



Rocky Habitat Working Group & Ocean Policy Advisory Council  
C/o Michael Moses, Rocky Habitat Coordinator  
Department of Land Conservation and Development  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540

April 15, 2021

**RE: Public Comment for Rocky Habitat Strategy Update and Proposal Evaluation**

Dear Rocky Habitat Working Group and OPAC,

Portland Audubon, representing over 16,000 members statewide, thanks the Rocky Habitat Working Group and the Ocean Policy Advisory Council (OPAC) for this public comment opportunity regarding the rocky habitat process and site proposal evaluation.

**Improving the evaluation process**

During the first phase of this process, the Working Group and DLCD did an admirable job developing a strong, forward-looking draft Strategy that improved on coast-wide management policies and guidelines from the 1994 plan. However, there have been real challenges and shortcomings with the evaluation process. Portland Audubon and other members of the public have previously raised concerns about this in public comment and discussions with Working Group members and DLCD staff. While we understand that it was the first time the public would be asked for site recommendations and in many ways the initial site proposal phase was a 'pilot' process, we weren't expecting the lack of an objective evaluation process. We recommend the following solutions to improve the evaluation process now and in the future:

- For the current evaluation process, we recommend **proposers be provided the opportunity to formally present their site designation proposals to OPAC** (including a Q&A session) during the upcoming May 17 meeting.
- In future evaluations we recommend that during the agency review a “**readiness assessment interview**” be conducted by agency staff when considering whether the site proposal is suitable for submittal. This would both save unnecessary work and also resolve misunderstandings on either the proposer or agency side. Readiness assessments are a commonly used tool for agencies when reviewing outside proposals. There should be no concern about any bias by agencies in “helping” proposers if a formal readiness assessment is developed with clear sidebars on agency- proposer interaction.

503-292-6855

5151 NW Cornell Road  
Portland, OR 97210

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- We recommend DLCD **use an objective evaluation rubric that is similar to other state agency frameworks**. While the Working Group did develop an evaluation criteria, they elected not to include a rubric (i.e. an objective ranking or scoring process in the evaluation). DLCD staff can take ideas from other state or federal agency public proposal processes to develop a rubric. Objective evaluation processes are essential to any state-run public proposal process and would minimize much of the politicization of the process that has emerged.
- Please take into context that these **site designation proposals are long-term recommendations and so considerations of proposal merit during the evaluation should be viewed not through immediate capacity constraints by the agencies or proposers**. What may seem unrealistic now, may be possible in the future. The completed Strategy, with coast-wide and site-level management goals and prescriptions identified, can be used by both the public and the State to gather funding and other support to overcome capacity constraints.
- We recommend that **DLCD and the Working Group hold workshop(s) with the public as part of DLCD's effort to resolve problems encountered in the first site proposal and evaluation process**. In particular, DLCD should aim to include members of the public that developed and submitted site designation proposals to these "lessons learned" workshop(s). This will help ensure that the maintenance phase and the site designation and evaluation process will be successful in perpetuity.

#### **Site proposal considerations and original 1994 recommended designations:**

We recommend moving forward 8 of the 12 proposals that have gotten significant stakeholder and community support, expert input, and include clear long-term goals and objectives. This includes: Ecola Point MCA, Chapman Point MCA, Cape Lookout MCA, Cape Foulweather MCA, Coquille Point MG, Blacklock Point MCA, Cape Blanco MRA, and Crook Point/Mack Reef MCA. Six of these sites were recommended for designation in the original 1994 Rocky Habitat Management Strategy so now is time for the State to follow through. In fact, we recommend that all 1994 unimplemented designation areas (i.e. Marine Garden, Marine Conservation Areas – formerly Habitat Refuges, and Research Reserves) be forwarded in this update. If a decision is made not to move forward with the 1994 unimplemented designations, we respectfully request the Working Group provide justification to OPAC and LCDC (as required by ORS 196.443) as to why these sites will not move forward.

Thank you for considering these recommendations.

Sincerely,

Joe Liebezeit  
Staff Scientist & Avian Conservation Manager  
Portland Audubon

503-292-6855

5151 NW Cornell Road  
Portland, OR 97210

[portlandaudubon.org](http://portlandaudubon.org)

CC: Andy Lanier, DLCD Marine Affairs Coordinator  
Charlie Plybon, Rocky Habitat Working Group Chair  
Walter Chuck, OPAC Chair



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