

ROCKY HABITAT UPDATES

OPAC - Territorial Sea Plan Working Group: Rocky Habitat Management Strategy

ROCKY HABITAT WORKING GROUP MEMBERS

Charlie Plybon – Non-consumptive Recreation (Chair)

Andrea Celentano – DSL

Walter Chuck - Ports/ Marine Transportation or Navigation

Dave Fox – ODFW

Laurel Hillmann – OPRD

Scott McMullen – Public at Large

Kris Wall – NOAA

Tom Calvanese – Coastal Research

Kerry Carlin Morgan – Education

Dave Lacey – Coastal Tourism

Dick Vander Schaaf – Conservation

Shawn Stephenson - USFS

Unfilled – Local Government

Unfilled – Tribal Nations

Unfilled – Harvest/Consumptive Use



ROCKY HABITAT PROCESS SUMMARY

OPAC was last briefed on the Territorial Sea Plan - Part Three update and Working Group activities at the May 6, 2020 meeting. Following that meeting, the Initial Proposal Period opened to receive rocky habitat site management designation proposals. Since May, the Rocky Habitat Working Group has been very active with its tasks.

The Working Group has hosted three public rocky habitat meetings via Zoom, focused primarily on developing and refining the proposal review and evaluation processes. Materials to guide proposal evaluations have been in development by agency staff and the Working Group throughout this period, outlining evaluation criteria and expectations, and clarifying details of the Agency Feasibility and Completeness Analysis and Working Group Review and Recommendation steps of the process.

The Working Group has also been engaged with public and Tribal Nations, providing support through communications, presentations, and meetings. The rocky habitat site designation proposals currently in development by the public will be accepted through the end of the Initial Proposal Process (December 31, 2020), and evaluated in early 2021. Proposals recommended by the Working Group will be forwarded for review in the spring 2021 OPAC meeting.

MATERIALS SYNTHESIS

A variety of materials and resources have been developed to aid the public in developing rocky habitat proposals, including:

- Rocky Habitat Web Mapping Tool
- Tool User Guide and Proposal Walk-thru
- Webinar Recording with Live Tool Demo
- Frequently Asked Questions
- Informational 1-pager Fliers
- Rocky Habitat Proposal Template Form

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LINKS TO ADDITIONAL WORKING GROUP MATERIALS

Web links to more detailed Working Group information and materials not printed in this packet.

- [The DRAFT Rocky Habitat Management Strategy \(approved May, 2020\)](#)
- [The Rocky Habitat Web Mapping Tool](#)
- [Rocky Habitat Working Group Meeting Information & Materials](#)
- [Rocky Habitat Web Mapping Tool user guide with proposal walk-thru](#)
- [Public webinar recording with video demonstration of the tool](#)
- [Frequently Asked Questions \(FAQs\)](#)
- [Informational 1-pager announcement](#)
- [Rocky Habitat Site Designation Proposal TEMPLATE form](#)

WORKING GROUP STAFF CONTACTS

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ROCKY HABITAT MANAGEMENT STRATEGY AMENDMENT PROCESS OVERVIEW

The following is an overview of the status and developments of the Territorial Sea Plan – Part Three amendment process, as of December, 2020. It provides an update on the activities of the Rocky Habitat Work Group, including an outline of the rocky habitat proposal review and evaluation processes.

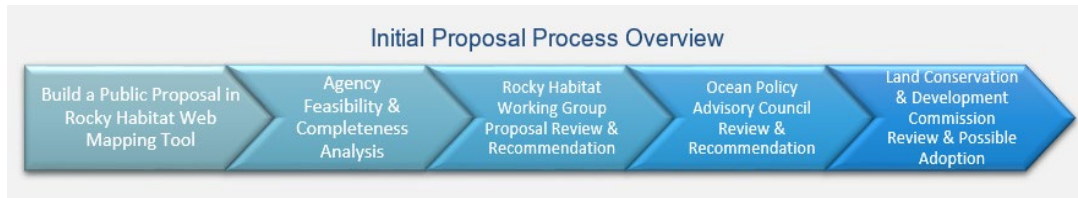
Rocky Habitat Management Strategy Amendment

At the May, 2020 OPAC meeting, the Council approved [the latest draft of the Rocky Habitat Management Strategy](#) (“Strategy”), which includes refinements to the text, and broadly outlines the rocky habitat site management designation proposal process. Since May, the Working Group has been focused on clarifying the details and criteria of the proposal evaluation process steps, and developing guiding materials which will help standardize this process over time. The Working Group has convened three public rocky habitat meetings which largely focused on refining this information. This guidance and the processes described herein will be piloted in the upcoming proposal review and evaluation steps in winter and spring, 2021, using the proposals submitted during the Initial Proposal Period (2020). The details of this process will be further refined following this trial run, and updated in the final Strategy draft. These documents, along with the public rocky habitat proposals, will be submitted for review and approval in the spring, 2021 OPAC meeting.

Rocky Habitat Proposal Resources

To facilitate the rocky habitat site proposal process, the new [Rocky Habitat Web Mapping Tool](#) (“SeaSketch”) was presented to the Council in the May, 2020 meeting and approved for use as the updated rocky habitat natural resource inventory and proposal submission tool. The Council also approved an extension of the Initial Proposal Period from June 1 – December 31, 2020, following requests from the public and the Working Group, in response to the COVID-19 pandemic. Throughout this period, agency staff and the Working Group have been highly engaged in providing support to individuals and entities crafting rocky habitat proposals. These interactions include countless phone and email communications, numerous public meeting and webinar presentations, and other engagement opportunities. Agency staff have continued to work on refining and improving the Rocky Habitat Web Mapping Tool, and utilizing its components (such as discussion forums) to make announcements, link resources, and connect with the public. The Rocky Shores Coordinator has held virtual (Zoom) “office hours” through November and December, answering the public’s questions and assisting with requests for information. In addition, the public have been provided numerous resources in various forms (see materials list above) to aid in developing their proposals, and navigating the tools and texts necessary for submission. These resources, opportunities, and events have been publicized or made available through various sources including SeaSketch, OregonOcean.info, press releases, and the GovDelivery mailing list.

Rocky Habitat Proposal Review and Evaluation Process



Upon submission of a rocky habitat proposal, four steps must be accomplished for a site management change to be adopted (above). These include Agency Feasibility & Completeness Analysis, Working Group Review & Recommendation, OPAC Review & Recommendation, and LCDC Review & Adoption. Each of these larger milestones include several process steps to complete, as outlined in the draft Strategy text.

Agency Feasibility & Completeness Analysis

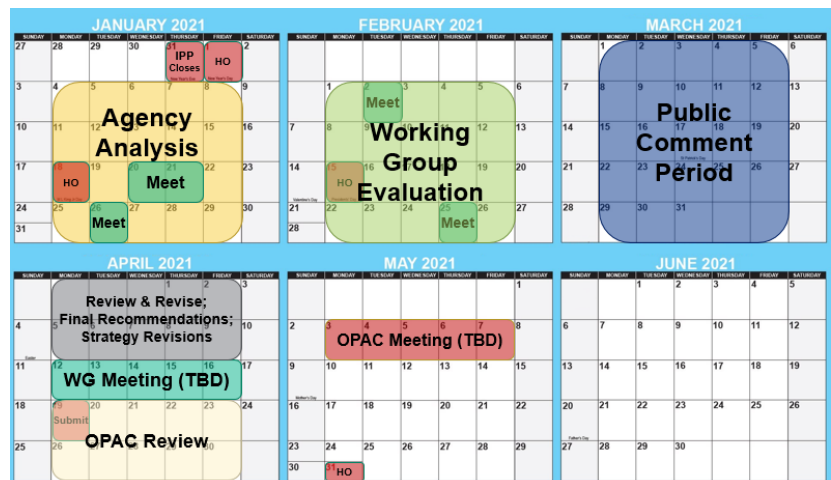
Proposals are forwarded to agency representatives on the Working Group who will review proposals for completeness of answers, and assess the implementation feasibility based on agency jurisdiction, authority, and programmatic impacts. This step results in a decision of **Accepted** or **Rejected**. All proposals will also be forwarded to Oregon coastal Tribal Nations to invite review, feedback, and consultation where necessary.

Working Group Review and Recommendation

The Rocky Habitat Working Group will conduct preliminary proposal evaluations based on merit following criteria outlined in the Strategy text and utilizing information generated by the SeaSketch tool. Following a preliminary draft decision of either **Recommended** or **Not Recommended** by the Working Group, proposals and evaluations will be submitted for review during a 30-day public comment period. The Working Group will consider the public feedback submitted during this time before arriving at their final recommendations, which will be forwarded to OPAC along with evaluation materials and a finalized Strategy text.

Review and Evaluation Timeline and Planning

Given a December 31, 2020 proposal submission deadline and a late April/early May, 2021 OPAC meeting, the Agency Analysis and Working Group Recommendation processes are now constrained to January through April. Consequently, the Working Group agreed on an approximate timeline for completion in their December 10, 2020 meeting (at right).



Rough estimates for the time commitments required for each step of proposal review and evaluation are as follows:

- Agency review: 2-4 hours per proposal
- Working Group initial review: 2-4 hours per proposal
- Working Group (final recommendation following public comment): 1-2 hours per proposal

- OPAC: 30 min to 2 hours per proposal
- LCDC: same as OPAC

Materials are in development with the Working Group to standardize and guide these evaluation processes, which may be used by evaluators in the future. These will include an informational pre-proposal submission packet for the public, and criteria and evaluation guidance materials for the agencies, Working Group, OPAC, and LCDC. Once completed, they will be made publically available on OregonOcean.info, and linked to on the SeaSketch tool.

While it remains unclear how many rocky habitat proposals will ultimately be submitted by the final deadline, at this time, approximately 10-15 proposals are anticipated.

Tribal Nations Engagement Updates

In an effort to better include, represent, and engage with Tribal Nations of Oregon for the Territorial Sea Plan amendment process, natural resources staff from the five federally-recognized Tribal Nations with land in the coastal zone¹ were invited to a series of rocky habitat work sessions in fall of 2020.

The political status of Tribal sovereign governments is unique from other entities. The relationship with the federal government is established in the U.S. Constitution and maintained through treaties, and is not “granted”. Tribal Nations in Oregon have a special relationship with the State as well. This includes formal relationships with state agencies which communicate, coordinate, and consult with the nine federally-recognized Tribal Nations of Oregon according to guidance established by Executive Order 96-30 (2002). Agencies, including the Department of Land Conservation & Development (DLCD), have developed guiding policies to maintain strong relationships with Tribal Nations, and may periodically engage in formal government-to-government consultation. To that end, DLCD staff engaged in the Territorial Sea Plan amendment process have interacted and engaged with Tribal Nations in the following ways:

1. Rocky Habitat Tribal Work Sessions - Two roundtable work sessions were convened in September and October, 2020, primarily with natural resources staff invited from the five Tribal Nations with land in the coastal zone. The focus of these meetings was to better engage with Tribal Nations on the TSP amendment process, help Oregon Coastal Management Program (OCMP) staff better understand Tribal Nation perspectives and concerns related to coastal rocky habitats and resources, and identify opportunities for coordination and collaboration to help ensure these views are appropriately incorporated and represented throughout the process.

Several tasks and opportunities were identified as a result of these meetings. Plans for coordination between OCMP and Tribal staff now include **a)** the appropriate inclusion and representation in relevant sections of the Rocky Habitat Management Strategy text, **b)** appropriate inclusion and representation on the SeaSketch tool and OregonOcean.info, **c)** notifications and clearer expectations for engagement in the proposal processes and

¹ 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

meetings, and **d)** scheduling at least one follow-up work session meeting in early 2021, and others as necessary. As of this reporting, each of the above tasks are currently in progress, and additional detail is provided below:

a) An opportunity was identified in the Strategy text to include clarification of the possibility that rocky habitat site management regulations, in some instances now or in the future, may not apply to Tribal Nations who have external harvest agreements with the state. This was reviewed and approved by all parties. Other sections of the Strategy relevant to Tribal Nations may be reviewed and updated as necessary in winter and spring.

b) Opportunities for Tribal Nation inclusion and representation on OregonOcean.info and the SeaSketch tool have been identified, drafted, and forwarded to Tribal staff for review and approval. This includes coordination on implementing Tribal lands data and information.

c) Modifications to the steps of the proposal review process were developed, reviewed, and approved by all parties. This change clarifies the responsibilities and expectations for communicating with Tribal Nations through the rocky habitat proposal process, and when coordination and/or consultation may be appropriate.

d) Invitations to schedule a third work session in early 2021 have been sent to Tribal Nations natural resource staff contacts.

2. On December 8, 2020, a meeting was convened between several Tribal Nations representatives, DLCD staff, and DLCD's DOJ representative. This meeting was intended to revisit what consultation could look like regarding the rocky habitat site designation process prior to an OPAC recommendation, and a multi-agency approach to consultation as that time comes (OPRD, ODFW, et al). Tribal consultation is the overall process of sharing information, coordination, engagement, and dialogue that occurs between Tribal governments and governmental or administrative entities within the United States. Tribal consultation occurs before an agency commits itself to a path of action that will affect Tribal rights, lands, resources, governance, or interests. Consultation is a process that ultimately leads to the development of a decision. Formal (government-to-government) consultation is the component of the Tribal consultation process that engages Tribal leaders and incorporates their input into decisions. A formal government-to-government meeting between Tribal leaders and similarly high-level federal or state decision-makers is customarily part of this process. Tribal Nations may engage in informal (Tribal) or formal (government-to-government) consultation with the State at any time. DLCD will continue to engage with Tribal Nations throughout the rocky habitat proposal process, and facilitate appropriate communication, coordination, and consultation.

3. Future work in the TSP amendment process will include ongoing coordination with Tribal Nations to fulfill the tasks identified above, and identify any additional tasks and opportunities for coordination with Tribal Nations. Following receipt of the public rocky habitat proposals after December 31, 2020, proposals will be forwarded to Tribal Nations staff for review and to invite feedback or consultation as necessary. The TSP amendment process presents a unique opportunity to coordinate, collaborate, and communicate with Tribal

Nations regarding management of rocky habitat resources. Strategy text revisions to appropriately include and represent Tribal Nations will be integrated into the final Strategy draft which will be submitted for OPAC approval at their spring 2021 meeting.

Next Steps for OPAC

The Rocky Habitat Working Group is not requesting action items from the Council at this time. However, in the spring OPAC meeting, the Working Group will be submitting a final draft of the Rocky Habitat Management Strategy for OPAC review and approval, as well as the packet of rocky habitat site management designation proposals and evaluation materials. OPAC will be tasked with thorough review of these materials, and making recommendations of approved proposals to LCDC for potential adoption. The proposal review and recommendation task may be facilitated through the use of evaluation guidance materials that will be provided to OPAC. The Council may also expect to potentially receive feedback from Tribal Nations regarding rocky habitat proposals.

Following the conclusion of the Territorial Sea Plan amendment process, the Working Group recommends the Maintenance Proposal Period to begin October 1, 2021. This indefinite, open, rolling proposal submission period will extend into the future until the next TSP Part Three amendment, and the Council may expect to receive annual proposal submissions for changes to rocky habitat site management. This process will need to be integrated into and accommodated for in regular OPAC activities.

TERRITORIAL SEA PLAN AMENDMENT MEETING SUMMARIES

OPAC Territorial Sea Plan Working Group

Rocky Habitat Management Strategy Amendment Process

Meeting Summary

Wednesday, July 8, 2020, 1:00 – 5:00PM

Remote Participants: Andy Lanier, Charlie Plybon, Andrea Celentano, Laurel Hillmann, Walter Chuck, Dave Fox, Dick Vander Schaaf, Kerry Carlin-Morgan, Kris Wall, Tom Calvanese, Shawn Stephenson, Scott McMullen, Jena Carter, Michael Moses

Members of the Public: Joe Liebezeit, Bobby Hayden, Em Cook, Margaret Treadwell, James Carlson, Mark Healy

Public Comment:

Joe Liebezeit (Portland Audubon Society):

- Requested guidance on expert engagement for proposal development and for DLCD staff to develop process to connect members of public with rocky habitat resource experts

Meeting Overview

In this meeting of the Territorial Sea Plan Working Group on the Rocky Habitat Management Strategy update, the group discussed Tribal Nations engagement and public outreach efforts, high-level approaches to proposal review and evaluation processes, and initial plans for the evaluation timeline. The approach and format of the Tribal Nations rocky habitat work sessions were presented and discussed. The group decided that future Working Group meetings would include a standing agenda item for Tribal Nations comment, in the same fashion as the public comment. The Working Group was updated on outreach activities, and agreed to move forward with active recruitment to fill empty Working Group seats.

The primary discussion of this meeting was focused on reviewing proposal criteria, clarifying the approach, scope, and limits of our evaluation processes, and determining a high-level outline for an evaluation timeline. The group assessed and discussed the essential criteria for rocky habitat proposals established in the current draft of the Rocky Habitat Management Strategy. The group determined that an evaluation criteria matrix should be developed, as well as guiding documents and materials to provide clear structure to standardize the process and help set expectations on all sides.

Finally, the group determined an initial timeframe outline to organize the process given changes resulting from the COVID-19 pandemic. This included blocking off dates to facilitate agency and Working Group proposal reviews.

Public Comment:

Margaret Treadwell (North Coast Rocky Habitat Coalition):

- Request that if we are developing an evaluation rubric/matrix to consider sharing it publically

OPAC Territorial Sea Plan Working Group

Rocky Habitats Management Strategy Amendment Process

Meeting Summary

Monday, November 9, 2020, 1:00PM – 5:00PM

Participants: Andy Lanier, Charlie Plybon, Andrea Celentano, Laurel Hillmann, Walter Chuck, Dave Fox, Dick Vander Schaaf, Kerry Carlin-Morgan, Kris Wall, Tom Calvanese, Shawn Stephenson, Scott McMullen, Jena Carter, Michael Moses

Members of the public: Joe Liebezeit, Kent Doughty, Margaret Corvi, Kassie Rippee, Alex Enriquez, Angela, Bev Minn, Bill Stenberg, Brittany Poirson, Geoff Wilkie, Helena Linnell, Jesse Jones, Jim Coast Range, Joseph Youren, Kate Kaye, Liz Ruther, Margaret Treadwell, Paul Engelmeyer, Robert Ivey, Stacy Scott, Steve Griffiths, Tara Brock, Patty Snow

Tribal Nations Comment:

Margaret Corvi (CTCLUSI):

- Provided review/update on first rocky habitat work session, complementing the effort and collaboration
- Thought meetings were good for building an understanding and trust that will be critical for making Strategy as best as it can, and thankful to Working Group and staff

Public Comment:

Joe Liebezeit (Portland Audubon Society):

- Expressed support for public request to extend the Initial Proposal Period
- Expressed concern that public has not been provided guidance on evaluation
- Request contacts for Tribal Nations staff

Kent Doughty (rocky habitat campaign coordinator for Audubon Society of Lincoln City):

- Speaking on behalf of ASLC, Shoreline Education Awareness (SEA), PISCO, North Coast Rocky Habitat Coalition, et al., requesting extension of Initial Proposal Period

Meeting Overview

In this meeting of the Territorial Sea Plan Working Group on the Rocky Habitat Management Strategy update, the group aimed to discuss updates and outcomes of the Tribal Nations rocky habitat work sessions, the limits and sideboards of the proposal evaluation processes, evaluation guidance materials that had been developed, and an update on the Rocky Shores Communications Strategy.

The group was updated on the most recent session of the Tribal Nations rocky habitat work sessions which resulted in identification of specific opportunities to better include and represent Tribal Nations in the Territorial Sea Plan amendment process. This included inclusion of a passage in the Strategy text, and clarification on their role in the proposal review process.

Before launching into the primary discussion, the group addressed repeated requests from the public to extend the Initial Proposal Period by an additional 4-6 weeks. This resulted in a protracted discussion among the group, and consensus around this issue was not achieved. As a result, it was ultimately decided to not provide the requested extension.

The primary discussion of this meeting focused on resolving textual inconsistencies in the descriptions and outlines of the evaluation processes, so that more concrete guidance and planning could be developed. The group provided clarification on intentions for the processes, with direction to resolve inconsistencies in the Strategy text with the process decisions discussed. The group also decided to block off additional dates in

February for proposal evaluations as additional details of the process were outlined. However, due to the previous discussion, this discussion was cut short and the remaining discussion items were left unaddressed. The group decided to convene a follow-up meeting in December before the next OPAC meeting.

Tribal Nations Comment: none

Public Comment:

Joe Liebezeit (Portland Audubon Society):

- Expressed frustration among the public and indicated that he will be submitting a letter of complaint regarding lack of decision to extend the Initial Proposal Process

OPAC Territorial Sea Plan Working Group
Rocky Habitat Management Strategy Amendment Process
Draft Meeting Summary
Thursday, December 10, 2020, 8:00 – 11:00AM

Participants: Andy Lanier, Charlie Plybon, Andrea Celentano, Laurel Hillmann, Walter Chuck, Dave Fox, Dick Vander Schaaf, Kerry Carlin-Morgan, Tom Calvanese, Shawn Stephenson, Scott McMullen, Michael Moses

Members of the public: Rebecca Chuck, Christine Moffitt, Mark Healy, Joe Liebezeit, Kassie Rippee, Helena Linnell, Tara Brock, Patty Snow, Todd Martin

Tribal Nations Comment: none

Public Comment: none

Meeting Overview

In this meeting of the Territorial Sea Plan Working Group on the Rocky Habitat Management Strategy update, the group discussed proposal evaluation timeline and planning, clarified evaluation procedures, and discussed the scope and approach of the review and evaluation steps outlined in the draft guidance materials.

The Working Group came to consensus on the timeline outlined previously in this document, which allowed for more time for the Agency Analysis in January, 2021, more time for the Working Group evaluations in February, and moving the 30-day public comment period to March. The Working Group then came to consensus that the Working Group evaluation procedure would begin with individual reviews of the proposals, after which the group would convene to decide their initial proposal recommendations ahead of the public comment period, and that they would utilize the functionality of the SeaSketch tool to document this process. Finally, the group reviewed the revised structure of the draft guidance materials. This includes continuing to develop and refine the Agency Analysis with the agency members, and additional refinements to the Working Group Evaluation questions, including a decision to utilize the proposed evaluation criteria matrix as a qualitative measure only.

Tribal Nations Comment: none

Public Comment:

Joe Liebezeit (Portland Audubon Society):

- Expressed appreciation on behalf of the public for the group's responsiveness and cooperation. Public agrees Plan B makes sense and removing the matrix scoring.
-