

OPAC Territorial Sea Plan Working Group

Rocky Habitat Management Strategy Amendment Process

Draft Meeting Summary

August 26, 2019 10:00AM – 4:00PM

Oregon Parks and Recreation Department Seal Rock Office

10032 NW Pacific Coast Hwy, Seal Rock, OR 97376

Attendance

Working Group Participants: Deanna Caracciolo, Andy Lanier, Charlie Plybon, Dick Vander Schaaf, Dave Fox, Andrea Celentano, Walter Chuck, Dawn Harris (USFWS), Tom Calvanese; Kerry Carlin-Morgan, Laurel Hillmann, Kris Wall, Dave Lacey, Scott McMullen ([see full membership and affiliations here](#))

Absent Working Group Members: Melissa Keyser, Bryn Hudson

Non-Working Group Attendees: Karen Driscoll (Otter Rock Marine Reserve); Tom Rudolph (PEW Charitable Trust); Margaret Minnick (Friends of Cape Falcon); Tara Brock (Oceana); Paul Engelmeyer (PDX Audubon); Elizabeth Ruther (PEW Charitable Trust)

Meeting Overview

This meeting of the Rocky Habitat Working Group was part of the second phase of the update to the Territorial Sea Plan - Part 3. The membership lists and meeting materials for both the Phase 1 and Phase 2 working groups are available at www.OregonOcean.info. Members representing harvest and tribal government interests are still at large and filling these seat is a priority to working group members.

During this meeting, the group was tasked with finalizing site designation management measures consisting of both regulations and non-regulatory management priorities. The group first discuss the potential incorporation of a submerged aquatic vegetation (SAV) policy into the Phase 1 general text. This topic was a prioritized by the Ocean Policy Advisory Council during the April 3, 2019 meeting, resulting from extensive public comment. The working group came to consensus on the creation of a policy that highlighted the importance of SAV in Oregon's marine environment and codified existing state rules and regulations pertaining to SAV harvest (within rules, statute, and policies of Oregon Parks and Recreation Department, and the Department of State Lands). The working group will also be consulting the Oregon Coordinating Council on Ocean Acidification and Hypoxia, and the Oregon Ocean Science Trust to determine any specific recommendations for this policy.

The group then moved onto discuss and determine the appropriate management measures to meet the goals of each designation, as well as balance human use with conservation. Through this discussion minor designation naming edits were made. The table on page 2 of this summary outlines the results of this discussion.

The group expects to build finish discussions of priority non-regulatory strategies for these designations at its next meeting on September, 2019 as well as conduct decision making on the initial and maintenance community proposal process.

Working Group Decision Points

- Designation management measures were initially finalized. Some remaining discussion points will be addressed at the September 12, 2019 meeting.
- A submerged aquatic vegetation policy will be incorporated into the Phase 1 text.
- The working group recognized that drones present a problem to wildlife within rocky habitat areas and that a regulatory process is necessary for the state to make recommendations around this use.
- ODFW will help determine the "short list" of species allowable for harvest in Marine Research Areas.

MARINE GARDEN (MARINE EDUCATION AREA)

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|--------------------------------|--|
| <i>Fish Harvest</i> | <p><u>Commercial</u> - Same regulations as in non-designated areas</p> <p><u>Recreational</u> - Same regulations as in non-designated areas</p> <p><u>Scientific & Education</u> - requires a permit from ODFW or OPRD, but permits are generally not issued in these areas.</p> |
| <i>Invertebrate Harvest</i> | <p><u>Commercial</u> – no take</p> <p><u>Recreational</u> – no take except for a single mussel for bait</p> <p><u>Scientific & Education</u> – requires a permit from ODFW or OPRD, but permits are generally not issued in these areas.</p> |
| <i>Algae harvest</i> | No recreational or commercial take in intertidal* except by scientific or education permit issued by OPRD & ODFW. Permits are generally not issued in these areas. |
| <i>Access Priority</i> | Increase and enhance visual and physical access on public lands to rocky habitats to best comply with ADA standards where practicable. |
| <i>Non-Regulatory Measures</i> | <ul style="list-style-type: none"> Increased and enhanced messaging around rules and regulations in these sites and also indicating sustainable harvest of single mussel. Recommend increased monitoring of mussel populations to track impact trends of single mussel harvest |

MARINE RESEARCH AREA

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|--------------------------------|---|
| <i>Fish Harvest</i> | <p><u>Commercial</u> - Same regulations as in non-designated areas</p> <p><u>Recreational</u> - Same regulations as in non-designated areas</p> <p><u>Scientific & Education</u> - requires a permit from ODFW or OPRD, permits are generally issued in these areas.</p> |
| <i>Invertebrate Harvest</i> | <p><u>Commercial</u> – no take</p> <p><u>Recreational</u> – no take except for short list of species currently being determined by ODFW.</p> <p><u>Scientific & Education</u> - requires a permit from ODFW or OPRD, permits are generally issued in these areas.</p> |
| <i>Algae harvest</i> | No recreational or commercial take in intertidal* except by scientific or education permit issued by OPRD & ODFW. Permits are generally issued in these areas. |
| <i>Access Priority</i> | Avoid enhancement and improvement of physical public access to public lands except in incenses of safety concerns. |
| <i>Non-Regulatory Measures</i> | <i>To be determined at September 12, 2019 working group meeting.</i> |

* Subtidal algae harvest consideration- consistency with intertidal regulation is currently favored by most working group members but was not finalized during this meeting.

MARINE CONSERVATION AREA

Variable designation based on site needs.

This designation allows for different magnitudes of management prescriptions based on site conservation needs. Management prescriptions require appropriate rational prior to implementation.

Creating a Marine Conservation Area -

Entities proposing this type of designation must articulate the specific conservation goal(s) and management objectives relating to particular site concern(s), as well as how the proposed management measures would help reach these goals. Marine Conservation Areas begin with no take regulations in all categories. All proposed management prescriptions must then be supported by appropriate rationale. Where rational is unavailable, regulations will be removed*.

**Coast wide regulations cannot be added or removed as part of a Marine Conservation Area designation.*

Next Steps

The Rocky Habitat Working Group will be meeting again for an extended meeting on September 12, 2019 11:00 AM – 4:00 PM at the Oregon Coast Aquarium in Newport (Gleason Room). The agenda for this meeting is being drafted and will be uploaded to www.OregonOcean.info when complete. This meeting will focus on determining the public proposal processes.

Public Comment

This meeting included 2 opportunities for public comment (beginning & end of agenda) to accommodate comments that may be beneficial for working group members to hear prior to discussions. Public comment protocol for working group meetings is [available here](#).

Beginning of Call

- **Tom Rudolf (PEW)**
 - The updated Phase 2 Process Document look good and captures much of the public comment
 - When will Phase 1 short list be incorporated into the Phase 2 work plan?

End of Meeting

- **Tom Rudolf (PEW)**
 - Appreciates the working group's discussion on incorporating a SAV policy. Urges the group not to hesitate to begin making regulations around the protection and enhancement of SAV – citing that these populations maybe impacted in Oregon very soon. Noted that the OAH Council suggested making policy & regulations around SAV.
 - How will the process surrounding currently designated sites take place?
 - Will the public need to make a formal proposal to change existing areas over to the updated system or will it be automatic?
 - Possibly include "(Marine Education Area)" after the name "Marine Garden" for consistency.
- **Karen Driscoll (Otter Rock)**
 - Thank you for taking the time to educate me and allowing me to participate.

Post Public Comment

No additional comment was received outside of the official meeting public comment periods.

This meeting was recorded for notetaking purposes.