



**OPAC TERRITORIAL SEA PLAN
ROCKY HABITAT MANAGEMENT STRATEGY
CAPE LOOKOUT MCA - FURTHER EVALUATION WORKSHOP SUMMARY**

April 28, 2022, 8:30 AM Pacific Time

WORKSHOP SUMMARY

The Cape Lookout Marine Conservation Area Further Evaluation Workshop was an opportunity to discuss the rocky habitat proposal identified by OPAC for further evaluation. The workshop provided an opportunity for the entity who proposed the site to have discussions around and work through considerations identified in the Rocky Habitat Working Group proposal evaluation process. The workshop was structured to:

- Allow the proposer to present modifications of their site proposals to the management agencies
- To identify whether the site proposal as configured is a concern to management agencies who would be required to implement new rules or regulations.
- To help prepare proponents for the opportunity to present their proposals to the Ocean Policy Advisory Council (OPAC) in 2022.

MEETING LOGISTICS

Date & Time: April 28, 2022, 8:30 AM – 12:00 PM Pacific Time

Location: Virtually via Zoom

Workshop Participants: Andy Lanier – DLCD, Michael Moses – DLCD, Laurel Hillmann – OPRD, Jason Elkins - OPRD, David Fox – ODFW, Shawn Stephensen – USFWS, Steve Griffiths – ASLC, Kent Doughty, Dawn Villascusa – ASLC President, Jim Carlson – Coast Range Association, Blake Helm - DSL

Members of the Public: Peggy Joyce – OPAC, Jamie Fereday – OPAC, Joseph Youren – ASLC, Joe Liebeziet – Portland Audubon, Dick Vanderschaaf – The Nature Conservancy, Margaret Corvi – OPAC, John Holloway – OPAC, Kurt Grote – sport diver

Meeting Video Link: https://youtu.be/j_bp1laPjXM

Proposal Presentation: https://youtu.be/j_bp1laPjXM?t=772

Wrap-up summary of the discussion: https://youtu.be/j_bp1laPjXM?t=6650

Public Comment: https://youtu.be/j_bp1laPjXM?t=6980

PROPOSAL MODIFICATIONS:

The Audubon Society of Lincoln County (Proposal lead organization) provided a summary of all proposed modifications to the proposal made in the time period between the finalization of the working group recommendations and the Further Evaluation Workshop. The [document that describes the changes](#) is posted online on the Cape Lookout Further Evaluation workshop page on <https://www.oregonocean.info/>, and is summarize briefly below.

ASLC is submitting the following proposal modifications in response to the Final Recommendations of the Working Group:

- The recommendation (R9) regarding invasive species is withdrawn, in recognition that the concerns are regional in nature, and not site-specific.

- The recommendation (R15) regarding harvest of marine invertebrates is modified to state: “For intertidal waters of the plan area, no commercial or recreational take of shellfish and marine invertebrates, except clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, and shrimp may be taken. Statewide harvest regulations apply for subtidal portions of the plan area.”
 - This modification is in reference to the working group consideration of the difficulty of enforcement for monitoring subtidal invertebrate harvest activities.
- The recommendation (R16) is modified to state: Within subtidal portions of the plan area, no commercial or personal use harvest of marine aquatic vegetation (kelp) except as incidental to other permitted activities.
 - The intention of this recommendation is to protect and, where possible, restore subtidal canopied kelp forests. This modification is intended to make the recommendation more consistent with the regulatory framework regarding algae harvest.
- Clarification or refinement of northside boundary:
 - As noted in our initial response letter to Working Group ([Link to Initial recommendation and response letter](#)) considerations for our proposal, 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. 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. It is our understanding that a simpler polygon of the plan area on the north side of the cape would facilitate implementation.
 - Additional modification of the north boundary is documented in a follow-up communication regarding the proposal, reporting on a site visit with OPRD staff.
- Related to the Signage Recommendation (R2):
 - ASLC documented expectations for the Community Groups and OPRD which were discussed during a follow-up meeting of the two groups.
- Related to the Recommendation to update the Cape Lookout State Park Comprehensive Plan:
 - ASLC is willing to omit that recommendation if OPRD deems that appropriate, given the recently completed plan update, and the infrequent occurrences of such activities.

DISCUSSION SUMMARY:

The discussion was centered on the following considerations (which were recommendations for implementation of this site):

- **Clarifications on management effectiveness with respect to status quo, site monitoring, enforcement issues**

Proposers state that economic and social benefits are as important for the designation of a site as the environmental benefits. Conservation efforts focused on the compatibility of a designation with ongoing use and stewardship of Cape Lookout is a major change from the status quo. The proposal team believes this proposal has balanced those needs, referencing the wide base of community support documented in the initial proposal and follow-up materials. The proposal team also feels that having a site designated will enable volunteers to feel that they are part of something new and organized around a principal focus of marine conservation while allowing many of the existing uses to continue.

Proposal modifications were made to the recommendation for invertebrate harvest rules regarding subtidal invertebrate harvest to address the enforcement challenges with subtidal harvest (which is almost exclusively conducted via watercraft) where enforcement at-sea would have to be coordinated with compliance efforts in marinas and harbors where the boats land their catch. A question was raised about allowing commercial

harvest of invertebrates in the intertidal, with the understanding that commercial harvest in the intertidal is generally closed. The proposal team acknowledged that they did not differentiate between sport and commercial and would be amenable to having the commercial harvest closed in the MCA.

Proposal modifications were made to the recommendation regarding marine aquatic vegetation (kelp) harvest, to apply a closure of personal amounts of harvest in the subtidal area only. In discussions with the group, OPRD clarified that if the MCA was designated, then State Parks would likely prohibit the small, personal collection of algae/kelp from the site in the intertidal, resulting with a full closure of marine aquatic vegetation(kelp) harvest in the area. The OPRD restricts harvest in specially designated areas (of which an MCA would qualify), so consistent application of that rule would then mean closure to all marine aquatic vegetation harvest at the site.

The last point made was about enforcement of the harvest regulations – documenting the fact that almost all species taken (either via sport or commercial regulations) are managed in an existing regulatory framework. The point being that challenges in enforcement between the existing regulations and those required via a new designation (like the Cape Lookout MCA) would be similar in nature, and not a significant increase in challenges due to a site’s designation.

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

Proposers responded that education, monitoring, and stewardship project activities will be community driven, thereby lessening the agency capacity expectations and costs. This may not alleviate all costs to agencies for implementation of the site, but significantly reduces the overall burden associated with implementation of the site, if approved. There is a coalition of non-governmental organizations that are part of the proposal team and a groundswell of support gearing up to work on the site, once designated.

Through conversations with OPRD, there was a clarification of expectations for the planning, design, development, and placement of informational signage regarding the MCA. There has been communication with the educational program located at the Boy Scouts Camp, and a willingness to partner with the ASLC community to develop interpretive educational programs.

- **Reconciliation of boundary issues (landward site boundaries, north side boundary)**

The Proposal Team clarified that the landward boundary of the site would be the Mean High-Water Level. The ASLC also committed to further discussions with OPRD to identify a suitable northern site boundary that would meet educational and enforcement the needs of State Parks.

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