

Rocky Habitat Site Proposal Final Recommendation

The Rocky Habitat Management Strategy Initial Proposal Process (2020-2021)

Proposed Site

Site Name: Chapman Point Marine Conservation Area

Site Map: http://seasket.ch/y0uvvr4X_7

Proposal Materials: <https://bit.ly/2NNVUy6>



Final Recommendation

This document summarizes the site proposal evaluations conducted by the Rocky Habitat Working Group. The summary below represents an evaluation and recommendation synopsis for Chapman Point Marine Conservation Area. During evaluations, the agencies and Working Group identified considerations for potential recommendation by the Ocean Policy Advisory Council (OPAC). Consideration are those aspects of a proposal, identified through the evaluation process, which the Working Group believes should be addressed to facilitate implementation of the designation as proposed. These considerations were outlined in draft initial recommendation summaries, which were made available for a 30-day public comment period. Proposers were invited to submit written responses to the initial recommendations, and present their proposals and responses in the April 29, 2021 Working Group meeting. Following discussion with proposal presenters, the Working Group deliberated and crafted their final recommendations.

Final Recommendation: *Not Recommended, Continuing Consultation (9:3)*

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Chapman Point Marine Conservation Area. Any potential recommendation from OPAC should address these considerations as outlined in the following summary to ensure that implementation of the proposed site is a) consistent with state agency authority and coastal policy, b) appropriately inclusive and representative of stakeholder interests, c) reasonably achievable within the existing framework of rocky habitat site management, and d) in balance with the merits and goals of the proposed site.

Any potential recommendation for implementation of this site should address the following considerations:

- No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, subtidal invertebrate harvest, invertebrate harvest in the sandy beach area
- No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)
- Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

Situated adjacent the City of Cannon Beach, Chapman Point is a high-use rocky site that offers many opportunities to appreciate rocky habitats and coastal wildlife. The highly-visible seastacks, active seabird colonies, and easy access from town make it a popular site for visitors, many of whom pass by on their way north to visit nearby Ecola Point. The site is well-suited for volunteer stewardship groups to intercept the public to provide education and awareness about the sensitive nature of the organisms and habitats present at both sites, and the potential impacts associated with increasing and improper human use.

The concerns expressed in the proposal are primarily focused on the impacts of increasing site use on seabird nesting sites and pinniped haulouts, as well as trampling of the rocky intertidal habitat. Site goals include preserving and strengthening the ecological integrity of the site, and providing an opportunity for public outreach and education, including in support of visitors to nearby Ecola Point. There is merit in many of the recommended management prescriptions and the goals and objectives may be appropriate for measuring site success. The proposal demonstrates good foresight with respect to increasing site use in the area, including at nearby Haystack Rock. Proposed restrictions on harvest of invertebrates and algae in the rocky intertidal habitat could help reduce human impacts. However, extending those restrictions into the subtidal area would not address an identified need since the primary human use impact to invertebrates is only in the intertidal area. Additionally, there is insufficient justification to extend these restrictions to the sandy beach area, where some species of clams and other invertebrates are harvested. Impressive efforts were made for stakeholder outreach and community engagement. Both stakeholder support and concerns were well characterized, and incorporated into actionable management recommendations.

Many of the proposed management measures are intended to address wildlife disturbance, including the restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, detonation of fireworks, the buffers on boats, airplanes, drones, and kites, and avoiding access improvements. However, most of these proposed restrictions are already addressed in rule, statute, federal law, or not implementable as proposed. Wildlife disturbance is already prohibited in existing statute and rules (e.g. ORS 498.006, 736-021), as well as federal law (e.g. Marine Mammal Protection Act, Migratory Bird Treaty Act). This includes disturbing wildlife through the use of low-flying aircraft, drones, kites, and

fireworks. The need to implement additional site rules to further restrict these activities is unnecessary, duplicative, and in some cases problematic for agency authority and enforceability.

The proposed restriction on climbing or walking on intertidal rocks could restrict north-south access along the Oregon Coast, which is protected in state statute as implementation of Oregon's landmark 1967 Beach Bill (ORS 390.610). Climbing on USFWS refuge rocks above the intertidal is already prohibited. A restriction on access and use of this nature is also not in line with Rocky Habitat Management Strategy objectives of balancing site use and access with ecological protection. This would represent a large departure from current site management, and would be the only site on the coast with such restrictions. It would also halt all current human use of the rocky habitat including tidepooling, on-site education, shore angling, recreational mussel collection, and other forms of allowable harvest and use.

The proposed sea and airspace buffers are problematic for implementation and enforcement, and would require coordination with state and federal agencies not engaged in this process (e.g. Oregon State Marine Board, US Coast Guard, Federal Aviation Administration). USFWS already recommends, but does not require, these buffers for rocks, islands, and cliffs within Oregon Islands NWR to avoid disturbing wildlife and incurring related violations. The site boundaries do not reflect the proposed 500 ft. boat buffer, and would necessarily expand the footprint of the site for recreational boaters if implemented in rule. Creating vessel closures around the offshore rocks may be justifiable with documentation of occurrences of vessel disturbance, but none have been provided. Even if there were a documented problem, the closure would only need to occur during the marine mammal breeding and seabird nesting seasons, which would balance access with protection. Additionally, if the 500 ft. vessel closure applies to small non-motorized watercraft such as kayaks and stand-up paddle boarders, then there could be a safety concern about requiring the watercraft to paddle further out to sea to get around the buffer. This would also limit nearshore fish harvest.

Other proposed restrictions would be difficult to enforce, and could be better addressed through education and awareness efforts without the need for rule changes. The restriction on off-leash dogs presents many enforcement challenges. Harassing wildlife is already prohibited in state rule (736-021-0070). The restriction on detonation of fireworks already exists in rule (736-021-0100), and is also potentially covered by wildlife disturbance rules.

The proposed volunteer stewardship and education program for on-site activities would be administered at Chapman Point, and be used as an intercept point for Ecola Point. Such a program could help to reduce bird and pinniped disturbance if clear support can be identified, implemented, and sustained over time. The proposal seeks to build off of many existing partnerships and the strength of the local community network. The City of Cannon Beach has invested in the Haystack Rock Awareness Program, but it's unclear whether they would be able to support additional capacity for efforts at Chapman and/or Ecola Points at this time. Clear timelines and benchmarks should be identified to ensure desired outcomes are being met by management measures.

The landward site boundary was requested to be the statutory vegetation line (SVL), rather than the Oregon mean high water shoreline (MHW), which the site polygon is automatically clipped to by the Rocky Habitat Web Mapping Tool. While a landward boundary above MHW may be considered for a rocky habitat site designation, the proposed site abuts John Yeon State Natural Site along a significant portion of its landward boundary. OPRD does not define an SVL for designated State Parks lands, so any

consideration for a landward boundary above MHW would need to be sufficiently justified and reconciled with the agency. At this time, a boundary of MHW appears to be sufficient to meet stated site goals. The southern portion of the proposed site abuts several residential properties, and care will need to be taken to avoid any potential conflicts with private property owners as well. Inclusion of the subtidal habitat as proposed would extend management protections in the area, but would be more comprehensive than most other existing rocky habitat designations and require strong justification for implementation. Further, there does not seem to be sufficient rationale or benefit for extending the proposed harvest restrictions into the subtidal areas. A significant portion of the site is sandy habitat. Since a primary goal is to protect rocky habitat, invertebrate harvest restrictions in the sandy beach area are unwarranted without further justification. Final site boundaries will need to be reconciled with the involved agencies to ensure site goals focused on preservation are balanced with proper site access, use, and management.

Where possible, the Working Group supports addressing the considerations and concerns above through statewide and site-specific non-regulatory management plans, where appropriate, with a focus on volunteer monitoring, interpretation, education, and awareness efforts. Additional considerations for potential recommendation include the other merits and perspectives identified above and in the full packet of evaluation materials, in balance with the proposed site goals.