

Ocean Policy Advisory Council

TSP Part 3 Agenda Item
Notes from April 3, 2019

Summary

During this meeting of the Ocean Policy Advisory Council (OPAC) the chair Rocky Shores Working Group, Charlie Plybon, and staff reviewed the Phase 1 text of the Rocky Shores Management Strategy, the public comment record, and necessary rulemaking documents ([Items 3 A-E in meeting materials](#)). The Council later made decisions based on working group requests and public comments and recommended the Phase 1 draft with these modifications to the Land Conservation and Development Commission for potential adoption. [View the OPAC TSP presentation slides here.](#)

Public Comment during OPAC Meeting

Prior to OPAC reviewing meeting action items, an opportunity for public comment was offered. Three members of the public provided comments pertained to TSP Part 3. [See full comment letters here.](#)

1. **Fran Recht** – Comments pertaining to the protection of submerged aquatic vegetation (SAV)
 - Inclusion of management principle for the protection of SAV.
 - Inclusion of policy prohibiting the harvest of SAV.
2. **Joe Liebezeit**– repetition of comments mentioned in Portland Audubon comment letter
 - Inclusion of agency process for site designation
 - Inclusion of a management principle and policy deferring all action to the precautionary principle.
3. **Tara Brock** - repetition of comments mentioned in PEW Charitable Trusts comment letter
 - Removal of limitations on community based proposals
 - Inclusion of agency process for site designation
 - Inclusion of a management principle and policy deferring all action to the precautionary principle.

OPAC Discussion

There was a lot of information discussed during this agenda item and clarification was presented where possible. The primary decision items presented to OPAC included clarifying rocky shore terminology and changing the working group-recommended policy of limiting proposed site designations to rocky shoreline only (i.e., intertidal habitats only) (see Item 3C in meeting materials). OPAC decided to change terminology from rocky shore to rocky habitat to help clarify that the strategy applies to all types of rocky habitat in the Territorial Sea, not just habitat along the shore. OPAC also decided to remove site designation limitations and allow for site proposals on all types of rocky habitat, including both intertidal and subtidal. These and other OPAC decisions are listed below.

Rather than making decisions on new issues raised by public comments received during the meeting (see above), , the Council decided to task the Phase 2 working group with addressing comments regarding SAV protections, and inclusion of the precautionary principle rather than reopen the public record to include this work in a continuation of Phase 1 tasks.

OPAC Decisions

- Change terminology from “rocky shore” to “rocky habitat” throughout the text.
- Remove limitations on what rocky habitat is eligible for community based proposals.
- Add a policy indicating management agencies may suggest site designations as part of the management strategy.
- Keep footnote 3 on page 4 of text indicating the strategy is not intended to replicate or expand Oregon Marine Reserves under ORS 196.540-196.555
- Fix any remaining clerical and graphic edits.

Final Action

OPAC carried a motion to recommend the drafted text to the Land Conservation and Development with the modifications made through OPAC decisions.