

Dear OPAC members:

I am writing to tell you of the modifications made to the Fogarty Creek Marine Protected Area proposal to address the comments and concerns heard at the agency review meeting April 27, 2022, I have:

1. Addressed the suggestion for additional outreach to the City and port of Depoe Bay.
 - a. The City of Depoe Bay supported the proposal and provided a letter of support (attached), reflecting that the proposal had been shared with the City of Depoe Bay Harbor Commission (there is no “port of Depoe Bay”) and there was no opposition to the proposal from this group due to the very shallow nature of the site.
(This letter of support joins those from the City of Depoe Bay and Lincoln City Chambers of Commerce, the MidCoast Watersheds Council, and Lincoln City Audubon Society, already in the file).
2. Addressed the “equity of access concerns” by making the following changes:
 - a. Revised the boundaries northward of the proposal to keep the Research Reserve Designation south of the mouth of Fogarty Creek¹ so as to allow the continued harvest of clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, shrimp and algae in this area. This area, south of the mouth of Fogarty Creek, has denser mussel beds than areas north of the mouth of Fogarty Creek. (See map below- the MCA’s southern boundary would then start at the south side of the rock at the mouth of Fogarty Creek and extend to the south side of Fishing Rock headland).



¹ However, since the mouth of the creek moves, (which is how the current boundary is described), I suggest that the boundary be noted as the south side of the large basalt rock that is at or near the mouth of Fogarty Creek)

- b. Revised the prohibitions to allow harvest of kelps and algae from the shore between extreme high and low tides in the MCA. (This is in addition to the allowance of fishing from shore in the MCA).

Thank you for your continued consideration of this proposal.

Sincerely,

Fran Recht,
citizen

Revised southern boundary



Revised boundary
northward to the south
side of the rock near the
mouth of Fogarty Creek



OPAC TERRITORIAL SEA PLAN

ROCKY HABITAT MANAGEMENT STRATEGY

FOGARTY CREEK MCA - FURTHER EVALUATION WORKSHOP SUMMARY

April 27, 2022, 8:30 AM Pacific Time

REMOTE MEETING ONLY – See below for remote connection details.

WORKSHOP SUMMARY

The Fogarty Creek Further Evaluation Workshop was an opportunity to discuss the rocky habitat proposal identified by OPAC for further evaluation. The workshop provided an opportunity for the entity who proposed the site to have discussions around and work through considerations identified in the Rocky Habitat Working Group proposal evaluation process. The workshop was structured to:

- Allow the proposer to present modifications of their site proposals to the management agencies
- To identify whether the site proposal as configured is a concern to management agencies who would be required to implement new rules or regulations.
- To help prepare proponents for the opportunity to present their proposals to the Ocean Policy Advisory Council (OPAC) in 2022.

MEETING LOGISTICS

Date & Time: April 27, 2022, 8:30 AM – 12:00 PM Pacific Time

Location: Virtually via Zoom

Workshop Participants: Fran Recht, Andy Lanier – DLCD, Michael Moses – DLCD, Laurel Hillmann – OPRD, Jered Mangini- OPRD, David Fox – ODFW, Guy Rodrigue – OPRD, Blake Helm - DSL, Shawn Stephensen – USFWS

Members of the Public: Charlie Plybon – Oregon Surfrider, Joe Liebezeit, Peggy Joyce, Margaret Corvi – CTCLUSI, Jamie Fereday, Dick VanderSchaaf,

Meeting Video Link: <https://youtu.be/wF04982Iqms>

Proposal Presentation: <https://youtu.be/wF04982Iqms?t=876>

Wrap-up summary of the discussion: <https://youtu.be/wF04982Iqms?t=8561>

Public Comment: <https://youtu.be/wF04982Iqms?t=9290>

PROPOSAL MODIFICATIONS:

Proposer agreed to not include the recommended regulation of fishing from shore. This can alleviate some of the concerns associated with impacting a community of practice that is already established at the site.

DISCUSSION SUMMARY:

The discussion was centered on the following considerations (which were recommendations for implementation of this site):

- **Site management with respect to goals, harvest restrictions, and use:**

The resulting recommendation is somewhat complex if fishing from shore is allowed but not from a watercraft. This could be overcome through rulemaking but will require additional efforts by ODFW in the rulemaking process.

This is already a high-use site. A designation could draw additional people to the area. OPRD remains concerned about limiting access at this site, specifically from an equity of access in the central coast region.

Safety concerns associated with closing this area for harvest access, causing people to look for harvest opportunities at more dangerous locations.

Equity of access for invert and algae harvest in the central coast region – the proposal is to close this area to invertebrate and algae harvest, and it is currently one of the few places on the coast where there is relatively easy access to be able to harvest small amounts of marine vegetation or invertebrates.

The proposer has the desire to maintain the site in a state of high biodiversity and to understand whether the diversity of algae in the area can impact the resilience of the system to the impacts of ocean acidification.

- **Enforcement Concerns:**

Some areas of the site are not visible to easily accessed observation points for the purpose of rules enforcement. Consultation with the State Police is necessary to understand whether they have concerns based upon the proposed boundaries.

The group agreed that DLCD should work with the Oregon State Police regarding enforcement of this proposed designation.

- **Marine Reserves Perception:**

The site is so small that it is not a significant concern to changing fishing access, and the fact that the boundaries of the site are limited to the shallow subtidal also reduces the concern. Additionally, the change in design to allow fishing from shore should eliminate the perception of it being a Marine Reserve.

Additional stakeholder engagement was conducted, with letters of support from local chambers of commerce, additional outreach needs (Port of Depoe Bay, or with charter boat communities out of Depoe Bay).

- **Site Boundary change, and the issue of overlapping boundaries of the proposed area and the existing marine research area:**

This needs further clarification of the proposed boundaries by the proposing entity.

QUESTIONS OR COMMENTS?

Andy Lanier | Marine Affairs Coordinator | Oregon Coastal Management Program

Direct: (503) 206-2291 | Andy.Lanier@dlcd.Oregon.gov

Rocky Habitat Site Proposal Final Recommendation

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

Proposed Site

Site Name: Fogarty Creek Marine Conservation Area

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

Proposal Materials: <https://bit.ly/2NMOmj7>



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 Fogarty Creek 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 Fogarty Creek 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:

- Site management with respect to goals, harvest restrictions, and use
- Concerns about enforcement, equity of access to harvest, marine reserves perceptions
- Additional needs for stakeholder engagement
- Site boundary change and overlap with Boiler Bay MRA

The Fogarty Creek area is the northern portion of an extensive section of diverse rocky habitat on the central coast that stretches south to the Otter Rock area. It is a high visibility, high use area popular for activities such as sightseeing, beachcombing, dog walking, and occasionally, some harvest and fishing. The rocky areas are home to nesting seabird colonies and pinniped haulout areas, as well as diverse submerged aquatic vegetation (SAV) including several species of seagrasses and shallow water kelp beds.

The site is adjacent to Boiler Bay Marine Research Area which has been used by scientists at Oregon State University for many years for intertidal monitoring and marine ecology research. Fogarty Creek is also a long-term monitoring site for studies by the Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) research consortium. This has led to some recognition that ocean acidifications (OA) is causing impacts in the nearshore in general, and that protection of submerged aquatic vegetation may not have all the intended consequences of ameliorating the impacts of OA. The proposal suggests that this site could be used to test this hypothesis.

The concerns expressed in the proposal are primarily focused on protecting seabird colonies, pinniped haulouts, and SAVs. The primary goal is to preserve site biodiversity in its natural state by designating the site as a no-take marine conservation area. The proposal emphasizes preservation of SAVs for scientific research and monitoring, as well as general habitat protection. Key natural resources at the site are well-described, as well as other unique features such as shallow-water kelp beds. Typical site uses are also clearly described, with a focus on continued allowance of non-consumptive activities while limiting harvest to scientific and education permits only. The proposal is for a unique site that has some important qualities, but it is adjacent to other well-known, high use areas. It is unclear whether the proposed new designation would aid existing site management in the area.

The goals of the site align with Rocky Habitat Management Strategy (Strategy) conservation and broader Territorial Sea Plan goals. However, the proposed restrictions on commercial and recreational fish harvest are inconsistent with the Strategy goal of focusing on resource protection while allowing for appropriate use. As a high-use area for recreation as well as harvest, strong justification for these provisions would be required to rationalize these activities as inappropriate site uses. The primary impact of restricting fish harvest at this site would be to shore anglers, rather than boaters. Other than

kayaks, there is unlikely to be any fishing from boats. Closure of invertebrate harvest is also not completely necessary given the offshore extent of the proposed area. There is unlikely to be watercraft-based invertebrate harvest in the offshore area, calling into question the need for the subtidal harvest restrictions.

The boundaries selected align with natural landmarks, which aids in visual understanding of where site rules apply, potentially aiding in regulatory compliance and enforcement. Enforcement of harvest regulations would be relatively straightforward. However, the broad harvest closures may increase enforcement needs at this site, and local capacity to respond is likely to already be constrained. In addition, several areas within site boundaries are not readily visible from the upland, and would increase enforcement difficulty.

The proposed harvest restrictions also present potential issues with equity of access to harvest along this portion of the coast for those species which would be restricted from harvest. Most nearby areas that allow sport invertebrate or algae harvest are either closed to harvest or are difficult or dangerous to access. Harvest closures at this location would necessarily redirect harvesters to other locations nearby, which may be less safe to access and will increase pressure on those sites. Displacement of harvesters would also increase enforcement needs at other sites, and potentially increase conflicts with private landowners. Implementation of a new site designation also raises concerns regarding potential confusion with variable site management on a section of the coast which already has many different designations and limitations nearby.

While the extent of the subtidal area is limited, closure of commercial and recreational fishing at this site is insufficiently justified. Since the subtidal habitat is very shallow and essentially inaccessible to boats (except non-motorized vessels such as kayaks), offshore fishing pressures are relatively low. However, shore angling does occur at the site and would necessarily be eliminated. There is also a great deal of local controversy about Marine Reserves, so it is conceivable that some may perceive any area closed to fishing as equivalent to a Marine Reserve. At this time, there is insufficient justification to impose no-take restrictions on fish harvest.

Limited public input was gathered to inform the development of this proposal, which is viewed as a key component of a successful proposal, and to remain consistent with the Strategy. Without additional public input for this site, the proposal is inconsistent with several Strategy components, including Objectives c. & e., Management Principles iv.a. & e., and the principles outlined in Section A.5.b. Education & Public Awareness. Public input is needed to ensure that site management appropriately reflect community concerns and desires.

The southern portion of the proposed designation overlaps with the northern portion of the Boiler Bay Marine Research Area. This overlap is difficult to understand, and unclear as to the necessity of annexing that portion of the MRA. The proposer was contacted by researchers at the PISCO research consortium to request boundary adjustments to exclude the portion around Rabbit Rock, south of Fogarty Creek Beach where PISCO has conducted regular research and monitoring activities for over 20 years. The proposer has indicated they are amenable to modification of the southern boundary to reduce or eliminate the overlap with Boiler Bay MRA, and request that evaluators consider the boundary modification below to accommodate the PISCO request to ensure no impacts to their long-term site research and monitoring. If the Boiler Bay MRA were to require modification, it would change site

management for the area annexed into the proposed MCA, however, the border of the MRA would still need to change.

Site boundary adjustments:



Original proposed site boundaries



Modified site boundaries

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.

Rocky Habitat Site Proposal Initial Recommendation

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

Proposed Site

Site Name: Fogarty Creek Marine Conservation Area

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

Proposal Materials: <https://bit.ly/2NMOmj7>



Initial Recommendation

This document is a draft summary of the site proposal evaluations conducted by the Rocky Habitat Working Group. The final drafts will be included in a recommendation packet that will be forwarded to the Ocean Policy Advisory Council (OPAC). The summary below represents an initial draft of the recommendations made by the Working Group for Fogarty Creek Marine Conservation Area. Proposal recommendations will be made available for a 30-day public comment period, during which proposers and other members of the public are invited to submit their feedback. The Working Group will review the feedback for consideration prior to making their final recommendation determinations.

Initial recommendations were crafted using a ranking system whereby the members of the Working Group entered a vote for each proposal where 1 = *Recommend*, 2 = *Recommend, with considerations*, 3 = *Reservations, even with considerations*, and 4 = *Do not recommend*. Consideration are those components of a proposal, identified through the evaluation process, which must be addressed to facilitate its implementation. A vote of modified consensus was agreed upon where no more than 20% of the voting Working Group members could vote *Do not recommend* (4) in order for a proposal to receive a recommendation to move forward for consideration by OPAC.

Average Vote Ranking: 3.6

Initial Recommendation: Do not recommend

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Fogarty Creek 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:

- Site management with respect to goals, harvest restrictions, and use
- Concerns about enforcement, equity of access to harvest, marine reserves perceptions
- Additional needs for stakeholder engagement
- Site boundary change and overlap with Boiler Bay MRA

The Fogarty Creek area is the northern portion of an extensive section of diverse rocky habitat on the central coast that stretches south to the Otter Rock area. It is a high visibility, high use area popular for activities such as sightseeing, beachcombing, dog walking, and occasionally, some harvest and fishing. The rocky areas are home to nesting seabird colonies and pinniped haulout areas, as well as diverse submerged aquatic vegetation (SAV) including several species of seagrasses and shallow water kelp beds.

The site is adjacent to Boiler Bay Marine Research Area which has been used by scientists at Oregon State University for many years for intertidal monitoring and marine ecology research. Fogarty Creek is also a long-term monitoring site for studies by the Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) research consortium. This has led to some recognition that ocean acidifications (OA) is causing impacts in the nearshore in general, and that protection of submerged aquatic vegetation may not have all the intended consequences of ameliorating the impacts of OA. The proposal suggests that this site could be used to test this hypothesis.

The concerns expressed in the proposal are primarily focused on protecting seabird colonies, pinniped haulouts, and SAVs. The primary goal is to preserve site biodiversity in its natural state by designating the site as a no-take marine conservation area. The proposal emphasizes preservation of SAVs for scientific research and monitoring, as well as general habitat protection. Key natural resources at the site are well-described, as well as other unique features such as shallow-water kelp beds. Typical site uses are also clearly described, with a focus on continued allowance of non-consumptive activities while limiting harvest to scientific and education permits only. The proposal is for a unique site that has some important qualities, but it is adjacent to other well-known, high use areas. It is unclear whether the proposed new designation would aid existing site management in the area.

The goals of the site align with TSP-3 conservation and broader TSP goals. However, the proposed restrictions on commercial and recreational fish harvest are inconsistent with the TSP-3 goal of focusing

on resource protection while allowing for appropriate use. As a high-use area for recreation as well as harvest, strong justification for these provisions would be required to rationalize these activities as inappropriate site uses. The primary impact of restricting fish harvest at this site would be to shore anglers, rather than boaters. Other than kayaks, there is unlikely to be any fishing from boats. Closure of invertebrate harvest is also not completely necessary given the offshore extent of the proposed area. There is unlikely to be watercraft-based invertebrate harvest in the offshore area, calling into question the need for the subtidal harvest restrictions.

The boundaries selected align with natural landmarks, which aids in visual understanding of where site rules apply, potentially aiding in regulatory compliance and enforcement. Enforcement of harvest regulations would be relatively straightforward. However, the broad harvest closures may increase enforcement needs at this site, and local capacity to respond is likely to already be constrained. In addition, several areas within site boundaries are not readily visible from the upland, and would increase enforcement difficulty.

The proposed harvest restrictions also present potential issues with equity of access to harvest along this portion of the coast for those species which would be restricted from harvest. Most nearby areas that allow sport invertebrate or algae harvest are either closed to harvest or are difficult or dangerous to access. Harvest closures at this location would necessarily redirect harvesters to other locations nearby, which may be less safe to access and will increase pressure on those sites. Displacement of harvesters would also increase enforcement needs at other sites, and potentially increase conflicts with private landowners. Implementation of a new site designation also raises concerns regarding potential confusion with variable site management on a section of the coast which already has many different designations and limitations nearby.

While the extent of the subtidal area is limited, closure of commercial and recreational fishing at this site is insufficiently justified. Since the subtidal habitat is very shallow and essentially inaccessible to boats (except non-motorized vessels such as kayaks), offshore fishing pressures are relatively low. However, shore angling does occur at the site and would necessarily be eliminated. There is also a great deal of local controversy about Marine Reserves, so it is conceivable that some may perceive any area closed to fishing as equivalent to a Marine Reserve. At this time, there is insufficient justification to impose no-take restrictions on fish harvest.

Limited public input was gathered to inform the development of this proposal, which is viewed as a key component of a successful proposal, and to remain consistent with the TSP-3. Without additional public input for this site, the proposal is inconsistent with several TSP-3 components, including Objectives c. & e., Management Principles iv.a. & e., and the principles outlined in Section A.5.b. Education & Public Awareness. Public input is needed to ensure that site management appropriately reflect community concerns and desires.

The southern portion of the proposed designation overlaps with the northern portion of the Boiler Bay Marine Research Area. This overlap is difficult to understand, and unclear as to the necessity of annexing that portion of the MRA. The proposer was contacted by researchers at the PISCO research consortium to request boundary adjustments to exclude the portion around Rabbit Rock, south of Fogarty Creek Beach where PISCO has conducted regular research and monitoring activities for over 20 years. The proposer has indicated they are amenable to modification of the southern boundary to reduce or eliminate the overlap with Boiler Bay MRA, and request that evaluators consider the boundary

modification below to accommodate the PISCO request to ensure no impacts to their long-term site research and monitoring. If the Boiler Bay MRA were to require modification, it would change site management for the area annexed into the proposed MCA, however, the border of the MRA would still need to change.

Site boundary adjustments:



Original proposed site boundaries



Modified site boundaries

At this time, the Rocky Habitat Working Group does not recommend Fogarty Creek Marine Conservation Area for potential recommendation to LCDC, with an understanding of the merits, perspectives, and considerations described above and in the full packet of evaluation materials.

4/20/2021

Dear Rocky Shore Working Group members:

Thank you for reviewing my proposal for Fogarty Creek State Park Marine Conservation Area.

I am disappointed that you did not recommend the proposal to move forward. I think the low ranking is due, at least in part, to a misunderstanding of the existing uses on the site, the threats to the resources, ease of enforcement, and other things. I'm sorry if it wasn't clear from my proposal.

I would appreciate your review of this information and a reconsideration. As someone who has visited the site usually multiple times a week for over 30 years, I intimately know the site and its uses.

A. Site management with respect to goals, harvest restrictions and use.

1. The goal to the proposal is to avoid threats to living resources while assuring the site remains attractive, diverse and healthy for people to enjoy despite increasing use (more and more use each year and with the proposed development of a camp site there).
2. Because of the research reserve to the south, having a very small control area to the north would be helpful to advance PISCO research goals (related to larval settlement and other things) and allow for specific non-invasive study (with instrumentation) within the MCA of ocean acidification and hypoxia buffering.
3. Right now, there is very little harvest—occasionally there is a surf fisherman, but surf fishing is common and productive on the sandy beach to the north of Fishing Rock.
4. Mussels and barnacles are very sparse and sporadic. It is not a place that people go to harvest. It would be very easy to deplete these small existing beds by a few campers.
5. There is occasional harvest of seaweed at the site. There is no enforcement of limits and such use could frustrate study of the potential buffering capacity of algae.
6. There are fishing kayaks that launch from the beach occasionally. They have tended to go out past Rabbit Rock and turn south towards Boiler Bay, but I think it a matter of time before they fish around the offshore rocks at Fogarty, as our seas are getting increasingly calm on many days.
7. Since there is almost no extractive use at the site, and no closures to fishing anywhere else for miles (the small MCA at Whale Cove) the idea that there is "insufficient justification" to impose no-take restrictions on fish harvest seems un-reasonable. Why wait until there is pressure and when we'd be taking "something away" from people, rather than being pro-active about protecting a very small area and allowing it to be a control site and a research site?

B. Concerns about enforcement, equity of access to harvest, marine reserve perceptions

8. The site is fully visible for enforcement purposes from just 2 locations (from the beach or Surfrider Motel) for the south portion of the site and from Fishing Rock Headlands for the N portion of the site.

9. Boiler Bay Research Reserve does NOT restrict fishing opportunities, provides fishing opportunities from the rocks and from the intertidal area around the 'boiler' of Boiler Bay.
10. Surf-fishing is popular to the N. of Fishing Rock headlands. It is quite occasional at Fogarty Creek State Park
11. The site is so small that any marine reserve perceptions would be minor—people use the beach mostly for agate hunting and beach walking and playing. As noted harvest is very limited now and people appreciate the beauty and biodiversity of the site. It is easy to provide and explain a protected status of a site, when there ISN'T existing uses, rather than "taking things away" when there is.
12. The site isn't one that day-use fishermen or the charter boats from Depoe Bay use. The kelp is a nursery though for those very fish they depend on.

C. Additional needs for stakeholder engagement

13. Public input from the community of interest was collected. The community of interest is the people who use the site. In addition to reviewing state park information about the site uses and observing every time I go to the site, what people do, I talked to users of the site about Fogarty Creek and why they come there and what they appreciate. Residents of Depoe Bay and Gleneden Beach use the site for dog walking and agate hunting. They take their grandkids here because the stream is safer for kids to play in then the ocean. Visitors like the agates, they also like the stream for kids play, older youth like climbing on the rocks. Many just use the picnic areas and go to the beach for a short while. Not one person I talked to said they came there to harvest anything. How else would public input be gathered in order to interview people in the time of Covid. Perhaps tabling to interview people?
14. There are only 3 site access points, so that interpretive signage such as the one that was stolen about the value of kelps would make it easy to help people appreciate the biodiversity value of the site and the rules.

D. Site boundary change and overlap with Boiler Bay MRA

15. The modified boundaries were discussed and mapped directly with Dr. Bruce Menge's assistance. The only reason I suggested the boundary changes was to make the rules clearer and enforcement easier, but these could be dropped and just have the MCA and the Boiler Bay MRA abut each other, if that is a major consideration.

Thanks for considering this information.

Fran Recht
Resident, Depoe Bay
541-765-2234

Oregon Rocky Habitat Management Strategy Site Designation Proposal Template

DISCLAIMER: All rocky habitat site designation proposals MUST be submitted online via the Rocky Habitat Web Mapping Tool (Oregon.SeaSketch.org). If you require assistance with proposal submission, please contact the Rocky Shores Coordinator, Michael Moses, at Michael.Moses@state.or.us.

All proposals must be accompanied by a map and site report which may be generated under the "My Plans" tab on the Rocky Habitat Web Mapping Tool, or you can attach your own map to the proposal form. Interested parties should also review the [Rocky Habitat Management Strategy](#) to determine the eligibility of possible site designations prior to submitting a designation proposal.

Entities in need of special accommodation should contact staff at the Oregon Coastal Management Program. Due to the depth of agency review, staff cannot guarantee when a proposal will be reviewed by OPAC or LCDC. Please note that a high volume of submissions may increase review timelines.

Have questions? Contact Andy Lanier (Andy.Lanier@state.or.us) or Michael Moses (Michael.Moses@state.or.us).

Proposed Site

Fogarty Creek Marine Conservation Area - <http://seasket.ch/20eGAhPzHn>





Contact Information

Please fill out the following section with primary contact information for this proposal. Contact information will be used to provide proposal review updates and ask for questions relating to this proposal.

Name of Principle Contact

Who should be contacted with updates and questions regarding this proposal?

Fran Recht

Affiliation, agency, or organization (if applicable)

Citizen, Depoe Bay, Oregon

Phone Number

541-765-2234

Email Address

franrecht@gmail.com

Mailing Address

P.O. Box 1344, Depoe Bay, Oregon 97341

General Proposal Information & Rationale

To the best of your knowledge, fill out the following section with the general site identification and rationale information for your proposed designation.

Proposal Type

Proposals may outline desired additions, deletions, or alterations to rocky habitat site designations, as outlined in the Territorial Sea Plan: Part Three.

☒ *New Site Designation (addition)*

☐ *Existing Site Removal (deletion)*

☐ *Alteration to Existing Site*

What type of rocky habitat designation are you proposing?

☐ *Marine Research Area*

☐ *Marine Garden/Education Area*

☒ *Marine Conservation Area*

Proposal Rationale and Goals

Please describe the context for why this proposal is being brought forward. a) Please describe the site-specific goals for this proposal. b) What are the outcomes or metrics which could be measured to determine progress toward or achievement of these goals?

a) The goal of this proposal is to conserve intact coastal biodiversity in its natural unaltered bounty and allow for non-invasive enjoyment and study of the intertidal and subtidal areas of the Fogarty Creek State Park area. This area, adjacent to the existing Boiler Bay marine research reserve, is incredibly rich in submerged aquatic vegetation and sustains abundant wildlife. b) Outcomes that could be measured to determine progress toward achievement of these goals include the size (drone measurements, easier) and composition (harder, sampling required) of the submerged aquatic vegetation over time, compliance with no-take rules (observational), and impact of these dense beds on localized ocean acidification and hypoxia (instrumentation required) and potentially species use (video placement).

How does the proposed site improve upon or fill a gap in addressing objectives/policies that are not currently addressed by other designated sites or management measures?

Please address this question in relation to the following topics: a) Maintenance, protection, and restoration of habitats and natural communities. b) Allowing for the enjoyment and use of the area while protecting from degradation and loss. c) Preservation of public access. d) Consideration for the adaptation and resilience to climate change, ocean acidification, and hypoxia. e) Fostering stewardship and education of the area or coastwide.

a. This proposal helps achieve the Rocky Shores strategy for the maintenance, protection and restoration of habitats and natural communities because it would be the only marine conservation area adjacent to a designated research reserve, assuring the research area is unaffected by adjacent human extractive uses of the shore. The designation as a no-take marine conservation area for this very small (86 acre) site would conserve the ecotone sloping from the upland sandy beach to the intertidal and into the subtidal all within the 5-meter depth counter, along a mile of shoreline. (There is only one no-take marine conservation area on the central Oregon coast (and in fact on the entire coast) at present; it is in Whale Cove which is a partially protected embayment with little submerged aquatic vegetation as compared to this site).

b. This marine conservation designation would continue to allow the uses that almost everyone goes to Fogarty Creek to pursue: agate hunting, beach walking, dog walking, kids playing in the creek, picnicking while curtailing the uses that currently occur very occasionally currently (recreational algae harvesting, mussel harvesting (unlawful on the S. side of the creek, but pursued after the sign came down), tidepooling (but too slippery for most), and surf casting), but whose pursuit could rapidly deplete this small area when the proposed state park campground is developed.

c. Preservation of public access would be unaffected by this designation. (This is a heavily used day use area, and at times in summer and fall, due to the small site size, crowded area). Plans for development of a campsite will only increase public access and potential resource use depletion if not controlled.

d. The Rocky Shores Management Strategy notes the importance of aquatic plants such as kelps and seagrasses not only for their food and structural roles but also because they may also serve to mitigate the effects of ocean acidification and other changes in seawater chemistry. Indeed, one of the

benchmarks proposed by Oregon's Ocean Acidification and Hypoxia Council in their 2020 report to the legislature was to (for the next biennium) Explor[e] the role of submerged aquatic vegetation in ecosystem resiliency to OAH impacts through academic-resource management partnerships." This proposal would assure that aquatic vegetation and associated resources would be protected and this site would be an excellent one in which to pursue the placement of instrumentation comparing it to similar partially protected embayments such as Whale Cove or Pirates Cove without such an abundance of such vegetation.

e. This site lends itself to additional passive signage to foster stewardship and education. There are currently two access paths leading to the beach from the parking lots on the north and south sides of Fogarty Creek. On the north side, New Carissa money paid for a sign designed by OPRD, BLM, ODFW and others about the value of kelp forests. It is an attractive sign and additional signage on the south side of the creek and in or near the two rest room facilities would reach the majority of beach users.

Site Information

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

Name of Proposed Site

What is the general site name of the area of your proposed location? (Example: Haystack Rock, Cannon Beach)

Fogarty Creek

Site Location

What is the specific location of your proposed site (if applicable)? Use common place names, latitude/longitude, and geographic references to identify the location of the site.

Fogarty Creek State Recreation Area is located about 2.5 miles north of Depoe Bay and 7 miles south of the south end of Lincoln City, 44.83948, -124.05200.

General Site Description

Fogarty Creek State Recreation Area is owned by Oregon State Parks Department. The full ownership is 165 acres consisting of natural forested area, picnic areas, a picnic kiosk, two parking areas, two restroom areas, three pedestrian bridges over Fogarty Creek and two pedestrian access pathways to the beach on either side of Fogarty Creek. Most all people who visit the park visit the park to go to the beach, however the beach area is very small, only an acre or two in size.

The park is accessed by south and north access roads that terminate in parking lots with nearby picnic tables and restrooms and trash facilities. Fogarty Creek, a salmon bearing creek, is crossed by three pedestrian bridges between the north and south sides, and two pedestrian paths lead to the beaches on the south and north sides of Fogarty Creek which generally runs east and west, but changes its direction a bit seasonally, when sand is pushed to the north in the winter.

The beach is very small, less than a mile in length and less than 2 acres in size at lowest tides and runs

between private lands on the south and Fishing Rock headlands, a small, all upland state park on the north. To the east of the beach, on the west side of Highway 101 north of Fogarty Creek is private development whose cliffs are being undermined by the waves. Surfrider Resort was given permission to place riprap in front of their development, which has the potential to increase the erosional forces on the tidepools. There are also displaced riprap stones that intrude onto the beach making north access difficult in higher tides in spring, fall and winter. Fishing Rock Development the upland development between Surfrider Resort and Fishing Rock Headland State Park is not eligible for riprap, though a landowner received permission recently to place a wall on the sea cliff face which is already deteriorating, leaving debris on the beach and inter-tidal area.

Site Boundaries

Provide a written description of the intended boundaries and scope of the proposed area (e.g. intertidal area, subtidal area, depth contour, etc.) All proposals must include a map of the proposed site boundaries.

The proposed boundaries go between the southern end of Fishing Rock Headland (to allow fishing on the north part of the headland) to the northern end of the seal haul-out rock just to the south of the park's boundaries and the start of the research reserve. The western extension is a straight line drawn between the outermost extension of Fishing Rock Headland and the outer most extension of the haul out rock (to make enforcement easier) and is all within the 5 m depth contour. The eastern extent of the boundary is the high-water line. The average depth of the proposed site is -0.3 m with the maximum depth -8m and the minimum depth 9 m.

Site Access Information

How is this site commonly accessed?

The site is commonly accessed from the two parking areas within Fogarty Creek State Park-one on the N. side of the bridge over Fogarty Creek and one on the S side of the bridge. Occasionally, people will also park along the highway below the Surfrider Motel because an access path was cleared when riprap was placed.

What is your understanding of current management at this site?

This may include site ownership, management authorities, and other key stakeholders.

Oregon State Parks owns and manages the site. Oregon State Police volunteers used to patrol the site, but I do not know the status since Covid happened. Volunteers like me (and many others I run into on my walks) pick up trash in the picnic areas of the park, in the parking areas and on the beach. I also clean up overflowing garbage cans on a regular basis on summer weekends and holidays.

Site Uses

*To the best of your knowledge, please provide the following information **based on the current site management.***

Site Uses

Describe the current users and uses present at the site. Uses may encompass recreational, commercial, cultural, and scientific.

The current users of the beach are almost exclusively recreational users. By far the most prevalent activities and uses of the site are agate hunting, beach walking, dog walking, kids playing in the creek, and hanging out and picnicking on the beach. Occasional users are tidepoolers (but algae makes it too slippery for most). Also occasionally, there is a commercial wedding allowed on the beach, presumably with permits, and there are occasionally professional wedding photographers that use the beach). There is a diverse community of people who use the beach. White people, Latinos, Pacific Islanders, and Russian Orthodox believers are some of the more identifiable peoples.

My observations are confirmed by the data collected in the summer of 2010 to document recreational non-consumptive ocean uses as a part of Oreogn's Territorial Sea Plan revision:

Activity Name Count

Beach going (dog walking , kite flying, jogging, etc.) 4

Photography 6

Scenic enjoyment 3

Storm watching 3

Tide pooling 9

Watching birds/other marine life from shore 2

Other very occasional recreational users are drone flyers, surf casting, algae harvesting, mussel harvesting (unlawful on the S. side of the creek, but pursued after the sign identifying it as a research reserve) was taken down a year or so ago, and kayak launching.

Site Infrastructure

Please summarize existing site infrastructure. For example: large parking lot, public restrooms, 10-foot stairway leading to cobble beach, etc.

There are two large parking lots, with the one on the north side being at least 3 times larger than the one on the south side. There are two sets of public restrooms; the ones on the south are closed during the winter. There are two pedestrian pathways leading from the parking lots, under the Fogarty Creek bridge (that crossed the creek on Highway 101) to the beaches on each side of the creek. There are garbage cans near the restrooms and parking areas.

Potential Future Site Uses

Please describe potential future site uses of the proposed site if there was no change to current site management. Much like current uses, future uses may encompass recreational, commercial, cultural, and scientific, as well as others not listed.

There would be much more pressure on the natural resources of the site if there were no changes to current site management. According to OPRD's May 2017 Draft Master Plan for the South Beach/Beverly Beach Management Units there was a steady increase in use at Fogarty Creek State Park from 160,000 people in 2005 to 220,000 in 2014 and this was expected to continue. (In fact, parking lot visitor counts in 2016 showed 319,704 visitors) and a mention of a further increase in 2018.) Further, this master plan proposes a small campground at Fogarty Creek in addition to the day use areas which will further exacerbate increased pressure on the beach and its resources. The master plan also notes (in relation to climate change impacts) that as the rest of the country dries out that "there will be a potential influx of "climate refugees". (Meanwhile the population of Oregon is expected to already

increase dramatically over the coming decades based on current trends).” It notes that the consequences of these trends for state parks could include “corresponding impacts to natural resources within parks and along the ocean shore”, as well as additional degradation of popular marine attractions such as tidepools due to rising ocean temperatures.” Further, social media posting has made it very easy for resources such as algae to be “discovered” and exploited quickly.

Impacts on Site Uses

How will altering this site’s management designation impact existing and potential future uses? Please outline the potential positive and negative impacts to current and future users as well as the degree of impact. How does the proposed site management balance the conservation of rocky habitat resources with human use?

Altering the site’s management designation will not impact existing and potential future uses in significant negative ways. The main uses of the beach currently are non-destructive human uses such as agate hunting, beach walking and picnicking, and dog walking. These uses will continue. Because the area is so small, and so very busy with people, it will be important to emphasize the wonders of the site and the importance of caring for the diversity and not taking or trampling living things

Positive impacts:

Site will remain aesthetically beautiful and diverse in natural flora and fauna;

The most popular, existing uses will remain totally unaffected by management changes;

The site will potentially retain some resiliency to climate change impacts for support of fish and wildlife; Fishermen fishing out of Depoe Bay will benefit from the nursery grounds provided by the extensive kelp resources in this area;

The occasional conflicts with surf fishermen (blocking people’s ability to transit the shore) will be avoided.

The unlawful harvest of invertebrates in the research reserve will be reinforced.

Negative impacts:

The people who occasionally use the site for surf fishing will be displaced (most use the extensive beaches just north of Fishing Rock Headland for this activity in any case);

The people who occasionally use the site for algae harvest will need to go elsewhere.

Key Natural Resources

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

Rocky Habitat Present

Please include as much information as possible on the specific types and composition of rocky habitat present at the site (e.g. rocky intertidal with extensive tidepools, adjacent rocky cliffs, and rocky subtidal).

The rocky intertidal is of mudstone with basaltic intrusions that form unique and aesthetically beautiful “fingers” that extend into the subtidal area (see images). There are tidepools between these fingers, but the extensive algae that grows is very slippery and not conducive to much walking that keeps trampling down.

There is a basaltic rock at the mouth of Fogarty Creek that is accessible from the beach at lower tides (which people climb on) and further offshore and to the north there are a few rocky reefs offshore that are likely basaltic and submerge at high tides, forming haul out areas for seals and perching and foraging areas for birds at lower tides. The Sea Sketch tool notes there is one acre of offshore island within this proposed area composed of 14 islands. There are 14 acres of intertidal area currently, with about half that remaining with a half meter of sea level rise; most of the intertidal substrate is unclassified as to type though 5.3 acres is noted as rock or coarse or boulder. Of the 67 acres of subtidal substrate, 11.7 acres is rock substrate.

The upland cliffs are mudstone and sandstone, with some basaltic intrusions.

Key Resources

Describe current rocky habitat resources present at the site. These may include, but are not limited to: kelp beds; pinniped haulout or pupping areas; seabird colonies; presence of threatened/endangered/protected species; intertidal diversity (invertebrates, marine plants, etc.).

Bull kelp beds are extensive here though the ODFW mapping in the Sea Sketch tool does not reflect this. In addition to the bull kelp, there are many other species of brown and red kelps and sea grasses present. At times this vegetation washes ashore in wracks ankle deep up and down the beach. Intertidal invertebrates are patchy and not dense in any area and include mussels, limpets, barnacles, sea stars. An unusual organism that is found washed up (usually in pieces here and in Boiler Bay, but uncommon elsewhere as I understand) is a compound (or colonial) tunicate. The data layers for the sea sketch tool show that there are 173 plant and invertebrate Long Term Research Species found here and 24 Key Species Present. Routinely over 60 harbor seal haul out and many pup on the rocky reef at the southern end of the proposed site (fronting the research reserve and in front of private property so they are not disturbed by people) and many harbor seals haul out on the submersible rocks in front of Fogarty Creek State Park and forage among the kelp beds as do the occasional elephant seals, stellar and California sea lions. Sensitive black oyster catchers forage on the rocky shores here and nest on the rocks between here and Boiler Bay State Park; Pelicans and great blue herons are often seen roosting on the offshore rocks. Cormorants, grebes, loons, common murrelets also forage among the vegetation fronting the beach. Native pigeons and pigeon guillemots nest in the cliffs near Fishing Rock Headland. Every August gray whales have come with a few yards of the shore foraging for food every morning. See video: <https://photos.app.goo.gl/F3Y1FcBZ1CxyNUnz7>

Flora and Fauna

List the animal and plant species you know exist at this site along with relative abundance.

See above.

Unique Features

Does this site include any unique or special features in relation to the Oregon Coast? This may include high quality examples of rocky habitats, etc.

The diversity and density of the marine plants seem pretty unique; the bedrock features are aesthetically beautiful and create a huge amount of surface area for these plants and the animals they shelter. There are one or two roots of ancient (4000-7000 year old) buried forests that get exposed on the beach here at some times. The beach is a great source of agates.

Values and Resources

Please discuss site values and resources and how a change in designation will impact them.

This is a very small site, located within a small sub-littoral cell between Fishing Rock Headland and Boiler Bay that offers a distinction from the area to the north and south.

Fishing Rock Headland on the north forms the boundary between extensive sandy beaches (with lack of rocky shoreline) to the north (that extends up to Cascade Head). South of Fishing Rock Headland beginning with the few offshore rocks shielding the Fogarty Creek Beach and the rocks along the shoreline and platforms and rocks offshore to the headland at Boiler Bay. A change in designation that assures the protection of living resources will help assure the area can provide a 'control site' for the nearby research reserve and allow non-extractive study sites how marine plants can potentially buffer ocean acidification and hypoxia on a localized area.

Regulations & Enforcement

To the best of your knowledge, please provide the following information on your proposed rocky habitat site. Due to the complexity of site regulation and enforcement, this section will not be used to evaluate proposal completeness, but will be considered for the merit of this proposal. Agencies will address gaps where information is available.

Management Consideration

How was enforcement/compliance of management considered in the design of this site proposal? If possible, please estimate the cost to implement this change in site management.

When designating the boundaries of the site, the offshore boundaries were designed to provide visible boundaries to make enforcement easier if that is ever needed. (In all my 30 plus years of going to this beach at least a few times weekly I have never seen any vessels fishing close to shore-all the charter vessels and private boats that go out from Depoe Bay transit this area much further offshore, going to the reefs further north and offshore). Additionally, though I've recently seen kayakers with fishing poles launching from the beach at Fogarty, they head south towards Boiler Bay to fish and do not fish near the Fogarty Creek reefs.)

There used to be a sign posted on the south side of the pedestrian pathway going to the beach that talked about the prohibition for taking shellfish in the research reserve but that sign came down about a year ago. I happened to be on the beach one day when 6 men came off the beach with 3 full big coolers of mussels. I didn't say anything because the sign was down. This site is so small and the resources so patchy that such use would easily deplete the area. The signage needs to be clear that this is a special site and no removal of living resources plant or animal is allowed. Signage in only 3 places would be needed and would be highly effective. Since 2 of the 3 structures to post signs are already present, costs to design and produce attractive, compelling signs would be the only costs perhaps 3 signs @ 333= \$1000. 1 structure at the informal pathway on the west side of the road under the Surfrider Motel on which to suspend signs- would be needed-or perhaps the sign could be freestanding (mounted). \$600.

Other management changes would be required would be changes in the ODFW sportfishing regulations booklet and online information, but the costs would be minimal, since these are updated yearly.

Division of State Lands might need to enact rules prohibiting aquatic plant harvest restrictions, but since other sites are likely to be proposed through this Rocky Shores process, the additional cost to the DSL for this site change would not be excessive.

Compliance costs would be eased by clear signage about rules and educational signage about the importance of marine algae to fish and organisms and how the site may be used for study. Oregon State Police are already the go to for enforcement of fish and wildlife violations and signage could incorporate that number to call.

Enforcement Changes

In comparison to current site management, what changes would be necessary to enforce the proposed management measures? This may include the addition or removal of infrastructure, personnel, etc. Include the estimated financial impact of the proposal. Some designations incorporate larger financial or programmatic support. Please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site. There is currently little extractive use so, if we “nip” such use “in the bud” before there is pressure on the resources reinforced by social media, there will unlikely be much of an issue with enforcement.

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Needed Regulations

What regulations and enforcement would be necessary to implement this change in management? What regulatory changes at the proposed site would be needed at this site? Which state/federal agencies would be impacted by this change in site management?

Regulations would be needed to prohibit the take of fish, invertebrates and marine plants (and their substrates). ODFW and DSL would be involved in these management changes. I’m not sure about federal fisheries management; I think all nearshore species would be covered by ODFW management.

Improvements to Management

How does the proposed site improve upon or fill gaps in addressing objectives/policies that are not currently addressed by coastwide regulations or management?

Currently, there is only one no-take marine conservation area on the coast (Whale Cove). It is important to have another control site as our oceans are rapidly changing, especially one with extensive marine algae and sea grasses for study of potential buffering from ocean acidification and hypoxia.

Non-Regulatory Management Mechanisms

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

Management Mechanisms

What non-regulatory mechanisms are required at this site in order to meet the goals of the proposed designation? These may include, but are not limited to, public access management, on-site enhancement, and educational intercepts.

As the May 2017 Draft Master Plan for the South Beach/Beverly Beach Management Units for the Fogarty Creek State Park area stated, to protect these natural resources: "Encourage appropriate tidepool etiquette to protect rocky intertidal habitat. Reduce disturbances to nesting black oystercatchers, cliff nesting seabirds and marine mammals. Coordinate with ODFW to protect intertidal resources within the Boiler Bay Intertidal Research Reserve."

There was a nice sign (from New Carissa money) posted on the north side pedestrian pathway leading to the beach, with beautiful images about the value of kelp to various organisms. That sign disappeared a few weeks ago and should be replaced. A similar sign should go on the south side and additional interpretive information could be easily placed near the restroom facilities. Since this site is so small, a few signs would suffice to transmit a lot of information to a lot of people. Similarly, it would be possible to provide interpretive information to guests at the Surfrider Motel and Restaurant overlooking the beach.

Support for Management Mechanisms

How do you propose to support these mechanisms? Some designations incorporate larger financial or programmatic support. Please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site.

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Stakeholder Engagement

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

Letters of Support

Before submitting your proposal, please attach any materials or letters of support gathered as part of the development of this proposal. You may include meeting resources, campaign materials, etc.

[https://seasketch-uploads.s3-us-west-2.amazonaws.com/65a2dddd-e9d5-4b03-8f64-e59a52e283fd/MCWC LOS Fogarty Creek Signed.pdf](https://seasketch-uploads.s3-us-west-2.amazonaws.com/65a2dddd-e9d5-4b03-8f64-e59a52e283fd/MCWC%20LOS%20Fogarty%20Creek%20Signed.pdf)

Stakeholder Collaboration

Describe the steps taken to develop this proposal in collaboration with stakeholders. a) Please describe the community support and opposition for this proposal. b) Please list the communities, organizations, and groups that have worked to develop and support this proposal, as well as those in opposition of the proposal.

I developed the proposal on my own. I reached out to the local watershed council for a letter of support (attached).

Feedback from Stakeholders

List and explain both positive and negative opinions received regarding this proposal. While preparing this proposal and conducting stakeholder outreach, describe the main comments of support and issues of concerns voiced regarding this proposed change in site management/designation.

I had numerous conversations with residents and visitors on my frequent visits to the Fogarty Creek beach. I did not find any opposition at all from any of the people using the beach, walking their dogs, launching kayaks, flying drones, to this proposal, but I did not talk to the fisherman I saw surf casting (twice) or to the algae harvesters I saw gathering algae (three times) over the course of a year.

Public Outreach

List and describe engagement opportunities where the public has had the opportunity to learn about and/or comment on this proposal (e.g. conferences, meetings, tabling events).

none

Additional Information

To the best of your knowledge, please provide the following information on your proposed rocky habitat site.

Local Knowledge

How does this proposal incorporate local knowledge?

I am a marine resource manager by training and have been a USFWS volunteer black oyster catcher monitor for at least 6 years, and I have visited this beach for 30 years and observed it as an Oregon Shores Coast Watch Volunteer for 20+ years.

Scientific Knowledge

How does this proposal incorporate scientific knowledge?

I have incorporated the information provided on the mapping tool and spoke to ODFW's Dave Fox about the lack of kelp data and we visited the site together.

Goals and Policies

Which goals and policies in the Rocky Habitat Management Strategy does this proposal address, and how?

This proposal addresses the policies to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values benefits while preserving public access and minimizing user conflicts. It also calls on management to consider adaptation and resilience to climate change, ocean acidification and hypoxia effects on rocky habitat ecosystems and to foster and promote research and monitoring of those impacts.

It does this by assuring that there is no-take of living organisms (or their substrate) to preserve the full ecosystem function, without affecting public access to and along the shore or visits to the tidepools. Also allowing it to be a control area in support of the adjacent research reserve. This area also lends itself to conserve as a small area of potential climate change resiliency and to allow study of the localized impacts from the dense, diverse amounts of marine plants that exist here.

Watershed Conditions

What land or watershed activities/conditions exist adjacent to this site?

Developed park and natural areas, residential homes and roads, commercial hotel and parking, highway 101.

Existing Protected Areas

Are there any other overlapping protected areas within the site?

no

Site Characteristics

Please include descriptions of other characteristics of the site or adjacent area.

There are some areas with Fogarty Creek State Park natural areas that may have trees and conditions suitable for marbled murrelet habitat. Marbled murrelet are seabirds that forage in the nearshore and fly into the forest at night to feed their young, though I don't know one way or the other of any use of this area by the birds.

Additional Designation Rationale

Please describe any other reasons you think this site warrants a change in designation.

It is precautionary in light of climate change and rapidly increasing public use.

Other Proposals

Should this proposal be evaluated in conjunction with other proposals your entity has submitted? The merit of all proposals are evaluated independently unless otherwise indicated by the proposing entity. Review bodies reserve the right to also evaluate proposals spatially in relation to one another.

N/A

Additional Information

What other information would you like to include about this site or your proposal?

I have taken many photographs of the site including a video of a gray whale feeding within a few yards of the shore within the kelp beds. Here they are as a google drive link:

<https://photos.app.goo.gl/qVv2YxjUA4BsG3ZQ6>

Please let me know if I need to upload them individually.

Additional Materials

If there are any additional documents, materials, etc. that you feel may be relevant or pertinent to your proposal, please attach them here.

[none provided]