

Rocky Habitat Management Strategy

Proposal Process Evaluation Workshop Summary

Territorial Sea Plan Part 3, Section E (Site-based proposal overview) and Appendix C (Proposal Contents and Questions)

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I have tried to fairly represent all comments received during the Process Evaluation workshop, on-line surveys, or by independent letter or presentations to DLCD about the Rocky Habitat Site Designation process. I have intentionally omitted any criticisms of the current process that did not include suggestions for improving the process in the future. All documents used to create this review are listed at the end of this report, and can be requested from DLCD.

Finishing the Current/Ongoing Proposal Process

Public comments about how to finish the current proposal process:

- Consultations with the Agencies received a resounding yes from process reviewers
- Most do not want proposals modified or rewritten for further review
- There were some who felt that current review notes contained significant errors or biases, and therefore, should be stripped from the proposals before they go to consultation so as not influence the future evaluation process.
- Following consultations, most thought that a letter describing the content of the discussion and results of the consultation should be added to the packet before it goes to further review or public comment.
- Most thought that if consultations result in significant (some called them “fundamental”) changes in a proposal, that they should go back out for at least another 30 days (some suggested 60 days) of public review before moving on in the review process.
- There was a wide variety of responses about what should happen with proposals following consultation
 - Reinstate Working Group for another round of review, and then send to OPAC
 - Create new Technical Evaluation Group, re-evaluate proposals and then send to OPAC
 - Develop new quantitative evaluation sheet to re-evaluate all proposals
 - Send proposals directly to OPAC
 - Allow proposers to present their proposals to OPAC, followed by Q&A and discussion at one meeting
 - Vote on proposals following those presentations, or at the next meeting

Suggestions:

The Rocky Habitat Working Group is already disbanded and it will take time to appoint, seat, and equip a new Technical Evaluation Group, and it will also take time to develop, vet, and test a new quantitative evaluation matrix (a process which should be done, but not rushed for this evaluation process). Additionally, evaluating proposals using a new TEG and proposal scoring matrix would be unfair to

proposals that were not selected for additional evaluation. Therefore, I recommend the following future steps:

1. Schedule and conduct consultations between the agencies and the proposers of the 6 proposals held over for future consultation, providing the agencies with all proposal materials and review information prior to the consultations. All review materials to-date are part of the public record and should not be removed despite their potential inaccuracy. Proposers will have the opportunity to clarify all inaccuracies at the consultation.
2. Following consultation, proposals should be sent to OPAC with all review notes and consultation notes and summaries included.
3. After adequate time for review by OPAC members, OPAC should meet to review the proposals, allowing proposers to present their proposals, followed by questions and discussion.
4. OPAC should then vote on whether or not to approve individual proposals; either immediately following the presentations and deliberation, or at the next regularly scheduled OPAC meeting.
5. Proposals not approved by OPAC will be eligible for resubmittal during the next proposed Rocky Habitat proposal submission period.

Public Comments on Future Rocky Habitat proposal processes

Request For Proposals (RFP)

RFP's need to be well written to give proposers a stationary target to aim for during proposal development.

RFP's can either be opened to proposals from sites anywhere along the coast (such as the current process) or targeted to a certain location, function, process, specific type of habitat, or a specific State or environmentally driven priority or focus, etc. The advantage of targeting the RFP is that it could reduce the total number of proposals that are submitted and thereby ease the burden of the evaluation process.

A very common comment was to streamline the proposal process by asking fewer redundant questions, such as:

- A complete list of all flora and fauna in the area proposed for designation – suggested a list of all threatened, endangered, unique, or endemic species instead.
- Have one section with the heading “Site Description” and remove the requirement to describe the site in any other questions or sections.
- Need sections to address Goals, Desired Outcomes, need for further Regulations and/or Enforcement

One of the workshop attendees suggested that the primary reason for most of the redundancy was because the Strategy was complex, thus requiring a variety of questions to address all the criteria. Another thought that the questions were intentionally redundant to make sure that reviewers didn't miss critical information in the proposal. Given all the mostly negative comments about redundancy, it seems clear that there is opportunity to reduce the redundancy in future proposal processes.

Proposers want more direction on how to conduct stakeholder assessments (who, when, how much is enough, etc.) written into the RFP.

Early proposal development

- Suggested developing a 1 or 2 page pre-proposal which could be commented on by the agencies early on in the proposal process to get feedback from the agencies to identify any red flags and help the proposers determine if they are on the right track or not.
- Pre-application meeting between agencies and proposers to develop better coordination/collaboration with agencies right from the beginning of the process.

Rocky Habitat Web Mapping Tool

Some liked it and some didn't. Generally, proposers liked:

- Great utility/potential.
- mapping features, including the ability to share maps with others (maybe just use it for this and construct the proposal in another software program?)
- The support they got from DLCDC staff to use the tool

but, didn't like:

- That information may not have been consistent between layers
- There was no specific low-tide aerial imagery
- SeaSketch wasn't designed for complex documents and therefore was challenging to use (one reviewer called it a "major limitation to the proposal process;" for example, it was challenging formatting the information within a box to make it readable, understandable, and useful to reviewers. Therefore, either the RH Web Mapping Tool should be significantly improved, or the requirement to use fillable forms and upload proposal sections within the tool should be discontinued.

Stakeholder Outreach/Engagement

Challenging part of the proposal process – takes time; requires many calls and emails, and extensive community engagement, how to document outreach and engagement; but worthwhile in finding out how other groups used or thought about the same area, and for making connections and collaborations to move ideas forward both now and into the future.

- There were a number of comments suggesting that the State should develop a funding source for stakeholder engagement and should help proposers determine who the stakeholders were for certain sites.
- Stakeholder outreach is not just the opportunity to find out how the public feels about Rocky Habitat designations, but to build public support for them.

Pre-submission Consultation with the agencies

Comments from process reviewers were very supportive of opening both informal and formal dialogue (consultations) with the agencies early on in the proposal process by developing a pre-submission consultation process with the agencies following Stakeholder Outreach with the goal of developing

collaborative recommendations that would move forward with the proposal as it proceeded through evaluation. Proposers suggested that they need clarity on which agencies should be involved and who to contact within each agency (a good example was Oregon State Police, who are responsible for enforcement of regulations, but did not participate in the original review process). Agency responders commented that in order to stay unbiased toward a project that they would have to walk a fine line between answering questions and providing suggestions, without giving the impression that they were approving a specific proposal.

- Consultations should focus on areas of disagreement, but should be an opportunity to develop an ongoing collaborative relationship and shared goals between the proposers and the agencies.
- Enough time should be allotted to fully discuss all unresolved issues
- Need continued consultation with DLCD to highlight issues needing additional focus within a proposal, and should focus on how to make the designations/proposals successful.
- Consultation should end with a “readiness review” to make sure all potential evaluation issues had been addressed by the proposers.

Proposal Submission

- Ideas already covered under the heading “Rocky Habitat Web Mapping Tool.”

Information that wasn’t used in the evaluation

- Infrastructure at the site
- Aspects of biodiversity were required, but not highly prioritized in the evaluation process.

Evaluation Criteria/Matrices

- Need thoughtful, well written evaluation matrix for both quantitative and qualitative evaluation of proposals
- Develop a minimum evaluation score for proposals to move further in the process.
- Agencies should consider site merit (ecosystem connectivity, unique organisms or populations, susceptibility to degradation’ effects of climate change, etc.)
- Should ask for and evaluate landscape level information (how does the proposed site fit into the larger landscape)

Review

There was considerable discussion of how to review and address budgetary requirements of the proposals in the proposal review process. Almost everyone agreed that budgets need to be considered somewhere in the process. There was a suggestion that the review should really take place in two stages; first, the proposal ought to be reviewed for feasibility of the proposed change in designation, and then, it should be reviewed for feasibility of implementation, including budgets.

- Budget not part of feasibility
- Agencies need to consider budget to see if the proposed activities fit into their mission
- Budget is vital part of feasibility (have to consider cost to develop a management plan, cost of management, how to pay for staff time [including potential new positions required by changes in the designations], and how to allocate funding)

- Need commitment from Governors' Office to create room in budgets required to implement changes to management with subsequent changes in site designations. This will allow proposals to be considered on merit, and not whether agencies have enough money to implement them.
- Currently, the proposal process does not align well with agency budget processes
- Many thought that there should have been expanded opportunity for the proposers to present their proposals to both the RHWG and then to OPAC.
- Some thought that proposals ought to be reviewed by technical experts only (Technical Evaluation Group) and that reviewers should not represent any particular group of stakeholders. Others were glad that at least some portion of the review process was qualitative and included human dimensions.

Public Comment

- Longer public comment periods were suggested (up to 60 days)
- A consortium of process reviewers, most who submitted proposals in this process, suggested that the Technical Evaluation Group (TEG) meet to carefully review comments submitted by the public following public comment periods.
- May need additional public comment if proposal is changed substantially during the process. Public needs to know what has changed and why, and have the opportunity to comment about the changes.
- Several reviewers mentioned bias in the way that public comments were weighed by the Working Group, especially comments from outside the region, or those that were clearly form letters or copies of widely disseminated statements provided by proposers. Reviewers asked that all comments be given due consideration regardless of the form or origin.

General Comments

- Despite significant outreach to the Tribes, there was no Tribal participation or apparent interest in the Rocky Habitat site designation process.
- Reviewers suggested that more effort be put into informing the general public about the Rocky Habitat proposal process so as to encourage more public involvement in the process.
- There was a significant call for more collaboration between the agencies and proposers in this process, with some proposing that this process should be redesigned to encourage and facilitate effective working relationships.
- Should OPAC members be on the review team?
- Regulatory measures should be in a separate section.

There were several suggestions for dealing with Coast-wide issues:

- Agencies should work to create a current inventory of existing strategies and efforts to decide what needs to be added to protect existing coastal habitats.
- Compilation and Integrated Marine Reserves and Rocky Habitat designated sites.
- Increase Agency funding to develop policies and programs for coast-wide issues such as kelp forests
- Figure out how to address climate change issues along the Coast

- Convene a group to develop a coast-wide stewardship plan that starts with coast-wide functions and processes and narrows down to site-specific details. One suggestion was to convene a conference that included agency leadership, decision-makers, NGO's and the public to identify critical coastal habitats and define appropriate levels of protection for them.
- Should consider developing additional designations be added to Rocky Habitat (e.g. Stewardship Zone)
- The Strategy and other process documents should be drafted by a Working Group subcommittee of skilled writers, reviewed by those concerned, and then the committee should widely announce and publish final versions of each document, process, guideline, criteria, etc.
- Public engagement should be sought for every part of the process.
- Many thought that the timeline for the process was too brief and didn't allow adequate time for public feedback or comments.
- There were many comments requesting more communication between proposers and the agencies, and a number of people thought that DLCD should collaborate with proposers to help guide them through the proposal process.
- A few thought that the outcome of Working Group review might have been different had proposers chosen a different designation category.
- One reviewer suggested that the language in the RFP should encourage "appropriate" use of Rocky Habitat sites rather than focusing on "over-use."
- Change the process so that agencies bring the proposals forward, and the public collaborates with them.
- Public proposal review and evaluation meetings should not be so long ("8 hour meetings are painful").
- Allow proposers to work with agencies as they develop their proposals. Develop rules so agencies feel comfortable working with proposers.
- Some felt like much of the resistance to proposals came from the lack of a solid description of what Marine Conservation Areas (MCA) were, and that a more carefully outlined description would eliminate the confusion surrounding this category.

Summary of Comments to Improve the Rocky Habitat Proposal Submission Process

1. Write a clear RFP, reduce redundancy, focus the RFP by geographic or focused priority.
2. Collect 1-2 page pre-proposals and provide agency feedback to start the development of relationships between proposers and agencies early in the proposal process.
3. Rebuild the Rocky Habitat Web Mapping Tool or discontinue it as the primary proposal submission platform
4. Provide guidelines, financial assistance, and more time for proposers to conduct public outreach and engagement.
5. Develop a process for agencies to provide pre-submission consultation with proposers early in the proposal submission process.
6. Create a quantitative evaluation matrix to be combined with qualitative project evaluations by proposal reviewers.
7. Appoint and seat a Technical Evaluation Group that can provide unbiased reviews of proposals. Do not include stakeholders in this group.
8. Allow public review whenever possible in this process, open public reviews for 30-60 days, and incorporate public comments into the proposal review process.
9. Form a group with broad representation to address coast-wide issues (e.g., Kelp forests, climate change, etc.)
10. Greatly increase opportunities to develop collaboration and relationships between agencies, proposers, reviewers and the public.
11. Review proposals first for feasibility, and then for implementation (including budgetary recommendations)

A Coalition of Proposers, including:

Dawn Villaescusa, President, Audubon Society of Lincoln City

Jesse Jones, Proposal Coordinator, North Coast Rocky Habitat Coalition

Laurel Field, PISCO-OSU Affiliated Graduate Researcher, OSU Marine Resource Management Program

Joe Liebezeit, Staff Scientist and Avian Conservation Manager, Portland Audubon

Larry Basch, Ph.D., Proposal Coordinator, South Coast Rocky Shores Group and Oregon Shores Conservation Coalition

Mary Garrett, President, Shoreline Education and Awareness (SEA)

Phillip Johnson, Executive Director, Oregon Shores Conservation Coalition

The Coalition of Proposers provided extensive and clearly described suggestions to improve the Rocky Habitat Management Strategy, Section E and Appendix C (see the reference at the end of this report, and the complete letter can be found at <https://www.oregonocean.info/index.php/opac-documents/2020-ipp-rocky-habitat-proposals/2020-initial-proposal-period/2599-publiccomment-rhms-proposerrecs/file>). Their goal was to create a proposal and evaluation process that is efficient, transparent, and effective; and their process is thoughtful, well laid out, and aims to result in a better Rocky Habitat Proposal review process. Most of the recommendations presented previously in this report have been addressed by their proposed Strategy. They included, in their letter to DLCD, a well-diagrammed Site-Selection Process with several diagrams of specific parts of the process with narrative for clarity. This proposal has great merit, and for clarity of discussion about this proposal, I have developed a table outlining significant steps in the proposal development and review process, and have provided both a table and text description of the major differences between the process described by the Coalition of Proposers and comments received during the Rocky Habitat Process Evaluation workshop held on July 29, 2021.

Coalition of Proposers process

State Publishes RFP

Community Members Develop Proposal

Readiness Assessment w/Agencies

Proposers Incorporate Feedback

Final Proposal Submitted to DLCDC

DLCDC Conducts Completeness Review

Managing Agencies Provide Feedback on Feasibility

If Accepted for TEG Review, DLCDC Requests a 'Summary Form'

Proposers present to TEG

Proposals Reviewed by TEG

TEG Scores Proposals w/Quantitative Evaluation Matrix

DLCDC Staff Compiles Scores & Adds To Proposal Packet

Public Review of Scores From TEG

Final TEG Meeting to Review Public Comment And Re-evaluate Scoring (if needed)

Public Comment Period (60 days)

TEG meets to consider Public Comments, Re-evaluates and Finalizes Scoring (if needed)

Proposal Packets Delivered to OPAC

OPAC Meets to Reviews Proposals (without voting)

Proposers Present at OPAC Meeting

OPAC meets to Vote on Proposals

Suggestions by Process Evaluators

State Publishes RFP

Proposers develop 1-2 page pre-proposal

Informal review session with Agencies

Proposers Develop Full Proposal

Conduct Public Outreach & Engagement

Formal Consultation with Agencies

Proposers Incorporate Feedback

Final Proposal Submitted to DLCDC

DLCDC Conducts Completeness Review

Proposers Present to TEG

Proposals Reviewed by TEG

TEG Scores Proposals w/ both Quantitative and Qualitative Evaluation Matrix using Triple-Bottom Line (Ecology, Community, Economy) and Considering Human Dimensions

DLCDC Staff Compiles Scores & Adds To Proposal Packet

Public Comment Period (30-60 days)

Proposal Packets Delivered to OPAC

Proposers Present at OPAC Meeting
OPAC Could Discuss and Vote on Proposals

The process developed by the Coalition of Proposers is very similar to the process suggested by other evaluators that either provided written comment or attended the Public Process Evaluation Workshop sponsored by DLCDC. This partially reflects the fact that many of the same people that developed the Process Proposal for the Coalition were also in attendance at the Public Process Evaluation Workshop, and were the same people that submitted written comments during the open comment period. Despite the similarities there are still some significant differences.

The public attending the Process Evaluation Workshop suggested that the proposal process should start with a 1-2 page pre-proposal with informal agency review and comments. They reasoned that this would allow proposers to determine if they were on the right track, and begin to develop dialogue and relationships with agency staff. Note that this necessarily requires another, more formal, consultation between the agencies and the proposers following completion of the proposal.

The Coalition of Proposers referred to the need for a proposal to include stakeholder engagement, but did not specify where stakeholder engagement should occur in the process.

Those attending the evaluation workshop suggested that a formal Consultation with the Agencies should occur as soon as the proposal was completed after incorporating the results from stakeholder outreach and engagement. The purpose of the Consultation was to identify any red-flags, encourage positive interaction between the proposers and the Agencies, develop relationships with a contact within each Agency, and develop collaborative recommendations that would move forward with the proposal as it proceeded through the evaluation. The Collaboration of Proposers scheduled the Formal Consultations after DLCDC conducted a 'Completeness Review', and wanted the Agencies to just consider 'feasibility' of the proposal, not implementation or budgets (which they thought should occur independently of the scientific proposal review).

The Coalition of Proposers wanted DLCDC to develop a quantitative evaluation matrix for the TEG that included measurable criteria based on management need, refer to management needs in other relevant plans, use available and relevant existing sources of information, and have a defined threshold score that proposals needed to meet for recommendation to review by OPAC. Those attending the evaluation workshop and submitting written public comments recognized that all questions regarding a specific Rocky Habitat site could not be adequately addressed with just a quantitative review. They suggested that in addition to quantitative science-based evaluation questions, there also needed to be qualitative judgements by the reviewers, and those questions and comments needed to focus on triple-bottom-line (ecology, economy, community) values and human dimensions.

Everyone agreed that the process needed well-advertised, robust, and frequent public comment periods. However, the Coalition of Proposers scheduled two public comment periods, both of which were followed by chances for the TEG to re-evaluate their scoring, before the final proposal packets were delivered to OPAC. Those attending the Process Evaluation Workshop, even though there was a wide range of comments about how to schedule and handle public comments, generally agreed that one public comment period was sufficient. Public comments would then be compiled and added to the Proposal Packet before proposals were sent to OPAC for review and voting.

Finally, the Coalition of Proposers suggested there be two OPAC meetings to finalize the voting process. The proposers would be invited to the first of those meetings to present their proposals to OPAC followed by proposal review and discussion by OPAC members. The final vote on each proposal would take place at the following (second) OPAC meeting. Once again, there were many process suggestions from the public that attended the evaluation workshop, and they generally agreed with the process proposed by the Coalition of Proposers. However, the public suggested that voting could happen immediately following the proposal presentation and OPAC review and discussion.

Documents used for this review (all documents are available on request from DLCD):

Letter to DLCD dated July 21, 2021 from the Coalition of proposers (previously listed) and titled “Rocky Habitat Section E and Appendix C Recommendations.” This letter can be found at <https://www.oregonocean.info/index.php/opac-documents/2020-ipp-rocky-habitat-proposals/2020-initial-proposal-period/2599-publiccomment-rhms-proposerrecs/file>

Letter to DLCD from Dr. Larry Basch (not dated) entitled “Public Comment on the Oregon Territorial Sea Plan-3: Rocky Habitat Management Strategy (RHMS): Rocky Habitat Working Group Process.”

Transcripts and notes from the Rocky Habitat Process Evaluation workshop and Breakout Rooms, held on July 29, 2021 and organized and sponsored by DLCD.

Public responses from an online Survey of proposers administered by DLCD (responses received June 14 – June 28, 2021)