



Agency Feasibility and Completeness Analysis

This guide is intended to facilitate the agency review of rocky habitat site management designation proposals during the Initial Proposal Period of the Territorial Sea Plan – Part Three (TSP3) amendment process. Proposals will be assessed for completeness to determine if all necessary information has been included in the proposal, and that it is sufficient in nature to conduct agency review. Agency representatives (e.g. ODFW, OPRD, DSL, DLCDC, or others based on the details of individual proposals) will then provide analyses of the practical feasibility of implementing the proposal under relevant agency authority and jurisdiction, including alignment with the goals and policies of the Rocky Habitat Management Strategy.¹ Oregon Coastal Management Program staff will also forward proposals to federally-recognized Oregon Tribal Nations with interests in the coastal zone², and may engage in consultation as necessary.

Questions

Please fill in information and answer the questions below for *each* rocky habitat site designation proposal, and provide a brief summary report at the end. Please provide additional information, interpretation, concerns, or context where necessary. Some of the information may be duplicative with the Working Group evaluation to ensure consistent interpretation, transparency, accountability, and historic preservation.

Evaluator Information

Evaluator name(s): Andy Lanier, Michael Moses, David Fox, Laurel Hillmann, Andrea Celentano, Shawn Stephensen

Evaluator role/position(s): Rocky Habitat Working Group Agency Staff

Evaluator affiliation(s): DLCDC, ODFW, OPRD, ODSL, USFWS

Date of evaluation: January, 2021

¹ TSP3 Sections E. 3. & 4. Step 2 – Agency Feasibility & Completeness Analysis

² Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Coquille Indian Tribe, Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, and Cow Creek Band of Umpqua Tribe of Indians



Site Information

Proposed site location: Cape Lookout

Designation category:

Marine Research Area

Marine Garden/Education Area

Marine Conservation Area

Is this a proposal to add, delete, or modify a rocky habitat site designation?

New Site Designation (addition)

Existing Site Removal (deletion)

Alteration to Existing Site

Name of principal contact: Dawn Villaescusa, President

Affiliated organization(s): Audubon Society of Lincoln City (ASLC)

Date of proposal submission: December 31, 2020

Proposal Completeness

Please answer each of the following questions as it relates to the completeness of the proposal.

1. *Is the proposal complete? Have sufficient responses been provided for all questions, including indications or explanations for those questions which are not relevant or applicable? If not, please indicate which question(s) are of concern.*

Yes

2. *Have sufficient data, information, and/or other relevant materials been provided in order to facilitate proper review and evaluation of the proposed designation?*

Yes

3. *Is a rationale provided for any incomplete or missing information?*

N/A

4. *Does the proposal consist of one place-based submission? (A small network of designated sites is acceptable, provided they are all the same designation category.)*

Yes

Feasibility Analyses

Please provide a brief analysis of the feasibility of proposal implementation as it relates to each of the following areas within the scope of your agency's mission.

Agency Jurisdiction. *Consider broadly how the proposal fits in with factors such as your agency goals, strategic plan, management/regulatory authority, etc.*

Commercial and recreational take of invertebrates would be closed with some exceptions (clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, shrimp, sand crab, and other invertebrate species that ODFW determines are appropriate to be taken), and also allows for commercial harvest of sea urchins. This provision does not differentiate between intertidal or subtidal harvest, but ODFW recommends not allowing intertidal urchin harvest if this proposal is moved forward. Also, the list of invertebrates that could be harvested was developed many years ago to specifically apply to rocky intertidal habitat. It has not been applied to the subtidal at any existing sites, although it is possible to do so. Maintenance of the kelp beds would presumably involve urchin culling, but it is unclear upon whom this expectation would fall.

The Federal Government has a reversionary property clause for a lighthouse easement on the land above MHW. If implemented at some point in the future, it is possible that the landward boundaries of the proposed site would require adjustment. However, the agencies feel this is an unlikely scenario.

Implementation. *What are the practical and logistical implications or limitations of your agency implementing the proposed site management?*

It is unclear who will conduct the proposed monitoring and research in practice, and what the role of agencies will be. OPRD and ODFW are listed as potential cooperators in these efforts, as well as Camp Meriwether and several other organizations. At this time, there is concern from the agencies over lack of agency funding and staff capacity to engage in monitoring activities.

Implementation of the new regulations might require increased initial enforcement efforts about the changes. Enforcement of harvest restrictions will be a logistical challenge, particularly in difficult to access locations, and agencies lack capacity to increase enforcement of regulations at the site.

The landward boundary of the proposed MCA was requested at the statutory vegetation line (SVL), however, the proposed site abuts Cape Lookout State Park along a significant portion of its length. OPRD does not define an SVL for state parks. The request for the site to begin at the SVL would require survey for the correct location of the ocean shore boundary. Reconciliation of a landward boundary above MHW may also necessitate inclusion of the appropriate federal agencies.

Programmatic and Budgetary Impacts. *How will implementing this proposal affect your agency's programmatic work? What are the estimated costs or budgetary impacts as you see them (approximately)?*

Baseline costs will be staff time associated with rulemaking and site implementation activities. Additional costs will also be associated with installation of informational signage at site access points. There may also be initial increases in enforcement and permitting related costs if new harvest restrictions are implemented, and monitoring activities increased.

Determining agency roles and level of involvement in volunteer interpretive and monitoring programs is necessary to understand the impacts on agency activities and budgets. Staff and budget capacity for these activities are presently not available.

Installation of interpretive signs are typically ~\$5,000/ea. – OPRD is unlikely to have the resources to cover these costs at this time.

Landscape Management. *How would designating this site fit into the broader context of coastwide management, such as the currently designated rocky habitat sites or the Marine Reserves Program?*

This site seeks to protect one of the few larger kelp beds on the north coast, which agencies support. Protection of the rocky habitats in this location could be beneficial for nearshore larval dispersal and settlement on this section of the coast.

Administrative Rule and Enforcement. *What are the implications as you see them for any requisite changes to rules and regulations, and the ability of your agency to enforce them at the proposed site?*

Requisite changes to harvest and other proposed rules would need to be adopted through the standard agency rulemaking process if implemented.

The primary concerns here are related to the logistics of enforcement. The remoteness of the site and inaccessibility of most of the rocky habitat would be challenging and potentially dangerous to ensure consistent and effective enforcement. Volunteer programs could aid in reducing enforcement needs if implemented.

Territorial Sea Plan. *In what ways does the proposal align with the goals and policies of the Rocky Habitat Management Strategy?*

The site aligns well with the original 1994 recommended Cape Lookout site, and strikes a balance between long-term stewardship and use. Impacts on current site uses would likely be minimal.

Other Considerations. *Are there additional site considerations that should be noted? (e.g. size, shape, placement, or designation category of the proposed site; historical or institutional context; established relationships with communities, organizations, the public at large, or Tribal Nations; etc.)*

N/A

Reviewer Comments and Feedback

In the space below, please provide a (brief) summary of the feasibility of this proposal, and a rationale for recommendation. If more space is required, please attach additional pages.

The proposal is complete, and includes sufficient information and rationale to facilitate agency review. Concerns remain about the volunteer and monitoring programs. If these programs are not sufficiently supported, it will be problematic for site implementation, and challenging for the agencies to fill those gaps.

At this time, the state agency representatives agree that this proposal warrants additional, merit-based evaluation by the Rocky Habitat Working Group, with the understanding that any further evaluation and potential recommendation should consider the following:

- Level of support and coordination given to volunteer programs to conduct site monitoring and enforcement
- Implementation costs, particularly for enforcement
- Implications for the chosen landward site boundaries

The agencies participating in the rocky habitat site management designation process (DLCD, OPRD, ODFW, DSL, USFWS), acknowledge the significant effort made by the Audubon Society of Lincoln City to develop this proposal, and thank them for their careful efforts to highlight the needs and concerns at this site.