. Stephen's Episcopal Church, Newport

Local Residents

Little Whale Cove Homeowners Association

Miroco Full-time Residents

Neighbors for Kids, Depoe Bay

Governmental:

City of Depoe Bay

Tribal Nations:

The Confederated Tribes of Grand Ronde: Natural Resources Manager

Environmental:

Cape Perpetua Collaborative

Cascade Head Biosphere Reserve

Friends of Otter Rock

Mary's Peak Group of the Sierra Club

MidCoast Watersheds Council

Oregon Audubon Council

Oregon Chapter of the Sierra Club

Portland Audubon

Salmon Drift Creek Watershed Council

Coast Range Association

North Coast Rocky Habitat Coalition

Individuals

Dr. Larry Basch, Board Member, Oregon Shores Conservation Coalition

Stakeholder Collaboration

Describe the steps taken to develop this proposal in collaboration with stakeholders. a) Please describe the community support and opposition for this proposal. b) Please list the communities, organizations,

and groups that have worked to develop and support this proposal, as well as those in opposition of the proposal.

We, the Audubon Society of Lincoln City (ASLC), began in 2019 to work on a campaign to seek designations for key sites in Lincoln and Tillamook counties, the areas we serve. Over the past 18 months our core team of volunteers and 1 part-time staff engaged in listening, awareness building and collaboration on this proposal across Lincoln and Tillamook counties.

In order to effectively reach a broad spectrum of stakeholders, we generated a list of categories of potentially interested groups: Aquaculture, Arts, Charter Boat, Community Center, Education, Environmental, Faith Based, Fishing Commercial, Fishing Recreational, Food Services, Local Government, Lodging, Neighborhood Associations, Non-government Organization (NGO), Sports & Outdoors, Tourism, Tribal nations, Visitor Services, Watershed Council, and Youth groups. We attempted to contact at least two representatives of each of the above categories of stakeholders.

Effective stakeholder outreach and public awareness was achieved through the following activities:

- One-on-one conversations, virtually or safely in-person
- Community webinars to inform the public
- Community webinars to discuss the proposal. Example: on October 28, we held a public information session focusing on Cape Foulweather and Cape Lookout as a Marine Conservation Areas, advertising the webinar via our mailing list, website, and our Facebook pages. Invitations were also emailed to an array of stakeholders.
- Published and distributed print materials to build awareness of the Strategy, the process, and this specific proposal
- Safely led tours of proposed site area
- Consistently updated information on our My Favorite Rocky Habitat Facebook group, <https://www.facebook.com/groups/myfavoriterockyhabitat>), and our website <http://www.lincolncityaudubon.org>.
- Published columns in local media outlets inviting feedback
- Presented directly to elected leaders in Lincoln and Tillamook counties as part of open public comment in decision-making venues

In spite of Covid-19 safety restrictions and severe local wildfires, we have been able to effectively engage stakeholders in both counties however these restrictions did hinder our ability to reach certain groups such as the fishing community (e.g., unable to “hang out at the docks”).

## Feedback from Stakeholders

List and explain both positive and negative opinions received regarding this proposal. While preparing this proposal and conducting stakeholder outreach, describe the main comments of support and issues of concerns voiced regarding this proposed change in site management/designation.

Supporting comments include:

St. James Santiago School: “Thank you for giving community groups like Lincoln City Audubon the opportunity to help conserve more of Oregon’s coastal habitat. Our students, staff, and the larger community will all benefit as a result—for years and years to come.”

St. James Santiago Episcopal Church: “We are all called to be stewards of God’s creation. Thank you for taking these small, but needed, steps to protect this fragile earth, our island home.”

Portland Audubon: “Portland Audubon, representing over 15,000 members across Oregon, strongly supports the efforts of the Audubon Society of Lincoln City (ASLC) in their work to protect vital rocky habitats in Lincoln and Tillamook Counties.”

Oregon Audubon Council (signed by 10 Oregon Audubon chapters): “Marine Conservation Area designations for Cape Foulweather and Cape Lookout would provide much needed protections for the seabirds, mammals, and invertebrates that live and reproduce at Cape Foulweather and Cape Lookout.”

Oregon Chapter of the Sierra Club: “The Oregon Chapter of the Sierra Club enthusiastically endorses Audubon Society of Lincoln City’s efforts to seek a Marine Conservation Area designation for the rocky habitats of Cape Lookout in Tillamook County and Cape Foulweather in Lincoln County.”

The Confederated Tribes of Grand Ronde Natural Resources Manager: “...we support the proposals the Audubon Society of Lincoln City is preparing to submit to designate Cape Foulweather and Cape Lookout as Marine Conservation Areas within Oregon’s Rocky Habitat Management Strategy.”

Salmon Drift Creek Watershed Council: “SDCWC strongly supports Audubon Society of Lincoln City’s proposal to create Marine Conservation Areas at Cape Lookout and Cape Foulweather to protect Rocky Habitat...This is a small step in the right direction to protect wildlife habitat of nesting sea birds on these cliffs.”

Cascade Head Biosphere Reserve: “Cape Foulweather to the south of the Cascade Head Biosphere and Cape Lookout to the north would serve as excellent choices for Marine

Conservation Areas within Oregon's Rocky Habitat Management Strategy and serve to amplify existing protections." And: "...the management recommendations within your proposals foster community engagement in ecosystem based management through stewardship and education."

Depoe Bay City Council: "The City Council of the City of Depoe Bay appreciates the Audubon Society of Lincoln City (ASLC) sharing information about your Cape Foulweather proposal at our November City Council meeting. The City of Depoe Bay (City) supports the efforts of the Audubon Society of Lincoln City (ASLC) to protect rocky habitat in Lincoln County, Oregon. Specifically we support their proposal to seek to designate Cape Foulweather as a Marine Conservation Area within Oregon's Rocky Habitat Management Strategy... We believe this designation will benefit tourism which is a vital part of our local economy."

Questions or concerns:

Access:

- We are concerned about accessing the rocky habitats right behind our houses. Will people still get to climb down onto their rocks when they want to? [Local resident]
- Can homeowners still sit on their bench by the rocks? [Local resident]
- As you drive south on Otter Crest Loop Drive there is that big pull-off area where people will hike down to the grassy point and fish will they be able to do that? [Local resident]
- Will we still be able to put our boats in and conduct site-comparison research? [ODFW]

RESPONSE: Maintaining existing access is a key concept within the Rocky Habitat Management Strategy. People will still have access as they have had. Because of the limited access with cliffs and the fact that much of the upland area is private residence, we are not recommending any improvements to access other than visual access and interpretation. Use of the trail down to the water at the big pull out would not be directly affected by the designation. If the area increases in popularity, there is a potential the BLM (federal managing agency for this property) could make changes to access across the uplands if they noted resource damage or safety concerns. Use of the Cape Foulweather area as a comparison research area is specifically described in the management recommendations. The intent of this proposal is to complement use of the area as a comparison site and in no way impede this research.

Fishing:

- Do you know how far offshore fishing boats will have to fish or will that stay the same. [Local resident]
- Some fish off the rocks behind their house, will they be able to still do that from their property? [Local resident]
- By the bridge just before our neighborhood will people get to fish in that area as there are a number of people who fish from there? [this is the BLM property]. [Local resident]

- I am concerned that this [rocky habitat] process will be used to impose further restrictions over time on fishing interests. [Local charter boat owner]

RESPONSE: We are recommending no changes to recreational or commercial fishing regulations. People could continue to fish from shore. The destination would not affect where commercial, recreational or charter boats fish. Therefore, no change would be mandated as to how far offshore commercial fishing boats would need to stay. We are including a recommendation to encourage boaters through education to maintain an appropriate distance from nesting seabird colonies to avoid disturbing them.

The Ocean Policy Advisory Council (OPAC) was given the responsibility of stewarding the Territorial Sea Plan (TSP), in conjunction with the Oregon Land Conservation and Development. OPAC membership is diverse with representatives from coastal community interests including fishing, state agencies, conservation interests, and the general public. The Rocky Habitat Management Strategy is part of the TSP. The amended Strategy went through extensive public review before being approved by OPAC. The Strategy is not intended to restrict fishing interests. Our proposal seeks to engage community interests in the management of rocky habitat at Cape Foulweather

### Public Outreach

List and describe engagement opportunities where the public has had the opportunity to learn about and/or comment on this proposal (e.g. conferences, meetings, tabling events).

Due to Covid-19 restrictions, most of our in-person events were either canceled or held online via webinars.

In person: We publicized and conducted 3 outings to various Rocky Habitat sites of interest, including Boiler Bay, Cape Foulweather, Devil's Punch Bowl, Yaquina Head, and Cape Lookout. We held two in-person presentations featuring Black Oystercatchers and rocky habitats, one to Lincoln City seniors and the other to Friends of Otter Rock. In February 2020, we tabled at the Willamette Valley Bird Symposium which is sponsored by Oregon State University and held in Corvallis. We provided handouts and discussed plans with dozens of attendees.

Webinars: In June 2020, we conducted a series of 3 webinars, "On the Rocks" with experts Roy Lowe, David Fox, and Michael Moses. In October, we held a campaign overview for the public (<https://youtu.be/XLXL-x6Axco>).

Press releases and opinion pieces: Our press releases and opinion pieces have been published in print and online media as follows:

- Attachment 04: The News Guard October 2020
- Attachment 05: The News Guard November 2020
- Attachment 06: Newport News-Times November 2020
- Attachment 07: Oregon Coast TODAY November 2020
- Attachment 08: Tillamook County Pioneer December 2020

Mailings: We mailed 3 issues (Winter 2019, Summer 2020, and Winter 2020) of our newsletter, The Kingfisher, featuring full-color inserts about rocky habitats and our proposal, to 325 local and national members in Lincoln and Tillamook counties.

- Attachment 09: The Kingfisher Winter 2019
- Attachment 10: The Kingfisher Summer 2020
- Attachment 11: The Kingfisher Winter 2020

Email campaign: We created an email list of interested persons, sending them regular updates and soliciting their input. We also sent monthly email updates to our members.

Web page feature articles: We featured our Rocky Habitat campaign in several features.

- Attachment 12: Protecting Black Oystercatchers 201907
- Attachment 13: Oregon's Rocky Habitat Belongs to You 202001
- Attachment 14: Rocking the Tillamook and Lincoln Coasts 202003
- Attachment 15: Cape Foulweather: Not a Foul View 202008
- Attachment 16: Protecting Our Rocky Shores 202011

Campaign website: Our "The Oregon Coast Rocks" campaign landing page (<http://www.lincolncityaudubon.org/rocks.html>) includes links to our handouts, other sites such as OPAC's <https://oregonocean.info> page, and pertinent information such as personal essays, birds of Oregon's coastal habitats, and much more.

Social media: We created a Facebook group, My Favorite Rocky Habitat: Lincoln and Tillamook counties where residents, visitors, and others post their photos and stories about their favorite places. The group has 264 members at this time.

City Councils and County Commissions: We made public comment to Depoe Bay, Newport, and Lincoln City city councils. We also entered public comment into the record for Lincoln County Commissioners. These meetings are broadcast to constituents throughout the area. In all cases, we mailed flyers to decision-makers in both counties (see Flyers below).

Neighborhood groups: We approached several neighborhood groups, and received letters of support from some that are in the Cape Foulweather area, including the Miroco neighborhood group (letters attached).

Faith-based groups: We made presentations to 2 churches in Lincoln County and obtained letters of support from them.

Flyers used in the above outreach include:

- Attachment 17: Five Reasons to protect Rocky Habitat
- Attachment 18: Five Reasons to protect Kelp
- Attachment 19: The Oregon Coast Rocks (our project, general)
- Attachment 20: Cape Foulweather Rocks
- Attachment 21: Managing our Rocky Coast (OPAC)

## Additional Information

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

### Local Knowledge

How does this proposal incorporate local knowledge?

This proposal draws upon the combined local knowledge internal to ASLC as well as externally within the broader local community. ASLC is a community organization with most of our members being local residents. ASLC members provided local knowledge on site uses and natural resources. ASLC participates in community science at Cape Foulweather Oregon Black Oystercatcher Project. This proposal was initiated, discussed, evaluated, prepared, and written entirely as a local community effort.

The volunteers and limited ASLC staff working on this proposal are all local residents with firsthand knowledge of the Cape Foulweather area as well as becoming well versed in the Rocky Habitat Management Strategy. One of these volunteers lives in the Whale Cove neighborhood in close proximity to Cape Foulweather. Another volunteer is a retired commercial fisherman who also contributed historical local knowledge on the prior designation process for establishing marine reserves along the Oregon coast. All stakeholder outreach materials including design, writing, art work, and production were done locally by ASLC members, except one handout, Managing our Rocky Coast, which was published by OPAC (<https://www.oregonocean.info>) and used heavily in our stakeholder outreach.

Local knowledge was sought and incorporated through discussions during public webinars, email inquiries, meetings, and conversations with local residents. While the unprecedented Covid-19 posed unique communication challenges, information was exchanged through many

non-traditional platforms including online meetings and shared thoughts passed along from neighbor to neighbor discussions. Neighborhood groups and individual residents provided local knowledge and direct observation on natural resources, use activities and trends, access points, site features, information on seabird and other wildlife disturbances, and ecological impacts. Several of these residents contributed local knowledge on rocky habitats gained from previous volunteer work with local groups such as Friends of Otter Rock to prior community engagement on the designation process for Otter Rock Marine Reserve and the Oregon Black Oystercatcher Project.

Local knowledge was sought and incorporated in the development of the goal, objectives, and management recommendations. Specific assistance was provided by the retired USFWS Manager of the Oregon Coast National Wildlife Refuge Complex and co-author of Catalog of Oregon Seabird Colonies: Biological Technical Publication BTP-R1009-2007. Additional local knowledge was contributed by biologists stationed with the Oregon Islands National Wildlife Refuge.

Although Covid-19 limited the ability to conduct direct outreach, several charter boat operators out of Newport and Depoe Bay were contacted and provided local information on resources and needs. ASLC has considerable internal local knowledge on seabird and other wildlife resources in the designation area. Direct field observations were also made (Attachment 22: CFC Observations).

ASLC presented our proposal to Depoe Bay City Council and Newport City Council and submitted information to the Lincoln County Board of Commissioners.

The Natural Resources Director of the Confederated Tribes of Grand Ronde provided tribal perspectives. The Natural Resources Director of the Confederated Tribes of Siletz Indians shared the Tribe's concern on how each type of designation could affect the Tribe's shellfish gathering rights.

Regular site visits to document use activities and natural resource conditions were made during summer through early autumn. A total of 12 site visits were completed. Local knowledge from these observations is provided in Attachment 22: CFC Observations.

## Scientific Knowledge

How does this proposal incorporate scientific knowledge?

Information and data searches on habitat conditions and biota include sources such as published science journal articles, ODFW publications, MARINE database and documents, USFWS documents, Oregon Natural Heritage Program database. PISCO publications and SeaSketch

metadata sources were also queried. Online publications were researched for information on species, habitat conditions and factors affecting them relevant to the proposal site. Key scientific sources include: SeaSketch, the 1994 Rocky Shores Inventory, USFWS Catalog of Oregon Seabird Colonies, Ecological Monitoring Report 2010-2011 (ODFW 2014) and the Ecological Monitoring Report 2012-2013 (ODFW 2015).

ODFW staff were consulted as to considerations for ensuring the proposal was consistent with and complemented use of the proposal area as a comparison site for the nearby Otter Rock Marine Reserve. The management recommendations reflect the scientific importance of not impeding or biasing use of the proposal area as a comparison site for the marine reserve. Coastwide harvest regulations generally apply and adaptive management provides the flexibility for site-specific management to account for evolving harvest interests.

ODFW staff and USFWS staff were contacted to get biological data on species presence, abundance, and biodiversity. Research scientists at PISCO were also consulted. The staff scientist at Portland Audubon was consulted regarding community science programs and provided data from the Oregon Black Oystercatcher Project.

The authors of this proposal include those with a professional scientific background in ecology and natural resource management. The primary author is a retired ecologist and former ODFW scientist. Others assisting on developing the goal, objectives and management recommendations include the retired USFWS Manager of the Oregon Coast National Wildlife Refuge Complex and co-author of Catalog of Oregon Seabird Colonies: biological Technical Publication BTP-R1009-2007.

The plan area boundaries are established based on science-based data layers in SeaSketch. Most specifically, data layers on the spatial extents of rocky subtidal substrate (CMES 2019), kelp beds, seabird colonies and marine mammal haulouts help to define the proposed boundaries.

The objectives and many of the management recommendations draw upon scientific information and management guidance provided in the Oregon Nearshore Strategy. The Nearshore Strategy is part of the Oregon Conservation Strategy, which is an overarching state strategy for conserving fish and wildlife. It provides a shared set of priorities for addressing Oregon's conservation needs. The Conservation Strategy brings together the best available scientific information, and presents a menu of recommended voluntary actions and tools for all Oregonians to define their own conservation role. The Nearshore Strategy was also used as an information source on key natural resources and their conservation status.

The lists of flora and fauna provided as Attachment 02: CFC Species Data to this proposal included a list developed by PISCO student scientists. They researched published and gray

literature for site-specific information as well as applied a systematic approach to make inferences on species occurrence based on data from other nearby or even regional sites with similar habitat. Additional information was provided by scientists at ODFW and PISCO.

Scientific literature on climate change effects on rocky habitat including sea level rise, ocean acidification, and hypoxia were reviewed for relevance to the proposal site. SeaSketch provides site-specific data on the change in the area of intertidal habitat associated with the Environmental Protection Agency's sea level rise scenarios.

## Goals and Policies

Which goals and policies in the Rocky Habitat Management Strategy does this proposal address, and how?

The site-specific goal for Cape Foulweather is: In coordination with management of other nearby marine designations, conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations. This goal closely aligns with the Rocky Habitat Management Strategy as well as the goals for the Nearshore Strategy.

This designation provides increased protection for rocky habitat within the Cape Foulweather Complex as well as providing ecological and social connectivity with nearby designated marine areas, specifically the Otter Crest Marine Garden, Whale Cove Habitat Refuge, and USFWS Oregon Islands National Wildlife Refuge. The designation also protects habitat that is necessary as an established comparison site for evaluation monitoring for the nearby Otter Rock Marine Reserve without imposing harvest restrictions that would impede use of the area as a comparison site.

The designation provides a platform and guidance for site-specific ecosystem-based management that provides long-term ecological, economical, and social benefits to the natural resources at Cape Foulweather and the local communities. Community needs and interests have been integrated into the proposal. Community engagement is an essential component of ecosystem-based management and is self-evident in the goal for this designation. The single most important factor for the success of marine protected areas is community engagement [Partnership for Interdisciplinary Studies of Coastal Oceans and University of Nice Sophia Antipolis. 2016. *The Science of Marine Protected Areas* (3rd edition, Mediterranean). [www.piscoweb.org](http://www.piscoweb.org). 22 pages]. A key community engagement action identified in this proposal is the commitment of ASLC to host a biennial State of the Cape meeting. This meeting is an ideal platform to foster collaboration of community, agencies, Tribal Nations, and interested organizations in routinely evaluating progress toward achieving the site-specific goals as well as evaluate contributions to meeting the goals of the Rocky Habitat Management Strategy.

Education and stewardship are emphasized in this proposal as means for protecting rocky habitat and biological communities while allowing for use and enjoyment. Signage adds educational value with a greater understanding and appreciation of rocky habitats. Greater protection is afforded through informing boaters and drone operators how to avoid disturbance to nesting seabirds. The proposal recommends coastwide commercial and recreational fish harvest regulations as protective of these resources while continuing to provide access and enjoyment. The plan closes harvest of some invertebrates but maintains coastwide harvest regulations for those species commonly harvested as well as providing adaptive management that can be responsive to evolving harvest opportunities. Kelp is protected from harvest, and this algae is a primary producer and provides structural habitat for a multitude of species. The proposal is responsive to the need to develop site-specific and coastwide measures to address invasive species concerns.

The proposal enhances appreciation and personal stewardship of rocky habitats through education curricula, signage, and interpretation. The proposal includes a personal stewardship program that engages community members in contributing to protection and assisting enforcement in a cost-effective manner. Community science programs are another element of this proposal that foster personal stewardship as well as improving our knowledge and understanding of rocky habitats.

The proposal promotes the use of climate change information in management decision-making for the Cape Foulweather Complex. Building climate resilience and climate change adaptation into decision-making is recognized in the proposal to maximize the long-term benefits of today's public investment in natural resource management. Management recommendations include developing and implementing research and monitoring efforts to understand, track, and work toward predicting effects of climate change and increased carbon dioxide on Oregon's rocky habitat species and ecosystems.

## Watershed Conditions

What land or watershed activities/conditions exist adjacent to this site?

The plan area is within the Rocky Creek Frontal Pacific Ocean Watershed, (Oregon Explorer Natural Resource Digital Library). This watershed encompasses 21.26 mi<sup>2</sup>. Land uses within this watershed are primarily forestry. Other land uses include agricultural, residential, and road/utility corridors. Wetlands account for 3.15% of this watershed. Only a portion of the Rocky Creek Frontal Pacific Ocean watershed drains into the proposed plan area. Rocky Creek is the largest sub-watershed that drains into the proposed Cape Foulweather Complex Marine Conservation Area. Other lands adjoining the proposal area drain directly to the Pacific Ocean. The Rocky Creek subwatershed has a drainage area of 5.3 mi<sup>2</sup> and flows into the Pacific Ocean near the

northern end of the proposal area. Land use in this subwatershed is primarily commercial forestry. The mean annual flow in Rocky Creek at its mouth is about 11 cfs (Oregon Water Resources Department: Water Availability Reporting System). The City of Newport has a municipal water right for storage on Rocky Creek but there are no existing water storage facilities. There are three NPDES permits within one mile of the plan area.

### Existing Protected Areas

Are there any other overlapping protected areas within the site?

No. The site adjoins but does not overlap with the Whale Cove Habitat Refuge and the Otter Crest Marine Garden. The site is within 0.7 Km of the Otter Rock Marine Reserve. There are rocks and islands of the Oregon Islands National Wildlife Refuge within the outer boundary of the plan area but those lands are above the mean high tide contour and are not intended to be part of the plan area. The Cape Foulweather Complex will facilitate holistic management that integrates the management goals and objectives of each protected area.

The proposed Cape Foulweather MCA is within an area used by ODFW as a comparison site for the Otter Rock Marine Reserve. Comparison areas are monitoring sites, in close proximity to a marine reserve, that remain open to fishing. Long-term monitoring is conducted identically in both the reserve and the comparison areas so that changes in the marine community (fish and invertebrate species) attributable to environmental variation can be distinguished from changes resulting from the marine reserve protections. Use of the area for this purpose has been factored into the management recommendations so as not to impair its utility as a comparison site. The proposed management recommendations better ensure the integrity of the habitat so that it will remain a suitable comparison site.

### Site Characteristics

Please include descriptions of other characteristics of the site or adjacent area.

The Cape Foulweather Complex proposed Marine Conservation Area lies within an marine area of rich ecological diversity. The importance of the area is signified by other nearby marine designations. Rocks and islands along the southern and central portion of the proposed area as well as lands at Whale Cove are included within Oregon Islands National Wildlife Refuge and Whale Cove itself is a State-designated Habitat Refuge. The Otter Rock Marine Reserve is located 0.7 km (0.38 nautical miles) south of the plan area. The nearshore subtidal reef and associated kelp forests within the plan area extend past Depoe Bay and the Pirate Cove and Boiler Bay Research Reserves located 1.8 and 2.5 nautical miles, respectively, to the north. The Cape Foulweather Complex provides ecological connectivity among this suite of marine habitat

designations. The dramatic cliffs, home to thousands of nesting seabirds, and extensive subtidal canopied kelp beds are unique to Cape Foulweather among all these designated areas.

Cape Foulweather and the nearby surrounding coast has high social value and importance to the local tourist economy as evidenced by the multitude of state parks:

- Boiler Bay State Scenic Viewpoint,
- Rocky Creek State Scenic Viewpoint,
- Otter Crest State Scenic Viewpoint,
- Devils Punchbowl State Natural Area, and
- Beverly Beach State Park

The small residential neighborhoods nestled within a natural forested setting atop the cliffs of Cape Foulweather and around Whale Cove provide a deep sense of place to the community members. Many have expressed strong support for designating Cape Foulweather as a Marine Conservation Area and have indicated an eager willingness to actively participate in implementation of management plans.

The close proximity to harbors in Depoe Bay and Newport make the area an ideal destination for charter boats and individual fishing vessels to enjoy local fishing opportunities. Sight-seeing charter excursions are often treated to sightings of whales along Cape Foulweather. Just south of the Cape Foulweather Complex are popular surfing beaches near the community of Otter Rock. Thousands of visitors per year as well as local residents enjoy the vistas, birding, walking, bicycling, photography, and tidepooling at nearby Otter Rock Marine Garden and other activities at Oregon's iconic Cape Foulweather.

### Additional Designation Rationale

Please describe any other reasons you think this site warrants a change in designation.

The Audubon Society of Lincoln City appreciates the opportunity the Ocean Policy Advisory Council has given community groups like ours to nominate coastal rocky habitat sites for marine education, research, or conservation designations. In doing so, the Council has empowered us to take action and address issues of concern to all Oregonians who value the coast and its nearshore environment. In the process, we have become considerably more aware of the damaging impact of climate change on our ocean and marine species. We have also become aware that the best approach to mitigating these impacts (and others) is to work with and foster cooperation and coordination among local, state, and federal resource management agencies, and Tribal Nations, to ensure that ecosystem-based management principles guide management decisions for marine resources, wildlife, and habitat.

As importantly, we have become aware of the need to build community to ensure that the natural values of our marine environment are preserved for future generations to enjoy and benefit from. Despite the challenges of Covid-19 and the summer fire season, we succeeded in reaching out to numerous stakeholders and the general public to inform them about the opportunity to nominate rocky habitat sites for designation. We created a Facebook page called “My Favorite Rocky Habitat,” presented webinars, wrote letters, made phone calls, spoke at City Council meetings, and even knocked on doors. Our outreach strategy worked. We received numerous letters of support for designating the Cape Foulweather Complex as a Marine Conservation Area from a variety of stakeholders – City Councils (Depoe Bay), the Confederated Tribes of Grand Ronde Natural Resources Manager, numerous environmental groups (local and statewide), communities of faith, and residents of a Cape Foulweather neighborhood. Listen to a few of their voices: 1) “Cape Foulweather serves as an excellent choice for a Marine Conservation Area within Oregon’s Rocky Habitat Management Strategy;” 2) “We believe this designation will benefit tourism which is a vital part of our local economy;” and 3) “Thank you for taking these small, but needed, steps to protect this fragile earth, our island home.”

Our proposal emphasizes education, stewardship and active community engagement as the best and most effective means to preserve and protect the natural values of coastal rocky habitats. We are recommending the area remain open to commercial and recreational fish harvest as well as most commonly harvested shellfish and other invertebrates. Access to these opportunities maintains the site’s suitability as a comparison area as well as a place Oregonians can recreate and enjoy. Audubon Society of Lincoln City looks forward to helping ensure that the management strategies we have outlined in this proposal are implemented successfully.

### Other Proposals

Should this proposal be evaluated in conjunction with other proposals your entity has submitted? The merit of all proposals are evaluated independently unless otherwise indicated by the proposing entity. Review bodies reserve the right to also evaluate proposals spatially in relation to one another.

No. This proposal is being submitted for review independent from another proposal being submitted by ASLC to designate Cape Lookout as a Marine Conservation Area.

### Additional Information

What other information would you like to include about this site or your proposal?

The following materials are attached to this proposal:

CFC Proposal tables and figures from

#### **01: CFC Proposal Tables**

CFC Nearshore Strategy species data

**02: CFC Species Data**

CFC Proposal support letters

**03: CFC Proposal Support Letters**

CFC News Articles & OPEds

**04: The News Guard October 2020**

**05: The News Guard November 2020**

**06: Newport News-Times November 2020**

**07: Oregon Coast TODAY November 2020**

**08: Tillamook County Pioneer December 2020**

ASLC Newsletters

**09: The Kingfisher** Winter 2019/20

**10: The Kingfisher** Summer 2020

**11: The Kingfisher** Winter 2020/21

Website feature articles

**12: Protecting Black Oystercatchers 201907**

**13: Oregon's Rocky Habitat Belongs to You 202001**

**14: Rocking the Tillamook and Lincoln Coasts 202003**

**15: Cape Foulweather: Not a Foul View 202008**

**16: Protecting Our Rocky Shores 202011**

CFC One-page Flyers

**17: Flyer** Five Reasons to protect Rocky Habitat

**18: Flyer** Five Reasons to protect Kelp

**19: Flyer** The Oregon Coast Rocks

**20: Flyer** Cape Foulweather Rocks

**21: Flyer** Managing Our Rocky Coast (DLCD-OPAC)

CFC Observation data records

**22: CFC Observations**

CFC Bibliography

**23: CFC Proposal Bibliography**

CFC Proposal as pdf with formatting

**24: CFC Proposal**

## Additional Materials

If there are any additional documents, materials, etc. that you feel may be relevant or pertinent to your proposal, please attach them here.

There are 24 attachments to this proposal as listed in the above section. A site plan and report as generated by SeaSketch are also attached to this proposal.

Attachment 24: CFC Proposal is a pdf document with our identical responses as stated in all the sections in the proposal. The SeaSketch proposal survey platform does not accept formatting. Therefore, all the headers in responses to the main body of the proposal form are capitalized with all other formatting removed. Attachment 24 is being made available to show reviewers our intended formatting and organization of responses. The text is identical to that in the proposal form.