



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: Crook Point-Mack Reef

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: Larry Basch

Affiliated organization(s): South Coast Rocky Shores Group, Oregon Shores

Date of proposal submission: December 30, 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.*

The landward boundary of the proposed MCA was requested at the statutory vegetation line (SVL), however, the proposed site abuts Pistol River State Park along a 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. There is also significant overlap with state park boundaries, and potential overlap with private property toward the south end of the proposed designated area. The landward extent of the rocky habitat designation would need to be reconciled with OPRD as well as private property owners.

A significant portion of the landward boundary abuts USFWS National Wildlife Refuge (NWR) land, which is closed to the public, limiting site access and affording it some protection.

The intents expressed for management of upland areas would require input and coordination from several agencies and entities, but is also outside the scope of the goals and objectives of the Rocky Habitat Management Strategy.

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

The site is remote and access is extremely limited. Site visitation could potentially increase with implementation of a rocky habitat site management designation which raises safety and habitat impact concerns. The proposer's intention is to conduct volunteer stewardship programs at the site which could also increase foot traffic and safety concerns. There is limited access infrastructure in general, and none (such as parking lots) that could facilitate large group visits associated with stewardship efforts.

There are also concerns about agency ability to support the volunteer educational and stewardship efforts at the site. The exact expectations of agency participation are unclear, but agency staff and budget capacity to support such efforts is low. This increases the burden on volunteer groups in a remote area that may already be strained to provide consistent support.

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 budgetary impacts to the involved agencies is likely, but largely unclear. It is dependent on clarification of the role of agencies in supporting the volunteer stewardship programs, as well as the role of South Slough National Estuarine Research Reserve.

The proposed monitoring program goals are ambitious, but would produce potentially beneficial information for the agencies and other groups.

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?*

The site is remote with limited access – while this may offer adequate protection on its own, a potential designation would serve to fill a gap on a lengthy expanse of the coast that otherwise lacks such site-specific rocky habitat management.

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?*

There would be many enforcement challenges at this site, especially with respect to the remote nature of the site and limited site access. USFWS law enforcement presence and capacity is extremely limited in the region, and response from OSP would also be lengthy. Any increased demand for on-site enforcement of wildlife issues would likely go unmet. The agencies are concerned that implementation of a rocky habitat site designation would garner increased attention and visitation from the public, and consequently increase enforcement expectations in a location that cannot support it.

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

The focus of the proposal on stewardship, enforcement through education, and monitoring are strengths of the proposal, and align well with Rocky Habitat Management Strategy objectives c. and d.

The rationale in the Goals & Policies section for applying the “no adverse effects” language from Policy R in the Rocky Habitat Management Strategy is a misapplication of the policy, which does not apply to upland land use and is outside the scope of current agency jurisdiction as well as the goals and objectives of the Strategy.

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.)*

While Crook Point-Mack Reef is a valuable and relatively pristine rocky site on the south coast, there are concerns about the increased attention brought to the site by implementation of a new site designation. Given its remote and inaccessible nature, the site may already be afforded an adequate level of natural protection.

Because the USFWS NWR is closed to the public, there are concerns that increased attention to the site could also increase impacts to the Refuge. While there are some enforcement measures in place at that site, increased demand or expectation for enforcement cannot be met at this time, and the protected habitats are highly sensitive to additional disturbance.

Site use is extremely low. Boat use is generally low, but the reef is an important fishing area for the commercial nearshore hook and line fishery. With no changes to harvest regulations proposed, low site use, and challenges to enforcement, there are concerns that this site would resemble the unimplemented “paper parks” of the original 1994 TSP3. However, a designation at this site that includes the offshore rocks would make sense to be managed ecologically as a cohesive unit.



The large subtidal area included at this site raises concerns about it being perceived as a Marine Reserve. While harvest would be allowed at the site, it is likely that some members of the public would be concerned about future restrictions once the site is designated.

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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. However, concerns remain about the effectiveness of a management designation at this site given the balance between the proposed goals and intentions, the remote and inaccessible nature of the location, and the limited capacity for agencies to support it.

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:

- Agency capacity to manage the site or provide support to volunteer groups is limited
- Law enforcement response capacity is minimal and site designation may increase enforcement expectations
- The site lacks proper infrastructure to facilitate some of the proposed stewardship activities
- The proposed monitoring program would be potentially helpful for the agencies
- The upland management goals are outside the scope of the rocky habitat site management designation process
- The USFWS NWR adjacent the site is highly sensitive, and cannot sustain any additional impacts that may secondarily arise from increased visitation nearby

The agencies participating in the rocky habitat site management designation process (DLCD, OPRD, ODFW, DSL, USFWS), acknowledge the significant effort made by the South Coast Rocky Shores Group and Oregon Shores Conservation Coalition to develop this proposal, and thank them for their careful efforts to highlight the needs and concerns at this site.