

# Rocky Habitat Site Proposal Final Recommendation

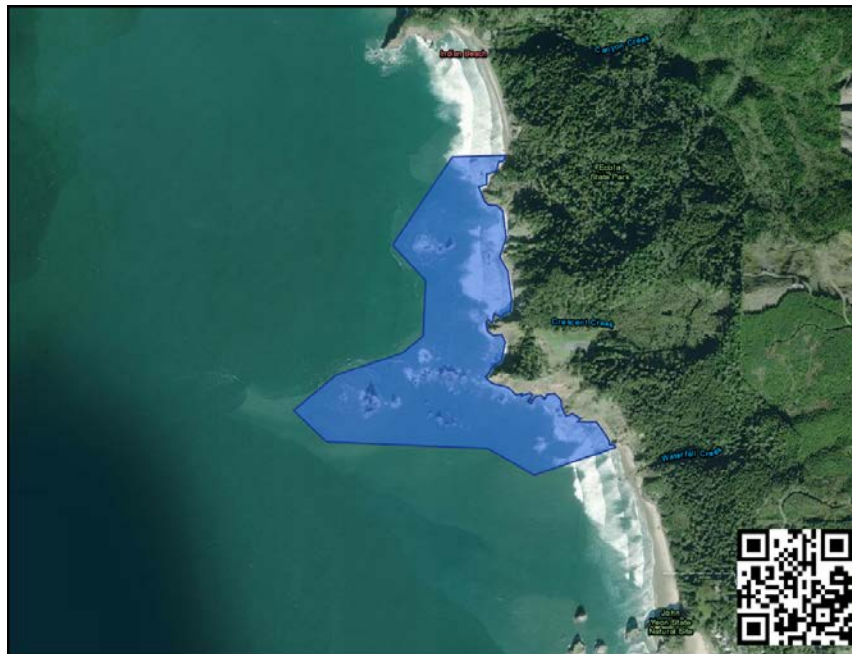
The Rocky Habitat Management Strategy Initial Proposal Process (2020-2021)

## Proposed Site

**Site Name:** Ecola Point Marine Conservation Area

**Site Map:** [http://seasket.ch/y0uvvr4X\\_7](http://seasket.ch/y0uvvr4X_7)

**Proposal Materials:** <https://bit.ly/382YRBP>



## Final Recommendation

This document summarizes the site proposal evaluations conducted by the Rocky Habitat Working Group. The summary below represents an evaluation and recommendation synopsis for Ecola Point Marine Conservation Area. During evaluations, the agencies and Working Group identified considerations for potential recommendation by the Ocean Policy Advisory Council (OPAC). Consideration are those aspects of a proposal, identified through the evaluation process, which the Working Group believes should be addressed to facilitate implementation of the designation as proposed. These considerations were outlined in draft initial recommendation summaries, which were made available for a 30-day public comment period. Proposers were invited to submit written responses to the initial recommendations, and present their proposals and responses in the April 29, 2021 Working Group meeting. Following discussion with proposal presenters, the Working Group deliberated and crafted their final recommendations.

**Final Recommendation: *Not Recommended, Continuing Consultation (consensus)***

## Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Ecola Point Marine Conservation Area. Any potential recommendation from OPAC should address these considerations as outlined in the following summary to ensure that implementation of the proposed site is a) consistent with state agency authority and coastal policy, b) appropriately inclusive and representative of stakeholder interests, c) reasonably achievable within the existing framework of rocky habitat site management, and d) in balance with the merits and goals of the proposed site.

Any potential recommendation for implementation of this site should address the following considerations:

- No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest
- No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)
- Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

The original 1994 Territorial Sea Plan recognized the ecological significance of Ecola Point and Sea Lion Rocks with their exceptional biological richness and scenic value. The upland area, Ecola State Park, is a relatively high-use area and likely to see increasing human use. Access to the shore area from the upland is maintained via trails, which are experiencing erosion. OPRD strives to keep the trails open and maintained, although re-routing has been necessary in the past due to erosion. The site is also accessed from nearby Chapman Point via the beach to the south. Consequently, the rocky shore habitats at Ecola Point experience lower use than the upland or other nearby rocky sites. Additionally, this is a long-term monitoring site for the Multi-Agency Intertidal Network (MARINE).

The concerns expressed in the proposal are primarily focused on the impacts of increasing site use on seabird nesting sites and pinniped haulouts, as well as trampling of the rocky intertidal habitat. Site goals include preserving and strengthening the ecological integrity and wilderness character of the site by maintaining low site use, and largely rely on another site (Chapman Point) for education and interpretation and, to some extent, management. There is merit in many of the recommended management prescriptions and the goals and objectives may be appropriate for measuring site success. The proposal demonstrates good foresight with respect to increasing site use in the area, including at Chapman Point and Haystack Rock. Proposed restrictions on harvest of invertebrates and algae in the rocky intertidal habitat could help reduce human impacts. However, extending those restrictions into the subtidal area would not address an identified need since the primary human use impact to invertebrates is only in the intertidal area. Impressive efforts were made for stakeholder outreach and community engagement. Both stakeholder support and concerns were well characterized, and incorporated into actionable management recommendations.

Many of the proposed management measures are intended to address wildlife disturbance, including the restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, detonation of fireworks, the buffers on boats, airplanes, drones, and kites, and avoiding access improvements. However, most of these proposed restrictions are already addressed in rule, statute, federal law, or not implementable as proposed. Wildlife disturbance is already prohibited in existing statute and rules (e.g. ORS 498.006, 736-021), as well as federal law (e.g. Marine Mammal Protection Act, Migratory Bird Treaty Act). This includes disturbing wildlife through the use of low-flying aircraft, drones, kites, and

fireworks. The need to implement additional site rules to further restrict these activities is unnecessary, duplicative, and in some cases problematic for agency authority and enforceability.

The proposed restriction on climbing or walking on intertidal rocks would necessarily restrict north-south access along the Oregon Coast, which is protected in state statute as implementation of Oregon's landmark 1967 Beach Bill (ORS 390.610). Climbing on USFWS refuge rocks above the intertidal is already prohibited. A restriction on access and use of this nature is also not in line with TSP-3 objectives of balancing site use and access with ecological protection. This would represent a large departure from current site management, and would be the only site on the coast with such restrictions. It would also halt all current human use of the rocky habitat including tidepooling, on-site education, shore angling, mussel collection for bait, and other forms of allowable harvest and use.

The proposed sea and airspace buffers are problematic for implementation and enforcement, and would require coordination with state and federal agencies not engaged in this process (e.g. Oregon State Marine Board, US Coast Guard, Federal Aviation Administration). USFWS already recommends, but does not require, these buffers for rocks, islands, and cliffs within Oregon Islands NWR to avoid disturbing wildlife and incurring related violations. The site boundaries do not reflect the proposed 500 ft. boat buffer, and would necessarily expand the footprint of the site for recreational boaters if implemented in rule. Creating vessel closures around the offshore rocks may be justifiable with documentation of occurrences of vessel disturbance, but none have been provided. Even if there were a documented problem, the closure would only need to occur during the marine mammal breeding and seabird nesting seasons, which would balance access with protection. Additionally, if the 500 ft. vessel closure applies to small non-motorized watercraft such as kayaks and stand-up paddle boarders, then there could be a safety concern about requiring the watercraft to paddle further out to sea to get around the buffer. This would also limit nearshore fish harvest.

Other proposed restrictions would be difficult to enforce, and could be better addressed through education and awareness efforts without the need for rule changes. The restriction on off-leash dogs presents many enforcement challenges. Harassing wildlife is already prohibited in state rule (736-021-0070). The restriction on detonation of fireworks already exists in rule (736-021-0100), and is also covered by wildlife disturbance rules.

The proposed volunteer stewardship and education program for on-site activities would be administered at nearby Chapman Point, one of the main access routes. Such a program could help to reduce bird and pinniped disturbance if clear support can be identified, implemented, and sustained over time. The proposal seeks to build off of many existing partnerships and the strength of the local community network. The City of Cannon Beach has invested in the Haystack Rock Awareness Program, but it's unclear whether they would be able to support additional capacity for efforts at Ecola and/or Chapman Points at this time. Clear timelines and benchmarks should be identified to ensure desired outcomes are being met by management measures. However, there is concern that implementation of a new site designation may increase site use, which may be at odds with goals focused on maintaining lower site use and preserving ecological integrity.

The landward site boundary was requested to be the statutory vegetation line (SVL), rather than the Oregon mean high water shoreline (MHW), which the site polygon is automatically clipped to by the Rocky Habitat Web Mapping Tool. While a landward boundary above MHW may be considered for a rocky habitat site designation, the proposed site abuts Ecola State Park along the entire length of its

landward boundary. OPRD does not define an SVL for designated State Parks lands, so any consideration for a landward boundary above MHW would need to be sufficiently justified and reconciled with the agency. The Working Group recognizes that there is value in connecting the proposed site with Ecola SP given the quality of habitat. At this time, a boundary of MHW appears to be sufficient to meet stated site goals. Inclusion of the subtidal habitat as proposed would extend management protections in the area, but would be more comprehensive than most other existing rocky habitat designations and require strong justification for implementation. Further, there does not seem to be sufficient rationale or benefit for extending the proposed harvest restrictions into the subtidal areas. Final site boundaries will need to be reconciled with the involved agencies to ensure site goals focused on preservation are balanced with proper site access, use, and management.

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Where possible, the Working Group supports addressing the considerations and concerns above through statewide and site-specific non-regulatory management plans, where appropriate, with a focus on volunteer monitoring, interpretation, education, and awareness efforts. Additional considerations for potential recommendation include the other merits and perspectives identified above and in the full packet of evaluation materials, in balance with the proposed site goals.