

Rocky Habitat Site Proposal Initial Recommendation

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

Proposed Site

Site Name: Cape Lookout Marine Conservation Area

Site Map: http://seasket.ch/y0uvvr4X_7

Proposal Materials: <https://bit.ly/3e2laKw>



Initial Recommendation

This document is a draft summary of the site proposal evaluations conducted by the Rocky Habitat Working Group. The final drafts will be included in a recommendation packet that will be forwarded to the Ocean Policy Advisory Council (OPAC). The summary below represents an initial draft of the recommendations made by the Working Group for Cape Lookout Marine Conservation Area. Proposal recommendations will be made available for a 30-day public comment period, during which proposers and other members of the public are invited to submit their feedback. The Working Group will review the feedback for consideration prior to making their final recommendation determinations.

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

Average Vote Ranking: 3.1

Initial Recommendation: Do not recommend

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Cape Lookout 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:

- Clarifications on management effectiveness with respect to status quo, site monitoring, enforcement issues
- Level of support with respect to capacity, coordination, and costs for stewardship activities; stakeholder engagement
- Reconciliation of boundary issues (landward site boundaries, north side boundary)

The south side of Cape Lookout was recommended for designation as a Habitat Refuge in the original 1994 Territorial Sea Plan. The upland area, Cape Lookout State Park, experiences moderate visitation levels with a parking area at the main trailhead for access to the cape. With the exception of the south side of the cape, and some limited intertidal on the north side, most of the rocky shore areas are inaccessible or hazardous to access, and experience little or no use. The rocky intertidal area on the south side of the cape can be accessed by a maintained trail, but the hike is difficult enough to limit general public use of the area. Camp Meriwether, located near the south side of the cape, provides relatively easy access to the intertidal area for groups that use the camp. The rocky headland is home to nesting seabird colonies and pinniped haulout areas, and provides shelter for one of the largest kelp beds on the north coast.

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 ecological integrity of the kelp beds. The primary goal aims to conserve the natural character of the site to provide long-term benefits. The proposal emphasizes education and stewardship as means of protecting rocky habitats and ecological communities while allowing for use and enjoyment to enhance appreciation and foster personal stewardship of rocky habitats. The recommendations and metrics are clear and well-outlined, and highlight current site management well. There is also a strong focus on protection of kelp beds, and promoting community science efforts.

The proposal maintains status quo management at the site and does not place any restrictions on commercial or recreational fish harvest. Invertebrate harvest would be closed except clams, Dungeness crab, red rock crab, piddocks, scallops, squid, shrimp, and sand crab, which could be harvested under normal coastwide regulations. In addition, the proposal states that ODFW could allow harvest of other invertebrate species as appropriate. Preservation and conservation of existing site conditions is a stated goal, and also aligns with TSP-3 goals. While Cape Lookout may be likely to benefit from site-specific

management, some of the proposed regulatory standards and management practices may be in conflict with preservation and conservation of existing site conditions. Clarifications and expectations for allowable invertebrate harvest and how it would be used to measure site success would need to be made prior to any designation. Success of this change in site management will also be dependent on community and state investments and capacity to engage in the proposed monitoring and management actions.

Enforcement of management changes may be logistically challenged by capacity, response needs, safety, and costs. The relative remoteness of the site and difficulties associated with access of the rocky habitat would be challenging and potentially dangerous to ensure consistent and effective enforcement. Volunteer programs could aid with enforcement if implemented, but firm support and expectations would need to be established up front. Initial and long-term enforcement costs will vary depending on which organisms are being regulated, and the landward extent of site boundaries.

The non-regulatory management measures were excellently outlined, but may very well be too ambitious or benefit from revision through agency coordination. Long-term monitoring will be required to determine efficacy of these measures, however, they are measurable and achievable. Some of the proposed management measures will require time and monitoring to fully understand how effective they will be at achieving site goals (e.g. drone and boater education). Recommendations may need to be scaled back and managed adaptively to meet expectations and the intended goals.

Recommendation 10 (coastwide monitoring of invasive species), is not site-specific and would be problematic for implementation. It is unclear who would conduct this work, the roles of the entities involved, who will develop it and what it would look like in practice, and how it would be implemented at a coastwide scale. It would also place an unfunded mandate on agencies to complete this work in the given time period. The role of agencies in this work and other broader long-term objectives in the proposal, is unclear.

The proposal relies heavily on community organizations and other groups to develop and execute the proposed education, outreach, and other stewardship activities. It is unclear who will conduct the proposed monitoring and research in practice, and what the role of agencies will be. OPRD and ODFW are listed as potential cooperators in these efforts, as well as Camp Meriwether and several other organizations. At this time, there is concern from the agencies over lack of agency funding and staff capacity to engage in monitoring activities or other forms of site support (e.g. development of signage). Coordination with Camp Meriwether will likely be key for successful site interpretation, but it will be important to garner firm commitments from the camp as well as other organizations to engage in these efforts. The level of stakeholder engagement is good, but there are groups that are notably absent such as the Pacific City Doryman's Association and other fishing groups which rely on the cape for shelter during hazardous conditions. If the site were implemented, outreach and engagement with additional stakeholders would need to be conducted at agency cost.

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 Cape Lookout State Park along most 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. Currently, the MHW boundary appears sufficient given the adjacent lands are managed as a state park. Additionally, 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. Final site boundaries will need to be reconciled with the involved agencies for additional clarification or refinement, particularly with respect to choices made on the north side of the cape.

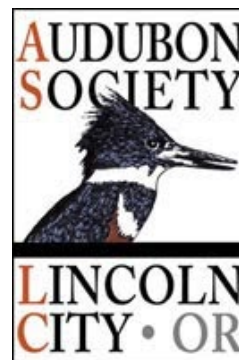
At this time, the Rocky Habitat Working Group does not recommend Cape Lookout Marine Conservation Area for potential recommendation to LCDC, with an understanding of the merits, perspectives, and considerations described above and in the full packet of evaluation materials.

DRAFT

Audubon Society of Lincoln City

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April 14, 2021

Ocean Policy Advisory Council's Rocky Habitat Working Group
c/o Andy Lanier
Marine Affairs Coordinator
635 Capitol St. NE Ste 150
Salem OR 97301

Re: Response to Working Group recommendations

Dear Chair Plybon, members of the Working Group:

The Audubon Society of Lincoln City appreciates the opportunity the State of Oregon has provided community groups like ours to nominate sites for rocky habitat designations. We have prepared and submitted a proposal for Cape Lookout, urging that it be designated a Marine Conservation Area. We are submitting this letter and attachments in response to the Working Group's Initial Recommendation for this proposal. We ask that our response be included in the public comment record for the Rocky Habitat Working Group Initial Rocky Habitat Site Proposal Recommendations. Our response document quotes each Working Group consideration in *italics* followed by our response. We have added numbering to the bulleted considerations for clarity.

The goal of the Rocky Habitat Management Strategy (Strategy) as adopted in May 2020 is "to protect the ecological values and coastal biodiversity within and among Oregon's rocky habitats while allowing appropriate use." We followed this goal, as well as recommendations of the Oregon Nearshore Strategy, as we developed management recommendations for each site. Our proposals address and would advance each of the five Strategy objectives to achieve this goal:

1. preserve or restore rocky habitats and their biological communities;
2. implement a management program that protects rocky habitats and allows for their enjoyment and use;
3. promote stewardship of rocky habitats through education and outreach;
4. improve our knowledge of rocky habitat ecosystems by research and monitoring; and
5. encourage cooperation and coordination among local, state, relevant federal agencies, and tribal governments to ensure that rocky habitats are managed effectively.

The Strategy objectives provide the Working Group with an excellent and much needed framework to evaluate all proposals, ours and others. Would a proposal help achieve each of these objectives? If the answer is yes, then a recommendation to the Ocean Policy Advisory Council is in order. Using the objectives to frame the discussion of the proposals addresses a major failure in the evaluation process to date: the lack of an evaluation criteria that minimizes bias.

Our mission is to encourage residents and visitors to protect and enjoy the native birds, other wildlife, and habitats found on the Central Oregon Coast.

In addition to using a consistent framework to evaluate our proposals, we would also appreciate hearing a discussion of a site's merits. The south side of Cape Lookout was designated a Rocky Habitat site in 1994, but unfortunately was never implemented. This site did not receive an initial recommendation from the Working Group.

Responding to the Working Group's initial recommendations has been a challenge because it contains errors and misunderstandings. These could have been avoided if we had been able to have a dialog with agencies and Working Group members during the review process and/or been able to present our proposal to the Working Group and respond to questions and concerns. The Strategy describes a collaborative approach; however, agencies were reluctant to collaborate in proposal development and the review process lacked any meaningful dialogue.

Despite our concerns about the process, we are proud to have nominated two outstanding rocky habitats for site designations. The public process is a wise choice given agency constraints, and site-level management is an opportunity to work collaboratively with stakeholders from all groups – including commercial and recreational fishing interests. We are allies invested in preserving the ecology of our Rocky Habitats and the natural abundance they provide. The proposal process has created momentum within the community. A positive recommendation for this site sends a strong message to the community that all are welcome to be involved in the management of this local treasure.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Villaescusa", with a long horizontal flourish extending to the right.

dawn villaescusa, President
Audubon Society of Lincoln City (ASLC)
dawnv@birdlover.com
503-507-8457

Enc. ASLC Response to the Working Group's Initial Recommendation: Cape Lookout

Initial Proposal Period

Audubon Society of Lincoln City Response to the Working Group's Rocky Habitat Site Proposal Initial Recommendation

Proposed Site

Site Name: Cape Lookout Marine Conservation Area

Site Map: http://seasket.ch/y0uvvr4X_7

Proposal Materials: <https://bit.ly/3e2laKw>

Audubon Society of Lincoln City (ASLC) Response to Working Group Recommendations

Please note that we directly quote the considerations in *italics* followed by our response. We have added numbering for clarity.

Summary of Considerations

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

- 1. Clarifications on management effectiveness with respect to status quo, site monitoring, enforcement issues*
- 2. Level of support with respect to capacity, coordination, and costs for stewardship activities; stakeholder engagement*
- 3. Reconciliation of boundary issues (landward site boundaries, north side boundary)*

The south side of Cape Lookout was recommended for designation as a Habitat Refuge in the original 1994 Territorial Sea Plan. The upland area, Cape Lookout State Park, experiences moderate visitation levels with a parking area at the main trailhead for access to the cape. With the exception of the south side of the cape, and some limited intertidal on the north side, most of the rocky shore areas are inaccessible or hazardous to access, and experience little or no use. The rocky intertidal area on the south side of the cape can be accessed by a maintained trail, but the hike is difficult enough to limit general public use of the area. Camp Meriwether, located near the south side of the cape, provides relatively easy access to the intertidal area for groups that use the camp. The rocky headland is home to nesting seabird colonies and pinniped haulout areas, and provides shelter for one of the largest kelp beds on the north coast.

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 ecological integrity of the kelp beds. The primary goal aims to conserve the natural character of the site to provide long-term benefits. The proposal emphasizes education and stewardship as means of protecting rocky habitats and ecological communities while allowing for use and enjoyment to enhance appreciation and foster personal stewardship of rocky habitats. The recommendations and metrics are clear and well-outlined, and highlight current site management well. There is also a strong focus on protection of kelp beds, and promoting community science efforts.

Response: The Rocky Habitat Management Strategy (Strategy) allows for variable management of a Marine Conservation Area (MCA) based on site-specific conservation goals and needs. Our primary goal, as stated in our proposal, is: "Conserve, to the highest degree possible, the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations."

1. Clarifications on management effectiveness with respect to status quo [1.1 below], site monitoring [1.3 below], enforcement issues [1.2 below]

1.1 The proposal maintains status quo management at the site and does not place any restrictions on commercial or recreational fish harvest. Invertebrate harvest would be closed except clams, Dungeness crab, red rock crab, piddocks, scallops, squid, shrimp, and sand crab, which could be harvested under normal coastwide regulations. In addition, the proposal states that ODFW could allow harvest of other invertebrate species as appropriate. Preservation and conservation of existing site conditions is a stated goal, and also aligns with TSP-3 goals. While Cape Lookout may be likely to benefit from site-specific management, some of the proposed regulatory standards and management practices may be in conflict with preservation and conservation of existing site conditions. Clarifications and expectations for allowable invertebrate harvest and how it would be used to measure site success would need to be made prior to any designation. Success of this change in site management will also be dependent on community and state investments and capacity to engage in the proposed monitoring and management actions.

Response: Our goal reflects the Strategy's emphasis on ecosystem based management, a key principle of which is to recognize that economic and social benefits are as important as ecological benefits -- and that they are all fully compatible with each other. A suite of ecosystem services helps ensure community support and investment in achieving an MCA's goal and objectives.

Placing no additional site-specific restrictions on fisheries and allowing some harvest of invertebrates is consistent with the site goal for providing long-term ecological, economic, and social benefits. Conservation's compatibility with sustainable harvest is a keystone concept for natural resource management in Oregon. This concept is reflected in the Oregon Department of Fish and Wildlife (ODFW) mission statement to protect and enhance fish and wildlife and their habitats for use and enjoyment by present and future generations. The state's coastwide commercial and recreational harvest regulations are established to achieve sustainable harvest opportunities that protect natural resources while allowing appropriate use.

The closure of harvest for some invertebrates within the proposed MCA recognizes a gap in information. There is generally far less information available on invertebrate abundance and population dynamics for species not typically harvested. As kelp continues to decline, dependent invertebrate species may also decline in diversity and abundance. Conversely, as more information becomes available, ODFW may allow sustainable harvest of other invertebrate species.

We support the commercial harvest and other restoration permits for harvest of purple sea urchins for two reasons: 1) the economic benefits the harvest provides to the fishing industry; and 2) the need to address an ecological imbalance. Purple sea urchins feed on kelp. An overabundance of sea urchins is leading to the decimation of Cape Lookout's kelp beds. When the kelp is gone, they feed on whatever is left until the rocks are bare. Commercial urchin harvest is not allowed in waters less than 10 feet deep so there is no commercial harvest of urchins within intertidal areas.

As we have stated in our proposal, the major change from the status quo is community involvement in site-based, coordinated management and stewardship. Camp Meriwether has expressed strong support and intent to participate in the educational and stewardship components of this proposal. Our proposal dovetails well with the construction of a new environmental learning center at the camp that provides opportunities for statewide school groups and others. While some non-regulatory measures could be implemented without a designation, an MCA designation provides focus, incentives, and a shared vision within the local community that can help rally grant funding and provide rationale for decision makers to act on requests for support.

1.2 Enforcement of management changes may be logistically challenged by capacity, response needs, safety, and costs. The relative remoteness of the site and difficulties associated with access of the rocky habitat would be challenging and potentially dangerous to ensure consistent and effective enforcement. Volunteer programs could aid with enforcement if implemented, but firm support and expectations would need to be established up front. Initial and long-term enforcement costs will vary depending on which organisms are being regulated, and the landward extent of site boundaries.

Response: The Working Group's initial draft recommendations correctly note our proposal emphasizes education and stewardship as the best means to protect rocky habitats and ecological communities. Environmental stewardship and community engagement are widely recognized as effective conservation strategies. This approach aligns closely with Strategy policies as stated on page 7 (Section 6, subsection b). The Implementation of the education, stewardship, and community science recommendations contained in our proposal would provide substantive changes in management effectiveness without requiring regulatory change. The working group has spoken favorably of such an approach when discussing other proposals that may require regulatory changes.

Community science and stewardship volunteers would contribute to management effectiveness by providing additional observation and public education capacity. Lincoln City Audubon has long been involved in community science and volunteer efforts. In addition, we have numerous partners, as stated in our proposal, who also have experience and expertise in community science and volunteer efforts. Education and stewardship will effectively inform the public about the management regulations. We concur that volunteer training would be necessary, which we will be responsible for. We have no expectation that agencies will be required to establish new programs, rather, we plan to work with community groups and our own volunteers. Agencies will, of course, be consulted where necessary for permission to proceed and identify major information needs.

To be clear, we are proposing just two regulatory management changes. They are:

- No commercial or recreational take of shellfish and marine invertebrates, *except* clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, shrimp, and sand crab. Commercial harvest of urchins is open and promoted.
- No harvest of kelp for personal use.

Enforcement would primarily apply to existing regulations, no different from the current situation. The site's inaccessibility applies not only to enforcement officers but to those they are enforcing.

Consequently, illegal harvest of non-targeted invertebrates would likely be a very rare occurrence.

If ODFW and Oregon State Police find that enforcement of subtidal restrictions on invertebrate harvest is problematic, it is fully within ODFW's authority and consistent with this proposal to only apply invertebrate harvest restrictions to intertidal areas.

1.3 The non-regulatory management measures were excellently outlined, but may very well be too ambitious or benefit from revision through agency coordination. Long-term monitoring will be required to determine efficacy of these measures, however, they are measurable and achievable. Some of the proposed management measures will require time and monitoring to fully understand how effective they will be at achieving site goals (e.g. drone and boater education). Recommendations may need to be scaled back and managed adaptively to meet expectations and the intended goals.

Response: We appreciate the Working Group's comment that our non-regulatory management measures were excellently outlined. Our proposal lists clear, specific, measurable and where applicable, time specific evaluation metrics for each component. These evaluation metrics define how management effectiveness can be evaluated with respect to the goal of providing ecological, social and economic benefits. Community-based discussions on effectiveness and adaptive management strategies will occur at the biennial State of the Cape symposium. The heart of our proposal is a strong cooperative and coordinated management approach involving the community, agencies, commercial and recreational users, and others.

Our proposal includes a strong education program that contributes to both ecological and social benefits. Lincoln City Audubon is known throughout the State for our strong education program. We are eager to introduce this added dimension to our core curriculum.

We state in the proposal that the first step is to assess the feasibility of volunteer based monitoring rather than commit to a yet-to-be defined monitoring approach for intertidal habitats. ASLC, in coordination with other non-governmental organizations like Camp Meriwether, will initiate a feasibility study to 1) determine realistic and appropriate protocols for volunteer monitoring efforts; and 2) establish well-defined objectives for collecting meaningful quantitative data.

Monitoring of subtidal rocky habitat can be accomplished without adding capacity or any additional programmatic obligations of state agencies. A coalition of mostly non-governmental entities including volunteer divers, the Oregon Kelp Alliance (ORKA), Reef Check, and others are initiating plans to monitor the kelp forests at Cape Lookout beginning this summer. Reef Check provides well established monitoring protocols suitable to community science efforts. The monitoring at Cape Lookout will initially establish baseline conditions in advance of volunteer divers implementing an experimental culling of sea urchins. This project provides tremendous synergy to our efforts to designate Cape Lookout as an MCA, helping to focus community interest, management, and potential research institute involvement in the dire situation for kelp beds on the south side of Cape Lookout.

Our proposal provides specific and measurable evaluation metrics for the effectiveness of boater and drone operator education. These metrics include the frequency of reports on seabird disturbances made by volunteer stewards. Monitoring of these metrics will be the responsibility of ASLC and other volunteer community groups. As we noted in our proposal, quantifying the effectiveness of these measures on seabird populations is not realistic due to the multitude of factors affecting seabird population dynamics.

1.4 Recommendation 10 (coastwide monitoring of invasive species), is not site-specific and would be problematic for implementation. It is unclear who would conduct this work, the roles of the entities involved, who will develop it and what it would look like in practice, and how it would be implemented at a coastwide scale. It would also place an unfunded mandate on agencies to complete this work in the given time period. The role of agencies in this work and other broader long-term objectives in the proposal, is unclear.

Correction:The initial draft recommendations incorrectly identify this recommendation. It is listed as Recommendation R9 in the proposal; not “Recommendation 10.”

Response: This recommendation comes from ODFW’s Conservation Strategy that includes the Nearshore Strategy. We agree that it is a regional concern rather than a site-specific recommendation.

Therefore, we request that recommendation R9 (coastwide response to invasive species) be withdrawn from our proposal.

2. Level of support with respect to capacity, coordination, and costs for stewardship activities; stakeholder engagement

2.1 The proposal relies heavily on community organizations and other groups to develop and execute the proposed education, outreach, and other stewardship activities. It is unclear who will conduct the proposed monitoring and research in practice, and what the role of agencies will be. OPRD and ODFW are listed as potential cooperators in these efforts, as well as Camp Meriwether and several other organizations. At this time, there is concern from the agencies over lack of agency funding and staff capacity to engage in monitoring activities or other forms of site support (e.g. development of signage). Coordination with Camp Meriwether will likely be key for successful site interpretation, but it will be important to garner firm commitments from the camp as well as other organizations to engage in these efforts. The level of stakeholder engagement is good, but there are groups that are notably absent such as the Pacific City Doryman’s Association and other fishing groups which rely on the cape for shelter during hazardous conditions. If the site were implemented, outreach and engagement with additional stakeholders would need to be conducted at agency cost.

Response: Our management recommendations for the Cape Lookout MCA addresses a core objective of the Strategy to “facilitate cooperation and coordination among local, state, and federal resource management agencies, and Tribal governments to ensure that marine resources and habitats are holistically managed.”¹ Our recommendations provide a framework

¹ Draft Rocky Habitat Management Strategy, page 1, Section 2 *Objectives*, bullet 2e.

for community groups to interact with agencies to achieve a shared site goal and objectives. We encourage the scientific community to continue exchanging information about ecosystem trends. Doing so will help achieve Strategy goals at both site and regional levels.

Our recommendations also address the Strategy objective to “improve our knowledge and understanding of rocky habitat ecosystems by fostering research and monitoring efforts.” ASLC will take primary responsibility for all education, monitoring, and stewardship projects with minimal support from agencies beyond an advisory and permitting role. Our intent is that volunteers will operate under the administration of ASLC, Camp Merriwether, or other NGO’s. Arrangements are subject to coordination with OPRD park management and the form of partnership or contract opportunities that park management prefers. If park management prefers that volunteers be OPRD volunteers, then there would be associated administration costs as well as conformance with OPRD policies on background checks.

We have no monitoring or research expectations of state or federal agencies beyond what is within their current management roles, responsibilities, and ongoing programs. Current agency obligations that are in our recommendations include 1) use climate change information in management decision making and 2) research and monitor the effects of climate change, which are stated in ODFW’s Climate and Ocean Change Policy (OAR 635-900-0005). Like all agency obligations in administrative rule, they are subject to agency capacity. However, this reality should not detract from site-level management planning for the very habitats the Climate and Ocean Change Policy was meant to address.

Community involvement in the management of the Cape Lookout MCA would *add capacity* to agencies responsible for managing rocky habitat and its resources. For example, volunteer divers are working in coordination with the Oregon Kelp Alliance (ORKA) to secure permits to initiate volunteer based monitoring of the kelp beds at Cape Lookout along with experimental restoration efforts involving culling sea urchins.

We listed potential cooperators in response to the proposal application’s request to identify “which state/federal agencies would be impacted by this change in site management.” We state clearly in our proposal that listing potential cooperators does not imply their commitment or endorsement of our proposal.

While the proposal application asks about potential sources of financial support for implementing the MCA designation, the instructions state that this information is ***not required***. While we understand that agencies need to consider the impacts to the agency, it is unreasonable to require interested coastal organizations to have funding prior to a site being accepted for site-level management. We listed numerous grant and potential third-party funding opportunities. We also described our own level of commitment and capabilities. We made no mention of an expectation that agencies would conduct or fund implementation activities outside of their current level of support.

We anticipate funding for signage to come from public and private grants or other third party sources *with no commitment from the agencies beyond review to ensure signage is consistent with regulations and policies*. ASLC will lead efforts to secure funding. Recently, we worked in cooperation with the USFWS to install high quality interpretive signage at Alder Island in the Siletz Bay National Wildlife Refuge.

The Boy Scouts of America, managers of Camp Meriwether, provided a letter of support (see Cape Lookout Proposal, Attachment 03). They are currently constructing an environmental learning center at the camp that will facilitate rocky habitat educational programs for more than 1,000 students per year from schools around the state. Their high level of community engagement is exemplified by a letter of support from a camp volunteer:

I am a long time volunteer at Camp Meriwether and have enjoyed exploring the tidepools on Cape Lookout's south side for over thirty years. I'm currently assisting with program design at the camp's new environmental learning center. I just want to personally thank you for your efforts to designate Cape Lookout as a Marine Conservation Area. I am heartened by the opportunities for collaboration, education, and community science it will provide and I look forward to helping the BSA (Scouts) implement the management recommendations you have proposed.

Covid has made outreach very challenging. In spite of this, we were able to conduct two webinars and present our proposal to the County Commission (written only). The City of Garibaldi provided us with a letter of support. Both before and after submitting our proposal, we have had and continue to have outreach with charter boat operators and commercial fishers out of Garibaldi as well as several individuals within the Pacific City Dorymans' fleet. We welcome their engagement and consider them allies in this cooperative and coordinated management approach, Table 1 lists stakeholder outreach with fishing interests.

Table 1 Stakeholder Outreach with Fishing Interests for Cape Lookout MCA		
Name	Affiliation	Notes
Sand Lake resident	Diver/dory fisher	Attended webinar and email exchange
Tamara Mautner	Garibaldi Charters	Email exchange and phone conversation
Joe Ockenfels	Siggy G Garibaldi Charter * FACT	Phone conversation
Kevin Poyser	Hook Line/ Pot FACT	Left voicemail
Kelly Barnett	Garibaldi processor and commercial boats FACT	Phone conversations, in person, and emailed information
Bob Browning	Commercial crab FACT	Phone conversation and emailed info
Barbara Trout	Sport FACT	Email exchange
Craig Wenrick	Co-Chair Dorymens' Assoc. and FACT	Emailed info and phone conversation
Mark Lyttle	Dorymens' Assoc., guide	Email exchange

Haystack Fishing	Doryman, Fishing guide	Emailed info and left voicemail
Jeff Mollencop	Dorymens' Assoc. Moment Surf shop	In person conversation
Tom Donohue	Dorymens' Assoc.	Emailed info
Ray Monroe	Co-Chair Dorymens' Assoc. FACT	Emailed info and left 2 voicemails
pcdorymen.com	Pacific City Dorymens' Assoc	Sent message with info to contact page
*FACT - Fishermens' Advisory Committee of Tillamook		

Comments and responses from fishing interests:

Comment: Why would something not normally harvested [invertebrates] need to be protected?

Response: This recommendation aims to maintain existing access and invertebrate harvest opportunities while protecting invertebrate species for which there is little information on abundance and ecological connections.

Comment: Concern about access for all; commercial boats, divers, surfers, and the public. How do you protect and continue to provide access?

Response: This proposal emphasizes education, stewardship, and community engagement as conservation measures rather than regulating access. The proposal has no restrictions on access.

Comment: Would like to see harvest of gooseneck barnacles remain open since very limited harvest is likely occurring.

Response: Clause added to recommendation "other invertebrate species that ODFW determines are appropriate to be taken." ODFW has expertise and regulatory authority to make determinations as to what invertebrate species may stay open.

Comment: Concerns about boat access and anchorage for commercial fishers seeking safe anchorage as well as charter and recreational fishing/diving. In some conditions, commercial and recreational boats fish and crab right up to the base of the cliffs on the south side.

Response: As noted in the proposal, there are no restrictions on boat access, anchorage, fishing, nor harvest of Dungeness and red rock crabs..

Comment: I am all for protection as long as access for boats and surfers is not restricted by the proposal.

Response: Maintaining access is a cornerstone of the Rocky Habitat Management Strategy. The goal of this MCA is to protect *for* the people (now and future generations), not protect *from* the people.

Comment: Concern about future mission creep with increasing restrictions on fishing.

Response: A site designation within the Rocky Habitat Management Strategy is very different from a marine reserve; the latter having restrictions on fishing. Access is a fundamental principle of the Strategy. With the exception of the unique Whale Cove Habitat Refuge, all the site designations within the Strategy do not restrict fishing. These designations, dating back as far as the 1960's, demonstrate stability in site-specific regulations including open commercial and recreational fishing. The Cape Lookout proposed MCA has no restrictions on fishing and commonly sought shellfish are open to harvest.

Comment: Why do this, it's protected now, as it truly has no real access near the water line now.

Response: Rocky habitat at Cape Lookout provides a benchmark for a high quality marine headland ecosystem. We want to ensure that these habitats and the natural resources dependent on them are well maintained into the future. Current stressors include over-predation of kelp forests to the point of decimation, climate change, and increasing human use of the area, particularly intertidal areas.

Comment: Put your efforts to protecting the toadstool that has mussels ripped off by visitors.

Response: The toadstool appears to be located at Cape Kiwanda and may be within the marine garden designation for that site. Education programs will benefit the appropriate use of rocky habitat resources at many sites in the vicinity.

Comment: The kelp beds have come and gone before since I started crabbing in 1985. The loss of kelp in the last three years has been more evident than before.

Response: Divers recently documented a near complete absence of kelp in areas of prime habitat that now have extremely high sea urchin densities.

Our proposal provides a long term site management framework, with management recommendations to be implemented over time as funding and resources become available.

3. Reconciliation of boundary issues (landward site boundaries, north side boundary)

3.1 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 Cape Lookout State Park along most 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. Currently, the MHW boundary appears sufficient given the adjacent lands are managed as a state park. Additionally, 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. Final site boundaries will need to be reconciled with the involved agencies for additional clarification or refinement, particularly with respect to choices made on the north side of the cape.

Correction:

Landward boundary: This statement is incorrect. Our proposal states: “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 plan map shows the landward boundary as the mean high tide. The proposal further states: “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.” In this application, the terms mean high tide and mean high water are used interchangeably with no distinction between them.

Response: While the site boundary is clearly defined as the mean high tide, the proposal does note that the Rocky Habitat Management Strategy (Part B1b, pp 9-10) definition of rocky habitat (Part B1b, pp 9-10) extends landward to the statutory vegetation line, or if unvegetated, the contour at 16 feet above sea level.

In our proposal, we suggest that management consider the needs and functions of rocky habitat up to the statutory vegetation line to be consistent with the Strategy. The proposal, as written, is consistent with the management principles of the Strategy (Part A5a, p. 4) that state:

The interconnected relations between rocky shoreline areas, offshore sites, and submerged rock habitat warrants related areas to be managed as an ecological unit.

Management recommendations and prescriptions should follow ecosystem based management and adaptive management principles.

It is a fundamental principle of ecosystem based management to define management boundaries on function rather than jurisdictional lines.² While there may be jurisdictional considerations in application, the Strategy aims to do exactly that by planning for multi-jurisdictional management areas.

South and west boundaries:

The seaward boundary on the tip and south side of the cape is very similar to the boundary for the 1994 designation. Subtidal habitat on the south side of the cape is included in both the 1994 designation and in our proposal, primarily to be inclusive of the kelp forests that provide critical ecosystem services.

We conducted due diligence before defining our proposal boundaries by asking OCMP staff if it would be in conflict with any policies (written or inferred) to extend the boundary of a plan seaward beyond the -5m contour when there is a sound ecological reason to do so.

The OCMP Rocky Habitat Coordinator provided this written response in the SeaSketch forum:³

² Long, R.D., Charles, A. and Stephenson, R.L. (2017), Key principles of ecosystem-based management: the fishermen's perspective. Fish Fish, 18: 244-253. <https://doi.org/10.1111/faf.12175>

³

<https://www.seasketch.org/#projecthomepage/5c1001699112e049f68fc839/forum/5e41c2b4d28ba37e6dde7ea7/topic/5f516df77f5a973a96fe3ab9>

No conflict here. The -5m depth contour is the defined boundary between the rocky shallow subtidal habitat (representing the maximum extent of the rocky shoreline habitats), and the offshore rocky habitats. It is not a spatial restriction in terms of proposed management designation boundaries. If there is a clear ecological reason to preserve habitat connectivity, then I think that makes a strong case to include areas beyond -5m in your plans.

For additional info, please reference Section B of the Rocky Habitat Management Strategy.

With that information, we established the seaward boundary for this designation to be inclusive of kelp forests occupying nearshore rocky reefs. Kelp forests are characterized by extremely high rates of primary productivity based on a complex food web. Kelp forests also provide three dimensional structure that is essential for fish and invertebrate shelter, feeding, and reproduction.⁴ The National Marine Fisheries Service (NMFS) has designated Oregon's rocky reefs and canopy-forming kelp forests as a "Habitat Area of Particular Concern" (HAPC). Bull kelp is recognized as a Strategy species in ODFW's Oregon Nearshore Conservation Strategy.⁵

The kelp forests that occur along nearshore rocky reefs paralleling Cape Lookout are ecologically connected to intertidal and shallow subtidal habitats. All these habitats provide a gradient of environmental conditions that a diverse biota depends upon for nutrients and shelter. A holistic management approach considers how all these habitats function as a closely interrelated system. The Strategy principles (Part A 5a, p.4) state that "the interconnected relationship between rocky shoreline areas, offshore sites, and submerged rocky habitat warrants related areas to be managed as an ecological unit."

The designation creates an opportunity and mechanisms to more holistically manage the habitat continuum of kelp beds and intertidal habitats as well as the multitude of species dependent on them. The current threat to this type of rocky habitat cannot be emphasized enough. Beginning In 2013, a region wide outbreak of sea star wasting disease coincided with a substantial warming of Oregon coastal waters. Sunflower 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.

Evidence of a catastrophic loss of the three dimensional habitat provided by kelp beds at Cape Lookout is provided in Attachment A. Recent diver surveys documented a near complete lack of bull kelp and other encrusting algae on the boulder reef along the south side of Cape Lookout. Divers also noted a collapse in the fish population for this reef as well as very high purple sea urchin densities. Bull kelp remains growing in the shallow subtidal and intertidal areas that provide connectivity as a potential spore bank for restoration of canopied kelp beds.

⁴ D. G Capone, D. A Bronk, M. R Mulholland, E.J Carpenter. 2008. Nitrogen in the Marine Environment (Second Edition), Academic Press.

⁵ Oregon Department of Fish and Wildlife (ODFW). 2016. Nearshore Strategy: component of the Oregon Conservation Strategy. Oregon Department of Fish and Wildlife, Salem, Oregon

In addition to ecological connectivity among the types of rocky habitat present at Cape Lookout, both the intertidal and subtidal rocky habitat within the designation area are ecologically connected to other rocky habitats along the central and northern Oregon coast. Rocky habitats at Cape Lookout provide essential larval dispersal to maintain ecological connectivity with other rocky habitats elsewhere along the coast.

Climate change impacts on rocky habitat need to consider a holistic approach that addresses the ecological connections between intertidal and subtidal habitat as well as the species dependent on these areas. Nesting seabirds are entirely dependent on food sources from intertidal and nearshore subtidal waters, especially food sources associated with canopied kelp beds. Seabirds feed on invertebrates and forage fish found in these areas. Warming ocean temperatures are pushing forage fish further offshore into deeper waters.⁶ Reduced food sources and having to travel further from nest sites are climate-change-induced stressors for seabird colonies.

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. An MCA designation for Cape Lookout will focus attention on the importance of holistically managing this key resource. A designation can help attract research institutes as well as establish a framework for volunteer groups, the private sector, and agencies to work together to devise protection and restoration strategies that require a long term approach.

North boundary:

Cape Lookout extends nearly two miles out into the ocean, making it a unique headland with diverse ecosystems in the north, south, and west nearshore. The north and south sides of the cape each have a unique ecosystem that is influenced by differences in wave action, sunlight, weather and topography. Seabirds utilize both sides of the cape for nesting⁷ and feeding. There are also important pinniped haulouts on the tip and north side of the cape. In 1975, Cape Lookout was designated an Oregon Natural Heritage Area. The cape was described as an undisturbed standard against which to monitor environmental quality, and an area from which to accumulate baseline data on coastal headland terrestrial, marine, and aquatic ecosystems. Including both the north and south sides of the cape within an MCA provides for research opportunities to assess differences in ecological and physical processes for each side of the cape. It also provides an opportunity to manage the entire cape as an intact coastal headland ecosystem.

⁶ L. Scopel, A. Diamond, S. Kress, and P. Shannon. 2019. Varied breeding responses of seabirds to a regime shift in prey base in the Gulf of Maine. *Marine Ecology Progress Series*. Vol. 626: 177-196. DOI: <https://doi.org/10.3354/meps13048>

⁷ Naughton, M. B., Pitkin, D. S., Lowe, R. W., Spo, K. J., and Strong, C. S.. 2007. Catalog of Oregon seabird colonies. U.S. Department of Interior; Fish and Wildlife Service, Biological Technical Publication FWS/BTP-R1009-2007, Washington, D.C.

The seaward boundary is generally defined on the north side of the cape by a line that is, on average, approximately 75 - 100 m horizontal distance from the mean high tide line or by the 5 m depth contour, whichever is greater in area. The intent of this boundary is to encompass rocky habitat and nearshore waters that are the sole food source for nesting seabirds that depend on forage fish and invertebrates. Elsewhere, the north side seaward boundary extends into subtidal waters due to the near vertical cliff topography.

While we consider the ecological diversity and connectivity of nearshore rocky habitats on both sides of the cape to merit designation as an MCA, we are amenable to working with the agencies to adjust and refine the seaward boundary, particularly on the north side of the cape.

Conclusion:

The management recommendations for the Cape Lookout MCA are fully consistent with the goal and policies of the Rocky Habitat Management Strategy. The recommendations are not intended to be mandates. Webster's Dictionary defines recommendation as "a suggestion about what should be done." A truly collaborative process incorporates community needs and requests along with agency expertise and regulatory/management constraints. This collaborative and adaptive approach can shape a successful plan for a site-level management area that can be implemented to provide long term ecological, economic, and social values and benefits.

Rocky habitats at Cape Lookout merit designation as a special place within our State's heritage of protecting our coastal resources while allowing appropriate use. State Parks Superintendent Samuel Boardman enjoyed referring to Cape Lookout as one of Oregon's "crown jewels." In 1994, the rocky habitat on the south side of the Cape was designated a Habitat Refuge, a designation that was never implemented. The isolation of Cape Lookout's kelp beds and intertidal habitats magnify their importance for larval dispersal and value for research. Designation and implementation within the Rocky Habitat Management Strategy for this special place is long overdue.

ATTACHMENT A

Email from Leigh Anderson on Working Group Initial Recommendations for Cape Lookout

diver support letter for Cape Lookout Audubon proposal Inbox



Leigh Anderson

to me

Wed, Mar 17, 11:05 PM

To whom it may concern/Rocky Habitats Working Group,

From: Leigh Anderson, principal author of the recreational divers proposal for coast-wide kelp preservation proposal to the Rocky Habitats Working Group, and a veteran diver of 40

Regarding: Support of the Lincoln City Audubon's excellent Rocky Habitat proposal for Cape Lookout.

I have read the Audubon proposal for Cape Lookout in detail. And have several points in support after discussion with several other informal leaders in the diving community.

1. We are very comfortable and gratified by the explicit preservation of boat access to Cape Lookout, not only for recreational divers access, but also diver access for kelp preserve permission hopefully is granted by ODFW.
2. We were also very impressed and gratified that the Audubon Proposal acknowledged the underwater kelp forest crisis due to urchin overpopulation - and made that distinction in whereas other site-proposals misguidedly added no-take protection to marauding urchins by blindly lumping them in with other invertebrates.
3. The society has even arranged for drone video to be taken and offered to share the video with us divers, to aid in kelp baseline measurement. We really appreciate that commur spirit.

To reinforce the dire underwater situation, we obtained recent underwater video footage via a freediver at Cape Lookout, which sampled quite a few sites (about 20 video samples) midway out the south side of the cape. **Zero kelp** was seen, in what should be prime kelp habitat in the very bouldery terrain There was some kelp reported in the shallows closer t least there's a spore bank remaining, but the historical kelp range was vastly larger. We found very high purple urchin density, with a minority of reds also present. Some boulders f urchins in a square meter in the densest cases vs ~0.5 for a kelp-viable density. The boulders are scraped down to bare rock largely - by the urchin hordes - i.e. very little marine ci left. Except for one school of rockfish seen and a few singles, not very fishy at all compared to some years ago. This site used to hold a LOT of Ling cod, hardly any seen despite l of their usual hidey holes. The south Lookout Reef desperately needs our help, this Spring '21. Very few sea stars, and of course zero nearly extinct Sunflower sea stars were seer

Here's a screen shot that's very representative of the Cape Lookout urchin infestation and devastation of the former kelp forest, after looking at all 20 video samples. It is an extrem There should be a dense forest of bull kelp and so much growth on the boulders you wouldn't even see any bare rock at all.



Best regards,
Leigh Anderson
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503-484-7056

