

Public Comment on the Oregon Territorial Sea Plan-3: Rocky Habitat Management Strategy (RHMS):
Response to Rocky Habitat Working Group (WG) Initial Recommendation Summary Considerations for the
Proposed Blacklock Point (BP) Marine Conservation Area (MCA)
by the South Coast Rocky Shores Group, L. Basch, Ph.D., proposal coordinator.

The South Coast Rocky Shores group appreciates the efforts of all agencies, staffs, and the Rocky Habitat Working Group (RHWG or WG) throughout the Initial Proposal Period. Following are our responses to the WG considerations.

We researched state agency laws, authorities, and policies related to this coastal site, and those about OPRD management of the beach and coast, and consulted with state agency staff to ensure implementation of this proposed MCA would be based on and consistent with government agency's goals, authority and coastal policy, and reasonably achievable within the existing framework of rocky habitat site management. We will work in support of OPRD, ODFW and other agencies throughout all implementation phases by communicating, cooperating and collaborating closely with their staff and stakeholders to fulfill site management goals and needs.

In response to WG recommendation considerations we have set management expectations, criteria, outcomes, and timelines, to ensure consistency with rocky habitat management, site goals and use; set clear expectations for establishment and support of volunteer programs, including agency roles and enforcement, and; reconciled site boundaries (with respect to the SVL, inclusion of northern cliffs).

Our responses to WG Initial Recommendations address the following considerations:

1. Management changes with respect to status quo, balance between site goals and use, upland management
2. Challenges to stewardship program implementation (e.g. access, enforcement, infrastructure, agency capacity, support)
3. Reconciliation of boundaries with respect to statutory vegetation line (SVL), inclusion of northern cliffs

1. Management changes with respect to status quo, balance between site goals and use, upland management
 - Management changes with respect to status quo

The WG recommendation states: "While limited application of regulatory management mechanisms may not currently be necessary at the site, a designation absent them creates some conflict with management interest the Working Group was striving for with simplified designation categories."

We respectfully disagree with this statement. It seems to be stating that regulatory management is not needed at the site, but that our proposal also needed to have proposed this (?). Nowhere in RHMS section D. Rocky

Habitat Site Designation Standards & Practices or elsewhere does it state that the MCA designation type requires new or additional regulations or regulatory management mechanisms; DLCDC staff confirmed this repeatedly to proposing groups. The proposal recommends no new regulations or related management mechanisms, based on input from the public. However, this proposed designation is in no way without, exclusive of, or incompatible with established site or coastwide regulations or regulatory management mechanisms. Regulatory and non-regulatory mechanisms are generally both necessary for effective management. The proposed MCA designation conforms and is compatible with all preexisting and any future management regulations, policies and plans. Regulatory management mechanisms and their application, limited or otherwise, are clearly and absolutely required by law and remain necessary currently and into the future. Hence there is no discernable “conflict with management interest[s]” or with the proposed MCA designation. Unfortunately, the status quo - limited agency capacity and budgets - clearly prevents the implementation or enforcement of several current regulatory management measures. Fortunately, however, the proposed non-regulatory management measures (NRMMS) will fill many gaps in these and other agency site management needs and capacities without significantly impacting agencies or their budgets.

The WG recommendations state: “The proposal provides strong linkages between TSP-3 goals, objectives, management principles and policies, and providing generally strong rationale for the use of non-regulatory management measures. However, in the absence of regulatory changes to site management protections, the proposal does not actively change the status quo of current management.”

We appreciate the WG’s acknowledgement of the abovementioned “strong linkages between TSP-3 [RHMS] goals, objectives, management principles and policies” not only because these are required to be prioritized for adoption by state agencies, but together with many other relevant state and federal coastal and other laws, principles, policies or plans outlined in the proposal these “ensure that implementation of the proposed site is ... consistent with [and based on] state agency authority and coastal policy” as required by recommendations.

We also appreciate the WG’s acknowledgement of the proposal “... providing generally strong rationale for the use of non-regulatory management measures” for this site, because the NRMMS are all based upon, closely aligned and linked with the RHMS and several other State of Oregon management goals, policies, plans, or rules. Further, “Discussions with staff from several agencies and organizations indicate that... they agree with the need for, effectiveness of, and likelihood of success of these proposed [non-regulatory] management measures, and state that these have tacit written agency agreement and support in documents such as the RHMS, the Territorial Sea Plan writ large, Curry County State Parks Master Plan 2003, the ODLCD Oregon Coastal Management Program’s Rocky Shores Communication Strategy 1995, etc.” (proposal p. 42).

We respectfully disagree with the following WG statement, which we think is unfounded based on the following points. “However, in the absence of regulatory changes to site management protections, the proposal does not actively change the status quo of current management.”

The status quo is:

(1) existing site-related regulations, policies, and plans (several longstanding) are very well conceived by agencies and would be adequate to support site management but unfortunately in many instances these are not able to be implemented or enforced now and for the foreseeable future due to broadly acknowledged lack of agency capacity.

(2) No new regulations appear to be necessary, or able to fill site management gaps, based on

communications with agency personnel.

(3) There are long-unfilled widely known gaps between site management needs, and agency's capacities and budgets (e.g., for resource and visitor protection, interpretation, stewardship, community participation, monitoring, signage, enforcement). These site management capacity and budget gaps are expected to remain for years following the pandemic until state and regional economic conditions improve. At the same time, resource impacts and threats are occurring, increasing or predicted in the future based on direct observations and established scientific information. Under the status quo the prolonged management gaps are very likely to lead to continuing or increasing resources threats, impacts or damage, lower safety margins for site users, and therefore greater risk exposure to agencies.

(4) Additional site management measures are widely acknowledged by agencies and citizens as essential to close gaps in protection for site resources and to inform and help keep visitors safe.

(5) Other than regulations and related management measures the only known feasible alternatives for site management are non-regulatory management measures (NRMMS). The existing and anticipated future status quo -- where limited agency capacities continue to result in (a) long unmet site management needs and (b) rarely observed presence of agency authorized (staff or volunteer) or enforcement personnel on site by the public -- will not change without the proposed non-regulatory management measures. Indeed, this is a major justification for why proven workable NRMMS were proposed. These are integral to the proposed designation of the site as an MCA and the WG acknowledges the proposal supports "strong rationale for the use of NRMMS" for this site. The lack of agency capacity to meet management needs will be more than offset by the proposed NRMMS including site-based stewards.

The present status quo is deficient with regard to on site oversight for visitor safety and resource protection, and other functions that would be provided by NRMMS, all of which are feasible to implement. Site designation followed by implementation of NRMMS will adaptively fulfill site management needs and functions.

WG recommendations state: "The proposer put forth a good effort to engage a variety of stakeholders in proposal development." We appreciate the acknowledgement of this fact and will continue to actively engage stakeholders after site designation approval because this will "ensure that implementation of the proposed site is appropriately inclusive and representative of stakeholder interests." as required by recommendations.

Based on their input into the proposal during our extensive 2020 outreach efforts the public does not find the long-standing status quo acceptable, and wants the proposed NRMMS implemented to improve visitor safety and resource protection, with shared agency and public commitment to close communication, cooperation, coordination, and collaboration with, and in support of agencies by the public. Proposed NRMMS will not appreciably impact agency capacities or budgets. Rather, site designation leading to proposed NRMMS will enhance and strengthen agency capacity without significant costs, and open up additional non-government sources to increase availability of funding independent of agencies.

The above is well-supported by the RHMS (p. 2-3); "A collaborative, coordinated effort, based on a commitment to cooperate, increases the likelihood of success and decreases the need to add laws and authorities for any individual management agency. The management agencies responsible for implementing natural resource protection and managing human uses have reviewed and agreed to prioritize the recommendations within the Rocky Habitat Management Strategy. It should be noted that although this strategy includes a substantial suite of recommendations for rocky habitat management, not all site

management recommendations may be applied through state rule or statute.” The proposal and its recommendations fully adopt and support this approach, to move beyond the status quo by utilizing NRMMS to help achieve site goals and objectives and enhance site management options and capabilities at little to no cost, and with increased benefits, to agencies.

The added management capacity to move beyond the status quo that will be provided by trained volunteers on site will result in: (1) much more timely communications about the site or any incidents there with agency or enforcement personnel, (2) earlier initial assessment: of emergencies and administration of critical first aid if visitors are injured, and of marine invasive species, disease, and other environmental threats or changes, (3) earlier notice to site management or enforcement agencies of, and more precise information on, the location and circumstances of any incidents observed, and (4) shorter response times of site management, emergency, or enforcement personnel, in comparison to when stewards are not on site. The bottom line is that having stewards observing on site for any amounts of time will be a vast improvement over the long existing or anticipated future status quo, where limited capacity has led to infrequent presence of agency or enforcement staff observed on site by the public. Further, the proposed related technical solution to remotely observe site conditions and uses will fill gaps in observation capacity when no agency staff or volunteers can be on site, thereby improving on the status quo.

In conclusion, implementation of proposed NRMMS will significantly and positively change the status quo of current management.

- Management changes with respect to ... balance between site goals and use

We address the following related WG considerations below re: “...While education and outreach activities may help improve the site, and a designation will likely lead to increased site recognition, implementation of a new site designation may also serve to increase site use at-odds with site goals. Further, increased visitation without a robust volunteer program in place may lead to increased degradation of the site. If visitation remains low, it is uncertain that education goals would be possible to meet. However, many of the recommended actions do not require a management designation to be implemented, and in the future would benefit from a coordinated coastwide volunteer interpreter program.”

We agree with the statement “...While education and outreach activities may help improve the site, and a designation will likely lead to increased site recognition...”.

We disagree with the statement re: the possibility (not certainty) that “implementation of a new site designation may also serve to increase site use at-odds with site goals.” because the exact opposite would occur for the reasons detailed below.

We agree with the statement “Further, increased visitation without a robust volunteer program in place may lead to increased degradation of the site.” This is precisely a main reason and justification for the proposed NRMMS as discussed below.

We disagree with the statement -- “If visitation remains low, it is uncertain that education goals would be possible to meet.” – because data-based visitation trends are increasing and prearranged group education events can be done. However, in the unlikely event that self-initiated site visits by the general public stay at present levels, education goals are still quite possible to meet via engagement (by prior arrangement and permission from site management) of visiting groups of citizens and K-12 and community college school groups from nearby Coos Bay-North Bend-Charleston, Langlois, Port Orford, the SWOCC main campus in

Coos Bay, and from farther away. People in the area and beyond have lamented the lack of nearby coastal education programs, have fully subscribed to several programs offered by one of our proposing group for years, and have expressed strong interest in engaging in field-based experiential education opportunities proposed on site.

We disagree with the statement “However, many of the recommended actions do not require a management designation to be implemented...” To our knowledge the recommended NRMMS (or other management options) have not been implemented by agencies due to limited capacity or by anyone else through other channels or methods. Therefore, the only option we have found to implement recommended NRMMS is through the proposed MCA site management designation.

We agree with the statement “... recommended actions...in the future would benefit from a coordinated coastwide volunteer interpreter program.” And this is why we and other public groups recommended to do exactly this in proposals in cooperation, collaboration, and coordination with one another, agencies, and other stakeholders coastwide.

The stated goal of the BP MCA (proposal p. 5) is: “In cooperation and coordination with, and in support of appropriate land or resource management and law enforcement agencies, the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, and other appropriate tribes, communities, organizations, and stakeholders, educate, monitor, and apply adaptive, ecosystem-based management to conserve the ecological structure, function, and resiliency of nearshore rocky habitats and species populations facing effects of changing climate, to allow for continued legal sustainable human uses of their goods, services, and resources including fisheries, using non-regulatory management measures, to provide long-term ecological, economic, and social benefits for current and future generations on Oregon’s south coast.” Related BP site-specific process objectives/recommended actions are detailed in the proposal (p. 5-7).

“...A major element of proposed NRMMS is the development, training and implementation of a site-based volunteer stewardship program to assist and support OPRD, and other agencies in carrying out management activities on site into the future (e.g., visitor engagement; public education and interpretation...”

In addition “The proposed site and site-based NRMMS improve upon and fill gaps in management [goals,] policies and objectives not addressed by [existing] coastwide (or site-specific) regulations or management...” “...[and] increases the likelihood of success and decreases the need to add laws and authorities for any individual management agency.” The proposed site-based management measures will create cooperative relationships with agencies’ staffs that will increase [their] capacity and allow existing gaps in [attaining] management [goals and] actions to be largely fulfilled by a trained volunteer steward labor source working with and under the direction of agency site managers and their designees... in order to achieve adaptive, holistic ecosystem-based management of rocky coast resources without restricting human uses.” (proposal p. 12, 40) under a range of use levels.

Under the past, present and expected future status quo -- limited agency capacities and budgets -- it is undeniable that there has been, is, and will be effectively little to no ability for existing agency regulatory management measures alone to achieve balance between existing or proposed rocky habitat site goals and use. This is because it has not been possible for years for several standing site goals to be supported, implemented or met by agencies, and why we proposed similar goals be met using NRMMS that are adaptive to changing use patterns.

At the same time visitation on the Oregon coast, including use of public lands, has increased each year for

over 10 years despite a pandemic-related decline in 2020. Since related restrictions were eased visitors have returned at this and other coastal sites in larger and larger numbers and the Oregon coast will likely see a huge boost in tourism in 2021 and beyond (e.g., <https://www.bizjournals.com/portland/news/2019/05/24/tourism-industry-continues-to-flourish-across.html>, <https://industry.traveloregon.com/wp-content/uploads/2018/11/Oregon-Coast-2018-RCTP-Engagement-Survey-Report.pdf>, https://beachconnection.net/news/coast_hit052820.php, pers. observations).

This contrast between decreased land management agency’s capacities and budgets and the increasing trend in visitor numbers has led to a widening imbalance between site goals and use.

Site regulatory management measures clearly are not meeting either agency or proposed site goals for resource protection, interpretation, etc., while threats to resources or visitors are increasing. Proposed NRMMS, once implemented will measurably enhance, strengthen and support agency capacity across a range of use levels using an auxiliary trained volunteer workforce and independent funding from non-government sources to attain site goals. This will increase overall site management capabilities and their adaptiveness to changing conditions, bringing capacity much closer to matching management needs related to resources and visitor protection. This in turn will go a long way toward achieving balance between site goals and use.

A key factor in balancing site goals and use is changing levels of visitation. **The upward trend in visitation is very likely to continue for a considerable yet uncertain time into the future regardless of the type of public land, management, designation type, or level of, or lack of, protection.** This is documented by tourism sector data or social media and other online posts (e.g., by Oregon Coast Visitors Association) about this or several other rocky habitat sites coastwide, where visitation has been trending higher for months to years before the start of site designation related outreach and proposal writing efforts. Counter to WG statements, **this is clearly not a case of build (or designate) it and they will come. Instead the reality at most or all sites is build (or designate) it or not – and they will come no matter what. It follows that: (1) with increasing use there is greater risk of threats and impacts to resources and visitor safety; (2) without enhanced management capacity these risks will only increase; (3) by enhancing management capacity through implementing proposed NRMMS, site management efforts can have more and greater opportunities to match or get ahead of risks to users and resources, and therefore (4) proposed management changes will “ensure that implementation of the proposed site is in balance with the merits and goals [and uses] of the proposed site.”** as required by recommendations.

The purpose of the proposed non-regulatory management changes is to support OPRD and other agencies to achieve full realization of existing agency, prioritized RHMS (p. 6), and proposed site-based or coastwide management goals at different levels or types of visitor use. This will be accomplished by implementing the closely aligned proposed site goals, objectives, management measures and metrics, while supporting required or requested agency regulatory management measures (or modifications thereto if needed by agencies). Proposed non-regulatory management changes are adaptive in order to achieve site goals in balance with use levels. Site protection, enhancement and use are compatible as exemplified by the RHMS, the ODFW mission statement “To protect and enhance Oregon’s fish and wildlife and their habitats for use and enjoyment by present and future generations” and many other state of Oregon goals, plans, policies and rules. Proposed site management changes align with and support the RHMS, government agency rules, policies, and plans.

- Management changes with respect to ... upland management

WG recommendations state “Further, while Blacklock Point is unique with respect to its upland natural values, the upland management policies are outside the management intent of the TSP-3.”

We agree with this statement. No changes to upland management were proposed. The proposal recognizes the sensitivity of both upland and rocky coast habitats. While the proposals’ focus is on rocky habitats, it suggests use of some of volunteer stewards’ available time to support OPRD upland management needs, and recommends signage as described below to support and enhance existing OPRD management and capacity, including offers to help OPRD maintain or install upland infrastructure such as trails and signs using trained volunteers that closely follow OPRD rules, protocols, or guidance.

The proposal recommends appropriate new signage on the uplands at the two trailheads near the boundary of Floras Lake State Natural Area to: help orient and guide visitors to the site’s rocky coast features, natural history, and resources; to stay on trails; ensure other measures to prevent impacts to sensitive resources; support other user safety and resource protection considerations at Blacklock Point and the adjacent uplands, and; how to follow these considerations to minimize risks to safety and resources. No signage is recommended near the cliffs or shore, to keep with the undeveloped nature of the site.

Funding for signage will be sought from external non-government sources by the stewardship program leadership within 3-6 months of site designation. None of the five potential funders contacted to date will consider funding for signs or the stewardship program until/unless an MCA is designated and only then as part of MCA implementation. The signage content and design would be cooperatively developed with OPRD, tribal cultural resources staff, any other appropriate entities following OPRD and any other applicable rules and guidance concerning signage. Signs would be made based on existing OPRD standards and designs to match with the undeveloped character of the site uplands. Stewards on site would support or reinforce the messages on signs if deemed necessary by engaging appropriately with visitors on shore, following agency’s guidance or direction.

2. Challenges to stewardship program implementation (e.g. access, enforcement, infrastructure, agency capacity, support)

- Challenges to stewardship program implementation with respect to access

WG recommendations state “However, the demographics of the area and the nature of access at the site may prove extremely challenging for ongoing and future stakeholder engagement.” - and - “... remote nature make it a challenging site for engagement.” - and - “As a remote site with limited access, goals for education, engagement, and monitoring will be challenged by safety concerns, seasonality, and volunteer capacity, potentially limiting opportunities to meet site goals.”

We disagree with these statements regarding remoteness, access, safety concerns and demography because these are either misperceptions or not based on facts as indicated below.

There are no challenges to stewardship program implementation with respect to access (except for some mobility challenged persons). This site is just a few miles from Highway 101, is no more remote or limited in access than many other sites on the Oregon coast, and there are no safety concerns specific to access at this site. There are multiple access points - from the north, south and east. As with agency staff and visitors, stewards will be able to drive their vehicle on existing paved roads to the designated parking area just outside the Floras Lake State Natural Area uplands boundary next to the airport entrance, to the public parking adjacent to Boice Cope County Park to the north, or from Cape Blanco State Park nearby to the south, then

access the coast at Blacklock Point on foot over mostly flat ground on generally well maintained existing trails during their scheduled work times on site. This would be done independently from agency staff without impacting their time or capacity. The eastern access near the airport is the most heavily used because it is the most easily accessible, and while seasonal weather affects trail conditions in a few places the trails are in generally good condition.

There are no access-related stewardship program challenges with respect to safety, ongoing and future volunteer capacity or stakeholder engagement. For example, the regional demographic data and local knowledge reflect a large number of actual and potential volunteers. These include SEA and CoastWatch volunteers along with nearby neighbors, school students and faculty, interns, senior citizens, retirees, and members of outdoor or conservation groups. Many local individuals, groups and other stakeholders have been contacted and expressed interest in engaging and participating in proposed stewardship efforts. Related details appear under the “support” section below. Compared to numerous other sites coastwide there are no safety concerns specific to access or other factors at this site. In fact, **proposed management changes would significantly increase margins of safety in several demonstrable ways.** These are documented in detail in the sections “Management changes with respect to status quo”, “Challenges to stewardship... enforcement and infrastructure” sections, and elsewhere in this response.

- Challenges to stewardship program implementation with respect to ... enforcement

There are no challenges to stewardship program implementation with respect to enforcement at Blacklock Point or on coastal access trails through the adjacent uplands. Trained volunteers all along the Oregon coast already support OPRD and enforcement agency capacity. Trained volunteer stewards will be committed to helping all concerned agencies to support protection of visitor safety and site resources by communicating, cooperating and coordinating closely whenever necessary with both site management staff and other appropriate land management, emergency, and law enforcement agencies, which may include OPRD site management staff, OSP, Curry County Sheriff’s Department, local police, Beach Rangers, or other designated OPRD personnel. The scope of work and responsibilities of volunteer stewards will not include any direct or indirect enforcement actions and stewards are not authorized to do so. Volunteer stewards would work cooperatively with and under the guidance or direction of all appropriate agencies to provide oversight of site resources and visitors for their protection and safety, respectively. Stewards would only engage visitors properly per agency’s guidance or direction, make observations of site resources and visitor activities, and only if necessary per the guidance and direction of agencies, or in the case of emergency, contact the appropriate agency staff and act, if necessary, based only on directions from authorized agency personnel

Because access to the site’s coast requires some time to walk the area, stewards on site can communicate sooner with agency personnel, provide earlier notice and incident location information, and thereby reduce the response time of site management, emergency or enforcement personnel, in comparison to when stewards are not on site. At these times the proposed technical solution (easily concealed to prevent vandalism) to remotely observe site conditions and uses would fill gaps in observation capacity when no agency staff or stewards can be on site. With OPRD acceptance, approval and coordination we will seek external funding for this technology, install it in a suitable location approved and overseen by OPRD, have trained stewardship program staff or volunteers maintain this technology for use by OPRD staff and stewards to observe the coastal area remotely, from office, home, or other locations. The bottom line is that having stewards (or the technical solution) observing on site for any period of time is a vast improvement over the long existing or anticipated future status quo, where limited agency capacity has led to infrequent presence of agency or enforcement staff observed on site by the public.

- Challenges to stewardship program implementation with respect to ... infrastructure

WG recommendations state: “The site lacks proper infrastructure to facilitate on-site educational group activities such as parking lots or well-maintained access points, and its remote nature make it a challenging site for engagement.” We disagree with this statement because it is not fact-based. Our response appears above under the “access” section and below.

There are no challenges to stewardship program implementation with respect to infrastructure. Paved roads, adequate capacity public parking areas, and mostly flat, maintained trails from three directions provide very easy access to the site. Proposed signage would provide currently lacking yet important information for visitors. There is no need for any other on site infrastructure (other than the proposed technological solution for area oversight, if approved by OPRD), i.e., stewards do not need a shelter or other development on site. Other than for training topics that occasionally require being on site, e.g., for tidepool animal identification, training will occur in a classroom setting or online and can be scheduled and occur at any of several existing public buildings (e.g., Pacific High School, about 3 miles from the site) or other facilities not far from the site that are available at little to no cost to citizen groups in the area. Based on established stewardship programs (e.g., Shoreline Education for Awareness, CoastWatch, Friends of Haystack Rock) in Oregon and elsewhere, since volunteers are self-contained and walk to and on the coast they do not require any structure or other infrastructure other than the existing trails and parking areas. To mitigate safety and resource protection concerns, if OPRD agrees and approves, volunteer stewards would be supplied with and responsible for used or surplus handheld two-way radios and chargers to communicate with park, management unit, regional, Beach Ranger, or enforcement staff on infrequent occasion when needed, or on a check-in schedule with State Park staff if desired by OPRD. If radios are unavailable from the agency the stewardship program will seek external funding for their purchase and maintenance. Alternatively, volunteers can use their personal or program cell phones for this purpose.

Realizing that agency staff or stewards cannot always be on site, we proposed a cost effective technical solution(s) (easily concealed to prevent vandalism) to remotely observe site conditions and uses that would fill gaps in observation capacity when no agency staff or stewards can be on site. With OPRD acceptance, approval and coordination we will seek external funding for this technology, install it in a suitable location approved and overseen by OPRD, have trained stewardship program staff or volunteers maintain this technology for use by OPRD staff and stewards to observe the coastal area remotely, from office, home, or other locations.

- Challenges to stewardship program implementation with respect to ... agency capacity

WG recommendations state “Coordination with agencies will be key to program development, but agencies in the region have limited capacity and funding to participate in programs, engage in enforcement, or develop new signage. Implementation of a designation at this site may additionally constrain agencies in a region with low enforcement capacity, and increase hazards associated with access.”

We agree with the statements “Coordination with agencies will be key to program development...” and “... but agencies in the region have limited capacity and funding to participate in programs, engage in enforcement, or develop new signage.” However, the latter will be well managed using NRMMS to the satisfaction of agencies and other stakeholders as detailed below and in other appropriate sections of this response including those re: enforcement, agency capacity, and support.

We disagree with the statement “Implementation of a designation at this site may additionally constrain

agencies in a region with low enforcement capacity, and increase hazards associated with access.” because the designation implementation will significantly enhance (not constrain) agency capacities and decrease (not increase) hazards associated with limited agency capacity. All concerns expressed in this statement will be well managed to the satisfaction of agencies and other stakeholders by the proposed NRMMS as detailed below and in other appropriate sections of this response including those re: enforcement and support.

Implementing the stewardship program, including volunteer training, requires limited involvement of OPRD staff or burden on agency capacity. OPRD involvement is anticipated to be similar to their agency interactions with other cooperating volunteer groups, to include:

- communication and cooperation with the volunteer stewardship program to review the brief program framework and volunteer scope of work responsibilities and if needed, review and ultimately approve a draft cooperative agreement between the agency and stewardship program;
- vetting (if required) and initial site orientation of new volunteers. This may include a brief overview of existing OPRD rules and management policy for the site;
- any OPRD desired or required training of volunteer stewards that may need to be conducted by agency staff (the stewardship program will support first aid, related safety, and any other training required for volunteers, e.g., foundations of stewardship, communications, public engagement, interpretation, monitoring, record keeping, etc.);
- providing the stewardship program with used or surplus two-way radios and chargers if desired by and available from the agency (or the program would seek funding to obtain and maintain appropriate radios, or volunteers would use personal or program cell phones);
- any other matters that OPRD desires or requires of the stewardship program for its operations in support of State Parks limited capacity and site management needs.
- Agency costs would be staff time associated with some volunteer orientation, training, and above site implementation activities.

OPRD already has a working relationship on the south coast with the Shoreline Education for Awareness (SEA) Friends group at Simpson Reef overlook and Coquille Point (and SEA serves as the Friends group at Crook Point). CoastWatch volunteers have actively walked the coasts at and near proposed sites for many years. SEA and CoastWatch activities therefore span the area that includes Blacklock Point. Based on discussions to date with SEA and CoastWatch leadership, the stewardship program may occur as part of the SEA or CW program or in close communication, cooperation and coordination with SEA, CW, OPRD, or other entities. These considerations of enhanced agency capacity using trained volunteers at rocky habitat designated sites will be further explored, discussed, and decided upon by SEA, CoastWatch, agencies and other entities following notice of designation of BP as an MCA.

While the above agency involvement will have some effect on OPRD capacity, this involvement is anticipated be minimal in comparison to the services to and support of the agency provided by the stewardship program volunteers. We expect costs of agency involvement will be more than offset by the benefits of trained site stewards providing support for existing limited agency capacity and site management needs.

The interest, desire, and determination of south coast individuals and groups to protect this and other rocky coast area(s) by training and participating in the volunteer stewardship program should not be underestimated.

- Challenges to stewardship program implementation with respect to ... support

WG recommendations state “Independent funding sources have not been identified to support the education programs, which would need to be developed within 1-2 years.” We partly agree with this. Our responses address this below and in other appropriate sections.

WG recommendations state “Site management would benefit from detailing additional expectations and outcomes in the event that progress metrics are not met.” We agree with this statement and address it in our response, however it cannot be fully acted on until after site designation approval and initial implementation.

WG recommendations state “The success of non-regulatory management measures will depend upon the leadership and capacity of local volunteer programs which are generally stretched thin, so additional capacity will be critical to success of long-term goals.” We agree with this part of the statement: “The success of non-regulatory management measures will depend upon the leadership and capacity of local volunteers programs...” and address this below.

We disagree with the part: “... local volunteer programs which are generally stretched thin,” because this statement is not fact-based. We agree with this part as it stands alone: “so additional capacity will be critical to success of long-term goals.” Responses to both of these statements are detailed below in this section, in those re: agency capacity, and others.

WG recommendations state “While the education and monitoring goals and metrics are ambitious, the stewardship program has yet to be established, and may benefit from further development of conservation criteria, expectations, and clear timelines.” We agree with this statement, and address it in our response below, however it cannot be fully acted on until after site designation approval and initial implementation.

As stated in the Rocky Habitat Site Designation Proposal Template dated Oct. 2020 and obtained from the TSP RHMS website (oregonocean.info): “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...**”

The proposal and this response detail implementation specifics including:

- Potential financial, programmatic, and volunteer staffing support to the extent possible (given limited access to info and agency staff and others availability during the pandemic). For example, we indicated that development of a stewardship program is already far from the starting line, with many existing volunteers and resources so there is no need to reinvent any wheels. In the proposal section: “Support for Management Mechanisms” we stated “existing community volunteer-based coastal stewardship programs on the southern Oregon coast, Shoreline Education for Awareness (SEA) and Oregon Shores’ CoastWatch (CW) program are long-established, fully operational, and highly effective. SEA trains and fields volunteer interpreter-stewards at two sites in Coos County – Simpson Reef Overlook at Cape Arago State Park and at Coquille Point in Bandon. SEA also maintains a presence in Curry County, serving as the Friends group for the Crook Point unit of the USFWS Oregon Islands National Wildlife Refuge. CoastWatch, a statewide organization, is a mile-by-mile shoreline adoption program in which volunteers periodically patrol and report on a section(s) of the Oregon coast. Discussions with SEA (<https://sea-edu.org>) and Coastwatch (

<https://oregonshores.org/coastwatch/overview>), along with related existing marine education and other materials and resources from other organizations, e.g., Haystack Rock Awareness Program (<https://www.ci.cannon-beach.or.us/hrap>) discussed in the proposal indicate that all of these organizations are preadapted and poised to contribute or serve key roles in developing and fielding a combined coastwide and site-specific volunteer rocky coast stewardship program, since these organizations have been successfully training and fielding volunteers or have developed resources to perform interpretation, stewardship, monitoring, citizen science, public safety or resource protection roles on the coast for many years.

- On 3/31/21, the President of SEA, Loren Morris, emailed: "SEA being an umbrella group for more sites is something SEA is interested in pursuing... Also the covid-19 issue is keeping our membership from feeling comfortable in meeting visitors or recruiting the needed membership to do a proper job at the sites [until it is safe to do so]..." On 4/5/21 Phillip Johnson, Executive Director of Oregon Shores, and Jesse Jones, Volunteer Coordinator for CoastWatch reiterated their strong interest in and support for contributing to the development and implementation of the stewardship program. Mr. Johnson emailed: "Oregon Shores is exploring the possibilities for developing a volunteer-based stewardship initiative *for key rocky habitat sites* through our CoastWatch program." Ms. Jones wrote: "CoastWatch volunteers who have adopted miles in some proposed rocky habitat areas have stated interest and commitment in leading small stewardship groups in newly designated areas. CoastWatch will assist these efforts which will include but not be limited to educating visitors about how trampling on rocks threatens wildlife, regular beach cleanups, and monthly monitoring of beached birds, sea stars and marine debris and seasonal monitoring of seabirds, shorebirds, invertebrates and mammals and ocean and beach conditions like temperature, marine plastic and erosion."

- While this is additional recent documentation from these key organizations of the strong interest and support for actualizing implementation of a stewardship program, it has been realistically impossible during the February-March 2021 public comment period to have sufficient time required to coordinate multiple schedules and have coastwide meetings (even online, since many stakeholders have little or no bandwidth or online access) with the many proposers, groups, stakeholders, agencies, funders, or other organizations that would like or need to participate. There is a basic need for these partners to come together to discuss and coordinate, much less begin to plan for implementation of the proposed integrated coastwide and site-based stewardship program and other proposed non-regulatory management measures. However these meetings are not possible until pandemic conditions end.

- However, as requested, we discuss implementation at some length in many sections of our proposal and this response and present a very tentative implementation timeline (based on presently limited available input from partners):

Time 0 – starts following LCDC approval of site designations, OPAC development of mechanism(s) for designation, rulemaking, funding and implementation of new sites, and passage of related legislation.

Quarters (Q) 1-2 and ongoing – after the above, form advisory group including agencies for implementation of coastwide and site-specific rocky habitat stewardship program(s) and field implementation of NRMM elements, cooperatively develop organizational and operational frameworks for stewardship program, meetings with agency representatives and relevant stakeholders to determine what agency or other requirements need to be met, identify probable funding sources, funding proposal writing subcommittee contact funder program managers to determine likelihood of funding success, begin writing funding proposals, further seek interested volunteers. Start to collect, review, develop, and finalize text for and implement cooperative agreement(s) as needed. Begin to collect, develop, review and implement text for public education curriculum materials, related brochures, training guidelines and materials, SOPs, etc.

Q 2-3 and ongoing - continue volunteer recruitment in earnest, vet volunteers if required. Continue to collect, develop, review and implement text for public education curriculum materials, related brochures, training guidelines and materials, SOPs, etc. Initiate further local community outreach in region re: stewardship

program and create stewardship program social media presence, begin rolling training (with minimal but necessary participation of agency staffs; include training for potential emergency response operations) and initial evaluation of volunteers,

Q 3-4 and ongoing - review and finalize above texts, continue rolling training and initial evaluation of volunteers, continue with ongoing efforts above.

Q 4-5 and ongoing – continue training, field evaluation and scheduling for volunteers on site under usual operating conditions, prioritizing their presence during low tide periods, seasons and periods when most visitors recreate on the coast, and for prearranged school and citizen groups.

Q 6-7 and ongoing - perform lessons learned exercises with partners and volunteers, adjust program elements as needed, continue with ongoing efforts above.

Q 8 - and ongoing - continue with ongoing efforts above, rolling review of partnership and program operations.

Q 9 – future - continue operations, reviews, and fundraising.

- The proposal states “Based on preliminary research to date, potential entities or funding sources to sustainably support proposed rocky coast stewardship efforts include [at least 15 NGOs] ...”. Since proposal submission we have communicated with five potential funders to date, all of whom stated that they are interested but cannot consider funding for the stewardship program or signage until/unless the site is designated as an MCA and only then as part of post-designation MCA implementation, as is near universally the case for funders. We will pursue funding after site designation.

- The proposal details several significant existing forms of support: “...in kind and matching support is present in the form of existing volunteer pools; established coastal curricula for public education, outreach and interpretation, and; plans, standard operating procedures and guidance documents. Non-Monetary support includes the Rocky Shores Communication Strategy (1995) developed for the Oregon Coastal Management Program, ODLCD and related state agency stated improvements to management including non-regulatory mechanisms such as “Using partnerships to implement site goals” and “Providing interpretation and other information resources ... for visitors” (Curry County State Parks Master Plan 2003).]” and “... other local potential sources of volunteer coastal stewards [on the south coast] in addition to SEA and CW ...”

It is highly appropriate to begin detailed planning for implementation after site designations are approved, and this is what we stated in the proposal: “Upon notice of final approval of the Blacklock Point Marine Conservation Area site designation we will initiate cooperative efforts with agencies, funders, government officials, local community groups and individuals, partner organizations with experience in coastal stewardship, and others to pursue sustainable funding for a Blacklock Point and Coastwide Coastal Stewardship program.”

“We are hopeful that when state agency personnel constraints and budget forecasts improve, staff and funds can eventually be allocated to work together with community partners to develop a more sustainable structure for this program to ensure the long term success of a coordinated coast-wide interpretive [stewardship] program, whether solely government supported, in the form of a public-private joint venture, or entirely through external funding.” However, we are not depending or planning on or expecting any increases in agency resources and are willing to pursue funding and partnerships to develop and implement the stewardship program. Limited agency staff time will be needed to coordinate, give input and guidance, and to review and approve some stewardship program elements and signage as noted elsewhere in this response.

The interest, desire, determination, and good faith pledges of south coast and other individuals and groups to protect this and other rocky coast area(s) by training and participating in the volunteer stewardship program should not be underestimated or discounted by the RHWG, OPAC or the LCDC.

In conclusion, there are recent and growing indications of the ability, commitment, determination and support of south coast citizens, our partnership groups and other stakeholders to succeed in obtaining support for funding (independent of agencies) and implementation of the stewardship program and related measures like signage, without significantly impacting already constrained OPRD, or other agency staff capacities or budgets.

3. Reconciliation of boundaries with respect to statutory vegetation line (SVL), inclusion of northern cliffs

The recommendation consideration for BP states: “The landward site boundary was requested to be the vegetation line at or near the top of the cliff”, 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 Floras Lake State Natural Area along the entirety 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. Further, the inclusion of land above the 16-foot elevation contour on the steep cliffs adjacent the sandy shoreline on the northern boundary of the site may be outside the scope of rocky habitat management, and will need further evaluation with the appropriate agencies. Currently, the MHW boundary appears sufficient to meet the stated site goals when coupled with the protected status of the uplands as a State Natural Area.”

Given (1) that the state of Oregon legally established landward boundary at Blacklock Point is the MHW shoreline and that consideration of the SVL as the landward boundary would overlap or need to be reconciled with designated agency land boundaries, and (2) public input during the limited period available to reengage with the public in the 2021 public comment period, we believe that the broader public would agree with the working group that “Currently, the MHW boundary appears sufficient to meet the stated site goals when coupled with the protected status of the uplands as a State Natural Area.” **Therefore, we agree with and support this recommended consideration for a landward boundary change to the MHW line for the proposed BP MCA.**

Based on the limited public input possible during the 2021 comment period, we also believe the broader public would agree with the WG recommendation consideration “Further, the inclusion of land above the 16-foot elevation contour on the steep cliffs adjacent the sandy shoreline on the northern boundary of the site may be outside the scope of rocky habitat management, and will need further evaluation with the appropriate agencies.”

Although the base of the rocky cliffs is within the scope of the rocky habitat management strategy, the public we were able to reengage with in 2021 supports the cliffs continuing to be managed as a complete unit of the OPRD-managed Floras Lake State Natural Area. The original purpose for including the cliffs in the proposal is based on (1) their spectacular and rare geological landforms, and (2) the observed human and natural caused erosion and vandalism of the cliffs. As part of proposed stewardship efforts for the BP MCA, stewards can include oversight of the cliffs in their regular responsibilities to be determined with and in support of comprehensive OPRD management efforts across the upland-shore interface. In addition, we recommend the proposed signage near the trailhead(s) include a message like: “The sandstone cliffs north of Blacklock Point are extremely fragile, undercut, unstable, and dangerous. Stay back from cliff edges for your safety!”